

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 infill development in smart growth zones. (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; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; establishing provisions to promote infill development in smart growth zones; 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 to 5, inclusive, of this act.
- 3 **Sec. 2.** *“Infill development” means development that fills in an*
- 4 *existing pattern of development on land that is:*
- 5 1. *Improved or unimproved; and*
- 6 2. *Surrounded completely by infrastructure and other development.*
- 7 **Sec. 3.** *“Infrastructure” means publicly owned or publicly supported*
- 8 *facilities that are necessary or desirable to support intense habitation*
- 9 *within a region, including, without limitation, parks, roads, schools,*
- 10 *police stations, fire stations, community centers, sanitary sewers,*
- 11 *facilities for mass transit and facilities for the conveyance of power,*
- 12 *water and the treatment of wastewater.*
- 13 **Sec. 4.** *“Smart growth zone” means an area designated pursuant to*
- 14 *section 5 of this act.*

1 **Sec. 5. 1. In a county whose population is 100,000 or more, the**
2 **governing body of the county and each city in the county shall designate**
3 **as a smart growth zone each area within its jurisdiction that is likely to**
4 **benefit from infill development. The governing body shall review such**
5 **zones periodically and adjust the zones as it deems necessary.**

6 **2. In a county whose population is less than 100,000, the governing**
7 **body of the county and each city in the county may designate as a smart**
8 **growth zone each area within its jurisdiction that is likely to benefit from**
9 **infill development. The governing body may review and adjust such**
10 **zones periodically as it deems necessary.**

11 **Sec. 6.** NRS 278.010 is hereby amended to read as follows:

12 278.010 As used in NRS 278.010 to 278.630, inclusive, **and sections 2**
13 **to 5, inclusive, of this act**, unless the context otherwise requires, the words
14 and terms defined in NRS 278.0105 to 278.0195, inclusive, **and sections 2,**
15 **3 and 4 of this act**, have the meanings ascribed to them in those sections.

16 **Sec. 7.** NRS 278.150 is hereby amended to read as follows:

17 278.150 1. The planning commission shall prepare and adopt a
18 comprehensive, long-term general plan for the physical development of the
19 city, county or region which in the commission's judgment bears relation to
20 the planning thereof.

21 2. The plan must be known as the master plan, and must be so prepared
22 that all or portions thereof, except as **otherwise** provided in subsection 3,
23 may be adopted by the governing body, as provided in NRS 278.010 to
24 278.630, inclusive, as a basis for the development of the city, county or
25 region for such reasonable period of time next ensuing after the adoption
26 thereof as may practically be covered thereby.

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

31 **Sec. 8.** NRS 278.160 is hereby amended to read as follows:

32 278.160 1. The master plan, with the accompanying charts, drawings,
33 diagrams, schedules and reports, may include such of the following subject
34 matter or portions thereof as are appropriate to the city, county or region,
35 and as may be made the basis for the physical development thereof:

36 (a) Community design. Standards and principles governing the
37 subdivision of land and suggestive patterns for community design and
38 development.

39 (b) Conservation plan. For the conservation, development and utilization
40 of natural resources, including water and its hydraulic force, underground
41 water, water supply, forests, soils, rivers and other waters, harbors,
42 fisheries, wildlife, minerals and other natural resources. The plan must also
43 cover the reclamation of land and waters, flood control, prevention and

1 control of the pollution of streams and other waters, regulation of the use of
2 land in stream channels and other areas required for the accomplishment of
3 the conservation plan, prevention, control and correction of the erosion of
4 soils through proper clearing, grading and landscaping, beaches and shores,
5 and protection of watersheds. The plan must also indicate the maximum
6 tolerable level of air pollution.

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

10 (d) Historical properties preservation plan. An inventory of significant
11 historical, archaeological and architectural properties as defined by a city,
12 county or region, and a statement of methods to encourage the preservation
13 of those properties.

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

15 (1) An inventory of housing conditions, needs and plans and
16 procedures for improving housing standards and for providing adequate
17 housing.

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

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

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

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

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

26 (7) An analysis of the needs and appropriate methods for the
27 construction of affordable housing or the conversion or rehabilitation of
28 existing housing to affordable housing.

