

IN A REGULAR MEETING OF THE REGIONAL PLANNING COMMISSION HELD ON
MAY 20, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:
(z-via zoom)

Regional Planning Commission

John Charchalis-Chairman

Jason Bath-Vice Chairman

Andy Bath

Leah Brown

Carol McKenzie

Brad Simpson

Jennifer Drew, Clerk of the Board

City and County Officials

Brad Christiansen-Building Official (z)

Bryan Pyle-Deputy District Attorney (z)

Burton Hilton-County Assessor

Also Present

George Chachas

Donna Bath

Caroline McIntosh

David Sturlin

Larry Sumrall

Brigette Saltarelli (z)

Mark Saltarelli (z)

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

Public Comment

Caroline McIntosh stated that she was there for the Public Hearing for Item A on the agenda for 2311 Emerald Court. She disclosed that she is related to one of the applicants. She had 2 specific reasons for being in favor of this project. The first reason is over economic development and a more robust tax base. The second is that if you have been to that cul-de-sac, it is very congested right now, and any type of structure that we can park cars into is very helpful. She sees this as a very positive project for them. Otherwise, cars would be parking up and down Iron drive, so this just makes sense.

Donna Bath, disclosed that the applicant is her daughter. They did provide information, they had been contacted about their covenants that she and her husband placed on those, so they were the former property owners. She does have the background information because she was the County Clerk when the other property on the other side was given to property owners under similar circumstances. The property is a very narrow strip. What they are asking is not to overlap onto any of the property that is not theirs, but to move their garage back far enough that they could build it on their property line. Pictures were sent in of property on Iron Drive where precedence has already been set. The property owners who did receive the additional property from the County, the County gave them that property because it had no virtual use. It's not buildable, it's not wide enough for a right-of way for

a utility, and once you put the road right-of-way in there, the amount left is non-usable to anyone other than an abutting property owner. It would affect the other property owners along Bobcat Drive, and if the other property owners were to do the same thing, there would be no harm done in her opinion. As far as the Covenants goes, 2311 Emerald Court was built prior to them putting the covenants on, so technically that piece of property would not have been involved in those covenants. A piece of property was additionally given to her, but that added on to the existing property. Donna also commented on Item D in regards to the size of building lots. She stated that we are in dire need of housing and development in our community. They have interest in putting small houses on. As long as they are built under codes that would meet the expectations for small houses in other areas, she does not see why they couldn't do that and support it as well.

Larry Sumrall informed the Board that he would like to submit an application for next month, and to get on the agenda to have a re-zoning done from R-A-2.5 to R-A-1. Many of the lots in that area are already zoned R-A or are already 1 acre lots instead of 2.5 acres. He'd like to be considered to have a couple of lots re-zoned from 2.5 acres down to one acre, and one of them is 2 acres down to 1 acre.

George Chachas stated that he recently checked the area out in Mineral Heights regarding the agenda item A-1, dealing with the setback, and he has no problem with that being granted. But, while he was in the area, he noticed 5th wheels and RV's set up in a residential area. He also noticed a commercial semi-truck that moved into the residential area. He is not aware of any applications for a Variance or Home Occupation Permits for that area, and has continued concerns of selective enforcement. Two days earlier, he went to Ruth to observe the demolition of the old Ruth Grade School and found RV's and 5th wheels parked in residential lots being used for housing. On agenda item B, there is a reference on the last topographical map stating that sewer and water were installed in the same trench, detail sheet C-29. Health regulations do not allow sewer and water in the same trench. It needs to be addressed, unless it is a misprint.

He stated that on agenda item D that there's not a code that would prohibit the size of a home as long as you meet the setbacks, single family or tiny home. He has continued concerns about City Council and Planning Commission members code violations. He also had ongoing concerns about Keith Carson's modular homes in the Carson's trailer park, and also about him having horses. He also stated that in the Animal Control Officer's report for April that there was not one citation issued in City limits. Time was called at 3 minutes.

No other Public Comment.

A. PUBLIC HEARINGS/DECISIONS

- 1) a) Public Hearing On a proposed Application for a Variance. The Applicants wish to place a Garage on the property, which would not meet the required setbacks. The property address and/or general location is 2311 Emerald Court, Mineral Heights Subdivision, Ely, NV. The Assessor Parcel Number is 010-731-60. The Applicants are Brigette Saltarelli (aka Brigette Bath-Barney) and Mark Saltarelli.

