
ASSEMBLY BILL NO. 87—ASSEMBLYMEN DALY, ELLIOT ANDERSON,
BOBZIEN, CARRILLO; BENITEZ-THOMPSON, COHEN,
HANSEN, HICKEY, KIRNER, LIVERMORE AND SPRINKLE

FEBRUARY 11, 2013

JOINT SPONSOR: SENATOR SMITH

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing local regulation of the zoning and construction of public schools in certain counties. (BDR 22-274)

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 public schools; requiring the development and adoption of an expedited process for the approval of the zoning of public schools in certain counties; revising provisions governing local approval of certain plans, designs and specifications concerning the construction of public schools in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates in each county whose population is 100,000 or more but
2 less than 700,000 (currently Washoe County) a regional planning commission and a
3 governing board for regional planning. The commission is responsible for
4 developing, and the board is responsible for adopting, a comprehensive regional
5 plan for the physical development and orderly management of the growth of the
6 county. (NRS 278.0262, 278.0264, 278.0272, 278.0276) Existing law also provides
7 that the master plan of a local government in such a county must conform with the
8 comprehensive regional plan and that any ordinance or regulation relating to zoning
9 adopted by the local government must conform with the master plan. (NRS
10 278.028, 278.0284) **Section 1** of this bill provides that, in such a county, the
11 comprehensive regional plan must include an expedited process for the approval of
12 the zoning of public schools. The inclusion of the expedited process in the
13 comprehensive regional plan effectively will require conforming amendments to
14 the zoning ordinances or regulations of local governments. **Section 3** of this bill



15 requires consultation among certain regional and local entities regarding the
16 development and adoption of the expedited process for the approval of the zoning
17 of public schools in Washoe County.

18 Existing law further provides that in a county whose population is less than
19 700,000 (currently all counties other than Clark County), certain plans, designs and
20 specifications for the erection of any new school building or for any addition to or
21 alteration of an existing school building must be submitted by the board of trustees
22 of the school district to the building department of the county or other appropriate
23 local government for approval. (NRS 393.110) **Section 2** of this bill provides that
24 such plans, designs and specifications shall be deemed to satisfy similar county or
25 local building requirements if they comply with the least restrictive requirements
26 which govern the height of buildings, building setback, landscaping, parking and
27 lighting and which: (1) are applicable in the county or in any local government in
28 the county; or (2) on July 1, 2013, were applicable in the county or in any local
29 government in the county.

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

1 **Section 1.** NRS 278.0274 is hereby amended to read as
2 follows:

3 278.0274 The comprehensive regional plan must include goals,
4 policies, maps and other documents relating to:

5 1. Population, including a projection of population growth in
6 the region and the resources that will be necessary to support that
7 population.

8 2. Conservation, including policies relating to the use and
9 protection of air, land, water and other natural resources, ambient air
10 quality, natural recharge areas, floodplains and wetlands, and a map
11 showing the areas that are best suited for development based on
12 those policies.

13 3. The limitation of the premature expansion of development
14 into undeveloped areas, preservation of neighborhoods and
15 revitalization of urban areas, including, without limitation, policies
16 that relate to the interspersions of new housing and businesses in
17 established neighborhoods and set forth principles by which growth
18 will be directed to older urban areas.

19 4. Land use and transportation, including the classification of
20 future land uses by density or intensity of development based upon
21 the projected necessity and availability of public facilities,
22 including, without limitation, schools, and services and natural
23 resources, and the compatibility of development in one area with
24 that of other areas in the region. This portion of the plan must:

25 (a) Address, if applicable:

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



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

4 (b) Allow for a variety of uses;

5 (c) Describe the transportation facilities that will be necessary to
6 satisfy the requirements created by those future uses; and

7 (d) Be based upon the policies and map relating to conservation
8 that are developed pursuant to subsection 2, surveys, studies and
9 data relating to the area, the amount of land required to
10 accommodate planned growth, the population of the area projected
11 pursuant to subsection 1, and the characteristics of undeveloped land
12 in the area.

