

ASSEMBLY BILL NO. 165—ASSEMBLYMEN KIRKPATRICK, PARKS, OHRENSCHALL, GOICOECHEA, ALLEN, ARBERRY JR., ATKINSON, CHRISTENSEN, CLABORN, CONKLIN, DENIS, GERHARDT, GIUNCHIGLIANI, GRADY, HARDY, HETTRICK, HOGAN, HORNE, KOIVISTO, MANENDO, MCCLAIN, MCCLEARY, MUNFORD, OCEGUERA, SEALE, SIBLEY AND SMITH

MARCH 4, 2005

JOINT SPONSORS: SENATORS HARDY AND HORSFORD

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing continuances of matters before planning commissions in larger counties. (BDR 22-843)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to land use planning; revising provisions governing continuances of matters before planning commissions in larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain cities and counties to create planning commissions. (NRS 278.030) Existing law prohibits a planning commission in a county with a population of 400,000 or more (currently Clark County) from granting to an applicant more than two continuances on a matter, unless the planning commission determines that there is good cause for granting the additional continuances. (NRS 278.050)

This bill clarifies that the limitation on the granting of continuances on matters before such planning commissions only applies to requests for continuances by the applicant on his own behalf and that the limitation does not apply to a request for a continuance by the applicant on behalf of another person. This bill also describes circumstances that constitute "good cause" for granting continuances on matters in excess of the limitation, which include circumstances relating to the matter that are



13 beyond the control of the applicant and the desire by the applicant to revise plans or
14 drawings, engage in negotiations concerning the matter or retain an attorney.

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

1 **Section 1.** NRS 278.050 is hereby amended to read as follows:
2 278.050 1. The commission shall hold at least one regular
3 meeting in each month.

4 2. ~~He~~ *The commission* shall adopt rules for transaction of
5 business and shall keep a record of its resolutions, transactions,
6 findings and determinations, which record ~~shall be~~ *is* a public
7 record.

8 3. ~~He~~ *Except as otherwise provided in subsection 4, in* a
9 county whose population is 400,000 or more, the commission shall
10 not grant to an applicant more than two continuances *requested by*
11 *the applicant* on the same matter, unless the commission
12 determines, upon good cause shown, that the granting of additional
13 continuances is warranted.

14 4. *If an applicant requests a continuance on a matter on*
15 *behalf of another person and the commission grants the*
16 *continuance, the continuance must not be counted toward the*
17 *limitation on the granting of continuances set forth in subsection*
18 *3 relating to that matter.*

19 5. *As used in this section, "good cause" includes, without*
20 *limitation:*

21 (a) *The desire by the applicant to:*

22 (1) *Revise plans, drawings or other documents relating to*
23 *the matter;*

24 (2) *Engage in negotiations concerning the matter with any*
25 *person or governmental entity; or*

26 (3) *Retain counsel to represent him in the matter.*

27 (b) *Circumstances relating to the matter that are beyond the*
28 *control of the applicant.*

29 **Sec. 2.** The amendatory provisions of this act apply to all
30 matters pending or filed with a planning commission in a county
31 whose population is 400,000 or more on or after July 1, 2005.

32 **Sec. 3.** This act becomes effective on July 1, 2005.

