

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**6:30 P.M., P.S.T., TUESDAY, FEBRUARY 2, 2010**  
**ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

The meeting was called to order by Chairman Jeff Thompson.

**Roll Call.**

**Present:** Jeff Thompson, Rich Perry, Reece Keener,  
John Anderson, Brent Elmore, Doug Owen,  
Alene Sutherland.

**City Staff Present:** Ed Wynes, City Planner  
Delmo Andreozzi, Assistant City Manager  
Scott Wilkinson, Development Manager  
Mike Hecht, Deputy Fire Chief/ Fire Marshal  
Jim Conner, Councilman  
Kelly Watson, Planning Technician

**APPROVAL OF MINUTES:** January 5, 2010- Regular Meeting

**Motion:** Approve the minutes of January 5, 2010, in their entirety, **Action:** Approve, **Moved by** Doug Owen, **Seconded by** John Anderson.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 2).

**Yes:** Jeff Thompson, Rich Perry, John Anderson, Doug Owen, Alene Sutherland.

**Abstain:** Reece Keener, Brent Elmore.

**I. PUBLIC COMMENT PERIOD**

This agenda item is to provide time for the general public to address the Planning Commission regarding items of concern not specifically listed on the agenda. Action cannot be taken at this time, but a matter can be set on the agenda for a future meeting, as appropriate.

**There were no comments made at this time.**

**II. NEW BUSINESS**

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

1. Review, consideration and possible approval of the Calendar Year 2009 Annual Report of Planning Commission activities to the City Council. **ACTION ITEM.**

Mr. Wynes said if you go to the last page of the document, we are down on applications this year compared to last year by about \$6,000-\$8,000. Like every year we break it out by different categories of how things have happened. We recommend you adopt it and pass it on to the City Council.

Chairman Thompson said it seems like there's the same amount of applications. We don't show the costs from the year before, but we're down that much?

Mr. Wynes indicated yes.

Commissioner Keener asked if our fees are on par with how much other communities charge.

Mr. Wynes said it just so happens I've been doing a study over the last couple of weeks and the answer to your question is no they are not.

Chairman Thompson asked if they are lower.

Mr. Wynes said in comparison to Carson City, Douglas County, Reno and Sparks we are way below. Where they charge over \$1,000 for an application we charge about \$100 to \$200. They also have a lot more break-out of their fees; different variance types, different types of conditional uses. They have a few other application fees that we don't. The only one we could compare ourselves to would probably be Winnemucca. Fallon is on the far end of the scale and they charge almost nothing. Mr. Andreozzi and I are talking about trying to raise the fees and see if we can generate a little bit more money.

Mr. Andreozzi said City wide what we are doing because of the current economic situation, we are analyzing the different services we provide. We are looking at revenues and expenses. Some of the revenues we have no control over. Fees are something that we can control so we are looking at those City wide. We want to evaluate and do some benchmarking with the rest of the state and identify what it actually costs us to do some of these projects to see whether we are covering our expense to perform some of these functions. From there we will analyze the information and make a recommendation to City Council to see if there's any appetite to raise fees to offset some of that shortage that we are experiencing and anticipating will continue. Next year we're anticipating starting with a deficit. We have to have a balanced budget. We can't control all of our revenues but this is one that the City can so we want to make sure we provide that information to the Council as we go forward.

Commissioner Keener asked have we looked at a comparison with the County?

Mr. Wynes said we are below Elko County's fees in several areas. I compared us to all the local counties.

Chairman Thompson asked are we significantly under the fees from Elko County?

Mr. Wynes said the only one I can remember is \$450 for a Conditional Use in Elko County and we charge \$100.

Commissioner Keener asked if there are any communities that base the fees on the size of the project being tiered.

Mr. Wynes said Reno used to but I don't think they are doing that anymore and Douglas County does it to some extent.

Mr. Andreozzi said I believe some of the annexations are tiered based on size.

Mr. Wynes said our annexations are based on a tier system depending on the size of the annexation.

Mr. Andreozzi said Fallon is unique and has a municipal electric company, which helps offset some of their expenses. Fallon is in pretty good shape because of that.

Mr. Hecht said if you would have had Development Agreements in place we would have some funding.

