

## Amendment No. 107

Senate Amendment to Senate Bill No. 66 (BDR 22-422)

**Proposed by:** Senate 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

HAC/MSN



Date: 3/27/2015

S.B. No. 66—Revises provisions governing local governmental agreements for the development of land. (BDR 22-422)



## SENATE BILL NO. 66—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF HENDERSON)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing local governmental agreements for the development of land. (BDR 22-422)

FISCAL NOTE: Effect on Local Government: No.  
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 local government planning; revising provisions relating to agreements for the development of land entered into between the governing body of a local government and one or more persons having a legal or equitable interest in the land; ~~providing for the extension of the period within which construction must commence pursuant to such an agreement;~~ establishing a procedure for the amendment or cancellation of such an agreement by the governing body; revising provisions governing the contents and scope of such an agreement; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the governing body of a local government to enter into an agreement for the development of land with one or more persons who hold a legal or equitable interest in the land. (NRS 278.0201-278.0207) **Section 2** of this bill defines the term “undeveloped land” and **section 6** of this bill revises the definition of the terms “infrastructure” and “public facilities” for the purpose of such agreements. **Section 8** of this bill revises the scope and contents of an agreement for the development of land.

Existing law provides that an agreement for the development of land may establish a deadline by which construction must commence and may provide for an extension of that deadline. The extended deadline is itself subject to an extension by the governing body under certain circumstances. (NRS 278.0201) ~~(Sections 2 and Section 8 of this bill reorganize the provisions for the extension of)~~ **eliminates the authority to extend** such a deadline.

Existing law provides for the amendment or cancellation of an agreement for the development of land by mutual consent of the parties to the agreement or their successors in interest. Existing law also authorizes the governing body to amend or cancel the agreement without the consent of the other parties to the agreement under certain circumstances. (NRS 278.0205) **Section 4 of this bill provides that, under certain circumstances, the governing body must give notice and an opportunity for a party in breach to cure the breach.** **Sections 4 and 9** of this bill require a governing body that proposes unilaterally to amend or cancel an agreement to hold a public hearing before taking such action. **Section 4** provides that any person having a legal or equitable interest in the land subject to the agreement or any other interested person may present oral or written testimony at the hearing. **Section 4**

requires the governing body to consider all the testimony presented at the hearing, ~~and, in the resolution or ordinance in which the governing body makes its determination concerning the proposed amendment to or cancellation of the agreement, pass upon the merits of each complaint, protest or objection set forth in the testimony. Section 4 also provides for judicial review of the decision of the governing body concerning the unilateral amendment to or cancellation of the agreement.~~

Sections 5, 7 and 10-17 of this bill make conforming changes.

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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 the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** *“Undeveloped land” means land in its unused, natural or reclaimed state and on which little or no infrastructure exists.*

**Sec. 3.** ~~1. For an agreement entered into pursuant to NRS 278.0201 for the residential or commercial development of land, the governing body may extend the period within which construction must commence, beyond any deadline provided by the agreement, if the person:~~

~~(a) Applies for an extension before July 1, 2013, subject to any applicable ordinances adopted by the governing body;~~

~~(b) Demonstrates to the satisfaction of the governing body that:~~

~~(1) Financing for the residential or commercial project is not available; and~~

~~(2) The land will be leased for a renewable energy generation project; and~~

~~(c) Submits with his or her application for an extension an affidavit showing that due diligence has been used to obtain financing for the residential or commercial project. The affidavit must include, without limitation, evidence that:~~

~~(1) The project was denied financing by at least two lenders; or~~

~~(2) The person was unable to issue bonds or other securities to finance the project.~~

~~2. An agreement must not be extended pursuant to subsection 1.~~

~~(a) For more than 15 years after the original deadline or, if the deadline is extended pursuant to the agreement, after that extension; or~~

~~(b) If the land ceases to be leased for a renewable energy generation project, after the period established pursuant to subsection 3.~~

