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**SUMMARY: AN ORDINANCE CREATING THE SOUTHEASTERN LINCOLN COUNTY HABITAT CONSERVATION PLAN (SLCHCP) GENERAL IMPROVEMENT DISTRICT, pursuant to NRS 318.055**

**L LINCOLN COUNTY ORDINANCE NUMBER 2009- 01**

TITLE: AN ORDINANCE CREATING THE SOUTHEASTERN LINCOLN COUNTY HABITAT CONSERVATION PLAN GENERAL IMPROVEMENT DISTRICT, PERSUANT TO NRS 318.055(2), PROVIDING FOR IMPLEMENTATION, OPERATION AND MITIGATION OF THE SOUTHEASTERN LINCOLN COUNTY HABITAT CONSERVATION PLAN, AND OTHER MATTERS PROPERLY RELATING THERETO:

**The Board of County Commissioner of the County of Lincoln Do Ordain:**

WHEREAS, the County of Lincoln, in the State of Nevada, is County incorporated and operating under the laws of the State of Nevada, and

WHEREAS, pursuant to NRS 318.055(2), the Board of County Commissioners of the County is authorized and empowered to create by ordinance a General Improvement District.

WHEREAS, The Board of Lincoln County Commissioners unanimously consents to the formation of the District pursuant to the provisions of N. R. S. 318.055(2), although all or part of the proposed District may lie within seven (7) miles from the boundary of said unincorporated town

WHEREAS, the name of The District shall be known as The Southeastern Lincoln County Habitat Conservation Plan General Improvement District, (SLCHCP GID). The District is created to provide implementation and operation of the SLCHCP and to furnish mitigation for take of covered species as described in the SLCHPC and as provided by N. R. S. 318.117(15).

WHEREAS, The Board of Lincoln County Commissioners find and determine, following public hearing at which all interested parties were afforded an opportunity to be heard, or to submit written comments:

- A. That public convenience and necessity require the creation of the District;
- B. That creation of the district is economically sound and feasible;
- C. That the service plan for the District conforms to subsection 1 of N. R. S. 308.030; and
- D. That the service plan for the District does not contravene any of the criteria enumerated in subsection 1 of N. R. S. 308.060.

WHEREAS, The District includes all real property situate within the Toquop Planning Area as shown on Figure 1, of Appendix "A" "Service Plan" and the Alamo Industrial Park/Community Expansion area, as shown on Figure 2 of Appendix "A" Service Plan, in County of Lincoln, State of Nevada.

WHEREAS, A public hearing for creation of the District, duly advertised in a newspaper of general circulation in the County of Lincoln, was held on \_\_\_\_\_ at the Lincoln County Courthouse in the unincorporated town of Pioche.

Pursuant to NRS 318.0953 the Board of County Commissioners is the ex officio board of trustees for the SLCHCP GID.

Pursuant to NRS 318.0953 and 318.09533, The Board of Trustees shall choose a chairman of the board of trustees and president of the board, a secretary and treasurer of the board and the district.

PROPOSED ON \_\_\_\_\_, 2009

PROPOSED BY COMMISSIONER \_\_\_\_\_

PASSED ON \_\_\_\_\_, \_\_\_\_\_, 2009

Vote: Ayes Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

Nays: Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

Absent: Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

Attest: \_\_\_\_\_ County Clerk

\_\_\_\_\_  
Chairperson of the Board

This ordinance shall be in full force and effect from and after the First day of month of \_\_\_\_\_ of the year \_\_\_\_\_.

## **ATTENDIX "A": SERVICE PLAN**

### **Authority:**

- A. The S L C H C P G I D shall be governed by its Board of Directors, as defined in this chapter.
- B. The Board may from time to time adopt or amend ordinances or resolutions or policies as necessary for the management of the G I D .
- C. Any violation of this duly adopted ordinance, or damage to G I D facilities, shall be punished as a misdemeanor.
- D. Any violation of this duly adopted ordinance, resolution or policy of the G I D may result, at the option of the Board, in prosecution of the violation.

### **Definitions:**

As used in this chapter, unless the context requires otherwise, the following are to mean:

Board means the Board of Lincoln County Commissioners sitting as the Board of Directors of the S L C H C P G I D , or any successor Board of Directors duly elected or appointed.

