

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Planning		Agenda Date:	
Category: Regular Agenda Item		July 16, 2019	
Contact: Brett Waggoner		Phone: 775-751-4249	Continued from meeting of:
Return to: Brett Waggoner	Location: Pahrump		Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) <p>Presentation on the Status of the Development Agreement between Nye County and William Lyon Homes for the Mountain Falls Subdivision/Master Planned Community.</p>			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
Expenditure Impact by FY(s): (Provide detail on Financial Form) <p style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</p>			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date <i>NA</i>
4.	Date	9. Finance	Date <i>NA</i>
5.	Date	10. County Manager	Date

Place on Agenda

ITEM # 58

Mountain Falls Development Agreement

Section 8 Compliance

As of May 6, 2019

Section

Section 3.4 Modification of Applicable Rules

On November 16, 2011, settlement was reached between Nye County and William Lyon Homes, Inc. regarding the below matters:

William Lyon Homes, Inc. previously questioned the applicability of certain Nye County ordinances and resolutions to the Mountain Falls Community. In particular, Ordinance No. 302 (Impact Fees) and Resolution No. 2004-32 (Residential Construction Tax for Schools). All building permits were filed under protest. We also questioned the application of the revised bond cost template form which substantially increased project bond amounts and related fees. Discussions with Nye County representatives were ongoing through late 2007; however, shortly following 2007, it became apparent Nye County's interest in working towards a mutually beneficial resolution had diminished. To protect our legal remedies, on December 27, 2010 and December 30, 2010, pursuant to the Development Agreement, WLH sent Nye County a 45 day Notice of Default. Nye County failed to respond to the Notice of Default and also failed to post the Notice of Default on the Board of County Commissioner's agenda; consequently, on May 9, 2011 WLH filed a complaint in United States District Court in Las Vegas, Nevada.

Section 3.5: Dust Mitigation

Mandatory classes are required for all subcontractors to ensure the understanding of dust mitigation. Additionally we periodically meet with Nye County's Dust Abatement personnel and/or hold subcontractor meetings to enforce compliance. We recently added dust signage as required by updated requirements.

Section 4.1: Water Rights and Service

As Final Maps are recorded, water rights are transferred to Great Basin Water Company.

The Mountain Falls Master Plan ongoing planning and design efforts provides significant water conservation benefits and results that other typical Pahrump residential housing developments do not provide. Here is a list of some of the Mountain Falls water conservation measures built, in-use, and in design moving forward:

1. Effluent water is all used for irrigation from the treatment facility
2. Golf Course weather station to assist in optimum efficient irrigation methods and schedules
3. Street design to carry street surface flows back into the golf course to reduce fairway irrigation from wells
4. Significant amount of golf course and common areas that are native re-vegetation that require NO irrigation. Over 651,000 sq ft. as per the date of this Master Plan Report.
5. 5 golf course lakes that collect and retain storm flow for irrigation.

Section 4.2: Reclamation Plant

The Community's \$8M wastewater treatment plant is complete and fully operational (2008). This facility was turned over in full to Utilities Inc. (now Great Basin Water Co.)

Section 5.1: Park and Open Space

In addition to the Open Space contemplated in the Specific Plan, an additional community recreation center for the Ovation, Age Qualified Community and added parks have been constructed that exceed all Park and Open Space requirements. Additional park areas are planned with the development of new planning areas within the Master Plan.

Section 5.2: Fire Station

A parcel map was recorded on November 18, 2005 to break out the parcel for the Town of Pahrump's construction of a fire station. Utilities have been installed adjacent to the parcel. The Town of Pahrump has taken ownership of this parcel.

Section 5.3: School Site

A parcel map was recorded on November 18, 2005 to break out the school site. Utilities have been installed adjacent to the Parcel. The Town of Pahrump relinquished their rights to the property and the property is now controlled by Mountain Falls, LLC for future development. A

preliminary use of an RV storage/mini storage project is being contemplated at this time on 6 acres of the 15 acre parcel.

Section 6.1: Traffic Study

An updated Traffic Impact analysis has been completed and approved. This traffic Impact analysis, along with the Master Plan overall exhibit depicting built-out areas and future areas has been updated to define areas within the Master Plan as “Planning Areas” which were previously noted as “tracts”. The overall uses and densities contemplated in the Master Plan have not changed. The *Revision to the Master Transportation Plan for Mountain Falls* dated May 18, 2017 was approved June 21, 2017.

Section 6.3: Off-Site Improvements

We have re-built Mountain Falls Blvd. and the intersection of SR-160 and Mountain Falls Blvd with added acceleration lanes and traffic needs for this intersection.

Section 6.4: Internal Roadway Network and Onsite Improvements

3.5 miles of Mountain Falls Parkway and related arterial roads are complete with an additional 2.8 miles rough graded and infrastructure utilities installed. Additional sections of Mountain Falls Parkway are being built now (Mountain Falls Parkway Phase 1 South) and plans are in-process for added Parkway (Mountain Falls Parkway Phase 3).

Section 6.8: Public Streetscapes

Public streetscapes have been included for maintenance by the new Master Homeowners Association adopted June 2005.

Section 6.9: Initial Manse Road Improvements

Initial Manse Road improvements were completed early 2004. Nye County completed paving Manse from Hafen Ranch Road to Homestead Road.

Section 6.10: Future Performance Bonds

Performance Bonds are included with applicable Improvement Plans submitted to the County.

Section 6.11: Phase 1 Performance Bonds

Due to the financial condition of the Surety Company, collection on the Phase 1 performance bonds posted by E.A. Collins Development is on hold and most likely will not be collected.

