

IN A REGULAR MEETING OF THE REGIONAL PLANNING COMMISSION HELD ON  
FEBRUARY 17, 2021 IN THE COUNTY LIBRARY CONFERENCE ROOM, ELY, NEVADA

**The Following Were Present:**

**City and County Officials**

**WPC Attorney McKinzie Hilton**

**WPC Commissioner Laurie Carson**

**Also Present**

**Cody Odgers**

**George Chachas**

**Buzz Rosevear**

**Cole Burdick**

**Ashlyn Huntington**

**Regional Planning Commission**

**John Charchalis-Chairman**

**Jason Bath-Vice Chairman**

**Andy Bath**

**Leah Brown**

**Carol McKenzie**

**Brad Simpson**

**Jennifer Drew, Clerk of the Board**

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

**Public Comment**

**George Chachas stated that he was disappointed that there was still no sound system being used, and that the County has one. They need to take care of those who have difficulty hearing. Curb and Gutter requirements are not being followed and are selectively being enforced under the color of law. He commented on Carol McKenzie's sidewalk in Lund, stating that it is not ADA Compliant, yet the LDS Church down the street is. George Chachas 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 stated that the City and County cannot continue selectively enforcing the law. They need to comply with the codes that they have adopted. They also have to be compliant with Federal Law, in particular the Age Discrimination Act of 1975, the American Disability Act of 1990, and the Civil Rights Act of 1964 Title 6. He stated that Jim Alworth (Got Water) on Avenue I has no Home Occupation Permit or Special Use Permit. The same situation applies to one of the City Councilmen. The Convention Center Parking lot needs to be ADA compliant and he stated that it is not.**

**Time was called at 3 minutes.**

- A. Discussion/For Possible Action: Approval of an Application for a Home Occupation Agreement. The applicant is Cole Burdick dba North Schell Arc Service.**

**Cole Burdick stated that he had to apply for a Home Occupation Permit because he basically needed it for a mailing address for his State and City Business License. He is not going to be conducting any business at his house. He has a mobile welding rig, so he is welding off of his truck. There will be no public traffic in or out of his house that is related to his business. All business will be conducted on the job site of where he is working. Jason Bath asked if there would be hazardous chemicals stored at his house. Cole replied that he only has some gas**

cylinders, oxygen, acetylene, argon and CO2 mixed, all of which will be stored on his truck. Jason remarked that they would likely be smaller bottles stored on the truck. Cole agreed. Jason Bath made a motion to approve and Brad Simpson gave a second to the motion. The vote was called for and passed unanimously, 6-0.

- B. Discussion/For Possible Action: Approval of a Parcel Map to merge and re-subdivide the parcels. The subject property is ¼ Section NE, Section 14, Township 16N, Range 63E. The general location of the property is 302 Rodeo Drive, APN 010-460-30, Ely, Nevada. The purpose is to divide the parcel. The applicants are Kevin D and Patricia Warren.

Buzz Rosevear, Surveyor of Record, stated that the purpose of this parcel map is to create two more building lots. The owners are selling to a contractor that has plans to build one or two houses there, then build a couple of others up the road, but he still has to get a zoning change on those. These parcels meet the zoning requirement for acreage. Jason Bath confirmed with Buzz that this property is north of the railroad tracks. John Charchalis inquired as to whether it was actually Rodeo Lane or Rodeo Drive, as Maps has it listed as Rodeo Lane. Buzz stated that he has seen it listed as both, but has it as Rodeo Drive on this application. Jason asked if they would be on separate wells. Buzz stated that they were large enough lots that it would probably be allowed for each to have their own well and septic. Leah Brown moved to approve the item, and Jason Bath provided a second to the motion. The vote was called for and passed, 6-0.

- C. Discussion/For Possible Action: Approval of a Parcel Map to divide the parcel. The subject property is ¼ Section, Section 28, 33 & 34, Township 12N, Range 70E. The general location of the property is 500 Hidden Canyon Parkway, APN 012-540-01, in Baker, Nevada. The applicant is Walden Properties Joint Venture.

