

SENATE BILL NO. 55—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing master plans.
(BDR 22-254)

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 planning; revising provisions governing the subject matter of master plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the subject matter that may be included in a master plan and specifies 19 separate plans and other items that may be so included, with the exception of certain cities and counties who must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170) **Section 3** of this bill reorganizes the 19 separate plans and other items into 8 different elements that may comprise a master plan. Pursuant to this reorganization, a master plan may now include: (1) a conservation element; (2) a historic preservation element; (3) a housing element; (4) a land use element; (5) a public facilities and services element; (6) a recreation and open space element; (7) a safety element; and (8) a transportation element.

Existing law provides that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), if a planning commission or governing body of a city or county adopts only a portion of the master plan, the following must be included in the master plan: (1) a conservation plan; (2) a housing plan; and (3) a population plan. (NRS 278.150, 278.170) **Sections 2** and **4** of this bill provide that if a planning commission or governing body in such a county adopts only a portion of a master plan, the following must be included in the master plan: (1) a conservation plan of the conservation element; (2) the housing element; and (3) a population plan of the public facilities and services element.



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

Section 1. 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 (g) of subsection 1 of~~ NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

Sec. 2. 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, 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 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion ~~the~~ :

(a) A conservation plan ~~the~~ *of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;*

(b) The housing ~~plan~~ *element, as described in paragraph (c) of subsection 1 of NRS 278.160;* and ~~the~~

(c) A population plan ~~as provided in~~ *of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of* NRS 278.160.

4. In counties whose population is 700,000 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~~ *elements* set forth in ~~subsection 1 of~~ NRS 278.160.



1 **Sec. 3.** NRS 278.160 is hereby amended to read as follows:

2 278.160 1. Except as otherwise provided in *this section and*
3 subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the
4 master plan, with the accompanying charts, drawings, diagrams,
5 schedules and reports, may include such of the following ~~[subject~~
6 ~~matter]~~ *elements* or portions thereof as are appropriate to the city,
7 county or region, and as may be made the basis for the physical
8 development thereof:

9 (a) ~~[Community design. Standards and principles governing the~~
10 ~~subdivision of land and suggestive patterns for community design~~
11 ~~and development.~~

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

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

29 ~~—(d) Historic neighborhood preservation plan. The plan:~~

30 ~~——(1) Must include, without limitation:~~

31 ~~———(I) A plan to inventory historic neighborhoods.~~

32 ~~———(II) A statement of goals and methods to encourage the~~
33 ~~preservation of historic neighborhoods.~~

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

37 ~~—(e) Historical properties preservation plan. An inventory of~~
38 ~~significant historical, archaeological, paleontological and~~
39 ~~architectural properties as defined by a city, county or region, and a~~
40 ~~statement of methods to encourage the preservation of those~~
41 ~~properties.~~

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

44 ~~——(1) An inventory of housing conditions, needs and plans and~~
45 ~~procedures for improving housing standards and for providing~~



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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) 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.



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

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

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

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

16 ~~—(l) Rural neighborhoods preservation plan. In any county whose~~
17 ~~population is 700,000 or more, showing general plans to preserve~~
18 ~~the character and density of rural neighborhoods.~~

19 ~~—(m) Safety plan. In any county whose population is 700,000 or~~
20 ~~more, identifying potential types of natural and man-made hazards,~~
21 ~~including, without limitation, hazards from floods, landslides or~~
22 ~~fires, or resulting from the manufacture, storage, transfer or use of~~
23 ~~bulk quantities of hazardous materials. The plan may set forth~~
24 ~~policies for avoiding or minimizing the risks from those hazards.~~

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

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

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

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

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

43 ~~—(s) Transportation plan. Showing a comprehensive~~
44 ~~transportation system, including, without limitation, locations of~~
45 ~~rights of way, terminals, viaducts and grade separations. The plan~~



~~may also include port, harbor, aviation and related facilities.] A conservation element, which may include:~~

(1) A 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 conservation 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 conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which may include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

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

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and 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.



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(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.

(d) A land use element, which may include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including 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:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address 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.

