

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF
SEPTEMBER 25, 2019**

FILE NO: MISC-19-154

AGENDA ITEM: G.1

STAFF CONTACT: Lee Plemel, AICP, Community Development Director

AGENDA TITLE: Presentation and discussion only regarding bills adopted by the 2019 Nevada Legislature regarding planning and community development issues.

STAFF SUMMARY: The purpose of this item is to update the Planning Commission on various bills that are in effect or will soon go into effect, including bills that may require zoning code updates.

PROPOSED MOTION: [No action; discussion only.]

DISCUSSION:

There were several bills passed by the 2019 Nevada Legislature that pertain to functional areas within the Community Development Department, including bills related to planning and zoning, building codes, business licenses, historic preservation, marijuana regulations, code enforcement, redevelopment, and affordable housing.

Attached is a summary of bills related to these functional areas. Most of the bills require no action by the City. However, there is at least one bill that may involve the Planning Commission and several other bills that may be of interest to the Commission. Following are some of the bills of particular note for the Commission.

AB 240 – *Requiring regional planning coordination between Carson City, Douglas County, Lyon County, Storey County and Washoe County.*

- Effective July 1, 2019; expires December 31, 2023.
- **REQUIRED ACTIONS:**
 1. By December 31, 2019, and each year subsequent through 2023: The City must submit a growth management report to each Legislator representing any portion of Carson City.
 2. Beginning in 2020, the city and county managers of each city/county must meet at least twice during each year to discuss regional growth issues and prepare a joint report due to Legislators by December 1 each year.

Carson City conducts its annual growth management review each May/June with the Planning Commission and each July with the Board of Supervisors. It is anticipated that this information will be updated through the Planning Commission and Board of Supervisors for the annual report to the State. Staff expects to receive more information from the State on the expectations regarding the annual reporting process.

AB 533 – *Relating to marijuana regulations.*

- Effective upon passage.
- Expressly prohibits marijuana consumption lounges; no substantive changes to City's ability to regulate marijuana establishments.
- No City action required.

This bill completely re-wrote the State's marijuana regulations with few substantive changes. The interpretation of State regulations regarding marijuana consumption lounges (where the public can go to consume marijuana products) was the topic of debate before and during the 2019 Legislative session. The marijuana industry was pressuring legislators and local governments to allow this type of use. This bill made it clear that consumption lounges are not permitted under current State regulations. Existing City regulations do not allow marijuana consumption lounges, so no changes are required. It is likely that the issue of consumption lounges will again be taken up at the next legislative session in 2021.

SB 103 – *Related to affordable housing; reduced or subsidized impact fees, building permit fees, water/sewer connection fees.*

- Effective July 1, 2019.
- Allows the City to adopt an ordinance to reduce permit fees, including “fees imposed for the purpose for which an enterprise fund was created” (e.g. water and sewer) to assist an affordable housing project.
- No City action required.
- Possible action: Adopt an ordinance to establish the criteria under which the City would reduce or subsidize permit fees for an affordable housing project.

This bill gives a “tool” to local government to help pay for affordable housing. However, this would not be a “silver bullet” solution to create affordable housing. First, the amount of impact fees charged per unit in Carson City is relatively small—e.g. about \$9,000-\$11,000 for house in Schulz Ranch or a townhome on Little Lane—compared to the gap in affordability between the market rate for the units and an “affordable” price. Also, who would fund the subsidy would need to be considered, and well as who would manage the ongoing requirement to maintain each affordable unit at a set rate. Carson City currently does not have a housing agency that manages affordable housing issues.

Should the Planning Commission wish to explore this issue further, the appropriate time would be during the annual Master Plan review in November when the Commission makes recommendations to the Board of Supervisors. Staff anticipates that the Board of Supervisors will consider an update of the City's strategic plan in 2020, so recommendations would be considered by the Board at that time. In addition, a housing committee has been established through the Health and Human Service Department, and housing recommendations may come through that group.

The Planning Commission may also have discussion on other bills noted in the attached summary.

Please contact Lee Plemel in the Planning Division at 283-7075 or lplemel@carson.org if you have any questions regarding this item.

Attachments:

- 1) 2019 Nevada Legislative Session – Summary of bills related to community development

2019 Nevada Legislative Session – Bills Related to Community Development

Planning & Zoning

AB 240 – Requiring regional planning coordination between Carson City, Douglas County, Lyon County, Storey County and Washoe County.

- Effective July 1, 2019; expires December 31, 2023.
- **REQUIRED ACTIONS:**
 1. By December 31, 2019, and each year subsequent through 2023: City must submit a growth management report to each Legislator representing any portion of Carson City.
 2. Beginning in 2020, the city and county managers of each city/county must meet at least twice during each year to discuss regional growth issues and prepare a joint report due to Legislators by December 1 each year.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6429/Overview>

AB 344 – Makes various changes to modernize the provision of cellular coverage; “micro wireless facilities” (MWFs) installed on video service network (e.g. cables).

- Effective October 1, 2019.
- Requires the City to allow MWFs on existing TV cables in the right-of-way, and the City may not charge rent for use of the ROW for the MWF beyond what is already collected in the provider’s franchise fee for occupying the ROW.
- No City action required. Placement of MWFs on existing cables in the right-of-way is covered under the franchise agreement with the applicable utility company.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6642/Overview>

SB 150 – Requires water resource plan.

- Effective July 1, 2019; cities/counties required to adopt plan must do so by July 1, 2029.
- Requires, with exceptions, cities to adopt a water resource plan.
- No City action required. Carson City has a Water Resource Plan.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6187/Overview>

Building Code

AB 163 – Revises provisions governing water conservation.

