

FIRST AMENDMENT

BILL NO. 89-55

Ordinance No. 3459

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47 ENTITLED "DESERT TORTOISE HABITAT CONSERVATION"; PROVIDING FOR CLARK COUNTY TO APPLY FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973, AND TO DEVELOP A HABITAT CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE, INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING, GRADING, ENCROACHMENT OR OFFSITE IMPROVEMENT PERMIT; DESIGNATING ALL OF UNINCORPORATED CLARK COUNTY AS THE CLARK COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN INTERIM MITIGATION FEE OF \$250.00 PER GROSS ACRE OR PORTION THEREOF OF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENCE ON A LOT GREATER THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE \$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES, REHABILITATION OR REMODELING OF EXISTING STRUCTURES OR EXISTING OFFSITE IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OR DISTRICT HAS CONTRIBUTED MONEY FOR THE DEVELOPMENT OF THE HABITAT CONSERVATION PLAN; DEVELOPMENT OF A PARCEL FOR WHICH THE PROPER INTERIM MITIGATION FEE HAS PREVIOUSLY BEEN PAID; CONSTRUCTION OF CERTAIN PUBLIC UTILITY TRANSMISSION FACILITIES AND DEVELOPMENT OF ANY PARCEL WHICH HAS BEEN ISSUED A SECTION 10(a) PERMIT; ALLOWS THE BOARD TO ADJUST THE FEE IN THE FUTURE; PROVIDES THAT ALL FEES COLLECTED ARE TO BE DEPOSITED INTO A DESERT TORTOISE SPECIAL RESERVE FUND AND ARE TO BE USED SOLELY FOR PREPARATION AND DEVELOPMENT OF A HABITAT CONSERVATION PLAN; AND FOR THE APPLICATION FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT FOR THE DESERT TORTOISE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:  
Mayor Ron Eurie

Summary: To Finance the Preparation, Development and Implementation of a Desert Tortoise Habitat Conservation Plan

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY  
ORDAIN AS FOLLOWS:

SECTION 1: Title 18 of the Las Vegas Municipal Code is hereby amended by adding thereto a new chapter designated as 18.47 which shall be entitled "Desert Tortoise Habitat Conservation" and shall read as follows:

1 18.47.010: The City Council of the City of Las Vegas finds and  
2 determines that:

3 (A) Pursuant to its emergency authority under the  
4 Federal Endangered Species Act of 1973, 16 U.S.C.  
5 Section 1531 et. seq., the U.S. Fish and Wildlife  
6 Service has listed the Desert Tortoise (*Gopherus*  
7 *Agassizii*) as an endangered species, effective  
8 August 4, 1989.

9 (B) Following the federal listing of the Desert Tor-  
10 toise as an endangered species, the Secretary of  
11 Interior may permit the incidental taking of the  
12 species in accordance with a permit issued pursuant  
13 to Section 10(a) of the Endangered Species Act (16  
14 U.S.C. Section 1539). All applications for a Sec-  
15 tion 10(a) permit must be accompanied by a Habitat  
16 Conservation Plan approved by the U.S. Fish and  
17 Wildlife Service. Said permit will then allow the  
18 incidental taking of the Tortoise as a consequence  
19 of otherwise lawful activities on the basis that  
20 the Habitat Conservation Plan will provide a  
21 program for the protection of the species and  
22 guarantee its survival.

23 (C) The U.S. Fish and Wildlife Service has decreed  
24 that:

25 (1) Development within the historic range  
26 (habitat) of the Desert Tortoise has resulted  
27 in loss and degradation of occupied Desert  
28 Tortoise habitat, increased the isolation of  
29 Desert Tortoise populations, reduced the  
30 potential habitat areas for future coloniza-  
31 tion, and eliminated the corridors which allow  
32 the species to relocate as environmental con-

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ditions warrant;

- (2) The Desert Tortoise's survival cannot be insured on small isolated acreages surrounded by, or in close proximity to, development or human populations; and
- (3) Impacts to the Desert Tortoise are not limited to loss or degradation of actually occupied habitat only.

(D) To decrease the impact upon land development in Clark County caused by the listing of the Desert Tortoise as an endangered species and to assist in the preservation of the Desert Tortoise the City desires to develop and implement a Habitat Conservation Plan with the costs of developing and implementing such a plan to be borne by those who grade, invade or encroach upon, or cause, directly or indirectly the grading, invasion or encroachment of the historic range or habitat of the Desert Tortoise.

(E) All Interim Mitigation Fees collected pursuant to the provisions of this ordinance shall be used for the development and preparation of a Habitat Conservation Plan for the Desert Tortoise and the application for a Section 10(a) permit under the Federal Endangered Species Act.

(F) Adoption and implementation of this ordinance demonstrates the City's intent to cooperate with federal and state agencies and conservation groups to provide for the survival of the Desert Tortoise and at the same time provide for the further development of property in the City of Las Vegas.

(G) The passage of this ordinance is intended to be

1 consistent with the requirements of federal  
2 environmental legislation.

3 18.47.020: The purpose of this ordinance is to finance the pre-  
4 paration and development of a Habitat Conservation Plan,  
5 and the application for a Section 10(a) permit under the  
6 Federal Endangered Species Act for the Clark County  
7 Desert Tortoise Habitat Conservation Plan Study Area.  
8 It is the further purpose of this ordinance to provide a  
9 method for mitigation of impacts to the Desert Tortoise  
10 caused by the loss of its habitat due to development  
11 during the preparation of a Habitat Conservation Plan  
12 and provide for habitat mitigation to be identified in  
13 the Habitat Conservation Plan.

14 18.47.030: As used in this ordinance, the following terms shall  
15 have the following meanings:

16 (A) City Council: The City Council of the City of Las  
17 Vegas.

18 (B) City: The City of Las Vegas.

19 (C) Development Permit: City approval of a building,  
20 grading, encroachment or off-site improvement per-  
21 mit pursuant to the provisions of all applicable  
22 City ordinances. Where a development project or  
23 parcel has been previously reviewed and approved  
24 pursuant to the provisions of this ordinance, any  
25 subsequent implementing development permit shall  
26 not be subject to further review under this ordi-  
27 nance.

28 (D) Fee Assessment Area: All real property located  
29 within the Clark County Desert Tortoise Habitat  
30 Conservation Plan Study Area as described in Sec-  
31 tion 18.47.040 of this ordinance.

32 (E) Habitat Conservation Plan: A plan prepared pur-

1 suant to Section 10(a) of the Federal Endangered  
2 Species Act of 1973, 16 U.S.C. Section 1539.

