

AB 493 1999

Introduced on Mar 11, 1999

By Giunchigliani, Arberry Jr., Williams, Parks, Collins, Manendo, Ohrenschall, Bache, Segerblom, Neighbors, Buckley, Perkins, Thomas, Gibbons, Anderson,

Fiscal Note

Effect On Local Government: *Yes*

Effect on the State or on Industrial Insurance: *No*

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

Current Status: In Assembly at Governor

Hearings

Assembly Government Affairs Mar-24-1999 No Action

Assembly Government Affairs Apr-09-1999 Amend, and do pass as amended

Senate Government Affairs May-13-1999 No Action

Senate Government Affairs May-14-1999 Amend, and do pass as amended

Senate Government Affairs May-21-1999 Do pass

Mar.11,1999 Read first time. Referred to Committee on Government Affairs. To printer.

Mar.12,1999 From printer. To committee.

✓ Apr.16,1999 From committee: Amend, and do pass as amended. Placed on Second Reading File.
Read second time. Amended. (Amend. No. 550). To printer.

✓ Apr.17,1999 From printer. To engrossment. Engrossed. First reprint. ✓ Read third time.
Passed, as amended. Title approved, as amended. (Yeas: 42, Nays: None). To Senate.

Apr.19,1999 In Senate. Read first time. Referred to Committee on Government Affairs. To committee.

✓ May.21,1999 From committee: Do pass. Declared an emergency measure under the Constitution.
Read third time. Passed. Title approved. (Yeas: 21, Nays: None). To Assembly.

May.22,1999 In Assembly. To enrollment.

May.24,1999 Enrolled and delivered to Governor.

May.29,1999 Approved by the Governor. Chapter 408.

Effective January 1, 2000.

A.B. 493 (Chapter 408)

Assembly Bill 493 makes legislative findings regarding the need for innovative strategies of planning and development and requires, in a county with a population of 400,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county to establish a Regional Planning Coalition by interlocal agreement.

The coalition must develop, by March 1, 2001, a comprehensive regional policy plan for the balanced development and orderly growth of the region for a period of at least 20 years. The coalition may not adopt or amend the policy plan without the affirmative votes of not less than two-thirds of its total membership and ratification by the governing bodies of the county and each city that established the coalition.

The bill requires the coalition to study and develop methods to encourage in-fill housing and business development, and authorizes the coalition to coordinate sources of information, establish methods for resolving issues related to inter-jurisdictional boundaries, and perform various other regional planning tasks. The coalition must establish a definition for the term "project of regional significance," and must have a preliminary definition by July 1, 2001.

Each governing body, regional agency, state agency, or public utility located in whole or in part within the region must submit its master plans, facility plans, and other similar plans to the coalition for review, on or before May 1, 2000, and not more than once every two years thereafter. After March 1, 2001, such entities shall not adopt or amend a master plan, facility plan, or similar plan unless the coalition has been given an opportunity to make recommendations. This requirement does not apply, however, to amendments to the land use elements of local governments' master plans.

By July 1, 2002, and not more than once every two years thereafter, the coalition must review the master plans, facility plans, and other similar plans submitted to it to determine whether they are in substantial conformance with the regional policy plan. If the coalition determines a plan is not in substantial conformance, it must return it with recommendations, and the submitting entity must provide a written response within 90 days. If the coalition determines that all the plans a city or county is required to submit are in substantial conformance with the regional policy plan, the coalition shall issue evidence of that determination and, until the next review, the county or city may establish its own policies and procedures with respect to regional planning, provided they do not conflict with federal or state law.

The coalition must prepare and adopt an annual budget for submittal to each of the local governments within the region as a recommendation for funding. The coalition may employ staff or contract for services as necessary to carry out its duties and may, by February 1, 2001, submit three requests for proposed legislation to the Legislature.

This measure is effective on January 1, 2000.

LEGISLATIVE HEARINGS

MINUTES AND EXHIBITS

**MINUTES OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
March 24, 1999**

The Committee on Government Affairs was called to order at 8:10 a.m., on Wednesday, March 24, 1999. Chairman Douglas Bache presided in Room 3143 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Douglas Bache, Chairman
Mr. John Jay Lee, Vice Chairman
Ms. Merle Berman
Mrs. Vivian Freeman
Ms. Dawn Gibbons
Mr. David Humke
Mr. Harry Mortenson
Mr. Roy Neighbors
Ms. Bonnie Parnell
Ms. Gene Segerblom
Mr. Kelly Thomas
Ms. Sandra Tiffany
Ms. Kathy Von Tobel
Mr. Wendell Williams

GUEST LEGISLATORS PRESENT:

Assemblywoman Chris Giunchigliani, District 9

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Dave Ziegler, Committee Policy Analyst
Virginia Letts, Committee Secretary

OTHERS PRESENT:

Dusty Dickens, Director, Demographics, Zoning and Realty Department,
Clark County School District
Phil Rosenquist, Clark County Comp. Planning
Betsy Fretwell, Intergovernmental Relations, Director, city of Henderson
Marta Brown, representing city of North Las Vegas
Lisa Gianoli, Senior Administrative Analyst, Finance Division, Washoe
County

Chairman Bache stated there was one bill on the agenda making various changes regarding regional planning and Ms. Giunchigliani would open the remarks.

Assembly Bill 493: Makes various changes concerning regional planning.
(BDR 22-282)

Assemblywoman Chris Giunchigliani, Assembly District 9, stated Washoe County took steps about 14 years ago to implement their own regional planning and in the 1997 session she requested legislation to require Clark County to do the same thing. She felt if A.B. 493 were implemented, it would force southern Nevada communities to work together for solutions for their areas. There had been questions regarding the state's involvement, but state statute gave them the power to deal with land use, zoning, planning, including regional planning. The bill was modeled after A.B. 399 of the 69th session and as she looked at various state land use policy and public purpose language, Nevada Revised Statutes (NRS), chapter 278 did not really address the issue. She added in looking at statutes in different states, particularly Florida, she thought the bill addressed regional plan problems.

Section 3 recognized the need for innovative strategies of planning and development and would allow development of less populous regions of the state. The population cap of 400,000 or more was addressed in section 4 and applied to the four largest cities in establishing regional planning coalitions. The issue was different than the bill from 1997 in which the regional planning board based their decisions through inter-local agreement. If that was how they wanted to pursue it, she had no argument as long as elected officials were the ones making planning decisions. She thought that perhaps the section did not quite capture the language she intended and needed some tightening up.

Section 5 required the regional planning coalition to develop a comprehensive regional plan. That was where the bill differed from what local planning had been requesting and felt it was the teeth of the bill. In her mind there was no sense having a group of people talking about the issues without a required outcome. Although the language in the section was the same as 1997, she would be willing to work with the local entities in refining the definitions. It also addressed land use and development, public facilities and services, air quality, and transportation. She felt the state needed to be responsible and the Nevada Department of Transportation (NDOT) should be participating in any plan and looking at what roadways, highways, or water projects were planned. One major complaint from constituents was, "Why are you digging up that street, three times, first to put in a new water line, then come back and redo the pavement, and come back and widen the street." If the project could be examined in the beginning with assurance there was a true overlay of the project it would make better sense and would instill more trust in the public's mind.

She indicated section 6 was new language. Although she supported home rule, instead of mandating she wanted some incentives in establishing master plans. The population cap was also changed to a county whose population was 100,000 or more. The regional planning coalition or regional planning commission, in cooperation with appropriate state agencies and local governmental entities would develop programs to provide incentives to pay for the construction and maintenance of infrastructure within the region. Ms. Giunchigliani stated she also had a possible amendment to section 6 (Exhibit C) defining some of the incentives and clarifying the language. Ms. Vilardo may also have some additional language changes and that could be worked out between them.

Section 7, allowed issues the planning commission could request such as reviewing master plans and recommendations in efficiency for government. It was an enabling section which authorized a committee or organization to define what their job or role was when dealing with regional planning.

Section 9 prohibited a governing body, regional agency, state agency, or public utility, located in a region from adopting a master plan, facilities plan, or other similar plan or amendment after July 1, 1999, unless the regional planning coalition had an opportunity to make recommendations regarding the plan or amendment. In essence no more amendments could be adopted after that period of time if it was determined to be within the sphere of influence, so there was not a constant amendment to a plan which then effected the entire plan. While planning was a guideline if there was proper zoning, there should not be constant amending.

Language in section 10 allowed for preparation and adoption of the regional planning coalition budget and submitting it to each of the local governments as a recommendation for funding.

Section 11 was taken directly from the bill submitted in 1997. It allowed for contracts with planners, engineers, architects and other consultants to carry out provisions of the bill. The remainder of the sections indicating timelines for reporting, review, and adoption of various plans. Ms. Giunchigliani pointed out she had also handed out findings from the Urban Land Institute as well as copies of articles from other states (Exhibit D).

Ms. Segerblom questioned if capital improvement plans for Boulder City would have to be submitted to the regional planning coalition. Ms. Giunchigliani answered only if the coalition determined it was a project of regional significance, and what must be developed in their comprehensive plan in the first place. Determination of the plan would be made by local leaders and would be determined as it went through the public hearing process if it had regional effect and needed to be submitted to the regional planning coalition.

Ms. Segerblom questioned if it was confined to Las Vegas Valley or Clark County in its entirety. Ms. Giunchigliani responded other areas, such as Boulder City, would only be affected if they chose to be a part of the coalition by a vote of their board. The only difference in the bill from the one 1997 was it codified rather than required the regional planning board to be made up of three members from Clark County and two from the city of Las Vegas. It did take into consideration what had already been adopted in Clark County.

Mrs. Freeman stated she had a similar bill from Washoe County on the question of regional significance. It was her opinion if a decision was made by Washoe County a certain project fit the definition of being of regional significance, it could severely affect the older parts of the city. It seemed to consider only the needs of the outlying areas and thought there had to be a careful definition of what constituted a regional plan. She questioned, with respect to a project proposed by public utilities that had to do with regional significance.

Ms. Giunchigliani replied throughout page 4 it dealt with projects regarding public utilities and gave them some guidance as to what type of a project should be considered so every single utility issue did not have to be considered. It was language suggested from 1997, but she would work with anyone who wanted changes. She did note it had come out of the previous coalition meetings.

Chairman Bache interjected he believed the Committee on Government Affairs adopted that language in a subcommittee, and it came from some of the language in Chapter 278 defining projects of regional significance.

Mrs. Berman questioned if the regional planning coalition may adopt master plans, it did not indicate what would be done with them. Ms. Giunchigliani replied the regional planning coalition could develop policies for the region, including orderly development but could review capital plans in all regions. Mrs. Berman asked why they were being reviewed when they were directing how to implement the plans.

Ms. Giunchigliani thought the intent under regional planning was to develop a comprehensive plan of regional significance, and as local governments adopted master plans there could be an impact on what was already adopted by regional plan. The ' 'ation enabled the local government serving on the coalition the opportunity to return to the local governmental entity, if a problem arose, so they could discuss solutions. Nothing was mandated, there may be discussion between local planners on what the language meant, and they in turn would have input into the plan. Most planning would still be handled at the local level, and only if it were deemed to be of regional significance would it even be submitted to the regional planning agency. If, for instance, Boulder City wanted to become part of the coalition, they would have to play by the same rules. By doing that they would have to be aware of what projects could impact the region as a whole, and which were just local issues to assure the entire region was not being impacted.

