

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF LINCOLN,  
STATE OF NEVADA

June 3, 2008

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

The Board met in special session with Chairwoman Ronda Hornbeck calling the meeting to order at 9:12. Clerk Lisa Lloyd called the roll with Commissioners Ronda Hornbeck, Paul Mathews and Bill Lloyd being present. Commissioners Tommy Rowe and Wade Poulsen are absent at this time. There is a quorum present and the agenda was posted on 5-22-08 to comply with the open meeting law. County Manager John Lovelady is present as well.

Representatives from various entities include: Sandy and Mark Jenson (Mesquite), Jim Medlin, Dave Maxwell, Bruno Bowles (Southern NV Water Authority), Matt Davis (Olympia Group), Mark Teepen (BLT Group), Leslie Boucher, Stephanie Allen, Sue Austgen, Kaye Medlin, Spencer Gray, Steve Combs, Dawne Combs, Clint Wertz, Chuck Brechler, Ken Dixon, Bill Lloyd, Emilia Cargill (Coyote Springs), Terry Reynolds (Coyote Springs), Noel Aveton (Olympia Group), Chris Armstrong (Olympia Group).

#2-5-EAGLE FALLS/LINCOLN HIGHLANDS DEVELOPMENT AGREEMENTS

This discussion includes submittal requirements for conceptual plans and development agreements (DA) and Title 14 Toquop Planning Area Planned Unit Development. This is a review of statutory and county code requirements for development agreements. Clint Wertz, Planning Director, presented this item. Clint reviewed his memo entitled "Development Memorandum and Conceptual Plan". Something to keep in mind today is that the stage is being set for how the rest of the large projects develop in the Toquop area. DSDG Handbook is discussed; both applicants have submitted these documents. Staff is very concerned with this as it tries to rewrite Title 14. Last summer Clint met with Noel and Chris, Lincoln Highlands, to walk through Title 14. At that point, Clint indicated to them the areas that the county would have concerns with. Many of the initial discussions in terms of things that the county would be opposed to have never changed through the course of working the development agreements; staff has concerns about that. Clint advised that Lincoln Highlands took Title 14 and repackaged it with wording that suits them. The Planning Department strongly opposed the DSDG as it goes beyond regulating standards for the project. Staff's contention is that as it stands the DSDG Book for Lincoln Highlands is not acceptable. The deviations that exist should come in later with when Lincoln Highlands presents their maps. When Title 14 was rewritten Ch. 4 included language from NV Revised Statutes that will allow the county to recapture costs for any studies that have to be done in the Toquop area. The county now has legal authority to require funding for a wide range of studies. Policies aren't in place to guide growth so a step was added called a Conceptual Plan. Clint has concerns with how the information was submitted in this plan. The Eagle Falls project was approved and included a land use plan. Staff has concerns about what has been submitted. Residential land use generally doesn't pay for itself. For every dollar that residential property brings in it costs the government \$1.20 to provide services. The county gets no guarantees on a mix of land uses. Eagle Falls has a land use map that shows how many acres of each land use the county is getting. This gives the county an idea of what they are getting prior to approval of development agreement. Clint is concerned that the county is getting two different types of products between Lincoln Highlands and Eagle Falls. There needs to be a provision for services to the Toquop area. As written it will result in a significant burden on the taxpayers. Clint referred to the Nye County study that shows the net gain to the county. The only house that benefited the county was a house that cost over \$500,000. The rest were a drain on the county. A mix of housing types is required to support the economy. These will be urban communities, not rural or suburban. This will be an older population that may not require schools, but they will require many other services in place of schools. Other functions are being completely neglected based on Clint's level of staffing, including town plans. Clint has requested additional staff. Clint has been directed to focus the impacts on his department on where they are coming from, which is the large projects. Clint reviewed provision of staffing. Development agreements are basically contracts. The DAs serve benefits to both parties, including allowing government to ask for things that legally there isn't any other way to ask for and there is a long term assurance for large projects that there is certainty that they can finance for the long haul for certain projects. The intent of the DAs is to freeze the zoning. Clint is concerned that the county is at such a low base in terms of requirements for large projects; the county doesn't even know what we are freezing. One thing that LC has tried to avoid is copying Clark County as we need things in place that will meet the needs of LC. There is a vast difference between the two DAs and what will be provided. Both applicants have agreed to fund a planning coordinator. Interim funding for staffing has been negotiated as well. What is being proposed between the two projects is very different in terms of interim funding. What Eagle Falls project has proposed for staffing is adequate in Clint's opinion. LH has proposed interim funding for the coordinator position but they desire to come back and negotiate for the other positions at a later date; once this agreement is approved

