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SENATE BILL NO. 66—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF HENDERSON)

PREFILED DECEMBER 20, 2014

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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.

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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:**

1 Existing law authorizes the governing body of a local government to enter into  
2 an agreement for the development of land with one or more persons who hold a  
3 legal or equitable interest in the land. (NRS 278.0201-278.0207) **Section 2** of this  
4 bill defines the term “undeveloped land” and **section 6** of this bill revises the  
5 definition of the terms “infrastructure” and “public facilities” for the purpose of  
6 such agreements. **Section 8** of this bill revises the scope and contents of an  
7 agreement for the development of land.  
8 Existing law provides that an agreement for the development of land may  
9 establish a deadline by which construction must commence and may provide for an  
10 extension of that deadline. The extended deadline is itself subject to an extension  
11 by the governing body under certain circumstances. (NRS 278.0201) **Sections 3**  
12 **and 8** of this bill reorganize the provisions for the extension of such a deadline.



13 Existing law provides for the amendment or cancellation of an agreement for  
14 the development of land by mutual consent of the parties to the agreement or their  
15 successors in interest. Existing law also authorizes the governing body to amend or  
16 cancel the agreement without the consent of the other parties to the agreement  
17 under certain circumstances. (NRS 278.0205) **Sections 4 and 9** of this bill require a  
18 governing body that proposes unilaterally to amend or cancel an agreement to hold  
19 a public hearing before taking such action. **Section 4** provides that any person  
20 having a legal or equitable interest in the land subject to the agreement or any other  
21 interested person may present oral or written testimony at the hearing. **Section 4**  
22 requires the governing body to consider all the testimony presented at the hearing  
23 and, in the resolution or ordinance in which the governing body makes its  
24 determination concerning the proposed amendment to or cancellation of the  
25 agreement, pass upon the merits of each complaint, protest or objection set forth in  
26 the testimony. **Section 4** also provides for judicial review of the decision of the  
27 governing body concerning the unilateral amendment to or cancellation of the  
28 agreement.

29 **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:

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

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

6 **Sec. 3. 1.** *For an agreement entered into pursuant to NRS*  
7 *278.0201 for the residential or commercial development of land,*  
8 *the governing body may extend the period within which*  
9 *construction must commence, beyond any deadline provided by*  
10 *the agreement, if the person:*

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

13 *(b) Demonstrates to the satisfaction of the governing body*  
14 *that:*

15 *(1) Financing for the residential or commercial project is*  
16 *not available; and*

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

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

23 *(1) The project was denied financing by at least two*  
24 *lenders; or*

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



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

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

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

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

14       4. Notwithstanding the provisions of subsection 4 of NRS  
15 278.0201, if the governing body extends a deadline pursuant to  
16 this section, changes to ordinances, resolutions or regulations  
17 that:

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

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

22       ↪ apply to the land for which the agreement was made.

23       5. The provisions of subsection 2 of NRS 278.315 and NRS  
24 278.350 and 278.360 do not apply if an agreement entered into  
25 pursuant to NRS 278.0201 contains provisions which are contrary  
26 to the respective sections.

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

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

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

32       **Sec. 4. 1.** Before the governing body may amend or cancel  
33 an agreement for development of land entered into pursuant to  
34 NRS 278.0201 without the consent of the other parties to the  
35 agreement or their successors in interest, the governing body  
36 must:

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

40       (b) Hold a public hearing concerning the proposed  
41 amendment to or cancellation of the agreement that complies with  
42 the provisions of this section.

43       2. On the date and at the time and place fixed for the hearing,  
44 any person having a legal or equitable interest in the land or any  
45 other interested person may give oral or written testimony to the



1 governing body concerning the proposed amendment to or  
2 cancellation of the agreement.

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

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

15 5. Any complaint, protest or objection to:

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

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

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

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

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

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

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



1       **Sec. 5.** NRS 278.010 is hereby amended to read as follows:  
2       278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
3 *sections 2, 3 and 4 of this act*, unless the context otherwise requires,  
4 the words and terms defined in NRS 278.0103 to 278.0195,  
5 inclusive, *and section 2 of this act* have the meanings ascribed to  
6 them in those sections.

