

Amendment No. 228

Assembly Amendment to Assembly Bill No. 304

(BDR 22-641)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

DLJ/EGO



Date: 4/13/2009

A.B. No. 304—Makes various changes relating to the preservation of existing neighborhoods. (BDR 22-641)



ASSEMBLY BILL NO. 304—ASSEMBLYMEN SEGERBLOM, OHRENSCHALL; AIZLEY, ARBERRY, ATKINSON, CLABORN, HOGAN, HORNE, KIHUEN, KOIVISTO, MANENDO, MORTENSON, MUNFORD, PIERCE, SMITH AND STEWART

MARCH 12, 2009

JOINT SPONSOR: SENATOR COFFIN

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the preservation of existing neighborhoods. (BDR 22-641)

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 land use regulation; making various changes pertaining to the preservation of ~~existing~~ **historic** neighborhoods; ~~including historic neighborhoods; allowing certain providers of utility service to apply for and receive a rate adjustment to incorporate the costs of placing certain facilities underground;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain ~~planning~~ **plans and zoning** ~~and transportation plans and~~ regulations must incorporate the consideration of certain policies, including the protection of existing neighborhoods and communities. (NRS 268.190, 278.02528, 278.0274, 278.150, 278.160, 278.170, 278.250) ~~408.290) Sections 1, 3, 5 8, 13, 16 and 22 of this bill require certain state and~~ **This bill requires certain** local governmental entities to address the preservation of historic neighborhoods ~~and the effect of proposed streets and highways upon existing neighborhoods~~ in those plans and regulations.

~~Existing law prescribes certain requirements for the vacation or abandonment by a city or county of a street. (NRS 278.480) Section 17 of this bill prohibits a city from requiring agreement from more than 80 percent of the abutting property owners as a prerequisite to vacating a street.~~

~~Under existing law, certain local governments are authorized to establish a local improvement district to finance a project to convert certain service facilities to underground facilities. (NRS 271.800, 271.850) Existing law also allows certain property owners to petition for the creation of a service district to pay for the cost of converting certain overhead electric and communication facilities to underground locations. (Chapter 704A of NRS) Under existing law, the cost of converting both types of facilities is borne by benefited property owners. Sections 20, 21, 22 and 24 of this bill allow service providers and public utility corporations who are subject to the jurisdiction of the Public Utilities Commission of Nevada to apply to and receive approval from the Commission to include underground conversion costs within their rate base, in part to preserve existing neighborhoods, including historic~~

~~neighborhoods. Assessments against property owners to pay for such costs are required to be reduced to the extent that the costs are paid by rate adjustments. (NRS 704A.312)~~

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

“Historic neighborhood” means a subdivided or developed area:

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

2. Where at least two-thirds of the residential dwelling units are 40 or more years of age; and

3. Which has been identified by ~~the governing body, planning commission, regional planning commission, coalition or agency or other governmental entity~~ of the city or county within which the area is located as having a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity. Distinguishing characteristics of a historic neighborhood may include, without limitation:

(a) Significance to the cultural, social, political or economic history of the area in which it is located;

(b) Association with a significant person, group or event in local, state or national history;

(c) Representation of an established and familiar visual feature of an area because of its location, design, architecture or singular physical appearance; or

(d) Meeting the criteria for eligibility for listing on the State or National Register of Historic Places.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.02528 is hereby amended to read as follows:

278.02528 1. The regional planning coalition shall develop a comprehensive regional policy plan for the balanced economic, social, physical, environmental and fiscal development and orderly management of the growth of the region for a period of at least 20 years. The comprehensive regional policy plan must contain recommendations of policy to carry out each part of the plan.

2. In developing the plan, the coalition:

(a) May consult with other entities that are interested or involved in regional planning within the county.

(b) Shall ensure that the comprehensive regional policy plan includes goals, policies, maps and other documents relating to:

(1) Conservation, including, without limitation, policies relating to the use and protection of natural resources.

(2) Population, including, without limitation, standardized projections for population growth in the region.

(3) Land use and development, including, without limitation, a map of land use plans that have been adopted by local governmental entities within the region, and that the plan addresses, if applicable:

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

(II) 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.

