

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 Agassizii.

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 RON LURIE, Mayor OK 11-16-89
RAW

9 ATTEST:

10 
11 KATHLEEN M. TIGHE, City Clerk

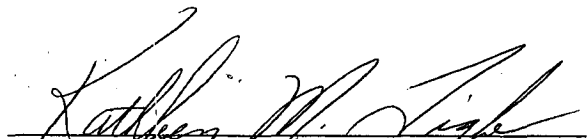
1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the 20th day of September,
3 1989, and referred to the following committee composed of
4 Councilmen Higginson and
5 Adamsen for recommendation; thereafter the
6 said committee reported favorably on said 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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BILL NO. 89-55

Ordinance No. _____

AN ORDINANCE TO AMEND TITLE 18 BY ADDING THERETO A NEW CHAPTER 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
32

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 (½) 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
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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
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31
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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

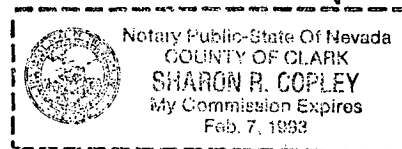
That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

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

Notary Public in and for Clark County, Nevada

My Commission Expires



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

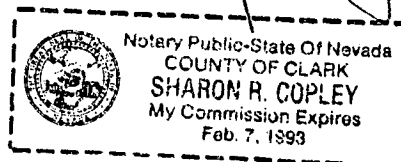
Joan Pollack

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 10 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 PROPOSED
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 Implementa-
tion 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

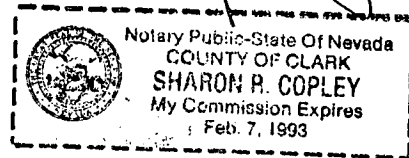
Joan Pollack

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

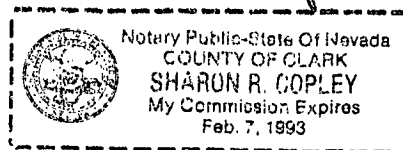
Joan Pollack

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