(II) 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.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which may include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the



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1 *economical and timely execution of the various components of the*
2 *plan.*

3 (2) *A population plan setting forth an estimate of the total*
4 *population which the natural resources of the city, county or*
5 *region will support on a continuing basis without unreasonable*
6 *impairment.*

7 (3) *Provisions concerning public buildings showing the*
8 *locations and arrangement of civic centers and all other public*
9 *buildings, including the architecture thereof and the landscape*
10 *treatment of the grounds thereof.*

11 (4) *Provisions concerning public services and facilities*
12 *showing general plans for sewage, drainage and utilities, and*
13 *rights-of-way, easements and facilities therefor, including, without*
14 *limitation, any utility projects required to be reported pursuant to*
15 *NRS 278.145.*

16 (5) *A school facilities plan showing the general locations of*
17 *current and future school facilities based upon information*
18 *furnished by the appropriate county school district.*

19 (f) *A recreation and open space element, which may include a*
20 *recreation plan showing a comprehensive system of recreation*
21 *areas, including, without limitation, natural reservations, parks,*
22 *parkways, trails, reserved riverbank strips, beaches, playgrounds*
23 *and other recreation areas, including, when practicable, the*
24 *locations and proposed development thereof.*

25 (g) *A safety element, which may include:*

26 (1) *In any county whose population is 700,000 or more, a*
27 *safety plan identifying potential types of natural and man-made*
28 *hazards, including, without limitation, hazards from floods,*
29 *landslides or fires, or resulting from the manufacture, storage,*
30 *transfer or use of bulk quantities of hazardous materials. The*
31 *safety plan may set forth policies for avoiding or minimizing the*
32 *risks from those hazards.*

33 (2) *A seismic safety plan consisting of an identification and*
34 *appraisal of seismic hazards such as susceptibility to surface*
35 *ruptures from faulting, to ground shaking or to ground failures.*

36 (h) *A transportation element, which may include:*

37 (1) *A streets and highways plan showing the general*
38 *locations and widths of a comprehensive system of major traffic*
39 *thoroughfares and other traffic ways and of streets and the*
40 *recommended treatment thereof, building line setbacks, and a*
41 *system of naming or numbering streets and numbering houses,*
42 *with recommendations concerning proposed changes.*

43 (2) *A transit plan showing a proposed multimodal system of*
44 *transit lines, including mass transit, streetcar, motorcoach and*



1 *trolley coach lines, paths for bicycles and pedestrians, satellite*
2 *parking and related facilities.*

3 *(3) A transportation plan showing a comprehensive*
4 *transportation system, including, without limitation, locations of*
5 *rights-of-way, terminals, viaducts and grade separations. The*
6 *transportation plan may also include port, harbor, aviation and*
7 *related facilities.*

8 2. The commission may prepare and adopt, as part of the
9 master plan, other and additional plans and reports dealing with such
10 other ~~subjects~~ *elements* as may in its judgment relate to the
11 physical development of the city, county or region, and nothing
12 contained in NRS 278.010 to 278.630, inclusive, prohibits the
13 preparation and adoption of any such ~~subject~~ *element* as a part of
14 the master plan.

15 **Sec. 4.** NRS 278.170 is hereby amended to read as follows:

16 278.170 1. Except as otherwise provided in subsections 2 and
17 3, the commission may prepare and adopt all or any part of the
18 master plan or any ~~subject~~ *element* thereof for all or any part of the
19 city, county or region. Master regional plans must be coordinated
20 with similar plans of adjoining regions, and master county and city
21 plans within each region must be coordinated so as to fit properly
22 into the master plan for the region.

23 2. In counties whose population is 100,000 or more but less
24 than 700,000, if the commission prepares and adopts less than all
25 ~~subjects~~ *elements* of the master plan, as outlined in NRS 278.160,
26 it shall include, in its preparation and adoption ~~the~~ :

27 *(a) A conservation ~~plan~~ plan of the conservation element, as*
28 *described in subparagraph (1) of paragraph (a) of subsection 1 of*
29 *NRS 278.160;*

30 *(b) The housing element, as described in paragraph (c) of*
31 *subsection 1 of NRS 278.160; and*

32 *(c) A population ~~plans~~ plan of the public facilities and*
33 *services element, as described in ~~that section.~~ subparagraph (2) of*
34 *paragraph (e) of subsection 1 of NRS 278.160.*

35 3. In counties whose population is 700,000 or more, the
36 commission shall prepare and adopt a master plan for all of the city
37 or county that must address each of the ~~subjects~~ *elements* set forth
38 in ~~subsection 1 of~~ NRS 278.160.

39 **Sec. 5.** NRS 278.210 is hereby amended to read as follows:

40 278.210 1. Before adopting the master plan or any part of it
41 in accordance with NRS 278.170, or any substantial amendment
42 thereof, the commission shall hold at least one public hearing
43 thereon, notice of the time and place of which must be given at least
44 by one publication in a newspaper of general circulation in the city
45 or county, or in the case of a regional planning commission, by one



1 publication in a newspaper in each county within the regional
2 district, at least 10 days before the day of the hearing.

