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OFFICIAL RECORD  
AMY ELMER, RECORDER

Ordinance Amendment on existing D.A.  
**Title of Document**  
for Coyote Springs Investment, LLC  
**Affirmation Statement**

**Grantees address and mail tax statement:**

Melissa J. Tree

LC Building & Planning

**SUMMARY:** An ordinance to adopt an amendment to an existing Development Agreement for Coyote Springs investment, LLC, located east of U.S. Highway 93 and north of the Lincoln County/Clark County Boundary.

**ORDINANCE NO. 2024-01**

**TITLE: AN ORDINANCE TO ADOPT AN AMENDMENT TO THE CURRENT DEVELOPMENT AGREEMENT BETWEEN THE COUNTY OF LINCOLN AND COYOTE SPRINGS INVESTMENT LLC FOR A 27,500+ ACRE, MIXED USE MASTER PLANNED COMMUNITY GENERALLY LOCATED EAST OF U.S. HIGHWAY 93 AND NORTH OF THE LINCOLN COUNTY / CLARK COUNTY BOUNDARY, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

**WHEREAS,** the Nevada Legislature has adopted NRS 278.0201 *et seq.* permitting governing bodies to enter development agreements; and

**WHEREAS,** the applicant, Coyote Springs Investment LLC (“CSI”) is the owner of subject property which is within the Planned Unit Development as indicated by the Lincoln County Master Plan; and

**WHEREAS,** the County and CSI entered into a Development Agreement in 2005, which Agreement was approved via Ordinance 2004-03;

**WHEREAS,** the parties have amended the Development Agreement from time to time via Ordinances 2009-11 and 2015-01;

**WHEREAS,** the parties desire to amend the Development Agreement again to increase the allowable acreage for utility “electrical generation” within the Coyote Springs Development as well as to clarify dwelling unit density in relation to acreages converted to certain utility electric generation;

**NOW THEREFORE,**

**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN DO HEREBY ORDAIN TO AMEND THE PREVIOUSLY AMENDED DEVELOPMENT AGREEMENT BETWEEN LINCOLN COUNTY AND COYOTE SPRINGS INVESTMENT LLC FOR THE COYOTE SPRINGS DEVELOPMENT PROJECT, A COPY OF THE AMENDMENT IS ATTACHED HERETO AS EXHIBIT 1.**

UPON ADOPTION, the County Clerk of Lincoln County shall have this Ordinance published, by title only, together with an adequate summary including any amendments, once per week for two weeks in a newspaper published in the County, if any, otherwise in a newspaper published in the County, and having a general circulation in the County. The County Clerk shall post this Ordinance in full at the Lincoln County Courthouse and make it available for inspection. This Ordinance shall take effect twenty (20) days after its publication.

PROPOSED on the 18<sup>th</sup> day of March, 2024.

PASSED AND ADOPTED this 10<sup>th</sup> day of May, 2024, by the following vote of the County Board of Commissioners.

**AYES:**

Keith Pearson

Diane Poth

Mike Reese

Janine Woodworth

Varlin Higbee

**NAYS:**

None

**ABSENT:**

None

APPROVED this 10<sup>th</sup> day of May, 2024.

