

ASSEMBLY BILL NO. 119—ASSEMBLYWOMAN LESLIE

PREFILED JANUARY 27, 2009

Referred to Committee on Government Affairs

SUMMARY—Requires the comprehensive regional plan in certain counties to include provisions concerning the identification and sustainability of certain supplies of water. (BDR 22-750)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to planning; requiring the comprehensive regional plan in certain counties to include provisions concerning the identification and sustainability of certain supplies of water; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the regional planning commission of a county whose
2 population is 100,000 or more but less than 400,000 (currently Washoe County) to
3 develop a comprehensive regional plan for the physical development and orderly
4 growth of the region. (NRS 278.0272) The comprehensive regional plan must
5 include goals, policies, maps and other documents relating to population,
6 conservation, limitation of premature expansion, land use, transportation, public
7 facilities and services, annexation, intergovernmental coordination and certain
8 utility projects. (NRS 278.0274) This bill requires the comprehensive regional plan
9 to include several provisions concerning the availability of water for growth and
10 development, including a statement setting forth the total population of the county
11 that may be supported by the identified and sustainable supply of water in the
12 county as determined by the water planning commission of the county.

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

1 **Section 1.** NRS 278.026 is hereby amended to read as follows:
2 278.026 As used in NRS 278.026 to 278.029, inclusive, unless
3 the context otherwise requires:



* A B 1 1 9 *

1 1. "Affected entity" means a public utility, franchise holder,
2 local or regional agency, or any other entity having responsibility
3 for planning or providing public facilities relating to transportation,
4 solid waste, energy generation and transmission, conventions and
5 the promotion of tourism, air quality or public education. The term
6 does not include:

7 (a) A state agency; or

8 (b) A public utility which is subject to regulation by the Public
9 Utilities Commission of Nevada.

10 2. "Facilities plan" means a plan for the development of public
11 facilities which will have a regional impact or which will aid in
12 accomplishing regional goals relating to transportation, solid waste,
13 energy generation and transmission, conventions and the promotion
14 of tourism, air quality or public education. The term does not
15 include a plan for the development of a specific site or regulations
16 adopted by an affected entity to implement the comprehensive
17 regional plan.

18 3. "Governing board" means the governing board for regional
19 planning created pursuant to NRS 278.0264.

20 4. "Joint planning area" means an area that is the subject of
21 common study and planning by the governing body of a county and
22 one or more cities.

23 5. "Project of regional significance," with respect to a project
24 proposed by any person other than a public utility, means a project
25 which:

26 (a) Has been identified in the guidelines of the regional planning
27 commission as a project which will result in the loss or significant
28 degradation of a designated historic, archeological, cultural or
29 scenic resource;

30 (b) Has been identified in the guidelines of the regional planning
31 commission as a project which will result in the creation of
32 significant new geothermal or mining operations;

33 (c) Has been identified in the guidelines of the regional planning
34 commission as a project which will have a significant effect on the
35 natural resources, public services, public facilities, including,
36 without limitation, schools, or the adopted regional form of the
37 region; or

38 (d) Will require a change in zoning, a special use permit, an
39 amendment to a master plan, a tentative map or other approval for
40 the use of land which, if approved, will have an effect on the region
41 of increasing:

42 (1) Employment by not less than 938 employees;

43 (2) Housing by not less than 625 units;

44 (3) Hotel accommodations by not less than 625 rooms;

45 (4) Sewage by not less than 187,500 gallons per day;



- 1 (5) Water usage by not less than 625 acre feet per year; or
- 2 (6) Traffic by not less than an average of 6,250 trips daily.

3 ↪ The term does not include any project for which a request for an
4 amendment to a master plan, a change in zoning, a tentative map or
5 a special use permit has been approved by the local planning
6 commission before June 17, 1989.

7 6. "Project of regional significance," with respect to a project
8 proposed by a utility, includes:

- 9 (a) An electric substation;
- 10 (b) A transmission line that carries 60 kilovolts or more;
- 11 (c) A facility that generates electricity greater than 5 megawatts;
- 12 (d) Natural gas storage and peak shaving facilities; and
- 13 (e) Gas regulator stations and mains that operate over 100
14 pounds per square inch.

15 7. "Sphere of influence" means , *except as otherwise provided*
16 *in NRS 278.0274*, an area into which a city plans to expand as
17 designated in the comprehensive regional plan within the time
18 designated in the comprehensive regional plan.

