

SENATE BILL NO. 484—COMMITTEE ON NATURAL RESOURCES
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

MARCH 26, 2007

Referred to Committee on Natural Resources

SUMMARY—Creates the position of Rural Land Use Planner within the Division of State Lands of the State Department of Conservation and Natural Resources. (BDR 26-397)

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

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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; creating the position of Rural Land Use Planner within the Division of State Lands of the State Department of Conservation and Natural Resources; setting forth the powers and duties of the Rural Land Use Planner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Land Use Planning Agency and the Land Use Planning Advisory Council. (NRS 321.700, 321.740) The State Land Use Planning Agency, through the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, is required to develop information concerning land use planning and make that information available to counties and cities. (NRS 321.720) The Land Use Planning Advisory Council is required to provide advice to the Administrator concerning the development of information for land use planning by counties and cities. (NRS 321.750)

Existing law states that local governments in the State of Nevada have primary authority to provide for land use planning within the jurisdiction of the local government. Existing law further states that participation by the State of Nevada in land use planning by local governments should be limited to a few specified instances. (NRS 321.640)

Section 2 of this bill creates the position of Rural Land Use Planner within the Division of State Lands. The Administrator of the Division must appoint the Rural Land Use Planner on the basis of his training, education, experience, capability and interest in land use planning.



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Section 3 of this bill requires the Rural Land Use Planner to provide assistance to rural counties and cities relating to the development and use of land within the county or city and the preparation of federal land disposal bills. **Section 3** also requires the Rural Land Use Planner to act as liaison between the Federal Government, the State of Nevada and local governmental entities concerning land use planning.

Section 4 of this bill expands the circumstances under which the State of Nevada may participate in land use planning by local governments to include the activities of the Rural Land Use Planner.

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

Section 1. Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The position of Rural Land Use Planner is hereby created within the Division.*

2. *The Administrator shall appoint the Rural Land Use Planner. The person so appointed:*

(a) *Is in the classified service of the State; and*

(b) *Must be selected on the basis of his training, education, experience, capability and interest in land use planning.*

Sec. 3. *In addition to any information provided by the State Land Use Planning Agency pursuant to NRS 321.720 or 321.7355 or any advice provided by the Land Use Planning Advisory Council pursuant to NRS 321.750, the Rural Land Use Planner shall:*

1. *Provide assistance to each county whose population is less than 100,000 and to each city within each of those counties relating to:*

(a) *The development of plans for the use of land within the county or city; and*

(b) *The preparation of legislation for the disposal of public lands by the Federal Government within the county or city;*

2. *Act as liaison between the Federal Government, the State of Nevada and local governmental entities concerning land use planning; and*

3. *Perform any other duties specified by the Administrator.*

Sec. 4. NRS 321.640 is hereby amended to read as follows:

321.640 The Legislature hereby finds and declares that:

1. It is in the public interest to place the primary authority for the planning process with the local governments, which are closest to the people;

2. Unregulated growth and development of the State will result in harm to the public safety, health, comfort, convenience, resources and general welfare;



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3. The cities of the State have a responsibility for guiding the development of areas within their respective boundaries for the common good, and the counties have similar responsibilities with respect to their unincorporated areas;

4. City, county, regional and other planning must be done in harmony to ensure the orderly growth and preservation of the State; and

5. State participation in land use planning should be limited to ~~coordination~~ :

(a) *Coordination* of information and data ~~the~~ ;

(b) *The* acquisition and use of federal lands within the State ~~providing~~ ;

(c) *Providing assistance to counties and cities pursuant to section 3 of this act;*

(d) *Providing* land use planning assistance in areas of critical environmental concern when directed by the Governor or requested by local governments ~~and providing~~ ; and

(e) *Providing* assistance in resolving inconsistencies between the land use plans of local governmental entities when requested to do so by one of the entities.

Sec. 5. NRS 321.655 is hereby amended to read as follows:

321.655 As used in NRS 321.640 to 321.770, inclusive ~~H~~ , *and sections 2 and 3 of this act:*

1. "Administrator" means the executive head of the Division.

2. "Area of critical environmental concern" means any area in this State where there is or could develop irreversible degradation of more than local significance but does not include an area of depleting water supply which is caused by the beneficial use or storage of water in other areas pursuant to legally owned and fully appropriated water rights.

3. "Planning agency" means:

(a) The planning commission for the city in which the land is entirely located; or

(b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe Regional Planning Agency, within whose jurisdiction the land is located.

4. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;



- 1 (d) Which are controlled by the United States Department of
- 2 Defense, Department of Energy or Bureau of Reclamation; or
- 3 (e) Which are held in trust for Indian purposes or are Indian
- 4 reservations.
- 5 **Sec. 6.** This act becomes effective on July 1, 2007.

