

ELKO COUNTY PLANNING COMMISSION MEETING MINUTES

MEETING DATE: August 21, 2008

Members Present.....David Hough, Chairman
Dave Galyen, Vice Chairman
Milt Grisham
Mike Judd
Dena Hartley
Jack D. Larason

Absent..... Kristian Forland

Others Present.....Randy Brown, Director Planning and Zoning
Kristin McQueary, District Attorney's Office
Dan (Skip) Canfield, Nevada State Planning
Jerry Stager
Mike D. Gowan

The regular meeting of the Elko County Planning Commission was called to order at 5:15 P.M. by Chairman Hough on **August 21, 2008** in room 105 of the Elko County Courthouse, Elko, Nevada.

I. PLEDGE OF ALLEGIANCE:

Allegiance Pledged.

II. APPROVAL OF MINUTES:

Chairman Hough asked for comments and or a motion concerning the minutes of July 17, 2008.

Corrections from Commissioner Galyen were given to staff.

MOTION: Commissioner Galyen moved to accept the minutes of July 17, 2008 with corrections to grammar as submitted to staff. Commissioner Judd made a second to the motion. The motion carried.

VOTE:	AYE:	David Hough, Chairman
		Dave Galyen, Vice Chairman
		Milt Grisham
		Mike Judd
		Jack Larason
		Dena Hartley

NAY: None
ABSENT: Kristian Forland
ABSTENTIONS: None

III. COMMENTS BY THE GENERAL PUBLIC:

None

IV. CONSENT AGENDA:

None

V. PRELIMINARY HEARINGS:

None

VI. PUBLIC HEARINGS:

#08-2000-0014 – Jack A. Skivington; An application for a change of zoning from Special Lands to Commercial 1, general Commercial on Parcel 2 of that parcel map for Jack A. Skivington with File No. 588412.

Mr. Brown read the following staff report into the record:

**STAFF REPORT #08-2000-0014
ZONE CHANGE**

PLANNING COMMISSION MEETING DATE: August 21st, 2008

1. **APPLICATION:** For a change of zoning submitted by **Jack A. Skivington** from Special Lands to Commercial C-1 General Commercial. ECC 4-4-2
2. **LOCATION:** Located in a portion of the NE1/4, Sec. 10, T.33 N., R.56 E., M.D.B.&M, Area West Division of Land. Being Parcel No. 2 as shown on the Parcel Map for Jack A. Skivington, filed in the Office of the Elko County Recorder as file No. 588412.
3. **SUMMARY INFORMATION:**

ASSESSOR'S PARCEL NO.: 006-30C-038
OWNER(S) OF RECORD: Jack A. Skivington
PREVIOUS APPLICATIONS ON PROPERTY: ZC OS - SL, Granted November, 2007

SIZE OF PROPERTY:	12.193
ACCESS:	Corral Lane / SR 227
MASTER PLAN:	Spring Creek / Lamoille Master Plan
COMMENTS:	As attached.

4. PROJECT IMPACTS:

A. EFFECT UPON THE EXISTING LAND USE PATTERN IN THE AREA: The proposed is a speculative zone change request. The primary land use pattern of this area is Agriculture-Residential uses. The Area West Development is primarily a Division of Land of 40 acre or better parcels. During hearings and workshops on the Spring Creek / Lamoille Master Plan the parcel and area was identified as a suitable area for commercial uses.

The application has been made for C-1 General Commercial. At this time no specific use is made by the applicant. Therefore the proposed must incorporate all the permitted uses of C-1 Groups 1 and 2 as follows: *The primary purpose of and application of this District shall be to provide suitable lands and locations of various retail, service and commercial activities, including gaming (Group I) and for the location of offices for professional services and for business activities which involve a relatively low volume of direct consumer contact; and to regulate such development (Group II).* Development criteria will be instituted as uses are established. The development criteria may include the development of water and sanitary sewer facilities as well as road, utility and fire protection requirements. Commercial developments will also require the review of access from SR 227 as well as review and requirements of the Nevada Division of Water Resources, State Division of Health, Nevada Department of Environmental Protection, Nevada State Fire Marshall and other state entities.