Jason Bath abstained from voting, as he is related to the applicant. John Charchalis asked for any other public comment. Donna Bath stated that what the applicants are wanting to do would give them 10 more feet and go right to their property line, which would allow for them to ease in the driveway at a much better angle. Visually, there should be no impact to this, and as she stated before, precedence has been set by giving the property to the property owners over on Mineral Drive, which the front of their property would be Iron Drive. Many of those buildings are sitting on those property lines. She feels that it is fine, as there is no other use for that property. It would add to the aesthetics and the cost effectiveness of their property, and the angle in which they would have to come in tremendously. She feels the property would not be of use to anyone other than the abutting property owners, which would be the applicants. They are not asking to go over onto the vacant land, just up to that vacant land. DDA Bryan Pyle asked if the intent is to access the garage from Bobcat Drive or from the Court. Donna replied that it would be accessed from their Driveway and deferred the question to Mark and Brigitte Saltarelli. Mark stated that there is a steep incline on the back side of that property, so there wouldn't be access from the back side. It is straight up the side, as you can see on the map. It would come straight up Emerald Court and into the garage. Brigitte added she was also on the call if there were any other questions. Donna Bath then re-iterated that there are covenants in place, but the Board has never met, and they have never been enforced. But that particular piece of property was not included in the covenants as it was built prior to them purchasing the property. John Charchalis stated that he had taken a look at the property the day prior, and the back of the property on Bobcat Drive is a sloped property that is literally not buildable. Access from Bobcat Drive, unless you have 4-wheel drive, is not do-able. Donna commented that visually it is not going to impair any of the neighbors because of the location that they are putting it on their property. It would actually be beneficial to the other neighbor, Mr. Stultz, who plans to build on his property, because it moves it further away from his property. John Charchalis asked the Board if there were any question. Brad Simpson commented that he had sold property in the area and understands how Bobcat Drive backs up to this property and how it is not usable land for anybody but the Saltarelli's. He agreed with Donna's statements that enhances the tax base and improves the look of the neighborhood. He doesn't feel there is anything negative about it. Carol McKenzie asked if we had heard anything from any of the neighbors having objection to this. John Charchalis replied there had not.

b) Discussion/Action/Possible Approval of a proposed Application for a Variance. The Applicants wish to place a Garage on the property, which would not meet the required setbacks. The property address and/or general location is 2311 Emerald Court, Mineral Heights Subdivision, Ely, NV. The Assessor Parcel Number is 010-731-60. The Applicants are Brigitte Saltarelli (aka Brigitte Bath-Barney) and Mark Saltarelli.

John Charchalis cited section 17.96.010 of the County Code which states that a Variance may be issued by reason of exceptional narrowness, shallowness, or the specific shape of a piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the

piece of property. He states that it pretty well meets all of that where you are looking straight off the back and it downslopes down to Bobcat Drive. Building Official Brad Christiansen stated to the Board that if they looked on his Finding of Facts, what he failed to put on there was that because it doesn't meet the requirements at the bottom of the application, the Building Department is recommending denial. Carol McKenzie asked Brad Christiansen to explain further as to which conditions it did not meet. Brad Christiansen replied that on the bottom of the application where it talks about exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control. Carol McKenzie asked that any of the properties along Bobcat Drive would have that same slope between Bobcat Drive and the property. Brad Christiansen commented that this is a Variance to the setbacks, not what is behind it. Carol McKenzie stated that she was aware of that, but part of those extreme reasons for this is because of that back slope. Brad Christiansen stated that the owners would be better to answer that question than himself. Leah Brown commented that she had driven by there and where Bobcat is, she doesn't see any hindrance, especially if the neighboring homes had done the same thing, and does not see a problem with that. John Charchalis stated that this is going to set a precedence for anything in the future. If this is just something that is going to be applied just one time for this one property. Carol McKenzie commented that she was looking at the way Bobcat Drive was running, and there is a property on that same side that would appear to have that same situation if it were to be built upon.

