

**Amendment No. 107**

Assembly Amendment to Assembly Bill No. 87 (BDR 22-274)

**Proposed by:** Assembly Committee on Government Affairs

**Amends:** Summary: Yes 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 underlining* is newly added transitory language.

EGO



Date: 4/21/2013

A.B. No. 87—Revises provisions governing local regulation of the zoning and construction of public schools in certain counties. (BDR 22-274)



ASSEMBLY BILL NO. 87—ASSEMBLYMEN DALY, ELLIOT ANDERSON, BOBZIEN, CARRILLO; BENITEZ-THOMPSON, COHEN, HANSEN, HICKEY, KIRNER, LIVERMORE AND SPRINKLE

FEBRUARY 11, 2013

JOINT SPONSOR: SENATOR SMITH

Referred to Committee on Government Affairs

SUMMARY—Revises provisions ~~governing local regulation of the zoning and relating to consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration~~ of public schools in certain counties. (BDR 22-274)

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 public schools; requiring ~~the development and adoption of an expedited process for the approval of the zoning of public schools in certain counties; revising provisions governing local approval of certain plans, designs and specifications concerning~~ ***consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration*** of public schools in certain counties; ***requiring the approval of the board of trustees of the school district of such standards and specifications;*** and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

~~Existing law creates in each county whose population is 100,000 or more but less than 700,000 (currently Washoe County) a regional planning commission and a governing board for regional planning. The commission is responsible for developing, and the board is responsible for adopting, a comprehensive regional plan for the physical development and orderly management of the growth of the county. (NRS 278.0262, 278.0264, 278.0272, 278.0276) Existing law also provides that the master plan of a local government in such a county must conform with the comprehensive regional plan and that any ordinance or regulation relating to zoning adopted by the local government must conform with the master plan. (NRS 278.028, 278.0284) Section 1 of this bill provides that, in such a county, the comprehensive regional plan must include an expedited process for the approval of the zoning of public schools. The inclusion of the expedited process in the comprehensive regional plan effectively will require conforming amendments to the zoning ordinances or regulations of local governments. Section 2 of this bill requires consultation among certain regional and local entities regarding the development and adoption of the expedited process for the approval of the zoning of public schools in Washoe County.~~

Existing law ~~further~~ provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) ~~Section 1.3 of this bill provides that such plans, designs and specifications shall be deemed to satisfy similar county or local building requirements if they comply with the least restrictive requirements which govern the height of buildings, building setback, landscaping, parking and lighting and which: (1) are applicable in the county or in any local government in the county; or (2) on July 1, 2012, were applicable in the county or in any local government in the county.)~~ requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) approved by the board of trustees of the school district of that county. Section 3 of this bill requires such ordinances to be adopted on or before February 28, 2014.

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

**Section 1.** ~~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 and revitalization of urban areas, including, without limitation, policies that relate to the interspersal 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) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and~~  
~~(d) 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,~~

1 the amount of land required to accommodate planned growth, the population of the  
2 area projected pursuant to subsection 1, and the characteristics of undeveloped land  
3 in the area.

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

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

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

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

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

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

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

24 ~~6. Annexation, including the identification of spheres of influence for each~~  
25 ~~unit of local government, improvement district or other service district and~~  
26 ~~specifying standards and policies for changing the boundaries of a sphere of~~  
27 ~~influence and procedures for the review of development within each sphere of~~  
28 ~~influence. As used in this subsection, "sphere of influence" means an area into~~  
29 ~~which a political subdivision may expand in the foreseeable future.~~

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

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

34 ~~9. *An expedited process for the approval of the zoning of public schools.*~~  
35 ~~*The expedited process must include, without limitation, a provision that not more*~~  
36 ~~*than one public hearing may be held regarding the approval of the zoning of a*~~  
37 ~~*public school.*~~ (Deleted by amendment.)

38 Sec. 1.3. Chapter 278 of NRS is hereby amended by adding thereto a  
39 new section to read as follows:

40 *In a county whose population is 100,000 or more but less than 700,000, the*  
41 *standards and specifications for the erection of any new school building or for*  
42 *any addition to or alteration of an existing school building in any ordinance*  
43 *relating to zoning adopted or amended by the governing body of the county and*  
44 *the governing body of any city in the county which address the height of the*  
45 *building, the setback of the building, the landscaping and the amount of parking*  
46 *space must be:*

47 *1. Consistent in all such ordinances; and*

48 *2. Approved by the board of trustees of the school district of that county.*

49 Sec. 1.7. NRS 278.010 is hereby amended to read as follows:

50 278.010 As used in NRS 278.010 to 278.630, inclusive, and section 1.3 of  
51 this act, unless the context otherwise requires, the words and terms defined in NRS  
52 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those  
53 sections.