~~3. If a governing body extends a deadline pursuant to subsection 1, the governing body shall establish the maximum duration of the period for which the agreement will remain valid if the land is no longer leased for a renewable energy generation project.~~

~~4. Notwithstanding the provisions of subsection 4 of NRS 278.0201, if the governing body extends a deadline pursuant to this section, changes to ordinances, resolutions or regulations that:~~

~~(a) Are made after the extension is granted; and~~

~~(b) Enforce environmental, life or safety standards against land that the governing body determines are similar to the land for which an agreement was made pursuant to NRS 278.0201;~~

~~apply to the land for which the agreement was made.~~

~~5. The provisions of subsection 2 of NRS 278.315 and NRS 278.350 and 278.360 do not apply if an agreement entered into pursuant to NRS 278.0201 contains provisions which are contrary to the respective sections.~~

~~6. As used in this section, "environmental, life or safety standards" includes, without limitation:~~

~~(a) Standards and codes relating to the usage of water; and~~

~~(b) Any specialized or uniform code related to environmental, life or safety standards.~~ (Deleted by amendment.)

Sec. 4. ~~1. [Before]~~ If a governing body makes a determination described in paragraph (b) of subsection 1 of NRS 278.0205, before the governing body may amend or cancel an agreement for development of land entered into pursuant to NRS 278.0201 without the consent of the other parties to the agreement or their successors in interest, the governing body must:

~~(a) Based upon the review of the development of the land required by paragraph (b) of subsection 1 of NRS 278.0205, make the determination required by that paragraph; and~~

~~(b) Hold~~ hold a public hearing concerning the proposed amendment to or cancellation of the agreement that complies with the provisions of this section. Not less than 60 days' notice of the date and time of the public hearing must be given to the parties to the agreement or their successors in interest and any property owner of record that is subject to the agreement.

2. On the date and at the time and place fixed for the hearing, any person having a legal or equitable interest in the land or any other interested person may give oral or written testimony to the governing body concerning the proposed amendment to or cancellation of the agreement.

3. The governing body shall consider all the testimony presented at the hearing and any other relevant information presented at the hearing and, after the conclusion of the hearing, ~~by resolution or ordinance, pass upon the merits of each complaint, protest or objection set forth in the testimony and~~ make a determination concerning whether to amend or cancel the agreement.

4. ~~If the governing body determines that the proposed amendment to or cancellation of the agreement is not in the public interest, the governing body shall adopt a resolution that provides for the cessation of any actions relating to the proposed amendment to or cancellation of the agreement.~~

~~5.] Any complaint, protest or objection to:~~

(a) The proposed amendment to or cancellation of the agreement;

(b) The effect of the proposed amendment to or cancellation of the agreement on the zoning or entitlements related to the property that is subject to the agreement; or

(c) The regularity, validity or correctness of any proceedings relating to or actions taken with respect to the hearing on or before the date of the hearing,

shall be deemed waived unless presented at the hearing or received in writing by the clerk of the governing body at least 3 business days before the date of the hearing.

~~6. Any person who timely sets forth a complaint, protest or objection described in subsection 5 and is aggrieved by the decision of the governing body may, not later than 25 days after the date on which the governing body passes upon the complaint, protest or objection pursuant to subsection 3, commence an action in a court of competent jurisdiction to set aside the decision of the governing body.~~

~~7. Any person who commences an action pursuant to subsection 6 must plead with particularity and prove the facts upon which he or she relies to establish that the actions taken at the hearing by the governing body to amend or cancel the agreement were fraudulent, arbitrary or not supported by substantial evidence. Conclusory allegations of fact or law are insufficient to comply with the requirements of this subsection.~~

~~8. In an action brought pursuant to subsection 6, judicial review of the proceedings is confined to the record before the governing body. Evidence that has not been presented to the governing body must not be considered by the court.~~

Sec. 5. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 278.0157 is hereby amended to read as follows:

