

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.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to regional planning; providing for the establishment of a regional planning coalition in certain counties; setting forth the powers and duties of the regional planning coalition; requiring certain entities to submit certain plans to the regional planning coalition for review and recommendations; authorizing a city or county to establish its own policies and procedures with respect to regional planning in certain circumstances; 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 and 4 to 12, inclusive, of this act, unless*
- 4 *the context otherwise requires, “regional planning coalition” means the*
- 5 *regional planning coalition established pursuant to section 4 of this act.*
- 6 **Sec. 3. 1.** *The legislature recognizes the need for innovative*
- 7 *strategies of planning and development that:*
- 8 *(a) Address the anticipated needs and demands of continued*
- 9 *urbanization and the corresponding need to protect environmentally*
- 10 *sensitive areas; and*
- 11 *(b) Will allow the development of less populous regions of this state if*
- 12 *such regions:*

- 1 (1) *Seek increased economic development; and*
- 2 (2) *Have sufficient resources of land and water to accommodate*
- 3 *development in a manner that is environmentally sound.*
- 4 2. *The legislature further recognizes that innovative strategies of*
- 5 *planning and development may be superior to conventional strategies of*
- 6 *planning and development with respect to:*
- 7 (a) *Protecting environmentally sensitive areas;*
- 8 (b) *Maintaining the economic viability of agricultural and other*
- 9 *predominantly rural land uses; and*
- 10 (c) *Providing cost-effective public facilities and services.*
- 11 3. *It is the intent of the legislature that each comprehensive regional*
- 12 *policy plan adopted or amended pursuant to this chapter should set forth*
- 13 *a process of planning which:*
- 14 (a) *Allows for:*
- 15 (1) *The efficient use of land within existing urban areas; and*
- 16 (2) *The conversion of rural lands to other uses, if such other uses*
- 17 *are appropriate and consistent with the provisions of this chapter and the*
- 18 *master plan of each affected city and county.*
- 19 (b) *Uses innovative and flexible strategies of planning and*
- 20 *development and creative techniques of land use planning which*
- 21 *promote sustainable growth, including, without limitation, establishment*
- 22 *of new towns, the maintenance of open space and mixed-use*
- 23 *development.*
- 24 4. *It is the further intent of the legislature that when the governing*
- 25 *body of a local government adopts a master plan or zoning regulation,*
- 26 *the plan or regulation should promote a strategy of maximizing the use*
- 27 *of existing facilities and services through redevelopment, interspersions of*
- 28 *new housing and businesses in established neighborhoods and other*
- 29 *mechanisms for urban revitalization.*
- 30 5. *It is the further intent of the legislature that the construction of*
- 31 *public facilities and the provision of services necessary to support*
- 32 *development should be coordinated with activities of development to*
- 33 *ensure that demand for such facilities and services can be met at the time*
- 34 *the demand is created. In carrying out this intent, local and regional*
- 35 *governmental entities are encouraged to construct public facilities,*
- 36 *provide services or carry out development in phases. Public facilities*
- 37 *constructed and services provided to accommodate new development*
- 38 *should be consistent with plans for capital improvements prepared*
- 39 *pursuant to NRS 278.0226.*
- 40 **Sec. 4.** *In a county whose population is 400,000 or more, the board*
- 41 *of county commissioners and the city council of each of at least the three*
- 42 *largest cities in the county shall establish a regional planning coalition*
- 43 *by cooperative agreement pursuant to chapter 277 of NRS.*

1 **Sec. 5. 1.** *The regional planning coalition shall develop a*
2 *comprehensive regional policy plan for the balanced economic, social,*
3 *physical, environmental and fiscal development and orderly management*
4 *of the growth of the region for a period of at least 20 years. The*
5 *comprehensive regional policy plan must contain recommendations of*
6 *policy to carry out each part of the plan.*

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

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

10 (b) *Shall ensure that the comprehensive regional policy plan includes*
11 *goals, policies, maps and other documents relating to:*

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

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

16 (3) *Land use and development, including, without limitation, a map*
17 *of land use plans that have been adopted by local governmental entities*
18 *within the region.*