**Motion:** approve the calendar year 2009 Annual Report of Planning Commission Activities to the City Council as it is currently laid out in the Planning Commission packet and forward a recommendation to City Council for approval,

**Action:** Approve, **Moved by** Rich Perry, **Seconded by** Doug Owen.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Jeff Thompson, Rich Perry, Reece Keener, John Anderson, Brent Elmore, Doug Owen, Alene Sutherland.

2. Review, consideration and development of the Calendar Year 2010 Planning Commission Annual Work Program, and matters related thereto. **ACTION ITEM.**

Mr. Wynes said the two biggest issues are continuing updating the Master Plan with the Land Use, Streets and Highways and Arts and Culture elements, and Staff is doing some background work on the Public Facilities and Public Buildings elements. We are getting inventory ready to be reviewed again this year. The rest are support issues as they come up. Under the Zoning Ordinance, probably look at all of the issues that we have brought up. The one that will probably occupy some time in discussion with our consultants will be reviewing the entire City Zoning Ordinance for updates and revisions and maybe see if they can help us with modifications and corrections to some of the major problems we have.

Commissioner Perry said I like this list. The last three years it has been the same list and it always looked good but I struggle with some of the things that are on the list that the Planning Commission actually has as a task to check off because it is generic. There are some major things here that we know are coming down the road and I gave this some thought and put it down on paper and would like to distribute that to everyone.

Chairman Thompson said a lot of the items on this list are items that continue to come up because they are continued support items so they need to stay on there.

Commissioner Perry said I tend to think of this as the work list for the Planning Commission. Most of these items are the work list for the Planning Department and not the Planning Commission.

Chairman Thompson said Staff in general.

Mr. Wilkinson said one area the Planning Commission should look at is our lack of industrial zoned property and what it will take to be able to bring that exit 298 area into the fold and what we need to do to promote development in that area. That would provide us quite a bit of industrial acreage. One other area I think we should look at is the property out by the NYTC exit. We have some state ground by the CAT warehouse has been developed, but then there are probably 30 or 40 acres of private ground near that underpass. We need to look at what it would

take to extend Ruby Vista. We already have an easement and a water line across the state ground. I'm not sure if that can be annexed right now or if it can be set up to be annexed in the future. That might be another industrial area. Those are two things that I am thinking about.

Commissioner Perry said the 298 Exit Plan.

Mr. Wilkinson said yes we have a plan and it's a pretty detailed engineering study. I think the Planning Commission needs to look at that and come up with some proposals for the City Council on what we can do to extend the sewer and water out there and be able to open up that acreage to get some industrial acreage for the City for future development; set ourselves up for when things do get better. Maybe also look at how we handle annexations and the water rights issues; right now it's a case by case basis. Maybe we need to formalize that procedure with regard to water rights and maybe some other issues would come out of that type of discussion.

Commissioner Perry said I was suggesting we make a list tonight actively as a group. See what is on this list that we want to hold on to and find out what the Planning Department wants to be doing. Do a list that we can measure each year instead of saying continue to support because continue to support is never a box that you check. Is this the right type of list?

Chairman Thompson said I think it is a combination. There are some that we need to keep on the list so they don't go by the wayside but there are some we can add.

Commissioner Perry said my list is shorter. I borrowed some from the ongoing projects, but the one at the top is the one I really see for the next year being the most important and that is the update of the Master Plan. I recall reading the statutes and it has to go through a series of public hearings for a change, which is going to be a fairly sizable effort because there are going to be people who have their own thoughts, and continue having one or two members going to the working sessions as we did in the last few months. Mr. Keener went through the selection process and Chairman Thompson and I sat in on the first meeting with the consultant. I'm sure some of the Commissioners will want to join in on the working sessions when the consultant comes back. The second was to provide support and assistance to the Redevelopment Agency. I think in the past we designated one person to go to those meetings on a periodic basis to see if there are continuity issues that need assistance on. I tried to lump some of the support items together. Do we want to do a training exercise? Mr. Wynes noted a while back he had a friend who is a retired Planner and is really good at training Planning Commissioners. There are a group of Zoning Ordinance Amendments and Mr. Wynes articulated them well in the last one which is review the City of Elko Zoning Ordinance. The one that strikes me there that may need some addressing is the enablement of a mixed-use zoning classification because that is something we know we've seen; perhaps a future need for the downtown redevelopment area and in the area down on River Street where we've got some issues with industrial zoning and residential uses where people have to come back to us for conditional use permits every time they want to make a change to their house. Those are a few things I put out there for discussion.

