

SUMMARY—Revises provisions relating to planning and zoning. (BDR 22-413)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: No.

AN ACT relating to land use planning; requiring in certain counties that certain actions of a local government conform to the master plan of the local government; revising provisions relating to the authority of a planning commission or governing body of a county or city to approve or deny a proposed development project; revising the elements of a master plan; revising provisions relating to certain elements of a master plan; establishing certain requirements relating to the review of a proposed amendment to a land use element by a planning commission; providing that the master plan serves as the basis for zoning regulations and ordinances and certain capital improvement plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the planning commission of a city or county to prepare a comprehensive, long-term general plan for the physical development of the city, county or region, which is known as a master plan. Existing law establishes nine certain elements that may be included in a master plan, except that certain cities or counties are required to include all or a portion of certain elements



in a master plan. (NRS 278.150-278.170) **Section 7** of this bill revises provisions relating to the conservation element, housing element, land use element and safety element of a master plan.

Under existing law, the conservation element of a master plan is required to include a conservation plan for the conservation, development and utilization of certain natural resources. (NRS 278.160) **Section 7** requires that the conservation plan also address the sustainability and resilience of the natural resources included in the conservation plan.

Under existing law, the housing element of a master plan is required to include certain inventories, analyses, determinations and plans relating to housing. (NRS 278.160) **Section 7** adds a requirement for a plan for addressing homelessness.

Under existing law, the land use element of a master plan is required to include provisions concerning community design, a land use plan and, in a county whose population is 700,000 or more (currently only Clark County), a rural neighborhoods preservation plan. (NRS 278.160) **Section 7** revises the land use plan to require a designation of future land uses for all areas of the city, county or region. **Section 7** also revises provisions relating to the land use plan by: (1) clarifying that a land use plan governs the implementation of any zoning regulation or ordinance; (2) requiring a land use plan to indicate the categories and general type of permitted uses; and (3) requiring a land use plan to specify the permitted density or intensity of the use of land.

Under existing law, the safety element of a master plan is required to include a seismic safety plan and, in a county whose population is 700,000 or more, a safety plan. (NRS 278.160) **Section 7** adds a public safety plan that identifies the availability of fire protection, emergency medical services and police services.



Section 7 also establishes three additional elements of a master plan, including an economic element, an education element and a public health element. **Section 6** of this bill requires the governing body of a city or county in a county whose population is 700,000 or more to adopt a master plan that includes, in addition to certain required elements, the elements established by **section 7**.

Section 3 of this bill sets forth that if a planning commission or governing body finds that a proposed development project in a city, county or region is not consistent with the master plan, the planning commission or governing body may deny or condition approval of the proposed development project to require consistency with the master plan.

Existing law requires any local government in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to: (1) make any action relating to development, zoning, the subdivision of land or capital improvements conform to the master plan of the local government; (2) while adopting certain ordinances or regulations, make a specific finding that the ordinance conforms to the master plan; and (3) within 1 year after adoption of any portion of a master plan, to amend any ordinances to ensure the ordinance conforms to the master plan. Existing law also makes clear that the master plan governs any action taken in regard to an application for development, if any regulation relating to land development is inconsistent with the master plan. (NRS 278.0284) **Sections 2 and 5** of this bill establish the same provisions for counties whose population is 700,000 or more.

Section 4 of this bill applies the definitions in existing law relating to planning and zoning to the provisions of **sections 2 and 3**.



Existing law requires: (1) each local government whose budget includes any expenditure for the acquisition or maintenance of a capital improvement to prepare a plan for capital improvements which conforms with its master plan and which includes at least the 3 ensuing fiscal years but not more than 20 fiscal years; and (2) each local government to annually prepare a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years. (NRS 278.0226, 354.5945) Existing law further requires the governing body of a county or city to put the adopted master plan into effect and that the master plan will serve as a basis for certain decisions. (NRS 278.230) **Section 9** of this bill provides that the master plan of the city or county also be a basis for the preparation of the capital improvement plan. **Section 9** also requires that the master plan be the basis for zoning ordinances and regulations.