13 5. Public facilities and services, including provisions relating to
14 sanitary sewer facilities, solid waste, flood control, potable water
15 and groundwater aquifer recharge which are correlated with
16 principles and guidelines for future land uses, and which specify
17 ways to satisfy the requirements created by those future uses. This
18 portion of the plan must:

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

22 (b) Identify the providers of public services within the region
23 and the area within which each must serve, including service
24 territories set by the Public Utilities Commission of Nevada for
25 public utilities;

26 (c) Establish the time within which those public facilities and
27 services necessary to support the development relating to land use
28 and transportation must be made available to satisfy the
29 requirements created by that development; and

30 (d) Contain a summary prepared by the regional planning
31 commission regarding the plans for capital improvements that:

32 (1) Are required to be prepared by each local government in
33 the region pursuant to NRS 278.0226; and

34 (2) May be prepared by the water planning commission of
35 the county, the regional transportation commission and the county
36 school district.

37 6. Annexation, including the identification of spheres of
38 influence for each unit of local government, improvement district or
39 other service district and specifying standards and policies for
40 changing the boundaries of a sphere of influence and procedures for
41 the review of development within each sphere of influence. As used
42 in this subsection, "sphere of influence" means an area into which a
43 political subdivision may expand in the foreseeable future.



1 7. Intergovernmental coordination, including the establishment
2 of guidelines for determining whether local master plans and
3 facilities plans conform with the comprehensive regional plan.

4 8. Any utility project required to be reported pursuant to
5 NRS 278.145.

6 ***9. An expedited process for the approval of the zoning of***
7 ***public schools. The expedited process must include, without***
8 ***limitation, a provision that not more than one public hearing may***
9 ***be held regarding the approval of the zoning of a public school.***

10 **Sec. 2.** NRS 393.110 is hereby amended to read as follows:

11 393.110 1. Each school district shall, in the design,
12 construction and alteration of school buildings and facilities, comply
13 with the applicable requirements of the Americans with Disabilities
14 Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations
15 adopted pursuant thereto, including, without limitation, the
16 Americans with Disabilities Act Accessibility Guidelines for
17 Buildings and Facilities set forth in Appendix A of Part 36 of Title
18 28 of the Code of Federal Regulations. The requirements of this
19 subsection are not satisfied if a school district complies solely with
20 the Uniform Federal Accessibility Standards set forth in Appendix
21 A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

22 2. In a county whose population is 700,000 or more:

23 (a) The board of trustees of the school district shall establish a
24 building department for the school district.

25 (b) Except as otherwise provided in NRS 477.030, the board of
26 trustees of the school district shall regulate all matters relating to the
27 construction, maintenance and safety of buildings, facilities,
28 structures and property of the school district.

29 (c) Except as otherwise provided in NRS 477.030, the board of
30 trustees of the school district shall adopt any building, electrical or
31 safety codes as necessary to carry out the provisions of this
32 subsection.

33 (d) The board of trustees of the school district shall ensure that
34 the building department established by the board of trustees reviews
35 the plans, designs and specifications for the erection of new school
36 buildings and for the addition to or alteration of existing school
37 buildings and facilities.

38 (e) The building department established by the board of trustees
39 shall, in accordance with subsection 4, conduct a review of plans,
40 designs and specifications for the erection of new school buildings
41 and for the addition to or alteration of existing school buildings and
42 facilities.

43 (f) The provisions of NRS 278.585 do not apply to the school
44 district in its regulation of buildings, facilities, structures and
45 property of the school district.



1 3. In a county whose population is less than 700,000:

2 (a) Except as otherwise provided in paragraph (b), unless
3 standard plans, designs and specifications are to be used as provided
4 in NRS 385.125, before letting any contract or contracts for the
5 erection of any new school building or for any addition to or
6 alteration of an existing school building, the board of trustees of the
7 county school district shall submit the plans, designs and
8 specifications to, and obtain written approval of the plans, designs
9 and specifications by, the building department of the county or other
10 appropriate local building department in the county, and all other
11 local agencies or departments whose approval is necessary for the
12 issuance of the appropriate permit. *For the purpose of granting
13 such approval, any plans, designs and specifications that, at the
14 time they are approved by a building department, comply with the
15 least restrictive requirements which govern the height of
16 buildings, building setback, landscaping, parking and lighting and
17 which:*

18 (1) *Are applicable in the county or in any local government
19 in the county; or*

20 (2) *On July 1, 2013, were applicable in the county or in any
21 local government in the county,*

22 *↪ shall be deemed to comply with any requirements governing
23 such items that are otherwise applicable in the jurisdiction of the
24 building department.* The approval of the State Fire Marshal is not
25 required for any plans, designs and specifications reviewed by a
26 building department pursuant to this paragraph.