19 (4) *Transportation.*

20 (5) *Public facilities and services.*

21 (6) *Air quality.*

22 (7) *Strategies to promote and encourage:*

23 (I) *The interspersation of new housing and businesses in*
24 *established neighborhoods; and*

25 (II) *Development in areas in which public services are available.*

26 3. *The regional planning coalition shall not adopt or amend the*
27 *comprehensive regional policy plan unless the adoption or amendment is*
28 *by resolution of the regional planning coalition:*

29 (a) *Carried by the affirmative votes of not less than two-thirds of its*
30 *total membership; and*

31 (b) *Ratified by the board of county commissioners of the county and*
32 *the city council of each city that jointly established the regional planning*
33 *coalition pursuant to section 4 of this act.*

34 **Sec. 6. 1.** *The regional planning coalition shall study and develop*
35 *methods to provide incentives for the interspersation of new housing and*
36 *businesses in established neighborhoods, including, without limitation,*
37 *the:*

38 (a) *Creation of an expedited process for granting necessary permits*
39 *for a development that features such interspersation; and*

40 (b) *Imposition of a fee for the extension of infrastructure to*
41 *encourage such interspersation.*

42 2. *As used in this section, "infrastructure" means publicly owned or*
43 *publicly supported facilities that are necessary or desirable to support*

1 *intense habitation within a region, including, without limitation, parks,*
2 *roads, schools, community centers, sanitary sewers, facilities for mass*
3 *transit and facilities for the conveyance of water and the treatment of*
4 *wastewater.*

5 **Sec. 7. 1. The regional planning coalition may:**

6 *(a) Coordinate sources of information;*

7 *(b) Recommend measures to increase the efficiency of governmental*
8 *entities and services;*

9 *(c) Make recommendations regarding the disposal of federal land;*

10 *(d) Establish methods for resolving issues related to boundaries and*
11 *other matters that arise between jurisdictions;*

12 *(e) Review:*

13 *(1) Master plans, facilities plans and other similar plans, and*
14 *amendments thereto, adopted by a governing body, regional agency, state*
15 *agency or public utility that is located in whole or in part within the*
16 *region; and*

17 *(2) The annual plan for capital improvements that is prepared by*
18 *each local government in the region pursuant to NRS 278.0226;*

19 *(f) Develop and recommend, to the extent practicable, standardized*
20 *classifications for land use for the region;*

21 *(g) Consider and take necessary action with respect to any issue that*
22 *the regional planning coalition determines will have a significant impact*
23 *on the region, including, without limitation, projects of regional*
24 *significance;*

25 *(h) Review, consider and make recommendations regarding*
26 *applications submitted to agencies of the Federal Government and*
27 *applications for federal assistance for federally-assisted programs or*
28 *projects; and*

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

37 **2. The regional planning coalition shall establish a definition for the**
38 **term “project of regional significance.” In establishing the definition, the**
39 **regional planning coalition shall consider:**

40 *(a) Existing definitions of the term within the Nevada Revised*
41 *Statutes; and*

42 *(b) That a project may have regional significance for several reasons,*
43 *including, without limitation, the potential impact that the project may*

1 *have on historic, archaeological, cultural, scenic and natural resources,*
2 *public facilities and public services within the region.*

3 **Sec. 8.** *Each governing body, regional agency, state agency or*
4 *public utility that is located in whole or in part within the region shall,*
5 *not more than once every 2 years, submit to the regional planning*
6 *coalition for its review all master plans, facilities plans and other similar*
7 *plans of the governing body, regional agency, state agency or public*
8 *utility.*

9 **Sec. 9.** *Except as otherwise provided in this section, a governing*
10 *body, regional agency, state agency or public utility that is located in*
11 *whole or in part within the region shall not adopt a master plan, facilities*
12 *plan or other similar plan, or an amendment thereto, after March 1,*
13 *2001, unless the regional planning coalition has been afforded an*
14 *opportunity to make recommendations regarding the plan or*
15 *amendment. A governing body, regional agency, state agency or public*
16 *utility may adopt an amendment to a land use plan described in*
17 *paragraph (f) of subsection 1 of NRS 278.160 without affording the*
18 *regional planning coalition the opportunity to make recommendations*
19 *regarding the amendment.*

