

IN A REGULAR MEETING OF THE REGIONAL PLANNING COMMISSION HELD ON
APRIL 15, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

Regional Planning Commission
John Charchalis-Chairman
Jason Bath-Vice Chairman
Andy Bath
Leah Brown
Carol McKenzie
Brad Simpson
Jennifer Drew, Secretary

City and County Officials

Brad Christiansen-Building Official
Caroline Townsend-City Attorney

Also Present

George Chachas
Buzz Rosevear
Lisa Ashby
David Sturlin

Chairman John Charchalis called the meeting to order at 5:30 p.m. and Andy Bath led the Pledge of Allegiance.

Public Comment

George Chachas stated that there was no agenda or public packet put out. Secretary Drew pointed out that they were on the table to his left when he walked in. He said he had been on the mailing list for years and did not get an agenda. It was pointed out to George that this is a newly formed Board and that he needed to sign up with the Secretary of the Board to be on the mailing list. George then stated that the Planning Commission, prior to today, still had not addressed City Code violations by members of the Planning Commission as well as by members of the City Council. They need to comply with the City Codes and Ordinances that they may have formulated and adopted, or resign. George then said that Keith Carson was putting Modular Homes in in Trailer Park, which per code is not allowed. He inquired as to why the Building Inspector had not been there, as George was not allowed to put a modular home on his spot, which he says is considerably wider. He stated that he lost two tenants because they were issued \$350 fines for code violations. This is discrimination, and it needs to stop. George then expressed his concerns that Keith Carson also has horses within the City limits, which is in violation of City Code. He has reported this numerous times, and as why the code was being selectively enforced. He then stated that Carol McKenzie has yet to correct her non-ADA Compliant in Lund. George voiced concern that the Board has yet to address the offensive signs at the junk yard north of the Holiday Inn. The City and County are not protecting their good image. The Main Street Project needs to clean up its act or fade away.

Time was called at 3 minutes

A. Discussion/For Possible Action: Approval of application for Home Occupation Agreement by Lisa Ashby dba Lisa's Creations.

Chairman Charchalis asked Lisa what the business is that she would be doing. Lisa replied that it is just a home-based business where she just makes t-shirts, drinking cups, and crafts. They are mostly to sell at craft fairs and such. She also does aprons, wreathes, and such. Vice Chairman Bath asked to verify that she is not doing retail sales directly from her house, and that they would be items sold at craft fairs and such events. Lisa replied yes, that is correct. Member Andy Bath commented that she was really just needing a home base, and that the items would be sold elsewhere. Lisa commented that this was correct, and that she just has a craft room in her home where she makes things. She does not have an address outside of there. Member Brown stated it was nice to have her doing this. Member Andy Bath motioned to approve the application for Lisa's Creations. The second was given by Vice Chairman Jason Bath. The vote passed unanimously, 6-0.

B. Discussion/For Possible Action: Approval of a Parcel Map. The applicant is Michaeline Wines. The subject property is ¼ Section SE, Section 8, Township 17N, Range 63E. The general location of the property is 3385 North 111th West (APN 005-610-14) and 3389 North 111th West Street (APN 005-610-15), Gates of Hercules, White Pine County, Nevada. The purpose is to adjust the easterly boundary line within APN 005-610-14.

Buzz Rosevear stated that items states that is for Approval of a Parcel Map, when it is actually a Boundary Line Adjustment. Brad Christiansen pointed out that where the dotted line is showing on the map for the new boundary, that it still maintains the required 5 acres. Buzz confirmed that both of the resulting parcels still meet the zoning criteria. Member Andy Bath asked Buzz if there were any utilities in or around that location. Buzz replied that there were none along the projected boundary, but that there were along the road right-of-way on the north side. Member Bath asked what those utilities were. Buzz stated that they were just power and possibly phone, but nothing crossing the lot. Chairman Charchalis asked if there were any more questions or comments. Vice Chairman Bath noted that all of the other Departments had recommended approval on this, and that he did not have any objections to it. Member Brown made a motion to approve the Parcel Map, and a second was given by Member Bath. The vote was called for and approved unanimously, 6-0.

C. Discussion/For Possible Action: Approval of a Parcel Map. The applicant is Cheryl Mangum. The subject property is ¼ Section NW, Section 18, Township 12N, Range 62E. The general location of the property is APN 013-014-14 and APN 013-014-15, 311 East Morning Glory Lane, Preston, Nevada. The purpose is to merge and re-subdivide the parcels.