On this Parcel Map, the Crouch's are splitting out a second parcel, creating a 5 acre parcel for their son to build a house on. He has been going through the issues with the Building Department, and getting his septic lined out. His water will come from an existing system out there, which is a Quasi municipal system, which gets inspected quarterly. He stated that it also has a direct access off of the right-of-way, so there were no access issues. John Charchalis asked about culvert drainage, referring to the Finding of Facts comment from the Road Department. Buzz stated that where their access point is coming off of that road, they are actually constructing a bridge over that now. He remarked that the statement is a blanket statement from the Road Department, as anytime a road is created off of a County Road, they like to see a culvert put in. But, they are putting in a bridge over the creek, instead, as the creek is right off of the County Road. Brad made a motion to accept the parcel map. A second to the motion was given by Carol McKenzie. The vote was called for and passed unanimously, 6-0.

- D. Discussion/For Possible Action: Approval of a Parcel Map to divide the parcel. The subject property is ¼ Section SW16 NW21, Section 16 & 21, Township 12N, Range 62E. The general location of the property is 150 West 12<sup>th</sup> North Street, APN 013-053-02, in Lund, Nevada. The applicant is Rosevear, Thomas E. Trust.

Buzz stated that Parcel # 1 has a residence on it. The purpose of the parcel map is to separate the house from the agricultural land. No other development is anticipated. Jason asked again about the note referring to the culvert. Buzz stated that the residence has been there for a long time, and already established. Brad Simpson moved to accept the Parcel Map, and Leah provided a second to the motion. The vote was called for and passed unanimously, 6-0.

- E. Discussion/For Possible Action: Approval of a Conditional Special Use Permit Application. The Applicant, White Pine Water Power, LLC, desires to develop the White Pine Pumped Storage Project, a closed-loop pumped hydroelectric energy storage facility and associated transmission line on the property. The property location is approximately 5 miles northeast of Ely, APN 010-300-33. A more detailed property description is included on the application.

Attorney Hilton addressed the Board and stated that this item was a bit premature, as they need to have the signature of a BLM representative on the application. She suggested that the item be tabled, and that someone should make a motion to do so. Brad Simpson asked about the County Commission acting on this item before the RPC Board has a chance to act on it, as every Board Member has many questions and concerns about the project. Attorney Hilton did not believe so, as the BLM would have to sign the application before any action could be taken on it. Jason Bath made a motion to table the item. Leah Brown provided a second for the motion. The vote was called for and passed unanimously, 6-0.

- F. Discussion/For Possible Action: Approval of Recommendation to the White Pine County Commission on a Petition for Vacation or Abandonment of Road or Easement. The property that the Petitioner would like abandoned borders APN 005-117-04 and is described as a 20 foot strip along the southerly boundary line of Lot 12, Block 14, of Elko Street, and a 10 foot strip along the westerly boundary line of Lots 10, 11, and 12, Block 14 of Saval Avenue, of the Baker Townsite, Baker, NV. The Petitioner is Adrienne I Joy.

Buzz stated that he believed they had satisfied the information that was requested of them with pictures, maps, etc. Clerk Jennifer Drew noted that a map and letter from the Baker Water and Sewer GID stating that there was no issue on their behalf, was handed out to all the Board Members, Council, and copies were available for the public. Leah Brown brought up that at the last meeting the main question was what the width of Saval Street would be if they were to grant the 10 foot abandonment. Buzz replied that there was a map in their packets that showed what the impact would be. They are asking for 10 feet, so the remaining road would be 40 feet wide. Jason stated that in this case, even though they don't want to create a jog in the road, a house was built upon this part of the property long ago, and the only logical thing to do is to approve it. Especially with all of the documentation that has been provided for it. Leah questioned whether they were going to approve all of that block of Saval Avenue. It was stated that they could not do that, as they could only act on what was presented to them. If the other owners on the block wanted to

do the same, they would have to submit an application as well. Jennifer Drew stated that she had spoken with the Building Official, who stated that this was not something they could do, as they cannot speak for the neighboring people on the block. They may not want that extra property, as it increases their taxes. Also, that if the other property owners wanted an abandonment that they would have to apply for it. Buzz stated that he looked up on the Assessor's site that this fence was built in 1920, so it has been encroaching into the right-of-way for over 100 years. Jennifer Drew stated that there was also additional information from the Assessor's Office added to their packets that showed the house was built in 1920, and that the addition was also showing built in 1920, even though that was obviously incorrect. They stated that this addition had been on their tax rolls since the 1960's. The home was purchased by Adrienne Joy in 1991. Jason commented that he was satisfied with knowing it won't affect the utilities, and this was a very unfortunate circumstance. But, this is the way things were built long ago. Jason Bath made a motion to approve the Abandonment, and seconded by Leah Brown. The vote was called for and passed unanimously, 6-0.