B. EFFECT UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA: As stated above, impacts to the specific area could be severe in nature, primarily the introduction of traffic counts that staff cannot provide due to the lack of specific uses. However, the types of uses imply an increase of traffic exceeding 200 vehicle trips per day. Noise, fumes and vibration could also be presented to the specific area, again without a specific use, staff can only speculate as to the level of impacts. As stated the DWR and Division of State health will govern water and sewer issues, however, the impacts may include an impact on the area water quantity and quality. A sanitary sewer system may be required depending on specific types and magnitudes of uses.

5. CONSISTENCY WITH EXISTING ZONING AND MASTER PLAN:

A. COMPATIBILITY OF PROPOSED ZONING WITH EXISTING ZONING AND DEVELOPED USAGE IN THE AREA: The proposed is directly adjacent to Parcel 3 and is an existing Commercial 1 zone granted in February 2008.

The compatibility with existing zoning of the are will depend again on the specific types and

magnitudes of uses. The intent of the Master Plan designation was to provide a specific area for community service commercial.

B. CONFORMS WITH THE EXISTING MASTER PLAN OF THE AREA: The proposed C-1 General Commercial Zone will be in conformance with the Spring Creek Lamoille Master Plan Phase I..

6. STAFF COMMENTS:

A. The proposed is a speculative zone change request. The primary land use pattern of this area is Agriculture- Residential uses. The Area West Development is primarily a Division of Land of 40 acre or better parcels.

B. Development criteria will be instituted as uses are established. The development criteria may include the development of water and sanitary sewer facilities as well as road, utility and fire protection requirements.

C. As stated above impacts to the specific area could be severe in nature, primarily the introduction of traffic counts that staff cannot provide due to the lack of specific uses. However, the type of uses imply an increase of traffic exceeding 200 vehicle trips per day.

D. The proposed is directly adjacent to Parcel 3 an existing Commercial 1 zone granted in February 2008. The compatibility with existing zoning of the area will depend again on the specific types and magnitudes of uses. The intent of the Master Plan designation was to provide a specific area for community service commercial. The proposed C-1 General Commercial Zone will be in conformance with the Spring Creek Lamoille Master Plan Phase I.

E. The speculative zoning will require the creation of a development agreement that fulfills the requirements of Elko County Code when the Commercial uses are established by the developer. The agreement will simply require that all Federal, State and Local statutes, ordinances, development criteria and building requirements concerning the development at that time will be complied with by the owner / developer. The agreement is to run with the land and applies to all uses, either commercial or residential.

F. Prior to the completion of this report comments may or may not have been received from the following:

- | | |
|--|--------------|
| 1) Nevada Division Forestry | (no comment) |
| 2) Nevada Division of Health | (no comment) |
| 3) Nevada Department of Transportation | (no comment) |
| 4) Nevada Division of State Lands | (no comment) |
| 5) Nevada Division of Water Resources | (no comment) |
| 6) Elko County Building & Safety | (no comment) |
| 7) Elko County Highway Department | (no comment) |
| 8) Elko County Manager Office | (no comment) |
| 9) Elko County Public Works | (no comment) |

- 10) Elko County School District (no comment)
- 11) Elko County Sheriff's Office (no comment)

7. STAFF RECOMMENDATIONS, FINDINGS AND CONDITIONS: Based upon the above stated analysis and findings staff recommends **Approval** with the following conditions and restrictions.

A. At time of any development, the developer shall comply with all applicable provisions of the Nevada Revised Statutes, Federal laws, local building and development requirements.

B. At time of any development, the owner / developer agrees to comply with all Federal, State and Local statutes, ordinances, Elko County development criteria and building requirements concerning the development at that time. The agreement is to run with the Commercial Zone and the specific property, it applies to all uses, either commercial or residential.

C. If said property is sold in whole or otherwise conveyed to a new owner or owners, the deed of conveyance shall contain verbiage that identifies and adopts the recommendations, findings, conditions and requirements of approval of this specific zone change or property, pertaining to any proposed development, either commercial or residential.

Basis for recommendation:

- 1) The proposed C-1 General Commercial Zone will be in conformance with the Spring Creek Lamoille Master Plan Phase I.
- 2) The intent of the Master Plan designation was to provide a specific area for community service commercial.

Note: Should testimony or comment from the public arise before or during the public hearing opposed to the proposed or providing adverse or contradictory information staff "may" withdraw its recommendations.