Member Bath asked Buzz Rosevear if the merging and re-subdividing of the parcels was basically putting the two parcels back together and then dividing them again. Buzz replied that this is correct and that the NRS has a provision that when it is all under one ownership that you can basically erase all of the lines and start over again. Member Bath then asked if he knew the purpose of this being done. Buzz stated that the original purpose was for a building lot for her son. But, when looking at the parcel map, the existing location of the well was actually on the other parcel separate from the house and it had created some problems. So we needed to get the house and the well on the same parcel, so that a well could be drilled on parcel 10A. Member Bath asked about utilities on the property. Buzz confirmed no utilities were crossing the property. Member Bath also inquired if the existing easement would still remain in place the southern-most property for the Judd's. Buzz stated that was correct and is the legal easement right now, but not how they actually access their property. It is not an issue now, and the legal easement will not stay in place. Chairman Charchalis made a motion to approve the parcel map. A motion to second was made by Member Simpson. The vote was called for and passed unanimously, 6-0.

- D. PUBLIC HEARING/Discussion/For Possible Action: Approval of Recommendation for a Petition for Vacation or Abandonment of a Road or Easement. The Petitioner is Gateway Accommodations, LLC. The 3 properties to be considered for abandonment are: 1) The alley way between APN's 005-114-05, 005-114-06, 005-114-04, and 005-114-03. 2) The road/easement of block 24 on Nettie Avenue (aka CR 610) abutting APN 005-114-05 and 005-114-06, and 3) The road/easement between APN 005-114-06 and APN 005-115-01 on Ely Street, all located in Baker, NV.

Chairman Charchalis opened the meeting up for Public Hearing regarding agenda item D. Two letters were read into record by Secretary Drew. Both being a response to the Building Official's question as to whether there were utilities running down Nettie Ave., Ely Street., or utility easements between Nettie and Baker Streets. Also, if there were any issues or concerns if the abandonment were to be granted.

The first letter from Tom Baker states - "Brad, As per our conversation, we are opposed to closing off Ely Street and Nettie Avenue where Ely meets Nettie and touches Baker Ranches. We have potential plans for a pipeline in that area.

The second letter from Terry Steadman, Treasurer of Baker Water Sewer GID, states - "Thank you for coming all the way out to Baker in order to do a joint walk-thru and review of the Baker Water & Sewer GID (BWSGID) blueprints. The following is a summary of our findings:

1. We reviewed three sets of blueprints. One set as designed, one set as built, and one supplemental blueprint illustrating where our water mains are located and where fire hydrants and flush valves are installed. Upon careful analysis, we discovered discrepancies in all three sets which probably resulted from a failure to reflect design changes and/or additions on the as built prints.

2. A physical walk-thru was conducted of the area in question and we could not verify a two inch water supply line from Hwy. 487 heading east on Ely Street to a flush valve. We determined that there are four individual parcels east of Hwy. 487 and south of Ely Street that do not currently have water or sewer service. Water could be supplied from the east side of Hwy. 487. However, sewer service could only be provided by installing a sewer main from Elko Street heading south on Nettie Avenue.

3. We concluded that the abandonment of Nettie Avenue from Elko Street to the south east corner of Ely Street and the abandonment of Ely Street from the south end of Nettie Avenue heading west approximately 100 feet would inhibit future growth in that section of Baker Township. In addition, the abandonment of the alley on Block 24 would not pose a hardship on BWSGID or adjacent property owners. Thank you for your support and assistance in addressing this matter.