**Sec. 2. ~~NRS 393.110 is hereby amended to read as follows:~~**

~~393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities, comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 26 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~2. In a county whose population is 700,000 or more:~~

~~(a) The board of trustees of the school district shall establish a building department for the school district.~~

~~(b) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.~~

~~(c) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall adopt any building, electrical or safety codes as necessary to carry out the provisions of this subsection.~~

~~(d) The board of trustees of the school district shall ensure that the building department established by the board of trustees reviews the plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.~~

~~(e) The building department established by the board of trustees shall, in accordance with subsection 4, conduct a review of plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.~~

~~(f) The provisions of NRS 278.585 do not apply to the school district in its regulation of buildings, facilities, structures and property of the school district.~~

~~3. In a county whose population is less than 700,000:~~

~~(a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the building department of the county or other appropriate local building department in the county, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit. *For the purpose of granting such approval, any plans, designs and specifications that, at the time they are approved by a building department, comply with the least restrictive requirements which govern the height of buildings, building setback, landscaping, parking and lighting and which:*~~

~~(1) Are applicable in the county or in any local government in the county; or~~

~~(2) On July 1, 2013, were applicable in the county or in any local government in the county;~~

~~↪ shall be deemed to comply with any requirements governing such items that are otherwise applicable in the jurisdiction of the building department. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph.~~

~~(b) If there is no county building department or other appropriate local building department in the county in which the school district is located, the board of~~

~~trustees of the school district shall enter into an agreement with the State Public Works Division of the Department of Administration, a private certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private certificate holder or building department pursuant to this paragraph.~~

~~(c) A permit for construction must be issued before the school district commences construction.~~

~~(d) The county building department or other appropriate local building department, the State Public Works Division of the Department of Administration or the private certificate holder, as applicable, shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. An inspection of the work by the State Fire Marshal is not required if the work is inspected by the private certificate holder or building department.~~

~~(e) A department, agency, private certificate holder or the State Public Works Division of the Department of Administration is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:~~

~~(1) Review of the plans, designs or specifications as required by this subsection; or~~

~~(2) The inspections conducted pursuant to this subsection.~~

~~4. In conducting reviews pursuant to this section, the State Public Works Division of the Department of Administration, building department or private certificate holder, as applicable, shall verify that the plans, designs and specifications comply with:~~

~~(a) The applicable requirements of the relevant codes adopted by this State, including, without limitation, the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal;~~

~~(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and~~

~~(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~5. No contract for any of the purposes specified in this section made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.~~

~~6. As used in this section, "private certificate holder" means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor.~~

~~(a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;~~

~~(b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or~~

~~(c) To perform the activities described in paragraphs (a) and (b).] (Deleted by amendment.)~~

1       **Sec. 3.** ~~[[In developing and adopting the expedited process for the approval of~~  
2 ~~the zoning of public schools in Washoe County required by NRS 278.0274, as~~  
3 ~~amended by section 1 of this act, the Truckee Meadows Regional Planning~~  
4 ~~Commission and the Truckee Meadows Regional Planning Governing Board shall~~  
5 ~~consult with the governing body of each local government, each local planning~~  
6 ~~commission and each affected entity having responsibility for planning or providing~~  
7 ~~public facilities relating to public education in Washoe County.]]~~

8       1. On or before February 28, 2014, in a county whose population is  
9 100,000 or more but less than 700,000, the governing body of the county and  
10 the governing body of each city in the county shall each adopt by ordinance  
11 standards and specifications for the erection of any new school building or for  
12 any addition to or alteration of any existing school building which address the  
13 height of the building, the setback of the building, the landscaping and the  
14 amount of parking space that:

15       (a) Are consistent in all such ordinances; and

16       (b) Have been approved by the board of trustees of the school district of  
17 the county.

18       2. As used in this section, "governing body" has the meaning ascribed to  
19 it in NRS 278.015.

20       **Sec. 4.** This act becomes effective on July 1, 2013.