

BILL NO. 2000-81

ORDINANCE NO. 5268

AN ORDINANCE TO REPEAL THE MUNICIPAL CODE CHAPTER REGARDING DESERT TORTOISE HABITAT CONSERVATION, REPLACE IT WITH A NEW CHAPTER REGARDING MULTIPLE SPECIES HABITAT CONSERVATION, AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Richard Goecke, Director of
Public Works

Summary: Repeals Chapter 18.30 regarding
desert tortoise habitat conservation, and
replaces it with a new chapter regarding
multiple species habitat conservation.

SECTION 1: Title 18, Chapter 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 18 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 30, consisting of Sections 10 to 100, inclusive, reading as follows:

18.30.010: As used in this Chapter, the following terms shall have the following meanings:

"Development permit" means an onsite or offsite permit issued by the City to authorize the development of a parcel which has not previously been improved in accordance with all applicable City ordinances. The term includes building permits and grading permits for construction activity, but does not include demolition permits or temporary power permits.

"Implementing Agreement" means the document entitled Clark County Multiple Species Habitat Conservation Plan Implementing Agreement, approved by the City Council on November 1, 2000, and as thereafter modified.

"Mitigation fee" means the fee imposed pursuant to the provisions of this Chapter.

"Multiple Species Habitat Conservation Plan" means the Clark County Multiple Species Habitat Conservation Plan approved by the City Council on August 18, 1999, and as thereafter modified.

"Parcel" means a parcel of real property that is the subject of a development permit application.

"Residential unit" means a building or portion thereof used by one family and containing but one kitchen, and designed for single-family residential purposes only.

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1 "Section 10(a) permit" means a permit issued by the Secretary of Interior pursuant to Section
2 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539, to allow the incidental
3 taking of threatened or endangered species in the course of otherwise lawful activities.

4 **18.30.020** The purposes of this Chapter are to:

5 (A) Provide funds to implement conservation actions within the City to protect
6 various habitats and species located within the City;

7 (B) Comply with the terms of the Multiple Species Habitat Conservation Plan and
8 the corresponding Implementing Agreement, both of which have been approved by the City Council;
9 and

10 (C) Comply with Section 10(a) permits that have been or will be issued with regard
11 to development activity within the City.

12 **18.30.030:** No development permit for real property located within the City shall be issued or
13 approved without payment of the mitigation fee. Except as otherwise provided in Sections 18.30.040
14 and 18.30.050, each applicant for a development permit shall pay a mitigation fee of five hundred fifty
15 dollars per gross acre (or portion thereof) that is included within any parcel to be developed and any
16 additional area to be disturbed for related offsite improvements.

17 **18.30.040:** The following types of development are not required to pay the mitigation fee:

18 (A) Reconstruction of any structure damaged or destroyed by fire or other natural
19 causes;

20 (B) Rehabilitation or remodeling of existing structures or existing off-site
21 improvements; or

22 (C) Any land disturbance by the City for a governmental purpose.

23 **18.30.050:** In the following cases, the mitigation fee shall be adjusted as indicated:

24 (A) For any development concerning which the developer previously has paid
25 mitigation-related fees pursuant to a consultation under Section 7 of the Federal Endangered Species
26 Act, the mitigation fee shall be reduced by the amount of any Section 7 fees actually paid to the
27 federal government.

28 ...

1 (B) For single-family residential development and manufactured housing on lots
2 two gross acres in size or greater, where less than one-quarter of an acre of the property is graded or
3 otherwise disturbed, with the balance of the property left in its natural condition, the mitigation fee
4 shall be one-hundred thirty-seven dollars and fifty cents. Where more than one-quarter acre but less
5 than one-half acre is graded or otherwise disturbed, and the balance of the property is left in its natural
6 condition, the fee shall be two hundred seventy-five dollars. Where more than one-half acre is graded
7 or otherwise disturbed by the construction, the fee shall be five hundred fifty dollars per acre for each
8 acre (or fraction thereof greater than one-half) which is graded or otherwise disturbed.

9 (C) For free-standing off-premise signs, communication towers and similar
10 structures that are unoccupied except for maintenance, where less than one-quarter of an acre of the
11 property is graded or otherwise disturbed, the mitigation fee shall be one hundred thirty-seven dollars
12 and fifty cents. Where more than one-quarter but less than one-half acre is graded or otherwise
13 disturbed, the fee shall be two hundred seventy-five dollars. Where more than one-half acre is graded
14 or otherwise disturbed by the construction, the fee shall be two hundred fifty dollars per acre for each
15 acre (or fraction thereof greater than one-half) which is graded or otherwise disturbed.

16 (D) Where a development permit has been issued previously and has expired, the
17 applicant for a new development permit on the same parcel shall pay the mitigation fee required by
18 the current version of this Chapter less any amount previously paid under this Chapter or its
19 predecessor.

20 **18.30.060:** Each applicant for a development permit shall, prior to issuance thereof, complete a
21 Land Disturbance Report on the forms furnished by City departments responsible for issuing
22 development permits. The Land Disturbance Report must be complete, be signed by the applicant and
23 contain at a minimum the following information: assessor's parcel number(s), number of acres within
24 the Parcel and the area to be disturbed by related offsite improvements, and the amount of any
25 mitigation fee(s) actually paid.

26 **18.30.070:** Each applicant for a development permit shall pay to the City department responsible
27 for the issuance of a development permit a processing fee of twenty-five dollars per residential
28 development permit and fifty dollars per commercial development permit.