Mr. Andreozzi said those are some great suggestions. There are a number of studies and plans that have been done throughout time and they will be reviewed during the update to the Master Plan. We do have a lot of autonomous plans out there such as the exit 298 or airport Master Plan. There is conflict between some of those plans. It would be nice to start bringing them all under one umbrella and getting some cohesion. Commissioner Perry brought up the downtown area and what has transpired and we are seeing more and more requests for things such as cell towers. Do we want to start regulating some of those things? Several years ago the Planning Commission tackled signage and created the Sign Code that is in use today. There are lots of things we can

start hashing out and we may be able to raise the bar with things like parking requirements and landscaping. I think with the Master Plan update we have an opportunity to bring some of these things together. It would be huge if we could acquire the Railroad property. We would have vast land that would be a great infill project that isn't the highest and best use right now. There is a lot of opportunity there. We have an asset with the Humboldt River but it is not very accessible except by HARP. There is a tremendous gamut of things we could explore if the Planning Commission wanted to and have things to actually check off.

Chairman Thompson said it looks like you were lumping some of the bulleted items for continued support. That could be a way to narrow it down to one bulleted point. Is that what you were talking about as far as not getting things done?

Commissioner Perry said there is a whole list out there. My thought is to take a few of these that we think are the most critical because most of the work is by the Planning Department and they have a limited amount of resources. The Master Plan is going to be a big one and maybe we can pick just two more that we could work through, discuss and rewrite.

Mr. Wynes said among Staff there is one or two points of the Code that we would like to see revised. If you would like to see a listing, we could probably pull together a list for the next meeting to give you some ideas of what we consider major conflicts within the Code.

Chairman Thompson said like the mixed use zoning?

Mr. Wynes said I suggest we wait until we get a consultant on board and with our discussion with them let them give us a starting place and we can work from there.

Commissioner Keener said would it be worthwhile to put evaluation of the fee structure on here as an item?

Mr. Wynes said that would probably be acceptable.

Mr. Wilkinson said I think we're going to do that at a Staff level because we're going to move more quickly than monthly Planning Commission meetings would allow for. I think the lack of industrial acreage is something that the Planning Commission should try to address. Some of the other things you're talking about are probably going to be defined in our Master Plan update as policy and suggested actions. Maybe a bullet point would be to review and select some of those suggested actions as we work through that Master Plan process. With regard to the east end area, we have utilities available there. My intent was Staff would pursue right-of-way with the State and try to open the possibilities on that side. On the west side with Exit 298, with the lack of infrastructure, it would be good for the Planning Commission to get involved and research or recommend ways the City could get infrastructure put in place that would allow that property to be developed.

Chairman Thompson asked if there were some issues with the State ground when Newmont was building as far as being able to be annexed into the City.

Mr. Wilkinson said they needed some additional water service and if they should annex to be able to get that service. The Utility Department was working on those issues but that never surfaced. A few City Councilmen felt they should annex and there were discussions but they backed down on that. Probably what you're recalling is the issues with an easement for Statice Street. Typically we would have half of the easement from one owner and the other half of the

easement would have been on State ground. They offered more width on the easement but then asked for a waiver of sidewalk. The arguments presented were not anywhere along those lines. I don't believe a waiver has ever been granted. We had some of that discussion at that meeting.

Chairman Thompson said I just remembered discussing the State ground and its influence.

Mr. Wilkinson said our Master Plan shows Ruby Vista being extended as a frontage and connecting with that underpass. There's about 30 to 40 acres of private ground out there. It is county ground, but at one point one of those parcels was for sale. They were promoting it as having water available. It would be good to see if we could get access from Ruby Vista so there could be more industrial development if it could be annexed into the City. There may be some issues I haven't thought through. Exit 298 is going to be much more involved and costly to make that ground developable. The Planning Commission may be able to help the City determine how to get financing or grants.

Commissioner Perry said the financing is a City Council issue. The first step in the Master Plan has to be the Master Plan map because that drives everything behind it as far as infrastructure, roads and transportation. I haven't been through one of these but it seems logical that the first step has to be for them to come in and take into consideration the Exit 298 plan because it is not represented on our current Master Plan map. I remember when Dennis Crooks presented that and all of the thought that had gone into it. It was an articulated plan for a piece of bare land that sat out there and the need for a main trunkline past the airport. There were other things that flushed out such as infrastructure needs. The other direction is the same. Someone told me the State can't own a building within the City limits. I have never been able to find anything on that. That may be an inhibitor to that piece of ground ever going within the City limits because then the State could never build a building on it.

