

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, NOVEMBER 6, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

Jeff Dalling, Vice-Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

ROLL CALL

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

Excused: David Freistroffer

City Staff Present: Scott Wilkinson, Assistant City Manager
 Cathy Laughlin, City Planner
 Bob Thibault, Civil Engineer
 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

September 6, 2018 – Special Meeting **FOR POSSIBLE ACTION**

*****Motion:** Approve the meeting minutes for September 6, 2018 Special Meeting as presented.

Moved by Tera Hooiman, Seconded by Stefan Beck.

**Motion passed (5-0, Commissioner Evi Buell abstained).*

September 18, 2018 – Special Joint Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from the September 18, 2018 Special Joint Meeting as presented.**

Moved by Evi Buell, Seconded by Stefan Beck.

****Motion passed. (4-0, Commissioners Stefan Beck and Ian Montgomery abstained)***

October 2, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from the October 2, 2018 as presented.**

Moved by Evi Buell, Seconded by Stefan Beck.

****Motion passed. (4-0, Commissioners Tera Hooiman and John Anderson abstained)***

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Zoning Ordinance Amendment 2-18, Ordinance No. 834, an amendment to the City Zoning Ordinance, specifically Title 3, Chapter 3, of the Elko City Code entitled “Subdivisions”, specifically a repeal and replacement of the chapter, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained that this had been a great, but lengthy process. She thought they were finally to the point where they have a good code for the City and the Developers. There has been some food cooperation between the developers and the City. She explained that she wasn't going to go over all of the changes, because she hoped everyone had time to go through it. There have been a lot of changes. A lot of ambiguity has been removed throughout the Code. The Performance Agreements and Performance Guarantee Sections have been changed. It wasn't in chronological order before, and now it is. It's clearer, in order, and it gives the City and developers more flexibility. Some of the developers are here that were part of the working group. The biggest change to the Code was that we gave the developers the option to build with their own resources, instead of bonding. By doing that they would only be required in their Performance Agreement to bond for the Quality Assurance and Quality Control. They can build out their subdivision, they can then record their map, and get building permits. Or there is the option that we've had in the past where they can bond for the subdivision, record their map, start getting building permits, and build the houses while they are building the subdivision. That flexibility has been added in to the Code. In the Performance Agreement Section a provision has been added that if a developer bonds, they can draw that down.

Scott MacRitchie, 312 Four Mile Trail, stated that he appreciated the process and that he didn't expect the cooperation that they received from Staff, Planning Commission, City Council, and the City Attorney. They allowed the developers to have a real voice in the Code. They tried hard to address the specific concerns they had about the Code and tried to come up with a framework

that they could live with, along with knowing the City had their own concerns. He stated that he couldn't be more pleased with the result.

Ms. Laughlin recommended approval and to move it towards the City Council for the first reading.

Bob Thibault, Civil Engineer, recommended approval.

John Holmes, Fire Marshal, recommended approval.

Scott Wilkinson, Assistant City Manager, recommended approval. He emphasized the comments by the City Manager, which was that that would be based on joint meetings and subsequent working group meetings to support the recommendation.

Commissioner Stefan Beck thanked Mr. MacRitchie for his comments.

Ms. Laughlin said she could answer questions about specific sections of the Code if anyone had any.

Vice-Chairman Jeff Dalling said that everyone had been pretty involved in this process, and he thought it was a pretty good process with staff and developers. He thought everyone was pretty happy with the end result.

Commissioner Tera Hooiman said it was a lot easier for her to understand, compared to the previous version.

*****Motion: Forward a recommendation to City Council to adopt an Ordinance No. 834, entitled Divisions of Land repealing and replacing Title 3, Chapter 3 of the Elko City Code entitled Subdivisions.**

Moved by Evi Buell, Seconded by Ian Montgomery.

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

2. Review, consideration, and possible action on Zoning Ordinance Amendment 3-18, Ordinance No. 836, specifically an amendment to Title 3, Chapter 4, Section 2 of the Elko City Code entitled "Planning Commission", and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin explained that after the meeting a few months ago, we had some questions that came up in regards to the quorum for action from the Planning Commission. Whether it was the majority of the members of the Planning Commission, or the majority of the member that are present at the meeting. Looking back at the history of the Planning Commission after that meeting, and getting legal opinion. Staff and Legal Counsel looked back at a Resolution 1-95, which was done after the Open Meeting Law went into effect. That Resolution gave the rules and order of the Planning Commission. In that Resolution it stated that official action and quorum is the majority of the members present at that meeting. You have to have a quorum at the meeting to conduct business, but the vote would be with the majority of the members at the

meeting. That Resolution conflicted with the City Code. The ruling from the City Attorney was that Resolution 1-95 would rule and over cede the section of the Code. This Ordinance is to change Section 3-4-2(C) to talk about the quorum being the majority of the present members at the meeting. She recommended approval and to forward to the City Council for a first reading.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval

Mr. Wilkinson recommended approval.

