

ASSEMBLY BILL NO. 254—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF NEVADA LEAGUE OF CITIES)

FEBRUARY 16, 1999

Referred to Committee on Government Affairs

SUMMARY—Deletes certain requirements for incorporation of cities by general law.
(BDR 21-332)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to the incorporation of cities; deleting certain requirements for the incorporation of cities by general law; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 266.017 is hereby amended to read as follows:
2 266.017 The area to be included in a city proposed to be incorporated
3 pursuant to NRS 266.016 to 266.0445, inclusive, must:
4 1. Be currently used or suitable for residential, commercial, industrial
5 or governmental purposes.
6 2. Be contiguous and urban in character, and include all contiguous
7 area used for residential purposes.
8 3. ~~{Have}~~ ***In a county whose population is 100,000 or more, have*** an
9 average population density which is:
10 (a) Not less than four persons per acre if the proposed city is within 7
11 miles of the county seat; or
12 (b) At least equal to the density of any city that is within 7 miles of the
13 proposed boundaries, if the proposed city is not within 7 miles of the
14 county seat.
15 If the area proposed to be included in the city is more than 7 miles away
16 from the county seat and more than 7 miles away from any existing city,
17 there is no requirement concerning density of population.

4. Not include any portion of a parcel of privately owned real property that has not been subdivided and is 100 acres or more in area without the written consent of the owner.

5. Not include any area within the boundaries of an existing incorporated city.

6. If the area of a city proposed to be incorporated *is located in a county whose population is 100,000 or more and* includes the area of any unincorporated town, include the entire area of the unincorporated town.

Sec. 2. NRS 266.0285 is hereby amended to read as follows:

266.0285 1. To determine the advisability of incorporation and the feasibility of the proposed city, the board of county commissioners shall consider the following factors with regard to the area proposed to be incorporated:

(a) Its population and , *if the area is located in a county whose population is 100,000 or more, the* density of population;

(b) The land area, land uses, topography, natural boundaries and drainage basin;

(c) The extent to which the area is devoted to agriculture, mineral production or other uses that may not require significant improvements to the property;

(d) The extent of commercial and industrial development;

(e) The extent and age of residential development;

(f) The comparative size and assessed value of subdivided land and unsubdivided land;

(g) Current and potential issues concerning transportation;

(h) Past expansion of population and construction;

(i) The likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next 10 years;

(j) The present cost, method and adequacy of regulatory controls and governmental service, including, but not limited to, water and sewer service, fire rating and protection, police protection, improvement and maintenance of streets, administrative services and recreational facilities in the area and the future need for such services and controls;

(k) The present and projected revenues for the county and the proposed city;

(l) The probable effect of incorporation on revenues and services in the county and local governments in adjacent areas;

(m) The probable effect of the proposed incorporation and of any alternatives to incorporation on the social, economic and governmental structure of the affected county and adjacent areas;

(n) The probable effect of the proposed incorporation and of any alternatives to incorporation on the availability and requirement of water and other natural resources;

and

- 1 (o) Any determination by a governmental agency that the area is
2 suitable for residential, commercial or industrial development, or that the
3 area will be opened to private acquisition.
- 4 2. If the area proposed to be incorporated is within 5 miles of an
5 existing city, in addition to the factors listed in subsection 1, the board of
6 county commissioners shall consider:
 - 7 (a) The size and population of the existing city;
 - 8 (b) Growth in population and commercial and industrial development in
9 the existing city during the past 10 years;
 - 10 (c) Any extension of the boundaries of the existing city during the past
11 10 years;
 - 12 (d) The probability of growth of the existing city toward the area
13 proposed to be incorporated in the next 10 years, considering natural
14 barriers and other factors that might influence such growth; and
 - 15 (e) The willingness of the existing city to annex the area proposed for
16 incorporation and to provide services to the area.
- 17 3. The board of county commissioners shall also consider:
 - 18 (a) The recommendations of any commission, agency, district or
19 member of the public who submits a written report;
 - 20 (b) Testimony from any person who testifies at a hearing; and
 - 21 (c) Existing petitions for annexation of any part of the area.