

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
OCTOBER 29, 2019
7:00 PM**

1. CALL TO ORDER

Vice-Chairman Humphrey called the meeting of the Elko New Market Planning Commission to order at 7:00 p.m.

Commission members present: Humphrey, Kruckman, Hanson and Priebe

Members absent and excused: Smith, and Ex-officio member Anderson

Staff Present: Community Development Specialist Christianson,
Planner Sevening, City Engineer Revering

2. PLEDGE OF ALLEGIANCE

Vice-Chairman Humphrey led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Hansen, seconded by Kruckman to approve the agenda as submitted. Motion carried: (4-0).

4. PUBLIC COMMENT

There was no public comment.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A. It was moved by Priebe and seconded by Hansen to approve the minutes of the October 29, 2019 meeting as submitted. Commissioner Kruckman questioned portions of the minutes related to discussions regarding recreational vehicle storage, specifically related to the possibility of establishing a setback for a recreational vehicle to the curb of a street. Following discussion on the matter, a vote was taken and the motion passed: (4-0).

7. PUBLIC HEARINGS

A. Request for PUD Amendment for Pete's Hill, Elko 34, LLC, applicant

Christianson reviewed the recently approved residential development of Pete's Hill, which was approved by way of Planned Unit Development (PUD) zoning. The approved PUD ordinance, which was approved on August 22nd, outlined the deviations which were allowed from the City Code as part of the development approval. The developer has now requested an amendment to the PUD to allow surmountable curbing within the townhome portion of the development. She explained that the City Code requires B618 / insurmountable curbing on all City streets. She showed examples of both curbing types using engineering detail plates and photographs. Christianson displayed a drawing of the development that showed the areas adjacent to the townhomes where surmountable curbing is being supported by City staff.

Christianson advised the Planning Commission that the topic of surmountable versus insurmountable curbing was discussed with the Planning Commission in 2017 and the decision was made at that time to leave the existing City regulations, which required insurmountable curbing, in place.

Christianson explained that the portion of the subdivision where surmountable curb is being requested has narrow lots, approximately 50' in width. She stated that the City Engineer and Public Works Director have no opposition to the surmountable curbing in the requested area of the subdivision based on the narrow width of the lots.

Vice-Chairman Humphrey questioned why this request was not included in the original development proposal. Christianson stated that the developer indicated that he has never worked in a community that requires insurmountable curbing so he did not consider that the City might require it. She also stated that the City's engineering specification manual did not contain a detail plate for insurmountable curbing but did contain a detail plate for surmountable curbing, which was a cause for confusion by the developer's engineer.

Developer John Wichmann addressed the Planning Commission and indicated that they would prefer the surmountable curbing in the entire development but he felt a good compromise was to allow it in the townhome portion of the development that had narrow lots.

Vice-Chairman Humphrey opened the public hearing at 7:15 p.m. and with no public comments, he closed the public hearing at 7:15 p.m. It was then moved by Hansen, seconded by Priebe to recommend approval of the request to allow surmountable curbing adjacent to only the following lots:

- Lots 15 – 30, Block 1, Pete's Hill
- Lots 1 – 3, Block 2, Pete's Hill
- Lots 1 – 4, Block 3, Pete's Hill

And noting that all remaining portions of the development, other than adjacent to the aforementioned lots, shall be constructed using B618 insurmountable curbing as required by City Code, noting the recommendation for approval being for the following reasons:

1. The style of homes to be constructed on the lots, and the corresponding locations of driveways, has not yet been determined.
2. The lots in the townhome portion of the development are narrower than a typical single-family lot.

Motion carried (4-0).

8. GENERAL BUSINESS

A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking

Planner Sevening presented the agenda item, which was a continuation from the September Planning Commission meeting. She introduced the topic noting that a citywide inventory had been conducted in August regarding the storage of garbage cans and recreational vehicles on residential lots in the City. She noted that 44% of the properties in the City had violations related to storage of garbage cans, and 16% of the properties in the City had violations related to the storage of recreational vehicles. She stated that staff had decided at that time not to enforce the ordinances as currently written because there were more than 900 homes in violation of these Codes. Alternatively, staff inquired with the City Council regarding the matter to determine if they wanted staff to enforce the ordinances as written, or if they wanted to consider an amendment to the ordinance. The City Council requested that the Planning Commission review the City Code related to these two items. At the September Planning Commission meeting there was discussion on the matter which resulted in the Planning Commission directing staff to draft a zoning ordinance amendment.

Sevening reviewed current ordinance language regarding storage of garbage containers and recreational vehicle parking. She then reviewed the proposed amendments as follows:

Section 11-4-1 - Storage of garbage and refuse containers:

- Distinguishes commercial, industrial, and multi-family residential properties from single family residential properties
- Replaces wood with maintenance free material as an acceptable screening material (for commercial, industrial, and multi-family residential properties)
- Single family residential properties can store garbage cans in side yard adjacent to garage, do not need to be screened from view
- Dumpsters or refuse containers used for construction purposes are exempt from location and screening requirements

Section 11-8-2 - Recreational Vehicle Parking:

- Adds ATVs, dirt bikes, dune buggies, go-karts, golf carts, ice houses, jet skis, snowmobiles, and UTVs as recreational vehicles
- Exempts non-motorized watercrafts from section and regulates them as exterior storage (canoes, kayaks, paddleboards)
- Identifies three seasonal classifications (warm weather season, cold weather season, or year-round) for recreational vehicles

- Permits up to 2 recreational vehicles to be parked in the driveway during periods of seasonal use
- Requires that all recreational vehicles be emptied of refuse, debris, junk, or other materials
- Limits recreational vehicles to 30 feet in length
- Prohibits recreational vehicles from extending into or obstructing the public sidewalk or public right-of-way
- Allows only one recreational vehicle exceeding 24 feet to be parked on residential property
- Removes the screening requirement for recreational vehicles
- Permits recreational vehicles to be parked in the rear or side yard on a surface of concrete, bitumen, or pavers entirely outside of the drainage and utility easement with a five (5) foot setback from property lines
- Includes exception for properties with existing gravel side parking areas
- Note: Staff completed an inventory for residential properties with gravel side parking areas and found that 51 properties currently have them.
- Enumerates recreational vehicles parked on a trailer as 1 recreational vehicle
- Removes nonconforming location permit

Regarding recreational vehicle parking, feedback and discussion was as follows:

- Commissioner Priebe asked is the tongue of a trailer would be included in the maximum allowable (30') length, or if the length requirement would apply only to the recreational vehicle (such as a boat) and not the trailer.
- Vice-Chairman Humphrey stated that any portion of the trailer should not extend into the public right-of-way.
- Commissioner Kruckman stated that she felt the tongue of trailer should be allowed within the right-of-way because a person can see over the trailer tongue and it would not obstruct a person's view.
- There was much discussion by the Planning Commission about whether there should just be a minimum setback requirement from the curb within the entire City. City staff noted that the right-of-way width on streets within the City varies greatly; there is not uniformity in boulevard widths.
- Christianson stated that the City Attorney would need to render an opinion about allowing parking of recreational vehicles, and specifically the tongue of a trailer, within the City right-of-way/boulevards. The Planning Commission requested a legal opinion on the matter.
- Humphrey expressed his desire to have an easily understood ordinance and an enforceable ordinance.
- Sevenson stated that she had completed an inventory of all properties in the City which currently have gravel side parking areas alongside their garages. These would be considered grandfathered under the draft ordinance which requires a paved or concrete surface.

Regarding the storage of garbage cans, feedback and discussion was as follows:

- Kruckman expressed concern about people having to move landscaping along sides of homes to accommodate garbage can storage.
- Priebe expressed concern about people having to do extra snow removal to place garbage cans on the side of the home.
- Priebe stated that it was not a good use of City staff time to enforce codes related to storage of garbage cans.
- Kruckman stated that she felt the City Code should regulate overflowing garbage cans but not the placement/location of garbage can storage. Christianson stated this topic (overflowing garbage cans) is currently regulated under another section of the City Code.
- Christianson reviewed the statistics regarding storage of garbage cans, stating that of the 44% who were currently not complying with City Code, approximately 50% of those already had garbage cans stored on the side of the home. Therefore, approximately 22% of the homes in the City would not be complying with the proposed draft ordinance.
- Kruckman asked what the concern was about the storage garbage cans. Christianson stated that the concern was the visual impact on the neighborhood.
- Sevening stated that City staff has received complaints regarding where people store their garbage cans, which is what prompted the discussion on the topic.
- Hansen stated that she feels the current draft ordinance is a compromise between the current ordinance, which does not allow garbage cans to be stored outside, and not regulating their placement.
- Kruckman wants to concentrate on regulating overflowing trash and not garbage can placement.
- Hansen and Humphrey stated that they support the draft ordinance as presented, which allow outside storage of garbage cans on the side of the garage but not in the front yard.
- Kruckman and Priebe stated that they do not believe that the placement of garbage cans should be regulated by the City.
- Sevening reviewed Sections 5-1-5 and 11-4-3-A of the City Code that currently state garbage must be contained within enclosed containers.

Sevening explained that a public hearing is required for the proposed zoning ordinance amendments. She also explained how the City might advertise any proposed and/or adopted amendments to the ordinance such as Facebook posts, etc.

Christianson advised the Commission that City staff needed to advance two large projects being worked on so this ordinance amendment item may not be scheduled for discussion on the next Planning Commission meeting. Vice-Chairman Humphrey suggested that the most important projects be advanced as a priority, and that these possible ordinance amendments be processed before the spring of 2020. Staff indicated that they had enough information and feedback from the Commission to schedule a public hearing in the future.

9. MISCELLANEOUS

A. Community Development Updates

Christianson noted that a report containing Community Development updates was included in the Planning Commission Packet. Specifically reviewed was the status of the Christmas Pines, Boulder Heights, Dakota Acres 1st and 2nd Additions, Elko New Market Commerce Center, and the Degross property.

B. Planning Commission Questions and Comments

Commissioner Hansen suggested that the packets be digital and not printed. Christianson noted that a laptop would be needed at the Planning Commission meeting if they wanted only a digital copy of the packet. Humphrey requested a digital packet only. Priebe requested a printed packet.

10. ADJOURNMENT

The meeting was adjourned at 8:16 p.m. by order of the Vice-Chair.

Submitted by:



Renee Christianson
Community Development Specialist