

ASSEMBLY BILL NO. 493—ASSEMBLYMEN GIUNCHIGLIANI, ARBERRY,
WILLIAMS, PARKS, COLLINS, MANENDO, OHRENSCHALL, BACHE,
SEGERBLOM, NEIGHBORS, BUCKLEY, PERKINS, THOMAS, GIBBONS AND
ANDERSON

MARCH 11, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning regional planning. (BDR 22-282)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 regional planning; providing in skeleton form for various changes to the process of regional planning in certain counties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 11, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2, 4, 5 and 7 to 11, inclusive, of this act,*
4 *unless the context otherwise requires, “regional planning coalition”*
5 *means the regional planning coalition established pursuant to section 4*
6 *of this act.*
- 7 **Sec. 3. 1.** *The legislature recognizes the need for innovative*
8 *strategies of planning and development that:*
- 9 *(a) Address the anticipated needs and demands of continued*
10 *urbanization and the corresponding need to protect environmentally*
11 *sensitive areas; and*
- 12 *(b) Will allow the development of less populous regions of this state if*
13 *such regions:*
- 14 *(1) Seek increased economic development; and*
15 *(2) Have sufficient resources of land and water to accommodate*
16 *development in a manner that is environmentally sound.*

1 2. The legislature further recognizes that innovative strategies of
2 planning and development may be superior to conventional strategies of
3 planning and development with respect to:

- 4 (a) Protecting environmentally sensitive areas;
5 (b) Maintaining the economic viability of agricultural and other
6 predominantly rural land uses; and
7 (c) Providing cost-effective public facilities and services.

8 3. It is the intent of the legislature that each comprehensive regional
9 plan adopted or amended pursuant to this chapter should set forth a
10 process of planning which:

- 11 (a) Allows for:
12 (1) The efficient use of land within existing urban areas; and
13 (2) The conversion of rural lands to other uses, if such other uses
14 are appropriate and consistent with the provisions of this chapter and the
15 master plan of each affected city and county.
16 (b) Uses innovative and flexible strategies of planning and
17 development and creative techniques of land use planning which
18 promote sustainable growth, including, without limitation, establishment
19 of new towns, the maintenance of open space and mixed-use
20 development.

21 4. It is the further intent of the legislature that when the governing
22 body of a local government adopts a master plan or zoning regulation,
23 the plan or regulation should promote a strategy of maximizing the use
24 of existing facilities and services through redevelopment, interspersing of
25 new housing and businesses in established neighborhoods and other
26 mechanisms for urban revitalization.

27 5. It is the further intent of the legislature that the construction of
28 public facilities and the provision of services necessary to support
29 development should be coordinated with activities of development to
30 ensure that demand for such facilities and services can be met at the time
31 the demand is created. In carrying out this intent, local and regional
32 governmental entities are encouraged to construct public facilities,
33 provide services or carry out development in phases. Public facilities
34 constructed and services provided to accommodate new development
35 should be consistent with plans for capital improvements prepared
36 pursuant to NRS 278.0226.

37 Sec. 4. In a county whose population is 400,000 or more, the board
38 of county commissioners and the city council of each of the four largest
39 cities in the county shall establish a regional planning coalition by
40 cooperative agreement pursuant to chapter 277 of NRS.

41 Sec. 5. 1. The regional planning coalition shall develop a
42 comprehensive regional plan for the balanced economic, social, physical,
43 environmental and fiscal development and orderly management of the

1 *growth of the region for a period of at least 20 years. The comprehensive*
2 *regional plan must contain recommendations of policy to carry out each*
3 *part of the plan.*

4 *2. In developing the plan, the coalition:*

5 *(a) May consult with other entities that are interested or involved in*
6 *regional planning within the county.*

7 *(b) Shall establish criteria to determine:*

8 *(1) Projects of regional significance that may be constructed within*
9 *the region.*

10 *(2) The areas within the region that may be designated as spheres*
11 *of influence.*

12 *(c) Shall ensure that the comprehensive regional plan includes goals,*
13 *policies, maps and other documents relating to:*

14 *(1) Conservation, including, without limitation, policies relating to*
15 *the use and protection of natural resources.*

16 *(2) Population, including, without limitation, a projection of*
17 *population growth in the region.*

18 *(3) Land use and development.*

19 *(4) Transportation.*

20 *(5) Public facilities and services.*

21 *(6) Air quality.*

22 *3. In addition to the requirements set forth in subsection 2, the*
23 *comprehensive regional plan must include the following elements:*