Report Prepared by: Scott R. Brown, P.L.S.
Director Planning & Zoning

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Chairman Hough opened the floor to public comments. There were none. The floor was opened for commissioner comments. There were none. Chairman Hough asked for a motion.

MOTION: Commissioner Galyen moved to approve the zone change from Special Lands to Commercial 1, General Commercial for Jack A. Skivington, Application No. 08-2000-0014, with staff's recommendations, conditions and findings. Commissioner Judd made a second to the motion. The motion carried.

VOTE: **AYE:** David Hough, Chairman

Dave Galyen, Vice Chairman
Milt Grisham
Mike Judd
Jack Larason
Dena Hartley

NAY: None
ABSENT: Kristian Forland
ABSTENTIONS: None

#08-2000-0015 – Michael D. Gowan; A request for a change in zoning from Commercial-2 to Light Industrial for a mini-storage facility on Parcel 1C as shown on that certain map with File No. 398421.

Mr. Brown read the following staff report into the record:

STAFF REPORT #08-2000-0015
ZONE CHANGE
PLANNING COMMISSION MEETING DATE: **August 21st, 2008**

1. **APPLICATION:** For a change of zoning submitted by **Michael D. Gowan** from Commercial 2 to Light Industrial. ECC 4-5-3
2. **LOCATION:** Located in a portion of the NE1/4, Sec. 10, T.33 N., R.56 E., M.D.B.&M, Area West Division of Land. Being Parcel No. 2 as shown on the Parcel Map for Jack A. Skivington, filed in the Office of the Elko County Recorder as file No. 588412.

3. **SUMMARY INFORMATION:**

ASSESSOR’S PARCEL NO.:	006-30A-023
OWNER(S) OF RECORD:	Michael D. Gowan
PREVIOUS APPLICATIONS ON PROPERTY:	ZC OS - C2 Granted 1994
SIZE OF PROPERTY:	3.88 acres
ACCESS:	Boyd - Kennedy Road / Gustin Road
MASTER PLAN:	Spring Creek Lamoille Master Plan
COMMENTS:	As attached.

4. **PROJECT IMPACTS:**

A. EFFECT UPON THE EXISTING LAND USE PATTERN IN THE AREA: The proposed is a change of zoning to Light Industrial for the development and operation of personal storage units as per ECC 4-5-3 (A) 32 a permitted use of Storage Units. The proposed is to construct a secured mini storage unit facility with approximately 400 individual units ranging in size from 10' x 10' to 14'x40' the total square footage of the mini storage units is 74,340 s.f. The proposed is located directly adjacent to existing LI zones on the east and west side boundaries. The proposed is in the direct vicinity of an existing un-finished mini storage facility and in direct proximity to a Church and the Sage Elementary School facility. The remainder of the property in the vicinity is Commercial 2, Light Industrial, Open Space and AR.

B. EFFECT UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA:
Effects upon the health, safety and welfare will be as follows:

- 1) Increased Traffic Flows to the specific points of access on SR 227, Boyd-Kennedy Road and Gustin Road.
 - a) The proposed will generate approximately 400 vehicle trips per week. This will average approximately 57 vehicle trips per day, including Saturday & Sunday. Saturday and Sunday are the peak days of use.
- 2) Loss of Commercial Zone in the Spring Creek area.
 - a) Currently minimal areas of Commercial 2 zones are offered in the Spring Creek area limiting the potential for future Commercial Development.
- 3) Aesthetics of the area.
 - a) Currently the property is undeveloped. The placement of 400 units on the 3.88 acres along with the construction of security fence will potentially have a negative impact on the aesthetics of the area.
 - b) The proposed is approximately 500' from the frontage to SR 227. With the placement of an 8' security / privacy fence the majority of the facility will not be substantially visible from SR 227.
- 4) Storage Facility to offer secured and enclosed storage for residents in the Spring Creek Valley.
 - a) Currently very little storage is offered for the population of the Spring Creek / Lamoille valley. The proposed will provide a needed service for temporary storage of materials, equipment and other items that may at this time be stored on a residential site.
 - b) Secured storage will help deter the theft or loss of personal items and/or equipment currently stored in an unsecure site.