3 (F) Interim Mitigation Fee: The fee imposed pursuant  
4 to the provisions of this ordinance.

5 (G) Parcel: All real property for which a development  
6 permit is applied.

7 (H) Residential Unit: A building or portion thereof  
8 used by one (1) family and containing but one (1)  
9 kitchen, and designed for single family residential  
10 purposes only.

11 (I) Section 10(a) Permit: A permit issued by the  
12 Secretary of Interior pursuant to Section 10(a) of  
13 the Federal Endangered Species Act of 1973, 16  
14 U.S.C. Section 1539.

15 (J) Desert Tortoise: An animal species known as  
16 Gopherus Agassizzi.

17 18.47.040: All those certain lands located in the incorporated  
18 areas of the City of Las Vegas, State of Nevada, are  
19 hereby designated as the Clark County Desert Tortoise  
20 Habitat Conservation Plan Study Area and are included in  
21 the fee assessment area.

22 18.47.050: During the time the Interim Mitigation Fee is in  
23 effect, all applicants for development permits within  
24 the boundaries of the Fee Assessment Area shall pay an  
25 Interim Mitigation Fee of \$250.00 per gross acre or a  
26 prorated sum for a portion thereof of the parcels pro-  
27 posed for development. For single family residential  
28 development, consisting of lots five (5) gross acres in  
29 size or greater, and where the grading and development  
30 of said lot consists of one (1) gross acre or less and  
31 the balance of the property remains in its natural  
32 conditions, an Interim Mitigation Fee of \$250.00 per

1 residential unit shall be paid.

2 18.47.060: No development permit for real property located  
3 within the boundaries of the Fee Assessment Area shall  
4 be issued or approved except upon the condition that the  
5 Interim Mitigation Fee required by this ordinance be  
6 paid.

7 18.47.070: The Interim Mitigation Fee shall be paid upon  
8 issuance of any of the permits defined as a development  
9 permit following the adoption of this ordinance.

10 18.47.080: For purposes of this ordinance, the following types  
11 of development shall not be required to pay an Interim  
12 Mitigation Fee unless such development voluntarily par-  
13 ticipates in order to mitigate the disturbance of  
14 occupied Desert Tortoise habitat:

- 15 (A) Reconstruction of any structure damaged or  
16 destroyed by fire or other natural causes;
- 17 (B) Rehabilitation or remodeling of existing struc-  
18 tures, or existing off-site improvements;
- 19 (C) Development of any parcel used by local, district,  
20 state or federal governments for governmental pur-  
21 poses (i.e. public works, schools); provided such  
22 governmental entities or districts have par-  
23 ticipated in and contributed monies for the deve-  
24 lopment of the Habitat Conservation Plan through  
25 an interlocal agreement approved by the City Coun-  
26 cil.
- 27 (D) Development of any parcel for which an Interim  
28 Mitigation Fee has been previously paid. However,  
29 in instances where the fee previously paid was the  
30 fee for single family residential development,  
31 wherein all lots within the development were  
32 five (5) gross acres in size or greater with at

1 least four (4) acres being left in its natural  
2 condition and the applicant for a development  
3 permit subsequently requests an increase in resi-  
4 dential density or a change from a residential to  
5 a non-residential use, the fee shall be recalcu-  
6 lated for the new density or use pursuant to the  
7 provisions of this ordinance. Any difference bet-  
8 ween the recalculated fee and the previously paid  
9 fee shall be required to be paid by the applicant.

10 (E) The construction of public utility transmission  
11 facilities. Said exemption shall not include  
12 substations, treatment facilities, pumping sta-  
13 tions, access roads or any activity requiring  
14 alterations of the land.

15 (F) Development of any parcel which has previously been  
16 approved and issued a Section 10(a) permit under  
17 the Federal Endangered Species Act of 1973 for the  
18 Desert Tortoise.

19 18.47.090: The City Council may periodically review and cause an  
20 adjustment to be made to the Interim Mitigation Fee. By  
21 amendment to this ordinance, the fee may be increased or  
22 decreased to reflect changes in estimated costs for the  
23 development and preparation of a Habitat Conservation  
24 Plan. The adjustment in the fee may also reflect  
25 changes in estimated revenues received pursuant to this  
26 ordinance, as well as the availability or lack thereof  
27 of other funds with which to develop and prepare the  
28 Habitat Conservation Plan. Any adjustment in the fee  
29 shall be prospective only and shall become effective as  
30 of the date any such amendment is effective, provided,  
31 however, that the amount of the Interim Mitigation Fee  
32 for any development permit shall be the fee in effect at

1           the time of payment.

2   18.47.100: All Interim Mitigation Fees collected pursuant to the  
3           provisions of this ordinance shall be deposited into the  
4           Desert Tortoise Special Reserve Fund. Funds, including  
5           interest accrued in said account, shall be expended  
6           solely for the preparation and development of a Habitat  
7           Conservation Plan for the Desert Tortoise, and for the  
8           application for a Section 10(a) permit under the Federal  
9           Endangered Species Act.

10          SECTION 2: If any section, subsection, subdivision  
11       paragraph, sentence, clause or phrase in this ordinance or any  
12       part thereof, is for any reason held to be unconstitutional or  
13       invalid or ineffective by any court of competent jurisdiction,  
14       such decision shall not affect the validity or effectiveness of  
15       the remaining portions of this ordinance or any part thereof.  
16       The City Council of the City of Las Vegas, Nevada, hereby  
17       declares that it would have passed each section, subsection, sub-  
18       division, paragraph, sentence, clause or phrase thereof,  
19       irrespective of the fact that any one or more sections, subsec-  
20       tions, subdivisions, paragraphs, sentences, clauses or phrases be  
21       declared unconstitutional, invalid or ineffective.

22          SECTION 3: All ordinances or parts of ordinances, sec-  
23       tions, subsections, phrases, sentences, clauses or paragraphs  
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1 contained in the Municipal Code of the City of Las Vegas, Nevada,  
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 18th day of  
4 October, 1989.