278.0157 "Infrastructure" or "public facilities" means *facilities and the structure or network used for the delivery of goods, services and public safety. The term includes, without limitation, communications facilities, facilities for the transmission and distribution of electricity and natural gas, water* ~~+~~ *systems, sanitary sewer* ~~+~~ *systems, storm sewer* ~~+~~ *street,* ~~+~~ *systems, streets and roads, traffic control systems, sidewalks, parks* ~~+~~ *and trails, recreational facilities, fire, police and flood protection* ~~+~~ *and all related appurtenances, equipment and employee costs.*

Sec. 7. NRS 278.016 is hereby amended to read as follows:

278.016 "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive ~~+~~, *and sections 2, 3 and 4 of this act.*

Sec. 8. NRS 278.0201 is hereby amended to read as follows:

278.0201 1. In the manner prescribed by ordinance, a governing body may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land. ~~+~~ *This agreement must describe*

2. *An agreement entered into pursuant to this section:*

(a) *Must contain provisions* ~~+~~ *describing* ~~;~~

~~+~~ *(1) Describing the land which is the subject of the agreement* ~~and specify specifying~~ ~~;~~

~~+~~ *(2) Specifying the duration of the agreement* ~~+~~ ~~the~~ ~~;~~

~~+~~ *(3) Specifying what events will constitute breach of the agreement; and*

~~+~~ *(4) Providing periods during which any breach may be cured ; and*

(b) *May contain provisions specifying or relating to:*

(1) *The permitted uses of the land* ~~+~~ ~~the~~ ~~;~~

(2) *The density or intensity of* ~~its use,~~ *the use of the land;*

(3) *The maximum height and size of* ~~the~~ *any* *proposed buildings ;* ~~and any provisions for the~~

(4) *The reservation or* ~~dedication of any portion of the land for public use~~ ~~+~~ ~~The agreement may fix the period within which construction must commence and provide for an extension of that deadline.~~

2. ~~For an agreement entered into for the residential or commercial development of land, the governing body may extend, beyond the original deadline and beyond any extension of that deadline pursuant to subsection 1, the period within which construction must commence if the person:~~

~~— (a) Applies for an extension before July 1, 2013, subject to any applicable ordinances adopted by the governing body;~~

~~— (b) Demonstrates to the satisfaction of the governing body that:~~

~~— (1) Financing for the residential or commercial project is not available; and~~

~~— (2) The land will be leased for a renewable energy generation project; and~~

~~(c) Submits with his or her application for an extension an affidavit showing that due diligence has been used to obtain financing for the residential or commercial project. The affidavit must include, without limitation, evidence that:~~

~~(1) The project was denied financing by at least two lenders; or~~

~~(2) The person was unable to issue bonds or other securities to finance the project.~~

~~3. An agreement must not be extended pursuant to subsection 2:~~

~~(a) For more than 15 years after the original deadline or, if the deadline is extended pursuant to subsection 1, after that extension; or~~

~~(b) If the land ceases to be leased for a renewable energy generation project, after the period established pursuant to subsection 4.~~

~~4. If a governing body extends a deadline pursuant to subsection 2, the governing body shall establish the maximum duration of the period for which the agreement will remain valid if the land is no longer leased for a renewable energy generation project.~~

~~5.} or for the payment of fees in lieu thereof;~~

~~(5) The protection of environmentally sensitive lands;~~

~~(6) The preservation and restoration of historic structures;~~

~~(7) The phasing or timing of construction or development on the land, including, without limitation, the dates on which all or any part of the construction or development must commence and be completed, and the terms on which any deadline may be extended;~~

~~(8) The conditions, terms, restrictions and requirements for infrastructure on the land and the financing of the public infrastructure by a person having a legal or equitable interest in the land;~~

~~(9) The conditions, terms, restrictions and requirements for annexation of land by the city or county and the phasing or timing of annexation by the city or county;~~

~~(10) {The conditions, terms, restrictions and requirements for deannexation of land from one city or county to another city or county and the phasing or timing of deannexation from one city or county to another city or county}~~

~~(11)} The conditions, terms, restrictions and requirements relating to the intent of the governing body to include the land in an improvement district created pursuant to chapter 271 of NRS;~~

~~{(12)} (11) A schedule of fees and charges; and~~

~~{(13)} (12) Any other matters relating to the development of the land.~~

3. Unless the agreement otherwise provides and except as otherwise provided in subsection ~~{7.}~~ 4, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.