5. CONSISTENCY WITH EXISTING ZONING AND MASTER PLAN:

A. COMPATIBILITY OF PROPOSED ZONING WITH EXISTING ZONING AND DEVELOPED USAGE IN THE AREA: The proposed is located directly adjacent to existing LI

zones on the east and west side boundaries. The majority of the area is currently zoned LI with Commercial 2 zones and existing uses along the frontage of SR 227.

B. CONFORMS WITH THE EXISTING MASTER PLAN OF THE AREA: The proposed is located within the Spring Creek / Lamoille Master Plan. The Master Plan does not offer future designations. As stated the proposed is located directly adjacent to existing LI zones on the east and west side boundaries.

6. STAFF COMMENTS:

A. The proposed is a change of zoning to Light Industrial for the development and operation of personal storage units as per ECC 4-5-3 (A) 32 a permitted use of Storage Units. The proposed is to construct a secured mini storage unit facility with approximately 400 individual units ranging in size from 10'x10' to 14'x40' the total square footage of the mini storage units is 74,340 s.f.

B. The proposed will require the improvement and development of Gustin Way as prescribed in the development agreement including the development of Gustin Road to a paved road standard with curb and gutter from its intersection with Boyd-Kennedy Road through the full frontage of the proposed.

C. The subdivision currently has an existing water system and fire protection system. The proposed will not require an extensive domestic use of water or sewer. The proposed office will require water & sewer service.

D. The foreseen effects upon the health, safety and welfare will be, Increased Traffic Flows, Loss of Commercial Zone, Aesthetics of the Area, and Storage Facility to offer secured and enclosed storage.

E. The Nevada Department of Transportation will review and determine any further requirements for access to and from SR 227. The requirements made by NDOT, if any, will be mandated to the developers.

F. The proposed is located directly adjacent to existing LI zones on the east and west side boundaries. The majority of the area is currently zoned LI with Commercial 2 zones and existing uses along the frontage of SR 227.

G. The proposed is located within the Spring Creek / Lamoille Master Plan. The Master Plan does not offer future designations. As stated the proposed is located directly adjacent to existing LI zones on the east and west side boundaries.

H. Prior to the completion of this report comments may or may not have been received from the following:

- | | |
|------------------------------|--------------|
| 1) Nevada Division Forestry | (no comment) |
| 2) Nevada Division of Health | (no comment) |

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|--|--------------|
| 3) Nevada Department of Transportation | (no comment) |
| 4) Nevada Division of State Lands | (no comment) |
| 5) Nevada Division of Water Resources | (no comment) |
| 6) Elko County Building & Safety | (no comment) |
| 7) Elko County Highway Department | (no comment) |
| 8) Elko County Manager Office | (no comment) |
| 9) Elko County Public Works | (no comment) |
| 10) Elko County School District | (no comment) |
| 11) Elko County Sheriff's Office | (no comment) |

STAFF RECOMMENDATIONS, FINDINGS AND CONDITIONS:

Based upon the above stated analysis and findings staff recommends **Approval** with the following conditions and restrictions.

A. At time of any development, the developer shall comply with all applicable provisions of the Nevada Revised Statutes, Federal laws, local building and development requirements.

B. At the time of development the developer shall improve Gustin Road to the standard as required by the Division of Planning & Zoning and provide an 8' high aesthetic privacy and security fence on the total boundary of the proposed.

C. The developer shall comply with all standards set forth by the Nevada Department of Transportation concerning improvement requirements to SR 227 and the Boyd - Kennedy Road encroachment due to the implied impacts of the proposed development.

D. At time of any development, the owner / developer shall comply with all Federal, State and Local statutes, ordinances, Elko County development criteria and building requirements concerning the development at that time. The agreement is to run with the Light Industrial Zone and land and applies to all uses.

E. If said property is sold in whole or otherwise conveyed to a new owner or owners, the deed of conveyance shall contain verbiage that identifies and adopts the recommendations, findings, conditions and requirements of approval of this specific zone change of property, pertaining to any proposed development, either commercial or residential.

Basis for recommendation:

1) The proposed is located directly adjacent to existing LI zones on the east and west side boundaries. The majority of the area is currently zoned LI with Commercial 2 zones and existing uses along the frontage of SR 227.