(4) Transportation ~~including, without limitation, policies addressing the effect of proposed streets and highways upon existing neighborhoods.~~

(5) The efficient provision of public facilities and services, including, without limitation, roads, water and sewer service, police and fire protection, mass transit, libraries and parks.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersing of new housing and businesses in established neighborhoods; ~~land~~

(II) *The preservation of historic neighborhoods; and*

(III) Development in areas in which public services are available.

3. The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition:

(a) Carried by the affirmative votes of not less than two-thirds of its total membership; and

(b) Ratified by the board of county commissioners of the county and the city council of each city that jointly established the regional planning coalition pursuant to NRS 278.02514.

Sec. 4. NRS 278.02556 is hereby amended to read as follows:

278.02556 Except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in paragraph ~~(f)~~ (g) of subsection 1 of NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

Sec. 5. 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.

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, *including, without limitation, historic 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) Address the effect of proposed streets and highways upon existing neighborhoods;~~

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

~~(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.~~

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.

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.

Sec. 6. ~~NRS 278.150 is hereby amended to read as follows:~~

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

~~2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, [and] 4 [and] 5, may be adopted by the governing body, as provided in NRS 278.010 to~~

~~278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.~~

~~3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion a plan to identify and inventory historic neighborhoods, which is part of the historic neighborhood preservation plan provided in NRS 278.160.~~

~~4. In counties whose population is 100,000 or more but less than 400,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion a conservation plan, a historic neighborhood preservation plan, a housing plan and a population plan as provided in NRS 278.160.~~

~~[4.] 5. In counties whose population is 400,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the subjects set forth in subsection 1 of NRS 278.160.] (Deleted by amendment.)~~

Sec. 7. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection ~~4~~ 4 ~~5~~ of NRS 278.150 and subsection ~~3~~ 4 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

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

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

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

(d) Historic neighborhood preservation plan. The plan ~~must~~ :

(1) Must include, without limitation:

~~{ (1) A plan to identify and }~~

(I) An inventory of historic neighborhoods.

~~{ (2) (II) A statement of goals and methods to encourage the preservation of historic neighborhoods. }~~

~~{ (3) The }~~

(2) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

~~{ (4) A plan to convert existing overhead service facilities, as defined in NRS 271.152, and existing overhead electric and communication facilities, as defined in NRS 704A.090, to underground facilities along major thoroughfares in historic neighborhoods. }~~

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

~~(f)~~ (f) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

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

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

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

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

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

~~(g)~~ (g) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable:

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

(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

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

~~(i)~~ (i) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

~~(j)~~ (j) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

~~(k)~~ (k) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

~~(l)~~ (l) 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.

~~(m)~~ (m) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, 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.

~~(n)~~ (n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

~~(o)~~ (o) 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.

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

~~(q)~~ (q) Streets and highways plan. Showing ~~The streets and highways plan must~~

~~(1) Show~~ 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 ~~to~~ to ~~and~~

~~(2) Address the effects of proposed streets and highways upon existing neighborhoods.~~

~~(r)~~ (r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

~~(s)~~ (s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, 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. 8. ~~NRS 278.170 is hereby amended to read as follows:~~

~~278.170 1. Except as otherwise provided in subsections 2 [and 3.] 3 and 4, the commission may prepare and adopt all or any part of the master plan or any subject thereof for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.~~

~~2. In counties whose population is less than 100,000, if the commission prepares and adopts less than all the subjects of the master plan, as outlined in NRS 278.160, it shall include, in its preparation and adoption, a plan to identify and inventory historic neighborhoods, which is part of the historic neighborhood preservation plan provided in NRS 278.160.~~

~~3. In counties whose population is 100,000 or more but less than 400,000, if the commission prepares and adopts less than all subjects of the master plan, as outlined in NRS 278.160, it shall include, in its preparation and adoption, the conservation, historic neighborhood preservation, housing and population plans described in that section.~~

~~[3.] 4. In counties whose population is 400,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the subjects set forth in subsection 1 of NRS 278.160.] (Deleted by amendment.)~~

Sec. 9. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:

(a) Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains; and

(d) If a military installation is located within 3,000 feet of the area to which the proposed amendment pertains, the commander of the military installation.

The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.