Ms. Segerblom asked if Senator Porter's bill addressed the same issue. Ms. Giunchigliani believed his bill codified the inter-local agreement for the coalition. It created the same types of plan, but there were no teeth in them requiring anything must be developed. She thought there was some interest from local governments in loosening their purse strings. There were incentives suggested in section 6 for moving forward in that direction.

Mrs. Freeman questioned which other bill Ms. Giunchigliani had with regard to planning.

Ms. Giunchigliani related she was probably referring to A.B. 388, which mainly addressed planning and zoning. The teeth in the present bill was in requiring the governments to implement a plan rather than just meeting for discussions, without every reaching any consensus for putting the plan in place implementation. She thought it was responsible to give financial incentives for implementing plans and should help local governments in looking at the regional picture.

Mrs. Freeman liked the idea of including the historical district in the bill and questioned if certain areas were labeled historic. Ms. Giunchigliani believed some of the local governments such as Carson City and Clark County had done that. She pointed out it was a policy statement, and the language came from Florida statutes.

Mrs. Freeman said the conversion of rural lands in Washoe County concerned both she and Ms. Von Tobel and wondered where those areas fit into the entire plan.

Ms. Giunchigliani responded the plan would apply to the entire state including both urban and rural areas, so there could be recognition that some areas needed to remain rural, even within the larger communities. She believed the guidelines of the bill would recognize zoning issues as far as what size lots should be in order to be classified as rural rather than urban.

Ms. Berman questioned the definition of a public facility on page 25, as she was unaware of a statute covering that issue. Ms. Giunchigliani replied she assumed in the drafting of the bill, Chapter 278 was checked to see where language changes were needed, and the terminology came from there. To her, public facility would be libraries, schools, or county buildings, but she would check with the bill drafters.

Ms. Von Tobel pointed out on page 6, section 8, it talked about the Public Utility Commission, the school districts, and the Department of Prisons and asked if those entities would have to go before the regional planning commission for approval. Ms. Giunchigliani said it was her understanding those entities would provide their plans to the Public Utilities Commission, so an overlay of what they had planned would be in place. They would not be stopped from pursuing their plan, but basically a map could be created so future growth in the area would conform. She wanted to include all entities in the infrastructure process, so it would not impact the community, the idea was not to stop a project but simply look at it and include it where necessary.

Ms. Von Tobel remarked if she was correct in assuming plans would be submitted to the Public Utility Commission (PUCN) in addition to plans submitted to the regional planning coalition. Ms. Giunchigliani responded that was correct.

Ms. Von Tobe' questioned if plans for the school district and Department of Prisons would also have to be submitted to the PUCN. Ms. Giunchigliani replied, it was only meant to be informational.

Ms. Von Tobel queried if any decision by the school board would be final only after being presented to the regional planning board. Ms. Giunchigliani stressed her intent was only to have plans submitted to the coalition, so it was aware of any additional schools being proposed, and where they would be located. She did not want prohibition of any expansion.

Ms. Von Tobel questioned if the ultimate decision lay with the PUCN or school board rather than the regional planning coalition. Ms. Giunchigliani replied the entities would take precedence and the coalition could not stop development unless it had been deemed previously as an issue of regional significance. Those entities, in her opinion, would have that responsibility. The regional planning coalition would be able to stop anything only if it had been deemed previously as an issue of regional significance. School trustees should have the final say on school matters, and she did not request the public utility language, and assumed it had been included because of the deregulation issues brought up in 1997.

Mrs. Freeman questioned if the prisons were included in the language, was it determined the universities did not need to be added. Ms. Giunchigliani thought it could be added to the permissive language in the bill to indicate if an addition or expansion of a facility was planned which could include the university.

Ms. Parnell felt it was more of an effort in coordination rather than a decision-making coalition. That would allow the coalition to envision what they wanted the valley to be and then bring all the entities together to make the vision become a reality. Ms. Giunchigliani said it was initially coordination. It would give Clark County the ability based on their plan to have it adopted just as it was in Washoe County. Local governments would still have the ability to stop projects, let them move forward, or award projects previously denied. The point of the bill was to allow development at the local level not dictating to them.

Chairman Bache stated he did not see the technical committee in the current bill. Ms. Giunchigliani believed that was contained in Senator Porter's bill and she had tried not to duplicate his request. The technical committee was already in place and functioning so she did not know if there was a need to have it spelled out in statute. She added the individual city and county planners with whom she dealt during 1997 were helpful, and even when there were disagreements it was a good working relationship. Even individuals at the hearing who might be in opposition would bring their points forward, and with everyone working together she thought it would only make a better bill. She also felt it could give some guidance to Assemblywoman Freeman as she was trying to tighten up some things in Washoe County. It had been a collaborative

effort because the same type of infighting had gone on in Washoe County as in Clark County.

Things started coming together after Senator Titus introduced her "ring-around-the valley" and Senator Porter's planning bill forced communication between the entities. However, the next step needed to be taken addressing the affected community and represented by the people who paid taxes in that region. The idea was to have reasonable planning with the expectation that what was done was good for the entire valley, while still allowing local government to have their autonomy. It was simply an attempt to force collaboration to insure a plan was in place.

Ms. Segerblom questioned if all cities in the state agreed to the bill. Ms. Giunchigliani thought the cities should respond and indicated some cities opted not to participate in the coalition, but felt the legislature should respond to all their concerns.

Mrs. Freeman indicated she would like to have one meeting where all the planning bills could be heard together. She realized there were differences in the two ends of the state, but she felt there were still common interests.

Chairman Bache said he had one comment regarding the bill. When he was campaigning there was a misconception that all of Clark County had a master plan, in reality North Las Vegas, the city of Las Vegas, and Henderson actually had their own. He found there was a great deal of frustration because they thought there should be one master plan for the whole county, and he felt that was the goal of the bill.

Ms. Giunchigliani thought Boulder City was a good example, if a new project directly impacted traffic or environment, the city should know about it and be able to make the decision on where it was located. Many times a game was played of locating something outside the one line where the city had the benefit of the taxes but the impact was borne by the other city. It became a part of a problem, so as a plan developed, the significance of the project needed to be very clear and concise, and what the impact would be on the valley. Regional planning was not new and had been in place in other states for many years. She felt it was time to embark on assisting local governments and saw it as a beginning in empowering local governments so they were more comfortable with legislation affecting them. It would loosen the purse strings enabling each entity to do what they thought was in the best interest of that body.

Mrs. Freeman said she came to the conclusion one of the reasons there was so much building in the outlying areas instead of the core of the city, was there

was a lid on local government in terms of taxing themselves. So they were looking for tax dollars. She added when the flood 1997 happened she had the opportunity to take a helicopter ride over the affected area. Most of what she saw was the result of poor land use planning with people living in areas that were flood plains, so bridges were falling down, and there was all sorts of destruction. With the cap on taxes it was a slow process in cleaning up the flooded area. Ms. Giunchigliani indicated the cap was an ongoing debate. She personally thought the cap should be removed, letting local governments do what was in their best interest. She added the amendment attempted to give them some financial relief if they did certain things and would hope after local governments took a look at the amendment they would realize the bill was meant to assist them, as that was the intent.

Mrs. Freeman stated Ms. Tiffany had just pulled all the regional and land-use planning bills up on the internet, and asked if it was possible to have a chart put together so comparisons of the bills could be made.

Dave Ziegler, research analyst, pointed out it could be done and perhaps since Assemblyman Thomas had been involved in the drafting of several land-use planning issues, he could assist.

Dusty Dickens, director of Demographic Zoning and Realty, Clark County School District stated the district supported the concept of the bill. They felt it put the school district in the planning process in creating a regional planning authority. He questioned if the word "plans" in the bill referred to capital improvement or specific site-development plans so the district would know the level of details that were expected to be reviewed by the regional planning coalition. Presently whenever there was a proposal for school construction the district was required to present plans to the town boards, planning commission, and city council for approval under zoning laws. The bill placed another approval body into the process creating a time issue construction projects. He also questioned if the coalition reviewed specific projects, and if that approval superseded approval by the local entity or was it an additional measure. Section 9 required recommendations by the regional planning commission must be accepted before adopting a master plan, a facilities plan, or other similar plan or amendment and questioned the term recommendation. The school district had a 10-year capital improvement program, and while they could be relatively specific on sites and provide information on where the current school district land was located, long-term planning or specific timing for construction would be dictated by student enrollment. It would be difficult for the district to be extremely specific and felt if the plans provided to the regional planning commission was for information only, there was no problem with the bill. But if the intent required them to

move through another approval body it would become problematic for the district.

Mrs. Freeman asked if there were cases in Clark County where builders donated land for schools in the area they were developing. Mr. Dickens replied "yes and no," as there were two instances of out-and-out donations, where there was no cost to the district. Generally, said developers did donate land in Clark County for the cost of off-site improvements, usually on a per-acre basis. The district paid anywhere from \$30,000 to \$52,000 an acre for those off-site improvement costs.

Mrs. Freeman requested an example of an off-site improvement. Mr. Dickens stated it would be curbs, streets, gutters, sidewalks, or utilities.

Ms. Von Tobel was concerned if the elected school board was going to be expected to follow the regional planning coalition or if it was the other way around. When talking about capital improvements building schools usually needed to be done quickly to accommodate growth, so she was not sure which body would take precedence.

Chairman Bache remarked on page 4 of the bill the criteria for regional planning was spelled out. He felt with schools he was not sure the sewer, water usage or traffic increases would fall under regional planning. He was sure the middle or elementary schools would not qualify, but the only possibility would be the high school sites. Mr. Dickens stated he was unaware of water or sewer usage, but felt perhaps high schools might meet the traffic requirements. He added there were requirements for changes in zoning for any school facility. There was an impact on neighborhoods and regions in which schools were constructed in relationship to water and other issues that might be affected.

Phil Rosenquist, assistant planning manager, Clark County Department of Comprehensive Planning testified they were support of the ideas and concepts of goals outlined in A.B. 493. There some concerns over a few details outlined in his testimony (Exhibit E). There were also some handouts (Exhibit E) showing selected regional entities around the country and describing some of their roles, scope of their authority, funding, and staffing of those entities. He believed the intent of bill was to establish a link between a higher level of broader visions and strategies and establish more of an implementation link down to the individual master plans and zoning ordinances of local jurisdictions.

They would like to see an amendment to section 5, clarifying the intent of a regional policy plan where their comprehensive plans would be reviewed according to the broad-reaching policies as set forth by the regional planning

coalition. When looking at regional entities around the country it was found some had significantly large staff and resource commitments, and they were concerned about the staffing ability of local jurisdictions in southern Nevada with deadlines specified in section 13. Also potential regional planning commission tasks in section 7 were aligned with powers as specified in the inter-local agreement for the current Southern Nevada Regional Planning Coalition, and the similarities indicated both entities were trying to accomplish the same goals. He also felt the references to the Board of County Commissioners and City Councils of the four largest cities in Clark County did not take into consideration that in several years Mesquite could eclipse Boulder City as the fourth largest city in the county.

Mrs. Freeman questioned how the staff and workload were funded in his department. Mr. Rosenquist responded the comprehensive planning department in Clark County was primarily funded through the Clark County general fund. The planning division did charge application fees, but those fees did not cover the current planning function itself, and there was some air quality grant money, but the majority of the department was funded by the general fund.