Existing law authorizes a governing body to divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. Zoning regulations must be adopted in accordance with the master plan for land use. (NRS 278.250) **Section 10** of this bill requires instead that the zoning regulations be consistent with the master plan for land use.

Section 11 of this bill requires the governing body or planning commission of the city, county or region to consider conformity with the zoning ordinances and master plan when taking final action on a tentative map.

Existing law sets forth certain procedures and requirements relating to the adoption of the master plan, any part of the master plan or any substantial amendment thereof by the commission.



(NRS 278.210) **Section 8** of this bill adds a requirement that, in counties whose population is 700,000 or more, before the commission may review or adopt any proposed amendment to a land use element of a master plan, the proposed amendment first must be submitted to the staff of the city or county to make a recommendation for approval or denial and establishes the criteria upon which the recommendation must be made.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Any action of a governing body relating to development, zoning, the subdivision of land or capital improvements must conform to the master plan of the local government. In adopting any ordinance or regulation relating to development, zoning, the subdivision of land or capital improvements, the governing body shall make a specific finding that the ordinance conforms to the master plan. Within 1 year after its adoption of any portion of a master plan, the local government shall review and, if necessary, amend its existing ordinances to ensure their conformity with the provisions and policies of the master plan. If any provision or policy of the master plan is inconsistent with any regulation relating to land development, the provision*



or policy of the master plan governs any action taken in regard to an application for development.

Sec. 3. 1. *If a planning commission or governing body finds that a proposed development project in the city, county or region, as applicable, is not consistent with the master plan, the planning commission or governing body may:*

(a) Deny the approval of the project; or

(b) Approve the project on the condition that the project is amended in a way that is consistent with the master plan.

2. *The authority of a planning commission or governing body to deny or condition the approval of a proposed development project pursuant to subsection 1 applies regardless of whether the proposed development project is consistent with applicable zoning regulations or ordinances.*

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 278.02507 is hereby amended to read as follows:

278.02507 The provisions of NRS 278.02507 to 278.02598, inclusive, *and section 2 of this act*, apply only to counties whose population is 700,000 or more and cities located within those counties.

Sec. 6. NRS 278.150 is hereby amended to read as follows:



278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, 4 and 5, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

4. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; and

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.



5. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the elements set forth in paragraphs (a) to ~~[(h),]~~ (k), inclusive, of subsection 1 of NRS 278.160.

Sec. 7. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, *must be made the basis for the physical development of the city, county or region and* may include such of the following elements or portions thereof as are appropriate to the city, county or region : ~~[(f) and as may be made the basis for the physical development thereof:]~~

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, *sustainability, resilience,* 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 conservation 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 conservation plan must also indicate the maximum tolerable level of air pollution.

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

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



(1) A historic neighborhood preservation plan which:

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

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

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

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

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

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

(3) An analysis of projected growth and 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 suitable for residential development.

The analysis must include, without limitation:

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

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

(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 for a period of at least 5 years.

(9) A plan for addressing homelessness and the actual or probable causes of homelessness, which must include, without limitation:

(I) An estimate of the number of persons and families experiencing homelessness;

(II) Provisions concerning the shelters, facilities, resources and services available to persons and families experiencing homelessness; and

(III) An inventory of the availability of other housing for persons and families experiencing homelessness.

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

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



(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, ~~land~~ comprehensive plans for the most desirable utilization of land ~~and~~ *and designation of future land uses for all areas of the city, county or region.* The land use plan:

(I) *Governs the implementation of any zoning regulation or ordinance.*

(II) *Must, without limitation, indicate the categories and general type of permitted uses, including, without limitation, residential, commercial, civic, institutional, industrial, agricultural, recreational, natural and special uses of the city, county or region.*

(III) *Must specify the permitted density or intensity of the use of land.*

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

~~(H)~~ (V) 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.

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

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



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

(2) A population plan setting forth 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.

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

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

(5) Provisions concerning 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. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

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



(f) A recreation and open space element, which must include a 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.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan 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 safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A 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.

(3) A public safety plan, which must, without limitation, identify the availability of:

(I) Police services and the types, rates and locations of crime and strategies to reduce such crime.

