

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.S.T., TUESDAY, OCTOBER 3, 2017**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

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

**ROLL CALL**

**Present:**       Aaron Martinez  
                  David Freistroffer  
                  Jeff Dalling  
                  John Anderson  
                  Kevin Hodur  
                  Stefan Beck  
                  Tera Hooiman

**City Staff:**    Scott Wilkinson, Assistant City Manager  
                  Jeremy Draper, Development Manager  
                  John Holmes, Fire Marshal  
                  Bob Thibault, City Engineer  
                  Shelby Archuleta, Planning Technician

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments at this time.*

**APPROVAL OF MINUTES**

September 7, 2017 – Special Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the meeting minutes from September 7, 2017 as presented.**

**Moved by David Freistroffer, Seconded by Kevin Hodur.**

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

**I. NEW BUSINESS**

**A. PUBLIC HEARING**

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

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

Tom Ballew, 640 Idaho Street, said he was available to answer any questions.

Jeremy Draper, Development Manager, said just for reference the Golden Gate Truck Stop is going to be located off of Exit 289. They did submit a Parcel map and staff does have some conditions on the map, which will need to be met prior to recordation. We will be referencing Parcel 1 of that map, which is roughly 7 acres, and that is where the truck stop will be located. The Truck Stop will be a full service truck stop with semi-truck parking, a gas station, a convenience store, a small casino, and food service. Staff looked at this and did some evaluations, especially for parking. The applicant also provided a traffic study. Staff believes that it is in conformance. Staff reviewed this application under the General Commercial Zone. We do have a conditional zone change, which does require some additional work prior to the zone change being effective, but the applicant is well on their way to meeting those conditions. This is located off of West Idaho Street, which is also NDOT right-of-way, so we will have some coordination with NDOT as we go through and get approvals for construction of this project. It is listed as a conditional use allowed under the General Commercial Zone, which is why it is before the Commission today. Staff recommends that the CUP be approved. Mr. Draper then went through the conditions listed in the Staff Report.

Scott Wilkinson, Assistant City Manager, asked Mr. Draper to show how the water line was extended for that area.

Mr. Draper explained that the water line was extended from Sundance along the right-of-way down to this location. Coach USA will be tying into it and converting their system. They've submitted plans for an expansion of their facility. This is referred to as a transmission main, because we have a future well site planned for this location. The idea is that the well site will eventually tie to a future tank site located to the north. The City of Elko did pay for the extension of that water line and it will be the catalyst that helps development in this area. The final condition is for a dry sewer line to be installed along Parcel 1. This whole area does not have a wet sewer main that ties back to our sewer treatment plant. We will have to install a force main. In the Parcel Map process we gained an easement for the location of that wet well and force main on their property. We will be designing that over the next couple years. The reason we're not putting that in right at this point is because we do have to have minimum flows to make that system effective. Once we do reach those minimum flows, we will ask everyone to tie into that system. In the meantime, as we have done with other subdivisions, they'll put in that dry sewer main. So that when it's time to convert, it's a simple conversion for them.

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

John Holmes, Fire Marshal, said his concerns were addressed. He recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

Chairman Aaron Martinez asked what the applicant was doing for the surface flow treatment of the storm water.

Mr. Draper said that has been addressed. They have a detention pond. We are working with NDOT on that. We've had several meetings with them. They want to keep the storm drainage system they have in this location, so we will perpetuate that across the driveways over to the culverts that they do have across West Idaho Street. The City Code does require that they have no increases in the peak flows and we believe with this design that they will achieve that.

Chairman Martinez asked if all the site surface storm water will discharge into its own collection basin.

Mr. Draper said there is a cut off ditch, which will tie into the pond, and it will leave from there.

Chairman Martinez asked if it was a retention basin or a detention basin.

Mr. Draper said it is detention. It is really just to cut off the peak flows.

Tom Ballew said he read conditions and felt comfortable with them.

Chairman Martinez asked if the City of Elko owned the property where the water line would be coming across.

Mr. Draper explained that Bar L Ranch, owned by Bruce and Sidnie Miller, which is the same property owner as the parcel we've been discussing. We have accepted a grant of easement from them. They just signed the documents today, so we do expect to have that recorded once the Mayor signs the documents.