David Sturlin stated that the priority for him would first of all be the alleyway abandonment. This would be the most constructive to the property that he owns. The second priority would be Nettie Avenue, which would be east of the house that he owns there. The third priority would be Ely Street, on the other side of Lehman Creek, which to him doesn't matter either way. The place that it would make the most sense to divide it would be at Lehman creek, which runs down through the corner of his property. That is the place he would like to have access to. He is maintaining the property in front of his house now, which is Nettie Avenue. Vice-Chairman Bath presented a Google map to help pinpoint the exact location of the property. Brad Christiansen stated that in talking to the Baker's, they have the water rights to Lehman Creek. Right now there is an easement because it is County owned property on Ely Street. What they are wanting to do in the future is to move out of the creek bed and put a culvert in, so that the water will actually go through that, and then the creek bed as it sits now would be for overflow. One of the things that you lose if you abandon this property, is that it now becomes private. You are then taking away that ability from Baker Ranch and it becomes a civil matter. He refers to Terry Steadman's letter and the three maps used, which were included in the agenda packets. The maps are inconsistent with one another in regards to the water line, so it is unsure where the water lines are actually at. Whether the utility goes down Ely Street or Nettie Avenue, it is still in the town's right-of-way. Member Bath confirmed with Brad that there were no utilities in the alley way between the two properties. Brad comments that there are not, but there are power lines that run across. Vice Chairman Bath inquires as to if the alley way were to be abandoned, that it could still cause issues Baker Ranch relocating the culvert. Brad stated that it could. David Sturlin added that he doesn't see how the abandonment of the alley way could cause a problem with Baker Ranch, because it would end right at Lehman Creek. Member Bath posed the question of if there was an easement on Lehman Creek. Buzz Rosevear, stating that he is not an expert, but that having a water right does not guarantee access to points of diversion if they are on private property. Member Bath stated that he has concerns and that he and this Board are motivated to the future of White Pine County. So for future access, for future

development, for developing a Master Plan, he would vote no. So unfortunately, the abandonment of someone's rights, he feels would inhibit that and not be a wise move on behalf of the Board. There is a legitimate plan for the Township of Baker, and he thinks that is important that they keep that. David Sturlin commented that it sounds like an all or nothing thing, but that his initial goal was the alley way, as the alley way is already blocked off. The entrance to the alley way on the north has already been built upon, so there is no access to go down the alley. Both Nettie Avenue and Ely Street are not as significant to the development of the property as the property between the two parcels. So, if the Council would consider giving a favorable recommendation to abandon the alley way, he would drop the abandonments on Nettie Avenue and Ely Street. Vice Chairman Bath supported what Member Bath had said, and that the plan is being encroached by the existing building. He feels that because of that and the water line issue that they should stick with the original Master Plan. David asked the Board if they were aware that the alley just across the street had been abandoned. They were aware. Vice Chairman Bath stated he was also concerned with the legality of the water rights. Member Bath asked David to clarify why he is wanting to abandon the property. David stated that part of the problem is that the alley way is no-man's land, and so the property owners on either side are not taking care of it. He has been taking care of the alley way since he purchased the property in 2014. So, it only seemed logical to incorporate the alley way as part of the property. He would like to put a fence around the house for the family that is living there. Vice Chairman Bath asked the City Attorney Townsend about what legalities they may run into. She stated that as she is not familiar with the water rights that are in place now, that it would be something to look into more. Vice Chairman Bath inquired as to if this item were denied to night, if it could be looked into further and brought up at a future meeting. The City Attorney stated that it could. David Sturlin added that he would be willing to grant an easement to Baker Ranch. Member Bath told David that he felt it would be best if he were to get an Engineer to help him figures some of this out, as there are some significant concerns. Items that would need to be ironed out would be with Mt. Wheeler Power, water rights with Baker Ranches, and the Baker Water & Sewer GID. Member McKenzie pointed out that half of the alley way would go to the other abutting owner, if the alley were to be abandoned. Brad Christiansen added that the property owner on the abutting side of the alley would have the first right of refusal. Members Brown and Simpson agreed that they would having a difficult time approving this without additional information. David inquired about the fees that he had already paid for this application, and if he would have to pay them again if abandonment were denied and he were to re-apply. Member McKenzie commented that if the item were to be tabled instead of denied, that it would allow him time to get the additional information and present it at a future meeting without having to re-apply. Member McKenzie made a motion to table the item. Vice Chairman Bath confirmed with David that if they were to give him 60 days, if he would be able to get the needed information. He said it was, and ask for specifications as to what the Board is wanting. Vice Chairman Bath told him that he would suggest to not even look at abandoning the streets, but focus on the alley way. The water rights access would be the biggest

agreement. Member Bath said that he would like him to work with Mt. Wheeler Power to come up with a solution on the power lines crossing the alley way. Also, to work with the Baker Water and Sewer Board GID on the water line issue. Vice Chairman Bath made a motion to deny the Nettie Avenue and Ely Street abandonments, and to table the alley way abandonment for 2 meetings, pending further information. Member Brown gave a second on the motion. The vote was called for and passed unanimously, 6-0.

- E. Discussion/For Possible Action: Recommendation that White Pine County enact an ordinance amending its zoning regulations to allow property owners and/or occupants in zones R-A-1, R-A-2.5, and R-A-5 to keep animals in the same manner as allowed in zones R-E-43 and R-E-21.