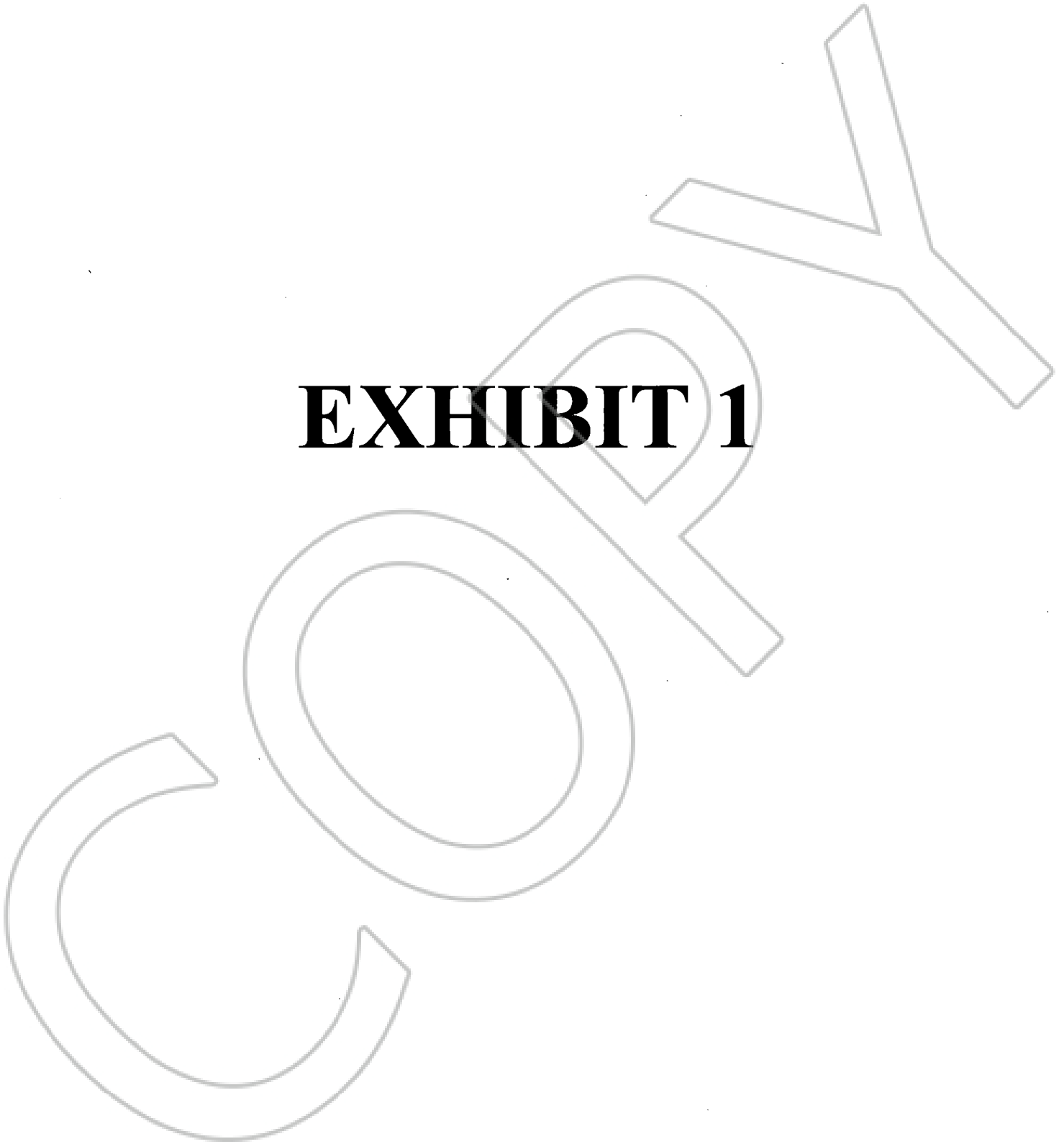
By:

Varlin Higbee  
VARLIN HIGBEE, *Chairperson*

ATTEST:

Lisa Lloyd  
LISA LLOYD, *County Clerk*

**EXHIBIT 1**



**FIRST AMENDMENT TO THE  
FIRST AMENDED AND RESTATED  
COYOTE SPRINGS DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("First Amendment") between Coyote Springs Investment, LLC, a Nevada limited liability company ("CSI") and The County of Lincoln, State of Nevada (the "County") is dated as of May 6<sup>th</sup>, 2024.

WHEREAS, County and Owner desire to amend that certain development agreement which, was approved by the Lincoln County Board of County Commissioners on December 20, 2004 and adopted pursuant to Ordinance No. 2004-03, *and amended thereafter* by that certain First Amendment to The Coyote Springs Development Agreement dated January 4, 2010 and adopted pursuant to Ordinance No. 2009-11, *and amended thereafter* by that certain First Amended & Restated Development Agreement dated August 17, 2015 and adopted pursuant to Ordinance No. 2015-01. The foregoing description of the development agreement between County and Owner, as amended, shall be collectively referred to herein as the "Original Development Agreement".