Councilman Conner said they can't use their money to put in improvements that aren't on their property. He mentioned the NYTC and the Armory.

Mr. Andreozzi said there's a reversion clause and once the armory relocates it reverts back to the City.

Councilman Conner said Exit 298 was a problem because the utilities would have to be extended.

Mr. Wilkinson said what I would be looking for from the Planning Commission is to take a look at this type of stuff and make recommendations to the City Council that we are lacking industrial acreage for development. You need to do something as a Planning Commission we see this as a problem with future growth of the City of Elko. You have no industrial acreage to grow with and you need to somehow figure out how you are going to get this infrastructure put in place so the City can grow. Staff has done this already and there is a disagreement between departments. I don't believe any department at a Staff level gets to determine the City of Elko's growth. Planning Commission should go to the City Council and make recommendations that they need to look a little bit into the future with regard to this issue in particular. We have had some developments that have been stymied for lack of sufficient industrial zoned acreage.

Commissioner Perry said industrial zoned acreage or industrial zoned acreage with infrastructure?

Mr. Wilkinson said both actually but infrastructure is a big deal. We've had phone calls, before we had our financial default within the country, from real estate investment trusts looking to put cash to work in the City of Elko. It was stirred up by the Newmont building going in out there, but as soon as they found out there was lack of infrastructure you never heard from those people again. If you don't feel this is your responsibility we can do it at a Staff level but it would be better coming from the Planning Commission.

Chairman Thompson said I think it is a good idea. I think they are aware of it. I remember when Newmont was going to build at exit 298 but there was a lack of infrastructure. There were several other companies that were going to piggyback onto that one if there had been some infrastructure out there. Are we severely lacking in industrial properties or is it just a lack of location?

Mr. Wilkinson said I believe we are because of different actions that had to be taken to accommodate industrial development. We have business owners that want to relocate but can't because of lack of industrial acreage.

Councilmen Conner said another project you might think about is in the early '90s the Planning Commission did an in depth study on zoning because of the railroad project and we found industrial in areas where it shouldn't be such as right downtown. The only thing preventing industrial from going in there now is the lack of large parcels and maybe some rules for noxious fumes or something like that. I'm not sure what parts are still left general industrial but we did rezone part of it because people asked for it. Maybe that's something you can look at.

Commissioner Perry said people who have homes in industrial property; there are a lot of them. We talked about that earlier because we get several of them that want to do something with their house and they have to come before us for a Conditional Use Permit. There are blocks of residential uses that are zoned industrial.

Mr. Wynes said if you look at the list of the industrial properties in the City limits there are a large number of them but they are too small, in the flood plain, they're inappropriately located, or they're being occupied by non-industrial uses. The Exit 298 study and a recommendation would fit it with all of this process and the Master Plan. The consultants could designate that as industrial then we could come in with solutions to getting that utilized.

Mr. Andreozzi said there are those issues that we have talked about and even if we did have appropriately sized property down there, do we really want a general industrial activity in downtown Elko? That does make sense to look at some of that stuff. I would also concur with Mr. Wilkinson. We have run into that problem talking with people. Maybe one thing we should explore would be working with realtors and ECEDA to see if there is an existing inventory of vacant properties in the community for use as industrial property.

Mr. Perry said what I hear you say is we are lacking an industrial park type development like the County has with the Railport.

Chairman Thompson said and to look into annexation of the State property.

Mr. Wilkinson said I believe the State has more ground than they need. I think Planning Commission could approach the State and say we are looking for a frontage road with Ruby Vista connecting with the underpass and then ask if they're willing to sell off any of the ground along there that could be developed. But as I said, there is County ground that could be used to

do that. On the exit 298 side we need the Planning Commission to look and decide if we want to compete with the County as far as tenants in an Industrial Park.

Chairman Thompson said there's a general lack of industrial properties in the City limits that could be easily developed.

Mr. Wilkinson said I think if we could get infrastructure to industrial acreage in the City it makes more sense. The Railport is back pedaling on issues of fire water right now. They have commercial septic and wells. People would rather have better utility systems.

