

SENATE BILL NO. 191—SENATOR TITUS

FEBRUARY 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Establishes requirements relating to projects of significant impact in Las Vegas urban growth zone. (BDR S-34)

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; requiring a person who proposes to develop a project of significant impact in the Las Vegas urban growth zone to submit an impact statement; prohibiting a local governmental entity from approving such a project in certain circumstances; providing a remedy for alleged violations; 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.** 1. In addition to any other requirement of the local
2 government or unit thereof, a person who proposes to develop a project of
3 significant impact within the Las Vegas urban growth zone, as that zone is
4 described in NRS 463.3094, shall, unless the project was approved before
5 the effective date of this act, submit an impact statement to the local
6 government or unit thereof having authority over the zoning and approval
7 of the project. The impact statement must be submitted at least 15 days
8 before the time at which the project is being considered for approval.
9 2. An impact statement required pursuant to subsection 1 must set
10 forth:
11 (a) The number of vehicle trips that the project will generate, estimated
12 by applying to the proposed project the average trip rates for the peak days
13 and hours established by the Institute of Transportation Engineers or its
14 successor.
15 (b) The estimated number of additional pupils per grade that the project
16 will cause to be enrolled in local schools.

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

5 (d) The quantity of water that the project will demand during and after
6 its construction, estimated by applying a demand factor established by the
7 provider of water service or an equivalent calculation to the number of
8 units that will be created by and the gross acreage that will be occupied by
9 the project.

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

12 (f) The distance from the site on which the project will be located to the
13 nearest facilities from which fire-fighting, police and emergency services
14 are provided.

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

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

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

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

28 (a) Contained in a report required by another federal or state law or
29 local ordinance; or

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

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

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

39 (b) The local government or unit thereof determines that the capacities
40 of roads, sources of water supply and facilities for wastewater and flood
41 control will be sufficient to support the project; and

42 (c) The local government or unit thereof determines that the capacity of
43 any schools that are affected by the project will be sufficient to support the

1 project by obtaining a statement from the school district which provides the
2 existing and projected enrollment of pupils in the schools that are affected
3 by the project and the capacity of the buildings of those schools.

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

6 (a) Tentative maps or planned unit developments of 300 units or more;

7 (b) Tourist accommodations of 300 units or more;

8 (c) A commercial or industrial facility generating more than 3,000
9 average daily vehicle trips; or

10 (d) A nonresidential development encompassing more than 160 acres.

11 **Sec. 2.** 1. Whenever any aggrieved party believes that a local
12 government, unit thereof or any other person has violated section 1 of this
13 act, the aggrieved party may cause a complaint to be filed in the district
14 court seeking to enjoin and restrain the local government, unit thereof or
15 other person from continuing the violation or performing any act in
16 furtherance thereof.

17 2. The district court has jurisdiction of the proceeding and has the
18 power to make and enter an order or judgment awarding such preliminary
19 or final injunctive relief as in its judgment is proper.

20 3. As used in this section, "aggrieved party" means:

21 (a) The person who proposes to develop a project pursuant to section 1
22 of this act;

23 (b) The owner of the real property upon which the proposed
24 development is located;

25 (c) Any person who testified at the public hearing at which the project is
26 considered for approval; or

27 (d) Any person who submitted written comments at the public hearing at
28 which the project is considered for approval.

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