7       **Sec. 6.** NRS 278.0157 is hereby amended to read as follows:  
8       278.0157 “Infrastructure” or “public facilities” means *facilities*  
9 *and the structure or network used for the delivery of goods,*  
10 *services and public safety. The term includes, without limitation,*  
11 *communications facilities, facilities for the transmission of*  
12 *electricity and natural gas, water [ ] systems, sanitary sewer [ ]*  
13 *systems, storm sewer [ , street, ] systems, streets and roads, traffic*  
14 *control systems, sidewalks, parks [ ] and trails, recreational*  
15 *facilities, fire, police and flood protection [ ] and all related*  
16 *appurtenances, equipment and employee costs.*

17       **Sec. 7.** NRS 278.016 is hereby amended to read as follows:  
18       278.016 “Local ordinance” means an ordinance enacted by the  
19 governing body of any city or county, pursuant to the powers  
20 granted in NRS 278.010 to 278.630, inclusive [ ], *and sections 2, 3*  
21 *and 4 of this act.*

22       **Sec. 8.** NRS 278.0201 is hereby amended to read as follows:  
23       278.0201 1. In the manner prescribed by ordinance, a  
24 governing body may, upon application of any person having a legal  
25 or equitable interest in land, enter into an agreement with that  
26 person concerning the development of that land. ~~[This agreement~~  
27 ~~must describe]~~

28       2. *An agreement entered into pursuant to this section:*  
29       (a) *Must contain provisions describing* the land which is the  
30 subject of the agreement and ~~[specify]~~ *specifying* the duration of the  
31 agreement ~~[, the]; and~~

32       (b) *May contain provisions specifying or relating to:*  
33       (1) *The* permitted uses of the land ~~[, the];~~  
34       (2) *The* density or intensity of ~~[its use,]~~ *the use of the land;*  
35       (3) *The* maximum height and size of ~~[the]~~ *any* proposed  
36 buildings; ~~[and any provisions for the]~~

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

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



- 1 ~~—(a) Applies for an extension before July 1, 2013, subject to any~~  
2 ~~applicable ordinances adopted by the governing body;~~  
3 ~~—(b) Demonstrates to the satisfaction of the governing body that:~~  
4 ~~— (1) Financing for the residential or commercial project is not~~  
5 ~~available; and~~  
6 ~~— (2) The land will be leased for a renewable energy generation~~  
7 ~~project; and~~  
8 ~~—(c) Submits with his or her application for an extension an~~  
9 ~~affidavit showing that due diligence has been used to obtain~~  
10 ~~financing for the residential or commercial project. The affidavit~~  
11 ~~must include, without limitation, evidence that:~~  
12 ~~— (1) The project was denied financing by at least two lenders;~~  
13 ~~or~~  
14 ~~— (2) The person was unable to issue bonds or other securities~~  
15 ~~to finance the project.~~  
16 ~~—3. An agreement must not be extended pursuant to~~  
17 ~~subsection 2:~~  
18 ~~—(a) For more than 15 years after the original deadline or, if the~~  
19 ~~deadline is extended pursuant to subsection 1, after that extension;~~  
20 ~~or~~  
21 ~~—(b) If the land ceases to be leased for a renewable energy~~  
22 ~~generation project, after the period established pursuant to~~  
23 ~~subsection 4.~~  
24 ~~—4. If a governing body extends a deadline pursuant to~~  
25 ~~subsection 2, the governing body shall establish the maximum~~  
26 ~~duration of the period for which the agreement will remain valid if~~  
27 ~~the land is no longer leased for a renewable energy generation~~  
28 ~~project.~~  
29 ~~—5.] or for the payment of fees in lieu thereof;~~  
30 *(5) The protection of environmentally sensitive lands;*  
31 *(6) The preservation and restoration of historic structures;*  
32 *(7) The phasing or timing of construction or development*  
33 *on the land, including, without limitation, the dates on which all*  
34 *or any part of the construction or development must commence*  
35 *and be completed, and the terms on which any deadline may be*  
36 *extended;*  
37 *(8) The conditions, terms, restrictions and requirements for*  
38 *infrastructure on the land and the financing of the public*  
39 *infrastructure by a person having a legal or equitable interest in*  
40 *the land;*  
41 *(9) The conditions, terms, restrictions and requirements for*  
42 *annexation of land by the city or county and the phasing or timing*  
43 *of annexation by the city or county;*  
44 *(10) The conditions, terms, restrictions and requirements*  
45 *for deannexation of land from one city or county to another city or*



