

SENATE BILL NO. 391—SENATORS PORTER AND JAMES

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions to preserve rural character and density of certain annexed territories in certain counties. (BDR 22-1197)

FISCAL NOTE: Effect on Local Government: Yes.
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 preserve the rural character and density of certain annexed territories in certain counties; 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
17 soils through proper clearing, grading and landscaping, beaches and shores,

1 and protection of watersheds. The plan must also indicate the maximum
2 tolerable level of air pollution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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) *Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.*

(l) 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.

~~(m)~~ (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.

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

~~(o)~~ (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. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city annexes territory pursuant to the provisions of NRS 268.570 to 268.608, inclusive, and the average residential density within such territory at the time of annexation is two residential dwelling units per acre or less, the governing body shall,

1 *insofar as practicable, adopt such zoning regulations and restrictions as*
2 *are necessary to:*

- 3 (a) *Maintain the rural character of the annexed territory; and*
4 (b) *Ensure that the average residential density of the annexed territory*
5 *does not exceed two and one-half residential dwelling units per acre after*
6 *the annexation.*

7 2. *As used in this section:*

8 (a) *“Average residential density” means the number of residential*
9 *dwelling units within the boundaries of the annexed territory, divided by*
10 *the total number of acres within the boundaries of that territory.*

11 (b) *“Residential dwelling unit” has the meaning ascribed to it in NRS*
12 *278.4977.*

13 **Sec. 3.** NRS 268.570 is hereby amended to read as follows:

14 268.570 The provisions of NRS 268.570 to 268.608, inclusive, *and*
15 *section 2 of this act* apply only to cities located in a county whose
16 population is 400,000 or more.