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

24 **Sec. 11.** *The regional planning coalition may employ persons or*
25 *contract for services necessary to carry out:*

26 1. *The provisions of sections 2 and 4 to 12, inclusive, of this act; and*

27 2. *Other responsibilities set forth in the cooperative agreement*
28 *pursuant to which the regional planning coalition was established*
29 *pursuant to section 4 of this act.*

30 **Sec. 12.** 1. *Not more than once every 2 years, the regional*
31 *planning coalition shall review the master plans, facilities plans and*
32 *other similar plans that it receives pursuant to section 8 of this act, and*
33 *determine whether those plans are in substantial conformance with the*
34 *comprehensive regional policy plan.*

35 2. *If the regional planning coalition determines that a plan reviewed*
36 *pursuant to subsection 1 is not in substantial conformance with the*
37 *comprehensive regional policy plan, the regional planning coalition shall*
38 *return the plan to the submitting entity accompanied by*
39 *recommendations regarding the manner in which the submitting entity*
40 *may bring the plan into substantial conformance with the comprehensive*
41 *regional policy plan.*

42 3. *Within 90 days after the date on which a submitting entity receives*
43 *the plan and recommendations from the regional planning coalition*

1 *pursuant to subsection 2, the submitting entity shall provide to the*
2 *regional planning coalition a written response setting forth the:*

3 *(a) Manner in which the submitting entity changed the plan to be in*
4 *substantial conformance with the comprehensive regional policy plan; or*

5 *(b) Reasons of the submitting entity for not bringing the plan into*
6 *substantial conformance.*

7 *4. If the regional planning coalition determines that all the plans*
8 *that a city or county is required to submit pursuant to section 8 of this act*
9 *are in substantial conformance with the comprehensive regional policy*
10 *plan, the regional planning coalition shall issue to the city or county a*
11 *certificate or other indicia of that determination. Upon receipt of such a*
12 *certificate or other indicia, the city or county, until the next time the*
13 *regional planning coalition reviews the plans of the city or county*
14 *pursuant to subsection 1, is entitled to establish its own policies and*
15 *procedures with respect to regional planning, to the extent that those*
16 *policies and procedures do not conflict with federal or state law.*

17 **Sec. 13.** Each governing body, regional agency, state agency or public
18 utility that is located in whole or in part within the region shall, on or
19 before May 1, 2000, submit to the regional planning coalition for its review
20 all existing master plans, facilities plans and other similar plans of the
21 governing body, regional agency, state agency or public utility.

22 **Sec. 14.** The regional planning coalition:

23 1. Shall:

24 (a) On or before March 1, 2001:

25 (1) Adopt a comprehensive regional policy plan in accordance with
26 section 5 of this act. Before approving the plan, the regional planning
27 coalition shall hold public hearings on the proposed plan in the cities and
28 unincorporated areas within the county.

29 (2) In cooperation with local governmental entities within the county,
30 develop guidelines to determine whether master plans, facilities plans and
31 other similar plans established by those entities would conform with the
32 comprehensive regional policy plan.

33 (b) On or before July 1, 2001, establish a preliminary definition for the
34 term "project of regional significance." In establishing the definition, the
35 regional planning commission shall consider the factors set forth in
36 paragraphs (a) and (b) of subsection 2 of section 7 of this act.

37 (c) On or before July 1, 2002, review the master plans, facilities plans
38 and other similar plans that it receives pursuant to section 8 of this act, and
39 determine whether those plans are in conformance with the comprehensive
40 regional policy plan.

41 2. May, on or before February 1, 2001, submit three requests for
42 proposed legislation to the legislature if the regional planning coalition
43 determines that the proposed legislation is necessary to:

1 (a) Ensure the adequacy and consistency of activities within the region
2 that are related to regional planning; or

3 (b) Enable local governmental entities within the region to carry out
4 their authority to govern in a more efficient manner.

5 **Sec. 15.** The provisions of subsection 1 of NRS 354.599 do not apply
6 to any additional expenses of a local government that are related to the
7 provisions of this act.

8 **Sec. 16.** This act becomes effective on January 1, 2000.

~