3 2. Before a public hearing may be held pursuant to subsection
4 1 in a county whose population is 100,000 or more on an
5 amendment to a master plan, including, without limitation, a gaming
6 enterprise district, if applicable, the person who requested the
7 proposed amendment must hold a neighborhood meeting to provide
8 an explanation of the proposed amendment. Notice of such a
9 meeting must be given by the person requesting the proposed
10 amendment to:

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

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

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

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

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

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

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

43 5. Except as otherwise provided in this subsection, the
44 commission shall not amend the land use plan of the master plan set
45 forth in ~~paragraph (g) of subsection 1 of~~ NRS 278.160, or any



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1 portion of such a land use plan, more than four times in a calendar
2 year. The provisions of this subsection do not apply to:

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

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

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

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

19 **Sec. 6.** NRS 278.230 is hereby amended to read as follows:

20 278.230 1. Except as otherwise provided in subsection 4 of
21 NRS 278.150, whenever the governing body of any city or county
22 has adopted a master plan or part thereof for the city or county, or
23 for any major section or district thereof, the governing body shall,
24 upon recommendation of the planning commission, determine upon
25 reasonable and practical means for putting into effect the master
26 plan or part thereof, in order that the same will serve as:

27 (a) A pattern and guide for that kind of orderly physical growth
28 and development of the city or county which will cause the least
29 amount of natural resource impairment and will conform to the
30 adopted population plan, where required, and ensure an adequate
31 supply of housing, including affordable housing; and

32 (b) A basis for the efficient expenditure of funds thereof relating
33 to the ~~subjects~~ **elements** of the master plan.

34 2. The governing body may adopt and use such procedure as
35 may be necessary for this purpose.

36 **Sec. 7.** NRS 278.235 is hereby amended to read as follows:

37 278.235 1. If the governing body of a city or county is
38 required to include ~~the~~ **the** housing ~~plan~~ **element** in its master plan
39 pursuant to NRS 278.150, the governing body, in carrying out the
40 plan for maintaining and developing affordable housing to meet the
41 housing needs of the community, which is required to be included in
42 the housing ~~plan~~ **element** pursuant to subparagraph (8) of
43 paragraph ~~(f)~~ **(c)** of subsection 1 of NRS 278.160, shall adopt at
44 least six of the following measures:



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

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

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

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

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

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

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

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

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

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

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

40 (l) Providing money for supportive services necessary to enable
41 persons with supportive housing needs to reside in affordable
42 housing in accordance with a need for supportive housing identified
43 in the 5-year consolidated plan adopted by the United States
44 Department of Housing and Urban Development for the city or



1 county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R.
2 Part 91.

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

11 3. On or before February 15 of each year, the Housing Division
12 shall compile the reports submitted pursuant to subsection 2 and
13 transmit the compilation to the Legislature, or the Legislative
14 Commission if the Legislature is not in regular session.

15 **Sec. 8.** NRS 278.240 is hereby amended to read as follows:

16 278.240 Whenever the governing body of a city, county or
17 region has adopted a master plan, or one or more ~~{subject-matters}~~
18 *elements* thereof, for the city, county or region, or for a major
19 section or district thereof, no street, square, park, or other public
20 way, ground, or open space may be acquired by dedication or
21 otherwise, except by bequest, and no street or public way may be
22 closed or abandoned, and no public building or structure may be
23 constructed or authorized in the area for which the master plan or
24 one or more ~~{subject-matters}~~ *elements* thereof has been adopted by
25 the governing body unless the dedication, closure, abandonment,
26 construction or authorization is approved in a manner consistent
27 with the requirements of the governing body, board or commission
28 having jurisdiction over such a matter.

29 **Sec. 9.** NRS 278.4787 is hereby amended to read as follows:

30 278.4787 1. Except as otherwise provided in subsection 5, a
31 person who proposes to divide land for transfer or development into
32 four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or
33 chapter 278A of NRS, may, in lieu of providing for the creation of
34 an association for a common-interest community, request the
35 governing body of the jurisdiction in which the land is located to
36 assume the maintenance of one or more of the following
37 improvements located on the land:

38 (a) Landscaping;

39 (b) Public lighting;

40 (c) Security walls; and

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

44 2. A governing body shall establish by ordinance a procedure
45 pursuant to which a request may be submitted pursuant to



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1 subsection 1 in the form of a petition, which must be signed by a
2 majority of the owners whose property will be assessed and which
3 must set forth descriptions of all tracts of land or residential units
4 that would be subject to such an assessment.

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

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

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

14 (c) A method for:

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

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

20 (II) Benefit the public;

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

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

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

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



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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) 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.



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

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

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

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

Sec. 10. NRS 279.608 is hereby amended to read as follows:

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

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

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

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



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

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

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

6. As used in this section, "material deviation" means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The 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 (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 (q) of subsection 1 of~~ NRS 278.160 which has been adopted for the community.

Sec. 11. This act becomes effective upon passage and approval.