2) The proposed Light Industrial zone and proposed use will not generate any more negative effects on the health, safety and welfare than the existing Commercial 2 zone.

Report Prepared by: Scott R. Brown, P.L.S.

Director Planning & Zoning

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Chairman Hough asked for questions to staff. Commissioner Larason asked if curb gutter and sidewalk would be required as my staff report does not show a sidewalk requirement. Mr. Brown stated he added that in case it would be required by ECC code. Commissioner Galyen asked about improvement of Gustin Way. Mr. Brown stated he would be responsible for improvements from Boyd Kennedy Road through the frontage of his property and he only has to build half of the road.

Chairman Hough opened the floor to public comments. Mr. Jerry Stager stated he was the project manager hired by Mr. Michael Gowan. Mr. Stager explained the surrounding property zoning designations and uses. He stated the adjoining fence on the west side is 6' in height with 3 strands of barbed wire above. Mr. Gowan stated he would like a change in the required fence height to 6' with 3 strands of barbed wire. ECC Allows for 6' fences for this property. There are other 6' chain link fences across the street surrounding the school property and between the school and the church. Additional height does not deter theft. Thieves would simply cut the fence to gain access. A privacy fence would be a definite disadvantage to the security of our proposed facility by the blocking of vision to the interior from outside the property. Our buildings are arranged to be seen from the street so that security and police can see the fronts and backs of the buildings without getting out of their vehicles. Commissioner Hough asked why an 8' fence is required. Mr. Brown stated because of aesthetics and security. It is the responsibility of the applicant to provide security, not the County. Chairman Hough stated that was the requirement on the storage facility below the applicant's property. Mr. Gowan stated the highest peak on any of the buildings is 14'. Mr. Brown stated that the parcel is elevated above the highway which would further restrict the view of the buildings. I did receive some phone calls on this issue. It isn't a huge issue but keep in mind it isn't the responsibility of the County to provide security. Mr. Gowan stated we aren't expecting that they would be our security force, but they do patrol the area. Mr. Brown stated the parcel is approximately 500' from the highway. The issue of a 7' fence and an 8' fence is not a big issue. The privacy slats are needed. Mr. Stager stated there is a big difference in cost between a 6' fence and an 8' fence. They are also harder to construct and excessive in cost because of the additional labor required. Once the parcels are built out between us and the highway, you will not be able to see our facility. We are worried that a 35' high sign will not be visible enough from the highway. Going to 8' will not solve the security problem but we will build what you tell us to build. Commissioner Grisham stated the 8' fence would be a deterrent to thieves. I agree with Mr. Brown. Mr. Stager stated that he talked with Randy Hesterly of NDOT and he thought there would be little to no impact on our traffic there. Chairman Hough stated the additional cost of the 8' fence would be passed on to the renters of the units. Commissioner Hartley stated that the costs of the fence development will affect the rental costs and the rates will have to be in line with other similar facilities to be viable. Mr. Brown stated that the requirement asked for in the staff report is for an 8' high fence with screening. The barbed wire is not a requirement asked for. The public comment period was closed.

Chairman Hough asked for comments and/or a motion from the commissioners.

MOTION: Commissioner Judd moved to approve the zone change from Commercial 2 to Light

Industrial for Michael D. Gowan, Application No. 08-2000-0015, with staff's recommendations, findings and conditions, including an 8' high security fence with screening. Commissioner Grisham made a second to the motion. The motion carried.

VOTE:	AYE:	David Hough, Chairman Dave Galyen, Vice Chairman Milt Grisham Mike Judd
	NAY:	Dena Hartley Jack Larason
	ABSENT:	Kristian Forland
	ABSTENTIONS:	None

#08-3000-0004 – Charles and Krinn McCoy: An application for abandonments of right of ways in Jarbidge.

Chairman Hough excused himself from the board as he stated he was involved with this project. Commissioner Galyen acted as chair.

