

ASSEMBLY BILL NO. 563—ASSEMBLYMEN THOMAS, GIUNCHIGLIANI, EVANS, GOLDWATER, BUCKLEY, CHOWNING, MORTENSON, KOIVISTO, CLABORN, BACHE, ANDERSON, MANENDO, OHRENSCHALL, LESLIE, PARNELL AND PERKINS

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions to promote interspersions of new residential and commercial development in certain established neighborhoods. (BDR 22-1337)

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 ~~[omitted material]~~ is material to be omitted.

AN ACT relating to land use planning; providing in skeleton form for the establishment of provisions to promote the interspersions of new residential and commercial development in certain established neighborhoods; 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.** Chapter 278 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *The regional planning commission shall identify and***
4 ***designate each established neighborhood within the county and within***
5 ***each city in the county whose population is 25,000 or more that the***
6 ***commission determines is likely to benefit from the interspersions of new***
7 ***residential and commercial development.***
- 8 **2. *Before designating an established neighborhood as likely to***
9 ***benefit from the interspersions of new residential and commercial***
10 ***development pursuant to subsection 1, the regional planning commission***
11 ***shall hold at least one hearing to solicit public comment regarding***
12 ***whether the neighborhood should be so designated and, if so, the specific***
13 ***boundaries of the neighborhood. Notice of the time and place of the***
14 ***hearing must be published at least once in a newspaper of general***

1 *circulation in the city or county at least 10 days before the day of*
2 *hearing.*

3 **Sec. 3. 1. In a county whose population is less than 100,000 or**
4 **400,000 or more, each local planning commission created pursuant to**
5 **subsection 1 of NRS 278.030 shall identify and designate each**
6 **established neighborhood within the city or county, as appropriate, that**
7 **the commission determines is likely to benefit from the interspersions of**
8 **new residential and commercial development.**

9 **2. Before designating an established neighborhood as likely to**
10 **benefit from the interspersions of new residential and commercial**
11 **development pursuant to subsection 1, the local planning commission**
12 **shall hold at least one hearing to solicit public comment regarding**
13 **whether the neighborhood should be so designated and, if so, the specific**
14 **boundaries of the neighborhood. Notice of the time and place of the**
15 **hearing must be published at least once in a newspaper of general**
16 **circulation in the city or county at least 10 days before the day of**
17 **hearing.**

18 **Sec. 4.** NRS 278.029 is hereby amended to read as follows:

19 278.029 Nothing contained in the provisions of NRS 278.026 to
20 278.029, inclusive, *and section 2 of this act* requires any entity that has not
21 already adopted a facilities plan to do so.

22 **Sec. 5.** NRS 278.150 is hereby amended to read as follows:

23 278.150 1. The planning commission shall prepare and adopt a
24 comprehensive, long-term general plan for the physical development of the
25 city, county or region which in the commission's judgment bears relation
26 to the planning thereof.

27 2. The plan must be known as the master plan, and must be so
28 prepared that all or portions thereof, except as *otherwise* provided in
29 subsection 3, may be adopted by the governing body, as provided in NRS
30 278.010 to 278.630, inclusive, as a basis for the development of the city,
31 county or region for such reasonable period of time next ensuing after the
32 adoption thereof as may practically be covered thereby.

33 3. In counties whose population is 100,000 or more, if the governing
34 body of the city or county adopts only a portion of the master plan, it shall
35 include in that portion a conservation plan, a housing plan, *a land use*
36 *plan* and a population plan as provided in NRS 278.160.

37 **Sec. 6.** NRS 278.160 is hereby amended to read as follows:

38 278.160 1. The master plan, with the accompanying charts,
39 drawings, diagrams, schedules and reports, may include such of the
40 following subject matter or portions thereof as are appropriate to the city,
41 county or region, and as may be made the basis for the physical
42 development

thereof:

1 (a) Community design. Standards and principles governing the
2 subdivision of land and suggestive patterns for community design and
3 development.

4 (b) Conservation plan. For the conservation, development and
5 utilization of natural resources, including water and its hydraulic force,
6 underground water, water supply, forests, soils, rivers and other waters,
7 harbors, fisheries, wildlife, minerals and other natural resources. The plan
8 must also cover the reclamation of land and waters, flood control,
9 prevention and control of the pollution of streams and other waters,
10 regulation of the use of land in stream channels and other areas required
11 for the accomplishment of the conservation plan, prevention, control and
12 correction of the erosion of soils through proper clearing, grading and
13 landscaping, beaches and shores, and protection of watersheds. The plan
14 must also indicate the maximum tolerable level of air pollution.

