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Recording requested By
DAVID PASTORINO

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$19.00 Page 1 of 6

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APN# _____

Recording Requested by:

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City/State/Zip Eureka, NV 89316

Miscellaneous, Minutes from Planning Board

(Title of Document)

**This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)**

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Eureka County Public Works

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October 3, 2006

Eureka County Planning Commission
P.O. Box 596
Eureka, NV 89316

Reference: Comments on David A. Pastorino Parcel Map

Dear Members of the Board,

I have reviewed the above referenced parcel map and submit the following comments for your consideration:

1. This parcel map is a subsequent division of the same parcel. Eureka County should consider imposing minimum subdivision standards on these parcels.
2. Developer should provide adequate municipal water supply and infrastructure, including fire hydrants and all appurtenance required for the water system. Also provide an adequate and safe sewer system. Design of water and sewer must be approved by Nevada State Health Department and Eureka County Public Works prior to installation.
3. Property drainage – Developer should be required to submit a drainage plan for each parcel and have the plan approved by the Planning Commission upon Public Works review.
4. Road/streets – Due to the increased population density associated with the subsequent parceling of this area, Ridgetop Road should be constructed in accordance with Title 8, Chapter 50 Section 050 – Street Design, specifically subsection (K) paving.

A large portion of land remains to be developed in this area. Therefore imposing minimum design standard would serve to benefit and safeguard the health, safety and welfare of future land owners in this area.

Please contact me with any questions.

Regards,



Ronald Damele
Public Works Director

**Eureka County Planning Commission
Minutes of the October 16, 2006 Meeting**

Call to Order: The meeting was called to order at 1:07 p.m.

Roll Call: Present: Maxine Rebaleati, Chair; members Cecil Wright, Jon Hutchings, Ellen Rand, Ron Rankin, Philip Brown. Absent: members Rex Collingwood & Hollon Moll. Also present: Ted Beutel, District Attorney and Garney Damele, secretary. Audience members present: Ramona Stine, Faye Morrison, Eric & David Pastorino, & Ron Damele, Public Works.

Approve Agenda: the agenda was approved as is

Minutes of the October 2, 2006 meeting: Ron Rankin noted that he should appear as present in the minutes for October 2, 2006. Cecil Wright made a motion to accept the minutes. It was seconded by Ron Rankin. All in Favor.

Public Comment: None

Correspondence: None

David Pastorino Parcel Map: David Pastorino appeared before the Board. He gave a brief explanation of what his map entails (three parcels) along with what improvements he plans to make to his parcel map.

Ron Damele noted that the map was technically correct. He also stated that the recommendations by the Public Works and also Lumos (County Engineer) have all been made.

Mr. Pastorino reported to the Board the planned improvements for his parcel:

- Sewer lines – 1,400' of mainline sewer, no cost estimate yet
- Fire hydrants that will fall into the 600' guidelines
- Water meters and hookups, as per State Fire Marshal requirements
- Easements and Right-A-Ways
- He showed the Board (on the map) where the electricity is tentatively scheduled, he reported a cost estimate for the power of \$20,000

Pastorino noted that the improvements planned for this parcel will be done under a licensed contractor.

Also noted was that he is dedicating (to the County) approximately 110,000 square feet of his property for easements and right-a-ways. He used a cost estimate of \$1.40 per developed foot to determine the total value estimate of his dedicated property at \$450,000.

Jon Hutchings asked whether or not this is a *subsequent parceling*? Both Ted Beutel and Mr. Pastorino agreed that it was. Referring to the County Code, Jon stated that the Board needs to then determine a) what is the policy and purpose of the title and b) is there harm to the policy and purpose. If there is harm, we should deny it and if there is there no harm we should consider approval (page 168 & 169 of County Code).

Jon reviewed the Code to determine what the policy and purpose of the title is. He noted that it states *it is declared to be a policy of the County to consider the division of land and subsequent development as subject to control of the County pursuant to the Master Plan*. He noted that a second parceling is set to higher standards than the first.

The DA noted that the Master Plan desires to have development in Town.