Mr. Brown read the following staff report into the record:

STAFF REPORT # 08-3000-0004
STREET / ROADWAY OR OTHER RIGHT OF WAY VACATION

PLANNING COMMISSION MEETING DATE **August 21st, 2007**

1. **APPLICATION:** A street right of way vacation application submitted by **Charles & Krinn McCoy** for vacation of a portion of Jarbidge River Corridor adjacent to lots 4 - 7 of block 42 and a 6' wide pedestrian easement adjacent to lots 1 & 2 of block 41, Town of Jarbidge, Nevada.
2. **LOCATED:** Adjacent to lots 4-7 of block 42 and lots 1 & 2 of block 41 as shown on the Official Plat of the Town of Jarbidge, Nevada filed in the Office of the Elko County Recorder. Legal Descriptions have been prepared by a Professional Land Surveyor and submitted to Elko County.
3. **SUMMARY INFORMATION:**

Previous applications for vacation:	None
Official Map Name and File Number:	Town of Jarbidge, Nevada
Type of Right of Way to be vacated:	“Street” Right of Way
Location of Vacation:	As noted
Square Footage of Proposed Vacation:	2,205 s.f.
Access to Effected Parcels:	None
Comments:	Attached

4. STREET / ROADWAY OR OTHER RIGHT OF WAY INFORMATION:

A. OFFICIAL MAP OR RECORD INFORMATION OF RIGHT OF WAY PROPOSED TO BE VACATED: The street right of way is identified on the Official Plat of the Town Of Jarbidge, Nevada, filed in the office of the Elko County Recorder. The proposed River Corridor vacation is located between Lots 4- 7 of Block 42 as shown on the attached exhibit. The 6' wide pedestrian easement is adjacent to lots 1 & 2 of block 4. The applicants are applying for a 12' more or less width of the river corridor and the full 6' width of the pedestrian easement as shown on the attached exhibit.

B. RIGHT OF WAY PROPOSED TO BE VACATED IS PUBLICALLY OWNED IN THE NAME OF ELKO COUNTY: Right of Ways and Easements within the Official Plat of the Town Of Jarbidge, Nevada has been accepted for dedication for public purposes. Elko County is the owner of the public right of ways in the name of the general public.

5. VACATION IMPACTS:

A. IMPACTS FROM LOSS OF ACCESS TO ADJACENT PROPERTY OR OTHER PROPERTIES IN THE VICINITY: There are no implied negative impacts to adjacent property owners or property owners within the vicinity.

B. PRESERVATION OF PROPERTY RIGHTS OF OTHER PROPERTIES IN THE SAME VICINITY . Vacation of this portion of the river corridor would have no implied negative impact to the property rights of adjacent owners or owners within the vicinity. The portion of the pedestrian easement and river corridor are not utilized and have never been developed.

C. EXISTING ROAD WAY IMPROVEMENTS: This portion of pedestrian easement and river corridor has never been developed due to the location adjacent to the banks of the Jarbidge River.

6. ADJACENT PROPERTIES:

A. VACATION TO BE EFFECTIVE TO ALL ADJACENT PROPERTIES: This application has been filed by the owner of both adjacent properties.

- 7. N.R.S. 278.480:** *Title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.* Due to the location of the river corridor and pedestrian easement. Town of Jarbidge there are no other adjacent lots to the east, therefore the abandoning of this right of way would entitle the applicant the portion as described.

8. STAFF COMMENTS:

A) . Vacation of this portion of the river corridor would have no implied negative impact to the property rights of adjacent owners or owners within the vicinity. The portion of the pedestrian easement and river corridor are not utilized and have never been developed.

B) This portion of pedestrian easement and river corridor have never been developed due to the location adjacent to the banks of the Jarbidge River.

C) At the time of this report staff has not received any negative comments adverse to the abandonment of this portion of River Street right of way.

D) Surveying, Record of Survey and Legal Descriptions are to be prepared by a professional Land Surveyor licensed in the State of Nevada at the applicant's expense.

E) Prior to the completion of this report comments have been received from the following:

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| 1) Elko County Building & Safety | (no comment) |
| 2) Elko County Sheriff's Office | (no comment) |
| 3) Elko County Public Works | (no comment) |
| 4) Elko County Highway Department | (no comment) |
| 5) Elko County Manager Office | (no comment) |
| 6) Elko County School District | (no comment) |
| 7) Nevada Division of State Health | (no comment) |
| 8) Nevada Division Forestry | (no comment) |
| 9) Nevada Department of Transportation | (no comment) |

9. STAFF RECOMMENDATIONS, FINDINGS AND CONDITIONS:

Based upon the above stated analysis and findings staff recommends **Approval** with the following conditions and requirements.