24 *(a) A land use map or series of maps that identify and depict the*
25 *boundaries of each historic district within the county and designate each*
26 *significant historical property within the county that the regional*
27 *planning coalition determines to merit historical preservation.*

28 *(b) The designation of allowable future land uses for each part of the*
29 *county, including, without limitation, the identification of each category*
30 *of land use in which the construction and operation of a public school is*
31 *permissible. The identification of a category of land use in which the*
32 *construction and operation of a public school is permissible must be*
33 *carried out in consultation with the county school district and include a*
34 *determination whether there is sufficient land proximate to a residential*
35 *development to meet projected needs for public schools.*

36 *(c) A plan to provide incentives for the interspersation of new*
37 *development with established development, including, without limitation,*
38 *an expedited process of permitting for such new development.*

39 *4. The regional planning coalition shall not adopt or amend the*
40 *comprehensive regional plan unless the adoption or amendment is by*
41 *resolution of the regional planning coalition carried by the affirmative*
42 *votes of not less than two-thirds of its total membership.*

5. As used in this section:

(a) "Project of regional significance," with respect to a project proposed by any person other than a public utility, means a project which:

(1) Has been identified in the guidelines of the regional planning coalition as a project which will result in the loss or significant degradation of a designated historic, archaeological, cultural or scenic resource;

(2) Has been identified in the guidelines of the regional planning coalition as a project which will result in the creation of significant new geothermal or mining operations;

(3) Has been identified in the guidelines of the regional planning coalition as a project which will have a significant effect on the natural resources, public services, public facilities or the adopted regional form of the region; or

(4) Will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land which, if approved, will have an effect on the region of increasing:

(I) Employment by not less than 938 employees;

(II) Housing by not less than 625 units;

(III) Hotel accommodations by not less than 625 rooms;

(IV) Sewage by not less than 187,500 gallons per day;

(V) Water usage by not less than 625 acre-feet per year; or

(VI) Traffic by not less than an average of 6,250 trips daily.

The term does not include any project for which a request for an amendment to a master plan, a change in zoning, a tentative map or a special use permit was approved by the local planning commission before July 1, 1999.

(b) "Project of regional significance," with respect to a project proposed by a public utility, includes:

(1) An electric substation;

(2) A transmission line that carries 60 kilovolts or more;

(3) A facility that generates electricity greater than 5 megawatts;

(4) Natural gas storage and peak shaving facilities; and

(5) Gas regulator stations and mains that operate over 100 pounds per square inch.

(c) "Sphere of influence" means an area into which a city plans to expand as designated in the regional plan within the time designated in the regional plan.

Sec. 6. 1. In a county whose population is 100,000 or more, the regional planning coalition or regional planning commission, as appropriate, shall, in cooperation with appropriate state agencies and

1 *local governmental entities, develop programs to provide incentives to*
2 *pay for the construction and maintenance of infrastructure within the*
3 *region, including, without limitation, programs to:*

4 *(a) Adjust the cost to a developer of connecting a development to*
5 *utility services, such that a new development constructed in an existing*
6 *urban area would cost less to connect to utility services than a new*
7 *development constructed outside of an existing urban area.*

8 *(b) Allocate additional money for the construction and maintenance*
9 *of flood control and transportation projects to a local governmental*
10 *entity that encourages and approves the interspersions of new*
11 *development with existing development.*

12 *(c) Allocate additional money for the construction and maintenance*
13 *of transportation projects in undeveloped areas that are surrounded by*
14 *developed areas.*

15 *(d) Subsidize the cost of constructing and maintaining schools in*
16 *areas of existing urban development.*

17 *2. As used in this section:*

18 *(a) "Infrastructure" means publicly owned or publicly supported*
19 *facilities that are necessary or desirable to support intense habitation*
20 *within a region, including, without limitation, parks, roads, schools,*
21 *community centers, sanitary sewers, facilities for mass transit and*
22 *facilities for the conveyance of water and the treatment of wastewater.*

23 *(b) "Regional planning coalition" means the regional planning*
24 *coalition established pursuant to section 4 of this act.*

25 *(c) "Regional planning commission" means the regional planning*
26 *commission created pursuant to NRS 278.0262.*

27 *Sec. 7. The regional planning coalition may:*

28 *1. Develop policies for the region, including, without limitation, the*
29 *promotion of orderly development, coordinated land use planning and*
30 *the efficient provision of services to urban areas, including, without*
31 *limitation, roads, water and sewer service, police and fire protection,*
32 *mass transit, libraries and parks;*