Mrs. Freeman asked if there was an inter-local agreement between the cities and the county why was only the general fund used, and queried if there were any other funding mechanism. Mr. Rosenquist thought the intent, especially in regard to the existing regional planning coalition in southern Nevada was to establish a basic structure. However, the coalition was meeting the next day in Boulder City to develop a work program. He felt the intent of the local jurisdictions was to have the coalition staffed much like the Southern Nevada Strategic Planning Authority if in-kind staff contributions could be found.

Ms. Segerblom asked if Mesquite surpassed Boulder City in population, would they be added, or would Mesquite replace Boulder City. Mr. Rosenquist said he had made the comment because some of the planning bills being introduced in the present session specified membership according to the Clark County Board of County Commissioners and the four largest cities in Clark County. He wanted to make the point if the intent was to include Boulder City when Mesquite had a higher population, Boulder City would automatically fall off the list.

Ms. Tiffany told Mr. Rosenquist sounded like he agreed with Ms. Giunchigliani as far as the philosophy of the bill, and asked if the definitions in statute would help his department. He replied some of the terms needed clarification. The language needed to be interpreted, as far as what was meant by intense habitation, region, and potential incentives regarding development which occurred in undeveloped areas that were surrounded by developed areas. There

could be numerous ways of construing the meaning, and those were some of the details with which they would like to work with the committee.

Ms. Tiffany pointed out he seemed to be indicating those seemed to be policy type questions and wondered if it was really necessary to have the details in statute rather than having it handled through inter-local agreement. Mr. Rosenquist thought it depended on the scope or authority of the entity. The idea was to have collaboration between local jurisdictions and not argue over what each entity wanted.

Ms. Tiffany questioned if there was a yes in the answer. Did they want the plan handled as was now in place with an inter-local agreement or by local agreements and statute. Mr. Rosenquist said their preference would be to have matters handled through inter-local agreement; however, if state legislation affecting the local entities by mandates was being contemplated, they would like those mandates clarified.

Ms. Tiffany opined she saw the bill as containing guidelines rather than mandates and were fairly detailed in the bill. She added if the bill passed it would be in statute and she was trying to ascertain if his department agreed to the language. Mr. Rosenquist replied the best way to explain was in section 5, clarification was needed on whether it was addressing a regional policy plan or a detailed comprehensive regional plan, because it could affect many different entities from the Regional Transit Commission (RTC) to local governments. They were trying to obtain a clear picture of what the intent was and were concerned with the depth of involvement of local entities. Ms. Tiffany thought the committee was trying to identify the different categories of land use and regional planning. She was aware Clark County was pleased with what the planning coalition had accomplished so far, but the legislature needed to give them support in statute and guidelines, but not in a way as to interfere with local rule. She questioned how the legislature could help by identifying some issues in statute and which should be left as agreements.

She added it seemed like a cognitive leap in the bill, compared to what was presently being done and perhaps was making it into a governmental agency having a staff and an identifiable revenue source to support it. Mr. Rosenquist replied it depended on how deeply involved the regional planning coalition would be in any project. He believed that if establishing a regional policy plan was being contemplated, the issues such as fair-share housing and establishment of broad-reaching regional policies addressing policies of affordable housing must be addressed. Then when the local communities in the jurisdiction came up with either an amendment to their master plan or adopted a new element to that master plan, then that master plan could be reviewed in light of those adopted.

regional policies. From that perspective he believed the entity could function on income contributions from local governments without becoming an additional layer. At some point, when a comprehensive regional plan for southern Nevada was completed, terms of identifying linkages between service provisions and development identifying resources would have to be addressed, tying that master plan to capital improvement plans. Without knowing the outcome, it was hard to project what professional staff would be needed to accomplish the job.

Ms. Tiffany remarked it sounded as if he would like the process slowed down a bit and liked some of A.B. 493, but would like to be included in processing of the legislation. Mr. Rosenquist believed that would be an accurate representation and the Urban Land Institutes report recommended regional government for southern Nevada be implemented in stages, with the first step one of collaboration and down the road some type of a regional entity with more authority. He felt the current Southern Nevada Regional Planning Coalition was the first step in the process.

Mrs. Freeman questioned if federal grant money was available. Mr. Rosenquist replied the only one of which he was aware was through a joint center for sustainable communities created through the United States Conference of Mayors. There was a small pool of grant money available nationwide on a competitive basis to promote sustainable communities from a regional perspective. Mrs. Freeman asked if there were any federal grants specifically for regional planning. Mr. Rosenquist reiterated the only one of which he was aware was the one available through the United States Conference of Mayors. He believed in the last year two or three jurisdictions were able to access a little bit of that money in promoting sustainable communities from a regional perspective. Mrs. Freeman thought it might not be a bad idea to get in touch with Nevada's congressional delegation and see some of that money could be acquired by the state.

Chairman Bache thought that perhaps his comments on the various master plans raised some concerns, because his constituents had indicated frustration that the Clark County master plan was not for the whole county. Mr. Rosenquist commented, before coming to southern Nevada he had spent 7-1/2 years working in the Minneapolis/St. Paul area, an area famous for having one of the stronger forms of regional planning in the country. In that area regional policies were established even though there were 141 local jurisdictions within the metropolitan area, with local communities, different cities and suburbs setting up their plans in accordance with the policy set by the regional entity. The regional entity had some level of review, input, and acceptance of the local plans, but the local jurisdiction retained the ability to establish their own plan.

What was envisioned by the regional planning coalition was even though a plan could be individually adopted for a jurisdiction by that jurisdiction's board of county commissioners or city council, it did not preclude some other creative way of working out differences with city boundaries. They would use a geographic information system to reproduce all entities land-use decision so there would only be one joint map.

Mr. Williams stated he wanted to follow-up on some of the questions, Mr. Rosenquist mentioned they would like to move in stages but eventually get to the point brought out in the bill. He believed through the southern Nevada Regional Planning Coalition, local governments had taken a major step toward regional collaboration and they intended to pursue that in the future. Whether state legislation mandated cooperation, it seemed to be a road that everyone was pursuing, and he just wanted to make sure they all had the same perspective.

Mr. Williams wondered if Ms. Giunchigliani would consider changing the effective date so implementation could be done in stages but would not actually become effective until the legislative session. That would give local governments some parameters within which to work, and the issue could be revisited next session or the year after, to assure the direction the governments were moving.

Chairman Bache requested if the committee could be provided with some of the timelines for implementation of stages they could include in the bill.

Mr. Rosenquist indicated he would like to directly answer the question, but it depended on what each entity was going to be charged with implementing and that would have a direct relationship on the staff commitments. When looking at section 7 of the bill, it closely mirrored the powers specified in the regional planning coalition inter-local agreement. They were currently spending a lot of time with the regional planning coalition and through their technical committee trying to define a work program. When asking if the regional planning coalition by itself was able to address all seven things within a deadline, it depended on the deadline and the level of detail required. He believed there was some flexibility being offered because the regional planning coalition and inter-local agreements coincided closely with language in section 7. One of the other intents of the Southern Nevada Regional Planning Coalition was to carry forward the recommendation from the strategic plan and the coalition was in the process of prioritizing a work program. He added he was not trying to be evasive, but until the group decided what their work program was and it was very difficult to start matching up staff resources and the issue of deadlines. On the other hand, Senator Porter's bill S.B. 383 from 1997 established the Southern Nevada

Region 1 Planning Coalition had some very clear and specifically mandated deliverable deadlines. It was difficult for the local jurisdictions to meet those deadlines, but they also found alternative ways of doing things.

Mr. Williams pointed out if the bill mirrored what was being done there should not be a problem if extending the date would give them flexibility and the change would allow them to have everything in place by the next session. He thought it would be fair to both sides. Chairman Bache said he would discuss the possibility with Ms. Giunchigliani and the others. Mr. Williams added he would like his suggestion be considered as a possible amendment.

Ms. Tiffany said although he had stated he did not want to be evasive he was doing a good job of it. In trying to understand, she paraphrased, if he represented Clark County was he saying, if there were comprehensive coverage with the level of details mandated by the bill, would it then force a professional government group with sufficient staff and revenue to get the program up and running. Mr. Rosenquist replied that was a fair statement as the way the bill would presently be interpreted, in order to accomplish what the bill set forth, either a professional staff would need to be hired or a large professional services contract would have to be pursued with a consulting firm.

Ms. Tiffany asked if the coalition already existed, why were they against moving to the next level. Mr. Rosenquist believed speaking from the perspective of Clark County, inter-local agreements established by the current southern Nevada Regional Planning Coalition was typical of negotiations between parties with different interests. He felt what they were already doing aligned well with the inter-local agreements and what was basically stated in section 7 of the bill.

Betsy Fretwell, representing the city of Henderson, stated she agreed with many of the remarks made by Mr. Rosenquist and felt the local governments had started working together over the past 18 months resulting in a 20 year strategic plan and two inter-local agreements (Exhibits F and G). She felt the results indicated local governments could manage land use as well as a variety of other planning-related issues. When looking at annexation in the local agreement between Clark County and the city of Henderson, it should be noted they had jointly decided and identified about a 10-square mile area for joint transportation planning and the coalition has systematically taken care of their neighbors with inter-local agreements. What the coalition did was allow negotiation within city boundaries, as what happened in Henderson could be very different from what happened in North Las Vegas. Issues could be extremely different for what Clark County and the City of Las Vegas felt was an important policy perspective for their communities.

She added, Mrs. Segerblom questioned if Boulder City's capital improvement plan would be affected, and if the planning authority approved a capital improvement plan affecting the region and if she was reading the bill correctly, if the master plan were amended, it would have to be presented to the coalition. There was also discussion about definition of infrastructure and public facilities and in checking through Nevada Revised Statutes (NRS) seven major infrastructure categories were identified. Each planning authority went through every capital improvement plan in detail to evaluate the phases, how the encumbrances would be funded, and then balanced that with the master plan review. When looking at the master plan it was apparent decisions must be made regarding the densities, and which required certain kinds of public facilities. She agreed with Mr. Williams that a little more time was needed to get some of the planning policies in place and the counsel for the city of Henderson did not really support the state telling the local government on the land-use planning process. The city planners met every 2 weeks to make those determinations based on neighborhood concerns. She agreed with the suggestion about blanket policies that would have regional application and were included in the inter-local agreement. A lot of those issues had been addressed over time through the regional transportation commission, the air-quality planning committee, as well as the flood-control district, the health district, and a variety of other entities.

One item of interest in the bill to her was in section 5 where it specifically stated only projects of regional significance, could be discussed at the coalition level and would be defined by them, which could be a stopping point for local governments. However, the Washoe criteria for local governments to follow were in the bill. That criteria was untested in southern Nevada, and if it did what it did in Washoe, it would certainly slow things down, and that may be the intent of the legislation. There were some economic ramifications if that actually happened.

Another comment she wanted to make was schools were significant in Henderson, and there was a commitment to provide whatever possible for schools. She felt Henderson had one of the most effective local governments through annexation with developers as well as the master planning process in trying to get good sites donated to the school district for their development. The city also had to do outside improvements if a new administrative building were built and connection fees would be paid to our utility department for those type of things. The city worked with the public works department and that process had to be reimbursed, so there were a lot of things impacting regional planning, and the regional planning coalition was designed in a way everyone had to come to the table. Everyone had to deliver their capital improvement

plans at least annually and have them reviewed at least every 2 years. She felt doing it any more frequently than every 2 years might be something that could not be accomplished and do a good job at the same time. She thought boundary issues really deserved special attention and was one of the key issues in the inter-local agreement when it related to land use and had already been implemented in Henderson. Any time there was even a small zone change, not even a master plan amendment, Clark County notified Henderson and if Henderson had a land-use plan amendment they had to notify Clark County.