1. **A)** Due to the location of the right of way adjacent to the eastern boundary of the Town of Jarbidge there are no other adjacent lots to the east, therefore the abandoning of this river corridor and pedestrian easement right of way would entitle the applicant the full width of easements as shown on the attached exhibit.
2. **B)** Within six months of approval by the Elko County Board of Commissioners the applicant shall have a land survey conducted including the preparation of a Record of Survey and Legal Description, to be prepared by a professional Land Surveyor licensed in the State of Nevada at the **applicants** expense. Said Record of Survey and Legal Description are to be delivered to the Elko County Planning & Zoning Division for review and presentation to the Elko County District Attorney for final deed draft.
3. **C)** Applicant shall comply with all provisions of NRS 278.490 through 278.4987 inclusive in reference to abandonment a public right of way.
4. **D)** Elko County reserves an easement for access and maintenance of any and all public utilities should they exist within this abandoned right of way.

Note: The recommendations of this report are based on the fact that prior to the completion of this report staff had not received any negative or adverse comments to the proposed. Should testimony from the public arise before or during the public hearing apposed to the abandonment, staff “may” withdraw its recommendations.

Report prepared by: Scott R. Brown, P.L.S.
Director Planning & Zoning

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Vice Chairman Galyen asked for comments to staff. There were none.

The floor was opened for public comment. Mr. Hough (from the floor) explained that the Town of Jarbidge was created in the early 1900’s. The plat was created in 1920-1922. The closures on the lines are not very accurate. Homes and structures were built over the lines because of the poor closures. We are before you to correct that and to allow for clear title for the McCoy property. The public comment period was closed.

Questions to staff and/or a motion were asked for.

PREVIOUS APPLICATIONS ON PROPERTY:	None
SIZE OF PROPERTY:	2.01 acres
ACCESS:	Poplar Drive
MASTER PLAN:	Spring Creek / Lamoille
COMMENTS & INFORMATION:	Attached if applicable

4. PROJECT IMPACTS:

A. THE PROPERTY IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE PROPOSED ACTIVITY: The proposed is to utilize the 900 s.f. walk out basement section of the existing residence for the operation of a preschool for 12 or less children. There is to be two separate sessions per day with a maximum of 12 children each. The first session is to be from 8:30am to 11:30am the second session is to be from 12:30pm to 3:30pm. The days of operation are Monday through Thursday. The Parcel is 2.01 acres, the total are of the home is 2,780 s.f. The operation is to utilize the basement portion of the home with the upper portion of the home to be utilized for secondary or emergency access only.

B. STREETS AND/OR ROADS IN THE AREA WILL BE ADEQUATE TO ACCOMMODATE THE PROPOSED ACTIVITY: The operation of the pre-school will potentially generate an additional 48 vehicle trips per day. Poplar Drive is a paved section road and is considered adequate to accommodate the additional traffic.

C. THE EFFECT THE APPLICATION WILL HAVE UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA:

1. There will be minimal negative impacts upon the health, safety and general welfare of the surrounding area, primarily an increase in traffic flow increases during peak times of delivery and pick up for a total increase of approximately 50 vehicle trips per day.
2. There is a potential for unsubstantial increase in consumptive water from the public system and sanitary sewer effluent to the individual septic system.
3. Potential for an increase in noise levels in the residential area. The Parcel is a 2.01 acre parcel and is fairly separated from adjacent neighbors. The impacts should be minimal.

5. CONSISTENCY WITH EXISTING ZONING: Elko County Code 4-2-3 (B) 1, lists a school as a conditional use within the Agriculture Residential Zone.

6. STAFF COMMENTS:

A. Receipt of a letter from the Spring Creek Committee of Architecture signed by Ms. Karen Dini, dated August 1st, 2008 approving the Conditional Use within the Spring Creek Subdivision.

B. The facility has been inspected by the State of Nevada Fire Marshall and has obtained a Certificate of Occupancy for the proposed use. (Letters on File)

C. The applicant has obtained all required State of Nevada License's and background checks from the Department of Human Service, Division of Child and Family Services to operate the proposed pre-school operation for 12 or less children at the given times. (Letters on File)

D. The property and building are sufficient in size to accommodate the proposed use with minimal impact to the adjacent property owners.