**\*\*\*Motion: Conditionally approve Conditional Use Permit No. 4-17 subject to the conditions listed in the City of Elko Staff Report date September 20, 2017, listed as follows:**

**Development Department:**

Included in Memorandum dated September 19, 2017 from Development Manager

1. The conditional use permit is granted to the property owner(s) allowing for the construction of a gas station with convenience store, fast food service and small casino.
2. The permit shall be personal to the property owner(s) 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 property owner records the conditional use permit.

4. The conditional use permit shall automatically lapse and be of no effect one year from the issuance unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
5. The conditions of the provided traffic study be followed.
6. NDOT approval is required.
7. Landscaping is required in conformance with City code, landscaping shall be maintained in the NDOT right of way as permitted by NDOT.
8. The conditions of Parcel Map 7-17 be satisfied and the Parcel Map be recorded.
9. The waterline shall be extended from Cattle Drive to West Idaho Street and along the full frontage of West Idaho prior to CO.
10. A dry sewer line is to be installed along Parcel 1 as show on Parcel Map 7-17.

**Fire Department:**

1. Fire Department concerns will be addressed through the Building Permit process. Client is encouraged to meet with Fire Marshall during design phase.

Commissioner Freistroffer's findings to support his recommendation was that the conditional use permit is in compliance with the City of Elko Master Plan Land Use, 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 of Elko Code 3-2-10(B) General Commercial District with the approval of the Conditional Use Permit. The proposed development is in conformance with Elko City Code 3-2-3, 3-2-4, 3-2-17, 3-8, and 3-2-18. Development under the proposed conditional use will not adversely impact natural systems or public federal lands, such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.

**Moved by David Freistroffer, Seconded by Kevin Hodur.**

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

**B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review and consideration of possible fee increases for various Planning and Zoning applications, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Draper explained that City Staff has been working on this and reviewing all the applications that we have. We found some applications we didn't know we had. We went through and are updating all the applications, so we are consistent in the language. That's also prompted us to look at our fees. It's a good practice to look at these every five years or so. A Memo from Ms. Laughlin was included in the packet. A few points of interest are since 2000 cost of postage has increased 70% and the cost of advertising, which is the biggest driver for the fee increase, has increased over 200%. A lot of the applications if we have public hearings we have to notify via the Newspaper and send notices out to adjacent property owners. We do have expenses there. We feel that this will help cover those expenses and some of staff time. We don't believe it will cover all of staff time, because we do spend several hours on some projects as they come through. We feel that if we get the advertising fees and the postage covered it's a good start. Ms.

Laughlin also did a comparison of some of these fees to other communities within the State and feels that they are comparable to the other communities.

Chairman Martinez asked if the other communities were similar sizes with Elko.

Mr. Draper said some were Boulder City, Henderson, Mesquite, and Las Vegas. She just looked at a lot of the communities within the State.

Commissioner Jeff Dalling did think any of the Cities were comparable to Elko.

Mr. Wilkinson said the one thing the Commission need to keep in mind was that a lot of our noticing requirements are driven by NRS, so it's important that we consider fees with communities within the State rather than trying to take a look at State Law and find comparably sized communities and try to make some type of comparison there. It's better to stick with communities within the state that operate under the NRS.

Mr. Thibault stated that any comments he had were already incorporated.

Mr. Holmes had no comments.

Mr. Wilkinson recommended approval of the proposed fee increases.

Chairman Martinez said he was trying to think about staff's process. He said he had fairly good knowledge of how staff has to go through the process. The fees seemed a little light to him. When he looked at how much time it takes for City Staff to go through the applications. Some of the applications, if we were to attach a cost per hour, per employee, they would be well over \$1,000. He asked if the City had any time charts that show how many staff hours it takes to complete some of these applications.

Mr. Wilkinson thought Chairman Martinez was correct. Staff believes that this is something that the City Council and the community will be receptive to. We understand that we are underwater on a lot of this stuff. We proposed some higher fees on some of the applications in 2012 and the Council was not in favor of that. We don't believe we would generate the support of the City Council if we proposed higher fees.