Chairman Thompson said we have some good suggestions out there now and we should table this and ask Staff to consolidate and incorporate these items in the Work Program.

Commissioner Perry said it works well with what we are doing with the Master Plan by taking an active role.

Mr. Wilkinson said with the revisions in our Master Plan there are going to be objectives, policies and action strategies that they're going to recommend to us. Probably one of them is going to be to evaluate the exit 298 area. Maybe they'll even go as far as to say we lack suitable industrial acreage. Even if it doesn't make it into this update I suggest we take that into consideration because it's important for our future growth.

Chairman Thompson said we have two members involved in the update of the Master Plan. It is still open and if one person can't make it you can call one of the other Planning Commission members. You said the reason for only two was because you didn't want too big of a group. I think we could go to three.

Mr. Wynes said there was an invitation for Planning Commission.

Commissioner Perry said I think two that are flushing out are the Industrial Zoning for growth and the strategic plan to economic development. One of the other things I think we could do is look at the General Industrial area downtown and put some sense to what the zoning should be down there. If we don't do it then the City is going to have to pay consultants to do it. We know there are things that are wrong there that need to be fixed.

Commissioner Keener asked Commissioner Perry to expand on the last comment. There was discussion regarding looking at the zoning downtown where there are residences located in Industrial zoning because anytime a person wants to do anything with their home it has to be a Conditional Use Permit.

Commissioner Keener said some places probably won't finance a home that is zoned Industrial.

Commissioner Perry asked if the list should be shortened.

Chairman Thompson said I think we should table the item and direct Staff to consolidate and add the few things you and Mr. Wilkinson mentioned to the list and bring it back to us and look at a new list next time.

Commissioner Perry said how do you guys feel about that?

Mr. Wynes said I think it would be an interesting challenge. We can generate some information as a starting point for the consultants. This will not be a quick process.

**Motion: table the 2010 Elko City Planning Commission Work Program to a further date and direct Staff to refine the priorities and listings, Action: Table, Moved by Reece Keener, Seconded by Doug Owen.**

**Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).**

**Yes: Jeff Thompson, Rich Perry, Reece Keener, John Anderson, Brent Elmore, Doug Owen, Alene Sutherland.**

### III. REPORTS

#### A. Summary of City Council Actions.

Mr. Wynes said there were not actions for the Planning Commission.

#### B. Summary of Redevelopment Agency Actions.

Mr. Wynes said there was a short meeting to approve the abandonment of an alley between 9<sup>th</sup> and 10<sup>th</sup> Streets and forward it on to City Council.

#### C. Professional articles, publications, etc.

1. Zoning Bulletin
2. Zoning Practice

Chairman Thompson said I saw something on this Planning Commission Corner that says start each meeting with the Pledge of Allegiance. Is that something we should do? I wouldn't mind it.

Mr. Wynes said I have been at Planning Commission meetings where it is done. If you'd like to do it we can put it on the agenda.

Chairman Thompson asked if anyone was opposed to that.

**\*\*Commissioner Keener moved to begin Planning Commission meetings with the Pledge of Allegiance effective in March. Commissioner Owen seconded the motion and the motion passed unanimously.**

#### 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.

Chairman Thompson asked if there was a meeting with the consultant coming up.

Mr. Wynes said we have not set a meeting. We got our last bit of material from the consultant yesterday and haven't had time to look at it yet.

Mr. Andreozzi said we're reviewing a draft list of scope of services and the actual budget. They're proposing some contract changes to our standard professional service agreement so we have the attorney looking at that. Hopefully the second City Council meeting from now we will have something to present to City Council. They are presenting a very aggressive timeline.

Commissioner Keener said do you anticipate they could get started early in the second quarter?

Mr. Andreozzi said I would imagine they could potentially start in this quarter. We just need to clarify what we're paying for so that we have a full understanding. I also want to advise the Planning Commission that Mrs. Watson is resigning and her last day will be February 12, 2010. I want to publicly thank her for her work.

Chairman Thompson asked if they have a replacement.

Mr. Andreozzi said City Council instituted a hiring freeze so we don't have immediate plans to fill that position.

**NOTE:** The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time.

#### **IV. ADJOURNMENT**

**There being no further business, the meeting was adjourned.**

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Jeff Thompson, Chairperson

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Reece Keener, Secretary