the county has lost its leverage. Clint read the language for DAs out of the statute. Usually DAs are used for redevelopment projects and it is a challenge with what we are looking at with all of this undeveloped land. The county doesn't have to do DAs; they are optional and most rural areas won't deal with them. Clint believes that the county has really bitten into a challenge with the DAs. By statute the county has a great deal of latitude as to how these DAs are done and Clint cautioned the Board members to keep that in mind as we work through these. Title 14 is the controlling documents and there is concern that the DAs read appropriately so that the county isn't "giving away the farm" through these. Ken Dixon stated that he basically agrees with what Clint has presented. Ken reviewed the history of modeling the current DAs after the Coyote Springs DA. Ken feels that basically we have a good DA, but Title 14 has to be the governing document. Ken believes that Title 14 is the master plan for the Toquop area. The county has Mark White, consultant, on board and working on this. Mark has reviewed the current DAs and made significant comments. Ken concurs with Clint that the design standards must be secondary to Title 14. In the case of LH, Ken isn't saying that the DA should be approved at the appropriate time but it should be subject to Title 14. Ken reviewed the main goals of the DAs, including putting the financial burden on the developers. The county doesn't have the finances for the infrastructure. Government facilities, emergency fire/EMS are included in these goals. LH is the logical area where a government center should be. If Eagle Falls (EF) goes forward before LH, then the government facility will be located there; whichever goes forward first. A government facility would be for county services that need to be there. The county is not financially able to provide any of the required infrastructure. The developers are agreeable to paying for these services and the DA is the tool to get services funded. Ken reviewed the other studies that will be required in addition to the transportation/drainage studies. An environmental assessment is being done at this time as well for the power corridor. The developers are paying the costs for the studies as they occur. A General Improvement District (GID) will have to be done for this area. One of the requirements of the Habitat Conservation Plan (HCP) is a GID, which will have to be set up before December. A Special Improvement District (SID) will be required for the power/water. Chuck advised that the transportation study included a land use plan with assigned land uses. Each of the developers were included in setting up the land uses. In order to deviate from these a review will be required of the traffic plan. Ronda advised that there is a need to get a zip code for this area. Without a zip code, once development starts and building materials are brought into the area, the county will not be able to receive the benefits. Ronda believes that the developers/owners of the land will have to make the request for the zip codes. Discussion centers on the proposed development agreement (DA) for BLT Group. Current master plan designation is Planned Unit Development; and the subject parcels are zoned (A-5) Agriculture. The purpose of the amendment is to ensure consistency of the proposed development agreement in the Toquop Planning Area with the Lincoln County Master Plan and the Lincoln County Code. The subject parcels (Land Act Parcels I & J) comprise approximately 3,040 acres. Mark Teepen presented this item and reviewed maps showing the land use for their area. Mark advised that they would like to know what the other developers are going to do and will it be done under Title 14 or some other way. Mark feels that they are being kept in the dark. Mark said that they are concerned about what LH will do with parcel H as they share that boundary. EF PUD has been approved and it was submitted under the guidelines of Title 14. Parks, police, fire and staffing have all been addressed. It is a huge undertaking for the county to provide services to this area as it is so remote. Chuck advised that the PUD has been submitted but it was done with conditions; those revisions haven't been submitted as of yet. Mark is aware of that and it will be done. Clint reviewed the conditions for approval of the EF PUD. Land use plan for Flat Top Mesa, modifications for roadways to Flat Top Mesa, within 60 days Design Standards Handbook has to be submitted, recording of conditions with County Recorder, submit for special use permits (SUP) along with project phases are some of the conditions. The extra requests are only if they aren't exempted through the DA. Mark stated that the Design Standards were conditioned to come back as there were three or four minor changes required; it isn't certain if they will have to go back for Board approval if staff is happy with the changes since it was already approved with conditions. Requirements for fiscal impact analysis were expanded. Public facilities needs assessment is the one study that should've been done but wasn't. LH has only done a cursory look at what type of density will be needed to fund a government center. Matt Davis advised that all parties are working together and as the proper amount of property taxes are coming in the government center will be built. Currently, the county has no intent to go forward with impact fees but at the point in time that the county goes forward with an ordinance to handle those fees EF will give facilities in lieu of fees. EF isn't getting away from paying the impact fees; they are building the facilities and getting the credit for it. The upfront allocation of funds will outweigh what these types of fees will bring in. Impact fees can only be for construction of buildings, capital improvements, for a defined area. The intent for EF's parks will be five acres per 1,000 dwelling units for public parks space. There will be neighborhood parks within the gated communities, but the parks discussed now are public parks. Ronda advised that the county will not be able to maintain the parks. Mark said that there is a provision for either party, county or EF, to maintain the parks. Chuck has grave concerns that the monies coming in won't be nearly enough to maintain infrastructure. Initially the county asked that both EF and LH provide a planning coordinator. EF has included language to share the coordinator with LH. However, there are some financial issues that have to be resolved on behalf of LH. Initially, EF will fund the position, then when LH comes in it will be 50/50, then when another developer comes in it