15 (c) Economic plan. Showing recommended schedules for the allocation
16 and expenditure of public money in order to provide for the economical
17 and timely execution of the various components of the plan.

18 (d) Historical properties preservation plan. An inventory of significant
19 historical, archaeological and architectural properties as defined by a city,
20 county or region, and a statement of methods to encourage the preservation
21 of those properties.

22 (e) Housing plan. The housing plan must include, but is not limited to:

23 (1) An inventory of housing conditions, needs and plans and
24 procedures for improving housing standards and for providing adequate
25 housing.

26 (2) An inventory of affordable housing in the community.

27 (3) An analysis of the demographic characteristics of the community.

28 (4) A determination of the present and prospective need for
29 affordable housing in the community.

30 (5) An analysis of any impediments to the development of affordable
31 housing and the development of policies to mitigate those impediments.

32 (6) An analysis of the characteristics of the land that is the most
33 appropriate for the construction of affordable housing.

34 (7) An analysis of the needs and appropriate methods for the
35 construction of affordable housing or the conversion or rehabilitation of
36 existing housing to affordable housing.

37 (8) A plan for maintaining and developing affordable housing to
38 meet the housing needs of the community.

39 (f) Land use plan. An inventory and classification of types of natural
40 land and of existing land cover and uses, and comprehensive plans for the
41 most desirable utilization of land. The land use plan ~~may~~ :

1 ***(1) Must show each established neighborhood that has been***
2 ***designated as likely to benefit from the interspersions of new residential***
3 ***and commercial development pursuant to section 2 or 3 of this act; and***

4 ***(2) May*** include a provision concerning the acquisition and use of
5 land that is under federal management within the city, county or region,
6 including, without limitation, a plan or statement of policy prepared
7 pursuant to NRS 321.7355.

8 (g) Population plan. An estimate of the total population which the
9 natural resources of the city, county or region will support on a continuing
10 basis without unreasonable impairment.

11 (h) Public buildings. Showing locations and arrangement of civic
12 centers and all other public buildings, including the architecture thereof
13 and the landscape treatment of the grounds thereof.

14 (i) Public services and facilities. Showing general plans for sewage,
15 drainage and utilities, and rights of way, easements and facilities therefor,
16 including any utility projects required to be reported pursuant to NRS
17 278.145.

18 (j) Recreation plan. Showing a comprehensive system of recreation
19 areas, including natural reservations, parks, parkways, reserved riverbank
20 strips, beaches, playgrounds and other recreation areas, including, when
21 practicable, the locations and proposed development thereof.

22 (k) Safety plan. In any county whose population is 400,000 or more,
23 identifying potential types of natural and man-made hazards, including
24 hazards from floods, landslides or fires, or resulting from the manufacture,
25 storage, transfer or use of bulk quantities of hazardous materials. The plan
26 may set forth policies for avoiding or minimizing the risks from those
27 hazards.

28 (l) Seismic safety plan. Consisting of an identification and appraisal of
29 seismic hazards such as susceptibility to surface ruptures from faulting, to
30 ground shaking or to ground failures.

31 (m) Solid waste disposal plan. Showing general plans for the disposal of
32 solid waste.

33 (n) Streets and highways plan. Showing the general locations and
34 widths of a comprehensive system of major traffic thoroughfares and other
35 traffic ways and of streets and the recommended treatment thereof,
36 building line setbacks, and a system of naming or numbering streets and
37 numbering houses, with recommendations concerning proposed changes.

38 (o) Transit plan. Showing a proposed system of transit lines, including
39 rapid transit, streetcar, motorcoach and trolley coach lines and related
40 facilities.

41 (p) Transportation plan. Showing a comprehensive transportation
42 system, including locations of rights of way, terminals, viaducts and grade

1 separations. The plan may also include port, harbor, aviation and related
2 facilities.

3 2. The commission may prepare and adopt, as part of the master plan,
4 other and additional plans and reports dealing with such other subjects as
5 may in its judgment relate to the physical development of the city, county
6 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
7 prohibits the preparation and adoption of any such subject as a part of the
8 master plan.

9 **Sec. 7.** NRS 278.170 is hereby amended to read as follows:

10 278.170 1. The commission may prepare and adopt all or any part of
11 the master plan or any subject thereof, except as *otherwise* provided in
12 subsection 2, for all or any part of the city, county or region. Master
13 regional plans must be coordinated with similar plans of adjoining regions,
14 and master county and city plans within each region must be coordinated
15 so as to fit properly into the master plan for the region.