Maxine asked if Eric's development relies on the power and sewer from the development of this map. David stated that they could get around it. A brief discussion of curb and gutter requirements ensued. Maxine also noted that we (Board and/or County) have not required curb & gutter standards in the town site outside of Main Street.



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Subdivision standards were discussed. According to Code, as per Jon, it doesn't specify imposing curb and gutter. Ron Damele stated that Public Works is recommending minimum subdivision standards. He noted that maximum standards are what is in the Ruby Hill subdivision.

The D.A. noted that David has a right to file a subsequent parcel map. The law then permits you (Board) to impose the requirements reasonably necessary to protect the policies and purposes of the Code. You can impose sidewalks and gutters if that requirement is based on a rational reason.

The requirements, including the process of review, of a subdivision and a second parceling map were compared. The D.A. noted that with a subdivision map you would consider mandatory improvements and then take away some of those requirements versus a parcel map – specifically a second parceling – where you would (or can) impose additional requirements.

Ron Rankin asked whether or not the County has an adequate supply of water and sewer for these parcels. Ron Damele replied that the County's infrastructure is adequate and would have no problem supplying this area as long as they (Public Works) get stamped plans (approved plans) from an Engineer.

Mr. Rankin noted that he felt this was an obvious attempt to circumvent subdivision standards. He also stated that as long as we follow the recommendations of the Public Works, we would be in good conscience approving this map and would be imposing close to subdivision standards. Mr. Rankin believes that the outcome would likely be the same if the map before the Board was considered a second parceling or a subdivision.

The D.A. noted that normal practice (with the Board) is that they recognize it as a second – or subsequent - parcel map and then impose some form of subdivision requirements as a condition of approving the parcel map. He offered that you could reject this map and ask him to come back with a subdivision map.

Jon stressed that this Board should at least recommend – by motion – that we accept this map because it doesn't violate the intent to ... or belong under the subdivision ordinance. Unless we affirmatively ask these questions each time a subsequent parcel map comes before us, then the expectation is that we will sit here and negotiate (the terms), he said.

Public Works commented to the Board:

- a) should approve the parcel map
- b) should require street to be paved

Mr. Damele stated that this is an attempt to circumvent subdivision standards and the map shouldn't be accepted unless it is paved. He cautioned the Board that when other developers come before the Board with a parcel map it is likely that this Board would not spend nearly the same amount of time discussing an item – specifically paving. He noted that the County doesn't have to accept the road for maintenance until the paving is completed, if that is what the Board agrees to. He reminded the Board that the developer would be responsible for maintenance. He also stated that it is the buyers responsibility to understand that maintenance by the County will not occur until the developer has paved the road. Another suggestion was that the developer bond (the road).

Audience member Faye Morrison reminded the Board that improvements such as paving would increase the value of the lot; the seller could pass this expense to the buyer with a higher selling price. She stressed that we need to start considering what we want our town to look like in the future.

Jon Hutchings informed Mr. Pastorino that there is nothing that states (in provisions) that you have to invest money up front. You may want to gravel first, increase value, and sell them before you pave.

The D.A. cautioned the Board of the importance of having minutes and a collective memory of the outcome of the meeting. Public Works suggested filing an exhibit with the map - - possibly the minutes and the drainage plan.

According to the Public Works, the County (Public Works) does not have control over power; the water and sewer – utilities – are covered as long as Public Works receives a plan stamped by the Engineer first. As far as power goes,

Public Works is aware of whether or not electricity is available to the parcels, and in this case it is, according to Mr. Damele.

The possibility of one developer selling the project to another developer – Pastorino sells all of his parcels to another developer – was discussed. The D.A. cautioned the Board to be explicit with the requirements placed upon him to approve his map.

