

CLARK COUNTY BOARD OF COMMISSIONERS
ZONING / SUBDIVISIONS / LAND USE
AGENDA ITEM

Petitioner: Nancy A. Amundsen, Director, Department of Comprehensive Planning

Recommendation: AG-22-900190: Receive the required 2 year review of the Coyote Springs Investment, LLC Development Agreement. MK/jvm (For possible action)

FISCAL IMPACT:

None by this action.

BACKGROUND:

As required by the Coyote Springs Investment, LLC Development Agreement and Nevada Revised Statute, the 24 month report has been submitted summarizing the status of the Development Agreement and specifying those sections of the Development Agreement that have been complied with or completed while some of the requirements in the Agreement are ongoing. This is the eighth, 24 month report for Coyote Springs, and the Development Agreement has an expiration date of December 2042. The document is available for review in the Department of Comprehensive Planning.

During the previous 24 month period development within the Coyote Springs Master Planned Community has effectively been halted by the Nevada State Engineer (NSE), on behalf of the State of Nevada. The NSE has effectively delayed and frozen continued development of the Coyote Springs Master Planned Community, other than the continued operation of the golf course which is a planned amenity for the community.

Based on staff's review of this 24 month report, staff recommends that the Board receive the report.

Cleared For Agenda
05/18/22

**EIGHTH REVIEW
OF THE
DEVELOPMENT AGREEMENT**

**Submitted By:
Coyote Springs Investment LLC**

For the period ending December 31, 2021

The development of the Coyote Springs master planned community in Clark County is governed by various entitlement documents, including, without limitation, a Specific Plan which was most updated in September 2008, and a Development Agreement entered into by Coyote Springs Investment LLC and Clark County dated December 18, 2002, which was then amended by that certain Original and First Amended Development Agreement For Coyote Springs dated August 4, 2004, and approved by the Board of County Commissioners of the County of Clark, State of Nevada in Bill No. 7-21-04-2 as Ordinance No. 3114, and recorded in Official Records, Clark County on September 16, 2004, in Book 20040916 as Instrument Number 0004436 (as amended, the "Development Agreement").

As a part of the Development Agreement, Owner and Clark County agreed that Clark County Development Code (Title 30) would be "locked in" as of December 18, 2002, subject to any modifications to Title 30 which were adopted by, and at the request of, Coyote Springs Investment LLC, which such adoptions are then accepted by Clark County and recorded in Official Records.

Coyote Springs Investment acknowledges the obligations set forth in the entitlement documents governing the master planned community of Coyote Springs, and as required by the Development Agreement, and Nevada Revised Statutes hereby submits this review report.

During the reporting period of January 1, 2018 through December 31, 2021, development of the Coyote Springs community has been halted by the Nevada State Engineer, on behalf of the State of Nevada. Starting with a letter sent by the Las Vegas Valley Water District as manager of the Coyote Springs Water Resources General Improvement District ("CS-GID") to the Nevada State Engineer ("NSE") dated November 16, 2017, the NSE's May 18, 2018 letter response thereto, the NSE's subsequent Order 1303 issued in January 2019, the Order 1303 Hearings in Fall 2019, and the NSE's Order 1309 issued June 15, 2020, Coyote Springs has been denied the opportunity to continue to move forward with its continued design, development, construction and sales of its Approved Clark County Major Project and associated Master Planned Community.

Multiple parties have filed Petitions for Judicial Review as to NSE's Order 1309, all of which such 14 cases have been consolidated into 8th Judicial District Court Case Number A-20-816761-C, Dept. 1. Most recently, a lengthy hearing in the 8th Judicial District Court on NSE Order 1309 was held on which no determination or ruling has yet been issued by the Court.

The NSE also sent a letter to Coyote Springs Investment LLC / Coyote Springs Nevada LLC dated June 17, 2020, in which the NSE refused to sign Coyote Springs Investment LLC and Coyote Springs Nevada LLC's 8-large lot, previously conditionally approved subdivision map needed to move its Master Planned Community forward. The effect of all of these matters is that the NSE has effectively delayed and frozen continued development of the Coyote Springs Master Planned Community, other than continued operation of the golf course which operation runs at a fiscal loss each year and is a planned amenity for the Master Planned Community.

Coyote Springs Investment LLC and Coyote Springs Nevada LLC et al., have been forced to commence litigation against the State of Nevada regarding its illegal and unconstitutional take of Coyote Springs Investments' property rights and the NSE's breach of its obligations owed Coyote Springs Investments under a written Settlement Agreement. *See* 8th Judicial District Court Case A-20-820384-B, Dept. 13.

Notwithstanding the illegal orders of the NSE, the halting of all development, the NSE's continued refusal to allow Coyote Springs Investment LLC to use its owned and NSE permitted ground water rights for their intended purpose in developing, operating and serving its long planned Master Planned Community, refusing to sign subdivision maps, and all of the ensuing hearings and litigation, **Coyote Springs Investment LLC and Coyote Springs Nevada LLC hereby renews and keeps active, all of their respective entitlements, permits and bonds as well as all of its rights and entitlements as memorialized in the Development Agreement mentioned herein.**

3.14.2022
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