

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.

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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 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 or his authorized representative on behalf of the applicant or his authorized representative. The limitation does not apply to a request for a continuance by the applicant or his authorized representative on behalf of an officer or employee of a city or county, a member of the commission or any owner of



property that may be directly affected by the matter. If the commission grants a continuance to an applicant or his authorized representative for good cause shown or grants a continuance on behalf of the other persons for whom the applicant or his authorized representative may request a continuance, the person on whose behalf the continuance was granted is required to make a good faith effort to resolve the issues concerning which the continuance was requested. This bill defines "applicant" as the person who owns the property to which the application pending before the commission pertains. 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 beyond the control of the applicant or his authorized representative and the desire by the applicant or his authorized representative to revise plans or 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:

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

2. ~~HH~~ *The commission* shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record ~~{shall be}~~ *is* a public record.

3. ~~HH~~ *Except as otherwise provided in subsection 4, in a county whose population is 400,000 or more, the commission shall not grant to an applicant or his authorized representative more than two continuances requested by the applicant or his authorized representative on the same matter, unless the commission determines, upon good cause shown, that the granting of additional continuances is warranted. If the commission grants a continuance pursuant to this subsection for good cause shown, the person on whose behalf the continuance was granted must make a good faith effort to resolve the issues concerning which the continuance was requested.*

4. *An applicant or his authorized representative may request a continuance on a matter on behalf of an officer or employee of a city or county, a member of the commission or any owner of property that may be directly affected by the matter. If the commission grants the continuance, the continuance must not be counted toward the limitation on the granting of continuances set forth in subsection 3 relating to that matter.*

5. *As used in this section:*

(a) *"Applicant" means the person who owns the property to which the application pending before the commission pertains.*

(b) *"Good cause" includes, without limitation:*



1 *(1) The desire by the applicant or his authorized*
2 *representative to:*

3 *(I) Revise plans, drawings or other documents relating*
4 *to the matter;*

5 *(II) Engage in negotiations concerning the matter with*
6 *any person or governmental entity; or*

7 *(III) Retain counsel to represent him in the matter.*

8 *(2) Circumstances relating to the matter that are beyond the*
9 *control of the applicant or his authorized representative.*

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

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