3. Except as otherwise provided in NRS 278.225, the adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

4. Except as otherwise provided in NRS 278.225, no plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph ~~(f)~~ (g) of subsection 1 of NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to:

1 (a) A change in the land use designated for a particular area if the change does
2 not affect more than 25 percent of the area; or

3 (b) A minor amendment adopted pursuant to NRS 278.225.

4 6. An attested copy of any part, amendment, extension of or addition to the
5 master plan adopted by the planning commission of any city, county or region in
6 accordance with NRS 278.170 must be certified to the governing body of the city,
7 county or region. The governing body of the city, county or region may authorize
8 such certification by electronic means.

9 7. An attested copy of any part, amendment, extension of or addition to the
10 master plan adopted by any regional planning commission must be certified to the
11 county planning commission and to the board of county commissioners of each
12 county within the regional district. The county planning commission and board of
13 county commissioners may authorize such certification by electronic means.

14 **Sec. 10.** ~~[NRS 278.220 is hereby amended to read as follows:~~

15 ~~278.220 Except as otherwise provided in subsection [4] 5 of NRS 278.150
16 and NRS 278.225:~~

17 ~~1. Upon receipt of a certified copy of the master plan, or of any part thereof,
18 as adopted by the planning commission, the governing body may adopt such parts
19 thereof as may practicably be applied to the development of the city, county or
20 region for a reasonable period of time next ensuing.~~

21 ~~2. The parts must thereupon be endorsed and certified as master plans thus
22 adopted for the territory covered, and are hereby declared to be established to
23 conserve and promote the public health, safety and general welfare.~~

24 ~~3. Before adopting any plan or part thereof, the governing body shall hold at
25 least one public hearing thereon, notice of the time and place of which must be
26 published at least once in a newspaper of general circulation in the city or counties
27 at least 10 days before the day of hearing.~~

28 ~~4. No change in or addition to the master plan or any part thereof, as adopted
29 by the planning commission, may be made by the governing body in adopting the
30 same until the proposed change or addition has been referred to the planning
31 commission for a report thereon and an attested copy of the report has been filed
32 with the governing body. Failure of the planning commission so to report within 40
33 days, or such longer period as may be designated by the governing body, after such
34 reference shall be deemed to be approval of the proposed change or addition.]~~

35 **(Deleted by amendment.)**

36 **Sec. 11.** ~~[NRS 278.230 is hereby amended to read as follows:~~

37 ~~278.230 1. Except as otherwise provided in subsection [4] 5 of NRS
38 278.150, whenever the governing body of any city or county has adopted a master
39 plan or part thereof for the city or county, or for any major section or district
40 thereof, the governing body shall, upon recommendation of the planning
41 commission, determine upon reasonable and practical means for putting into effect
42 the master plan or part thereof, in order that the same will serve as:~~

43 ~~(a) A pattern and guide for that kind of orderly physical growth and
44 development of the city or county which will cause the least amount of natural
45 resource impairment and will conform to the adopted population plan, where
46 required, and ensure an adequate supply of housing, including affordable housing;
47 and~~

48 ~~(b) A basis for the efficient expenditure of funds thereof relating to the subjects
49 of the master plan.~~

50 ~~2. The governing body may adopt and use such procedure as may be
51 necessary for this purpose.]~~ **(Deleted by amendment.)**

1 **Sec. 12.** NRS 278.235 is hereby amended to read as follows:

2 278.235 1. If the governing body of a city or county is required to include a
3 housing plan in its master plan pursuant to NRS 278.150, the governing body, in
4 carrying out the plan for maintaining and developing affordable housing to meet the
5 housing needs of the community, which is required to be included in the housing
6 plan pursuant to subparagraph (8) of paragraph ~~(e)~~ (f) of subsection 1 of NRS
7 278.160, shall adopt at least six of the following measures:

8 (a) At the expense of the city or county, as applicable, subsidizing in whole or
9 in part impact fees and fees for the issuance of building permits collected pursuant
10 to NRS 278.580.

11 (b) Selling land owned by the city or county, as applicable, to developers
12 exclusively for the development of affordable housing at not more than 10 percent
13 of the appraised value of the land, and requiring that any such savings, subsidy or
14 reduction in price be passed on to the purchaser of housing in such a development.
15 Nothing in this paragraph authorizes a city or county to obtain land pursuant to the
16 power of eminent domain for the purposes set forth in this paragraph.