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

John Charchalis questioned whether there had been any input on the construction of Tiny Homes and the Building Codes. Brad Simpson replied that there had not been yet, and that it is hard to get contractors that want to come in and build here. It will be addressed if he gets someone that wants to buy property and put Tiny Homes on it. He will bring it to the Planning Commission then, so that they understand the issues, and also work with the Building Official to do what is necessary for them to pass inspection.

**H. Discussion/For Possible Action: Approval of minutes from Regional Planning Commission meeting held on January 20, 2021**

Carol McKenzie made a motion to approve the minutes with one correction on page three. A second to the motion was given by Jason Bath. The vote was called for and passed, 6-0

**Public Comment**

Laurie Carson commented that the Board is a fairly new Board and has not had a lot of experience yet. With that being said, when a Conditional Special Use Permit comes across, under certain circumstances you can sometimes request to have certain conditions as part of your Special Use Permit. The County Commission has done that in the past, whether it be road agreements, development agreements with the County, and that type of stuff. When they had NV Energy come through here, one of the conditions that they had was to have them have a road agreement with the County, in case anything detrimental happened. That way if something happened, it would be their responsibility to fix it. She commented that this was even kind of a new deal for her, because FERC (Federal Energy Regulation Commission) is the one that is heading this up, not BLM. BLM will be a cooperating agency and will be doing their part as far as an EA. Back in September, they had the first meeting as to the FIRC requirements, and comments about what the concerns of the

Commission were, so they should be following that also. Another thing that was normally done in the past was that when these approvals go through and there are conditions that are put on the Finding of Facts, you can make a motion to approve whatever that request is, with the recommendations of the Road Department or whoever. That insures that 5 years from now, if something doesn't happen or comes back before this Board, then it is in Black and White as to what they had approved. So, it would be not just that they approved the parcel, but also the recommended conditions that went along with the Finding of Facts. That is what those facts are there for.

George Chachas stated that on Agenda Item B, they did not state what the size of the lots are. He is within 300 feet of that property and he wants to know. County Code is a minimum of 2.5 acres. If they are not going to stick to that, then they need to change it for everyone. He has been coming to the meetings for years and does not like that they are circumventing the law, when others before them turned other people in this community down, which he feels is part of the reason it has the housing problem that it does. We either have rules or regulations or we don't. On the Pump Storage Station, the Board needs to remember that they are on the clock. Once they apply, they deserve an answer within a given period of time. That pertains to everybody. He remarked that the Joy's started in November, and here we are in February. George then stated that the Curaleaf sidewalk on 10<sup>th</sup> Street is not ADA compliant and is blocked with rocks, boulders, and shrubs. George claimed Keith Carson is renting a space for an RV in his trailer park on Orson Avenue. He has not seen anything regarding a special use permit, which is required. He also does not know if that individual is working in construction, which is also required. He again reported that there are numerous RV's or possible squatters that were setting up throughout the City, and wondered if any had been issued permits, or were being billed for water and sewer.

Time was called at 3 minute.

Leah Brown responded to George that there is a process to go through that is not through this Commission, such as writing letters to the City. If he really wants to see result, he needs to follow those guidelines.

Adjournment

Motion to adjourn was made by Jason Bath, and seconded by Brad Simpson.

The vote was called for and passed, 6-0. The meeting was adjourned at 6:18 p.m.

REGIONAL PLANNING COMMISSION  
WHITE PINE COUNTY  
STATE OF NEVADA

BY:

  
CHAIRMAN

ATTEST:

  
CLERK OF THE BOARD