E. The roads are adequate to accommodate the proposed. There will be additional traffic into the site on a daily basis Monday through Thursday at peak hours.

F. The proposed is to utilize the 900 s.f. walk out basement section of the existing residence for the operation of a pre-school for 12 or less children. There is to be two separate sessions per day with a maximum of 12 children each.

G. Prior to the completion of this report comments have been received from the following:

- | | |
|--|--------------|
| 1) Nevada Division Forestry | (No comment) |
| 2) Nevada Division of Health | (No comment) |
| 3) Nevada Department of Transportation | (No comment) |
| 4) Nevada Division of State Lands | (No comment) |
| 5) Nevada Division of Water Resources | (No comment) |
| 6) Elko County Building & Safety | (No comment) |
| 7) Elko County Highway Department | (No comment) |
| 8) Elko County Manager Office | (No comment) |
| 9) Elko County Public Works | (No comment) |
| 10) Elko County School District | (No comment) |
| 11) Elko County Sheriff's Office | (No comment) |

have a motion on the floor you need to vote on. Mrs. McQueary (D/A) stated the amendment needs to be voted upon first.

The motion to amend was seconded by Commissioner Hartley.

VOTE:	AYE:	David Hough, Chairman Dena Hartley
	NAY:	Dave Galyen, Vice Chairman Milt Grisham Mike Judd Jack Larason
	ABSENT:	Kristian Forland
	ABSTENTIONS:	None

The motion failed.

THE MOTION WAS: Commissioner Galyen made a motion to approve the Public Lands Policy Plan by removing the words “through registration” of Policy 24-5 No. 2, and removing No. 1 of Policy 24-6 and remove all of Policy 24-7 and recommend on Page 5, in the sentence prior to “The purpose of the plan is to:” the word “as” be changed to “Has”. Commissioner Larason made a second to the motion.

VOTE:	AYE:	Dave Galyen, Vice Chairman Mike Judd Jack Larason
	NAY:	David Hough, Chairman Milt Grisham Dena Hartley
	ABSENT:	Kristian Forland
	ABSTENTIONS:	None

The motion failed.

MOTION: Commissioner Hartley made a motion to approve the Public Lands Policy Plan as

written with a recommendation that the “Plan” supports collection of registration fees and that those fees be returned to the County of origin. The motion died for lack of a second.

10 Minute Break.

Meeting called back to order.

MOTION: Commission Judd made the motion to approve the Public Lands Policy Plan with a recommendation that the Elko County Commission address the following concerns of OHV registrations as listed:

- a) Which agency will handle the actual registration process?
- b) Which agency will collect the fees?
- c) What will those fees be used for?

Commissioner Judd stated he believed the county of origin should be the recipient of the collected fees for further enhancement of off road trails and other OHV uses.

Commission Galyen seconded the motion. The motion passed.

VOTE:	AYE:	David Hough, Chairman Dave Galyen, Vice Chairman Milt Grisham Mike Judd Dena Hartley Jack Larason
	NAY:	None
	ABSENT:	Kristian Forland
	ABSTENTIONS:	None

VIII. STAFF AND COUNTY COMMISSIONERS COMMENTS:

None

IX. ADJOURNMENT:

Chairman Hough asked for a motion to adjourn as there was no further business.

MOTION: Commissioner Larason made a motion to adjourn. Commissioner Judd made a second to the motion. The motion carried.

IX. ADJOURNMENT:

Chairman Hough asked for a motion to adjourn as there was no further business.

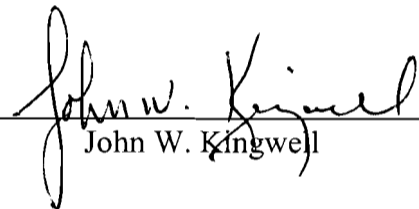
MOTION: Commissioner Larason made a motion to adjourn. Commissioner Judd made a second to the motion. The motion carried.

VOTE:	AYE:	David Hough, Chairman Dave Galyen, Vice Chairman Milt Grisham Mike Judd Jack Larason Dena Hartley
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NAY:	None
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ABSENT:	Kristian Forland
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ABSTENTIONS:	None
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Minutes Clerk: 
John W. Kingwell

Date Approved: September 18, 2008