17 (c) Donating land owned by the city or county to a nonprofit organization to be
18 used for affordable housing.

19 (d) Leasing land by the city or county to be used for affordable housing.

20 (e) Requesting to purchase land owned by the Federal Government at a
21 discounted price for the creation of affordable housing pursuant to the provisions of
22 section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public
23 Law 105-263.

24 (f) Establishing a trust fund for affordable housing that must be used for the
25 acquisition, construction or rehabilitation of affordable housing.

26 (g) Establishing a process that expedites the approval of plans and
27 specifications relating to maintaining and developing affordable housing.

28 (h) Providing money, support or density bonuses for affordable housing
29 developments that are financed, wholly or in part, with low-income housing tax
30 credits, private activity bonds or money from a governmental entity for affordable
31 housing, including, without limitation, money received pursuant to 12 U.S.C. §
32 1701q and 42 U.S.C. § 8013.

33 (i) Providing financial incentives or density bonuses to promote appropriate
34 transit-oriented housing developments that would include an affordable housing
35 component.

36 (j) Offering density bonuses or other incentives to encourage the development
37 of affordable housing.

38 (k) Providing direct financial assistance to qualified applicants for the purchase
39 or rental of affordable housing.

40 (l) Providing money for supportive services necessary to enable persons with
41 supportive housing needs to reside in affordable housing in accordance with a need
42 for supportive housing identified in the 5-year consolidated plan adopted by the
43 United States Department of Housing and Urban Development for the city or
44 county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

45 2. On or before January 15 of each year, the governing body shall submit to
46 the Housing Division of the Department of Business and Industry a report, in the
47 form prescribed by the Division, of how the measures adopted pursuant to
48 subsection 1 assisted the city or county in maintaining and developing affordable
49 housing to meet the needs of the community for the preceding year. The report
50 must include an analysis of the need for affordable housing within the city or
51 county that exists at the end of the reporting period.

52 3. On or before February 15 of each year, the Housing Division shall compile
53 the reports submitted pursuant to subsection 2 and transmit the compilation to the

Legislature, or the Legislative Commission if the Legislature is not in regular session.

Sec. 13. 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 consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

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

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

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

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

(j) 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.

(k) To promote health and the general welfare.

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

(m) To ensure the protection of existing neighborhoods and communities, including the protection of ~~historic neighborhoods and~~ rural preservation neighborhoods ~~[, with specific consideration of the effects of proposed streets and highways upon existing neighborhoods and communities.] and, in counties whose population is 400,000 or more, the protection of historic neighborhoods.~~

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

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.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 14. NRS 278.4787 is hereby amended to read as follows:

278.4787 1. Except as otherwise provided in subsection 5, a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:

(a) Landscaping;

(b) Public lighting;

(c) Security walls; and

(d) Trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.

2. A governing body shall establish by ordinance a procedure pursuant to which a request may be submitted pursuant to subsection 1 in the form of a petition, which must be signed by a majority of the owners whose property will be assessed and which must set forth descriptions of all tracts of land or residential units that would be subject to such an assessment.

3. The governing body may by ordinance designate a person to approve or disapprove a petition submitted pursuant to this section. If the governing body adopts such an ordinance, the ordinance must provide, without limitation:

(a) Procedures pursuant to which the petition must be reviewed to determine whether it would be desirable for the governing body to assume the maintenance of the proposed improvements.

(b) Procedures for the establishment of a maintenance district or unit of assessment.

(c) A method for:

(1) Determining the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(I) Benefit the development or subdivision in which the improvements are located; and

(II) Benefit the public;

(2) Assessing the tracts of land or residential units in the development or subdivision to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the development or subdivision in which the improvements are located; and

(3) Allocating an amount of public money to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the public.

(d) Procedures for a petitioner or other aggrieved person to appeal to the governing body a decision of the person designated by the governing body by ordinance adopted pursuant to this subsection to approve or disapprove a petition.

4. If the governing body does not designate by an ordinance adopted pursuant to subsection 3 a person to approve or disapprove a petition, the governing body shall, after receipt of a complete petition submitted at least 120 days before the approval of the final map for the land, hold a public hearing at least 90 days before the approval of the final map for the land, unless otherwise waived by the governing body, to determine the desirability of assuming the maintenance of the proposed improvements. If the governing body determines that it would be undesirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall specify for the record its reasons for that determination. If the governing body determines that it would be desirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall by ordinance:

(a) Determine the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(1) Benefit the development or subdivision in which the improvements are located; and

(2) Benefit the public.