~~{6.}~~ 4. This section does not prohibit the governing body from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement. The governing body is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval.

~~{7.} Notwithstanding the provisions of subsection 6, if the governing body extends a deadline pursuant to subsection 2, changes to ordinances, resolutions or regulations that:~~

~~(a) Are made after the extension is granted; and~~  
~~(b) Enforce environmental, life or safety standards against land that the governing body determines are similar to the land for which an agreement was made pursuant to this section;~~

~~→ apply to the land for which the agreement was made.~~

~~8. The provisions of subsection 2 of NRS 278.315 and NRS 278.350 and 278.360 do not apply if an agreement entered into pursuant to this section contains provisions which are contrary to the respective sections.~~

~~9. As used in this section, "environmental, life or safety standards" includes, without limitation:~~

~~(a) Standards and codes relating to the usage of water; and~~

~~(b) Any specialized or uniform code related to environmental, life or safety standards.~~

~~5. Except as specifically set forth in this section, an agreement entered into pursuant to this section does not limit the authority of a governing body, pursuant to the provisions of this title, to regulate the development of land.~~

Sec. 9. NRS 278.0205 is hereby amended to read as follows:

278.0205 1. ~~{The}~~ An agreement for development of land entered into pursuant to NRS 278.0201 may be amended or cancelled, in whole or in part, by ~~{mutual}~~:

(a) Mutual consent of the parties to the agreement or their successors in interest ~~{, except that}~~; or

(b) ~~{The}~~ Subject to the requirements of this section and section 4 of this act, the governing body without the consent of the other parties to the agreement or their successors in interest, if the governing body determines, upon a review of the development of the land held at least once every 24 months, ~~{and after a hearing is conducted pursuant to section 4 of this act, that the other parties}~~ that:

(1) A party to the agreement or {their successors} a successor in interest {are not complying in good faith with} is in breach of any of the terms or conditions of the agreement {are not being complied with, it may cancel or amend the agreement without the consent of the breaching party.} and;

(I) Any applicable period set forth in the agreement for curing the breach has passed; or {that any other}

(II) If the agreement does not contain an applicable period for curing the breach, the governing body has provided the party in breach with notice that the party is in breach and has provided the party not less than 30 days to cure the breach; or

(2) Any event has occurred {through which another party to the agreement or his or her successor in interest is in breach of the agreement, including, without limitation, because of} which demonstrates that a party to the agreement or a successor in interest is unable to perform his or her duties set forth in the agreement, including, without limitation, the insolvency or bankruptcy of the party or his or her successor in interest, the appointment of a receiver for the party or his or her successor in interest or the commission of fraud by the party or his or her successor in interest.

2. ~~{Notice}~~ In addition to the notice requirement set forth in subsection 1 of section 4 of this act, notice of intention to amend or cancel any portion of the agreement must be given by publication in a newspaper of general circulation in the applicable city or county. The governing body may approve *cancellation of the agreement by ordinance or approve* any amendment to the agreement by ordinance if the amendment is consistent with the master plan. The original of *the notice of cancellation or* the amendment must be filed for recording with the county recorder or the recorder of Carson City.