John Charchalis stated that there really isn't any access from Bobcat Drive to that upper property. Carol McKenzie added that she does not see a reason for denying it just because it doesn't fit setbacks at this point, because the setbacks aren't going to affect any properties close by. If they were going to affect a neighbor where the right-of-way is, then she could see denying it. But the way this is, there is never going to be anyone owning that right-of-way property to build on it, maybe to put trees and flowers on which would only enhance it. It would not cause any damage. DDA Bryan Pyle remarked that the reason that he distributed Chapter 17.96 on Variances is because we need to have the correct standard applied. The standard is not whether it would affect somebody else. But, it is two parts.... whether the property is unique because it is narrow, shallow or of a specific shape, and if the zoning requirement, i.e. the setback, would result in peculiar and exceptional practical difficulties to the owner of the property, to access the property, or exceptional or undue hardship. The question is if that standard overlays the building of a garage. Mark Saltarelli commented that if they had to bring the structure forward 10 feet, that it brings that one corner 12 feet from the house, which makes it difficult for the turning transition. So the reasoning for pushing it back is to make that transition reasonable. John Charchalis remarked that if they did observe that setback, then it would make it difficult for the owner to access. Donna Bath said that she understands that it doesn't meet the setbacks, but asked if this is not why they are there and have applied for the Variance. That same consideration has been given or not enforced on the Iron Court side, where currently there are some owners that are even over their property line. The precedence has been set that this property is virtually not buildable. The building is not going to take away from the property owner's property that butts up against it, because it is not usable. Carol McKenzie asked about the tree when coming off of Emerald Drive. Donna stated

that the tree would probably have to go. Mark stated that there is about 26 feet, they would use 18 feet to come up. The tree was put in a couple of years ago and would be relocated to the back yard. Andy Bath asked Brad Christiansen about his plan review comment which stated that if approved, fire rated assembly in compliance with the Building Codes must be complied with. Andy Bath inquired if that were the case with every building that is built. Brad Christiansen replied that when you get within 5 feet it has to be fire rated. Andy Bath asked Brigitte and Mark if they were aware of that. Mark commented that they have Shawn from Perfectly Dirty doing the concrete, and Kim Jones from JCR, so he will mention it to them as they are the ones constructing the structure. Donna stated that they were not asking for a variance on the fire codes or anything else, just on the setback. John Charchalis asked if there was any more discussion. DDA Bryan Pyle informed the Board that if they were going to make a motion, that he would like to hear a motion with Finding of Facts as to why the property is exceptional, and why the use of the property without a Variance would pose an exceptional or undue hardship upon the property owners. Leah Brown made a motion to approve the Variance, siting that in order to construct the driveway safely the Variance would need to be approved. They need the extra 10 feet to do so. A second to the motion was made by Brad Simpson. The vote was called for and passed unanimously, 5-0, with Jason Bath abstaining.

- B. Discussion/For Possible Action: Approval of Recommendation to the White Pine County Commission on a Petition for Vacation or Abandonment of a Road or Easement. The Petitioner is Gateway Accommodations, LLC. The property to be considered for abandonment is the alley way between 55 Elko Street (APN 005-114-05), 155 South Nettie Avenue (APN 005-114-06), 110 South Baker Avenue (APN 005-114-04), and 150 South Baker Avenue (APN 005-114-03) located in Baker, NV.

John Charchalis reminded the Board that at the May meeting there was a question about the water rights on the stream going through the alley way, and asked if that had been resolved. David Sturlin was present and asked that they read the letter that was sent to Jennifer and included in their packets, to clarify that he was modifying his original petition for abandonment that was discussed at the last RPC meeting, and would like to withdraw his request to abandon Nettie Avenue and Ely Street. That singles it down to only the alley way. There are 4 bullet points there, the alley way is on Block 24 and is approximately 20' wide by 300'. The properties on the east are his or Gateway's, and the properties on the left are Cerese's. In the documentation, there were letters from Baker Ranch indicating that there was no problem with their water rights, the Baker Water and Sewer Board stating that there was no conflict with the water and sewer, and the approval letter to remove the line from Mt. Wheeler Power. He is not sure that this one had been completed due to a Covid 19 case at Mt. Wheeler which shut the office down, so Jake Brunson was unable to get some of the paperwork done. David stated that on Monday, the 18th, he had sent a letter to Jake Cerese asking if he could get the document signed, and that Jake had responded that he would take care of it as soon as possible. David continued and advised the Board that with both property owners and Mt. Wheeler agreeing, that the line would be removed at no cost to the property owners. He thinks that all of the issues that were negatively affecting the abandonment had been resolved. Per the direction of DDA Bryan Pyle, John Charchalis opened the meeting up to any public comment, as the Public Hearing had previously been held. No comments were made. Brad Christiansen described for the DDA and the Board