5 APPROVED:

6  
7 By

8 R. Lurie  
RON LURIE, Mayor

OK 11-16-89  
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9 ATTEST:

10 Kathleen M. Tighe  
11 KATHLEEN M. TIGHE, City Clerk  
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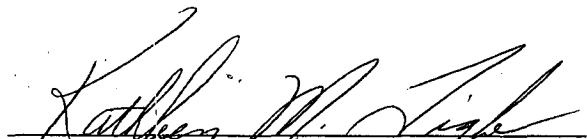
1           The above and foregoing ordinance was first proposed  
2 and read by title to the City Council on the 20th day of September,  
3 1989, and referred to the following committee composed of  
4 Councilmen Higginson and  
5 Adamsen for recommendation; thereafter the  
6 said committee reported favorably on said ordinance on the 18th  
7 day of October, 1989, which was a regular meeting of  
8 said Council; that at said regular meeting, the proposed  
9 ordinance was read by title to the City Council as amended and  
10 adopted by the following vote:

11 VOTING "AYE" : Councilmen Adamsen, Higginson, Miller, Nolen and Mayor Lurie  
12 VOTING "NAY" : NONE  
13 ABSENT: NONE

14 APPROVED:

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16 By   
17 RON LURIE, Mayor

18 ATTEST:

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21 KATHLEEN M. TIGHE, City Clerk  
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3459

BILL NO. 89-55

Ordinance No. \_\_\_\_\_

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47 ENTITLED "DESERT TORTOISE HABITAT CONSERVATION"; PROVIDING FOR CLARK COUNTY TO APPLY FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973, AND TO DEVELOP A HABITAT CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE, INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING, GRADING, ENCROACHMENT OR OFFSITE IMPROVEMENT PERMIT; DESIGNATING ALL OF UNINCORPORATED CLARK COUNTY AS THE CLARK COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN INTERIM MITIGATION FEE OF \$250.00 PER GROSS ACRE OR PORTION THEREOF OF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENCE ON A LOT GREATER THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE \$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES, REHABILITATION OR REMODELING OF EXISTING STRUCTURES OR EXISTING OFFSITE IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OR DISTRICT HAS CONTRIBUTED MONEY FOR THE DEVELOPMENT OF THE HABITAT CONSERVATION PLAN; DEVELOPMENT OF A PARCEL FOR WHICH THE PROPER INTERIM MITIGATION FEE HAS PREVIOUSLY BEEN PAID; CONSTRUCTION OF CERTAIN PUBLIC UTILITY TRANSMISSION FACILITIES AND DEVELOPMENT OF ANY PARCEL WHICH HAS BEEN ISSUED A SECTION 10(a) PERMIT; ALLOWS THE BOARD TO ADJUST THE FEE IN THE FUTURE; PROVIDES THAT ALL FEES COLLECTED ARE TO BE DEPOSITED INTO A DESERT TORTOISE SPECIAL RESERVE FUND AND ARE TO BE USED SOLELY FOR PREPARATION AND DEVELOPMENT OF A HABITAT CONSERVATION PLAN; AND FOR THE APPLICATION FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT FOR THE DESERT TORTOISE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Mayor Ron Lurie

Summary: To Finance the Preparation, Development and Implementation of a Desert Tortoise Habitat Conservation Plan

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 18 of the Las Vegas Municipal Code is hereby amended by adding thereto a new chapter designated as 18.47 which shall be entitled "Desert Tortoise Habitat Conservation" and shall read as follows:

18.47.010: The City Council of the City of Las Vegas finds and determines that:

(A) Pursuant to its emergency authority under the

1 Federal Endangered Species Act of 1973, 16 U.S.C.  
2 Section 1531 et. seq., the U.S. Fish and Wildlife  
3 Service has listed the Desert Tortoise (*Gopherus*  
4 *agassizii*) as an endangered species, effective  
5 August 4, 1989, and has listed all of Clark County  
6 as Desert Tortoise habitat.

7 (B) Following the federal listing of the Desert Tor-  
8 toise as an endangered species, the habitat of the  
9 species may not be altered without a Section 10(a)  
10 permit issued by the Secretary of the Interior pur-  
11 suant to 16 U.S.C. Section 1539. All requests for  
12 a Section 10(a) permit must be accompanied by a  
13 Habitat Conservation Plan approved by the U.S. Fish  
14 and Wildlife Service. Said permit will then allow  
15 the incidental taking of the Tortoise due to deve-  
16 lopment on the basis that the Habitat Conservation  
17 Plan will provide a program for the protection of  
18 the species and guarantee its survival.

19 (C) The U.S. Fish and Wildlife Service has decreed  
20 that:

21 (1) Development within the historic range  
22 (habitat) of the Desert Tortoise has resulted  
23 in loss and degradation of occupied Desert  
24 Tortoise habitat, increased the isolation of  
25 Desert Tortoise populations, reduced the  
26 potential habitat areas for future coloniza-  
27 tion, and eliminate the corridors which allow  
28 the species to relocate as environmental con-  
29 ditions warrant;

30 (2) The Desert Tortoise's survival cannot be  
31 insured on small isolated acreages surrounded  
32 by, or in close proximity to, development or

- 1 human populations; and
- 2 (3) Impacts to the Desert Tortoise are not limited
- 3 to loss or degradation of actually occupied
- 4 habitat only.
- 5 (D) To decrease the impact of the effect of the listing
- 6 of the Desert Tortoise on Development in Clark
- 7 County and to assist in the preservation of the
- 8 Desert Tortoise the City desires to develop and
- 9 implement a Habitat Conservation Plan with the
- 10 costs of developing and implementing such a plan to
- 11 be borne in part by those who grade, invade or
- 12 encroach upon, or cause, directly or indirectly the
- 13 grading, invasion or encroachment of the historic
- 14 range or habitat of the Desert Tortoise.
- 15 (E) The successful completion and implementation of a
- 16 Habitat Conservation Plan for the Desert Tortoise
- 17 would be jeopardized by not implementing an interim
- 18 measure that requires specific review of each pro-
- 19 posed development within the Desert Tortoise Habi-
- 20 tat Conservation Plan Study Area to determine the
- 21 best means of mitigating impacts to the Desert Tor-
- 22 toise.
- 23 (F) Each proposed development project shall be reviewed
- 24 to determine the most appropriate course of action
- 25 to ensure the survival of the species in the long
- 26 term, as well as, during the preparation of the
- 27 Habitat Conservation Plan through one or more of
- 28 the following:
- 29 (1) On-site mitigation of impacts to the Desert
- 30 Tortoise through the reservation or addition
- 31 of lands included within or immediately adja-
- 32 cent to a potential habitat reserve site; or

- 1 (2) Payment of the Interim Mitigation Fee set by  
2 this ordinance; or  
3 (3) Any combination of (1) and (2) consistent with  
4 the intent and purpose of this ordinance.

5 A proposed development project may be referred for  
6 review to federal and state resource agencies  
7 based upon criteria to be established and agreed  
8 upon by the City and said agencies.