Member Simpson shared that he was the one that brought this item to the Planning Commission because of a request from two other realtors in the community. They had a piece of property they were trying to sell on Fairview Lane and had a buyer. When they checked into the zoning, they found that it really wasn't zoned for horses, but everybody on Fairview Lane owns horses and stables. So, it became an issue. He is not sure that voting on it at this time is the right way to do it. Because as he talked to other people about this, he would like to recommend our zoning codes match what the Assessor's use codes state. There are a lot of discrepancies that are advertised to people and it is making it very confusing for those who want to buy property, and for those who want to sell it, and for the people in the middle (the realtors) to deal with it. He is open to any other suggestions, but because he drove this area, there are probably 12-14 lots down there. The people that wanted to buy the lot wanted horses, they found out that it really wasn't zoned for horses, but everyone down there has horses. So, it is conflicting and confusing. Chairman Charchalis asked if they were done under a Special Use Permit. Member Simpson replied no. They have just done it and gotten away with it. Chairman Charchalis remarked that they may be grandfathered in. Member Simpson said he didn't know if they were grandfathered, but that it is very confusing for the public to have this zoning. He has run into this problem himself when he has talked with Brad Christiansen, when selling property that had the assessment code for Residential but it was commercial. So, the codes for the Assessor's office don't always match the zoning codes. He is wondering if there would be a better way to have everything reviewed so that the zoning codes match the Assessor's use codes. Chairman Charchalis asked whose purview would that fall under. Building Official, Brad Christiansen remarked that the Assessor's use codes kind of mirror the uses that you see under the zoning regulations. So, the zoning regulations are basically condensed. When you open them up and start looking at the uses that are allowed in those areas, that's where it expands out and like you see in the Assessor's. If you look at the Assessor's uses, there are probably 100 different uses. If someone calls and states that the use is this code he has to tell them no, that the use code they have is in the eyes of the Assessor, but it is not zoned for that. There is a difference between zoning and use. In the zoning, there are uses. Member

Bath sought confirmation from Brad that the zoning are the categories and the uses are the sub-categories. Brad confirmed that was correct. He stated that a zoning like on Aultman Street would be a C-2 which is General Commercial. C-3 is Highway Commercial. So within that, you have the uses. The zoning is this, and then you have the uses which tell you that within that zone you can do this. Member Bath stated that there is apparently a discrepancy. Brad replied that the discrepancy is that people look to see what the use code is on the Assessor's web site. The use code is not what the zoning is. It is what the Assessor sees. Member Bath remarked that they were really not tied together then. Brad replied that was correct. He can get with Burton and they could put a notation in there where he has his use code, and that the use code is not to be used as a zoning code, or something like that. Member Simpson responded yes, that something like that which would clarify it for the citizens. He also has a problem with the stuff that has already been zoned one way and is being used another. Brad stated that his department has done a lot of corrections throughout the County over the years. We just did approximately 15 lots or so in Mineral Heights. They were residential properties that were originally zoned C-3. These lots originally came from one map. They were then divided, but the zoning was never changed. So, if you were to look at that on the Assessor's site, the use would have said residential. If you were to look at the zoning map, it would have said it was commercial, so you couldn't have a residence there. What we did on that is we took that map and we re-zoned all of those properties so that it fits what the use is. Member Simpson suggested that the item should be tabled until some research can be done. Member Brown stated that it all sounds similar to the Ely Avenue area where it is supposed to be mobile homes, but really they are all residential. Brad informed them that what his office did on that, as well as in the county, was to add an addendum in which allows for conventionally built/stick built homes in an M-H-3. Otherwise, it would have taken a Conditional Special Use for them to have those there, and they have been there for 100 years. So, that was the easy way of doing it as opposed to telling everyone we were re-zoning their properties. That gets very expensive and people get upset about it. Member Bath asked they would come to him to look at the zoning maps to sort this out. He states that for him, this is a no-brainer. You go from an R-E-43 and R-A-21 which is a prime area for small farms, hobby farms and limited agriculture, to pretty much an agricultural thing. Brad stated that one is a buffer zone, and that is why they put those in. Member Bath commented that you can't have animals in the Ranch Agriculture, but we can have them on the Hobby Farm place. His concern is if this is just the tip of the iceberg and if they need to evaluate the entire scenario to see about everything that is going on, or do we as a group sit down and look at all of that and make sure that everything is cleaned up. Member Simpson comments that as a realtor, there are a lot of discrepancies that are causing harm to the market, and also as a member of the Main Street Committee he wants to see this town grow, but we need to have some of this clarified so that everyone is playing by the same rules. Brad adds that he wonders if there may be another box or check that they can do in the Assessor's program that they use, not only to put in the use but also the zoning. He feels that the Assessor's use code should only be visible to the Assessor. It should be