what would be abandoned. He described it as the alley way or utility corridor between Nettie and Baker Avenue. Carol McKenzie commented that it was actually between Elko and Ely Streets, running parallel to Baker and Nettie Avenues. Carol McKenzie moved to approve the abandonment of the alley way between Elko and Ely Streets, and runs parallel to Nettie and Baker Avenue. Jason Bath gave a second for the motion. DDA Bryan Pyle clarified that this is just a recommendation to the White Pine County Commission. The Board agreed. The vote was called for and passed unanimously, 6-0.

C. Discussion Only: Of Assessor Use Codes and Zoning Regulations purposes and/or descriptions.

County Assessor Burton Hilton handed out copies of the Assessor's Use Codes and information about the Assessor's Office. He stated that Brad Christiansen had asked him to come to the meeting to answer questions about the Assessor's Codes. The summary listings pages are only 4 of about 70. The Department of Taxation issues the Land Use Codes that all of the Counties use throughout the State, and the guide is updated annually. The Assessor's Codes have nothing to do with zoning. The second handout is what they use internally to search or monitor properties, in example- how many single family dwellings the County has, or duplexes, etc... for reporting purposes. It has nothing to do with the zoning either. An example he likes to use would be a house in the middle of The Strip in Clark County. It would be coded a 200 (residential). Obviously, it is located in a high intensity, commercial zoning district, but it is what is there that they put on as Assessor's Use Codes. There are houses on Aultman Street that are in commercial areas that are 200. Brad Simpson commented that his concern with presenting this is that the Realtors in town have had conflicts between Zoning and Use Codes, and having a Use Code that says it is residential house on Aultman, and then have the bank say it is zoned commercially and not allow the loan. It is a conflict for the Realtors and the clients as to what they can do with the land. Burton stated that he did not have an answer for that because he does not deal with the zoning, the RPC Board does. Brad Simpson asked about when selling a property if the Realtors are to use the zoning or the use code. Carol McKenzie remarked that it states in the Codes that if the houses on Aultman have remained residential all the way through, that they could still be sold as residential because they are grandfathered in. But if they had in fact been converted to Commercial, they could not be reverted back to residential. Brad Christiansen explained that what the City did on that was people were able to change the zoning on Aultman if you had a residence and could show that it had never been used for anything but a residence, they could change it to an R zone which would be residential. Once it had been converted to a Commercial property, it could not be reverted back. Brad Christiansen recommended that the Agents use the Zoning Code as their first choice. Andy Bath confirmed with Burton what the process is of changing a property from a 200 to a 400. Burton stated that they just change it. Andy Bath then confirmed with Burton that the zoning takes precedence. If something wavered down the road, then the Assessor's Codes would change. Burton responded that was correct.

Andy Bath then inquired as to what the confusion was with the Assessor's website. Brad Simpson responded by saying that the website would show the Land Use on a property as residential and it would turn out to be commercial, which posed a problem for getting a loan on the property. The other issues that have come up are areas such as Fairview Lane where everyone owns horses, but it is not necessarily zoned for horses. Burton stated that there are