*****Motion: Forward a recommendation to City Council to adopt an Ordinance, which approves Zoning Ordinance Amendment 3-18 of the Elko City Code specifically Section 3-4-2.**

Moved by Evi Buell, Seconded by Tera Hooiman.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review and consideration of Final Plat No. 12-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east side of W Jennings Way, approximately 120' north of Cortney Drive. (APN 001-01H-001).

Dusty Shipp, 959 Montrose Lane, explained that this was Humboldt Hills, it is 26 lots. The lots are 8,000 to 22,000 square feet.

Ms. Laughlin went over the City of Elko Staff Report dated October 23, 2018. Staff recommended approval with the 13 conditions and the findings listed in the Staff Report.

Vice-Chairman Dalling asked Mr. Shipp and Ms. Carter if they were aware, and consented to the conditions listed. (Yes)

Mr. Thibault recommended approval with two conditions, which were listed in the Staff Report.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat No. 12-18 with the conditions listed in the City of Elko Staff Report dated October 23, 2018, listed as follows:**

1. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.
2. The Performance Agreement shall be approved by the City Council at the time of Final Plat approval by the City Council.
3. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
4. The Final Plat is approved for 26 single family residential lots.
5. The Utility Department will issue a Will Serve Letter for the subdivision after the performance agreement has been executed by the city and the developer and the civil improvement plans have been approved by the City staff.
6. State approval of the civil improvements and final plat is required.
7. Conformance with Preliminary Plat conditions are required.
8. Civil improvements are to comply with Chapter 3-3 of City code.
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 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. Add a reference to the vacation of Jennings Way Document No. 746054 to the plat. This condition shall be satisfied prior to consideration of the Final Plat by the City Council.
11. Show a survey monument location at the intersecting center lines of Jennings Way and Eagle Loop Road. This condition shall be satisfied prior to consideration of the Final Plat by the City Council.
12. The civil improvement plans are to be revised in accordance with the city review letter dated October 30, 2018 for review and possible approval. This condition shall be satisfied prior to consideration of the Final Plat by the City Council.
13. Construction, with the exception of grading, shall not commence prior to Final plat approval by the City Council, issuance of a will serve letter by the city and approval of the civil improvement plans by the State.

Commissioner Buell's findings to support her recommendation are the Final Plat for Humboldt Hills has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Plat is in conformance with the Preliminary Plat. The proposed subdivision is in conformance with the Land Use

Component of the Master Plan based on a modification of standards granted under the preliminary plat application for 2.75 units per acre versus the minimum density of 4 units per acre stipulated in the Master Plan. The proposed subdivision is in conformance with the Transportation Component of the Master Plan. The proposed development conforms to Sections 3-3-20 through 3-3-27 (inclusive) with the exception of 3-3-24(F). A modification of standard was approved for lots 16 through 20 as double front lots with access restricted to Eagle Loop Road. The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of City Code. The Subdivider has submitted civil improvement plans in conformance with Section 3-3-41 of City Code. The plans have been reviewed by City Staff. Minor revisions are required as outlined in the city review letter dated October 30, 2018. 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 3-3-42 of City Code. The Subdivider has submitted civil improvement plans, which are in conformance with Section 3-3-43 of City Code with the exception noted under 3-3-41. The Subdivider is required to enter into a Performance Agreement to conform to Section 3-3-44 of City Code. The Subdivider is required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of City Code. 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. The subdivision is in conformance with 3-8 Floodplain Management.

Moved by Evi Buell, Seconded by John Anderson.

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

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that there were not a whole lot of items to City Council from the Planning Commission. On the 23rd, the Final Plat for Great Basin Estates Phase 3 was on the agenda, and it was tabled. It will be on the agenda again next Tuesday. Their Performance Agreement will also be on that agenda, and they are also requesting a waiver and a possible variance for some additional building permits for that subdivision while they are waiting on State approval. ON the upcoming City Council agenda there will be a revision to a land sale that has been in the works for a little over a year.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there will be an RDA Meeting prior to the City Council meeting on the 13th. That agenda will include the final acceptance of the Centennial Park Expansion Project and a request of funding for replacement to LED Lighting for the corridor lights from 3rd to 7th Street. The RAC had an appreciation recognition awards program on their last agenda, and they have worked through details on that. That will hopefully start in the beginning of 2019.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reported that in December the Planning Commission would be discussing the 2019 meeting dates. The two ordinances that were approved tonight will go for first readings at the next City Council meeting. There will be Site Plan Review on the December agenda, as well as a Parking Waiver, and possibly a few other things.

E. Elko County Agendas and Minutes.

F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.

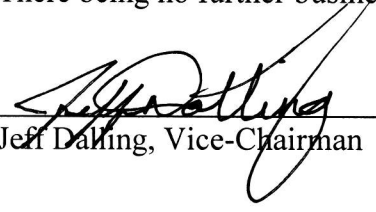
G. Staff.

COMMENTS BY THE GENERAL PUBLIC


There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Jeff Daking, Vice-Chairman



Tera Hooiman, Secretary