

IN A REGULAR MEETING OF THE REGIONAL PLANNING COMMISSION HELD ON  
AUGUST 19, 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, Clerk of the Board

City and County Officials

Bryan Pyle-Deputy District Attorney

Also Present

Jenny Hamilton  
Maureen Otzelberger  
Buzz Rosevear

Chairman John Charchalis called the meeting to order at 5:32 p.m. and Andy Bath led the Pledge of Allegiance.

Public Comment

George Chachas complained that he did not get an agenda mailed to him. He commented on Carol McKenzie's sidewalk in Lund, stating that it is not ADA Compliant. He then stated that the Carson's put modular homes in their trailer park, which he says code does not allow. He stated that he was not allowed to put a modular on his property. George then said that the Planning Commission and City of Ely have yet to address the code violations by members of the Planning Commission, City Council and County Commission. He said they need to comply by the codes that have been adopted or resign. George then stated that the Curaleaf sidewalk on 10<sup>th</sup> Street are not ADA compliant and are blocked with rocks, boulders, and shrubs. He then commented about horses being within the City limits, which is against City Code. George then referred to Ian Bullis's office which has no sidewalk and the sign is impeding traffic. He then reminded the Board that the new convention center parking lot is not ADA Compliant. The center walkway has not been put back in to keep pedestrians off the street, especially those in wheel chairs. On the ingress/egress on Avenue D and Highway 93, the concrete triangle needs to come out. The stop sign has been ran over multiple times, and the boulder next to the sidewalk has been pushed on and off several time.

Time was called at 3 minutes

- A. Discussion/For Possible Action: Approval of application for Home Occupation Agreement by Jenny Hamilton dba Therapeutic Massage and Bodywork.

Jenny Hamilton stated that she is asking to do therapeutic massage out of her home, and is hoping to give people some mental health and pain relief. Andy Bath remarked that she had

been doing some work here in Ely, and she confirmed that she had. The massage therapist that she had been working with in Ely decided to retire, and she decided it wasn't worth it to drive 60 miles to Ely to only work one day, as she lives in Baker. Andy Bath asked her about parking at her house and if there was sufficient parking. She replied that there was, and that there would be no noise, and also that it was all strictly professional. Andy Bath moved to approve the agenda item, with Leah Brown giving a second to the motion. The vote was called for and approved unanimously, 6-0.

**B. Discussion/For Possible Action: Approval of Parcel Map and division of parcel.** The applicant is Jo Ellen Horton. The subject property is ¼ Section SE, Section 11, Township 16N, Range 63E. The location of the property is APN 010-460-51, 351 East Fairview Lane, Ely, Nevada. The purpose is to divide the parcel for Estate purposes.

Buzz Rosevear stated that he was the Surveyor of Record for this parcel map. As the application said, this is for Estate purposes, and the applicant is getting ready to liquidate her property. She has a buyer for the southern 2 ½ acres of the property. Jason Bath asked if the access was on the south-east side of the property. Buzz replied that it was on the east side of the property with a 25 foot private access, which is in line with the other parcels in the area. Andy Bath inquired as to what the zoning was on the property. Buzz replies that it was R-A-2.5. Jason Bath addressed that on the Finding of Facts it was recommended that a culvert be put in to establish drainage for that access road, and asked if that was going to be a problem for them. Buzz replied that he did not believe that it would, and that it would come up at the time that they were building the approach. He didn't believe that it would have any hindrance on the parcel map itself, as when they go to start construction, they would have to get a right-of-way permit. Jason Bath clarified with Buzz that this parcel would not share a septic system with the new parcel. Buzz stated that the new parcel would have its own well and septic. Brad Simpson made a motion to approve the Parcel Map, and Carol McKenzie gave a second. Brad Christiansen asked that they include the request for the culvert to be added into their motion. Brad Simpson amended his motion to include recommendation of the culvert, and Carol amended her second as well. The vote was called for and passed unanimously, 6-0.

**C. Discussion Only: Regarding Building Codes within the City of Ely and White Pine County.**

Attorney Pyle said he had been approached by various people about revisiting the Building Codes, and that Eureka didn't have Building Codes, as well as some other Counties. He just negates the feedback. He stated that since he reviews the agenda before it comes out, he thought it would be good to put it on this agenda, as this body is going to be the one recommending any changes to Ely and White Pine County in regards to the Building Codes and their adoption, so why not get it started and have it as an on-going item on the agenda. He commented that he does not know enough about the Building Codes, or even hear enough feedback from the people. He just hears individual complaints from certain people about how restrictive it is. He would like to see people with expertise in building and our Building Official weigh in on this stuff so we can either say the codes are fine, they're not that restrictive, and that the cases that we are hearing about are individualized things and most