conflicts throughout the County with the zoning and actual use. Brad Simpson continued with an example of someone wanting to by a vacant lot on Fairview Lane that is not zoned for horses even though the surrounding properties have horses. Burton stated that he believes that from his experience in the last 5-6 years that the City, County, and Planning Commission have tried to be much more consistent recently. A lot of things may have happened prior and gotten out of whack with the zoning. They have tried to not do a lot of spot zoning of properties, which is good, and trying to be more consistent. You do have the historical stuff, as Carol McKenzie was saying, that adds to it. Brad Simpson added that is going to be the issue, addressing the historical stuff. Burton stated that the best long term solution is to work that out to where both the Use Code and the Zoning Code could be on there, but it is a manpower issue. Some of the zoning that they do have in their office is outdated. Brad Christiansen informed the Board that in some of those areas like Fairview Lane, the Building Department has gone into areas, Bell Avenue was one of them, and rezoned the whole area and notified the people as to what was going on, then divided up the fees equally. This makes the cost minimal, and the properties become compliant and conforming with the zoning. Burton also noted that there are a lot of addressing conflicts within the County, and that Brad and Jennifer have been working a lot to try to make them more consistent. Andy Bath asked Brad Christiansen about when the zoning changes were made, if they were reported to the Assessor's Office. Brad answered no. Andy Bath then asked why not. Brad Christiansen responded that the Assessor does not deal with the zoning, they deal with the use. The use isn't being changed, just the zoning. Andy Bath said he believes the Land Use Code and the Zoning Code should be listed on the same page of the website. That way it is crystal clear. There is no miscommunication. Brad Christiansen then offered the Board an example. Because of the City and County Ordinances, Mobile Homes can now be placed into a residential area (an R Zone). If you go to the Assessor's website and look that up, it is not going to say it is a single family dwelling or a house, it's going to say it is a Manufactured Home, and whether it's been converted to Real Property, that's how it will save it. Andy Bath said he understood that, but if he were to buy property, he would want to go to the website and see both the Use Code and the Zoning. Carol McKenzie asked if a cross reference could be done in that kind of a system. Burton replied no. They would love to do that, this would be a goal for them to have all of these things, now that he has a new computer system. It is just a manpower thing to put this in for over 9,000 properties. Jason Bath stated that he doesn't feel anyone there is questioning that. These things are brought to light so they can plan on it as a long term goal. Burton stated that it is and has been on their list of projects. They are continually trying to improve what they do. If they wanted to do like he mentioned on the County stuff, he has a layer for zoning. They have the initial on it, but it does not include all of the properties outside of the City limits. It has a lot, but needs to be updated. Again, it's the manpower on GIS. He has 4 people, and the County is looking at cutting one of them. They are the only county in the State that does their GIS in-house. The other Counties either contract it out or have they have somebody in which that is their job for the County is to do GIS. It is a tough situation. They will get there, he just can say when. Carol McKenzie asked if they were to start working on organizing the things that they know they are going to have to look at, update, and work with whoever they need to work with, maybe work with Burton on some situations, that would help him as well as help the Board get the whole County straightened out where the zoning regulations are. Burton stated that it's a data entry thing. It is not a hard-thinking job. A

solution would be to hire someone between him, the Board and Brad Christiansen, maybe seasonal help, and that person could work between the offices. He could get them set up to enter the information in on the parcels. Leah Brown stated that there should be a way without having them side by side to do an external link. Burton responded that none of the zoning data is electronic. It's all on paper. Our County is big enough that we need certain things, but small enough that we can't afford them. It could be something that if they get their priorities done in his office, they could start taking those bites to work toward getting it going. Carol McKenzie asked that if the Board could set up a time for one extra meeting a month, that is a working meeting only, could they get moving on this type of thing that would help them as well as help Burton, Brad or whomever to get all of this straightened out as they go along. John Charchalis asked if these had to be termed as a public meeting. Carol McKenzie responded that it would still be public. DDA Bryan Pyle stated that he is hearing from the Assessor that the code that he uses is dependent on the type of structure that is there, regardless of who allowed that structure to be there even though it wasn't zoned for that. The zoning part is up to the RPC Board and the individual governing bodies (City or County) to fix those zoning situations, whether it is actually putting "grandfathered in" in the code itself and just slam the door on that, i.e. it's commercial except for these 5 buildings. That way when someone goes to get financing or a Title Report, it is clear to those companies that the house is supposed to be there and can be there, and nothing is going to change. Burton stated that the Building Department and Assessor's Office can work out and present to you. He also has an aerial photography program that they use that if the Board is interested in, he could set it up and show them how to use it. It may be beneficial for their work.

