

[Bracketed and ~~strikethrough~~] material is that portion being deleted
Underlined and italicized material is that portion being added

BILL NO. 1-16-24-1

SUMMARY - An ordinance to amend Clark County Code Section 19.07.010 to update the federal regulatory authority related to establishing and operating a mitigation bank or in-lieu fee program as mitigation for certain projects and delete definitions.

ORDINANCE NO. 5106
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 19, CHAPTER 19.07, SECTION 19.07.010 TO UPDATE THE FEDERAL REGULATORY AUTHORITY TO ESTABLISH, USE AND OPERATE A MITIGATION BANK OR IN-LIEU FEE PROGRAM TO MITIGATE FOR CERTAIN PROJECTS AFFECTING AQUATIC RESOURCES IN CLARK COUNTY, DELETE UNNEEDED DEFINITIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,

STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 19, Chapter 19.07, Section 19.07.010 of the Clark County Code is hereby amended as follows:

CHAPTER 19.07 – ~~[WETLANDS]~~ MITIGATION BANK AND IN-LIEU FEE PROGRAM

Section:

19.07.010 – ~~[Wetlands]~~ [m]Mitigation bank and in-lieu fee program.

19.07.010 ~~[Wetlands]~~ [m]Mitigation bank and in-lieu fee program. (a) Pursuant to NRS 244.388, [F]he board of county commissioners does hereby establish, for use and operation, a [wetlands] mitigation bank and in-lieu fee program in accordance with the [guidelines] federal regulations set forth in [Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, as issued by the United States Army Corps of Engineers, Environmental Protection Agency, National Resources Conservation Service, Fish and Wildlife Service and National Marine Fisheries Service in 60 Federal Register 58,605 on November 28, 1995] 33 C.F.R. Parts 325 and 332, 40 C.F.R. Part 230 and 73 F.R. 19,594.

(b) To facilitate the establishment, use or operation of the mitigation bank or in-lieu fee program established pursuant to subsection (a) for a specific purpose or project, the [A] board

of county commissioners [~~that establishes a mitigation bank pursuant to subsection (a)~~] may enter into [~~a~~] ~~one or more~~ cooperative agreements with a public agency, as defined in NRS 277.100, or nonprofit organization [~~for the operation of the mitigation bank~~].

~~[(c) As used in this section:~~

~~"Hydric soil" means soil that, in its undrained condition, is saturated, flooded or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.~~

~~"Hydrophytic vegetation" means a plant growing in:~~

~~(1) Water; or~~

~~(2) A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.~~

~~(c) "Mitigation bank" means a system in which the creation, enhancement, restoration or preservation of wetlands is recognized by a regulatory agency as generating compensatory credits allowing the future development of other wetland site.~~

~~"Public agency" has the meaning ascribed to it in NRS 277.100.~~

~~"Wetland" means land that:~~

~~(1) Has a predominance of hydric soil;~~

~~(2) Is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and~~

~~(3) Under normal circumstances does support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.]~~

SECTION 2. If any section of this ordinance, or portion thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 16th day of January, 2024.

PROPOSED BY: Commissioner Tick Segerblom

PASSED on the 6th day of February 2024.

AYES: Tick Segerblom

James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

William McCurdy II

Ross Miller


Michael Naft

NAYS: None

ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: 
TICK SEGERBLOM, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after
the 20th day of February 2024.

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

CC CLERK
ATTN: COMMISSION CLERK
RM 6037
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155

Account # 104095
Order ID 309009

IMAGE ON NEXT PAGE(S)

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal/Las Vegas Sun, daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal/Las Vegas Sun, in 2 edition(s) of said newspaper issued from 02/13/2024 to 02/20/2024, on the following day(s):

02/13/2024, 02/20/2024

Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this February 20, 2024

Notary *Linda Espinoza*



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ORDINANCE NO. 5106

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 19, CHAPTER 19.07, SECTION 19.07.010 TO UPDATE THE FEDERAL REGULATORY AUTHORITY TO ESTABLISH, USE AND OPERATE A MITIGATION BANK OR IN-LIEU FEE PROGRAM TO MITIGATE FOR CERTAIN PROJECTS AFFECTING AQUATIC RESOURCES IN CLARK COUNTY, DELETE UNNEEDED DEFINITIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled Ordinance are available for inspection by all interested parties at the Office of the County Clerk of Clark County, Nevada, at her Commission Division Office on the first floor of the Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada, and that said Ordinance was proposed by Commissioner Tick Segerblom on the 16th of January 2024 and passed on the 6th day of February 2024, by the following vote of the Board of County Commissioners:

Aye: Tick Segerblom
James B. Gibson
Marilyn K. Kirkpatrick
William McCurdy II
Ross Miller
Michael Naft

Nay: None
Abstaining: None
Absent: None

This Ordinance shall be in full force and effect from and after the 20th day of February 2024.

(SEAL) LYNN MARIE GOYA,
COUNTY CLERK
and Ex-Officio Clerk of the
Board of County
Commissioners

Dated this 6th day of February
2024.

PUB: Feb. 13, 20, 2024
LV Review-Journal