people work around them. Or, we take another approach and excise some of it, all of it, or none of it.. He thinks it is a good idea to just have it as an ongoing item. Jason Bath agreed and stated that they had agreed as a Board when the Board started, to try to encourage more building. They hear people saying that they were unable to build something because of the Building Code, but they don't have to worry about it in another parts of the state. He states that he is not educated enough on the Building Codes to understand those issues. So, he would love to get a group of the contractors together and listen to the issues to see if there is something that really is an issue and if there is a way to work around it to make it easier for people to come in and make it more attractive and more marketable for them to build here. Leah Brown agreed. Carol McKenzie stated that she has a grandson in Eureka where they have no restrictions and can do whatever they want to do. She does not think she would agree as to going that far. She thinks they really need to look at it and do what is best for the majority of the people. Brad Simpson said that he had looked into it and found that there were 3 Counties in the State that do not adhere to the International Building Codes. The 3 that don't have minimal population. So there is a difference there between a City like Ely, Clark County, Reno, and some of our outlying areas that really don't have a lot of construction or building going on anyway, and agrees with Carol and the Attorney. It is his understanding that it could be codes or zoning that are issues and restrict us. Other Realtors come to him before the meetings and ask if certain things are going to be brought up, as they are all trying to get more construction in White Pine County and build the economy. Jason Bath said that it is another key point in bringing in the Realtors and see what issues they have been having, and bring in as many key people as possible to try and solve this as a team and encourage more building. He knows of 5-6 people at the hospital that are ready to build, but cannot get the Contractors in here to do that. The ones that are here are already busy. They are not wanting modular homes, but stick-built homes. He would love to find a way to make it more attractive for these other contractors to come here. Carol McKenzie commented that there are a lot of people that come here looking for jobs, but it is hard for them when there is no place to put their families. Jason Bath commented that they had touched on this at the last meeting with the Honor Camp closing, and with Ely State Prison being down about 90 staff members. Granted there are other issues with the State, it is not all because of the housing. But, there are a lot of issues that are simply housing issues. We cannot provide homes that these people want to live in. Brad Simpson stated that there is a lot of land for sale, but people coming from a large city don't understand water, power and septic have to be added to a lot of our vacant lots. So we need to rehab houses here in town and get builders to come in. Leah Brown asked if there were certain codes in the IBC that people have complained about, as she had heard that there were a lot of restrictions, and part of the reason why we don't get builders coming in. Brad stated that he didn't know if the restrictions were as prominent in that reasoning as is the economy and bringing a crew in to build, and having a place for them to live. It is not the codes, it is that we are isolated. Jason stated that there were many people moving from the larger cities to smaller places like Ely. He thinks we will see a housing bubble like we did years ago. He thinks we need to revisit this and invite the Contractors, and whoever else may have a stake in the game as far as bringing in new housing. Brad Simpson commented that everyone has a stake in the game, the City and the County tax-wise have a stake in it. He would be happy to meet with the Attorney and Brad to talk about what kind of agreements they can come up with to present to the Commission. Attorney Pyle said however they want to do it. He needs more

information, and that there is a lot of information to go through. They may decide it is an economic issue, or something else. Carol McKenzie asked if they could take a couple of items from his list at a time for the agenda, everyone research them, and bring their information back to the meeting. Brad Christiansen stated that what everyone is talking about here is not a code issue, but is a housing shortage, which has gone on here for a long, long time. The discussion has always been that they don't want to come in and build. His thinking on that is that there are not a lot of restrictions on size here. You can build a home that is around 400 square feet. We don't have restrictions on the sizes of homes, so it's not that. It is about what you can build at a price they are going to want to pay. That is where he thinks the problem is at. The building codes are the building codes. They are the same everywhere you go. They are not going to get any more basic than what you have right now. They can get more restrictive, but this, what we have now, is the bottom. Jason Bath stated that he thinks the biggest thing is to put those things to rest. Bringing those people together and ironing this out and pointing out that there is not much we can do unless we completely change our building codes. Brad Christiansen stated that the Contractors that build houses know that. They know that they do not have to build 2,000 square foot houses, or even 1,000 square foot houses. It's what is going to be economically feasible for them to do. It's whatever they can build and still make money on. He agrees with Brad Simpson in that the difficulty is bringing people from out of town to come in and build 1 or 2 homes, it's not worth it to them. That is why the County sold that land, it was 3 or 4 of them, and it was to invite people in to build something. It's kind of testing the waters. Attorney Pyle stated that he had spoken to Brad Christiansen about this earlier, and his general position on this is that the code is ok, but he just wanted to run this up the flagpole as he had been hearing a lot of grumbling. This is a public meeting and a public board. You make recommendations and decisions that affect the zoning, and hopefully the population increase of the area. So, see if there are true issues that we can address, because it's not illegal for us to not have a code, it's not illegal for us to have half of the IBC. It may not be recommended and we may never go there because we are not willing to jeopardize safety or something else, or maybe the aesthetics of the area. Brad Christiansen remarked that if you look at other Counties, like Nye County where Pahrump is, a portion of the County has Building Codes and a portion of it doesn't. Pahrump didn't have Building Codes but were forced to have them. When they were given their ISO report, they were at a 9. Then they started putting hotels in. You have to have Building Codes with hotels or they wouldn't be allowed to build. That is the kind of stuff you need to look at. Eureka doesn't have Building Codes, but they do if they put in a manufactured home because the State is involved. So, to say you would want to get rid of all of the Building Codes, it's really not a good idea. Jason Bath stated that he would never suggest anything like that. His thing is that you hear people say that it is tough to build a house here. He needs them to come together and tell him why that is happening before we can address those issues and say no, that's really not the issue. Brad Christiansen replied that it is actually very easy to build a house here, by comparison. If you were to build somewhere like Clark County, it could take you over a year to get a permit. A lot of the stuff here we can do within two weeks. He also advised them that the City took the R-2-50 zone and made it to where they could build on a 25 foot lot. They typically have to be a 5,000 square foot lot. That is where you get those "shot gun" homes. They did that so that maybe people would buy some of these lots that are in the City and maybe don't have 5,000 square feet, and still be able to build something on there. A lot of them still have water, power, and