WHEREAS, Owner is the owner and lessee, respectively, of the real property to which the Original Development Agreement is subject, all of which is specifically described on Exhibit "A" to the Original Development Agreement.

WHEREAS, this First Amendment was prepared pursuant to Sections 3.03 and 12.05 of the Original Development Agreement.

NOW THEREFORE, County and Owner agree that the Original Development Agreement is amended as set forth herein:

[rest of page intentionally left blank]

1. Renewable energy land use encouraged.

**Section 3.05(a)(i) and (ii) are hereby amended and restated in its entirety and replaced by the following provision:**

- (i) *Residential Unit Count.* The maximum quantity of residential dwelling units (including single-family and multiple-family dwelling units) that may be developed and constructed within the Planned Community shall be equal to five (5) residential dwelling units per gross acre (or such lesser number as Owner may elect) multiplied by the total gross acreage of all Owner's fee acres within the Subject Property as of December 20, 2004 (which was 22,000 acres, thus, 110,000 residential dwelling units) (the "Residential Maximum").
- A. Any land plan previously prepared or made a part of any applications or plans or agreements is acknowledged as conceptual, and this amendment acknowledges that any of CSI's Lincoln County property within the Coyote Springs master planned community may be used for any of CSI's allowed uses, including, "Electric Generation, Station".
- B. CSI may elect to designate as much of its property owned by CSI in Lincoln County as "Electric Generation, Station" as it desires anywhere within CSI's property within Lincoln County, subject to a reduction of the Residential Maximum described in this Section 3.05(a)(i).
- C. To the extent that any renewable energy uses are established by CSI on its property in excess of 9,000 acres, then, the Residential Maximum shall be reduced by a factor of five (5) dwelling units per acre for each acre greater than 9,000 acres that is designated for use as "Electric Generation, Station" use within the Planned Community or otherwise removed from other uses by virtue of the "Electric Generation, Station" designation.

***For Example purposes only:*** If 12,000 acres is designated as "Electric Generation, Station" use, then the Residential Maximum is reduced by 15,000 residential dwelling units pursuant to this formula:  $12,000 - 9,000 = 3,000$ , and then,  $3,000 \times 5 = 15,000$ , which results in a maximum number of 95,000 residential dwelling units in the Lincoln County portion of Coyote Springs.

(ii) Public Service Facilities.

- A. To the extent that land is developed for non-residential “Electric Generation, Station” use, the parties will agree to review the need for public service facilities that are actually necessary for, or related to the operation of, a project whose main operation(s) is/are related “Electric Generation, Station” uses. **[Meaning, for example, a school is not likely needed if a solar generation project is constructed.]**
- B. Therefore, County and Owner agree that the obligations set forth in Sections 4 (PUBLIC FACILITIES), 6 (PARKS, OPEN SPACES AND SCHOOLS), and 7 (TRANSPORTATION) of the Development Agreement will be reviewed on a case-by-case basis in conjunction with any application for a project whose main operation will be “Electric Generation, Station” before any obligations arise under Sections 4, 6, and 7 of this Development Agreement.

Except as modified hereby, the Original Development Agreement, and its terms and provisions, are hereby ratified and affirmed, and shall remain in full force and effect.

[rest of page intentionally left blank]

-Signature Page to Coyote Springs Development Agreement Amendment, 2024

Coyote Springs Investment, LLC

A Nevada Limited Liability Company

By: Emilia Cargill

Emilia Cargill, COO, Senior V.P. and General Counsel

WITNESS Grantors' hands this 6 day of May, 2024.

STATE OF Nevada )  
                                  ) ss:  
COUNTY OF Lincoln )

This instrument was acknowledged before me on  
this 6<sup>th</sup> day of May, 2024 by Emilia Cargill as COO,  
Senior VP and General Counsel of Coyote Spring Investment LLC

M Howard  
NOTARY PUBLIC



For the County:

Varlin Higbee  
Varlin Higbee  
Chair- Board of Lincoln County Commissioners

ATTEST: Lisa Lloyd  
LISA LLOYD, County Clerk