27 (b) If there is no county building department or other
28 appropriate local building department in the county in which the
29 school district is located, the board of trustees of the school district
30 shall enter into an agreement with the State Public Works Division
31 of the Department of Administration, a private certificate holder or a
32 local building department in another county to obtain the required
33 reviews of the plans, designs and specifications and to have the
34 required inspections conducted. The approval of the State Fire
35 Marshal is not required for any plans, designs and specifications
36 reviewed by a private certificate holder or building department
37 pursuant to this paragraph.

38 (c) A permit for construction must be issued before the school
39 district commences construction.

40 (d) The county building department or other appropriate local
41 building department, the State Public Works Division of the
42 Department of Administration or the private certificate holder, as
43 applicable, shall conduct inspections of all work to determine
44 compliance with the approved plans, designs and specifications. An
45 inspection of the work by the State Fire Marshal is not required if



1 the work is inspected by the private certificate holder or building
2 department.

3 (e) A department, agency, private certificate holder or the State
4 Public Works Division of the Department of Administration is
5 authorized to charge and collect, and the board of trustees of the
6 county school district is authorized to pay, a reasonable fee for:

7 (1) Review of the plans, designs or specifications as required
8 by this subsection; or

9 (2) The inspections conducted pursuant to this subsection.

10 4. In conducting reviews pursuant to this section, the State
11 Public Works Division of the Department of Administration,
12 building department or private certificate holder, as applicable, shall
13 verify that the plans, designs and specifications comply with:

14 (a) The applicable requirements of the relevant codes adopted by
15 this State, including, without limitation, the applicable requirements
16 of any relevant codes and regulations adopted by the State Fire
17 Marshal;

18 (b) The applicable requirements of the relevant codes adopted
19 by the local authority having jurisdiction; and

20 (c) All applicable requirements of the Americans with
21 Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the
22 regulations adopted pursuant thereto, including, without limitation,
23 the Americans with Disabilities Act Accessibility Guidelines for
24 Buildings and Facilities set forth in Appendix A of Part 36 of Title
25 28 of the Code of Federal Regulations. The requirements of this
26 subsection are not satisfied if the plans, designs and specifications
27 comply solely with the Uniform Federal Accessibility Standards set
28 forth in Appendix A of Part 101-19.6 of Title 41 of the Code of
29 Federal Regulations.

30 5. No contract for any of the purposes specified in this section
31 made by a board of trustees of a school district contrary to the
32 provisions of this section is valid, nor shall any public money be
33 paid for erecting, adding to or altering any school building in
34 contravention of this section.

35 6. As used in this section, "private certificate holder" means a
36 person who, as applicable, holds a valid certification issued by the
37 International Code Council or its successor:

38 (a) To review plans, designs and specifications for the erection
39 of, addition to or alteration of a school building;

40 (b) To inspect work to ensure that the erection of, addition to or
41 alteration of a school building is carried out in conformance with the
42 relevant plans, designs and specifications; or

43 (c) To perform the activities described in paragraphs (a) and (b).

44 **Sec. 3.** In developing and adopting the expedited process for
45 the approval of the zoning of public schools in Washoe County



1 required by NRS 278.0274, as amended by section 1 of this act, the
2 Truckee Meadows Regional Planning Commission and the Truckee
3 Meadows Regional Planning Governing Board shall consult with
4 the governing body of each local government, each local planning
5 commission and each affected entity having responsibility for
6 planning or providing public facilities relating to public education in
7 Washoe County.

8 **Sec. 4.** This act becomes effective on July 1, 2013.