33 *2. Coordinate sources of information;*

34 *3. Establish standardized projections for population;*

35 *4. Recommend measures to increase the efficiency of governmental*
36 *entities and services;*

37 *5. Make recommendations regarding the disposal of federal land;*

38 *6. Establish methods for resolving disputes regarding annexation*
39 *and other matters that arise between jurisdictions; and*

40 *7. Review:*

41 *(a) Master plans adopted by the governing body of the county and*
42 *each city; and*

1 ***(b) The annual plan for capital improvements prepared by the***
2 ***governing body of each local government in the county pursuant to NRS***
3 ***278.0226.***

4 **Sec. 8.** ***The following entities shall, if otherwise required to submit***
5 ***plans to the public utilities commission of Nevada for approval, submit***
6 ***those plans to the regional planning coalition for review and***
7 ***recommendations:***

8 ***1. Regional agencies that are located in whole or in part within the***
9 ***county.***

10 ***2. Governmental entities that are located in whole or in part within***
11 ***the region, including, without limitation, the county school district and***
12 ***the department of prisons.***

13 **Sec. 9.** ***A governing body, regional agency, state agency or public***
14 ***utility that is located in whole or in part within the region shall not adopt***
15 ***a master plan, facilities plan or other similar plan, or an amendment***
16 ***thereto, after July 1, 1999, unless the regional planning coalition has***
17 ***been afforded an opportunity to make recommendations regarding the***
18 ***plan or amendment.***

19 **Sec. 10.** ***The regional planning coalition shall, on or before July 1***
20 ***of each year, prepare and adopt a budget for the immediately succeeding***
21 ***fiscal year and shall submit that budget to each of the local governments***
22 ***within the region as a recommendation for funding.***

23 **Sec. 11.** ***The regional planning coalition may contract with***
24 ***planners, engineers, architects and other consultants to carry out the***
25 ***provisions of this section and sections 2, 4, 5 and 7 to 10, inclusive, of***
26 ***this act.***

27 **Sec. 12.** Each governing body, regional agency, state agency or public
28 utility that is located in whole or in part within the region shall, on or
29 before May 1, 2001, submit to the regional planning coalition for its
30 review all existing master plans, facilities plans and other similar plans of
31 the governing body, regional agency, state agency or public utility.

32 **Sec. 13.** The regional planning coalition shall:

33 **1.** On or before March 1, 2001:

34 **(a)** Adopt a comprehensive regional plan in accordance with section 5
35 of this act. Before approving the plan, the regional planning coalition shall
36 hold public hearings on the proposed plan in the cities and unincorporated
37 areas within the county.

38 **(b)** In cooperation with local governmental entities within the county,
39 develop guidelines to determine whether master plans established by those
40 entities would conform with the comprehensive regional plan.

41 **(c)** Report to the legislature regarding the progress made in developing
42 and adopting the comprehensive regional plan and any other
43 recommendations the regional planning coalition may have for regional

1 planning within the county. The recommendations must include
2 amendments or additions to legislative measures or provisions of NRS that
3 the regional planning coalition determines are necessary to:

4 (1) Ensure the adequacy and consistency of regional planning efforts
5 within the region.

6 (2) Enable local governmental entities within the region to carry out
7 their authority to govern in a more efficient manner.

8 2. On or before July 1, 2001:

9 (a) Examine master plans, facilities plans and other similar plans
10 submitted to the regional planning coalition pursuant to section 8 or 9 of
11 this act to determine whether the plans:

12 (1) Conform with the comprehensive regional plan.

13 (2) Propose a project that would constitute a project of regional
14 significance pursuant to criteria developed in accordance with section 5 of
15 this act.

16 (b) Review, consider and make recommendations regarding
17 applications from agencies of the Federal Government and applications for
18 federal assistance for federally-assisted programs or projects.

19 3. On or before September 1, 2001, make final recommendations
20 regarding plans examined by the regional planning coalition pursuant to
21 paragraph (a) of subsection 2. If the regional planning coalition determines
22 that a plan is not in conformance with the comprehensive regional plan, the
23 regional planning coalition shall return the plan to the submitting entity
24 with guidance regarding the manner in which the submitting entity may
25 bring the plan into conformance with the comprehensive regional plan and
26 with instructions to resubmit the plan within 45 days.

27 **Sec. 14.** The provisions of subsection 1 of NRS 354.599 do not apply
28 to any additional expenses of a local government that are related to the
29 provisions of this act.

30 **Sec. 15.** This act becomes effective on July 1, 1999.