- Effective January 1, 2020.
- Requires certain water conservation fixtures in the Building/Plumbing codes.
- **REQUIRED ACTION:** Amend Title 15 (Building Code) by January 1, 2020, as necessary.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6249/Overview>

SB 397 – Related to contractors.

- Effective January 1, 2020.
- Related to allowed scope of work for certain contractor license types.

- No City action required. Building should be aware of contractor exceptions.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6723/Overview>

Business License

AB 485 – Relating to regulations for electric scooters and electric scooter share programs.

- Effective upon passage.
- Allows City to adopt traffic laws related to electric scooters (e.g. speed limit on the sidewalk), in what areas electric scooters may be prohibited, provisions related to licensing for a scooter-share operators, etc.
- Possible action: Coordinate between Community Development, Transportation and the Sheriff to determine what, if any, ordinances should be adopted, including business licensing.
- Recommendation: Staff should monitor regulations in Washoe County (Reno and Sparks) to use as possible example for code amendments.

Historic Preservation

AB 96 – Requires the creation of the Historic Sites Passport Program as a pilot program.

- Effective July 1, 2019; expires January 1, 2021.
- No City action required.
- Possible action: Get information from SHPO regarding program as it is developed.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6083/Overview>

AB 230 – Establishes procedures for designation of historic neighborhoods.

- Effective July 1, 2019.
- No City action required.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6402/Overview>

Marijuana Regulations

AB 164 – Marijuana licensing and advertisement regulations.

- Effective January 2, 2020, for the purposes of advertising regulations.
- The State has regulations regarding marijuana advertising with regard to location and content of signs. This bill allows local government to adopt sign regulations that are more restrictive than State regulations, including the content of advertisement “if the ordinance sets forth specific prohibited content for such an advertisement.”
- No City action required.
- Possible action: Amend Title 18 Sign Code to limit specific prohibited advertisement content.
- Recommendation: Do not amend Title 18 Sign Code. State regulations already contain advertising limitations, and the State is responsible for enforcement of those regulations.

Further limitations are not necessary, and enforcement of additional limitations would fall on the responsibility of the City.

- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6250/Overview>

AB 533 – Relating to marijuana regulations.

- Effective upon passage.
- Expressly prohibits marijuana consumption lounges; no substantive changes to City’s ability to regulate marijuana establishments.
- No City action required. Existing City regulations do not allow marijuana consumption lounges.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/7056/Overview>

Code Enforcement

AB 212 – Relating to confidential information for code enforcement officers.

- Effective upon passage.
- Allows code enforcement officers to request County Recorder to keep personal information such as address and phone number confidential in county records.
- No City action required.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6329/Overview>

Redevelopment

SB 465 – Revises provisions related to use of certain taxes in a redevelopment area.

- Effective July 1, 2019.
- Allows the Board of Supervisors to adopt a resolution authorizing the applicable portion of Redevelopment property tax increment to be distributed to the School District if:
 1. The property tax rate was approved by a majority of voters upon the question; or
 2. It is to allocate to the School District the portion of the Redevelopment tax increment that would otherwise have been allocated to the School District.
- No City action required.
- Possible action:
 1. If the voters pass a tax rate increase to pay for schools, adopt a Resolution allowing that tax rate increase to be collected on the full assessed property value with the Redevelopment District.
 2. Adopt a Resolution to allow some portion of the rate that would otherwise be collected by the School District above the base Redevelopment valuation to be collected by the District.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6877/Overview>

Main Street Program

AB 104 – Makes an appropriation of \$350,000 to the Account for the Nevada Main Street Program.

- Effective upon passage.
- No City action required.
- Possible action: Find State contact regarding Main Street Program and put them in touch with the Downtown NID.

Affordable Housing

AB 476 – Revises provisions concerning affordable housing.

- Effective July 1, 2019.
- Creates State Affordable Housing Committee and Private Activity Bond Committee.
- No City action required.

SB 103 – Related to affordable housing; reduced or subsidized impact fees, building permit fees, water/sewer connection fees.

- Effective July 1, 2019.
- Allows the City to adopt an ordinance to reduce permit fees, including “fees imposed for the purpose for which an enterprise fund was created” (e.g. water and sewer) to assist an affordable housing project.
- No City action required.
- Possible action: Adopt an ordinance to establish the criteria under which the City would reduce or subsidize permit fees for an affordable housing project.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6091/Overview>

SB 104 – Related to multi-family housing reports to the State Housing Division for counties larger than 100,000 in population (Washoe and Clark Counties).

- Effective July 1, 2019.
- Requires counties that are required to include a housing element in their master plan (counties over 100,000 per NRS 278.150) to submit reports to the Housing Division.
- No City action required.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6092/Overview>

SB 473 – Changes definition of “affordable housing” in NRS to include three tiers up to 120 percent of median household income.

- Effective July 1, 2019.
- Adds a “tier” to the definition of affordable housing to include households from 80 to 120 percent of median income for the purposes of NRS and affordable housing programs.
- No City action required.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6906/Overview>

Finance/Neighborhood Improvement Districts

SB 172 – Local improvement districts (e.g. NIDs), requiring submittal of annual financial information.

- Effective July 1, 2019.
- Requires annual financial report regarding NIDs under certain circumstances.
- No City action required. The required financial report only applies to the issuance of bonds in conjunction with improvement district assessments. The Downtown NID and future corridor NID assessments pay for ongoing maintenance, not bonds for improvements. Therefore, no report is required.
- <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6269/Overview>