1 *county and the phasing or timing of deannexation from one city or*  
2 *county to another city or county;*

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

6 *(12) A schedule of fees and charges; and*

7 *(13) Any other matters relating to the development of the*  
8 *land.*

9 **3.** Unless the agreement otherwise provides and except as  
10 otherwise provided in subsection ~~[7.]~~ **4**, the ordinances, resolutions  
11 or regulations applicable to that land and governing the permitted  
12 uses of that land, density and standards for design, improvements  
13 and construction are those in effect at the time the agreement is  
14 made.

15 ~~[6.]~~ **4.** This section does not prohibit the governing body from  
16 adopting new ordinances, resolutions or regulations applicable to  
17 that land which do not conflict with those ordinances, resolutions  
18 and regulations in effect at the time the agreement is made, except  
19 that any subsequent action by the governing body must not prevent  
20 the development of the land as set forth in the agreement. The  
21 governing body is not prohibited from denying or conditionally  
22 approving any other plan for development pursuant to any  
23 ordinance, resolution or regulation in effect at the time of that denial  
24 or approval.

25 ~~[7.—Notwithstanding the provisions of subsection 6, if the~~  
26 ~~governing body extends a deadline pursuant to subsection 2,~~  
27 ~~changes to ordinances, resolutions or regulations that:~~

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

29 ~~—(b) Enforce environmental, life or safety standards against land~~  
30 ~~that the governing body determines are similar to the land for which~~  
31 ~~an agreement was made pursuant to this section;~~

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

33 ~~—8. The provisions of subsection 2 of NRS 278.315 and NRS~~  
34 ~~278.350 and 278.360 do not apply if an agreement entered into~~  
35 ~~pursuant to this section contains provisions which are contrary to the~~  
36 ~~respective sections.~~

37 ~~—9. As used in this section, “environmental, life or safety~~  
38 ~~standards” includes, without limitation:~~

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

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

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



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

2 278.0205 1. ~~[The]~~ *An* agreement for development of land  
3 *entered into pursuant to NRS 278.0201* may be amended or  
4 cancelled, in whole or in part, by ~~[mutual]~~ :

5 (a) *Mutual* consent of the parties to the agreement or their  
6 successors in interest ~~[, except that]~~ ; or

7 (b) *The governing body without the consent of the other*  
8 *parties to the agreement or their successors in interest*, if the  
9 governing body determines, upon a review of the development of  
10 the land held at least once every 24 months ~~[ ]~~ *and after a hearing*  
11 *is conducted pursuant to section 4 of this act*, that the *other parties*  
12 *or their successors in interest are not complying in good faith with*  
13 *the* terms or conditions of the agreement ~~[are not being complied~~  
14 ~~with, it may cancel or amend the agreement without the consent of~~  
15 ~~the breaching party.]~~ *or that any other event has occurred through*  
16 *which another party to the agreement or his or her successor in*  
17 *interest is in breach of the agreement, including, without*  
18 *limitation, because of the insolvency or bankruptcy of the party or*  
19 *his or her successor in interest, the appointment of a receiver for*  
20 *the party or his or her successor in interest or the commission of*  
21 *fraud by the party or his or her successor in interest.*

22 2. Notice of intention to amend or cancel any portion of the  
23 agreement must be given by publication in a newspaper of general  
24 circulation in the applicable city or county. The governing body may  
25 approve *cancellation of the agreement by ordinance or approve*  
26 any amendment to the agreement by ordinance if the amendment is  
27 consistent with the master plan. The original of *the notice of*  
28 *cancellation or* the amendment must be filed for recording with the  
29 county recorder or the recorder of Carson City.