Ms. Fretwell added the requirements were becoming much more stringent with every piece of legislation and would like to see the ability to adjust usage based on the needs of the community. She would like to see the present process continue to prosper, and it would give the city enough time to prove they could do a good job with their present process which she felt had been done over the past 18 months. The local delegation had some concerns about the way the bill was currently written and felt there was too much detail. She had spoken with Ms. Giunchigliani about section 3 in the cities developing their own comprehensive plans, but felt that could be done on a local rather than regional level. She felt they had followed through on the intent of the legislative action in 1997, and were more than willing to help all the sponsors of the growth and land-use related bills to try and improve the areas of most concern to the committee.

Mrs. Freeman related she was from the north, but there were some common interests and questioned section 5 where it talked about resolving disputes. As Ms. Fretwell had said the entities were forced to come to the table to talk and wondered how they could be forced to communicate with each other. She questioned the annexation of schools. Ms. Fretwell replied section 7 was a clear-cut replication of what needed to be in the inter-local agreement for the regional planning coalition. They recognized there needed to be an opportunity for discussion on boundary issues. The real policy dilemma for both the regional planning coalition and the city of Henderson was whether or not they wanted the city of Henderson to be the key decision-maker in a land dispute between Clark County and the city of Las Vegas. What were needed were discussions on boundary issues and to draw up maps to identify inconsistent areas. There were areas on the northern edges of Henderson where Clark County had done some commercial development and was completely inconsistent with residential development in the area. She also thought by having better dialogue, better notification and more local involvement a lot of those problems could be solved without having someone else mediate those disputes.

Mrs. Freeman asked if she thought the goals could be achieved by inter-local government agreement. Ms. Fretwell replied yes. Mrs. Freeman asked how all

entities could be forced to cooperate. Ms. Fretwell responded the way the inter-local agreement was currently written the coalition could request a response from any of the local government, including the school district, Regional Transportation Commission (RTC), and any other of the other regional agencies on a proposed plan. If they chose not to respond the coalition could implement the policy without their feedback. One large discussion point during the process was once the policies were developed there needed to be a checkpoint so there could be a comparison on how things were being implemented. If inter-local agreements were examined, how were the pieces of those policies being implemented, were they consistent and if not was there effective review of those policies as they were developed and implemented over time. Everyone agreed to the inter-local agreement, and by doing so agreed to respond and participate, which would hopefully help in developing those recommendations and policy statements.

Mrs. Freeman asked if annexation for school sites was the responsibility of the city of Henderson or done by regional planning. Ms. Fretwell commented Henderson had been very aggressive in assuring the school district had adequate sites in the new-developing areas and were firm in that policy. They had also been very aggressive on land use and sometimes to the dismay of developers, but they felt it was important for the community and education was that, much to the dismay of developers, but education was a significant issue for the city of Henderson.

Mrs. Segerblom pointed out a reference was made to an agreement with Clark County, would any of the proposed bills keep the city from making one agreement with another group, or would everybody be included when making an agreement. Ms. Fretwell replied any local government could enter into an inter-local agreement based on the powers of authority they legislatively had under NRS 277. With that in mind, and with the regional planning coalition and its current format, the regional planning coalition could also enter into an inter-local agreement with anyone of the other regional bodies in that area, if it was felt that was needed. But nothing would preclude those inter-local agreements from happening on the side. She added that was exactly what happened between Clark County and Henderson. Both entities had specific issues that needed to be addressed and both bodies were willing to come to the table to work things out without getting the legislature involved, and that was exactly what happened.

Mrs. Segerblom queried if all the land use bills passed then it would not preclude inter-local agreements, and there would not have to be concurrence between the four cities and the county. Ms. Fretwell stated A.B. 493 and a couple of bills on the senate side would specifically impact the regional planning coalition under the present language structure.

Mr. Williams questioned if they would support the bill if the Assembly passed it with only sections 3 and 7 in it. Ms. Fretwell responded the city would probably ask for a slight adjustment on the dispute resolutions in section 7 and would like to work on the language to make it a little more consistent with the inter-local agreement. She added section 3 was what was already used in their master planning process. So, they would not have a problem with those sections.

Ms. Tiffany stated she wanted to present some informational background about Henderson and Clark County for some of the people who did not live there. Any of the new growth areas were master plan communities and therefore the situation was not the same in Washoe as Green Valley, which was the growth part of Henderson, and was definitely a master-plan community. Henderson took the lead in that area and developers had been heard to say, "don't go to Henderson because they blackmail you." A project would not be authorized unless there was project approval including land improvements and parcels of land dedicated for schools.

She felt a lot of foresight came from strong mayors in Clark County, as they were almost celebrities and personalities in themselves, and whether it was parks, roads, sewer, water, or infrastructure, it was a main focus for them. She felt Ms. Fretwell was trying to convey to the committee, was Henderson liked what was going on with the regional planning coalition program and liked the fact they had been able to work with the personalities through inter-local agreements. Although it might not work quite as well as if it was put into statute and mandated, there might be a time the counties came back and requested it. She added it was the second time Ms. Giunchigliani had submitted a bill and felt she had made some very strong compelling statements and would like to see some of her sections of the bill remain intact. She questioned if there was anything else in the bill that might help Clark County, without it becoming another mandated governmental agency.

Ms. Fretwell thought she could sit down with Mr. Rosenquist and go over the bill specifically identifying the areas where Clark County and the city of Henderson agreed. Mr. Rosenquist seemed to imply that he felt some parts of section 5 could be amended to make it a little more amenable to what they were trying to achieve.

Ms. Tiffany questioned if Ms. Fretwell was going to Commissioner Woodbury's meeting, and if not could the committee get feedback to make sure Commissioner Woodbury examined the bill in a comprehensive manner. Ms. Fretwell stated she would be monitoring that committee's activities and all of

the local governments, including city and county managers would be attending because they were on technical committees so disposition from the committee regarding the bills should be fairly fast.

Ms. Tiffany wondered if they were looking at all the legislation. Ms. Fretwell believed there were 12 bills under consideration, and she would keep the committee updated.

Mrs. Segerblom understood similar meetings would be held. Ms. Fretwell indicated the group had decided to hold monthly meetings rather than the required quarterly inter-local meetings. She thought the group realized there was too much work to review and needed to meet at least monthly. It also gave staff the opportunity to get the materials prepared in a thorough and comprehensive fashion for the planning coalition members to then deliberate on those topics at the subsequent meetings. Historically the group had rotated between areas so various citizens from different communities could have adequate participation, as it was difficult for people from one community to travel to another community.

Chairman Bache stated he tended to be frustrated, there were 26 members of the Assembly and 13 in the Senate representing various areas in Clark County. Those members were representing their constituents at the state level and were duly elected officials, yet the perception with local government was members of the Senate and Assembly were not aware of local issues, and those issues should be left to local governments. A lot of what was accomplished over the past 18 months started as a result of Senator Porter's legislation and Ms. Guinchiligani's legislation in the 1997 session, and he believed the technical group was formed when the bill came out. He was pleased to see what had been done by the local government, but sometimes those types of things left him making comments as he once did about abolishing all the city charters then there could truly be a regional government in Clark County. He thought the state should have a role in regional plans and felt the present bill addressed some of those issues.

Ms. Fretwell stated she had not meant to imply the legislature did not have a role in the process. She believed the reason she was able to present the inter-local agreements and strategic plan to the committee was because legislation passed in the 69th Session forced the issue. She understood there were areas that needed improvement and if policy guidance was needed, local governments definitely needed to know what those legislative expectations were. However, there needed to be guidelines that could be reviewed every two weeks when residents came with comments such as, "Hey, why can't you do this project, this is going to stop my whole business from existing." Or, "We want you to

stop this project because it is going to hurt my residential subdivision right over here. Please listen to us."

The reality of planning programs was decisions were made every 2 weeks and flexibility was needed in that process, so it should be participatory. She added intergovernmental entities would be happy to work with the sponsor of the bill, and other related growth bills to try to achieve an outcome that was equitable and amenable to all. She hoped she was not misunderstood, as she felt some things needed to remain at the local level, and some issues needed to be addressed at the state level when dealing with regional plans.

Ms. Von Tobel stated she was pleased to see Ms. Fretwell felt there were sections in the bill that would help local government. She knew several of the legislators had heard from constituents that they needed help with respect to regional planning. She wanted to bring out the town-center concept that both the city and county worked together in the northwest as a joint effort, it was painful at times for all, but it finally came together. In that respect, she saw regional planning might have helped with that project, so she was pleased to see there was support for some of the sections in the bill.

Mr. Williams commented he was having flashbacks of the charter school hearings. It was the same conversation about charter schools that flexibility was needed so "just leave us alone and stay out of our business." He felt the dialogue here was similar and felt there should be caution exerted in expanding parameters.

Marta Brown representing the city of North Las Vegas stated they were in opposition of the bill as currently written. She pointed out she had just seen the amendment to the bill and wanted the city's planning department to review it and perhaps add additional comments. Two main areas she felt would significantly impact the city were the financial impacts of the plans and details specified in those plans which they would like to keep at a regional level. She also had concerns because of possible significant delays, if all developments or changes in zoning would have to be submitted for approval to the regional planning coalition. She added North Las Vegas were currently willing participants of the regional planning coalition through the inter-local agreement in southern Nevada. They did support the sections of the bill that paralleled those in the current inter-local agreement, but they would want some amendments if the bill were to be supported.

Lisa Gianoli, representing Washoe County, testified she had just received information that Washoe County was impacted by section 6 of the bill. She had spoken with Ms. Giunchigliani, although she had not had a chance to go

through the proposed amendments, but the county would work with her on their concerns.

Ms. Gibbons asked if Washoe County was supporting the bill if the problems with section 6 could be resolved. Lisa Gianoli responded they had no problem with the rest of the bill, but there was some language in section 6 that would impact the county.

Chairman Bache questioned if she had seen the proposed amendments for incentives that Ms. Giunchigliani had. Ms. Gianoli responded they had not had a chance to send them back to the planning staff to review. They would coordinate with Ms. Giunchigliani on any further concerns the city might have.

Chairman Bache informed the committee he would be coordinating with Ms. Giunchigliani on the proposed amendments and would be willing to work with any of the other entities in reaching an appropriate amendment on which all the entities could agree.

Chairman Bache advised the members of the committee that on Thursday floor session was not until 5:00 p.m., so he had added two more bills to the committee meeting. One item he needed to discuss was A.B. 303 that the committee voted amend and do pass, Ms. O'Grady needed some clarification, and he thought it was best to bring it before the committee. Ms. O'Grady stated she was unclear on the issue of whether it was the same public employer and if the brackets around participating needed to be removed to clarify intent.

Assembly Bill 303: Provides for counting of certain service performed by certain injured employees towards eligibility for retirement as police officer or fireman. (BDR 23-1235)

Chairman Bache said he was under the impression the language was going to be changed in the second paragraph to read, "in lieu of disability retirement benefits, he accepts another position with the public employer as soon as practical but no longer than 90 days after his application for disability has been approved by the board." He asked if any members of the committee had a different understanding.

Ms. Von Tobel wondered what the meaning of the word "the" was. Chairman Bache reminded her there had been previous discussion and he thought "the" public employer and the same public employer were redundant and the word "same" did not need to be there. By taking out "same" and leaving the brackets around participating it was his understanding that was the way it was passed.