9 (G) Immediate implementation of this ordinance is  
10 necessary to make use of other potential funding  
11 opportunities for the development and implemen-  
12 tation of a Habitat Conservation Plan for the  
13 Desert Tortoise.

14 (H) All Interim Mitigation Fees collected pursuant to  
15 the provisions of this ordinance shall be used for  
16 the development, preparation and implementation of  
17 a Habitat Conservation Plan for the Desert Tor-  
18 toise, including the acquisition of habitat reserve  
19 sites, and the application for and compliance with  
20 a Section 10(a) permit under the Federal Endangered  
21 Species Act of 1973.

22 (I) Adoption and implementation of this ordinance  
23 demonstrates the City's intent to cooperate with  
24 federal and state agencies and conservation groups  
25 to provide for the survival of the Desert Tortoise  
26 and at the same time provide for the further deve-  
27 lopment of property in the City of Las Vegas.

28 (J) The passage of this ordinance is intended to be  
29 consistent with the requirements of federal  
30 environmental legislation.

31 18.47.020: The purpose of this ordinance is to finance the pre-  
32 paration, development and implementation of a Habitat

1 Conservation Plan, including the acquisition of habitat  
2 reserve sites, and the application for and compliance  
3 with a Section 10(a) permit under the Federal Endangered  
4 Species Act of 1973 for the Clark County Desert Tortoise  
5 Habitat Conservation Plan Study Area. It is the further  
6 purpose of this ordinance to provide a method for miti-  
7 gation of impacts to the Desert Tortoise caused by the  
8 loss of its habitat due to development during the pre-  
9 paration of a Habitat Conservation Plan and provide for  
10 habitat mitigation to be identified in the habitat Con-  
11 servation Plan. Mitigation of impacts to the Desert  
12 Tortoise and its habitat will be accomplished through  
13 the review of each proposed development project within  
14 the Clark County Desert Tortoise Habitat Conservation  
15 Plan Study Area to determine whether on-site mitigation  
16 through the reservation or addition of lands included  
17 within or immediately adjacent to a potential habitat  
18 reserve site or payment of the interim fee or a com-  
19 bination of both is appropriate and furthers the ulti-  
20 mate Habitat Conservaton Plan objectives. A proposed  
21 development project may be referred, for review to  
22 federal and state agencies based upon criteria to be  
23 established and agreed upon by the City and said  
24 agencies.

25 This ordinance provides for the establishment of the  
26 review process and satisfaction of on-site mitigation to  
27 protect potential habitat reserve sites or payment of  
28 the Interim Mitigation Fee or a combination of both,  
29 which upon implementation will satisfy U.S. Fish and  
30 Wildlife Service, State Department of Wildlife, as well  
31 as City mitigation requirements for the Desert Tortoise  
32 and its habitat which may occur within the incorporated

1 areas of the City pending completion and adoption of a  
2 Habitat Conservation Plan and issuance of a Section  
3 10(a) permit.

4 18.47.030: As used in this ordinance, the following terms shall  
5 have the following meanings:

6 (A) City Council: The City Council of the City of Las  
7 Vegas.

8 (B) City: The City of Las Vegas.

9 (C) Development Permit: City approval of a tentative  
10 subdivision map, parcel map, certificate of land  
11 division, zone change, conditional use permit,  
12 variance, architectural supervision, plot plan,  
13 building permit or grading permit pursuant to the  
14 provisions of all applicable City ordinances. Where  
15 a development project has been previously reviewed  
16 and approved pursuant to the provisions of this  
17 ordinance, any subsequent implementing development  
18 permit shall not be subject to further review under  
19 this ordinance.

20 (D) Fee Assessment Area: All real property located  
21 within the Clark County Desert Tortoise Habitat  
22 Conservation Pan Study Area as described in Section  
23 18.47.040 of this ordinance.

24 (E) Habitat Conservation Plan: A plan prepared pur-  
25 suant to Section 10(a) of the Federal Endangered  
26 Species Act of 1973, 16 U.S.C. Section 1539.

27 (F) Interim Mitigation Fee: The fee imposed pursuant  
28 to the provisions of this ordinance.

29 (G) Parcel: All real property for which a development  
30 permit is applied.

31 (H) Residential Unit: A building or portion thereof  
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1 used by one (1) family and containing but one (1)  
2 kitchen, and designed for single family residential  
3 purposes only.

4 (I) Section 10(a) Permit: A permit issued by the  
5 Secretary of Interior pursuant to Section 10(a) of  
6 the Federal Endangered Species Act of 1973, 16  
7 U.S.C. Section 1539.

8 (J) Desert Tortoise: An animal species known as  
9 Gopherus Agassizzi.

10 18.47.040: All those certain lands located in the incorporated  
11 areas of the City of Las Vegas, State of Nevada, are  
12 hereby designated as the Clark County Desert Tortoise  
13 Habitat Conservation Plan Study Area and are included in  
14 the fee assessment area.

15 18.47.050: During the time the Interim Mitigation Fee is in  
16 effect, all applicants for development permits within  
17 the boundaries of the Fee Assessment Area shall pay an  
18 Interim Mitigation Fee of \$\_\_\_\_\_ per gross acre of the  
19 parcels proposed for development. For single family  
20 residential development, consisting of lots greater than  
21 one-half ( $\frac{1}{2}$ ) gross acre in size, an Interim Mitigation  
22 Fee of \_\_\_\_\_ per residential unit shall be paid.  
23 All agricultural development, including dairy farms and  
24 single family residences in connection with said agri-  
25 cultural development but excluding poultry farms,  
26 require a development permit and shall pay an Interim  
27 Mitigation Fee of \_\_\_\_\_ per square foot of the  
28 buildings to be constructed; provided, however, that  
29 such fee shall not exceed the amount required to be paid  
30 if a fee of \_\_\_\_\_ per gross acre were applied to  
31 the parcel proposed for agricultural development.

32 18.47.060: No development permit for real property located

1 within the boundaries of the Fee Assessment Area shall  
2 be issued or approved except upon the condition that the  
3 Interim Mitigation Fee required by this ordinance be  
4 paid, and it is determined that said development will  
5 not jeopardize the implementation of a Habitat Conser-  
6 vation Plan.

7 18.47.070: The Interim Mitigation Fee shall be paid upon  
8 issuance of a grading permit, building permit or a cer-  
9 tificate of occupancy or upon final inspection,  
10 whichever occurs first following adoption of this ordi-  
11 nance.

12 18.47.080: The fees required pursuant to Section 6 shall be  
13 reduced by \_\_\_\_ percent for non-profit entities. For  
14 purposes of this section, non-profit entities shall be  
15 defined as those entities identified in 26 U.S.C. Sec-  
16 tion 501(c)(3).