30 3. *An amendment to an agreement entered into pursuant to*  
31 *NRS 278.0201 may include, without limitation, the removal of one*  
32 *or more parcels of land from the scope of the agreement. Such an*  
33 *amendment may be made for the purpose of restricting the scope*  
34 *of the existing agreement or for the purpose of entering into a new*  
35 *agreement pursuant to NRS 278.0201 for the development of the*  
36 *parcel or parcels.*

37 4. *If an agreement entered into pursuant to NRS 278.0201 is*  
38 *cancelled or an amendment to the agreement removes one or more*  
39 *parcels of land from the agreement, the governing body may*  
40 *regulate the land and the uses of the land consistent with the*  
41 *provisions of this title and without regard to the conditions, terms,*  
42 *restrictions and requirements set forth in the agreement.*

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

44 278.0235 ~~[No]~~ *Except as otherwise provided in section 4 of*  
45 *this act, no* action or proceeding may be commenced for the



1 purpose of seeking judicial relief or review from or with respect to  
2 any final action, decision or order of any governing body,  
3 commission or board authorized by NRS 278.010 to 278.630,  
4 inclusive, *and sections 2, 3 and 4 of this act* unless the action or  
5 proceeding is commenced within 25 days after the date of filing of  
6 notice of the final action, decision or order with the clerk or  
7 secretary of the governing body, commission or board.

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

10 278.02591 1. A governing body may establish, independently  
11 or in conjunction with another governing body, an analysis of the  
12 cost to construct infrastructure in an area which is ~~relatively~~  
13 undeveloped *land* and which is likely to become developed.

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

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

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

23 (c) An assessment of the infrastructure that will be necessary to  
24 support the area when it becomes fully developed according to the  
25 master plan adopted by the governing body pursuant to NRS  
26 278.220; and

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

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

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

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

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

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

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



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

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

6 278.02598 1. A governing body may carry out the plan for  
7 infrastructure by negotiating master development agreements,  
8 independently or in conjunction with an interlocal agreement for the  
9 area.

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

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

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

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

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

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

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

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

42 4. A person, county or city that is represented on the governing  
43 board and is aggrieved by a final determination of the county or,  
44 after the certification of the master plan for a sphere of influence, is  
45 aggrieved by a final determination of the city, concerning zoning, a



1 subdivision map, a parcel map or the use of land within the sphere  
2 of influence may appeal the decision to the regional planning  
3 commission within 30 days after the determination. A person,  
4 county or city that is aggrieved by the determination of the regional  
5 planning commission may appeal the decision to the governing  
6 board within 30 days after the determination. A person, county or  
7 city that is aggrieved by the determination of the governing board  
8 may seek judicial review of the decision within 25 days after the  
9 determination.

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

11 278.160 1. Except as otherwise provided in this section and  
12 NRS 278.150 and 278.170, the master plan, with the accompanying  
13 charts, drawings, diagrams, schedules and reports, may include such  
14 of the following elements or portions thereof as are appropriate to  
15 the city, county or region, and as may be made the basis for the  
16 physical development thereof:

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

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

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

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

34 (1) A historic neighborhood preservation plan which:

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

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

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



- 1 (c) A housing element, which must include, without limitation:  
2 (1) An inventory of housing conditions and needs, and plans  
3 and procedures for improving housing standards and providing  
4 adequate housing to individuals and families in the community,  
5 regardless of income level.  
6 (2) An inventory of existing affordable housing in the  
7 community, including, without limitation, housing that is available  
8 to rent or own, housing that is subsidized either directly or indirectly  
9 by this State, an agency or political subdivision of this State, or the  
10 Federal Government or an agency of the Federal Government, and  
11 housing that is accessible to persons with disabilities.  
12 (3) An analysis of projected growth and the demographic  
13 characteristics of the community.  
14 (4) A determination of the present and prospective need for  
15 affordable housing in the community.  
16 (5) An analysis of any impediments to the development of  
17 affordable housing and the development of policies to mitigate those  
18 impediments.  
19 (6) An analysis of the characteristics of the land that is  
20 suitable for residential development. The analysis must include,  
21 without limitation:  
22 (I) A determination of whether the existing infrastructure  
23 is sufficient to sustain the current needs and projected growth of the  
24 community; and  
25 (II) An inventory of available parcels that are suitable for  
26 residential development and any zoning, environmental and other  
27 land-use planning restrictions that affect such parcels.  
28 (7) An analysis of the needs and appropriate methods for the  
29 construction of affordable housing or the conversion or  
30 rehabilitation of existing housing to affordable housing.  
31 (8) A plan for maintaining and developing affordable  
32 housing to meet the housing needs of the community for a period of  
33 at least 5 years.  
34 (d) A land use element, which must include:  
35 (1) Provisions concerning community design, including  
36 standards and principles governing the subdivision of land and  
37 suggestive patterns for community design and development.  
38 (2) A land use plan, including an inventory and classification  
39 of types of natural land and of existing land cover and uses, and  
40 comprehensive plans for the most desirable utilization of land. The  
41 land use plan:  
42 (I) Must, if applicable, address mixed-use development,  
43 transit-oriented development, master-planned communities and  
44 gaming enterprise districts. The land use plan must also, if  
45 applicable, address the coordination and compatibility of land uses