Plan Implementation means the responsibilities as shown in Section 8 of the S L C H C P .

G I D means the Southeastern Lincoln County Habitat Conservation Plan ( S L C H C P ) General Improvement District.

### **Endangered Species:**

The District proposes to implement and manage the provisions of an Endangered Species Act, Section 10(a)(1)(B) permit that will be issued for the purpose of conserving habitat within the boundaries of the Service Plan Area. The implementation and management of the permit by the District will allow all revenues necessary for such Implementation and management to be generated from residents and property owners of the Service Plan Area on a permanent basis, all of whom will benefit from the implementation and management of the permit. As used in this Service Plan, "an area or zone for the preservation of one or more species or subspecies of wildlife" includes the vegetation occurring within such area or zone to the maximum extent now or hereafter authorized by law, and to the maximum extent now or hereafter authorized by law such areas or zones may be established for the preservation of species or subspecies of plant.

**Preservation of Endangered or Threatened Species**, as provided in N R S 318.1177; Establishment of area or zone for preservation of endangered or threatened wildlife. In the case of a district created wholly or in part for the establishment of an area or zone for the preservation of one or more species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U . S . C . section 1531 et seq., the board shall have the power to:

1. Establish, control, manage and operate or provide money for the establishment, control, management and operation of the area or zone.
2. Purchase, sell, exchange or lease real property, personal property and other interests in property, except water rights, as necessary for the establishment, control, management and operation of the area or zone. ( Added to N R S by 2003, 1513)

In the event N R S Ch. 318 is hereafter amended to authorize a general improvement district to create and manage areas or zones for the preservation of any species or subspecies listed as sensitive, threatened, or endangered pursuant to N R S Ch. 527, the District shall have the same powers as if the species or subspecies were listed solely under the Federal endangered species act.

### **Preliminary Engineering:**

The District expects to mitigate (both within and without the District boundaries) any adverse impacts to habitat caused by development through the implementation, maintenance and management of the provisions and requirement of the Section 10(a)(1)(B) permit that will be issued for the lands within the Service Plan Area. The costs of this implementation, maintenance and management will initially be funded through a land disturbance fee assessed at the time of construction permitting of through Developer in-kind services. Remaining future costs, not within the revenues generated by the initial land disturbance fee may be funded through an annual property tax levied upon properties and/or annual assessments of benefiting property owners within the District.

### **District Services Provided:**

The services to be provided by the District will be limited to those that may be required by the Section (10) (a) (1)(B) permit issued to conserve habitat within the District. There are no lands to be acquired in implementing the Section (10) (a) (1)(B) permit. The District would pay for engineering, legal and other services relating to the implementation, maintenance and management of the Section (10) (a) (1)(B) permit through the initial land disturbance fee, annual property tax levied upon properties and/or annual assessments of benefiting property owners within the District. The District may provide such services in connection with facilities or project is required under or described in the Section (10) (a) (1)(B) permit or the related habitat conservation plan.

**District Provided Facilities:**

The facilities to be constructed and the standards of construction will be those required by the Section (10) (a) (1)(B) permit issued to mitigate habitat impacts within or without the District. Tables 1 through 4 provide estimated funding and costs for habitat conservation efforts. These costs will be revised as Annual Plans are developed in line with S L C H C P Section 8: “Plan Implementation”, requirements under its Section (10) (a) (1)(B) permit.

**Tables:**

Table 1: Estimate of Funds Generated from Desert Tortoise Mitigation Fees of \$550 per Disturbed Acres for L C L A Lands

Year	Estimated Acres Developed	Acres Disturbed (90% of Total)	Total Fees Generated	Total Fees per Year
<b>L C L A Phase I Lands</b>				
0-5	454	409	\$224,730	\$49,946
6-10	1,060	954	\$524,700	\$106,960
11-15	2,121	1,909	\$1,049,895	\$209,979
16-20	2,848	2,563	\$1,409,760	\$281,952
Total	6,483	5,835	\$3,209,085	\$641,817
<b>L C L A Phase II Lands</b>				
20-30	7,017	6,315	\$3,473,250	\$694,650
<b>Grand Total L C L A Phase I and II Lands</b>			<b>\$6,682,335</b>	

