

Senate Bill No. 191–Senator Titus

CHAPTER.....

AN ACT relating to land use; requiring a master plan to include a school facilities plan; requiring a person who proposes to develop a project of significant impact in the Las Vegas urban growth zone to submit an impact statement in certain circumstances; prohibiting a local governmental entity from approving such a project in certain circumstances; and providing other matters properly relating thereto.

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

Section 1. NRS 278.160 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

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

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

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

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

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

(l) *School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.*

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

~~(m)~~ (n) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

~~(n)~~ (o) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building

line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

~~(p)~~ (p) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

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

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

Sec. 2. 1. Except as otherwise provided in this section, in addition to any other requirement of the local government or unit thereof, a person who proposes to develop a project of significant impact within the Las Vegas urban growth zone, as that zone is described in NRS 463.3094, shall, unless the project was approved before the effective date of this act, submit an impact statement to the local government or unit thereof having authority over the zoning and approval of the project. The impact statement must be submitted at least 15 days before the date on which the governing body of the local government or unit thereof, or a person or agency authorized to take final action by the governing body:

(a) Takes final action on the final map pertaining to the project, if the project is a residential subdivision; or

(b) Considers the project for final action, if the project is a project other than a residential subdivision.

2. An impact statement required pursuant to subsection 1 must set forth:

(a) The number of vehicle trips that the project will generate, estimated by applying to the proposed project the average trip rates for the peak days and hours established by the Institute of Transportation Engineers or its successor.

(b) The estimated number of additional pupils for each elementary school, junior high or middle school, and high school that the project will cause to be enrolled in local schools.

(c) The quantity of sewage effluent that the project will generate, estimated by applying a sewage generation factor established by the provider of sewer service or an equivalent calculation to the number of units or area of indoor floor space that will be created by the project.

(d) The quantity of water that the project will demand during and after its construction, estimated by applying a demand factor established by the provider of water service or an equivalent calculation to the number of

units that will be created by and the gross acreage that will be occupied by the project.

(e) The increase in quantity of storm water runoff that the project will generate, estimated by using standard hydrologic methods.

(f) The distance from the site on which the project will be located to the nearest facilities from which fire-fighting, police and emergency services are provided, including, without limitation, facilities that are planned, but not yet constructed, and facilities which have been included in a plan for capital improvements prepared by the appropriate local government pursuant to NRS 278.0226.

(g) The existing and planned capacities of schools, roads, sources of water supply and facilities for wastewater and flood control that will be affected by the project. This information must be obtained from the appropriate local providers of those services.

(h) A brief statement setting forth the anticipated effect of the project on housing, mass transit, open space and recreation.

3. A person shall not develop in phases, subdivide or otherwise partition a proposed project for the purpose of evading or avoiding the provisions of this section.

4. An impact statement required pursuant to this section may include by reference any information or data relevant to such a statement that is a matter of public record or is generally available to the public, including, without limitation, information:

(a) Contained in a report required by another federal or state law or local ordinance, or as a condition imposed as a part of the process for approving the project; or

(b) Regarding a phase of a project that consists of multiple phases of construction, if information pertaining to that phase has already been disclosed in a report pertaining to another phase or to the project as a whole.

5. A local government or unit thereof having authority over the zoning and approval of a project of significant impact shall not approve such a project unless:

(a) An impact statement has been submitted for the project pursuant to subsection 1;

(b) The local government or unit thereof determines that the appropriate local school district has been given an opportunity to review the project pursuant to NRS 278.346, if the provisions of that section are applicable.

(c) Except as otherwise provided in this subsection, the local government or unit thereof determines that the capacities of roads, sources of water supply and facilities for wastewater and flood control will be sufficient to support the project. A local government or unit thereof may approve a project with respect to which the capacities of roads, sources of water supply or facilities for wastewater and flood control will not be sufficient to support the project if the local government or unit thereof requires the person who proposes to develop the project to carry out

appropriate measures of mitigation to reduce the impact of the project on those elements of infrastructure.

6. The provisions of this section do not apply with respect to real property that is subject to a development agreement with a local government if the development agreement became effective before the effective date of this act.

7. As used in this section, "project of significant impact" means a project that would create:

- (a) Final maps or planned unit developments of 500 units or more;
- (b) Tourist accommodations of 300 units or more;
- (c) A commercial or industrial facility generating more than 3,000 average daily vehicle trips; or
- (d) A nonresidential development encompassing more than 160 acres.

Sec. 3. This act becomes effective upon passage and approval.

~