To: Government Affairs Committee
From: Chris Giunchigliani
March 23, 1999

Possible Amendment to AB493 Section 6

On page 5 eliminate the language of the bill beginning with line 4 through line 16 and adding the following language to the bill:

Within six months after the organization of a regional planning coalition or a regional planning agency, they shall:

1. Identify areas within the boundaries of the participating local governments where substantial areas of unimproved land are located within areas that are substantially improved.
2. Determine a standard relationship between the cost of furnishing local government services including streets, water, sewer, and parks to areas identified in (1) and to areas that are outside of the existing developed area. This relationship is to be expressed as a percentage.
3. Provide that the fees charged for water and sewer hook-ups, and the amount of the residential park construction tax which are regularly charged are to be reduced by the percentage relationship as determined in (2).
4. The Regional Flood Control District if one is established and the Regional Transportation district shall provide a special allocation equal to 15 percent of the moneys allocated to the various local governments for flood or street projects each year to those local governments which have had land as defined in (1) developed during the year. These funds are those available after the payment of any debt obligations but moneys allocated to local governments from moneys available as a result of the issuance of debt shall be deemed as available for this purpose. The moneys are to be allocated based upon the relative size of the areas so developed within each of the various local governments during the previous year.
5. If a school is built within an area as defined in (1) the regional transportation commission of the county in which the school is located shall allocate moneys equal to one-half of the cost normally paid by the school district for off-site improvements to be used by the school district to offset its cost associated with the construction of such improvements.
6. The various local governments which levy charges for connecting to water and sewer systems or which levy the residential park construction tax shall amend their ordinances to accommodate the requirements of (3).

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Exhibit C

Assembly Committee on Government Affairs

Date: 3/24/99

Submitted by: Assemblywoman
Chris Giunchigliani



Urban Land Institute Findings

Overview: Summary Of Recommendations

Growing from a small town to a major city in just a few decades inevitably generates problems and issues about the value of growth and how to manage it. Nevertheless, the panel was struck by how well public and private leaders in the Valley have guided an incredibly rapid rate of growth to the present time.

Las Vegas get things done. In a community of 1.2 million people, it is still possible to travel across the metropolitan area in 40 minutes or so, and most commuters get to work in less time than that. Economic expansion and renewal have maintained Las Vegas's competitive edge in gaming, hospitality, entertainment, and conventions. Most residents came here to enjoy the quality of life and find it still desirable. About half of all residential development is taking place within high-quality, master-planned communities, and housing costs have been kept affordable for most residents. Recreational resources such as Red Rock Canyon and Lake Mead help make the area livable. Also, in this desert environment where water is precious, local officials have managed to keep the water supply in line with development.

The governance process in the Valley is widely believed to be part of the growth problem, but Valley governments are also part of the solution. The Valley has only five local governments, in contrast to dozens and even hundreds in most metropolitan areas. These local governments all have active planning programs that have done good work. In addition, the business-sponsored program called Vision 2020--Today adds value to the community development process. The Valley's political strength in state politics also can yield important benefits.

Local leaders are right to question, however, how growth might be managed more equitably and more effectively throughout the Valley. Certainly, the current controversies over growth issues need to be addressed. The panel has noted tensions of several kinds: the increasing alienation of suburban residents as members of the regional community; the expanding conflict among local political leaders, which is raising the possibility of state legislative intrusion into local governance; and, perhaps most worrisome, an escalating anxiety over the stability of the economy and public fiscal strength. The panel's local sponsors are to be commended for raising their focus from simple, day-to-day housekeeping matters to strategic thought about the Valley's future livability and economic viability over the long term.

The panel has made many recommendations in response to the questions posed by the sponsors, discussions of which are to be found in the next sect

Go To:

- Hot Growth Topics**
- Community Profile**
- Employment**
- International Affairs**
- Health & Environment**
- Schools**
- Community Resources**
- Las Vegas Links**

represent the major findings of the panel's deliberations.

The panel strongly recommends that Valley leaders move to form a regional organization to provide leadership, strategic planning, and coordination of the Valley's growth to strengthen the regional economy, to assure community livability, and to meet current and future demands for public facilities and services.

Management of the Valley's assets and future growth should move beyond individualism and independent action to thinking and acting regionally as well as locally. The management of an expanding community of 1.2 million people and multiple decision-making entities will demand different approaches from the management of a single small town or city. The Las Vegas Valley cannot continue to thrive economically and to maintain a livable community without also recognizing the interdependency of growth management actions by local governments, special districts, and state and regional agencies.

The panel believes that the Valley is fortunate in having just five local governments, but these jurisdictions need leadership, guidance, and coordination to respond to tomorrow's growth challenges. As will be seen in the body of this report, the panel does not believe that it can dictate a specific political structure for the Valley. The panel strongly suggests, however, that an approach that moves toward regionwide authority for governance will offer the most effective response to the Valley's needs in the 21st century.

The panel recommends that local governments, along with civic and business leaders, begin the process of establishing a regional organization that unites the efforts of local governments and other agencies to manage growth. This may require a staged approach in which interlocal agreements define a basic level of regional responsibilities, which can be expanded over time. The panel offers specific recommendations for the roles and responsibilities of a regional organization for the Valley in formulating—for example a regional plan, "best practices" guidelines, and infrastructure policies to guide the development decisions of individual local governments and other agencies. Valleywide strategic planning and management of the development process would provide an effective means of achieving shared goals for the Las Vegas region.

Building strategic leadership and a sense of community among Las Vegasans should be a high priority in the region's management of growth.

The panel has been struck by the relative weakness of civic leadership and community identity in the Valley, especially with regard to regionwide issues. Political leadership appears fractious and unfocused on the major issues confronting the Valley. Business leadership in civic affairs is almost invisible. It is time to form a more collaborative approach to regional development and to formulate a shared vision to guide future growth.

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The panel has also observed that citizens of the Las Vegas Valley appear apathetic toward the idea of participation in governmental and civic activities, perhaps because of the large numbers of new residents and the extent of transiency in the population. Although many residents are proud of the Valley's tremendous transformation over the past few decades and do identify with their particular communities, incorporated or not, citizens seem to have little sense of their role in, and interdependence with, the wider regional community. The panel believes that changing these attitudes will be critical to addressing growth problems in the Valley effectively and equitably.

One of the highest-priority responsibilities of the proposed regional organization should be the initiation of a program to encourage greater citizen understanding of the interdependence of Valley areas and functions. In addition, the regional organization should benefit from vigorous business and civic participation on its governing board and in its activities.

Local business and political leaders appear to be gambling on the availability of adequate land and water to support the Valley's projected development-- a gamble that the panel believes will entail high stakes and high risks.

The panel heard from a number of business and political leaders that potential land and water constraints on future growth can be overcome. These leaders asserted that BLM land will continue to be made available for future private development and that adequate water supplies will be assured by congressional amendment of the Colorado River Compact. The panel also heard that neither of these scenarios is certain, given their dependence on favorable federal actions fraught with political uncertainties. Yet without these actions, it seems certain that current growth patterns will consume the available supplies of land and water within ten to 20 years, potentially curbing the Valley's development.

The panel concludes that land and water shortages are likely to raise development costs, including land prices, and thus to affect the quality, cost, and pace of growth. Even if more land is opened up for development and additional supplies of water obtained, interim constraints are more likely than not. The panel urges Valley leaders to define and evaluate alternatives to "business as usual" in the development of metropolitan Las Vegas, taking into account the possibilities of future constraints on the conversion of BLM land to urban uses and on obtaining additional supplies of water from the Colorado River

The panel urges a quick resolution of the present differences of opinion regarding land and water availability. A thorough, independent determination of regional development capacity within the BLM disposal-area boundary should be undertaken immediately. Strategies such as more efficient use of existing

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developable land and water conservation measures should be evaluated and implemented to avoid future crises in Valley development.

The Valley should build on its strengths in maintaining a vital economy and a livable community.

The panel points out that the Las Vegas Valley has major community assets that should be leveraged to strengthen both the economy and the quality of life in the Valley. *The Strip* is an economic powerhouse for the entire area that has developed incrementally and with little attention to the integration of its various elements. The Strip's development and enhancement as an entertainment and hospitality center should be encouraged through public/private actions to improve employee access, enhance the streetscape, and make the Strip function more effectively as a pedestrian-oriented entertainment environment. In addition, the Valley has developed many *high-quality residential areas* (not necessarily high-cost neighborhoods) that should be protected and nurtured as desirable living environments, with improvements being made to parks, schools, and other aspects of everyday life. An important part of this quality of life are the several *recreational and open-space preserves* in and near the Valley, which should be carefully conserved, enlarged as appropriate, and improved as recreational facilities and natural preserves. The panel believes that all of these activities should be parts of a regional development strategy formulated for the Valley.

Specific actions should be taken to add value to the core components of the quality of life and economy of the Valley.

The panel has identified several specific actions that would help to achieve a stable economy and a desirable quality of life. *Transportation improvements* should focus on making better use of current highway and road systems and on improving transit access between residential areas and major employment centers, including the Strip, and within the Strip itself. A *greenway network* should be developed as a multifunctional system to connect important open spaces, to incorporate flood protection and drainage systems, to conserve water resources, and to provide biking and hiking trails. *Infill and redevelopment programs* should be formulated to make better use of overlooked and underused parcels, thereby reducing needs for developing natural lands, and to aid in stabilizing or revitalizing residential, commercial, and industrial areas within the urbanized portions of the Valley. The Valley's *economic development programs* should be broadened and strengthened to improve the economic diversity of the region.

In short, keeping a "livable Las Vegas Valley" will require a smart-growth approach.

The five recommendations above spell out a strategy for responding to current growth-related problems and avoiding the perils of

continued growth. They call for developing a regional strategy for growth that will respond to needs for curbing sprawl in favor of more efficient development patterns; for conserving the desert environment and water resources; for building on the strengths of current development and targeting special areas of improvement; and for establishing a Valleywide organization for managing growth. This is a smart approach to growth that will meet the challenges of continuing economic and population expansion.

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Growth

Air, water, land won't limit growth in Las Vegas Valley

By Ken McCall
LAS VEGAS SUN

Two million people in the Las Vegas Valley?

It'll never happen.

We'll run out of water first. And if we don't, the air quality will get so bad that the feds will shut us down. At the very least, we'll run out of buildable land.

But city, county and utility officials scrambling to plan for the valley's growth don't buy any of those assumptions.

Jeff Harris, manager of the county's Advanced Planning Division, points to a 1990 water quality management plan for the Las Vegas Valley that tried to find physical limitations to growth.

"We went and evaluated limiting fac-

tors," Harris says, "and found that we didn't have any."

With a huge river flowing by, he says, even though we may only have rights to a tiny fraction, it's hard to say we can't get any more.

"Nobody knows how much water we can get," Harris says. "There's so much uncertainty that it's impossible to say water will be a limiting factor."

That is backed up by the Las Vegas Valley Water District. David Donnelly, deputy general manager for engineering and operations, says the district already has "hard contracts" for 535,000 acre-feet of water, enough to serve 1.8 million people.

"It's the firmest water you're probably going to find in the West," Donnelly says.

The district, Donnelly says, needs only another 60 acre-feet to take its service capacity up to 2.2 million.

"That's one-third of 1 percent of the flow of the Colorado River. It's such a small amount, it's just not a limiter."

While Donnelly admits the district would have to work out the "legal and political and historical restraints," he's optimistic.

Who, after all, is going to make people go thirsty so they can grow cotton in California?