~~1 3. An amendment to an agreement entered into pursuant to NRS 278.0201  
2 may include, without limitation, the removal of one or more parcels of land from  
3 the scope of the agreement. Such an amendment may be made for the purpose of  
4 restricting the scope of the existing agreement or for the purpose of entering into  
5 a new agreement pursuant to NRS 278.0201 for the development of the parcel or  
6 parcels.~~

~~7 4. If an agreement entered into pursuant to NRS 278.0201 is cancelled or  
8 an amendment to the agreement removes one or more parcels of land from the  
9 agreement, the governing body may regulate the land and the uses of the land  
10 consistent with the provisions of this title and without regard to the conditions,  
11 terms, restrictions and requirements set forth in the agreement.~~

Sec. 10. NRS 278.0235 is hereby amended to read as follows:

278.0235 ~~No~~ ~~Except as otherwise provided in section 4 of this act, no~~  
action or proceeding may be commenced for the purpose of seeking judicial relief  
or review from or with respect to any final action, decision or order of any  
governing body, commission or board authorized by NRS 278.010 to 278.630,  
inclusive, ~~and sections 2, 3 and 4 of this act~~ unless the action or proceeding is  
commenced within 25 days after the date of filing of notice of the final action,  
decision or order with the clerk or secretary of the governing body, commission or  
board.

Sec. 11. NRS 278.02591 is hereby amended to read as follows:

278.02591 1. A governing body may establish, independently or in  
conjunction with another governing body, an analysis of the cost to construct  
infrastructure in an area which is ~~relatively~~ undeveloped ~~land~~ and which is likely  
to become developed.

2. The analysis of the cost to construct infrastructure in an area that is  
~~relatively~~ undeveloped ~~land~~ must include, without limitation:

(a) A precise description of the area, either in the form of a legal description or  
by reference to roadways, lakes and waterways, railroads or similar landmarks, and  
township, county or city boundaries;

(b) An estimate of the expected total population of the area when the land  
becomes fully developed;

(c) An assessment of the infrastructure that will be necessary to support the  
area when it becomes fully developed according to the master plan adopted by the  
governing body pursuant to NRS 278.220; and

(d) A plan for the development of the infrastructure which includes, without  
limitation:

(1) Any minimum requirements for the development of infrastructure that  
have been determined by the regional planning coalition;

(2) A plan to meet the anticipated needs of the area for police and fire  
protection, parks, roads, regional transportation and flood control facilities when  
the land becomes fully developed;

(3) An estimate of the date on which each phase of the development will  
occur;

(4) The manner in which the plan for the development of the infrastructure  
will be implemented; and

(5) An economic analysis of the cost to plan and develop fully the  
infrastructure for the area.

3. The governing body may, if it finds that the analysis of the projected need  
for infrastructure is consistent with the master plan, approve the analysis by  
ordinance.

4. The governing body shall provide the necessary copies of the analysis to  
the regional planning coalition for review and information.



1       **Sec. 12.** NRS 278.02598 is hereby amended to read as follows:

2       278.02598 1. A governing body may carry out the plan for infrastructure by  
3 negotiating master development agreements, independently or in conjunction with  
4 an interlocal agreement for the area.

5       2. As used in this section, "master development agreement" means a written  
6 agreement:

7       (a) Between a governing body and a person who has a legal or equitable  
8 interest in land that is entered into upon the application of the person who wishes to  
9 develop that land;

10       (b) To enable the governing body to distribute equitably the costs to develop  
11 infrastructure for an area of land that is ~~largely undeveloped;~~ *undeveloped land;*  
12 and

13       (c) That is based on an analysis of the need for infrastructure that is prepared  
14 pursuant to NRS 278.02591.

15       **Sec. 13.** NRS 278.02788 is hereby amended to read as follows:

16       278.02788 1. If a city has a sphere of influence that is designated in the  
17 comprehensive regional plan, the city shall adopt a master plan concerning the  
18 territory within the sphere of influence. The master plan and any ordinance required  
19 by the master plan must be consistent with the comprehensive regional plan. After  
20 adoption and certification of a master plan concerning the territory within the  
21 sphere of influence and after adopting the ordinances required by the master plan, if  
22 any, the city may exercise any power conferred pursuant to NRS 278.010 to  
23 278.630, inclusive, *and sections 2, 3 and 4 of this act* within its sphere of  
24 influence.