sewer on them. That is a big cost right there. When it comes to Will-Serves, he has been told by many Contractors from out of town that the City's Will-Serve fees are not even close to what they should be. Jason Bath stated we all know how hard it is to get a construction loan. He would love to see a developer come in and build a house, then sell it to a person, as that loan is a lot easier to get than a construction loan. Ultimately, he'd love to see a developer come in here for something like a track house area. He feels that would be the most marketable idea, along with being able to build the smaller homes for those who don't need a larger home. He questions how they can make it more marketable for them to come in here and do that, as there are people out there in need of these things, but we just can't get that one developer to come in and do that, other than what they did down below Sixteenth Street. He'd like to see that on a much larger scale. Brad Christiansen stated that project was going to start moving along. He did some research on the Tiny Homes, and the reason people buy these Tiny Homes is because they don't want to buy an RV. Tiny Homes do not meet the Building Codes. People buy them to get around the Building Codes. To allow them to come in to the City of Ely, it would be like saying we are doing away with the Building Codes. Those have to be registered with the DMV. Brad Simpson commented that he understands there are park model homes like that, but that there are communities that build, and developers that have built, Tiny Homes to meet code. Brad Christiansen replied that usually what they do is set them up like a trailer park. Then you have that one area where you can put Tiny Homes. They are isolated to one area because of what they are. They are an RV. Carol McKenzie stated that the homes that are on Mill and Murry Street that are on lots that are only 25 feet wide by 100 feet long, are like the Tiny Homes, but built to code. Brad Simpson stated that is what he would like to see. If someone would come in and build 3 or 4 of them, he could sell them easily. John Charchalis remarked that they would be looking at doing something like a Tiny Home Community area. Brad Simpson responded that they have done that in areas like Reno and Carson City. There might be areas here that could be developed like that. But, we also have lots in our area where Tiny Homes could be built to code.

**D. Discussion/For Possible Action: Approval of minutes from Regional Planning Commission meeting held on July 15<sup>th</sup>, 2020.**

Andy Bath pointed out one minor correction on page 3 of the minutes. The correction was noted. Andy then made a motion to accept the minutes with the correction. Carol McKenzie gave a second to the motion. The vote was called for and passed unanimously, 6-0

**Public Comment**

George Chachas stated that they need to start using a sound system, as some people talk softly and people can't hear. He expressed concerns about the codes and environmental hazards. He commented that the problem was not with the codes, but with the Inspector. He stated that he has 2,500 foot lots cannot be used, and that the 5,000 foot rule was put in at a much earlier date when the community was growing. You can't make a person's property worthless and he claims this is what was done to him. He again addressed the

concerns he has about Avenue D, stating that it should be much wider, and the curb that was put in should be "L" shaped and 18 inches wide, as well as 5 feet from the property line, not 11. The stop sign continues to be knocked down, and the boulder pushed out. He then stated that the Board has yet to address the offensive signs located at the junk yard north of the Holiday Inn. He then stated that permits should be obtained at the time building.

**Adjournment**

Motion to adjourn was made by Carol McKenzie, and seconded by Jason Bath. The vote was called for and passed 6-0. The meeting was adjourned at 6:15 p.m.

REGIONAL PLANNING COMMISSION  
WHITE PINE COUNTY  
STATE OF NEVADA

BY:

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
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CLERK OF THE BOARD