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

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

34 *(1) Must show each smart growth zone that has been designated*
35 *pursuant to section 5 of this act;*

36 *(2) Must identify policies that would assist in promoting infill*
37 *development in such zones; and*

38 *(3) May* include a provision concerning the acquisition and use of
39 land that is under federal management within the city, county or region,
40 including, without limitation, a plan or statement of policy prepared

41 pursuant

to

NRS

321.7355.

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

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

7 (i) Public services and facilities. Showing general plans for sewage,
8 drainage and utilities, and rights of way, easements and facilities therefor,
9 including any utility projects required to be reported pursuant to NRS
10 278.145.

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

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

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

24 (m) Solid waste disposal plan. Showing general plans for the disposal of
25 solid waste.

26 (n) Streets and highways plan. Showing the general locations and widths
27 of a comprehensive system of major traffic thoroughfares and other traffic
28 ways and of streets and the recommended treatment thereof, building line
29 setbacks, and a system of naming or numbering streets and numbering
30 houses, with recommendations concerning proposed changes.

31 (o) Transit plan. Showing a proposed system of transit lines, including
32 rapid transit, streetcar, motorcoach and trolley coach lines and related
33 facilities.

34 (p) Transportation plan. Showing a comprehensive transportation
35 system, including locations of rights of way, terminals, viaducts and grade
36 separations. The plan may also include port, harbor, aviation and related
37 facilities.

38 2. The commission may prepare and adopt, as part of the master plan,
39 other and additional plans and reports dealing with such other subjects as
40 may in its judgment relate to the physical development of the city, county
41 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
42 prohibits the preparation and adoption of any such subject as a part of the
43 master

plan.

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

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

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

13 **Sec. 10.** NRS 231.067 is hereby amended to read as follows:

14 231.067 The commission on economic development shall:

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

16 *The state plan must include a provision that promotes infill development*
17 *in smart growth zones designated pursuant to section 5 of this act.*

18 2. Promote, encourage and aid the development of commercial,
19 industrial, agricultural, mining and other vital economic interests of this
20 state, except for travel and tourism, except that in a county whose
21 population is less than 35,000, the county may include community
22 development and the development of the nongaming recreation and tourism
23 industry in its economic development efforts.

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

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

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

38 6. Coordinate and assist the activities of counties, cities, local and
39 regional organizations for economic development and fair and recreation
40 boards in the state which affect industrial development, except for travel
41 and tourism, except that in a county whose population is less than 35,000,
42 the county may include community development and the development of

1 the nongaming recreation and tourism industry in its economic
2 development efforts.

3 7. Arrange by cooperative agreements with local governments to serve
4 as the single agency in the state where relocating or expanding businesses
5 may obtain all required permits.

6 8. Promote close cooperation between public agencies and private
7 persons who have an interest in industrial development and diversification
8 in Nevada.

9 9. Organize and coordinate the activities of a group of volunteers
10 which will aggressively select and recruit businesses and industries,
11 especially small industries, to locate their offices and facilities in Nevada.

12 **Sec. 11.** NRS 319.160 is hereby amended to read as follows:

13 319.160 **1.** The division may provide advice, technical information,
14 training and educational services, conduct research and promote the
15 development of housing, building technology and related fields.

16 **2.** *The division shall develop and carry out policies to promote infill*
17 *development in smart growth zones designated pursuant to section 5 of*
18 *this act.*

19 **Sec. 12.** On or before January 1, 2001:

20 1. The governing body of a county whose population is 100,000 or
21 more shall designate initial smart growth zones as required pursuant to
22 subsection 1 of section 5 of this act.

23 2. The commission on economic development shall amend the state
24 plan for industrial development and diversification to include a provision
25 that promotes infill development in smart growth zones as required
26 pursuant to NRS 231.067, as amended by section 10 of this act.

27 3. The housing division of the department of business and industry
28 shall develop the policies to promote infill development in smart growth
29 zones as required pursuant to subsection 2 of NRS 319.160, as amended by
30 section 11 of this act.

31 **Sec. 13.** This act becomes effective upon passage and approval for the
32 purposes of preparations relating to the designation of smart growth zones
33 pursuant to subsection 1 of section 5 of this act, the amendment of the state
34 plan for industrial development and diversification pursuant to section 10
35 of this act and the development of policies to promote infill development
36 pursuant to section 11 of this act and on January 1, 2001, for all other
37 purposes.