

Codes/Ordinances

CODES & ORDINANCES

- **State of Nevada**
 - NRS 244.386
 - NRS 244.275
 - NRS 244.200-255
- **Clark County**
 - Title 30 Unified Development Code, Chapter 30.80 Fees and Permits, 30.80.080 MSHCP Mitigation Fee
 - Title 30 Unified Development Code, Chapter 30.32 Permits and Licenses, 30.32.050 Incidental Take Permit: Compliance with Endangered Species Act
 - Ordinance 4152
- **Henderson**
 - Development Code: Chapter 19 General Development Standards, Section 19.7.9 Multiple Species Habitat Conservation Plan
- **Mesquite**
 - Municipal Code Title 7 Building and Development, Chapter 2 Desert Tortoise Habitat Conservation, Sections 7-1 through 7-13
 - Ordinance 479
- **Boulder City**
 - Title 11 Zoning and Subdivisions, Chapter 43 Multiple Species Habitat Conservation Plan
 - Ordinance 1518
- **No. Las Vegas**
 - Municipal Code Title 15 Buildings and Construction, Chapter 15.44.40 Multiple Species Habitat Conservation Plan
 - Ordinance 2646
- **Las Vegas**
 - Unified Development Code Title 19 Multiple Species Habitat Conservation Chapter 19.02.300
 - Ordinance #6289
- **In MSHCP**
 - 2.8.3 Clark County Measures to Minimize and Mitigate the Impacts of Take
 - 2.8.3.1 Imposition of \$550 per Acre Development Fee and Implementation of an Endowment Fund
 - 2.8.3.2 Funding of Conservation Measures.

Tortoise Mitigation Fee Code/Ordinance Comparison -May 11, 2014

G/D=graded, FESA=Federal Endangered Species Act, MHS=Manufactured Housing, SFR=Single Family Residence											
Agency	Fee Per Acre	Refund Addressed	Code Title/Section	Admin Fees Collected? \$50 per commercial permit, \$25 per residential permit	Townhouses, Condos, Other PUD's	Expired Permits - Pays fee pursuant to current provision less the amt paid in previous provisions of their ordinance	Exemptions	Fee paid prior to the issuance of any development permit?	Reporting & Forwarding to County	Prior or Other Code Sections	Comments
City of North Las Vegas	\$550 (h)	Not addressed	Title 15, Chapter 44 Ordinance 2646	Yes, \$50/\$25	\$550	Yes	15.44.060, 070 & 130. Yes see note a,b,d,e.	Yes	Monthly by finance dept.	Ord. 1425, 1 (part), 2000; Ord 1148, 1 (part), 1005, 949, 970, 1003, Chp 13.70.040	
Boulder City	\$550 (h)	No refunds	Title 11, Chapter 43, Ordinance 1518	Yes, \$50/\$25	Not addressed	Yes	11.43.4. See notes a,b,e.	Yes	Not addressed	Ord 1130, 971	
Clark County	\$550 (h)	80%	Title 30, Chapter 80.080 Ordinance 4152	Yes, \$50/\$25	Not addressed	Yes	30.80.080.i. See notes a, b,d,e, l.	Yes	Not addressed	4008, 3296, 3085, 2907, 2602, 2677, Chp 2.8.3	
Henderson	\$550 (h)	Not addressed	Title 19, Chapter 7.9	Yes, no amt given, set by council	Not addressed	Yes	19.7.9/C. See notes a,b,e and somewhat d	Yes	Not addressed	Title 19 10.10, Title 18, chapter 36.(ord 1597)	
Las Vegas	\$550 (h)	80%	Title 19, Chapter 2, Section 300, Ordinance 6289	Yes, \$50/\$25	Not addressed	Yes	18.30.040 & .50. See notes a,b,e and somewhat d	Yes	Yes	Title 18, chapter 30.(ord 3922)	
Mesquite	\$550 (h)	80%	Title 7, Chapter 2, Ord 479	Yes, \$50/\$25	Not addressed	Yes	7.2.14. See notes a, b, d, e, g, l	Yes	Not addressed	Ord 144, Ord 53	
(a) Reconstruction of any structure damaged or destroyed by fire or other natural causes.											
(b) Rehab or remodel of existing structures or existing off-site improvements.											
(c1) Land disturbance on any parcel by the city for government purposes. (Governmental exemptions are no longer allowed as of 1/2010)											
(c2) Land disturbance by the County for strictly governmental uses. Shall not apply to commercial uses, i.e., airports and golf courses.											
(d) Development of any parcel which has previously been approved and issued a Section 10(a) permit under the FESA.											
(e) Development of property for which mitigation has been provided pursuant to a Section 7 consultation pursuant to the FESA shall be allowed to credit mitigation fees paid to the federal government against the total amount required.											
(f) After approval by the USFWS and the BCC and after compliance with the provisions of NRS 244.275, the adm of the MSHCP may accept real property or interests therein in lieu of payment of mitigation fees.											
(g) Fees assessed for acre or any portion thereof located within the parcel to be developed, including both areas which are disturbed and areas which are left undisturbed, as well, as well as the area disturbed by related offsite improvements.											
(h) Fees assessed per acre located within the parcel to be developed and the area disturbed by related off-site improvements except as exempted.											
(i) Lands conveyed from federal to private ownership, within the County, covered by a project-specific habitat conservation plan approved by the USFWS.											

development fees to be utilized exclusively for the conservation of "species or subspecies of wildlife that has been declared endangered or threatened pursuant to the Federal Endangered Species Act."

During the 1995 and 1997 sessions of the legislature, NRS Section 244.386 was further amended to provide that the development fee could be imposed and expended upon conservation measures affecting any and all species "which have been determined by a committee, appointed by the board of county commissioners, to be likely to have a significant impact upon the economy and lifestyles of the residents of the county, if listed as threatened or endangered" thus allowing both the preparation and implementation of this MSHCP which addresses both listed and currently unlisted species.

2.2.3.5 Local Ordinances

The County and each of the Cities will approve this Multiple Species Habitat Conservation Plan prior to its submittal to the USFWS. In addition, Clark County and the five Cities applying for the Section 10(a) Permit will adopt ordinances that facilitate the implementation of the MSHCP, including the imposition of a mitigation fee of \$550.00 a gross acre for development permits for all property located within Clark County, requiring property owners within this area to complete a land disturbance report prior to the issuance of a development permit, and providing for other matters properly relating thereto.

2.2.4 Desert Conservation Plan

2.2.4.1 Short-Term HCP

The Short-Term Habitat Conservation Plan for the Desert Tortoise in Las Vegas Valley, Clark County, Nevada, was approved and PRT 756260 was issued on July 24, 1991, which allowed the incidental take amounting to no more than 3,710 tortoises on approximately 22,350 acres in the Las Vegas Valley. Any incidental take in the Las Vegas Valley during the term of the Short-Term HCP was minimized, monitored, and mitigated under the terms of that permit, the HCP, and the Implementation Agreement.

The Short-Term HCP focused on initial establishment of conserved habitat through the conservation and management of incrementally delineated blocks (100,000 acres) of habitat. Conservation and management of the blocks of habitat, together with other actions, serve as mitigation for incidental take within the Las Vegas Valley occurring over the term of the Short-Term HCP. Minimization and monitoring of the impacts of take during the term were provided in the plan and the permit. It was intended that habitat conserved under the Short-Term HCP would be protected and managed in perpetuity. The Short-Term HCP and PRT 756260 terminated on August 5, 1995.