Jon Hutchings made a motion to accept the map with provisions. The motion will read as follows:

Move to accept this parcel map as a second parceling per Eureka County Ordinance 090.010 on the basis that the provisions of this motion result in development commensurate with the subdivision ordinance. The map is approved with the following stipulations:

- 1) *That the Ridgetop Road extension south from Archimedes Street to the southern boundary of parcel six will be paved to County specifications prior to acceptance by Eureka County for any maintenance.*
- 2) *That the provisions lined out in the letter (see attached) from Mr. Ron Damele, Public Works Director, Eureka County Public Works, to the Eureka County Planning Board, dated 10/03/2006, will be in place as part of the development and that letter together with the drainage plan and the minutes from today's meeting will be recorded with the map.*

The motion was seconded by Philip Brown. Motion carried (6-0).

It was determined that Mr. Pastorino's parcel map will be put on the Eureka County Commissioner's agenda for November 6, 2006. The minutes will be on the agenda for approval at the Planning Board's regular meeting November 1, 2006. The Board will gather the drainage plan, the letter from the Public Works and the approved minutes. The map and all exhibits will remain in the D.A.'s office until the 6th of November when it will be taken to the Commissioner's meeting.

Division of Land Into Large Parcels:

The D.A. noted that there is an exemption for agricultural parcels (from the map requirements). He suggested that this Board might want to be aware of this activity, though.

Ron Rankin made a motion on behalf of the Eureka County Planning Commission regarding Division of Land Into Large Parcels.

Subject of Motion: *that all parcel maps regardless of what they are come before the Eureka County Planning Board, with the exception of the agricultural exempt properties. The Eureka County Planning Board will be included in the loop for informational purposes only on these properties(ag properties).*

Philip Brown seconded it. All in Favor. (6-0).

Direction & Role of the Planning Commission regarding growth management:

Jon Hutchings explained that there may be some confusion at the last meeting with the Board's role verses what the County has embarked on. The County is responsible for health, safety and welfare and making sure that the infrastructure is in place and has the capacity to serve potential growth. The County, through the Public Works Office - Economic Development Board - has begun that process. The Planning Board's interest addresses the Master Plan. Maxine suggested that we begin review of the Master Plan. Mr. Hutchings cautioned the Board that adequate public input is necessary, specifically for any changes made to the Plan.

Faye Morrison, representing the Economic Development Board, stressed the need to look at the Master Plan in a timely manner. After reviewing the Master Plan, she noted that they (Econ. Dev. Board) noticed many loopholes. She suggested having certain members from each Board look at the Master Plan possibly at special meetings.

Jon Hutchings noted that many areas of the Master Plan overlap – i.e. economic development and planning. Two main sections of the Plan are going to be looked at – Growth Management and the Infrastructure.

Maxine Rebaleati suggested having a member from different Boards come to the Planning Commission's meeting. At each meeting the Planning Commission would go through a different section.

Ron Rankin suggested making a list of what would be loopholes or problems with the Plan. He is pleased that other boards are showing interest. Mr. Rankin suggested looking at the Economic Development Element first.

Ron Damele commented on hiring professional help - and the need for outside help - when rewriting the Plan. He noted that although Maxine has reservations about hiring outside help because of previous experience we could be more active in the selective process this time. Scheduling is also a problem. Some of the Econ Dev members noted that they could not make the 1:00 p.m. Planning Board meeting because of work.

Jon suggested that Ron Damele, the D.A. and himself could go through some sections of the Master Plan and ultimately point out issues and/or make recommendations. Faye agreed that if someone else made suggestions as to what sections need to be addressed it would be easier to go from there. Jon stated that it wasn't necessary to decide whether or not to hire outside help immediately.

Board Members Comments: The D.A. asked the Board to take another look at the Policy and Purpose section of the Master Plan and possibly changing some it this section and Title 8 as well. It doesn't give a group the guidance it needs.

Next Agenda: Need David Pastorino's mylar, the drainage plan, the minutes of today's meeting and a copy of the Public Works letter dated 10/3/06.

Next Meeting Date: Wednesday, November 1, 2006

Adjournment: a motion to adjourn the meeting was made by Ron Rankin and seconded by Philip Brown. All in favor. Meeting was adjourned at 3:20 p.m.

Respectfully submitted to the Planning Commission Board on November 1, 2006 by:



Garney Damele, Secretary



Maxine Rebaleati, Chair



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