

Amendment No. 532

Assembly Amendment to Assembly Bill No. 119	(BDR 22-750)
Proposed by: Assembly Committee on Government Affairs	
Amendment Box: Replaces Amendment No. 356.	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

BFG/BJE



Date: 4/20/2009

A.B. No. 119—Requires the comprehensive regional plan in certain counties to include provisions concerning the identification and sustainability of certain supplies of water. (BDR 22-750)



ASSEMBLY BILL NO. 119—ASSEMBLYWOMAN LESLIE

PREFILED JANUARY 27, 2009

Referred to Committee on Government Affairs

SUMMARY—Requires the comprehensive regional plan in certain counties to include provisions concerning the ~~identification and~~ sustainability of certain ~~supplies of~~ water ~~in~~ resources. (BDR 22-750)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: 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 planning; requiring the comprehensive regional plan in certain counties to include provisions concerning the ~~identification and~~ sustainability of certain ~~supplies of~~ water ~~in~~ resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the regional planning commission of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to develop a comprehensive regional plan for the physical development and orderly growth of the region. (NRS 278.0272) The comprehensive regional plan must include goals, policies, maps and other documents relating to population, conservation, limitation of premature expansion, land use, transportation, public facilities and services, annexation, intergovernmental coordination and certain utility projects. (NRS 278.0274) Existing law also provides for the development by the Northern Nevada Water Planning Commission of a comprehensive plan concerning supplies of water within the planning area for the comprehensive plan and for the adoption of such a plan by the Western Regional Water Commission. (NRS 540A.010; Chapter 531, Statutes of Nevada 2007, pp. 3285-3304) This bill requires the comprehensive regional plan to include several provisions concerning the availability of water resources for growth and development, including a statement setting forth the total population of the ~~county~~ region that may be supported by the ~~identified and~~ sustainable ~~supply of~~ water ~~in the county as determined by the water planning commission of the county.~~ resources identified in the comprehensive plan adopted by the Western Regional Water Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 278.026 is hereby amended to read as follows:
278.026 As used in NRS 278.026 to 278.029, inclusive, unless the context
otherwise requires:~~

1 ~~1. "Affected entity" means a public utility, franchise holder, local or regional~~
2 ~~agency, or any other entity having responsibility for planning or providing public~~
3 ~~facilities relating to transportation, solid waste, energy generation and transmission,~~
4 ~~conventions and the promotion of tourism, air quality or public education. The term~~
5 ~~does not include:~~

6 ~~— (a) A state agency; or~~

7 ~~— (b) A public utility which is subject to regulation by the Public Utilities~~
8 ~~Commission of Nevada.~~

9 ~~2. "Facilities plan" means a plan for the development of public facilities~~
10 ~~which will have a regional impact or which will aid in accomplishing regional goals~~
11 ~~relating to transportation, solid waste, energy generation and transmission,~~
12 ~~conventions and the promotion of tourism, air quality or public education. The term~~
13 ~~does not include a plan for the development of a specific site or regulations adopted~~
14 ~~by an affected entity to implement the comprehensive regional plan.~~

15 ~~3. "Governing board" means the governing board for regional planning~~
16 ~~created pursuant to NRS 279.0264.~~

17 ~~4. "Joint planning area" means an area that is the subject of common study~~
18 ~~and planning by the governing body of a county and one or more cities.~~

19 ~~5. "Project of regional significance," with respect to a project proposed by~~
20 ~~any person other than a public utility, means a project which:~~

21 ~~— (a) Has been identified in the guidelines of the regional planning commission~~
22 ~~as a project which will result in the loss or significant degradation of a designated~~
23 ~~historic, archeological, cultural or scenic resource;~~

24 ~~— (b) Has been identified in the guidelines of the regional planning commission~~
25 ~~as a project which will result in the creation of significant new geothermal or~~
26 ~~mining operations;~~

27 ~~— (c) Has been identified in the guidelines of the regional planning commission~~
28 ~~as a project which will have a significant effect on the natural resources, public~~
29 ~~services, public facilities, including, without limitation, schools, or the adopted~~
30 ~~regional form of the region; or~~

31 ~~— (d) Will require a change in zoning, a special use permit, an amendment to a~~
32 ~~master plan, a tentative map or other approval for the use of land which, if~~
33 ~~approved, will have an effect on the region of increasing:~~

34 ~~— (1) Employment by not less than 938 employees;~~

35 ~~— (2) Housing by not less than 625 units;~~

36 ~~— (3) Hotel accommodations by not less than 625 rooms;~~

37 ~~— (4) Sewage by not less than 187,500 gallons per day;~~

38 ~~— (5) Water usage by not less than 625 acre feet per year; or~~

39 ~~— (6) Traffic by not less than an average of 6,250 trips daily;~~

40 ~~— The term does not include any project for which a request for an amendment to a~~
41 ~~master plan, a change in zoning, a tentative map or a special use permit has been~~
42 ~~approved by the local planning commission before June 17, 1989.~~

43 ~~6. "Project of regional significance," with respect to a project proposed by a~~
44 ~~utility, includes:~~

45 ~~— (a) An electric substation;~~

46 ~~— (b) A transmission line that carries 60 kilovolts or more;~~

47 ~~— (c) A facility that generates electricity greater than 5 megawatts;~~

48 ~~— (d) Natural gas storage and peak shaving facilities; and~~

49 ~~— (e) Gas regulator stations and mains that operate over 100 pounds per square~~
50 ~~inch.~~

51 ~~7. "Sphere of influence" means, except as otherwise provided in NRS~~
52 ~~279.0274, an area into which a city plans to expand as designated in the~~

~~comprehensive regional plan within the time designated in the comprehensive regional plan.] (Deleted by amendment.)~~

Sec. 2. NRS 278.0274 is hereby amended to read as follows:

278.0274 The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population. *This portion of the plan must set forth the total population of the ~~county~~ region that may be supported by the identified and sustainable ~~supply of water in the county as determined by the water planning commission of the county.~~ resources identified in the comprehensive plan adopted by the Western Regional Water Commission pursuant to section 34 of chapter 531, Statutes of Nevada 2007, at page 3293, if applicable to the region. The provisions of this subsection do not limit or otherwise affect any authority or duty of the State Engineer.*

2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersing of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.

4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:

(a) Address, if applicable:

(1) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;

(b) Allow for a variety of uses;

(c) ~~Estimate the amount of water required for those future uses;~~ *Set forth a pattern of development consistent with the total population of the region that may be supported by the sustainable water resources described in subsection 1;*

(d) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; ~~and~~

~~—(d)—~~ (e) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area ~~}; and~~

(f) *Set forth policies that require, as a condition of the approval of any land use, proof of the availability of water as determined by the water planning commission of the county in accordance with subsection 1;*

~~—(g) Include the estimated area of potential development of the region that is supported by the identified and sustainable supply of water determined pursuant to subsection 1;~~

~~—(h) Include the amount of water required to support all development that is approved but is not yet built; and~~

~~(i) Set forth policies and criteria, including, without limitation, any required amendment to a master plan of a local government, that may be used to terminate any approval of land use for which water is not committed, each applicable master plan of a local government to be consistent with the pattern of development and total population specified in paragraph (c).~~

5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:

(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;

(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;

(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and

(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:

(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and

(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.

6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future, ~~and which is within the estimated area of potential development of the region specified in paragraph (g) of subsection 4.~~

7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

8. Any utility project required to be reported pursuant to NRS 278.145.