17 18.47.090: For purposes of this ordinance, the following types  
18 of development shall not be required to pay an Interim  
19 Mitigation Fee unless such development voluntarily par-  
20 ticipates in order to mitigate the disturbance of  
21 occupied Desert Tortoise habitat:

- 22 (A) Reconstruction of any structure damaged or  
23 destroyed by fire or other natural causes;
- 24 (B) Rehabilitation or remodeling of existing struc-  
25 tures, or additions to existing structures;
- 26 (C) Development of any parcel used by local, district,  
27 state or federal governments for governmental pur-  
28 poses (i.e. public works, schools); provided such  
29 governmental entities or districts have par-  
30 ticipated in and contributed monies for the deve-  
31 lopment of the Habitat Conservation Plan.
- 32 (D) Development of any parcel for which an Interim

1 Mitigation Fee has been previously paid. However,  
2 in instances where the fee previously paid was the  
3 fee for single family residential development,  
4 wherein all lots within the development were  
5 greater than ½ gross acre in size, and the appli-  
6 cant for a development permit subsequently requests  
7 an increase in residential density or a change from  
8 a residential to a non-residential use, or in the  
9 instance where the fee previously paid was a fee  
10 for agricultural development and the applicant for  
11 a development permit subsequently requests a change  
12 from an agricultural to a residential, commercial  
13 or industrial use, the fee shall be recalculated  
14 for the new density or use pursuant to the provi-  
15 sions of this ordinance. Any difference between  
16 the recalculated fee and the previously paid fee  
17 shall be required to be paid by the applicant.

18 (E) The construction of public utility transmission  
19 facilities. Said exemption shall not include  
20 substations, treatment facilities, pumping sta-  
21 tions, access roads or any activity requiring  
22 alterations of the land.

23 (F) Development of any parcel for which approval of a  
24 tentative subdivision map, parcel map, or con-  
25 ditional use permit is sought, and said development  
26 will not require the construction of new or addi-  
27 tional buildings or the grading or mining of the  
28 parcel which may be considered negligible or  
29 insignificant as determined by the Director of  
30 Comprehensive Planning or his designee in accor-  
31 dance with Section 7003 of the 1988 Edition of the  
32 Uniform Building Code.

1 (G) Development of any parcel when an amendment, minor  
2 change or minor revision to a previously approved  
3 subdivision map or parcel map is sought; or deve-  
4 lopment of any parcel which substantially conforms  
5 to a previously approved conditional use permit for  
6 which and all permits necessary for the development  
7 of the parcel have previously been issued.

8 18.47.100 In the event that the fee provided for by the final  
9 Habitat Conservation Plan is less than the Interim Miti-  
10 gation Fee paid, the property owner of record may apply  
11 for a partial refund of said fee. The amount of any  
12 refund due shall be determined by the City in its sole  
13 discretion after review of said application and shall be  
14 limited to the funds collected in excess of any amount  
15 received as a credit against the Habitat Conservation.

16 18.47.110: The City Council may periodically review and cause an  
17 adjustment to be made to the Interim Mitigation Fee. By  
18 amendment to this ordinance, the fee may be increased or  
19 decreased to reflect changes in estimated costs for the  
20 development, preparation and implementation of a Habitat  
21 Conservation Plan. The adjustment in the fee may also  
22 reflect changes in estimated revenues received pursuant  
23 to this ordinance, as well as the availability or lack  
24 thereof of other funds with which to prepare and imple-  
25 ment the Habitat Conservation Plan. Any adjustment in  
26 the fee shall be prospective only and shall become  
27 effective as of the date any such amendment is effec-  
28 tive, provided, however, that the amount of the Interim  
29 Mitigation Fee for any development permit shall be the  
30 fee in effect at the time of payment.

31 18.47.120: All Interim Mitigation Fees collected pursuant to the  
32 provisions of this ordinance shall be deposited into an

1 Interim Mitigation Fee Account. Funds, including  
2 interest accrued in said account, shall be expended  
3 solely for the preparation, development and implemen-  
4 tation of a Habitat Conservation Plan for the Desert  
5 Tortoise, including the acquisition of habitat reserve  
6 sites, and for the application for a Section 10(a) per-  
7 mit under the Federal Endangered Species Act of 1973.

8 SECTION 2: If any section, subsection, subdivision  
9 paragraph, sentence, clause or phrase in this ordinance or any  
10 part thereof, is for any reason held to be unconstitutional or  
11 invalid or ineffective by any court of competent jurisdiction,  
12 such decision shall not affect the validity or effectiveness of  
13 the remaining portions of this ordinance or any part thereof.  
14 The City Council of the City of Las Vegas, Nevada, hereby  
15 declares that it would have passed each section, subsection, sub-  
16 division, paragraph, sentence, clause or phrase thereof,  
17 irrespective of the fact that any one or more sections, subsec-  
18 tions, subdivisions, paragraphs, sentences, clauses or phrases be  
19 declared unconstitutional, invalid or ineffective.

20 SECTION : All ordinances or parts of ordinances, sec-  
21 tions, subsections, phrases, sentences, clauses or paragraphs  
22 .....  
23 .....  
24 .....  
25 .....  
26 .....  
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contained in the Municipal Code of the City of Las Vegas, Nevada,  
1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of  
\_\_\_\_\_, 1989.

APPROVED:

By \_\_\_\_\_  
RON LURIE, Mayor

ATTEST:

\_\_\_\_\_  
KATHLEEN M. TIGHE, City Cler

1           The above and foregoing ordinance was first proposed  
2 and read by title to the City Council on the \_\_\_\_ day of \_\_\_\_  
3 198\_\_, and referred to the following committee composed of  
4 \_\_\_\_\_ and  
5 \_\_\_\_\_ for recommendation; thereafter the  
6 said committee reported favorably on said ordinance on the \_\_\_\_  
7 day of \_\_\_\_\_, 198\_\_, which was a \_\_\_\_\_ meeting of  
8 said Council; that at said \_\_\_\_\_ meeting, the proposed  
9 ordinance was read by title to the City Council as first intro-  
10 duced and adopted by the following vote:

11 VOTING "AYE" : \_\_\_\_\_  
12 VOTING "NAY" : \_\_\_\_\_  
13 ABSENT: \_\_\_\_\_

14  
15                               APPROVED:

16  
17                               By \_\_\_\_\_  
                                  RON LURIE, MAYOR

18 ATTEST:  
19  
20 \_\_\_\_\_  
21 Kathleen M. Tighe, City Clerk  
22  
23  
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30  
31  
32

