

SENATE BILL NO. 393—SENATOR TITUS

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning land use planning. (BDR 22-129)

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 planning; requiring state agencies and regional and local governmental entities to consider certain principles of orderly, centralized growth before taking certain actions; providing for the designation of priority funding areas in certain counties; requiring money from certain grants and loans to be made available with a relative preference toward development in priority funding areas; requiring local government to take certain actions to comply with its master plan; 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 8, inclusive, of this act.
3 **Sec. 2.** *“Infrastructure” means publicly owned or publicly supported*
4 *facilities that are necessary or desirable to support intense habitation*
5 *within a region, including, without limitation, parks, roads, schools,*
6 *community centers, sanitary sewers, facilities for mass transit and*
7 *facilities for the conveyance of water and the treatment of wastewater.*
8 **Sec. 3.** *“Priority funding area” means an area so designated*
9 *pursuant to section 6 of this act.*
10 **Sec. 4. 1.** *The legislature hereby finds and declares that:*
11 *(a) The findings and declarations set forth in NRS 321.640 and*
12 *subsection 2 of NRS 361A.090 remain valid and should continue to be*
13 *observed with respect to the process of land use planning.*

1 ***(b) The premature extension of infrastructure and residential and***
2 ***commercial development to dispersed locations that are not contiguous to***
3 ***existing urban development may create several adverse effects within a***
4 ***community, including, without limitation:***

5 ***(1) The creation of unnecessary expense for the public and private***
6 ***sectors;***

7 ***(2) Reduction of environmental quality within the community;***

8 ***(3) Extended demand for social services;***

9 ***(4) Disruption of the social fabric of the community; and***

10 ***(5) Fragmentation of open space.***

11 ***(c) The governmental entities within this state that have authority to***
12 ***create or amend a master plan, facilities plan or other similar plan***
13 ***should be aware of the adverse effects described in paragraph (b) and***
14 ***strive to take actions that will promote the maintenance of compact***
15 ***urban development.***

16 ***(d) A plan for capital improvements that is prepared by a local***
17 ***government, regional transportation commission, water planning***
18 ***commission or county school district should be carried out with a***
19 ***preference for constructing and maintaining infrastructure in compact***
20 ***urban development.***

21 ***(e) State and local governmental entities should provide incentives for***
22 ***the development and redevelopment of brownfields.***

23 ***(f) Each plan for capital improvements that is prepared by the***
24 ***governing body of a local government should identify:***

25 ***(1) Costs that the local government expects to incur; and***

26 ***(2) Sources of revenue that the local government will use,***
27 ***to acquire, maintain, operate and replace capital improvements.***

28 ***(g) Local governments, district boards of health, regional***
29 ***transportation commissions, water planning commissions and county***
30 ***school districts should:***

31 ***(1) Establish jointly and maintain a common database containing***
32 ***information regarding land and development;***

33 ***(2) Use projections of population that are consistent; and***

34 ***(3) Coordinate activities relating to development and the***
35 ***construction of capital improvements to ensure that necessary elements***
36 ***of infrastructure are in place and able to accommodate the development.***

37 ***(h) In preparing and adopting a master plan, each local planning***
38 ***commission should consider:***

39 ***(1) The construction of residential dwellings within central business***
40 ***districts;***

41 ***(2) The use of conservation easements;***

1 (3) *The continued use of traditional practices of farming and*
2 *ranching;*

3 (4) *Flexible regulation of land uses;*

4 (5) *Mixed land uses, including, without limitation, the combination*
5 *of commercial and residential uses within a single building or*
6 *development;*

7 (6) *The establishment and maintenance of transportation facilities*
8 *at which persons may access several methods of transportation from a*
9 *single location;*

10 (7) *The use of open space and greenbelts;*

11 (8) *The establishment of corridors of transportation within a*
12 *community to accommodate future growth;*

13 (9) *The creation of strategies for land use that allow for the*
14 *efficient use of resources relating to transportation; and*

15 (10) *Standards for the provision of urban services, including,*
16 *without limitation:*

17 (I) *Police, fire and ambulance service;*

18 (II) *Water and sewer service; and*

19 (III) *Mass transit.*

20 (i) *Each entity responsible for planning with respect to land use,*
21 *transportation and the control of air pollution should consider*
22 *alternative land use designations, densities and design standards to meet*
23 *standards of air quality and local and regional needs with respect to*
24 *transportation.*

25 (j) *Governing bodies of local governments should consider the use of*
26 *cooperative agreements as described in NRS 360.730 to establish an*
27 *alternative formula for the distribution of certain taxes to provide*
28 *incentives for compact, contiguous development.*

29 (k) *A board of county commissioners should, where appropriate,*
30 *approve an application for open-space use assessment pursuant to NRS*
31 *361A.200.*

32 2. *As used in this section:*

33 (a) *“Brownfield” means an industrial site that is idle, underutilized or*
34 *vacant as a result of actual or perceived chemical contamination.*

35 (b) *“Greenbelt” means a series of connected open spaces that typically*
36 *follows a natural topographical feature such as a ravine, creek or stream*
37 *and is used as a buffer between land uses or to mark the edge of an*
38 *urban or developed area.*

39 **Sec. 5.** *Each state agency and local governmental entity, including,*
40 *without limitation, a county, an incorporated city, an unincorporated*
41 *town, a planning commission, a regional transportation commission, a*

1 *water planning commission and a county school district shall, before*
2 *adopting or amending a master plan, facilities plan, plan for capital*
3 *improvements or other similar plan:*

- 4 *1. Consider the principles set forth in section 4 of this act; and*
- 5 *2. Make a specific finding that it has considered the principles set*
6 *forth in section 4 of this act.*

7 **Sec. 6.** *1. On or before June 30, 2000, the board of county*
8 *commissioners of each county whose population is 100,000 or more shall*
9 *prepare or cause to be prepared a map designating each area within the*
10 *county that is a priority funding area. The board of county*
11 *commissioners may update the map periodically as it deems necessary.*

12 *2. The board of county commissioners of a county whose population*
13 *is less than 100,000 may prepare or cause to be prepared and update*
14 *periodically a map designating each area within the county that is a*
15 *priority funding area.*

16 *3. In preparing a map pursuant to this section, a board of county*
17 *commissioners shall designate as a priority funding area:*

18 *(a) An area within the county in which a sanitary sewer system*
19 *provides service to an existing development.*

20 *(b) An area within the county:*

21 *(1) That is identified in the land use plan of an adopted master plan*
22 *or a zoning regulation adopted pursuant to NRS 278.260 as being*
23 *suitable for:*

24 *(I) Residential development at a density of at least 3 1/2 units per*
25 *acre; or*

26 *(II) Uses that are principally commercial or industrial in nature;*
27 *and*

28 *(2) For which:*

29 *(I) The construction of a sanitary sewer system is proposed in a*
30 *plan for capital improvements prepared pursuant to NRS 278.0226; or*

31 *(II) A local government has imposed an impact fee pursuant to*
32 *NRS 278B.160 to pay for the construction of a sanitary sewer system.*

33 **Sec. 7.** *Any grant or loan of money to pay for the construction or*
34 *maintenance of infrastructure that is:*

35 *1. Made by an agency of this state or a political subdivision thereof;*
36 *or*

37 *2. Allocated or distributed by an agency of this state or a political*
38 *subdivision thereof on behalf of the Federal Government,*
39 *must be made available with a relative preference given to projects for*
40 *constructing or maintaining infrastructure within priority funding areas,*
41 *to the extent that doing so does not conflict with federal law.*

1 **Sec. 8.** *Each action taken by a local government relating to*
2 *development, zoning, the subdivision of land or capital improvements*
3 *must conform to the master plan of the local government. In adopting an*
4 *ordinance or regulation relating to development, zoning, the subdivision*
5 *of land or capital improvements, the local government shall make a*
6 *specific finding that the ordinance or regulation conforms to the master*
7 *plan. Within 1 year after adopting or amending a master plan or any*
8 *portion thereof, a local government shall review and, if necessary, amend*
9 *its existing ordinances and regulations to ensure their conformity with*
10 *the provisions of the master plan. If an ordinance or regulation of a local*
11 *government relating to development, zoning, the subdivision of land or*
12 *capital improvements is inconsistent with a provision of the master plan,*
13 *the provision of the master plan controls.*

14 **Sec. 9.** NRS 278.010 is hereby amended to read as follows:

15 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2*
16 *to 8, inclusive, of this act*, unless the context otherwise requires, the words
17 and terms defined in NRS 278.0105 to 278.0195, inclusive, *and sections 2*
18 *and 3 of this act* have the meanings ascribed to them in those sections.

19 **Sec. 10.** NRS 278.150 is hereby amended to read as follows:

20 278.150 1. The planning commission shall prepare and adopt a
21 comprehensive, long-term general plan for the physical development of the
22 city, county or region which in the commission's judgment bears relation to
23 the planning thereof.

24 2. The plan must be known as the master plan, and must be so prepared
25 that ~~fall~~ :

26 (a) *The elements and policies set forth in the master plan are*
27 *integrated, consistent internally and compatible; and*

28 (b) *The entirety of the master plan* or portions thereof, except as
29 provided in subsection 3, may be adopted by the governing body, as
30 provided in NRS 278.010 to 278.630, inclusive, as a basis for the
31 development of the city, county or region for such reasonable period of
32 time next ensuing after the adoption thereof as may practically be covered
33 thereby.

34 3. In counties whose population is 100,000 or more, if the governing
35 body of the city or county adopts only a portion of the master plan, it shall
36 include in that portion a conservation plan, a housing plan ~~and~~, *a land*
37 *use plan*, a population plan *and a transportation plan* as provided in NRS
38 278.160.

39 **Sec. 11.** NRS 278.210 is hereby amended to read as follows:

40 278.210 1. Before adopting the master plan or any part of it, or any
41 substantial amendment thereof, the commission shall hold at least one
42 public hearing thereon, notice of the time and place of which shall be given
43 at least by one publication in a newspaper of general circulation in the city

1 or county, or in the case of a regional planning commission, by one
2 publication in a newspaper in each county within the regional district, at
3 least 10 days before the day of the hearing.

4 2. The adoption of the master plan, or of any amendment, extension or
5 addition thereof, shall be by resolution of the commission carried by the
6 affirmative votes of not less than two-thirds of the total membership of the
7 commission. The resolution shall refer expressly to the maps, descriptive
8 matter and other matter intended by the commission to constitute the plan
9 or any amendment, addition or extension thereof, and the action taken shall
10 be recorded on the map and plan and descriptive matter by the identifying
11 signatures of the secretary and chairman of the commission.

12 3. No plan or map, hereafter, shall have indicated thereon that it is a
13 part of the master plan until it shall have been adopted as part of the master
14 plan by the commission as herein provided for the adoption thereof,
15 whenever changed conditions or further studies by the commission require
16 such amendments, extension, or addition.

17 4. *The commission shall not amend the master plan or any part*
18 *thereof pursuant to this section more than twice in a calendar year.*

19 5. An attested copy of any part, amendment, extension of or addition to
20 the master plan adopted by the planning commission of any city, county or
21 region shall be certified to the governing body of such city, county, or
22 region.

23 ~~5.1~~ 6. An attested copy of any part, amendment, extension of or
24 addition to the master plan adopted by any regional planning commission
25 shall be certified to the county planning commission and to the board of
26 county commissioners of each county within the regional district.

27 **Sec. 12.** NRS 231.067 is hereby amended to read as follows:

28 231.067 The commission on economic development shall:

29 1. Develop a state plan for industrial development and diversification.

30 *The commission shall from time to time amend the state plan and in*
31 *doing so consider:*

32 *(a) The principles set forth in section 4 of this act; and*

33 *(b) The promotion of economic development within areas designated*
34 *as priority funding areas pursuant to section 6 of this act.*

35 2. Promote, encourage and aid the development of commercial,
36 industrial, agricultural, mining and other vital economic interests of this
37 state, except for travel and tourism, except that in a county whose
38 population is less than 35,000, the county may include community
39 development and the development of the nongaming recreation and tourism
40 industry in its economic development efforts.

41 3. Identify sources of financing and assist businesses and industries
42 which wish to locate in Nevada in obtaining financing.

- 1 4. Provide and administer grants of money to political subdivisions of
2 the state and to local or regional organizations for economic development
3 to assist them in promoting the advantages of their communities and in
4 recruiting businesses to relocate in those communities. Each recipient must
5 provide an amount of money, at least equal to the grant, for the same
6 purpose, except, in a county whose population is less than 35,000, the
7 commission may, if convinced that the recipient is financially unable to do
8 so, provide such a grant with less than equal matching money provided by
9 the recipient.
- 10 5. Encourage and assist state, county and city agencies in planning and
11 preparing projects for economic or industrial development and financing
12 those projects with revenue bonds.
- 13 6. Coordinate and assist the activities of counties, cities, local and
14 regional organizations for economic development and fair and recreation
15 boards in the state which affect industrial development, except for travel
16 and tourism, except that in a county whose population is less than 35,000,
17 the county may include community development and the development of
18 the nongaming recreation and tourism industry in its economic
19 development efforts.
- 20 7. Arrange by cooperative agreements with local governments to serve
21 as the single agency in the state where relocating or expanding businesses
22 may obtain all required permits.
- 23 8. Promote close cooperation between public agencies and private
24 persons who have an interest in industrial development and diversification
25 in Nevada.
- 26 9. Organize and coordinate the activities of a group of volunteers
27 which will aggressively select and recruit businesses and industries,
28 especially small industries, to locate their offices and facilities in Nevada.