OK, maybe we have enough water, but what about air quality?

The Environmental Protection Agency is about to classify Las Vegas in the "serious non-attainment" category for carbon monoxide, aren't they? Won't that slam on the brakes?

First of all, says Harris, the air has improved dramatically.

True, the dust problem, which is what everybody sees, isn't any better, and true the EPA is likely to reclassify the valley because it had three bad air days last year.

But, Harris says, "we're getting lower levels of carbon monoxide today — in spite of all the growth — than we had in the early '80s." And once the EPA moves, the county will have more time to draw up a plan to fix the problem.

Once again, those assertions are backed up by air quality officials at the county and federal level.

In 1976, says Michael Naylor, director of the county's Air Pollution Control

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Growth

CONTINUED FROM PAGE 5

country." Citizens Area Transit ridership has grown 34 percent a year for the last four years.

He likes to point out that last year more people, 35 million, rode CAT buses than the 30 million who came through McCarran International Airport.

That still only accounts for 1.2 percent of all the trips in the valley.

But as population density increases, Gibson says mass transit will become more cost-effective.

"We've reached critical mass," he says.

Part of the RTC's \$2.2 billion plan calls for construction of a monorail system and boosting the bus fleet from 192 today to 500. Such a system would handle 8 to 10 percent of the valley's trips, Gibson says.

Gibson's optimism, however, goes beyond the dutiful plugging of his agency's system. He — and other valley planners — believe there are solutions that will work.

It isn't the growth Gibson worries about.

"The real threat is that the public sector, the business community and elected officials will run out of innovations. ... If we don't innovate — yes — we'll break down."

To Gibson, the future looks like a monorail through the resort corridor and reaching into other major residential areas. It has lots more buses and bus stops and traffic lanes dedicated to buses and car pools.

But the changes will have to run deeper, say Gibson and other officials.

People's tastes and habits will have to change. They'll not only have to use transit more, they'll have to live with closer mixtures of residential, commercial and office

or industrial development so they don't have to travel as far to work and shop.

At the same time, city and county planning will have to change to make that possible. They'll have to insist on mixed uses and development of vacant land within the urban area.

If, for example, some residential development were mixed into the Union Pacific Railroad land surrounding the Clark County Government Center, Gibson says, you could add a lot more residents with very little traffic impact.

The same is true for redeveloping the downtown area, Gibson says. "It's just using what you have more efficiently."

Local planners aren't shy about admitting that, historically, the valley's planning process hasn't done all it should.

Harris, the county's advanced planning manager, says planning was "mostly a matter of accommodating development."

John Schlegel, the city's acting planning director, characterizes the planning department's role as "trying to cope with the results of growth."

"We're betting on the come," Schlegel says. "We approve development and then try to catch up."

Too many people, he says, "don't want to recognize that we do have restrictions. We've been really good at pushing off dealing with some of these problems. But at some point, you have to pay the piper."

Nevertheless, Harris and Schlegel say things are changing and both are optimistic about the future.

Besides, growing to 2 million only takes us to the size of metropolitan areas such as Denver, Tampa and Portland — not exactly the end of the Earth.

"I don't have the doom-and-gloom," Schlegel says. "I just think it'll be a bigger, somewhat dirtier and more expensive place to live.

"But it'll continue to be a land of opportunity and one of the most exciting places in the world."

Harris agrees.

A decaying, Bladerunner metropolis?

"That'll never happen," he says without a shred of doubt.

Even the sprawl of Orange County, where Harris grew up, won't happen here, he says.

"Part of our job is to find solutions, and I think there are solutions out there."

Harris talks about mass transit and telecommuting and putting employment centers out in areas where all the new housing is going up.

"If we're going to support that many people," Harris says, "we're going to have to do things a little differently. We're going to have to view life a little differently."

"In 20 years, I'd bet the bank not everybody is getting into their car at 7:30 and driving into the downtown area. That just can't happen."

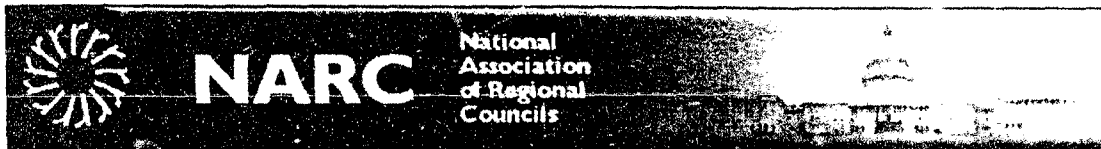
Even van Ee, the environmentalist, hasn't lost his enthusiasm for Las Vegas.

"It's a grand experiment here," van Ee says. "I see Las Vegas becoming increasingly prominent in the world."

"But in the future, will we still be one of the jewels of the desert? Will we keep bringing people here?"

"The quality of life can't be neglected much longer or our image will suffer."

THIS STORY originally appeared in Sunday's editions.



MORE INFORMATION ABOUT NARC AND REGIONAL COUNCILS

NARC, as stated in the homepage, is a nonprofit, membership organization serving the interests and needs of "regional councils" nationwide. Regional councils are known by a number of different names -- councils of government, regional planning commissions, associations of governments, planning and development commissions, etc. Almost all Americans live in an area served by a regional council. NARC offers its member councils advocacy services, technical assistance, conferences, frequent print and electronic communications, training, research and a variety of other services. NARC supports all the activities and interests of regional councils -- urban and rural, large and small -- located throughout America. Full membership in NARC is restricted to regional councils, but subscription services are available to other types of organizations through NARC's Institute for The Regional Community).

Advocacy is the primary mission and activity of NARC. Member regional councils have a wide diversity of programmatic interests, and this diversity is reflected in the large number of issue areas with which NARC deals, including but not limited to the following:

- transportation
- water quality
- water supply
- criminal justice
- economic development
- telecommunications
- services for the aging
- land use/growth management
- solid waste
- census data
- air quality
- job training

Regionalism is the central message that NARC and its member regional councils send to leaders at all levels of government -- federal, state and local. Regionalism is a simple concept. It means defining and dealing with issues at the geographic scale at which the issues actually exist and not limiting our vision and problem-solving capabilities by arbitrary boundaries. Most of the problems facing America's local communities today -- traffic congestion, substandard water and air quality, unemployment, crime -- require regional approaches because the sources and magnitudes of these problems and their potential solutions transcend the boundaries of local and, often, state governments. In fact, technology has expanded our notion of "community." Unlike the not-too-distant past, our communities today are regional communities -- we reside in one local government, work in another, shop in another and seek recreation in yet another. This pattern of living has created powerful new regional economies that have become the engines of the nation's aggregate economy. The ability of our nation to compete successfully in the international economy, therefore, is highly dependent upon the health of our regional economies. Strong regional economies require strong regional

communities! Local governments, working together through their regional councils and involving the private and civic sectors, can stem the tide toward new layers of government and keep citizens in control of their communities. Regional councils are the best alternative we have to big government!

Cooperation among existing local governments is the best and often the only alternative we have to "big government" below the state level. Regional councils are the forums within which local cooperation is nurtured. NARC promotes regional councils as the best organizational alternative the nation has to deal with the complex metropolitan and rural issues facing us. Communities that share common problems need to work together to solve them, and the collaborative forum of a regional council is the most equitable, least expensive, least intrusive place for this work to occur.



GROWTH MANAGEMENT PROVISIONS OF OREGON REVISED STATUTES

In 1973, Oregon's Governor, Tom McCall, signed a law that required all cities and counties to prepare land use plans to limit sprawl and protect farms, forests, and open space. Voters upheld the law in the 1976, 1978, and 1982 elections. Before the passage of the law, Oregon was losing agricultural land at the rate of 30,000 acres per year. After the law took effect, the rate dropped to about 2,000 acres per year.

The purpose of Oregon's land use program was to keep cities out of farms and forests, but that recent strategies are aimed at managing the nature of growth in urban areas to: (1) grow without putting livability at risk, (2) contain growth within boundaries, rather than sprawling out, (3) preserve existing single-family neighborhoods by increasing density in existing centers and along transit corridors, and (4) serve new development with transit. Planning with transit in mind is an important component of Oregon's approach.

Land Conservation and Development Commission

Under Oregon's law, the state's Land Conservation and Development Commission (LCDC) shall: (1) adopt goals, (2) prepare statewide planning guidelines, (3) review local comprehensive plans for compliance with the goals, (4) coordinate state, county, and city planning, (5) ensure citizen involvement, and (6) review and recommend areas of critical state concern. The Commission shall report its findings to the legislature.

All local comprehensive plans and land use regulations, and all plans, programs, regulations, and rules of state agencies and special districts, shall comply with the goals established by the Commission. The Commission may order local governments, state agencies, and special districts to bring their comprehensive plans, land use regulations, and land use decisions into compliance with state goals and regulations or acknowledged provisions of local comprehensive plans.

A joint legislative committee on land use advises Oregon's Department of Conservation and Development and makes recommendations to the legislature on designation of critical areas and statewide goals and guidelines.

Local Planning

Oregon's cities, counties, and regional areas must adopt comprehensive plans as the basis for specific land use regulations. The comprehensive plans are coordinated land use maps and policy statements covering education, natural resources, recreation, sewers, transportation, and water as well as air quality and water quality. Local plans must comply with the goals of the LCDC. Local governments must enact and enforce land use regulations to implement their plans.

Urban Growth Boundaries

In Oregon, local or regional comprehensive plans must provide for a 20-year supply of sufficient buildable land within the "urban growth boundary" (UGB) established pursuant to statewide planning goals. This provision applies to cities of 25,000 or more, cities under 25,000 with a growth rate above the state average for three of the last five years, and areas covered by functional plans of metropolitan service districts. [*Oregon Revised Statutes* (ORS) 197.296]

During their periodic plan reviews, local governments shall:

- Inventory the supply of buildable lands within the UGB;
- Determine the actual densities and types of residential development occurring within the UGB in the last five years or since the last review (whichever is greater); and
- Conduct, pursuant to state guidelines, an analysis of housing needs by density and type, to determine the need for land for the upcoming 20 years.

If this required analysis shows that the UGB does not contain sufficient buildable land to accommodate the 20-year housing need at the actual density occurring since the last review, the local government shall:

- Amend the UGB to accommodate the need;
- Amend the comprehensive plan, functional plan, or land use regulations to increase density without expanding the UGB; or
- Combine the two approaches. [ORS 197.296]

To demonstrate that their actions will actually increase the density of development, a local government must, at a minimum, make sure that its residential zoning is appropriate. The local government may also consider other strategies, including: (1) increases in permitted densities, (2) financial incentives for higher densities, (3) density bonuses, (4) removing or easing approval standards, (5) minimum densities, (6) redevelopment and infill strategies, (7) new housing types, and (8) average residential density requirements. [ORS 197.296]

Oregon's law sets priorities for lands to be included within the UGB, if the decision is made to expand it. The first priority is designated urban reserve land. The last priority is designated agricultural or forestry land. [ORS 197.298]

Finally, local governments must provide reasonable opportunities to satisfy local and rural needs for residential and industrial development *outside* UGBs, in a manner consistent with agricultural and forest land.

Related Laws

Oregon does not have a state environmental policy act with special planning functions. It does authorize impact fees to help finance drainage, flood control, parks, roads, sewers, and water.