No. 85635

CORRECTED NOTICE

BILL NO. 89-55  
FIRST AMENDMENT  
Ordinance No. 3459

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47 ENTITLED "DESERT TORTOISE HABITAT CONSERVATION;" PROVIDING FOR CLARK COUNTY TO APPLY FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973, AND TO DEVELOP A HABITAT CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE, INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING, GRADING, ENCROACHMENT OR OFFSITE IMPROVEMENT PERMIT; DESIGNATING ALL OF UNINCORPORATED CLARK COUNTY AS THE CLARK COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN INTERIM MITI-

GATION FEE OF \$250.00 PER GROSS ACRE OR PORTION THEREOF OF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENCE ON A LOT GREATER THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE \$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES, REHABILITATION OR REMODELING OF EXISTING STRUCTURES OR EXISTING OFFSITE IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OR DISTRICT HAS CONTRIBUTED MONEY FOR THE DEVELOPMENT OF THE HABITAT CON-

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.  
COUNTY OF CLARK

Joan Pollack

legal clerk

deposes and says: That he is \_\_\_\_\_, being first duly sworn of the  
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 time

from December 1, 1989 to December 1, 1989

inclusive, being the issues of said newspaper for the following dates, to-wit:

December 1

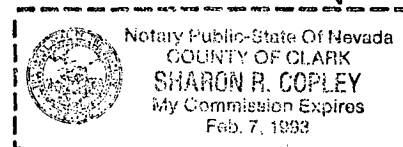
That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

Subscribed and sworn to before me this 1st  
day of December, 1989

Notary Public in and for Clark County, Nevada

My Commission Expires



RECEIVED  
DEC 19 11:09 AM '89  
CITY CLERK



SERVATION PLAN;  
DEVELOPMENT OF A PAR-  
CEL FOR WHICH THE  
PROPER INTERIM MITIGA-  
TION FEE HAS PREVIOUSLY  
BEEN PAID; CONSTRUCTION  
OF CERTAIN PUBLIC UTILITY  
TRANSMISSION FACILITIES  
AND DEVELOPMENT OF ANY  
PARCEL WHICH HAS BEEN  
ISSUED A SECTION 10(a)  
PERMIT; ALLOWS THE  
BOARD TO ADJUST THE FEE  
IN THE FUTURE; PROVIDES  
THAT ALL FEES COLLECTED  
ARE TO BE DEPOSITED INTO  
A DESERT TORTOISE SPE-  
CIAL RESERVE FUND AND  
ARE TO BE USED SOLELY  
FOR PREPARATION AND DE-  
VELOPMENT OF A HABITAT  
CONSERVATION PLAN; AND  
FOR THE APPLICATION FOR  
A SECTION 10(a) PERMIT UN-  
DER THE FEDERAL ENDAN-  
GERED SPECIES ACT FOR  
THE DESERT TORTOISE;  
PROVIDING FOR OTHER  
MATTERS PROPERLY RELAT-  
ING THERETO; AND REPEAL-  
ING ALL ORDINANCES AND  
PARTS OF ORDINANCES IN  
CONFLICT HEREWITH.

Summary: To Finance the  
Preparation, Development and  
Implementation of a Desert  
Tortoise Habitat Conservation  
Plan

Sponsored by:  
Mayor Ron Lurie.

The above and foregoing  
amended ordinance was first  
proposed and read by title to  
the City Council on the 20th  
day of September, 1989, and  
referred to the following com-  
mittee composed of Council-  
men Higginson and Adamsen,  
for recommendation;  
thereafter the said committee  
reported favorably on said  
amended ordinance on the  
18th day of October, 1989,  
which was a regular meeting  
of said City Council; that at  
said regular meeting the pro-  
posed ordinance was read by  
title to the City Council as  
amended and adopted by the  
following vote:

VOTING "AYE" Councilmen:  
Adamsen, Higginson, Miller,  
Nolen and Mayor Lurie.  
VOTING "NAY" Councilmen:  
NONE  
ABSENT: NONE

PUB: December 1, 1989  
Las Vegas SUN

No. 76051

FIRST AMENDMENT  
BILL NO. 89-55  
Ordinance No. 3469

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47 ENTITLED "DESERT TORTOISE HABITAT CONSERVATION"; PROVIDING FOR CLARK COUNTY TO APPLY FOR A SECTION 10(A) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973, AND TO DEVELOP A HABITAT CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE, INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING, GRADING, ENCROACHMENT OR OFFSITE IMPROVEMENT PERMIT; DESIGNATING ALL OF UNINCORPORATED CLARK COUNTY AS THE CLARK COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN INTERIM MITIGATION FEE OF \$250.00 PER GROSS ACRE OR PORTION THEREOF OF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENCE ON A LOT GREATER THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE \$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES, REHABILITATION OR REMODELING OF EXISTING STRUCTURES OR EXISTING OFFSITE IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OR DISTRICT HAS CONTRIBUTED MONEY FOR THE DEVELOP-

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.  
COUNTY OF CLARK

Nov 15 10 54 AM '89

Joan Pollack

CITY CLERK

being first duly sworn,

deposes and says: That he is \_\_\_\_\_ legal clerk of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 2 times

from October 21, 1989 to October 25, 1989

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 21, 25

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

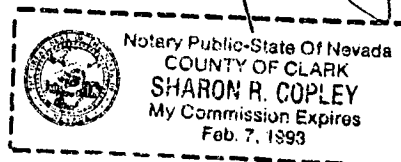
*Joan Pollack*

Subscribed and sworn to before me this 25th day of October, 1989

*Sharon R. Copley*

Notary Public in and for Clark County, Nevada

My Commission Expires



MENT OF THE HABITAT CON-  
SERVATION PLAN;  
DEVELOPMENT OF A PAR-  
CEL FOR WHICH THE  
PROPER INTERIM MITIGA-  
TION FEE HAS PREVIOUSLY  
BEEN PAID; CONSTRUCTION  
OF CERTAIN PUBLIC UTILITY

TRANSMISSION FACILITIES  
AND DEVELOPMENT OF ANY  
PARCEL WHICH HAS BEEN  
ISSUED A SECTION 10(A)  
PERMIT; ALLOWS THE  
BOARD TO ADJUST THE FEE  
IN THE FUTURE; PROVIDES  
THAT ALL FEES COLLECTED  
ARE TO BE DEPOSITED INTO  
A DESERT TORTOISE SPE-  
CIAL RESERVE FUND AND  
ARE TO BE USED SOLELY  
FOR PREPARATION AND DE-  
VELOPMENT OF A HABITAT  
CONSERVATION PLAN; AND  
FOR THE APPLICATION FOR  
A SECTION 10(A) PERMIT UN-  
DER THE FEDERAL ENDAN-  
GERED SPECIES ACT FOR  
THE DESERT TORTOISE;  
PROVIDING FOR OTHER  
MATTERS PROPERLY RELAT-  
ING THERETO; AND REPEAL-  
ING ALL ORDINANCES AND  
PARTS OF ORDINANCES IN  
CONFLICT HEREWITH.