(II) Emergency services, including, fire protection and emergency medical services and which addresses coverage, response times and strategies to ensure public safety and reduce damage to land or property.

(h) A transportation element, which must include:

(1) A 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.

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

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

(i) *An economic element, which must include:*

(1) *An inventory of local and regional economic characteristics and metrics.*

(2) *The identification of any redevelopment plan or redevelopment area adopted pursuant to chapter 279 of NRS, or otherwise by any other federal, state or local law, if applicable.*

(j) *An education element, which must:*

(1) *Address student achievement metrics for schools within the city or county.*

(2) *Identify the availability within the city or county of:*

(I) *Child care and early childhood education.*

(II) *Private, parochial and other nonpublic schools.*

(III) *Post-secondary education, including, without limitation, the Nevada System of Higher Education, business schools and vocational schools.*

(k) *A public health element, which must include:*



(1) The identification of the location, type and accessibility of major public health facilities.

(2) An analysis of the public health system in the city or county, the provision of public and private health care and the activities of a department of health, board of health or health district, including, without limitation:

(I) The chronic and acute health conditions prevalent in the community.

(II) The number and type of licensed health care facilities.

(III) The estimated number of physicians and health care providers.

(IV) General plans and strategies to improve the type and quality of care in the city or county.

(I) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements 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, *and sections 2 and 3 of this act*, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 8. NRS 278.210 is hereby amended to read as follows:



278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:

(a) Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains; and

(d) If a military installation is located within 3,000 feet of the area to which the proposed amendment pertains, the commander of the military installation.



↪ The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.

3. Except as otherwise provided in NRS 278.225, the adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chair of the commission.

4. Except as otherwise provided in NRS 278.225, no plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

5. *If a person submits a proposed amendment to the land use element of the master plan, before the commission considers the amendment, the staff of the city or county must review the proposed amendment and make a recommendation to the commission as to whether to approve or deny the amendment based on the following:*

(a) Whether circumstances of the location affected by the proposed amendment have changed since adoption of the master plan or most recent amendment thereto.



(b) Whether the proposed amendment will cause any significant or adverse impact relating to transportation, schools, public facilities, public services, fire or police protection, utilities or environmental features which cannot be mitigated.

(c) Whether the proposed amendment will create a likely demand to change the land use of any adjacent property.

(d) Whether the proposed amendment is consistent with the goals, policies and objectives of the master plan.

(e) Whether the proposed amendment conforms with all other elements of the master plan.

6. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to:

(a) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area; or

(b) A minor amendment adopted pursuant to NRS 278.225.

~~6.~~ 7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

~~7.~~ 8. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county



planning commission and board of county commissioners may authorize such certification by electronic means.

Sec. 9. NRS 278.230 is hereby amended to read as follows:

278.230 1. Except as otherwise provided in NRS 278.150, whenever the governing body of any city or county has adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing; ~~and~~

(b) *The basis for zoning regulations and ordinances;*

(c) *A basis for the preparation of the annual plan for capital improvements, if required pursuant to NRS 278.0226, and the capital improvement plan required pursuant to NRS 354.5945; and*

(d) A basis for the efficient expenditure of funds thereof relating to the elements of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

Sec. 10. NRS 278.250 is hereby amended to read as follows:



278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, 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 ~~[]~~, *and sections 2 and 3 of this act*. 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]~~ *consistent* 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 consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.
- (d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.
- (e) To provide for recreational needs.
- (f) To protect life and property in areas subject to floods, landslides and other natural disasters.
- (g) To conform to the adopted population plan, if required by NRS 278.170.
- (h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.



(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) 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.

(k) To promote health and the general welfare.

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

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

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

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

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.

Sec. 11. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,



↪ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan ; ~~[, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;]~~

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;



- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;
- (k) The potential impacts to wildlife and wildlife habitat; and
- (l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless:

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest; and

(b) For any tentative map subject to the requirements of NRS 278.3355 or 278.347, the supplier of water that will serve the subdivision has determined that there is available water which meets



applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

↳ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