PROVISIONS OF WASHINGTON'S GROWTH MANAGEMENT ACT

Overview

Washington's Growth Management Act (GMA) is much more recent than Oregon's similar laws. It was enacted in 1990. It requires counties, and the cities within them, to plan in accordance with the Act if their population is more than 50,000 and increased by more than 10 percent in the last 10 years, or if their population increased by more than 20 percent in the last 10 years. Any county may voluntarily agree to plan under the Act, but it must remain under the Act. Regional planning agencies may hold identical powers and functions as local planning agencies.

The GMA establishes a Growth Strategies Commission to make sure that local comprehensive plans are consistent with the Act, to recommend action to the legislature, and to provide for dispute resolution on urban growth areas, incorporations, and annexations.

If required by the GMA to do so, a County must:

- Adopt a county-wide planning policy, including required components;
- Designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt regulations for them;
- Designate urban growth areas (UGAs) and act upon them; and
- Adopt a comprehensive plan by a certain date.

Washington's governor may impose sanctions on a county or city that fails to adopt required policies. State agencies must adhere to adopted policies. Cities and counties may appeal county-wide planning policies to a growth management hearing board.

Requirements for Urban Growth Areas (UGAs)

According to the APA summary, Washington's laws place various requirements on the counties regarding the UGAs, including:

- Each city in the county must be in a UGA; a UGA may contain more than one city;

- A UGA may include territory outside a city only if the area is "characterized by urban growth" or adjacent to such territory;
- The county shall encourage urban growth within the UGAs and prohibit urban growth outside the UGAs;
- Growth may occur outside of a UGA only if it is not urban in nature;
- The county's UGA must include areas and densities sufficient to permit projected urban growth for the next 20 years; and
- Each UGA shall permit urban densities and include greenbelt and open space areas.

Related Laws

Washington has a state environmental policy act, or "SEPA." It is similar to the federal National Environmental Policy Act (NEPA), and requires, on major actions that would significantly affect the environment, a report on environmental impacts; unavoidable adverse environmental effects; alternatives; short-term versus long-term impacts; and irreversible commitments of resources. Finally, Washington authorizes impact fees for fire protection, parks, roads, and schools.

Source:

Ziegler, David S., 1997 "Growth Management Programs in Portland, Oregon, and Seattle, Washington." Research Memorandum, Legislative Counsel Bureau, Carson City.

INFORMATION ON STATE PLANNING LAWS IN HAWAII

State Role

Although Hawaii has counties, the state is the general purpose level of government. Much of Hawaii's planning and zoning authority lies with the state government. Hawaii is unique among the 50 states because it converted its general state plan into law.

The State's Land Use Commission is responsible for grouping contiguous land areas for suitable inclusion into one or four land use districts for Hawaii: urban, rural, agricultural and conservation. Urban districts include lands that are now urban in use and a sufficient reserve for foreseeable urban growth.

The state's Department of Land and Natural Resources controls zoning in conservation districts within forest and water reserves. The Department restricts land use within each district depending on soil types and physical use. The Department must ensure that its zoning rules are not detrimental to the forest or water reserve.

The Office of State Planning assists the Governor in maintaining an overall framework to guide development in Hawaii. The Office is within the Governor's office. It articulates statewide goals and policies and performs numerous other functions. It is responsible for developing a quality growth plan for Hawaii. The plan must balance programs to minimize adverse environmental impacts against the economic development of the state. As a matter of policy, the growth plan must seek to halt urban sprawl, halt the need for more infrastructure that is a result of sprawl, minimize costly urban services, and conserve open areas.

Regarding conformity, any state agency that allocates funds must ensure that all expenditures are in line with the Hawaii State Plan. Hawaii has no environmental policy act that deals with zoning or planning.

Regional Role

Hawaii has no regional development control policies.

Local Role

Counties prepare general plans. Counties may provide low income housing, and may issue bonds. A county may enter into a development agreement with any property owner.

Counties are authorized to assess, impose, levy, and collect impact fees for any development within their jurisdictions and to enact impact fee ordinances. A county council considering impact fees should first approve a needs assessment study and identify the types of public facilities for which fees shall be imposed. The impact fee must be proportionally related to the actual capital cost of public facility expansion incurred by the county for accommodating development.

Zoning in all of Hawaii's counties shall be conducted in a manner reflecting a framework of a long range comprehensive plan prepared to guide the overall future development of the county. Each county also has its own special management duties for regulating coastal areas with regard to public access, public recreation, and treatment of solid and liquid waste. Coastal development must be consistent with county planning and zoning regulations, and must seek to preserve views and beaches.

Source:

American Planning Assn., 1996. "Statutory Summary for the State of Hawaii." In *Growing Smart*, updated 5/96

Testimony for the March 24, 1999 Meeting of the Assembly Committee on Government Affairs.

Mister Chairman and members of the Committee. Good morning and thank you for the opportunity to address the Assembly Committee on Government Affairs and share the Clark County Department of Comprehensive Planning's perspectives in regard to AB 493. My name is Phil Rosenquist and I am the Assistant Planning Manager for Regional Planning with the Department.

To begin, the intent and planning goals contained within the bill are laudable and supported by us. As planners, we are constantly seeking ways to improve the relationship between development and service provision. There are many ways to do this. For example, in Clark County we have established the Community District Element that allows urban scale development in Community District 2, where services are available or in proximity. Development in Community District 3 is considered premature at this time because of a lack of services. If a developer enters into an agreement to provide the services through the major projects ordinance, development in Community District 3 is possible.

When examining the scope of authority at regional planning entities across the country, we find wide differences in both responsibilities and size. Regional planning or governance standardized models are unavailable due to highly variable local conditions, circumstances and needs. We would suggest that, at this time, a regional structure most appropriate for Southern Nevada is one of a collaborative and coordinating nature.

An interesting comparison can be made between the Southern Nevada Strategic Planning Authority's Strategic Plan (SNSPA) and AB 493. The Strategic Plan is intended to be a roadmap for the future of Southern Nevada. We believe that AB 493 is intended and can be the next step in taking the Strategic Plan vision and high level strategies to the implementation level. In our opinion, a Southern Nevada regional planning entity can develop a policy plan to bridge the gap between the Strategic Plan and local master plans and implementation ordinances. In this regard, we suggest that Section 5 of AB 493 be amended to clarify an intent as a regional policy plan. Local government plans would then be reviewed against regional policies that are collaboratively developed.

Our primary concern with AB 493 relates to the ability of the proposed regional planning coalition to carry out the provisions of the bill. When we find other examples of regional entities with similar roles, we also find significant staff levels and resources to accomplish the tasks. Given staff levels of the Southern Nevada governmental entities and the absence of resources for professional service contracts, the unfunded mandate and the Section 13 deadlines appear difficult to achieve. The same can be said of the incentives specified in Section 6. Clark County does not have an ability to adjust utility connection charges so the resources to provide this and other incentives would need to be found.

Potential RPC tasks listed in Section 7 are aligned with the powers as specified in the interlocal agreement for the current Southern Nevada Regional Planning Coalition (copies provided). Also, the sphere of influence provisions of the bill are similar to the recently signed interlocal agreement between Clark County and the City of Henderson (copies provided). These

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Exhibit E 1605
Assembly Committee on Government Affairs
Date: 3/24/99
Submitted by: Phil Rosenquist, Asst.
Planning Mgr. - Clark County

similarities give rise to a belief that we are all trying to accomplish the same goals.

We believe that several clarifications and definitional refinements to the bill can put us on the same page. We would like to work with the author or a subcommittee, whichever the Committee feels most appropriate, to work out what may prove to be minor differences. Thank you for the opportunity to address the Committee this morning.

LCB note: AB 493 and other bills include references to the Board of County Commissioners and the City Councils of the four largest cities in Clark County. Consider that in several years Mesquite can be expected to eclipse Boulder City as the fourth largest city in Clark County.

TABLE 1

FORMS OF REGIONAL COLLABORATION AROUND THE COUNTRY

METROPOLITAN AREA	REGIONAL AGENCY	SIZE OF AGENCY JURISDICTION	SCOPE OF AUTHORITY	GOVERNING BOARD	FUNDING	STAFFING
Denver, CO	(DRCOG) Denver Regional Council of Governments, established in 1955 as a voluntary association.	5,000 sq. mi. region and serves approximately 2.2 million people. 8 county region including 41 municipal governments.	Transportation, regional planning, the environment, provisions of services to the region's older population, and analysis of economic and development trends.	Board of Directors consists of 48 executive committee members designated by their jurisdictions, 3 non-voting appointees appointed by the Governor, with 5 officers elected by the full Board.	Federal & State grants, plus membership dues from participating municipalities.	85 FTEs
Minneapolis/St. Paul, MN	Metropolitan Council of the Twin Cities Area, mandated in 1967 by the legislature to replace a largely ineffective COG-type metropolitan planning commission.	3,000 sq. mi. area and serves 2.5 million people. 7 counties with over 140 municipalities divided into 16 districts.	Planning and overseeing growth and development, treatment of wastewater, manages affordable housing programs, operates regional transit system, and planning and funding parks and trails.	Council Members--Members appointed by the governor, with 16 members representing metropolitan districts of equal population. The 17th member is the Chair. The Chair and members serve at the will of the governor.	284 million (FY 96). Funding includes: property, state, and federal taxes, sewer service charges, and transit fares.	3,700 FTEs in fourteen departments.
Portland, OR	(METRO) Metropolitan Srvs. Dist., only elected regional govt. with home-rule charter, mandated by the legislature in 1977 and subsequently approved by the voters, replacing the Columbia Region Association of Governments.	460 sq. mi. region and serves more than 1.3 million people. 24 cities, the urban portions of three counties, and 60 special districts.	METRO provides transportation and land-use planning services and oversees regional garbage disposal and recycling waste reductions programs. Establishes urban growth boundary. It manages regional parks and green spaces and the Metro Washington Park Zoo. It also oversees operation of the Oregon Convention Center, Civic Stadium, the Portland Center for the Performing Arts and the Expo Center.	Exec. officer and an auditor, elected region wide and a seven-member council elected by the districts. Plus six standing committees.	297 million (FY 97-98). Funding is mainly derived from user fees from revenue generating activities. Property taxes levied at \$28.00/yr. for a \$100,000 single family home. Bond measures passed for particular projects.	1,715 full and part-time employees in six departments and the commission. Also, over 138,000 hours of community service has been provided by local volunteers in last year alone.