D. Discussion/For Possible Action: Of Recommendation from the Commission to White Pine County on modifying the zoning codes to allow for the building of a Single Family Dwelling/Tiny Houses on White Pine County lots that are designated 25' x 100'. Member Brad Simpson.

Brad Simpson stated that this would be discussion only for now. The issue is that there are not a lot of homes for sale. There are a lot of small lots that are available. They are in the City and some are outside of the City, if they had access to the power, water and sewer. Tiny homes are becoming quite a big issue in large metropolitan areas for allowing people to get into homes, and we have a severe need. He is not sure of any issues that Brad Christiansen or DDA Pyle may bring up, but if it could be done to allow for these homes to be built on permanent foundations, not park model type of homes. DDA Pyle told the Board that they could approve a recommendation, which would be in the form of a letter or an email to the County Commission, getting this issue before the County Commission and getting them to change their law. He would like to hear from the Board what particular zone this Commission would like to have changed to allow homes of a smaller size on. Brad Simpson asked that the item be tabled for now until he can get more information from Brad Christiansen on the Code uses in the City and the County. Carol McKenzie commented that there are quite a few lots on Mill Street that are that size, and they actually do have homes on them now that have been there for some time. She had a house next to her at one time that was on cement, approximately 14' by 60', and on a narrow piece of land. It worked very well, and she had wondered why the City would not allow that type of home. She feels logic

needs to be a big part of what they do, in looking at the needs and what can be accomplished. Brad Simpson commented that architecturally, there are some really nice tiny homes that would accommodate this community, which could either be built stand alone or on top of a garage to keep parking adequate. Leah Brown stated that there should be a code for Tiny Homes and not sure if that exists or not. Brad Simpson replied that they do in other communities. Jason Bath said that his biggest question was do we have codes in this community that would fit into this. Brad Christiansen stated that the City and County have adopted the International Residential Codes, they do have Codes that will give the minimum sizes, and they are quite small. They are less than 500 square feet. The problem that they will run into will be with the Setbacks and the Fire Rating. It is not going to be the size of the house, it is going to be where it sits on the lot in relation to the house next to it. His recommendation is to change the setbacks from the front and the rear, as it is now 25' in the back and 20' in the front, which would allow for the building of a "shotgun" home, long and skinny. Brad Simpson will look into it further and work with Brad Christiansen on what codes need to be looked at and changed.

E. Discussion/For Possible Action: Approval of minutes from Regional Planning Commission meeting held on April 15th, 2020

Carol McKenzie pointed out some corrections that needed to be made. Jason Bath motioned to approve the minutes with the correction that Carol McKenzie made. A second to the motion was given by Leah Brown. The vote was called for and passed unanimously, 6-0.

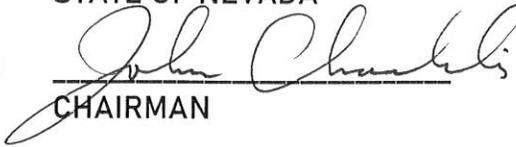
Public Comment

George Chachas first addressed zoning issues, in particularly where Brad Simpson's office sits, which has been changed back and forth from residential to commercial. In regards to the animals out on Fairview Lane, Animal Control has not issued even one citation. He feels this is discrimination. He commented on Carol McKenzie's sidewalk in Lund, stating that it is not ADA Compliant. Carol McKenzie commented that it was approved by both the County Commission and the Building Inspector. George then addresses the offensive signs at the north end of Aultman near the junk yard. He doesn't feel money should be spent on having someone coming in to tell us how to clean up the town, but on the roads and pot holes instead. Time was called at 3 minutes.

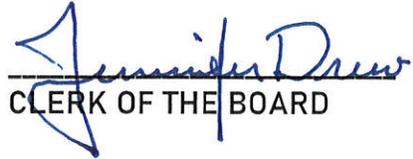
Adjournment

Motion to adjourn was made by Brad Simpson, and seconded by Carol McKenzie. The vote was called for and passed 6-0. The meeting was adjourned at 6:59 p.m.

REGIONAL PLANNING COMMISSION
WHITE PINE COUNTY
STATE OF NEVADA

BY: 
CHAIRMAN

ATTEST:


CLERK OF THE BOARD