(b) Create a maintenance district or unit of assessment consisting of the tracts of land or residential units set forth in the petition or include the tracts of land or residential units set forth in the petition in an existing maintenance district or unit of assessment.

(c) Establish the method or, if the tracts or units are included within an existing maintenance district or unit of assessment, apply an existing method for determining:

(1) The amount of an assessment to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements. The amount of the assessment must be determined in accordance with the proportion to which such maintenance will benefit the development or subdivision in which the improvements are located.

(2) The time and manner of payment of the assessment.

(d) Provide that the assessment constitutes a lien upon the tracts of land or residential units within the maintenance district or unit of assessment. The lien must be executed, and has the same priority, as a lien for property taxes.

(e) Prescribe the levels of maintenance to be provided.

(f) Allocate to the cost of providing the maintenance the appropriate amount of public money to pay for that part of the maintenance which creates the public benefit.

(g) Address any other matters that the governing body determines to be relevant to the maintenance of the improvements, including, without limitation, matters relating to the ownership of the improvements and the land on which the improvements are located and any exposure to liability associated with the maintenance of the improvements.

5. If the governing body requires an owner of land to dedicate a tract of land as a trail identified in the recreation plan of the governing body adopted pursuant to paragraph ~~(k)~~ (k) of subsection 1 of NRS 278.160, the governing body shall:

(a) Accept ownership of the tract; and

(b) Assume the maintenance of the tract and any other improvement located on the land that is authorized in subsection 1.

6. The governing body shall record, in the office of the county recorder for the county in which the tracts of land or residential units included in a petition

1 approved pursuant to this section are located, a notice of the creation of the
2 maintenance district or unit of assessment that is sufficient to advise the owners of
3 the tracts of land or residential units that the tracts of land or residential units are
4 subject to the assessment. The costs of recording the notice must be paid by the
5 petitioner.

6 7. The provisions of this section apply retroactively to a development or
7 subdivision with respect to which:

8 (a) An agreement or agreements between the owners of tracts of land within
9 the development or subdivision and the developer allow for the provision of
10 services in the manner set forth in this section; or

11 (b) The owners of affected tracts of land or residential units agree to dissolve
12 the association for their common-interest community in accordance with the
13 governing documents of the common-interest community upon approval by the
14 governing body of a petition filed by the owners pursuant to this section.

15 **Sec. 15.** NRS 279.608 is hereby amended to read as follows:

16 279.608 1. If, at any time after the adoption of a redevelopment plan by the
17 legislative body, the agency desires to take an action that will constitute a material
18 deviation from the plan or otherwise determines that it would be necessary or
19 desirable to amend the plan, the agency must recommend the amendment of the
20 plan to the legislative body. An amendment may include the addition of one or
21 more areas to any redevelopment area.

22 2. Before recommending amendment of the plan, the agency shall hold a
23 public hearing on the proposed amendment. Notice of that hearing must be
24 published at least 10 days before the date of hearing in a newspaper of general
25 circulation, printed and published in the community, or, if there is none, in a
26 newspaper selected by the agency. The notice of hearing must include a legal
27 description of the boundaries of the area designated in the plan to be amended and a
28 general statement of the purpose of the amendment.

29 3. In addition to the notice published pursuant to subsection 2, the agency
30 shall cause a notice of hearing on a proposed amendment to the plan to be sent by
31 mail at least 10 days before the date of the hearing to each owner of real property,
32 as listed in the records of the county assessor, whom the agency determines is likely
33 to be directly affected by the proposed amendment. The notice must:

34 (a) Set forth the date, time, place and purpose of the hearing and a physical
35 description of, or a map detailing, the proposed amendment; and

36 (b) Contain a brief summary of the intent of the proposed amendment.

37 4. If after the public hearing, the agency recommends substantial changes in
38 the plan which affect the master or community plan adopted by the planning
39 commission or the legislative body, those changes must be submitted by the agency
40 to the planning commission for its report and recommendation. The planning
41 commission shall give its report and recommendations to the legislative body
42 within 30 days after the agency submitted the changes to the planning commission.

