

CITY OF ELKO
PLANNING COMMISSION
SPECIAL/WORKSHOP MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, SEPTEMBER 1, 2009
ELKO CITY BUILDING DEPARTMENT CONFERENCE ROOM
1753 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order by Chairperson Jeff Thompson.

ROLL CALL

Present: Jeff Thompson, Reece Keener,
Brent Elmore, Richard Perry,
Alene Sutherland, John Anderson

Absent: Doug Owen

City Staff Present: Ed Wynes, City Planner
Delmo Andreozzi, Asst. City Manager
Mike Hecht, Deputy Fire Chief
Josh Carson, Deputy Fire Marshal
Kelly Watson, Planning Technician

Chairman Thompson welcomed the new Planning Commissioner Alene Sutherland.

APPROVAL OF MINUTES: July 7, 2009 – Regular Meeting

Mrs. Watson noted the minutes being approved are from August 4, 2009, not July 7, 2009.

****Commissioner Perry moved to approve the Regular Meeting minutes of August 4, 2009, as submitted. Commissioner Elmore seconded the motion and the motion passed 4-0 with Commissioner Anderson abstaining.**

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.

Chairman Thompson asked for public comment after the items on the agenda were discussed.

Greg Parker said I just wanted to see how a normal meeting went because I've got some business coming up.

Mrs. Watson said you understand this is not a normal meeting.

Mr. Andreozzi noted another good place to start is we have development review meetings in this room every Thursday morning at 8:30 a.m. where all the City Staff is present and you can just show up.

II. NEW BUSINESS

Workshop to conduct reinforcement training and discuss various issues/concepts regarding planning and zoning within the City of Elko including, but not limited to:

- Forming motions, information and findings to be included and other related matters.
- Information on Nevada APA Chapter conference in Reno in October for training opportunity. Interested Planning Commissioners to commit to attendance.
- Variances-Process and Procedures
- Conditional Use Permits-Process and Procedures
- Additional items or topics of interest

INFORMATION AND DISCUSSION ITEMS ONLY. NO ACTION WILL BE TAKEN.

Mr. Wynes summed up his memo with the subject of Planning Commission training session regarding motions.

Mrs. Watson noted on the agenda we try to outline whether it's a recommendation to City Council, a Planning Commission action, or both.

Commissioner Perry noted Conditional Use Permits and Variances are two items where the Planning Commission makes the decision while most everything else goes to City Council. Subdivisions are dividing land into five or more lots, while four or less is parceling.

Mr. Wynes noted there are two processes for parceling. One is an administrative process, but parceling with a street dedication goes through the Planning Commission and City Council.

Commissioner Perry asked what other items the Planning Commission makes the decision on.

Mrs. Watson noted Site Plan Reviews and said each process is spelled out in the Planning Commission Manual.

Mr. Wynes gave an overview of the Nevada American Planning Association and the conference. He said the reason I'm leaning towards this is because you'll learn about things under Nevada statutes and not some other state. All you need is a letter stating you're a Planning Commissioner and the cost is only \$50, which we will pay.

Commissioner Perry noted there was a class on downtown redevelopment, and asked if they were required to pay for everything else.

Mr. Wynes noted it depends on how much is in the budget and how many are interested in going.

Commissioner Perry asked when Mr. Wynes needed to know by.

Mr. Wynes said September 15, 2009, then, moved on to his memo regarding Variances. He noted variances are probably the hardest applications to work on because the key question is: what is the hardship?

Commissioner Perry noted most applicants have already messed up and done it.

Mr. Wynes noted we aren't supposed to consider that a hardship and we try not to. Sometimes hardships come out during the actual meeting. There are six different things we have to look at in a variance which are listed under Review/Evaluation of the Variance Application Staff Report Outline.

Commissioner Keener asked what an example of affecting natural resources would be.

Mrs. Watson noted drainage.

Mr. Wynes gave an example of a gravel pit.

Mr. Andreozzi noted wind and solar issues might come up in the future.

Mr. Wynes noted we don't even address alternative energy issues in the Zoning Ordinance.

Mrs. Watson noted in the Zoning Bulletin there have been a couple cases regarding that and one jurisdiction looked at it as an accessory structure because they didn't have anything else on the books.

Commissioner Perry noted there's not even a section in the Master Plan about it.