19 **Sec. 2.** NRS 278.0274 is hereby amended to read as follows:

20 278.0274 The comprehensive regional plan must include goals,
21 policies, maps and other documents relating to:

22 1. Population, including a projection of population growth in
23 the region and the resources that will be necessary to support that
24 population. *This portion of the plan must set forth the total*
25 *population of the county that may be supported by the identified*
26 *and sustainable supply of water in the county as determined by the*
27 *water planning commission of the county.*

28 2. Conservation, including policies relating to the use and
29 protection of air, land, water and other natural resources, ambient air
30 quality, natural recharge areas, floodplains and wetlands, and a map
31 showing the areas that are best suited for development based on
32 those policies.

33 3. The limitation of the premature expansion of development
34 into undeveloped areas, preservation of neighborhoods and
35 revitalization of urban areas, including, without limitation, policies
36 that relate to the interspersing of new housing and businesses in
37 established neighborhoods and set forth principles by which growth
38 will be directed to older urban areas.

39 4. Land use and transportation, including the classification of
40 future land uses by density or intensity of development based upon
41 the projected necessity and availability of public facilities,
42 including, without limitation, schools, and services and natural
43 resources, and the compatibility of development in one area with
44 that of other areas in the region. This portion of the plan must:

- 45 (a) Address, if applicable:



1 (1) Mixed-use development, transit-oriented development,
2 master-planned communities and gaming enterprise districts; and

3 (2) The coordination and compatibility of land uses with
4 each military installation in the region, taking into account the
5 location, purpose and stated mission of the military installation;

6 (b) Allow for a variety of uses;

7 (c) *Estimate the amount of water required for those future*
8 *uses;*

9 (d) Describe the transportation facilities that will be necessary to
10 satisfy the requirements created by those future uses; ~~land~~

11 ~~(d)~~ (e) Be based upon the policies and map relating to
12 conservation that are developed pursuant to subsection 2, surveys,
13 studies and data relating to the area, the amount of land required to
14 accommodate planned growth, the population of the area projected
15 pursuant to subsection 1, and the characteristics of undeveloped land
16 in the area ~~(f)~~;

17 (f) *Set forth policies that require, as a condition of the*
18 *approval of any land use, proof of the availability of water as*
19 *determined by the water planning commission of the county in*
20 *accordance with subsection 1;*

21 (g) *Include the estimated area of potential development of the*
22 *region that is supported by the identified and sustainable supply of*
23 *water determined pursuant to subsection 1;*

24 (h) *Include the amount of water required to support all*
25 *development that is approved but is not yet built; and*

26 (i) *Set forth policies and criteria, including, without limitation,*
27 *any required amendment to a master plan of a local government,*
28 *that may be used to terminate any approval of land use for which*
29 *water is not committed.*

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

36 (a) Describe the problems and needs of the area relating to
37 public facilities and services and the general facilities that will be
38 required for their solution and satisfaction;

39 (b) Identify the providers of public services within the region
40 and the area within which each must serve, including service
41 territories set by the Public Utilities Commission of Nevada for
42 public utilities;

43 (c) Establish the time within which those public facilities and
44 services necessary to support the development relating to land use



- 1 and transportation must be made available to satisfy the
2 requirements created by that development; and
3 (d) Contain a summary prepared by the regional planning
4 commission regarding the plans for capital improvements that:
5 (1) Are required to be prepared by each local government in
6 the region pursuant to NRS 278.0226; and
7 (2) May be prepared by the water planning commission of
8 the county, the regional transportation commission and the county
9 school district.
- 10 6. Annexation, including the identification of spheres of
11 influence for each unit of local government, improvement district or
12 other service district and specifying standards and policies for
13 changing the boundaries of a sphere of influence and procedures for
14 the review of development within each sphere of influence. As used
15 in this subsection, "sphere of influence" means an area into which a
16 political subdivision may expand in the foreseeable future ~~and~~ *and*
17 *which is within the estimated area of potential development of the*
18 *region specified in paragraph (g) of subsection 4.*
- 19 7. Intergovernmental coordination, including the establishment
20 of guidelines for determining whether local master plans and
21 facilities plans conform with the comprehensive regional plan.
- 22 8. Any utility project required to be reported pursuant to
23 NRS 278.145.