16 2. In counties whose population is 100,000 or more, if the commission
17 prepares and adopts less than all subjects of the master plan, as outlined in
18 NRS 278.160, it shall include, in its preparation and adoption, the
19 conservation, housing, *land use* and population plans described in that
20 section.

21 **Sec. 8.** NRS 278.250 is hereby amended to read as follows:

22 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
23 the governing body may divide the city, county or region into zoning
24 districts of such number, shape and area as are best suited to carry out the
25 purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district
26 it may regulate and restrict the erection, construction, reconstruction,
27 alteration, repair or use of buildings, structures or land.

28 2. The zoning regulations must be adopted in accordance with the
29 master plan for land use and be designed:

30 (a) To preserve the quality of air and water resources.

31 (b) To promote the conservation of open space and the protection of
32 other natural and scenic resources from unreasonable impairment.

33 (c) To provide for recreational needs.

34 (d) To protect life and property in areas subject to floods, landslides and
35 other natural disasters.

36 (e) To conform to the adopted population plan, if required by NRS
37 278.170.

38 (f) To develop a timely, orderly and efficient arrangement of
39 transportation and public facilities and services, including facilities and
40 services for bicycles.

41 (g) To ensure that the development on land is commensurate with the
42 character and the physical limitations of the land.

1 (h) To take into account the immediate and long-range financial impact
2 of the application of particular land to particular kinds of development, and
3 the relative suitability of the land for development.

4 (i) To promote health and the general welfare.

5 (j) To ensure the development of an adequate supply of housing for the
6 community, including the development of affordable housing.

7 *(k) To promote the interspersions of new residential and commercial*
8 *development in established neighborhoods that have been designated as*
9 *likely to benefit from such interspersions pursuant to section 2 or 3 of this*
10 *act.*

11 3. The zoning regulations must be adopted with reasonable
12 consideration, among other things, to the character of the area and its
13 peculiar suitability for particular uses, and with a view to conserving the
14 value of buildings and encouraging the most appropriate use of land
15 throughout the city, county or region.

16 **Sec. 9.** NRS 231.067 is hereby amended to read as follows:

17 231.067 The commission on economic development shall:

18 1. Develop a state plan for industrial development and diversification.

19 *The commission may from time to time amend the state plan and in*
20 *doing so shall ensure that the state plan promotes the interspersions of*
21 *new residential and commercial development in established*
22 *neighborhoods that have been designated as being likely to benefit from*
23 *such interspersions pursuant to section 2 or 3 of this act.*

24 2. Promote, encourage and aid the development of commercial,
25 industrial, agricultural, mining and other vital economic interests of this
26 state, except for travel and tourism, except that in a county whose
27 population is less than 35,000, the county may include community
28 development and the development of the nongaming recreation and
29 tourism industry in its economic development efforts.

30 3. Identify sources of financing and assist businesses and industries
31 which wish to locate in Nevada in obtaining financing.

32 4. Provide and administer grants of money to political subdivisions of
33 the state and to local or regional organizations for economic development
34 to assist them in promoting the advantages of their communities and in
35 recruiting businesses to relocate in those communities. Each recipient must
36 provide an amount of money, at least equal to the grant, for the same
37 purpose, except, in a county whose population is less than 35,000, the
38 commission may, if convinced that the recipient is financially unable to do
39 so, provide such a grant with less than equal matching money provided by
40 the recipient.

41 5. Encourage and assist state, county and city agencies in planning and
42 preparing projects for economic or industrial development and financing
43 those projects with revenue bonds.

- 1 6. Coordinate and assist the activities of counties, cities, local and
2 regional organizations for economic development and fair and recreation
3 boards in the state which affect industrial development, except for travel
4 and tourism, except that in a county whose population is less than 35,000,
5 the county may include community development and the development of
6 the nongaming recreation and tourism industry in its economic
7 development efforts.
- 8 7. Arrange by cooperative agreements with local governments to serve
9 as the single agency in the state where relocating or expanding businesses
10 may obtain all required permits.
- 11 8. Promote close cooperation between public agencies and private
12 persons who have an interest in industrial development and diversification
13 in Nevada.
- 14 9. Organize and coordinate the activities of a group of volunteers
15 which will aggressively select and recruit businesses and industries,
16 especially small industries, to locate their offices and facilities in Nevada.