

ASSEMBLY BILL NO. 333—ASSEMBLYMEN KRASNER, ROBERTS;
ELLISON, HARDY AND O’NEILL

MARCH 18, 2021

Referred to Committee on Government Affairs

SUMMARY—Makes changes to provisions relating to land use
planning. (BDR 22-357)

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 land use planning; establishing certain requirements for judicial review of certain land use planning decisions of a governing body, commission or board; exempting the retention or detention of stormwater from certain appropriation procedures under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the governing bodies of cities and counties to regulate
2 and restrict land use within their jurisdictions, which may include requirements for
3 the retention or detention of stormwater before approving the development, division
4 or subdivision of a parcel of land. (NRS 278.020) Existing law prohibits the filing
5 of an action against a governing body, commission or board unless the action is
6 commenced within 25 days after the filing of the notice of a final action decision or
7 order. (NRS 278.0235) **Section 1** of this bill establishes deadlines for: (1) filing a
8 memorandum of points and authorities; (2) serving and filing a reply memorandum
9 of points and authorities; and (3) requesting a hearing. **Section 1** authorizes the
10 court to extend the deadlines and requires all memoranda of points and authorities
11 to comply with Rule 28 of the Nevada Rules of Appellate Procedure.

12 Existing law requires that, subject to existing rights, the appropriation of any
13 water in this State is subject to the provisions of chapter 533 of NRS, which, among
14 other things, require any person seeking to appropriate water to obtain a permit to
15 do so. (NRS 533.030, 533.325) **Section 2** of this bill provides that if the governing
16 body of a county or city requires the retention or detention of stormwater before
17 approving the development, division or subdivision of land, the retention or
18 detention of stormwater is exempted from the requirements of chapter 533 of NRS
19 so that the stormwater may be retained or detained without a water right or permit
20 to appropriate water.



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

1 **Section 1.** NRS 278.0235 is hereby amended to read as
2 follows:

3 278.0235 *1.* No action or proceeding may be commenced for
4 the purpose of seeking judicial relief or review from or with respect
5 to any final action, decision or order of any governing body,
6 commission or board authorized by NRS 278.010 to 278.630,
7 inclusive, unless the action or proceeding is commenced within 25
8 days after the date of filing of notice of the final action, decision or
9 order with the clerk or secretary of the governing body, commission
10 or board.

11 *2. A petitioner or cross-petitioner who is seeking judicial*
12 *review must serve and file a memorandum of points and*
13 *authorities within 40 days after an action is commenced.*

14 *3. The respondent or cross-petitioners shall serve and file a*
15 *reply memorandum of points and authorities within 30 days after*
16 *the service of the memorandum of points and authorities.*

17 *4. The petition or cross-petitioner may serve and file a reply*
18 *memorandum of points and authorities within 30 days after*
19 *service of the reply memorandum.*

20 *5. Within 7 days after the expiration of the time within which*
21 *the petitioner is required to reply, any party may request a*
22 *hearing. Unless a request for hearing has been filed, the matter*
23 *shall be deemed submitted.*

24 *6. All memoranda of points and authorities filed in*
25 *proceedings involving petitions for judicial review must be in the*
26 *form provided for appellate briefs in Rule 28 of the Nevada Rules*
27 *of Appellate Procedure.*

28 *7. The court, for good cause, may extend the times allowed in*
29 *this section for filing memoranda.*

30 **Sec. 2.** NRS 533.027 is hereby amended to read as follows:

31 533.027 *1.* The provisions of this chapter do not apply to
32 ~~the~~:

33 ~~(a)~~ *The* de minimus collection of precipitation:

34 ~~(a)~~ *(I)* From the rooftop of a single-family dwelling for
35 nonpotable domestic use; or

36 ~~(b)~~ *(2)* If the collection does not conflict with any existing
37 water rights as determined by the State Engineer, in a guzzler to
38 provide water for use by wildlife. The guzzler must:

39 ~~(1)~~ *(I)* Have a capacity of 20,000 gallons or less;

40 ~~(2)~~ *(II)* Have a capture area of 1 acre or less;

41 ~~(3)~~ *(III)* Have a pipe length of 1/4 mile or less;



1 ~~[(4)]~~ *(IV)* Be developed by a state or federal agency
2 responsible for wildlife management or by any other person in
3 consultation with the Department of Wildlife; and

4 ~~[(5)]~~ *(V)* Be approved for use by the Department of Wildlife

5 ~~[(6)]~~; or

6 *(b) The retention or detention of stormwater for the purpose of*
7 *flood control if the governing body of a county or city has required*
8 *the retention or detention of stormwater pursuant to the provisions*
9 *of NRS 278.010 to 278.630, inclusive.*

10 2. As used in this section:

11 (a) "Domestic use" has the meaning ascribed to it in NRS
12 534.013; and

13 (b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