will be prorated by thirds, and so on. The concept is to fund an additional body and the funding will start when the position is filled. Matt Davis and Stephanie Allen presented a power point presentation concerning the conceptual Planned Unit Development (PUD) and Development Agreement (DA) for Lincoln Highlands Development Corporation (LH) for a master planned community in the Toquop Planning Area of Lincoln County. The proposed project has been submitted for review to Lincoln County in the Toquop Planning Area of Lincoln County on two parcels (A and H) with a combined are of 5,318 acres. The lands are located in the southeast corner of Lincoln County and north of the City of Mesquite. There are still two open issues that will be “ironed out” with staff. LH has revised the agreement to comply with Title 14. LH hasn’t submitted a detailed land use plan. LH will be creating their development through villages. The county will have input for each stage of development. The DA allows for every use and this community will require that in order to be successful. Every step of the way, village plans will be reviewed by LC. Ronda is concerned about this being a “bedroom community”, but Matt pointed out that they are commercial developers. Industrial could be part of the mix. The villages will be approximately 1,000 acres each. It is a waste of time to try and plan for all 5,000 acres. It becomes more manageable to handle the development on smaller acre scales; this is the reason for the villages. Chris advised that LH wants to ensure that they are protected and that the county is protected as well; it needs to be a team effort. Parks will be 8 acres for each 1,000 residential unit. It has always been the county’s intent that the government facility would be located in LH. However, if LH doesn’t move forward for ten years but another government facility is needed it can be built in EF. The intent is that whoever moves forward will provide the facilities. Mark agreed that this applies the same with the radio tower. Stephanie said that the concern that they have is that the language and detail in LH document could change if another agreement is adopted first. Ken feels that the Design Guidelines need to use Title 14 as the guiding document. Ken believes that the approval of the DA will not include the DSDG because the Toquop PUD is the design guideline. Chris said that they’ve used the DSDG to make certain that the end results are successful. The standards used in the past were successful for master planned communities and it is a vital part to the whole process. Sue said that Title 14 is very generic and there is no logical reason that Title 14 should have to be changed; if LH is as good as they are then they should be able to work with Title 14. Sue said that LH is taking out ¾ of Title 14. Stephanie said that KB Homes and others can’t develop to the minimum standards; they have to develop to LH standards. Stephanie referred to Summerlin, which had a requirement to build to a higher standard as opposed to the minimum requirements of the city. Title 14 doesn’t require higher standards, that’s why LH is asking that it be reviewed. Clint said that the Planning Commission meeting saw him submitting his conditions for approval. These conditions are what Clint will be directing the PC that can/can’t be lived with; either the County Commission or PC can revise the conditions. Clint is very concerned about how applications are processed, Ch. 4. The problem is the delineation between what is a development standard and what is a design standard. Design standards were purposely left vague. Title 14 contemplates a design standard. By submitting this, it isn’t something that is not allowed by Title 14. Typically whatever differs from Title 14 needs to go before counsel to be modified. LH isn’t trying to circumvent to approval process. It is acknowledged that we are at a point where LH is in a hurry to get approval. There are still enough concerns with the DSDG to be rushed as there are too many changes to Title 14. Stephanie said that LH doesn’t know what the changes are. There are several issues that have been addressed. Chuck said that he has been very strong about 20’. Stephanie said that they are agreeing to that. Chuck argued as the latest version still shows 11. Ken advised that the county staff hasn’t even had enough time to review the latest version. Pg. 78 sees 12’ lanes. Chuck said that his point is that he thought that the issues were ironed out and now LH is making changes. In order to make changes to the 11’ lanes all developers will have to be on board. LH DSDG is the guiding document, not Title 14. If adopted as worded, it would trump Title 14. Ken asked that the statement be added “so long as the more stringent rule applies”. Even though several things were agreed to by LH, the document itself doesn’t reflect the changes. Once the DA is approved by the Board, there will be a number of changes required to DSDG. Ken feels that if LH wants to move forward with the DA it can happen and the DSDG can be approved later. Chris suggested that staff continue to work on this and hopefully by the time Commission comes around the issues will have been resolved. LH’s timeline includes that they want to get these things done. Ronda advised that if the DA was all that staff had to work on the amount of time spent on working through these wouldn’t be a problem. Staff has other things that they do so they can’t focus all of their energies on this one project. The county doesn’t have the staff to cover everything that has to be covered; staff is spread very thin. Stephanie offered to provide whatever help is needed to better provide information. Clint intends, with the DSDG, to have LH present to the Planning Commission what would be acceptable in a summary fashion. Stephanie advised that they will do that; provide a more streamlined presentation to the PC. DSDG is an exhibit to the DA for LH; that’s why they are presented as a package. It will hold up the hold thing if handled separately. The problems with the DSDG are what are holding up the DA. Mark asked for a list of specific changes made to Title 14. There is continued discussion concerning resolution to the issues. Agreement between all parties wasn’t reached and it was decided that staff would get together to work through the documents and present at the next Planning Commission meeting.

#6-PUBLIC COMMENT

There is no public comment.

#7-ADJOURN

There being no further business for the Board to attend to, **Paul made a motion to adjourn the meeting at 12:55; seconded by Bill. All voted in favor.**

Attest: \_\_\_\_\_ Approve: \_\_\_\_\_