1 **18.30.080:** All mitigation fees collected pursuant to the provisions of this Chapter shall be
2 transmitted on a monthly basis, pursuant to an interlocal agreement, for deposit into a special reserve
3 fund. That fund, including interest and other income which accrues thereto, shall be expended solely
4 for the implementation of the terms of the Multiple Species Habitat Conservation Plan and associated
5 Section 10(a) permits, as those documents currently exist or as they may hereafter be amended or
6 issued.

7 **18.30.090:** After approval by the U.S. Fish and Wildlife Service and the City Council, and upon
8 compliance with any applicable statutory or charter provisions, the City or its designee may accept
9 real property or interests therein in lieu of the payment of mitigation fees. The fair market value of
10 such real property must equal or exceed the amount of the mitigation fees otherwise required to be
11 paid.

12 **18.30.100:** (A) Any person, firm or entity that engages in any activity within the City which
13 is covered by the Multiple Species Habitat Conservation Plan, including residential and commercial
14 development, agriculture, mining, grazing, and off-highway vehicle activities shall comply with the
15 provisions of the following, all of which are on file in the offices of the City Clerk and the Planning
16 and Development Department:

- 17 (1) This Chapter;
- 18 (2) The Multiple Species Habitat Conservation Plan;
- 19 (3) The Implementing Agreement; and
- 20 (4) Any Section 10(a) permit issued in connection therewith.

21 (B) Any person, firm or entity (including any agent or employee) that complies with
22 the provisions of this Chapter is permitted to incidentally take any species for which a Section 10(a)
23 permit has been issued in favor of the City so long as that person, firm or entity has complied and
24 continues to comply with the provision of the Multiple Species Habitat Conservation Plan, the
25 Implementing Agreement, and any Section 10(a) permit issued in connection therewith.

26 (C) Any person, firm or entity that is not required to pay a mitigation fee pursuant
27 to this Chapter, but which is otherwise in compliance with the provisions of this Chapter, the Multiple
28 Species Habitat Conservation Plan, the Implementing Agreement, and any Section 10(a) permit issued

1 in connection therewith, is permitted to incidentally take any species covered by the Multiple Species
2 Habitat Conservation Plan and for which a Section 10(a) permit has been issued in favor of the City.

3 (D) The City is authorized to immediately revoke the permission granted to any
4 person, firm or entity pursuant to Subsections (B) or (C), without additional action or notice, if that
5 person, firm or entity ceases to be in compliance with Subsections (A), (B) or (C) of this Section.

6 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
8 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

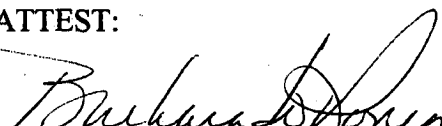
14 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this 1st day of November, 2000.

18 APPROVED:

19 By 
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Val Steed 10-5-2000
26 Date

1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 18th day of October, 2000 and referred to the following committee composed of
3 the Councilmembers Weekly and Mack for recommendation; thereafter the said committee
4 reported favorably on said ordinance on the 1st day of November, 2000 which was a regular
5 meeting of said Council; that at said regular meeting, the proposed ordinance was read by title
6 to the City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, L.B. McDonald,
8 Weekly and Mack

9 VOTING "NAY": NONE

10 EXCUSED: Michael McDonald

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

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CITY CLERK

2000 NOV -1 A 10:45

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

LaToyce Warren, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1460974

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/20/00 to 10/20/2000, on the following days: OCTOBER 20, 2000

Signed:

LaToyce Warren

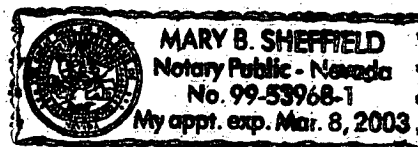
SUBSCRIBED AND SWORN BEFORE ME THIS THE

24

day of October 2000

Mary B. Sheffield

Notary Public



BILL NO. 2000-81
AN ORDINANCE TO REPEAL THE MUNICIPAL CODE CHAPTER REGARDING DESERT TORTOISE HABITAT CONSERVATION, REPLACE IT WITH A NEW CHAPTER REGARDING MULTIPLE SPECIES HABITAT CONSERVATION, AND PROVIDE FOR OTHER RELATED MATTERS
Proposed by: Richard Goede, Director of Public Works
Summary: Repeals Chapter 18.30 regarding desert tortoise habitat conservation, and replaces it with a new chapter regarding multiple species habitat conservation
At a City Council meeting OCTOBER 18, 2000
BILL NO. 2000-81 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Weekly and Mack
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: October 20, 2000
Las Vegas Review-Journal

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LaToyce Warren, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1480623

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 11/04/00 to 11/04/2000, on
the following days: NOVEMBER 4, 2000

Signed: LaToyce Warren

SUBSCRIBED AND SWORN BEFORE ME THIS THE 7

day of November 2000

Mary B. Sheffield
Notary Public

BILL NO. 2000-81
ORDINANCE NO. 5268

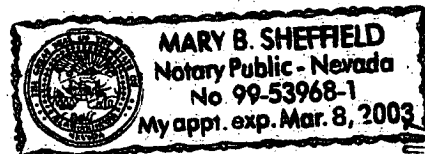
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of October, 2000, and referred to the following committee composed of Councilmembers Weekly and Mack for recommendation; thereafter the said committee reported favorably on said ordinance on the 1st day of November, 2000, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, L.B. McDonald, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: M. McDonald

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: November 4, 2000
Las Vegas Review-Journal



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