43 5. After receiving the recommendation of the agency concerning the changes
44 in the plan, the legislative body shall hold a public hearing on the proposed
45 amendment, notice of which must be published in a newspaper in the manner
46 designated for notice of hearing by the agency. If after that hearing the legislative
47 body determines that the amendments in the plan, proposed by the agency, are
48 necessary or desirable, the legislative body shall adopt an ordinance amending the
49 ordinance adopting the plan.

50 6. As used in this section, "material deviation" means an action that, if taken,
51 would alter significantly one or more of the aspects of a redevelopment plan that
52 are required to be shown in the redevelopment plan pursuant to NRS 279.572. The
53 term includes, without limitation, the vacation of a street that is depicted in the

streets and highways plan of the master plan described in paragraph ~~(p)~~ (q) of subsection 1 of NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in paragraph ~~(p)~~ (q) of subsection 1 of NRS 278.160 which has been adopted for the community.

Sec. 16. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authority plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a ~~plan to identify and inventory historic neighborhoods, and a historic neighborhood preservation plan and~~ population plan if required by NRS 278.170, ~~and~~ a plan for the development of affordable housing ~~and, for each city located in a county whose population is 400,000 or more, a plan to inventory and preserve historic neighborhoods.~~

3. Perform any other acts and things necessary or proper to carry out the provisions of NRS 268.110 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare and in the interest of protecting the municipal area's natural resources from impairment.

Sec. 17. ~~[Chapter 270 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~If the governing body of an incorporated city establishes by ordinance, regulation or rule a requirement that a street owned by the city may not be vacated unless the vacation is approved by a certain percentage of:~~

~~1. The property owners abutting the street; or~~

~~2. An association of property owners;~~

~~the percentage required must not exceed 80 percent.]. (Deleted by amendment.)~~

Sec. 18. ~~[NRS 270.180 is hereby amended to read as follows:~~

~~270.180 The provisions of NRS 270.160 and 270.170 and section 17 of this act are intended to supplement and not to supersede the existing laws relating to the vacation of city and town plats and do not apply to land divided pursuant to NRS 278.010 to 278.620, inclusive.]. (Deleted by amendment.)~~

Sec. 19. ~~[Chapter 271 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.]. (Deleted by amendment.)~~

Sec. 20. ~~[1. A service provider subject to the jurisdiction of the Public Utilities Commission of Nevada may apply to the Commission for an adjustment in its rates to allow its recovery of all or part of the cost of converting existing overhead service facilities to underground facilities.~~

~~2. Within 120 days after receipt of such an application, the Commission shall hold a public hearing to consider whether to authorize such an adjustment and, if authorized, the methods to be used to allow the recovery.~~

~~3. The Commission shall render its written decision within 180 days after receiving the application for such an adjustment.~~

~~4. The Commission shall render its decision based on the record and may grant the application, deny it or grant it according to such terms, conditions or modifications as the Commission finds appropriate.~~

~~5. The Commission may grant an application for such an adjustment if it determines that:~~

~~(a) The conversion of existing overhead service facilities to underground facilities will help preserve the character of existing neighborhoods, including, without limitation, historic neighborhoods, improve safety or efficiency or otherwise improve the quality of life of the service provider's customers; and~~

~~(b) The cost of the conversion will be reasonable in consideration of the likely benefits.~~

~~6. If the Commission grants the application, the service provider must, within a reasonable time specified by the Commission, file with the Commission a tariff which sets forth the adjustment in the rates authorized as a result of the conversion.~~

~~7. A service provider shall annually present to the Commission a certified accounting of the cost of conversion and an accounting of the revenues it has received in that year from the adjustment in its rates.~~

~~8. As used in this section, "historic neighborhood" has the meaning ascribed to it in section 1 of this act. (Deleted by amendment.)~~

Sec. 21. ~~[If a service provider subject to the jurisdiction of the Public Utilities Commission of Nevada has been granted an adjustment in rates pursuant to section 20 of this act, the amount of assessments against tracts of land within a district to finance an underground conversion project must be reduced to reflect the proportion of the cost of the project, if any, which will be defrayed by that adjustment.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 408.290 is hereby amended to read as follows:~~

