

SENATE BILL NO. 169—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON NATURAL RESOURCES)

FEBRUARY 16, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing master plans.
(BDR 22-346)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 1, 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring certain local governments to include a heat mitigation element in master plans; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a planning commission to develop a master plan as a comprehensive, long-term general plan for the physical development of the city, county or region. A master plan may include certain elements as appropriate to the city, county or region, with the exception of certain cities and counties which must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170)

Sections 1 and 3 of this bill require that the master plan in a county whose population is 100,000 or more (currently Clark and Washoe Counties) includes a heat mitigation element. **Section 2** of this bill sets forth the requirements for the heat mitigation element of a master plan, including a plan to provide heat mitigation services such as cooling spaces, public drinking water, shade over paved surfaces and urban tree canopies.



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

Section 1. 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, 4 and 5, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

4. 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:

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

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

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

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~;~~ **and**

(e) A heat mitigation element, as described in paragraph (i) of subsection 1 of NRS 278.160.

5. 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 elements set forth in paragraphs (a) to ~~(h);~~ **(i)**, inclusive, of subsection 1 of NRS 278.160.

Sec. 2. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such



1 of the following elements or portions thereof as are appropriate to
2 the city, county or region, and as may be made the basis for the
3 physical development thereof:

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

5 (1) A conservation plan for the conservation, development
6 and utilization of natural resources, including, without limitation,
7 water and its hydraulic force, underground water, water supply,
8 solar or wind energy, forests, soils, rivers and other waters, harbors,
9 fisheries, wildlife, minerals and other natural resources. The
10 conservation plan must also cover the reclamation of land and
11 waters, flood control, prevention and control of the pollution of
12 streams and other waters, regulation of the use of land in stream
13 channels and other areas required for the accomplishment of the
14 conservation plan, prevention, control and correction of the erosion
15 of soils through proper clearing, grading and landscaping, beaches
16 and shores, and protection of watersheds. The conservation plan
17 must also indicate the maximum tolerable level of air pollution.

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

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

21 (1) A historic neighborhood preservation plan which:

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

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

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

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

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

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

44 (3) An analysis of projected growth and the demographic
45 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.

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

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



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 region
5 will support on a continuing basis without unreasonable impairment.

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

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

13 (5) Provisions concerning public services and facilities
14 showing general plans for sewage, drainage and utilities, and rights-
15 of-way, easements and facilities therefor, including, without
16 limitation, any utility projects required to be reported pursuant to
17 NRS 278.145. If a public utility which provides electric service
18 notifies the planning commission that a new transmission line or
19 substation will be required to support the master plan, those
20 facilities must be included in the master plan. The utility is not
21 required to obtain an easement for any such transmission line as a
22 prerequisite to the inclusion of the transmission line in the master
23 plan.

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

27 (f) A recreation and open space element, which must include a
28 recreation plan showing a comprehensive system of recreation areas,
29 including, without limitation, natural reservations, parks, parkways,
30 trails, reserved riverbank strips, beaches, playgrounds and other
31 recreation areas, including, when practicable, the locations and
32 proposed development thereof.

33 (g) A safety element, which must include:

34 (1) In any county whose population is 700,000 or more, a
35 safety plan identifying potential types of natural and man-made
36 hazards, including, without limitation, hazards from floods,
37 landslides or fires, or resulting from the manufacture, storage,
38 transfer or use of bulk quantities of hazardous materials. The safety
39 plan may set forth policies for avoiding or minimizing the risks from
40 those hazards.

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

44 (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.

(i) *A heat mitigation element, which must include a plan to provide heat mitigation services. The plan to provide heat mitigation services shall include, without limitation, access to public cooling spaces, public drinking water, cool building practices and shade over paved surfaces. Shade over paved surfaces may include, without limitation, urban tree canopies, with preference for native tree species, shade structures and shelters.*

(j) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.

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, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 3. NRS 278.170 is hereby amended to read as follows:

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



2. In counties whose population is less than 100,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

3. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption:

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

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

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

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~;~~ **and**

(e) A heat mitigation element, as described in paragraph (i) of subsection 1 of NRS 278.160.

4. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the elements set forth in NRS 278.160.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective on July 1, 2023.