1 with any military installation in the city, county or region, taking  
2 into account the location, purpose and stated mission of the military  
3 installation.

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

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

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

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

16 (2) A population plan setting forth an estimate of the total  
17 population which the natural resources of the city, county or region  
18 will support on a continuing basis without unreasonable impairment.

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

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

26 (5) Provisions concerning public services and facilities  
27 showing general plans for sewage, drainage and utilities, and rights-  
28 of-way, easements and facilities therefor, including, without  
29 limitation, any utility projects required to be reported pursuant to  
30 NRS 278.145. If a public utility which provides electric service  
31 notifies the planning commission that a new transmission line or  
32 substation will be required to support the master plan, those  
33 facilities must be included in the master plan. The utility is not  
34 required to obtain an easement for any such transmission line as a  
35 prerequisite to the inclusion of the transmission line in the master  
36 plan.

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

40 (f) A recreation and open space element, which must include a  
41 recreation plan showing a comprehensive system of recreation areas,  
42 including, without limitation, natural reservations, parks, parkways,  
43 trails, reserved riverbank strips, beaches, playgrounds and other  
44 recreation areas, including, when practicable, the locations and  
45 proposed development thereof.



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

2 (1) In any county whose population is 700,000 or more, a  
3 safety plan identifying potential types of natural and man-made  
4 hazards, including, without limitation, hazards from floods,  
5 landslides or fires, or resulting from the manufacture, storage,  
6 transfer or use of bulk quantities of hazardous materials. The safety  
7 plan may set forth policies for avoiding or minimizing the risks from  
8 those hazards.

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

12 (h) A transportation element, which must include:

13 (1) A streets and highways plan showing the general  
14 locations and widths of a comprehensive system of major traffic  
15 thoroughfares and other traffic ways and of streets and the  
16 recommended treatment thereof, building line setbacks, and a  
17 system of naming or numbering streets and numbering houses, with  
18 recommendations concerning proposed changes.

19 (2) A transit plan showing a proposed multimodal system of  
20 transit lines, including mass transit, streetcar, motorcoach and  
21 trolley coach lines, paths for bicycles and pedestrians, satellite  
22 parking and related facilities.

23 (3) A transportation plan showing a comprehensive  
24 transportation system, including, without limitation, locations of  
25 rights-of-way, terminals, viaducts and grade separations. The  
26 transportation plan may also include port, harbor, aviation and  
27 related facilities.

28 2. The commission may prepare and adopt, as part of the  
29 master plan, other and additional plans and reports dealing with such  
30 other elements as may in its judgment relate to the physical  
31 development of the city, county or region, and nothing contained in  
32 NRS 278.010 to 278.630, inclusive, **and sections 2, 3 and 4 of this**  
33 **act** prohibits the preparation and adoption of any such element as a  
34 part of the master plan.

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

36 119.128 An exemption pursuant to this chapter is not an  
37 exemption from the provisions of NRS 278.010 to 278.630,  
38 inclusive **§**, **and sections 2, 3 and 4 of this act.**

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

40 119.340 The provisions of this chapter are in addition to and  
41 not a substitute for NRS 278.010 to 278.630, inclusive **§**, **and**  
42 **sections 2, 3 and 4 of this act.**

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

44 270.180 NRS 270.160 and 270.170 are intended to supplement  
45 and not to supersede the existing laws relating to the vacation of city



- 1 and town plats and do not apply to land divided pursuant to NRS  
2 278.010 to 278.630, inclusive ~~§~~, *and sections 2, 3 and 4 of this*  
3 *act.*  
4 **Sec. 18.** This act becomes effective on July 1, 2015.



