

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 22-34)

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 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:

- 1     **Section 1.** NRS 278.160 is hereby amended to read as follows:  
2     278.160 1. The master plan, with the accompanying charts, drawings,  
3     diagrams, schedules and reports, may include such of the following subject  
4     matter or portions thereof as are appropriate to the city, county or region,  
5     and as may be made the basis for the physical development thereof:  
6     (a) Community design. Standards and principles governing the  
7     subdivision of land and suggestive patterns for community design and  
8     development.  
9     (b) Conservation plan. For the conservation, development and utilization  
10    of natural resources, including water and its hydraulic force, underground  
11    water, water supply, forests, soils, rivers and other waters, harbors,  
12    fisheries, wildlife, minerals and other natural resources. The plan must also  
13    cover the reclamation of land and waters, flood control, prevention and  
14    control of the pollution of streams and other waters, regulation of the use of  
15    land in stream channels and other areas required for the accomplishment of  
16    the conservation plan, prevention, control and correction of the erosion of

1 soils through proper clearing, grading and landscaping, beaches and shores,  
2 and protection of watersheds. The plan must also indicate the maximum  
3 tolerable level of air pollution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (i) Public services and facilities. Showing general plans for sewage,  
41 drainage and utilities, and rights of way, easements and facilities therefor,  
42 including any utility projects required to be reported pursuant to NRS  
43 278.145.

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

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

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

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

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

19 ~~(n)~~ (o) Streets and highways plan. Showing the general locations and  
20 widths of a comprehensive system of major traffic thoroughfares and other  
21 traffic ways and of streets and the recommended treatment thereof, building  
22 line setbacks, and a system of naming or numbering streets and numbering  
23 houses, with recommendations concerning proposed changes.

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

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

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

37 **Sec. 2.** 1. Except as otherwise provided in this section, in addition to  
38 any other requirement of the local government or unit thereof, a person who  
39 proposes to develop a project of significant impact within the Las Vegas  
40 urban growth zone, as that zone is described in NRS 463.3094,

1 shall, unless the project was approved before the effective date of this act,  
2 submit an impact statement to the local government or unit thereof having  
3 authority over the zoning and approval of the project. The impact statement  
4 must be submitted at least 15 days before the date on which the governing  
5 body of the local government or unit thereof, or a person or agency  
6 authorized to take final action by the governing body:

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

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

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

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

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

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

24 (d) The quantity of water that the project will demand during and after  
25 its construction, estimated by applying a demand factor established by the  
26 provider of water service or an equivalent calculation to the number of  
27 units that will be created by and the gross acreage that will be occupied by  
28 the project.

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

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

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

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

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

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

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

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

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

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

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

25 (c) Except as otherwise provided in this subsection, the local  
26 government or unit thereof determines that the capacities of roads, sources  
27 of water supply and facilities for wastewater and flood control will be  
28 sufficient to support the project. A local government or unit thereof may  
29 approve a project with respect to which the capacities of roads, sources of  
30 water supply or facilities for wastewater and flood control will not be  
31 sufficient to support the project if the local government or unit thereof  
32 requires the person who proposes to develop the project to carry out  
33 appropriate measures of mitigation to reduce the impact of the project on  
34 those elements of infrastructure.

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

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

41 (a) Final maps or planned unit developments of 500 units or more;

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

- 1 (c) A commercial or industrial facility generating more than 3,000
- 2 average daily vehicle trips; or
- 3 (d) A nonresidential development encompassing more than 160 acres.
- 4 **Sec. 3.** This act becomes effective upon passage and approval.

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