the zoning that people see. Vice Chairman Bath stated that the more clarity we get on some of these things, we're not going to get people impeding on stuff and it would be much easier to enforce as well. Member Simpson noted that people wanted to bring horses in because it was close to the Fairgrounds. They found out that the area was not zoned for horses even though everyone in that area has horses because they use them at the fairgrounds. So that was that issue. Member Bath said that the reality of it is that the people may have come in and bought the place, had horses, and nobody would have complained about it. But, it is hard to enforce something that we don't have a clear-cut rule on, and he agrees that they, as a board, need to hammer this out. Member Brown stated that this is a problem. Just because something was done wrong doesn't mean that we should continue doing it. On the same token, if you have a street that has evolved a certain way, we should adhere to that. Member Simpson adds that he doesn't want to change anything for anyone of Fairview Lane. They've got their horses there and are doing stuff, but it doesn't look shabby or out of order. You're not going to be able to change 14 out of 15 lots because they were grandfathered in in this way, but I still think we need to move forward and coordinate Assessor's codes and zoning codes, so that they are saying about the same thing. Brad Christiansen commented that in the Planning Section, NRS 278, that states if you are within a mile of the City limits, that the City does have some jurisdiction. You don't want horses and such in the city limits, that's why you have these buffer zones. Member Simpson recommends tabling any changes until they can talk with Brad and Burton, and figure out a better way of presenting it. Brad offered to get with Burton to see if there is a way to combine the two. The City did just have their zoning map redone and it is on the City website. He is going to push to get the County the same way. Member McKenzie asked if they maybe need to plan a special meeting where they can meet with the Assessor and the Board to go through these things to see what to maybe change or maybe not, and where we need to follow through with it. Brad could be there and anyone else to add input to help solve this issue. She thinks a special meeting would be better than trying to work it into a regular meeting timeline-wise. Vice-Chairman Bath advises that he has no problem with that, and that they as a Board had stated that they were going to be as pro-active as possible. Brad states that he believes they can do this as work session instead of a meeting. Chairman Charchalis commented that this seems to be ironing out a lot of the problems of the old, never-been-updated Master Plan and what we've got going on now. Member Simpson moved to table the agenda item and move to have a special work session to iron out the differences between the zoning and the use codes. Member Bath gave a second for the motion. The vote was called for and passed unanimously, 6-0.

F. Discussion/For Possible Action: Approval of minutes from Regional Planning Commission meeting held on February 19th, 2020.

Member Bath moved to approve the minutes with no changes noted. Vice-Chairman Bath gave a second for the motion. The vote was called for and passed unanimously, 6-0.

Public Comment

George Chachas commented that NRS has always stated that within a mile of the City limits that the City rules apply. The Board talks about clarification that needs to be made on Fairview Lane and other areas. There is no clarification. There is selective enforcement. The Board has rules and regulations that they need to adhere to and stop selectively enforcing the law. He is concerned about the Avenue D obstruction egress, and the egress of Hwy 93 just past the road to the Holiday Inn. There is a concrete slab there that needs to come out. Stop signs are being ran over, and the roads have been narrowed to 10 feet...if that. You have minimum widths on City standards. That needs to come out. The curb and gutter should be back 5 feet from the property line, not like it is now. It needs to be ADA compliant. It is new construction and doesn't meet ADA. It needs to be corrected. Looking farther back to the junk yard, Jack Van Camp has that lot. The front was paved, but there was no curb and gutter put in. City policy states in new construction, that if you put in pavement...you put in Curb and Gutter. It's not done to code, meaning 5 feet from the property line. The Convention Center Parking does not meet ADA.

Time was called at 3 minutes.

No other Public Comment.

Adjournment

Motion to adjourn was made by Member Simpson, and seconded by Member Brown. The vote was called for and passed 6-0. The meeting was adjourned at 6:57 p.m.

REGIONAL PLANNING COMMISSION
WHITE PINE COUNTY
STATE OF NEVADA

BY:


CHAIRMAN

ATTEST:


CLERK OF THE BOARD