~~408.290 1. The Department may establish new routes into or in the vicinity of municipalities and metropolitan areas with the approval of the board of county commissioners of the county in which an addition is proposed and with the approval of the city council of any incorporated city directly affected. In establishing such new routes, the Department shall consider the effect of the routes upon existing neighborhoods, including, without limitation, historic neighborhoods.~~

~~2. As used in this section, "historic neighborhood" has the meaning ascribed to it in section 1 of this act. (Deleted by amendment.)~~

Sec. 23. ~~[Chapter 704A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A public utility corporation subject to the jurisdiction of the Public Utilities Commission of Nevada may apply to the Commission for an adjustment in its rates to allow its recovery of all or part of the cost of converting existing overhead electric and communication facilities to underground locations.~~

~~2. Within 120 days after receipt of such an application, the Commission shall hold a public hearing to consider whether to authorize such an adjustment and, if authorized, the methods to be used to allow the recovery.~~

~~3. The Commission shall render its written decision within 180 days after receiving the application for such an adjustment.~~

~~4. The Commission shall render its decision based on the record and may grant the application, deny it or grant it according to such terms, conditions or modifications as the Commission finds appropriate.~~

~~5. The Commission may grant an application for such an adjustment if it determines that:~~

~~(a) The conversion of existing overhead electric and communication facilities to underground locations will help to preserve the character of existing neighborhoods, including, without limitation, historic neighborhoods, improve safety or efficiency or otherwise improve the quality of life of the public utility corporation's customers; and~~

~~(b) The cost of the conversion will be reasonable in consideration of the likely benefits.~~

~~6. If the Commission grants the application, the public utility corporation must, within a reasonable time specified by the Commission, file with the Commission a tariff which sets forth the adjustment in the rates authorized as a result of the conversion.~~

~~7. A public utility corporation shall annually present to the Commission a certified accounting of the cost of conversion and an accounting of the revenues it has received in that year from the adjustment in its rates.~~

~~8. As used in this section, "historic neighborhood" has the meaning ascribed to it in section 1 of this act. (Deleted by amendment.)~~

Sec. 24. [NRS 704A.312 is hereby amended to read as follows:]

~~704A.312 1. At any time after there occur the conditions stated in subsection 1 or in subsections 2 and 3 of NRS 704A.290, the governing body, by resolution, shall:~~

~~(a) Determine the total cost of the construction or conversion pertaining to the service district, including, without limitation, interest on any interim warrants relating thereto and all other incidental costs, based upon the actual costs known at the time of such determination of cost and otherwise upon the estimated costs stated in the joint report prepared under NRS 704A.180, as modified, if modified by the occurrence thereafter of factors affecting such costs and permitting their revision;~~

~~(b) In the case of a conversion, determine and subtract the portion of the cost, if any, that will be paid by an adjustment in rates granted pursuant to section 23 of this act;~~

~~(c) Determine the net cost of the construction or conversion to be defrayed by special assessments;~~

~~[(c)] (d) Order the municipal engineer to make out or to cause to be made out an assessment roll containing, among other matters:~~

~~(1) The name of each last known owner of each lot to be assessed, or if not known, a statement that the name is "unknown"; and~~

~~(2) A description of each tract to be assessed, and the amount of the proposed assessment thereon, apportioned upon the basis for assessments stated in the resolution of the governing body adopted pursuant to subsection 2 of NRS 704A.180, but subject to the provisions of subsections 5 and 6 of NRS 704A.240; and~~

~~[(d)] (e) Cause a copy of the resolution to be furnished by the municipal clerk to the municipal engineer.~~

~~2. If by mistake or otherwise any person is improperly designated in the assessment roll as the owner of any lot, or if the same is assessed without the name of the owner or each owner, as the case may be, or in the name of a person other than the owner, such assessment shall not for that reason be vitiated but shall, in all respects, be as valid upon and against such lot as though assessed in the name of the owner or each owner thereof, as the case may be; and when the assessment roll has been confirmed, such assessment shall become a lien on such lot and be collected as provided by law.~~

~~3. No assessment shall exceed the amount of the special benefits to the lot assessed nor exceed the amount of the reasonable market value of such lot for any one project for the construction or conversion of any one type of service facilities of a public utility corporation, as determined by the governing body.~~ **(Deleted by amendment.)**