Mr. Wynes noted we can look at that with further discussion and the Master Plan review.

Chairman Thompson noted a variance motion has to meet all six of those criteria.

Commissioner Keener noted most of the variances are in older sections of Elko where there is hodgepodge and wondered if there would be more scrutiny in newer sections.

Mr. Wynes said I don't know about the scrutiny but in older neighborhoods they're always working in confined spaces, so the only way they can do anything is to get a variance. Newer neighborhoods are larger so variances aren't going to be that common.

Mrs. Watson noted in subdivision review, lots have to meet a certain amount of buildable area.

Commissioner Perry asked when the ordinance went into effect.

Mrs. Watson said I'd say 1978.

Mr. Andreozzi noted a lot of old Elko has beautiful right-of-way corridors, and vacation of right-of-ways has been discussed so the owners will have more buildable space, but it's difficult once they're developed.

Mr. Wynes said I think we're going to see more attempted redevelopment of some of these older areas because people are going to get tired of living further out of town. We have people come in wanting to build something in a certain area and we tell them they can't meet setbacks. Then we show them somewhere else it could be built. We give them options so they don't need a variance. Next on the agenda is Conditional Use Permits. This is the only area of the Code that explicitly spells out what a conditional use is and what isn't by zoning district. What's good in

one neighborhood might not be good in another even though the zoning is the same. We have two zoning districts where you have to get a CUP to build anything and in 2008, a Wisconsin court ruled that was unconstitutional.

Commissioner Perry said that's Planned Commercial and what other zone.

Mr. Wynes noted it was one of the Industrial zones.

Commissioner Perry noted that precedence was kind of dangerous because in Planned Commercial without a CUP they could build anything they want.

Mr. Wynes then brought attention to the findings listed under Conditional Use Permit Staff Report Outline and said a motion could simply state, as per staff recommendations and findings, or use your own wording.

Mrs. Watson noted some of the items listed under analysis of the Conditional Use Permit Staff Report Outline aren't applied to every application depending on the use.

Commissioner Perry noted down by River Street all the uses are residential but that area's zoned Industrial so anytime someone wants to do anything with their house it requires a CUP.

Mrs. Watson said even if they were zoned residential we would be seeing variances because the lots aren't very big. I think that is why the Conditional Use was put into place as non-conforming because even if it was zoned correctly it's not going to fit in with today's codes. That's why we're looking at revising the Master Plan because all that was done when the railroad was in use. We do have a section in the Code that states if a natural disaster happens, they can replace the house, as long as it's a similar footprint, if it's done within a year.

Mr. Andreozzi said you see a new wave of mixed uses trying to make downtowns thrive again. The Master Plan updates are a perfect time to look at that and some potential improvements to the interior transportation system.

Mr. Wynes said if there is another workshop we'll go over Rezones and Annexations. He then said if you ever want something added to staff reports or taken away just let me know. Those are for you to get all the information in as easy a format as I can give it to you.

Chairman Thompson asked for Public Comment.

Commissioner Perry said I understand the Chairman of the Redevelopment Agency Advisory Council resigned. Are they seeking new members?

Mr. Andreozzi said we are constantly looking for new members. We had to advertise and have had difficulty filling positions so we've talked about reducing the number or really hitting the streets to see if someone is interested.

Commissioner Perry said I've had many people suggest downtown redevelopment projects and I didn't know the proper venue to pass some of that on.

Mrs. Watson said if it has to do with actual redevelopment, the Redevelopment Agency or the Advisory Council. Right now we've been holding them as joint meetings. If people are giving you ideas ask them if they're interested in becoming a member of the Advisory Council.

Mr. Andreozzi said you can provide Staff with a memo or come to an RDA meeting and speak during Public Comment. We've had a discussion about money on hand and what project we want to do. Certainly communicate if that person would like to participate because we could use more members, and if they're interested in that they can contact the Planning Department.

Mr. Wynes noted at the City Council meeting, Mr. and Mrs. Knudsen got their annexation and zone change approved and the zone change on Alta Vista went through.

Mr. Hecht asked about the secondary access.

Mr. Andreozzi noted there were several conditions that will happen with development.

III. ADJOURNMENT

There being no further business, the meeting was adjourned.

Jeff Thompson, Chairperson

Reece Keener, Secretary