

SENATE BILL NO. 391—SENATORS PORTER AND JAMES

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions to preserve rural character of certain areas and to distribute equitably costs of developing infrastructure in certain areas. (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 for the establishment of provisions to preserve the rural character and density of certain areas in larger counties; providing for a governing body to establish an analysis of the cost to construct infrastructure in certain areas; authorizing the governing body to assess a fee equitably among certain properties to develop the necessary infrastructure; authorizing the governing body to enter into agreements to carry out the plan for the development of infrastructure in certain areas; 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 14, inclusive, of this act.
- 3 **Sec. 2.** *“Average residential density” means the number of lots*
- 4 *intended for residential dwelling units within the boundaries of a*
- 5 *subdivided or developed area, divided by the total number of acres within*
- 6 *the boundaries of the subdivision or developed area.*
- 7 **Sec. 3.** *“Coalition” means the regional planning coalition created*
- 8 *pursuant to section 11 of this act.*
- 9 **Sec. 4.** *“Infrastructure” or “public facilities” means water, sanitary*
- 10 *sewer, storm sewer, streets, parks, fire, police and flood protection.*
- 11 **Sec. 5.** *“Master development agreement” means a written*
- 12 *agreement:*

1 1. *Between a governing body and a person who has a legal or*
2 *equitable interest in land that is entered into upon the application of the*
3 *person who wishes to develop that land;*

4 2. *To enable the governing body to distribute equitably the costs to*
5 *develop infrastructure for an area of land that is largely undeveloped;*
6 *and*

7 3. *That is based on an analysis of the need for infrastructure that is*
8 *prepared pursuant to section 12 of this act.*

9 **Sec. 6.** *“Residential dwelling unit” has the meaning ascribed to it in*
10 *NRS 278.4977.*

11 **Sec. 7.** *“Rural preservation neighborhood” means a subdivided or*
12 *developed area:*

13 1. *Which consists of 10 or more residential dwelling units;*

14 2. *Where the outer boundary of each lot that is used for residential*
15 *purposes is not more than 330 feet from the outer boundary of any other*
16 *lot that is used for residential purposes;*

17 3. *Which has no more than two residential dwelling units per acre;*
18 *and*

19 4. *Which allows residents to raise animals noncommercially.*

20 **Sec. 8.** *“Used for residential purposes” means a lot or parcel of land*
21 *that is 5 acres or less in area and contains a residential dwelling unit of a*
22 *permanent nature.*

23 **Sec. 9.** 1. *In a county with a population of 400,000 or more, the*
24 *governing body shall take such actions as are necessary and appropriate*
25 *to ensure that the rural character of each rural preservation*
26 *neighborhood is preserved.*

27 2. *Unless a rural preservation neighborhood is located within 330*
28 *feet of an existing or proposed street or highway that is more than 99 feet*
29 *wide, the governing body shall, to the extent practicable, adopt any*
30 *zoning regulation or restriction that is necessary to:*

31 (a) *Maintain the rural character of the area developed as a low*
32 *density residential development;*

33 (b) *Except as otherwise provided in subsection 4, ensure that the*
34 *average residential density for that portion of the zoning request that is*
35 *located within 330 feet of a rural preservation neighborhood does not*
36 *exceed two and one-half residential dwelling units per acre; and*

37 (c) *Provide adequate buffer areas, adequate screening and an orderly*
38 *and efficient transition of land uses, excluding raising animals*
39 *commercially or noncommercially.*

40 3. *The governing body may modify the standards for the*
41 *development of infrastructure to maintain the rural character of the*
42 *rural preservation neighborhood.*

1 **4.** *The governing body may, for good cause shown, allow a greater*
2 *density or intensity of use when that use is less than 330 feet from a rural*
3 *preservation neighborhood.*

4 **Sec. 10.** *The provisions of sections 11 to 14, inclusive, of this act*
5 *apply only to counties whose population is 400,000 or more and cities*
6 *located within those counties.*

7 **Sec. 11.** *The board of county commissioners and the city council of*
8 *each of the four largest cities in the county shall establish a regional*
9 *planning coalition by cooperative agreement pursuant to chapter 277 of*
10 *NRS. The regional planning coalition may:*

11 **1.** *Develop policies for the region, including, without limitation, the*
12 *promotion of orderly development, coordinated land use planning and*
13 *the efficient provision of services to urban areas, including, without*
14 *limitation, roads, water and sewer service, police and fire protection,*
15 *mass transit, libraries and parks;*

16 **2.** *Coordinate sources of information;*

17 **3.** *Establish standardized projections for population;*

18 **4.** *Recommend measures to increase the efficiency of governmental*
19 *entities and services;*

20 **5.** *Make recommendations regarding the disposal of federal land;*

21 **6.** *Establish methods for resolving disputes regarding annexation*
22 *and other matters that arise between jurisdictions;*