Section 7.1: Flood Control Facilities and Technical Drainage Studies

FEMA has completed an update the Master Plan Flood Insurance Rate Map (FIRM Map) that incorporates the Mountain Falls Master Plan and surrounding areas. Additional flood control measures were approved and constructed for intermediate and ultimate build-out in conjunction with a Revised Mountain Falls Master Hydrology Report. Per the estimate of FEMA, this FIRM Map is expected to be the active FIRM map for Mountain Falls in the fall of 2019. The *Technical Drainage Study for Mountain Falls Master Plan Update* was approved on August 7, 2018.

Section 8.1: Frequency of Reviews

Our last update to the County was submitted December __,20__.

Section 9: Financing

No assessment districts are contemplated at this time.

OTHER:

1. Approximately 1,080 housing permits have been pulled from inception.
2. Approximately 1,060 Homes have closed since inception.
3. The 7,800 square foot pro-shop is open.
4. The 22,000 square foot Grill Room/clubhouse/residence facility is open. The Ovation clubhouse is also open.
5. All builders other than William Lyon Homes, Inc. have ceased operations until a sustained economic recovery.
6. William Lyon Homes, Inc. currently has actively selling communities with new models for varying series of product lines.

Mountain Falls Land Use Table

Updated 6/20/2019

Planning Area Number	Acres (Approx.)	Maximum Dwelling Units Allowed Units per Acre or Completed	Zoning Units Proposed or Complete	Land Use (Proposed Zoning)	STATUS
Ph 1 and Wulf	26.8	1.9	50	Residential Low	Final Map Recorded
Tramonto 1-1	49.7	3.8	188	Residential Low	Final Map Recorded
Cascata 1-2	31.5	4.7	147	Residential Low	Final Map Recorded
Bella Sera 1-3	37.6	3.5	130	Residential Low	Final Map Recorded
Villagio 3-1 (3-4)	13.4	3.1	42	Residential Low	Final Map Recorded
Tivoli 3-2a	27.2	3.5	96	Residential Low	Final Map Recorded
Villagio 3-2b	26.7	4.2	113	Residential Low	Final Map Recorded
Villa Serena 3-3a	23.0	4.5	103	Residential Low	Final Map Recorded
Paradiso 3-3b	29.2	3.4	98	Residential Low	Final Map Recorded
Casacata Ancora 4a	23.5	5.0	118	Residential Low	Final Map Recorded
Entrata 4b	22.4	4.4	99	Residential Low	Final Map Recorded
Age Qualified Ovation 4c	25.4	4.1	105	Residential Low	Final Map Recorded
5a	36.1	3.8	138	Residential Low	Future
Age Qualified Ovation 5b	29.3	4.1	120	Residential Low	Approved Tentative Map
Age Qualified Ovation 6	51.8	4.4	226	Residential Low	Final Map Recorded
7	35.8	4.6	166	Residential Low	Final Map Recorded
Age Qualified Ovation 8	36.1	4.0	145	Residential Low	Approved Tentative Map
2	21.5	14.0	300	Residential Medium/Multi-Family	Future
SFD Rental 8	11.6	5.3	61	SFD Rental, Residential Low	Future
9a	18	4.2	77	Residential Low	Future
9b	30	4.7	139	Residential Low	Future
9c	24	2.8	69	Residential Low	Future
9d	15	3.7	55	Residential Low	Future
9e	18	4.8	85	Residential Low	Future
9f	11	12.6	140	Residential Medium/Multi-Family	Future
9g	13	14.7	190	Residential Medium/Multi-Family	Future
10	3	N/A		General Commerical/Business	Future
11	2	N/A		General Commerical/Business	Future
Former Tract 15	100	400 Rooms 432 Spaces		Resort Hotel/Casino/General Business/Recreational Vehicle Park	Future
Open Space	230	N/A	N/A	Open Space	Open Space - Golf Course *Open Space - Street Frontage *Open Space - Meandering Sidewalks
Wastewater Treatment Facility	5	N/A	N/A	Public Facility/Municipal	Built and Completed
Possible Fire Station	5	N/A	N/A	Public Facility/Municipal	Future
Former Proposed School Site	15	N/A	N/A	Future Use to be determined	Future
TOTAL	1,047		3,200		

* INCLUDED IN PARKWAY PARK AREAS AND ADJACENT PLANNING AREAS

Moutain Falls Land Use Summary

Updated 6/20/2019

Zoning	Totals		Average Dwelling Units Per Acre	Total Units Proposed
	Acreage	Percentage		
Resort Hotel/Casino/Recreational Vehicle	100	9.6%		
Residential Low	642	61.3%	4.0	2,570
Residential Medium including Multi-Family	45	4.3%	13.9	630
General Commercial	5	0.5%		
Public Facilities (Fire Station and Wastewater Treatment Facility)	10	1.0%		
Open Space	230	21.9%		
Former School Site (Use To Be Determined)	15	1.4%		
Trail area within Mountain Falls Parkway*	2.05			
TOTAL Residential only (Low and Medium)	687	65.7%	4.7	3,200

Summary Maximums				
Residential Units			3,200 Units	
Hotel Rooms			400 Rooms	
Recreational Vehicle Spaces Maximum			432 Spaces	
General Commercial / Business - Maximum Planning Areas 10, 11 former Tract 15			104,544 sq. ft.	
Project Density Total	1,047	100%	3.06	3,200

* INCLUDED IN PARKWAY PARK AREAS AND ADJACENT PLANNING AREAS