Table 2: Estimate of Funds Generated from Desert Tortoise Mitigation Fees for Lands other than the L C L A Lands

Parcel/ Ownership	Existing Desert Tortoise Habitat Acres Potentially Disturbed	Disturbance Fee Per Acre	Potential Fees Generated over 30- Year Permit Term (without interest)
Alamo Community Expansion Area	638	\$250	\$159,500
Alamo Disposal Lands	3,115*	\$250	\$778,750
U P R R	800	\$550	\$440,000
Agricultural and Livestock Practices and Lands Conversion	96	\$250	\$24,000
Grand Total of Other Lands	468	\$550	\$257,400
			<b>\$1,659,650</b>

\* Assumes 90 percent of total land area of 3461 acres will be disturbed during development

Table 3: Estimated Funds Generated by the L C L A Development Area G I D

Year	Cumulative Acres	Cumulative Units	County Assessor Appraised Value	Assessed Value of Residential	Cumulative Acres of	Assessed Value of Undeveloped	Total L C L A Lands G I D
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	Developed	Developed (3.3 Units per Gross Acre)	of Residential (\$250,000/ Unit)	(3% of Appraised Value)	Undeveloped Land	Land (3% of Appraised Value)	Assessment Funds Generated per Year (\$0.03 per \$100 Assessed Value)
1	90	297	\$74,250,000	\$25,987,500	13,430	\$18,774,000	\$13,428
2	181	597	\$149,250,000	\$52,237,500	13,339	\$20,977,425	\$21,964
3	272	898	\$224,500,000	\$78,575,000	13,248	\$23,149,000	\$30,517
4	363	1,198	\$299,500,000	\$104,825,000	13,157	\$25,288,725	\$39,034
5	464	1,531	\$382,750,000	\$133,962,500	13,036	\$27,375,600	\$48,401
Year 1 to 5 Total							<b>\$153,341</b>
6-10	1,514	4,996	\$1,249,000,000	\$437,150,000	12,006	\$35,658,350	\$141,843 x 5 yrs = \$709,215 \$357,395 x 5 yrs =
11-15	3,999	13,197	\$3,299,250,000	\$1,154,737,500	9,521	\$36,578,850	\$1,786,975 \$571,539 x 5 yrs =
16-20	6,483	21,394	\$5,348,500,000	\$1,871,975,000	7,037	\$33,155,325	\$2,857,695 \$1,171,170 x 5 yrs =
21-30	13,520	44,616	\$11,154,000,000	\$3,893,750,000	0	0	\$5,855,850
Year 6-30 Total							<b>\$11,209,735</b>
Year 1-30 Total							<b>\$11,363,079</b>
a/ Assessed Value of Residential + Assessed Value of Undeveloped Land x .03							

Table 4: Summary of Costs to Administer the S L C H C P & Implement the Conservation Measures for the Covered Species

Task	Projected Cost per Year	Projected Cost Over the 30-year Permit Term
Administration of the S L C H C P	\$150,000	\$4,500,000
Desert Tortoise Conservation Measures		
Desert Tortoise Head Starting Program (including translocation)	\$99,333	\$2,970,000
Habitat Restoration of Burned Desert Tortoise Areas (~5,120 acres)	\$205,000	\$4,050,166
Research on the Ecological Implications of Fire/ Other Research Efforts	\$50,000	\$1,500,000
Public Outreach and Education Program	\$50,000	\$1,500,000
L C L A Road, Fencing and Trail Plan	(one time cost)	\$129,000
Predator Monitoring/ Control and Law Enforcement	\$100,000	\$3,000,000
Flycatcher Conservation Measures		
Habitat Restoration, Replacement or Acquisition of Land	--	\$1,011,600
Conservation Measures Maintenance Trust Fund	\$50,000	\$1,500,000
Total		\$20,160,766

**District Indebtedness, Annual Operation and Maintenance Expenses:**

There is no proposed indebtedness for the implementation of the Section (10)(a)(1)(B) permit by the District. Management and maintenance of the facilities will be financed through a combination of mitigation fees paid at the time of initial land disturbance for the construction of private improvements in the Service Plan Area and a minimal service fee or property tax collected from properties within the Service Plan Area.

Figure 1:

Figure 2:

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