25       2. If the comprehensive regional plan designates that all or part of the sphere  
26 of influence of a city is a joint planning area, the master plan and any ordinance  
27 adopted by the city pursuant to subsection 1 must be consistent with the master plan  
28 that is adopted for the joint planning area.

29       3. Before certification of the master plan for the sphere of influence pursuant  
30 to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to  
31 278.630, inclusive, *and sections 2, 3 and 4 of this act* within the sphere of  
32 influence of a city must be consistent with the comprehensive regional plan.

33       4. A person, county or city that is represented on the governing board and is  
34 aggrieved by a final determination of the county or, after the certification of the  
35 master plan for a sphere of influence, is aggrieved by a final determination of the  
36 city, concerning zoning, a subdivision map, a parcel map or the use of land within  
37 the sphere of influence may appeal the decision to the regional planning  
38 commission within 30 days after the determination. A person, county or city that is  
39 aggrieved by the determination of the regional planning commission may appeal  
40 the decision to the governing board within 30 days after the determination. A  
41 person, county or city that is aggrieved by the determination of the governing board  
42 may seek judicial review of the decision within 25 days after the determination.

43       **Sec. 14.** NRS 278.160 is hereby amended to read as follows:

44       278.160 1. Except as otherwise provided in this section and NRS 278.150  
45 and 278.170, the master plan, with the accompanying charts, drawings, diagrams,  
46 schedules and reports, may include such of the following elements or portions  
47 thereof as are appropriate to the city, county or region, and as may be made the  
48 basis for the physical development thereof:

49       (a) A conservation element, which must include:

50       (1) A conservation plan for the conservation, development and utilization  
51 of natural resources, including, without limitation, water and its hydraulic force,  
52 underground water, water supply, solar or wind energy, forests, soils, rivers and  
53 other waters, harbors, fisheries, wildlife, minerals and other natural resources. The

1 conservation plan must also cover the reclamation of land and waters, flood control,  
2 prevention and control of the pollution of streams and other waters, regulation of  
3 the use of land in stream channels and other areas required for the accomplishment  
4 of the conservation plan, prevention, control and correction of the erosion of soils  
5 through proper clearing, grading and landscaping, beaches and shores, and  
6 protection of watersheds. The conservation plan must also indicate the maximum  
7 tolerable level of air pollution.

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

10 (b) A historic preservation element, which must include:

11 (1) A historic neighborhood preservation plan which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (d) A land use element, which must include:

49 (1) Provisions concerning community design, including standards and  
50 principles governing the subdivision of land and suggestive patterns for community  
51 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 must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth 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.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning 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. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a 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.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan 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 safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A 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.

(h) A transportation element, which must include:

(1) A streets and highways plan showing 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.

(2) A 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.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation 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 elements 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, *and sections 2, 3 and 4 of this act* prohibits the preparation and adoption of any such element as a part of the master plan.

**Sec. 15.** NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive *††, and sections 2, 3 and 4 of this act.*

**Sec. 16.** NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive *††, and sections 2, 3 and 4 of this act.*

**Sec. 17.** NRS 270.180 is hereby amended to read as follows:

270.180 NRS 270.160 and 270.170 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 278.630, inclusive *††, and sections 2, 3 and 4 of this act.*

**Sec. 17.5.** 1. Except as otherwise provided in subsection 2, the amendatory provisions of this act apply to all agreements for the development of land that are entered into pursuant to NRS 278.0201 before, on or after July 1, 2015.

2. The provisions of paragraph (a) of subsection 2 of NRS 278.0201, as amended by section 8 of this act, do not apply to agreements for the development of land entered into before July 1, 2015.

**Sec. 18.** This act becomes effective on July 1, 2015.