

CONDITIONS OF APPROVAL

Applicant: Lincoln Highlands Development Corporation
Olympia Group - C&O Holdings

Assessor Parcel Number(s): Parcels A & H

00825101, 00826103, 00826101,
00826104, 00826102

Planning Commission Date: May 6th, 2008
Board of Commissioners Introduction Date: August 4th, 2008
Board of Commissioners Hearing Date: September 15th, 2008

Master Plan Designation: PUD- Planned Unit Development
Zoning District: A5- Large Scale Agriculture

Request: Conceptual Development Plan 07-102
Development Agreement 07-102

**This document is to be notarized and recorded with the Lincoln County
Recorders Office within the timeframe listed in this document.**

CONDITIONS:

The following conditions have been placed in this request to ensure the applicant will meet all necessary standards in place.

A. Within 120 days of approval by the Board of County Commissioners the applicant or future owners shall:

1. Submit a revised Fiscal Impact Report per Title 14.
2. Submit findings for section 14-4-1 G 4 of the Lincoln County Code in a format suitable to the planning director.
3. Record conditions of approval with the Lincoln County Recorder in a format specified by the Lincoln County Recorder.

B. Prior to submission of any future applications on parcels A or H the applicant or future owners shall:

1. Submit a detailed slope analysis map for the subject area which delineates slopes at 0-5%, 5-15%, 15-35% and areas over 35 percent slopes. A table shall be included that indicates the acreage in each classification and the percentage of each class representing the ratio to overall acreage of the subject parcels. This map shall include the identification of any



sensitive ridgelines and other unique topographical features, drainage facility sites or washes indicated in the approved drainage study.

2. Submit a conservation plan (per Title 14) in coordination with the slope analysis map and the parks trails and open space plan for approval.

C. With submission of any tentative map for any portion of parcels A and H the applicant or future applicants/owners shall:

1. Submit for review by the county a detailed geotechnical study meeting county standards which includes a representative sampling and analysis from Parcels A and H. This submittal will only be required after the approval of the HCP.
2. Submit a cumulative table for tracking the approved land uses and districts by acreages and a percent of gross area that will be provided throughout all proposed phases. This information shall be coordinated with a revision to the fiscal impact study indicating proposed lands uses over the life of the project.
3. Submit for any applicable special use permit or variance request with each Tentative Map for any listed discretionary use within the planned community and not approved with the Development Agreement.
4. Submit parks, trails and open space plan (per Title 14) and for Parcels A and H,
5. Submit a revised conceptual land use plan for Parcels A and H (per Title 14).
6. Submit a master utility plan for all dry and wet utilities to address the build out of entire project. Any propane gas system shall be designed for construction for use in a future natural gas distribution system including any easements or dedicated sites for sub stations.

D. Miscellaneous Conditions

1. Conceptual Development Plan 07-102 shall be null and void if a development agreement is not entered into between Lincoln County and the applicant or its successors or assigns.
2. Development projects in the H-1 or H-2 district will require a site plan review to address any applicable development standards, potential impacts related to the density or intensity of the use on adjacent uses.
3. Private wells and septic systems will not be permitted in the Lincoln Highlands PUD except in Rural Estates "RE" districts and only on a case by case basis to utilize septic systems and if lots cannot practicably be served by a community sewer system.



4. Any allowable costs for reimbursement by the county (per an approved Development Agreement) through impact fees or residential construction tax or land exchanges will be tracked by the applicant/developer and provided to the county in a format acceptable to the county and based on the timing intervals prescribed in the DA or on a quarterly basis.
5. The DS&DG document, Exhibit C of the submitted Development Agreement is not being recommended for approval at this time. The applicant has submitted a modified standards document instead of the DS&DG which staff has reviewed and approved. The applicant may submit design standards to the County in the future for review.
6. Adhere to the standards and policies developed under the Lincoln County Toquop Transportation and Drainage Studies. Any transfer of densities proposed through tentative maps where land use intensity, densities or land use locations have shifted substantial from the findings and original assumptions of these studies will require a major modification by the applicant of both the adopted studies and the conceptual development plan.
7. Adhere to specifications, locations and standards developed by Lincoln County Water District or another purveyor for any water supply, wastewater or re-use delivery lines.
8. Coordinate open space parks and trail plans with policies to be developed by Lincoln County regarding access to adjacent public lands.
9. PUD Interim zoning as listed in the definitions section of the agreement will reference the "Rural Estates" (RE) zoning category of Title 14 for the purposes of determining allowable and special uses prior to final hard zoning of the land.
10. Staff recommendations on open issues in development agreement:

Section 6.07 shall be amended prior to final adoption of the development agreement to include the following language:

"County and Developer acknowledge that, in accordance with NRS Chapter 278.4983, County may enact a "Residential Construction Tax" ("RCT") upon the privilege of constructing apartment houses and residential dwelling units. County acknowledges and agrees that Developer's contribution, in accordance with this Agreement, provides developed park area for use by the public, which may be valued at equal to or greater than the amount of the RCT revenue the Planned Community would generate and, therefore, exempts Developer from any RCT enacted by County up to the value of public park provided by developer."