

Amendment No. 687

Senate Amendment to Assembly Bill No. 236 First Reprint	(BDR 58-248)
Proposed by: Committee on Commerce and Labor	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 3, page 5, by deleting lines 16 through 18 and inserting:

“generator’s bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system

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A.B. No. 236—Makes various changes relating to energy systems that use certain types of renewable energy.

ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person."

Amend sec. 3, page 5, between lines 20 and 21, by inserting:

"(3) The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive."

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, *solar or wind energy*, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan,

prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

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

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

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

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

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or

fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 9. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

- (a) To preserve the quality of air and water resources.
- (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- (c) To provide for recreational needs.
- (d) To protect life and property in areas subject to floods, landslides and other natural disasters.
- (e) To conform to the adopted population plan, if required by NRS 278.170.
- (f) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.
- (g) To ensure that the development on land is commensurate with the character and the physical limitations of the land.
- (h) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.
- (i) To promote health and the general welfare.

(j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(k) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(l) To promote systems which use solar or wind energy.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) “Density bonus” means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) “Inclusionary zoning” means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) “Minimum density zoning” means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.”.

Amend sec. 8, page 8, line 25, by deleting “structure,” and inserting:

“structure ~~and~~ *if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,*”.

Amend sec. 8, page 8, line 28, after “5.” by inserting:

“The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6.”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. The Legislature hereby declares that wind energy is a clean, renewable energy source, the use of which must be promoted. Regional planning is needed for communities to choose good turbine locations where wind is available. The provisions of this act allow the governing bodies of cities and counties to promote the use of this renewable resource while promoting the general welfare by regulating the location, height and noise level of wind turbines, as well as the parcel size

on which turbines may be placed. The provisions of this act require cities and counties to balance the effects that wind turbines have on the environment through the existing master plan and zoning process.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, certain electric utilities are required to allow their customers to use net metering systems on their property to generate electricity from certain types of renewable energy. (NRS 704.766-704.775) The electricity generated from a net metering system is used to offset the customer's demand for electricity from the utility. (NRS 704.771, 704.775) A net metering system used by a customer may not have a generating capacity of more than 30 kilowatts.

(NRS 704.771)

This bill provides that a utility is not required to allow additional customers to use net metering systems after the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's peak capacity. This bill authorizes a customer to use a net metering system that has a generating capacity of not more than 150 kilowatts. This bill also establishes one formula for calculating the net cost of electricity for a customer whose net metering system has a capacity of 30 kilowatts or less and a different formula for a customer whose net metering system has a capacity greater than 30 kilowatts. The bill allows a customer to carry forward excess electricity from one billing period to another.

Under existing law, a person must obtain a permit from the Public Utilities Commission of Nevada before constructing certain electric generating plants and their associated facilities. (NRS 704.820-704.900) However, such permitting requirements do not apply to electric generating plants

and their associated facilities located entirely within the boundaries of a county whose population is 100,000 or more. (NRS 704.860)

This bill creates an exception from the permitting requirements for electric generating plants and their associated facilities if they use certain types of renewable energy as their primary source of energy to generate electricity and have a generating capacity of not more than 150 kilowatts.

Under existing law, deeds and other legal instruments affecting real property and local ordinances, regulations and plans governing real property may not prohibit or unreasonably restrict an owner from using a solar energy system on his property. (NRS 111.239, 278.0208)

This bill amends existing law to provide that an owner may not be prohibited or unreasonably restricted from using a wind energy system on his property.

Under existing law, a homeowners' association may not unreasonably restrict, prohibit or withhold approval for an owner of a unit to make certain improvements to his unit, such as adding shutters to aid in reducing the energy costs for the unit. (NRS 116.2111)

This bill extends such protections to an owner who wants to improve his unit by adding a wind energy system that reduces the energy costs for the unit if the property where the wind energy system is located is at least 2 acres in size. However, the bill also provides that a unit owner may not add such a wind energy system unless he obtains the consent of every person who owns property within 300 feet of his unit.

Existing law sets forth the subject matter that a governing body may include in a master plan and requires that zoning regulations be adopted in accordance with the master plan for land use. (NRS 278.160, 278.250)

This bill adds solar and wind energy to the subject matter of master plans and requires zoning regulations to be adopted and designed to promote systems which use solar or wind energy.

Existing law requires a local government to amend its building codes to permit a person to use solar energy to heat a structure to the extent the local climate allows. (NRS 278.580)

This bill requires a local government to amend its building codes and, if necessary, its zoning ordinances and regulations to permit a person to use solar energy systems and wind energy systems to reduce the energy costs for a structure to the extent the local climate allows for the use of such systems if the systems and structures comply with applicable codes and ordinances, such as codes and ordinances relating to the design, location and soundness of the systems and structures.