Chairman Martinez said he understood what Mr. Wilkinson was saying. The other side of that is the residents are footing that bill, and the stakeholders, for the sake of privatized actions, which could be considered development. The residents are paying more, and having more undue burden placed on them, with lower fees.

Mr. Wilkinson explained that these aren't the only fees that the City charges. We see a variety of fees presented to Council from different departments. We see how our Council is pretty conservative, so we felt that this was a reasonable approach. It's a policy type decision, rather than a cost recovery calculation. Staff feels that they are presenting something reasonable to the Council.

Chairman Martinez said this is not something that the City gets rich on. Trying to increase the fees to offset costs is the goal here.

Commissioner David Freistroffer said he agreed with raising the fees as presented. A lot of communities in California drive up the development fees and start to balance their City Budgets on that. It causes extreme volatility in City budgets. He felt it was dangerous to make the fees any more than something that helps to offset the costs and encourage proper application processes.

Commissioner Kevin Hodur liked the numbers for the time being. We can revisit this in the future after seeing what raising these fees does to the budget and to see what the gap still is between what the cost is and what we're charging. He thought this was a good step in the right direction.

Commissioner Dalling thought some of the numbers were a little high. Some probably could use adjusting. A lot of the time these are real people paying these fees not developers, paying out of their pocket. The City already has people doing these jobs. Some of the increases are pretty high. He didn't know if we they needed to keep jumping up.

Commissioner Tera Hooiman wanted to see clarification on the fact that the 2000 fees and the 2012 fees are relatively the same and then in 2018 there is a jump. There has not been a cost of business increase since 2000. She felt on some the jump was a little high, but she agreed with the fact that they have not increased since 2000. She thought they needed to maintain the profit margin to where we are making money on the things that were spending our time on.

Mr. Wilkinson explained that the 2012 increase was very limited. We did Conditional Use Permits, because they had hearings and a lot of staff time because there was a lot of Multi-family coming in. What you want to do is try to do smaller increases on a greater frequency, which is a policy that the Council has adopted.

Commissioner Stefan Beck asked how staff arrived at the cost increase. He thought it should be a balance between keeping the working people happy and making sure there is compensation. How did you arrive at these new fees?

Mr. Wilkinson explained that staff took a look at typical staff time that would be spent on a particular application. The real issue we had was that the advertising fees went up 350%. Any one application may require a smaller or larger advertisement. We don't know what the advertisement fees are going to be. We took a look across the board and wanted to make the fees reasonable, but not too expensive, and not have them so inexpensive that you encourage frivolous applications.

Commissioner Hooiman asked if were paying a 300% increase in the advertising, are we looking at other ways of advertising other than in the paper. Is that mandated by an NRS? (Yes)

Mr. Wilkinson explained that we don't have any way to address that.

Commissioner Dalling asked if they were losing money.

Mr. Draper said on some applications, yes.

Commissioner Dalling said on the overall picture, are we bleeding and hemorrhaging?

Mr. Wilkinson asked if he was talking about City wide.

Commissioner Dalling said just for the Planning Department.

Mr. Wilkinson explained that the Planning Department is not a for profit department. These applications aren't restricted to just the Planning Department. All the departments play a part in processing most of these applications. Mr. Wilkinson said he couldn't answer that question. In the past we provided the number of applications that you see through the Planning Department. Applications to the Planning Department are a pretty large percentage of the time that the Planning Department deals with, but it's not all of that. There are a lot of costs that are distributed throughout the various departments, and certain departments have the authority to charge fees to recover that. The other thing that factors into this, which makes it really difficult, is if you do it too frequent you have to do business impact statements, and you have to do all the advertising and noticing associated with that. It's very costly.

**\*\*\*Motion: Recommend to City Council to accept the fee increases as presented.**

**Commissioner Hodur's findings were that the cost of postage has increased 70% and the cost of advertising has increased more than 200%.**

**Moved by Kevin Hodur, Seconded by David Freistroffer.**

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

## **II. REPORTS**

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

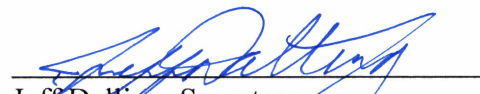
## **COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments at this time.*

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

  
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Aaron Martinez, Chairman

  
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Jeff Dalling, Secretary