Summary: To Finance the  
Preparation, Development and  
Implementation of a Desert  
Tortoise Habitat Conservation  
Plan

Sponsored by:  
Mayor Ron Lurie

The above and foregoing or-  
dinance was first proposed  
and read by title to the City  
Council on the 20th day of  
September, 1989, and referred  
to the following committee  
composed of Councilmen Hig-  
ginson and Adamsen, for rec-  
ommendation; thereafter the  
said committee reported favor-  
ably on said amended ordi-  
nance on the 18th day of  
October, 1989, which was a  
regular meeting of said City  
Council; that at said regular  
meeting the proposed ordi-  
nance was read by title to the  
City Council as amended and  
adopted by the following vote:

VOTING "AYE" Councilmen:  
Adamsen, Hgginson, Miller,  
Nolen and Mayor Lurie  
VOTING "NAY" Councilmen:  
NONE  
ABSENT: NONE

COPIES OF THE COMPLETE  
ORDINANCE ARE AVAILABLE  
FOR PUBLIC INFORMATION  
IN THE OFFICE OF THE CITY  
CLERK, 10TH FLOOR, CITY  
HALL, 400 EAST STEWART  
AVENUE, LAS VEGAS, NEVA-  
DA.

PUB: October 21, 25, 1989  
Las Vegas SUN

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,  
OF CLARK

{ ss.

Nov 14 4 02 PM '89

Joan Pollack

CITY, being first duly sworn,

legal clerk

and says: That he is \_\_\_\_\_ of the  
AS SUN, a daily newspaper of general circulation, printed and published  
in the County of Clark, State of Nevada, and that the attached was  
regularly published in said newspaper for a period of 1 time

October 5, 1989 to October 5, 1989

, being the issues of said newspaper for the following dates, to-wit:  
er 5

d newspaper was regularly issued and circulated on each of the dates  
amed.

Signed

ed and sworn to before me this 5th  
October, 1989

Notary Public in and for Clark County, Nevada

My Commission Expires



Notary Public-State Of Nevada  
COUNTY OF CLARK  
SHARON R. COPLEY  
My Commission Expires  
Feb. 7, 1993

BILL NO. 89-55

FIRST AMENDMENT

Ordinance No.

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47  
ENTITLED "DESERT TORTOISE HABITAT CONSERVATION"; PROVIDING FOR  
CLARK COUNTY TO APPLY FOR A SECTION 10(a) PERMIT UNDER THE  
FEDERAL ENDANGERED SPECIES ACT OF 1973; ADD TO DEVELOP A HABITAT  
CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE,  
INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING,  
GRADING, ENCROACHMENT OR OFFSITE IMPROVEMENT PERMIT; DESIGNATING  
ALL OF UNINCORPORATED CLARK COUNTY AS THE CLARK COUNTY DESERT  
TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF  
THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN  
INTERIM MITIGATION FEE OF \$250.00 PER CROSS ACRE OR PORTION  
THEREOF IF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENCE  
ON A LOT GREATER THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN  
IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE  
\$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A  
STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES,  
REHABILITATION OR RENOVATION OF EXISTING STRUCTURES OR EXISTING  
OFFSITE IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL  
ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OF  
DISTRICT HAS CONTRIBUTED MONEY FOR THE DEVELOPMENT OF THE HABITAT  
CONSERVATION PLAN; DEVELOPMENT OF A PARCEL FOR WHICH THE PROPER  
INTERIM MITIGATION FEE HAS PREVIOUSLY BEEN PAID; CONSTRUCTION OF  
CERTAIN PUBLIC UTILITY TRANSMISSION FACILITIES AND DEVELOPMENT OF  
ANY PARCEL WHICH HAS BEEN ISSUED A SECTION 10(a) PERMIT; ALLOWS  
THE BOARD TO ADJUST THE FEE IN THE FUTURE; PROVIDES THAT ALL FEES  
COLLECTED ARE TO BE DEPOSITED INTO A DESERT TORTOISE SPECIAL  
RESERVE FUND AND ARE TO BE USED SOLELY FOR PREPARATION AND  
DEVELOPMENT OF A HABITAT CONSERVATION PLAN; AND FOR THE  
APPLICATION FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL  
ENDANGERED SPECIES ACT FOR THE DESERT TORTOISE; PROVIDING FOR  
OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL  
ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Mayor Ron Lurie

Summary: To Finance the Prepara-  
tion, Development and Implemen-  
tation of a Desert Tortoise Habitat  
Conservation Plan

At a City Council meeting

September 20, 1989

BILL NO. 89-55 WAS READ BY TITLE  
AND REFERRED TO RECOMMENDING COMMITTEE:

Councilman Higginson

and Adamson

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN  
THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 401 EAST STEWART  
AVENUE, LAS VEGAS, NEVADA.

PUB: October 5, 1989  
Las Vegas Sun

**Legal Notices**

No. 76051

FIRST AMENDMENT  
BILL NO. 89-55  
Ordinance No. 3469

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47 ENTITLED "DESSERT TORTOISE HABITAT CONSERVATION"; PROVIDING FOR CLARK COUNTY TO APPLY FOR A SECTION 10(A) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973, AND TO DEVELOP A HABITAT CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE, INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING, GRADING, ENCROACHMENT OR OFFSITE IMPROVEMENT PERMIT; DESIGNATING ALL OF UNINCORPORATED CLARK COUNTY AND THE CLARK COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN INTERIM MITIGATION FEE OF \$250.00 PER GROSS ACRE OR PORTION THEREOF OF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENCE ON A LOT GREATER THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE \$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES, REHABILITATION OR REMODELING OF EXISTING STRUCTURES OR EXISTING OFFSITE IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OR DISTRICT HAS CONTRIBUTED

**AFFIDAVIT OF PUBLICATION**

STATE OF NEVADA,  
COUNTY OF CLARK

{ ss.

