

**EUREKA COUNTY BOARD OF COMMISSIONERS
MASTER PLAN MEETING
February 17, 2010**

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on February 17, 2010, for a joint meeting with the Eureka County Planning Commission. Present were Chairman Leonard Fiorenzi, Vice Chair Jim Ithurralde, Member Mike Page, District Attorney Theodore Beutel, and Clerk & Treasurer Jackie Berg. Present for the Planning Commission were Chairperson Ellen Rand, members Ron Rankin, Cecil Wright, Beverly Conley, Maxine Rebaleati, Philip Brown, and Tony Rowley; and Administrative Assistant Vera Baumann. The meeting was called to order at 9:32 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Ithurralde motioned to approve the agenda as posted; Commissioner Page seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Fiorenzi called for public comments. There were none.

EUREKA COUNTY MASTER PLAN

Review of Elements: The County Commissioners and Planning Commission reviewed the updated and revised elements of the Eureka County Master Plan. Both boards previously reviewed the updated version of the plan and had recommended additional revisions to the contractors. Discussion was had on: the lack of public input for the plan revision; lack of zoning; future development; general land use; minimum zoning regulations; and enforcement of potential regulations. Ted Beutel, District Attorney, explained the role of Nevada Revised Statutes (NRS) in zoning for counties and how enforcement is carried out by a county. The County Commissioners indicated that they would not support zoning.

Changes, Amendments, Additions, and/or Deletions to Elements: Chairman Fiorenzi explained that a portion of Element 3 describing adequate public facilities expresses that the County “will” require that services and facilities needed to serve new developments be in place. After discussion, Commissioner Page made a motion to remove the sentence “Eureka County will require that the services and facilities needed to serve the new development be put in place depending on the nature of the public service and facility” from section 3-5; Chairman Fiorenzi seconded the motion; motion carried 2-1, with Commissioner Ithurralde voting against the motion. Along with the deletion of the sentence, section 3-5 will be reworded.

Under section 3-7, discussion was had on policy 4.3 which stated “a developer shall be required to dedicate the County water rights.” Currently, a developer is required to dedicate two acre feet of water for each newly created parcel to the County, and the County must file proofs of extension and proofs of beneficial use annually. The State Water Engineer also has the authority to hold those water rights until the County chooses to use the rights. Commissioner Ithurralde made a motion to add County/State to policy 4.3; Commissioner Page seconded the motion; motion carried 3-0. Under goal 6.0, discussion was had on policy 6.1 regarding development agreements and standard provisions. Mr. Beutel explained that the County did not

have an ordinance addressing development agreements, but NRS Chapter 278 grants the authority to create agreements.

The boards discussed reducing demand by reducing consumption regarding transportation, recycling solid waste, and water conservation. Previously, the boards agreed to add an increase in minimum lot size when wells and septic tanks are installed. Chairman Fiorenzi questioned whether ordinance changes needed to be made to support the County Master Plan. Mr. Beutel explained that regulatory changes or additions can be addressed by ordinance. Other goals that may be addressed by ordinance changes were also discussed such as levels of service and townsite expansion.

Under policy 8.4, discussion was had on evaluating potential capital projects according to an established set of criteria. Currently, there is a specific criterion set for roads. Ron Damele, Public Works Director, noted that the County Commission set a goal to complete currently planned infrastructure projects before engaging in other infrastructure projects. Under policy 23.7, discussion was had on the support of future development of the Fairgrounds and associated projects including an indoor arena. The possibility of an indoor arena was previously deleted, though public interest had been shown in an indoor arena in the future. The item was again removed from the Master Plan revision.

The Natural Resources section was addressed and discussion was had on using the term livestock versus domestic animals. The boards agreed to use the term livestock. Under 6.2.3, the boards discussed the statement "Eureka County opposes the practice of federal agencies demanding a portion of water rights for either above ground or underground sources that are held as private property and will protest or object to any attempt by federal agencies to obtain ownership of water rights currently owned privately," and the legal ramifications implied by the statement. Commissioner Ithurralde made a motion to change the word "will" to "may." Commissioner Page seconded the motion. Motion carried 3-0.

Discussion was had on goal 20.0 regarding bicycle traffic and routes along Highway 50, Interstate 80, and within the County. The language indicated that the County "may" support such trails which may be implemented by the Nevada Department of Transportation in the future.

Jake Tibbitts, Natural Resources Manager, suggested that goals be added to the Water Resources Element of the Master Plan. The suggested additions included: (#4) to continue the study of water resources within Eureka County, both quantity and quality, using non-biased protocols and procedures; (#5) expand and develop a water resources plan that takes into account existing and current conditions, analyzes various scenarios, outlines and analyzes different management alternatives, including the status quo or no action alternative; and (#6) pursue a funding mechanism for (1) continued water resources study, (2) water resources planning and management, and (3) mitigation of negatively affected water and water dependent resources. Commissioner Ithurralde made a motion to include the recommendation from the Natural Resources Manager to add goals 4, 5, and 6 to the Water Resources Element; Commissioner Page seconded the motion; motion carried 3-0.

Set Date and Time for Public Hearing: Floyd Rathbun and Jeannette Dahl, Master Plan Update contractors, agreed that a final draft would be available by March 8th. The discussed revisions to the Master Plan will be placed in final draft form for the public to review and will be available in the County Clerk's Office and in Crescent Valley. The Planning Commission agreed to hold a public hearing on the Master Plan Update on March 23rd at 7:00 p.m. in the Commissioners' meeting room at the County Courthouse. Commissioner Ithurralde made a motion to schedule a County Commissioners' public hearing for the Master Plan Update on April 6th at 7:00 p.m., also to be held in the Commissioners' meeting room; Commissioner Page seconded the motion; motion carried 3-0. Chairperson Rand added that changes from the public should be brought forward at the Planning Commission's public hearing on March 23rd in order to provide a finished product during the April 6th Commissioners' public hearing. The Master

Plan contractors indicated that notification would be mailed informing the public of the hearings. Lastly, discussion was had on the appropriate binding for the document.

PUBLIC COMMENT

Chairman Fiorenzi opened the floor to public comments and thanked everyone for the effort and time put forth for the Master Plan revision. Ms. Dahl thanked the County and involved individuals for support and cooperation with the project. There were no other public comments.

ADJOURNMENT

At 11:34 a.m., Commissioner Page made a motion to adjourn the meeting. Commissioner Ithurralde seconded the motion. Motion carried 3-0.

Approved this 5th day of March, 2010.

/s/ Leonard Fiorenzi
Leonard Fiorenzi, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk