

SENATE BILL NO. 429—COMMITTEE ON NATURAL RESOURCES

MARCH 24, 2017

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions relating to urban agriculture.
(BDR 22-1078)

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 agriculture; authorizing a governing body of a city or county to establish an urban agriculture zone; providing that a master plan may include an urban agricultural element; authorizing a board of county commissioners or a governing body of a city to allow the use of vacant city- or county-owned land for community gardening; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides certain powers of a governing body of a city or county
2 related to planning and zoning. (Chapter 278 of NRS) **Section 1** of this bill
3 authorizes a governing body of a city or county to establish an urban agriculture
4 zone by ordinance for the purpose of promoting the development and operation of
5 urban agriculture. **Sections 2-4** of this bill make conforming changes.
6 Under existing law, a master plan may include certain elements as appropriate
7 to a county, city or region, with the exception of certain cities and counties which
8 must include all or a portion of certain elements in a master plan. (NRS 278.150-
9 278.170) **Section 5** of this bill provides that a master plan may also include an
10 urban agricultural element, which must include a plan to inventory any vacant lands
11 owned by the city or county and blighted lands in the city or county to determine if
12 such lands may be suitable for urban farming or gardening.
13 **Sections 6 and 7** of this bill authorize a governing body of a city or county to
14 establish by ordinance the terms and conditions for the use of vacant or blighted
15 land owned by the city or county for the purpose of community gardening. **Section**
16 **8** of this bill makes conforming changes.



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 a new section to read as follows:

3 **1. A governing body of a city or county may, by ordinance,**
4 **establish an urban agriculture zone within the boundaries of the**
5 **city or county.**

6 **2. To establish an urban agriculture zone, the governing body**
7 **must conduct at least one public hearing on the question of**
8 **whether to establish the urban agriculture zone.**

9 **3. An ordinance adopted pursuant to this section must not**
10 **prohibit the use of structures that support agricultural activity,**
11 **including, without limitation, toolsheds, greenhouses, produce**
12 **stands and instructional spaces.**

13 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

14 278.010 As used in NRS 278.010 to 278.630, inclusive, **and**
15 **section 1 of this act**, unless the context otherwise requires, the
16 words and terms defined in NRS 278.0103 to 278.0195, inclusive,
17 have the meanings ascribed to them in those sections.

18 **Sec. 3.** NRS 278.024 is hereby amended to read as follows:

19 278.024 1. In the region of this State for which there has
20 been created by NRS 278.780 to 278.828, inclusive, a regional
21 planning agency, the powers conferred by NRS 278.010 to 278.630,
22 inclusive, **and section 1 of this act** upon any other authority are
23 subordinate to the powers of such regional planning agency, and
24 may be exercised only to the extent that their exercise does not
25 conflict with any ordinance or plan adopted by such regional
26 planning agency. The powers conferred by NRS 278.010 to
27 278.630, inclusive, **and section 1 of this act** shall be exercised
28 whenever appropriate in furtherance of a plan adopted by the
29 regional planning agency.

30 2. Upon the adoption by a regional planning agency created by
31 NRS 278.780 to 278.828, inclusive, of any regional plan, any plan
32 adopted pursuant to NRS 278.010 to 278.630, inclusive, **and section**
33 **1 of this act** shall cease to be effective as to the territory embraced
34 in such regional plan. Each planning commission and governing
35 body whose previously adopted plan is so affected shall, within 90
36 days after the effective date of the regional plan, initiate any
37 necessary procedure to revise its plan and any related zoning
38 ordinances which affect adjacent territory.

39 **Sec. 4.** NRS 278.025 is hereby amended to read as follows:

40 278.025 1. In any region of this State for which there has
41 been created by interstate compact a regional planning agency, the
42 powers conferred by NRS 278.010 to 278.630, inclusive, **and**



1 *section 1 of this act* are subordinate to the powers of such regional
2 planning agency, and may be exercised only to the extent that their
3 exercise does not conflict with any ordinance or plan adopted by
4 such regional planning agency. The powers conferred by NRS
5 278.010 to 278.630, inclusive, *and section 1 of this act* shall be
6 exercised whenever appropriate in furtherance of a plan adopted by
7 the regional planning agency.

8 2. Upon the adoption by a regional planning agency created by
9 interstate compact of any regional plan or interim plan, any plan
10 adopted pursuant to NRS 278.010 to 278.630, inclusive, *and section*
11 *1 of this act* shall cease to be effective as to the territory embraced
12 in such regional or interim plan. Each planning commission and
13 governing body whose previously adopted plan is so affected shall,
14 within 90 days after the effective date of the regional or interim
15 plan, initiate any necessary procedure to revise its plan and any
16 related zoning ordinances which affect adjacent territory.

17 **Sec. 5.** NRS 278.160 is hereby amended to read as follows:

18 278.160 1. Except as otherwise provided in this section and
19 NRS 278.150 and 278.170, the master plan, with the accompanying
20 charts, drawings, diagrams, schedules and reports, may include such
21 of the following elements or portions thereof as are appropriate to
22 the city, county or region, and as may be made the basis for the
23 physical development thereof:

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

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

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

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

41 (1) A historic neighborhood preservation plan which:

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



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

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

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

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

14 (2) An inventory of existing affordable housing in the
15 community, including, without limitation, housing that is available
16 to rent or own, housing that is subsidized either directly or indirectly
17 by this State, an agency or political subdivision of this State, or the
18 Federal Government or an agency of the Federal Government, and
19 housing that is accessible to persons with disabilities.

20 (3) An analysis of projected growth and the demographic
21 characteristics of the community.

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

24 (5) An analysis of any impediments to the development of
25 affordable housing and the development of policies to mitigate those
26 impediments.

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

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

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

36 (7) An analysis of the needs and appropriate methods for the
37 construction of affordable housing or the conversion or
38 rehabilitation of existing housing to affordable housing.

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

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

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



1 (2) A land use plan, including an inventory and classification
2 of types of natural land and of existing land cover and uses, and
3 comprehensive plans for the most desirable utilization of land. The
4 land use plan:

5 (I) Must, if applicable, address mixed-use development,
6 transit-oriented development, master-planned communities and
7 gaming enterprise districts. The land use plan must also, if
8 applicable, address the coordination and compatibility of land uses
9 with any military installation in the city, county or region, taking
10 into account the location, purpose and stated mission of the military
11 installation.

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

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

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

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

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

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

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

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



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

4 (f) A recreation and open space element, which must include a
5 recreation plan showing a comprehensive system of recreation areas,
6 including, without limitation, natural reservations, parks, parkways,
7 trails, reserved riverbank strips, beaches, playgrounds and other
8 recreation areas, including, when practicable, the locations and
9 proposed development thereof.

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

11 (1) In any county whose population is 700,000 or more, a
12 safety plan identifying potential types of natural and man-made
13 hazards, including, without limitation, hazards from floods,
14 landslides or fires, or resulting from the manufacture, storage,
15 transfer or use of bulk quantities of hazardous materials. The safety
16 plan may set forth policies for avoiding or minimizing the risks from
17 those hazards.

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

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

22 (1) A streets and highways plan showing the general
23 locations and widths of a comprehensive system of major traffic
24 thoroughfares and other traffic ways and of streets and the
25 recommended treatment thereof, building line setbacks, and a
26 system of naming or numbering streets and numbering houses, with
27 recommendations concerning proposed changes.

28 (2) A transit plan showing a proposed multimodal system of
29 transit lines, including mass transit, streetcar, motorcoach and
30 trolley coach lines, paths for bicycles and pedestrians, satellite
31 parking and related facilities.

32 (3) A transportation plan showing a comprehensive
33 transportation system, including, without limitation, locations of
34 rights-of-way, terminals, viaducts and grade separations. The
35 transportation plan may also include port, harbor, aviation and
36 related facilities.

37 *(i) An urban agricultural element, which must include a plan*
38 *to inventory any vacant lands owned by the city or county and*
39 *blighted land in the city or county to determine whether such*
40 *lands are suitable for urban farming and gardening.*

41 2. The commission may prepare and adopt, as part of the
42 master plan, other and additional plans and reports dealing with such
43 other elements as may in its judgment relate to the physical
44 development of the city, county or region, and nothing contained in
45 NRS 278.010 to 278.630, inclusive, *and section 1 of this act*



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

3 **Sec. 6.** Chapter 244 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *A board of county commissioners may, by ordinance, authorize*
6 *the use of vacant or blighted county land for the purpose of*
7 *community gardening under such terms and conditions*
8 *established for the use of the county land set forth by the*
9 *ordinance. The ordinance may, without limitation:*

- 10 1. *Establish fees for the use of the county land;*
- 11 2. *Provide requirements for liability insurance; and*
- 12 3. *Provide requirements for a deposit to use the county land,*
13 *which may be refunded.*

14 **Sec. 7.** Chapter 268 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 *The governing body of a city may authorize, by ordinance, the*
17 *use of vacant or blighted city land for the purpose of community*
18 *gardening under such terms and conditions established for the use*
19 *of the city land set forth by the ordinance. The ordinance may,*
20 *without limitation:*

- 21 1. *Establish fees for the use of the city land;*
- 22 2. *Provide requirements for liability insurance; and*
- 23 3. *Provide requirements for a deposit to use the city land,*
24 *which may be refunded.*

25 **Sec. 8.** NRS 371.047 is hereby amended to read as follows:

26 371.047 1. A county may use the proceeds of the tax imposed
27 pursuant to NRS 371.043 or 371.045, or of bonds, notes or other
28 obligations incurred to which the proceeds of those taxes are
29 pledged to finance a project related to the construction of a highway
30 with limited access, to:

31 (a) Purchase residential real property which shares a boundary
32 with a highway with limited access or a project related to the
33 construction of a highway with limited access, and which is
34 adversely affected by the highway. Not more than 1 percent of the
35 proceeds of the tax or of any bonds to which the proceeds of the tax
36 are pledged may be used for this purpose.

37 (b) Pay for the cost of moving persons whose primary
38 residences are condemned for a right-of-way for a highway with
39 limited access and who qualify for such payments. The board of
40 county commissioners shall, by ordinance, establish the
41 qualifications for receiving payments for the cost of moving
42 pursuant to this paragraph.

43 2. A county may, in accordance with NRS 244.265 to 244.296,
44 inclusive, *and section 6 of this act*, dispose of any residential real
45 property purchased pursuant to this section, and may reserve and



1 except easements, rights or interests related thereto, including, but
2 not limited to:

- 3 (a) Abutter's rights of light, view or air.
- 4 (b) Easements of access to and from abutting land.
- 5 (c) Covenants prohibiting the use of signs, structures or devices
6 advertising activities not conducted, services not rendered or goods
7 not produced or available on the real property.

8 3. Proceeds from the sale or lease of residential real property
9 acquired pursuant to this section must be used for the purposes set
10 forth in this section and in NRS 371.043 or 371.045, as applicable.

11 4. For the purposes of this section, residential real property is
12 adversely affected by a highway with limited access if the
13 construction or proposed use of the highway:

- 14 (a) Constitutes a taking of all or any part of the property, or
15 interest therein;
- 16 (b) Lowers the value of the property; or
- 17 (c) Constitutes a nuisance.

18 5. As used in this section:

19 (a) "Highway with limited access" means a divided highway for
20 through traffic with full control of access and with grade separations
21 at intersections.

22 (b) "Primary residence" means a dwelling, whether owned or
23 rented by the occupant, which is the sole principal place of
24 residence of that occupant.

25 (c) "Residential real property" means a lot or parcel of not more
26 than 1.5 acres upon which a single-family or multifamily dwelling is
27 located.

28 **Sec. 9.** This act becomes effective on July 1, 2017.