Nov 14 4 34 PM '89

Joan Pollack

**CITY CLERK**

being first duly sworn,

legal clerk

deposes and says: That he is \_\_\_\_\_ of the  
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published  
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was  
continuously published in said newspaper for a period of 1 time

from October 21, 1989 to October 21, 1989

inclusive, being the issues of said newspaper for the following dates, to-wit:  
October 21

That said newspaper was regularly issued and circulated on each of the dates  
above named.

Signed

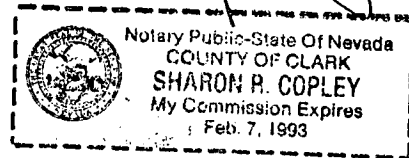
*Joan Pollack*

Subscribed and sworn to before me this 21st  
day of October, 1989

*Sharon R. Copley*

Notary Public in and for Clark County, Nevada

My Commission Expires



MONEY FOR THE DEVELOPMENT OF THE HABITAT CONSERVATION PLAN; DEVELOPMENT OF A PARCEL FOR WHICH THE PROPER INTERIM MITIGATION FEE HAS PREVIOUSLY BEEN PAID; CONSTRUCTION OF CERTAIN PUBLIC UTILITY TRANSMISSION FACILITIES AND DEVELOPMENT OF ANY PARCEL WHICH HAS BEEN ISSUED A SECTION 10(A) PERMIT; ALLOWS THE BOARD TO ADJUST THE FEE IN THE FUTURE; PROVIDES THAT ALL FEES COLLECTED ARE TO BE DEPOSITED INTO A DESERT TORTOISE SPECIAL RESERVE FUND AND ARE TO BE USED SOLELY FOR PREPARATION AND DEVELOPMENT OF A HABITAT CONSERVATION PLAN; AND FOR THE APPLICATION FOR A SECTION 10(A) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT FOR THE DESERT TORTOISE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Summary: To Finance the Preparation, Development and Implementation of a Desert Tortoise Habitat Conservation Plan

Sponsored by:  
Mayor Ron Lurie

The above and foregoing ordinance was first proposed

and read by title to the City Council on the 20th day of September, 1989, and referred to the following committee composed of Councilmen Higginson and Adamsen, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 18th day of October, 1989, which was a regular meeting of said City Council; that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen:  
Adamsen, Higginson, Miller,  
Nolen and Mayor Lurie  
VOTING "NAY" Councilmen:  
NONE  
ABSENT: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: October 21, 1989  
Las Vegas SUN

**AFFIDAVIT OF RECEIVED PUBLICATION**

STATE OF NEVADA, { ss.  
COUNTY OF CLARK

NOV 14 4 02 PM '89

Joan Pollack

CITY CLERK, being first duly sworn,

deposes and says: That he is legal clerk of the  
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published  
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was  
continuously published in said newspaper for a period of 1 time

from October 5, 1989 to October 5, 1989

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 5

That said newspaper was regularly issued and circulated on each of the dates  
above named.

Signed

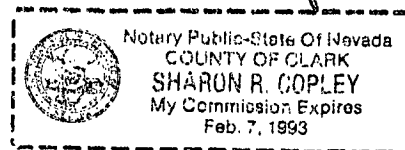
*Joan Pollack*

Subscribed and sworn to before me this 5th  
day of October, 1989

*Sharon R. Copley*

Notary Public in and for Clark County, Nevada

My Commission Expires



SEE  
ATTACHED

1 OF 2



085012

Ordinance No. \_\_\_\_\_

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 47 ENTITLED "DESERT TORTOISE HABITAT CONSERVATION"; PROVIDING FOR CLARK COUNTY TO APPLY FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973, AND TO DEVELOP A HABITAT CONSERVATION PLAN; DEFINES THE TERMS AS USED IN THE ORDINANCE, INCLUDING DEVELOPMENT PERMIT, WHICH IS DEFINED AS A BUILDING, CHANGE, ENCROACHMENT OR OTHER IMPROVEMENT PERMIT; DESIGNATING ALL OF UNINCORPORATED CLARK COUNTY AS THE CLARK COUNTY DESERT TORTOISE HABITAT CONSERVATION PLAN STUDY AREA AND INCLUDES ALL OF THIS TERRITORY IN THE FEE ASSESSMENT AREA; PROVIDES FOR AN INTERIM MITIGATION FEE OF \$250.00 PER GROSS ACRE OR PORTION THEREOF OF A DEVELOPMENT EXCEPT FOR ONE SINGLE FAMILY RESIDENT ON A LOT CREATED THAN FIVE ACRES WHERE AT LEAST FOUR ACRES REMAIN IN UNGRADED NATURAL CONDITION, IN WHICH CASE THE FEE WILL BE \$250.00; EXEMPT FROM THE PAYMENT OF FEES RECONSTRUCTION OF A STRUCTURE DAMAGED OR DESTROYED BY FIRE OR NATURAL CAUSES, REHABILITATION OR REDEMPTION OF EXISTING STRUCTURES OR EXISTING OFFICIN, IMPROVEMENTS, DEVELOPMENT OF PARCEL BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE WHEN THE GOVERNMENTAL ENTITY OR DISTRICT HAS CONTRIBUTED MONEY FOR THE DEVELOPMENT OF THE HABITAT CONSERVATION PLAN; DEVELOPMENT OF A PARCEL FOR WHICH THE PROTER INTERIM MITIGATION FEE HAS PREVIOUSLY BEEN PAID; CONSTRUCTION OF CERTAIN PUBLIC UTILITY TRANSMISSION FACILITIES AND DEVELOPMENT OF ANY PARCEL WHICH HAS BEEN ISSUED A SECTION 10(a) PERMIT; ALLOWS THE BOARD TO ADJUST THE FEE IN THE FUTURE; PROVIDES THAT ALL FEES COLLECTED ARE TO BE DEPOSITED INTO A DESERT TORTOISE SPECIAL RESERVE FUND AND ARE TO BE USED SOLELY FOR PREPARATION AND DEVELOPMENT OF A HABITAT CONSERVATION PLAN; AND FOR THE APPLICATION FOR A SECTION 10(a) PERMIT UNDER THE FEDERAL ENDANGERED SPECIES ACT FOR THE DESERT TORTOISE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Mayor Ron Lurie

Summary: To Finance the Preparation, Development and Implementation of a Desert Tortoise Habitat Conservation Plan

At a City Council meeting

September 20, 1989

BILL NO. 89-55 WAS READ BY TITLE  
AND REFERRED TO PERMANENT COMMITTEE:

Councilman Huggins

and Adamsen

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: October 5, 1989  
Las Vegas NV