23 **7.** *Periodically review the master plans adopted by the governing*
24 *body of the county and each city; and*

25 **8.** *Periodically review the annual plan for capital improvements*
26 *prepared by the governing body of each local government in the county*
27 *pursuant to NRS 278.0226.*

28 **Sec. 12. 1.** *A governing body may establish, independently or in*
29 *conjunction with another governing body, an analysis of the cost to*
30 *construct infrastructure in an area which is relatively undeveloped and*
31 *which is likely to become developed.*

32 **2.** *The analysis of the cost to construct infrastructure in an area that*
33 *is relatively undeveloped must include, without limitation:*

34 **(a)** *A precise description of the area, either in the form of a legal*
35 *description or by reference to roadways, lakes and waterways, railroads*
36 *or similar landmarks, and township, county or city boundaries;*

37 **(b)** *An estimate of the expected total population of the area when the*
38 *land becomes fully developed;*

39 **(c)** *An assessment of the infrastructure that will be necessary to*
40 *support the area when it becomes fully developed according to the master*
41 *plan adopted by the governing body pursuant to NRS 278.220; and*

1 (d) A plan for the development of the infrastructure which includes,
2 without limitation:

3 (1) The minimum requirements for the development of
4 infrastructure as determined by the coalition;

5 (2) A plan to meet the anticipated needs of the area for police and
6 fire protection, parks, roads, regional transportation and flood control
7 facilities when the land becomes fully developed;

8 (3) An estimate of the date on which each phase of the development
9 will occur;

10 (4) The manner in which the plan for the development of the
11 infrastructure will be implemented; and

12 (5) An economic analysis of the cost to plan and develop fully the
13 infrastructure for the area.

14 3. The governing body may, if it finds that the analysis of the
15 projected need for infrastructure is consistent with the master plan,
16 approve the analysis by ordinance.

17 4. The governing body may establish, independently or in
18 conjunction with another governing body, a fee that would enable the
19 governing body to distribute equitably the cost for the development of
20 infrastructure in the area.

21 5. The governing body shall provide the necessary copies of the
22 analysis to the coalition for review and information.

23 **Sec. 13.** A governing body may carry out the plan for infrastructure
24 by negotiating master development agreements, independently or in
25 conjunction with an interlocal agreement for the area.

26 **Sec. 14.** A master development agreement may include provisions to
27 require the governing body to provide sources of revenue to pay a portion
28 of the costs to develop the infrastructure, including, without limitation:

29 1. Fees collected by a governing body, including, without limitation,
30 a residential construction tax for neighborhood parks; and

31 2. An improvement district for water, sewer, streets, parks or fire,
32 police or flood protection.

33 **Sec. 15.** NRS 278.010 is hereby amended to read as follows:

34 278.010 As used in NRS 278.010 to 278.630, inclusive, **and sections 2**
35 **to 14, inclusive, of this act**, unless the context otherwise requires, the
36 words and terms defined in NRS 278.0105 to 278.0195, inclusive, **and**
37 **sections 2 to 8, inclusive, of this act** have the meanings ascribed to them in
38 those sections.

39 **Sec. 16.** NRS 278.160 is hereby amended to read as follows:

40 278.160 1. The master plan, with the accompanying charts, drawings,
41 diagrams, schedules and reports, may include such of the following subject
42 matter or portions thereof as are appropriate to the city, county or region,
43 and as may be made the basis for the physical development thereof:

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (f) Land use plan. An inventory and classification of types of natural
40 land and of existing land cover and uses, and comprehensive plans for the
41 most desirable utilization of land. The land use plan may include a
42 provision concerning the acquisition and use of land that is under federal

1 management within the city, county or region, including, without limitation,
2 a plan or statement of policy prepared pursuant to NRS 321.7355.

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

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

9 (i) Public services and facilities. Showing general plans for sewage,
10 drainage and utilities, and rights of way, easements and facilities therefor,
11 including any utility projects required to be reported pursuant to NRS
12 278.145.

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

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

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

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

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

31 ~~(o)~~ (o) Streets and highways plan. Showing the general locations and
32 widths of a comprehensive system of major traffic thoroughfares and other
33 traffic ways and of streets and the recommended treatment thereof, building
34 line setbacks, and a system of naming or numbering streets and numbering
35 houses, with recommendations concerning proposed changes.

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

39 ~~(q)~~ (q) Transportation plan. Showing a comprehensive transportation
40 system, including locations of rights of way, terminals, viaducts and grade
41 separations. The plan may also include port, harbor, aviation and related
42 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. 17. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To provide for recreational needs.

(d) To protect life and property in areas subject to floods, landslides and other natural disasters.

(e) To conform to the adopted population plan, if required by NRS 278.170.

(f) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.

(g) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(h) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(i) To promote health and the general welfare.

(j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(k) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

1 **Sec. 18.** The provisions of section 9 of this act expire on June 1, 2004.

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