MUNICIPALITY	REGIONAL AGENCY	SIZE OF AGENCY	SCOPE OF AUTHORITY	GOVERNING BOARD	FUNDING	STAFFING
Reno, NV	(TMRPA) Truckee Meadows Regional Planning Agency mandated by the 1989 state legislature to encourage better regional planning.	6,600 sq. mi. region that serves nearly 300,000 people. Washoe County, two cities, and Pyramid Lake Paiute Tribe.	Provides a forum for collaboration and communication on a variety of important topics, from fiscal structure to legislative proposals. In addition to, supporting the deliberations of the Regional Planning Commission and the Regional Planning Governing Board. Approval authority over projects of regional significance.	Governing Board with 9 members appointed by their respective governing bodies and an Executive Director hired by the Board.	FY 97-98 budget is approximately \$600,000. The budget is divided in proportions decided upon by the Board. not solely population based.	5 FTEs and 4 PTEs individually working on three main issue areas: quality of life, fiscal, and planning.
Sacramento, CA	(SACOG) Sacramento Area Council of Governments, established in 1965 as a voluntary association.	3,343 sq. mi. and serves over 1.5 million people 4 counties and 15 cities.	Provides a forum for the study and resolution of regional issues. Issues include: transportation, air quality, aviation, public information, and technical services.	Board of Directors consisting of eleven members. Voting is weighted, with the County of Sacramento having three votes, the City of Sacramento having two votes, and all other representatives having one vote.	FY 98-99 budget is approximately 4.9 million. Plus another 2.7 million to operate emergency call boxes along the freeways. Federal, State and local grants, plus all member jurisdictions pay annual dues based on population.	40 people in seven departments.
Seattle, WA	Puget Sound Regional Council, established through an interlocal agreement in 1991 has been around under different names and forms since the late 1950s. It is designated as the MPO and RTPO.	6,287 sq. mi. and serves 3 million people. 4 counties, 63 cities, 3 ports, 2 state agencies.	Serves as a forum for developing policies and making decisions about regional planning and growth, transportation, and economic issues.	General Assembly appointed by general assembly voters and the Executive Board is chaired by the Regional Council president. 124 members plus 4 associate member agencies, and 5 transit agencies.	FY 97-98 budget is 6.4 million. 80% from Federal and State grants, and the remaining 20% from dues paid by member agencies and other local sources.	50 FTEs
Tahoe, NV	(TRPA) Tahoe Regional Planning Agency. In the late 1960's a bi-state compact created a regional planning agency to oversee development at Lake Tahoe. In 1969, the United States Congress ratified this agreement and created the TRPA.	501 sq. mi. and serves approximately 51,000 people. Tahoe Basin includes Nevada and California. First bi-state regional planning agency. It includes 5 counties and one city.	Leads the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region. Land use authority over the Lake Tahoe Region.	Chairman of the Board appointed by the Governor of Nevada. Governing Board with 15 members, that represent each of the jurisdictions and several members appointed by governors, one member at large and even one presidential appointed member.	FY94-95 budget was approximately 3.8 million. Most of the funding is received from the States. It also seeks special project funding from a variety of sources.	50 FTEs in five divisions.

**INTERLOCAL AGREEMENT
CLARK COUNTY AND THE CITY OF HENDERSON
FOR
ESTABLISHING A JOINT POSITION ON BOUNDARIES, PLANNING, PUBLIC
FACILITY/SERVICE PROVISION AND GOVERNMENTAL JURISDICTION**

This agreement is made and entered into this 19th day of January, 1999 by and between the County of Clark and the City of Henderson, political subdivisions of the State of Nevada. The parties above named are hereinafter referred to as "County" and "City" respectively.

WITNESSETH:

WHEREAS, The southwest portion of the Las Vegas Valley is one of the most dynamic growth areas in Clark County; and

WHEREAS, lands within the southwest portion of the Las Vegas Valley lie within both the City and the County; and

WHEREAS, the City and the County have identified a need to create a framework for future growth in the southwest portion of the Las Vegas Valley by establishing mutually acceptable growth strategies, and

WHEREAS, both the City and the County have undertaken long range plans and have made long term financial commitments related to various urban services on the basis of the continued existence of the revenue anticipated from each form of government, and

WHEREAS, the City and County have identified a need to undertake collaborative and compatible land use and transportation system planning in the area of joint jurisdiction, and

WHEREAS, increased coordination and recognition of long term jurisdictional boundaries can result in better management of taxpayer dollars through avoidance of jurisdictional disputes and provision of equitable services to residents of the City and County, and

WHEREAS, the interests of the residents of the City and County are best served by preserving the opportunities for future growth and financial stability of the City and County.

NOW THEREFORE, the following have been mutually agreed upon by both parties:

1. Corporate Boundaries: Both parties agree that lands described in this section and shown on the attached map are appropriate for annexation to the City of Henderson, consistent with the provisions of NRS 268.570 to 268.608, inclusive. For federal lands described in this section, the County supports annexation to the City. For non-federal lands the County will not oppose annexation to the City.

(a) Township 22 South, Range 61 East; Sections 26 and 34.

- (b) Township 23 South, Range 61 East; Those portions of section 4 which lie south of Lake Mead Drive, those portions of section 9 which lie south of Lake Mead Drive, all of sections 10 through 16, the east 1/2 of the east 1/2 of section 20, and all of sections 21 through 24.

2. Water and Sewer Service Provision: Water and sewer service provision for the lands listed in section 1 of this agreement will be established through interlocal agreements, irrespective of jurisdictional boundaries, in order to efficiently provide services and avoid duplication. The interlocal agreements will also address areas where the Las Vegas Valley Water District and/or the Clark County Sanitation District have made water and/or sewer facility investments, determine the most appropriate service provider, and provide reimbursement for their investment to any jurisdiction that transfers facilities to another jurisdiction.

3. Joint Land Use Planning: The lands described in section 1 of this agreement shall constitute a joint planning area. For this joint planning area, both parties agree to the following:

- (a) The City will lead, with participation by the County, property owners, interested parties, and service providers, the development of a seamless land use and development plan.
- (b) Both parties will adopt the joint planning area land use and development plan as an element of their Comprehensive Plan.
- (c) Until the joint planning area land use and development plan is adopted by both parties, the applicable provisions of the Enterprise Land Use Plan adopted by the Board of County Commissioners on January 20, 1999, and the South County Land Use and Development Guide, adopted by the Board of County Commissioners on December 6, 1994 will be recognized by both parties as the Comprehensive plan for the joint planning area.
- (d) Until the joint planning area land use and development plan is adopted by both parties, no development outside of Clark County Community District 2 will be approved, except as allowed by the zoning classification existing on the effective date of this agreement.
- (e) Neither party will approve a zoning classification that conflicts with the adopted land use plan.
- (f) Neither party will approve a land use plan amendment within the notification area identified in section 3(g) of this agreement without first considering the recommendations and findings of the governing body (or designee) of the other party.
- (g) Both parties agree to notify the other of all development applications as follows:
 - (1) The County will notify the city of all development applications within the joint planning area and a surrounding distance of one mile.
 - (2) The City will notify the County of all development applications within one mile of the jurisdictional boundary within the joint planning area.

4. Joint Transportation Planning: The City and County designate the area generally bounded by Decatur Boulevard to the west, Cactus Road to the north, Eastern Avenue to the east, and one mile south of the 1998 BLM Disposal Area Boundary to the south, as shown on the attached map, as a joint transportation planning area of mutual interest. For this joint transportation

planning area, both parties agree to the following:

- (a) The parties will develop an arterial street plan, including interchanges and overpasses at Interstate Highway 15, for the area that meets the needs of the traveling public in both the City and the County.
- (b) Both parties agree to require appropriate remote traffic mitigation measures irrespective of jurisdictional boundaries. Where remote traffic mitigation measures are indicated in the other jurisdiction, neither party will approve a traffic study without first notifying the Director of Public Works of the other jurisdiction and considering the recommendations and findings of the other party. Remote traffic mitigation measures include physical transportation improvements located on a street or highway that are not within a development, or do not form a boundary to the development. These improvements are needed to mitigate the impacts of traffic generated by the development, and may be built by the developer, or wholly or partially funded by the developer.

5. Water Reuse Plant: The City, County and the Clark County Sanitation District will work together to determine the location of the proposed water reuse plant. The plant will be sited outside of Section 26, Township 22 South, Range 61 East. The plant will be designed to be compatible with nearby existing and planned land uses. The water reuse plant will be built and operated by the City. Reclaimed water from the plant will be accessible to City and County customers according to provisions developed through interlocal agreement between the City, the Clark County Sanitation District and/or the Las Vegas Valley Water District.

6. Future Annexations: The City agrees to limit future annexations to the City corporate boundary in the south and west area as follows:

- (a) The City will not initiate any annexations within the area depicted on the attached Future Annexation Areas map except in accordance with section 1 of this agreement for the term hereof. When the City initiates an annexation, they will send notice to the County prior to City Council action.
- (b) The City may consider annexation petitions from property owners outside of the lands described in section 1 of this agreement. If such petitions are received, the City will notify the County Clerk, County Manager, and Director of Comprehensive Planning when the petitions are received.

7. Interlocal Cooperation during the 1999 Legislative Session and Future Sessions: The City and County agree that:

- (a) No significant changes, including the provisions relating to unincorporated towns, are necessary during the 1999 legislative session to the current annexation laws. Both parties agree to neither introduce nor support changes to the annexation laws without first giving consideration to the recommendations or findings of the other governing body or its designee. Both parties agree to commit to establishing a joint position that is mutually beneficial, or is least detrimental, to both parties with regard to any proposed changes to the annexation laws.
- (b) No introduction will be made or support given for legislation regarding regional boards (except when those measures are sponsored or supported by the current

governing board of the affected regional agency) that alters the jurisdiction, power, function, and membership of existing regional boards, where the City and County have annual representation, without first giving consideration to the recommendations or findings of the other governing body or its designee. Both parties agree to commit to establishing a joint position that is mutually beneficial, or is least detrimental, to both parties with regard to any proposed changes regarding regional governance.

- (c) Clark County and the City of Henderson will work together and with the other cities in Clark County to present to our legislators a unified legislative program to address the needs of the people of Southern Nevada and their local governmental entities for the 1999 legislative session and each subsequent session.

8. Term of the Agreement: This Agreement shall not be terminated for at least two years. Thereafter, this agreement shall be effective for four years unless terminated earlier.

9. Termination: This Agreement may be terminated upon adoption of a resolution to that effect by the governing bodies of both parties.

10. Amendments: This Agreement may be amended by approval of such amendment by the governing bodies of both parties. Future modifications to the 1998 BLM Disposal Boundary, and other unforeseen circumstances, provide cause for amendment. The amendment shall be effective on the date stated in the amendment or, if no effective date is stated, on the date of approval of the amendment by the last party.

11. Effective Date: The effective date of this Agreement shall be the date on which the governing body of the last party to approve this Agreement does approve this Agreement.

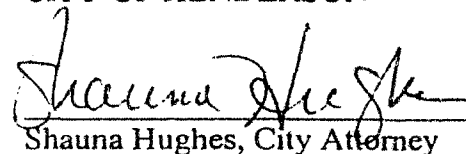
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the day and in the year first above written.

APPROVED AS TO FORM

COUNTY OF CLARK

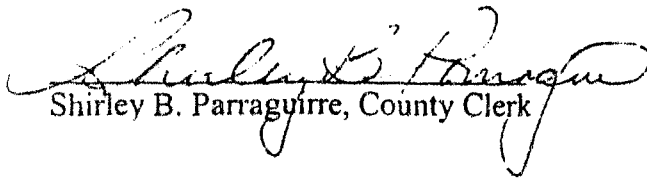

Mary-Anne Miller, County Counsel

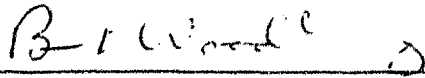
CITY OF HENDERSON


Shauna Hughes, City Attorney

ATTEST:

COUNTY OF CLARK

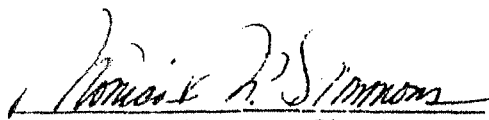

Shirley B. Parraguire, County Clerk


Bruce L. Woodbury, Chair, Board of
County Commissioners

Date: 1/14/99

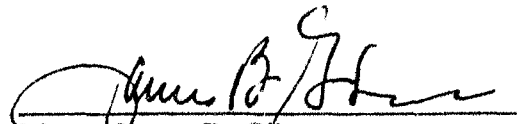
ATTEST

CITY OF HENDERSON

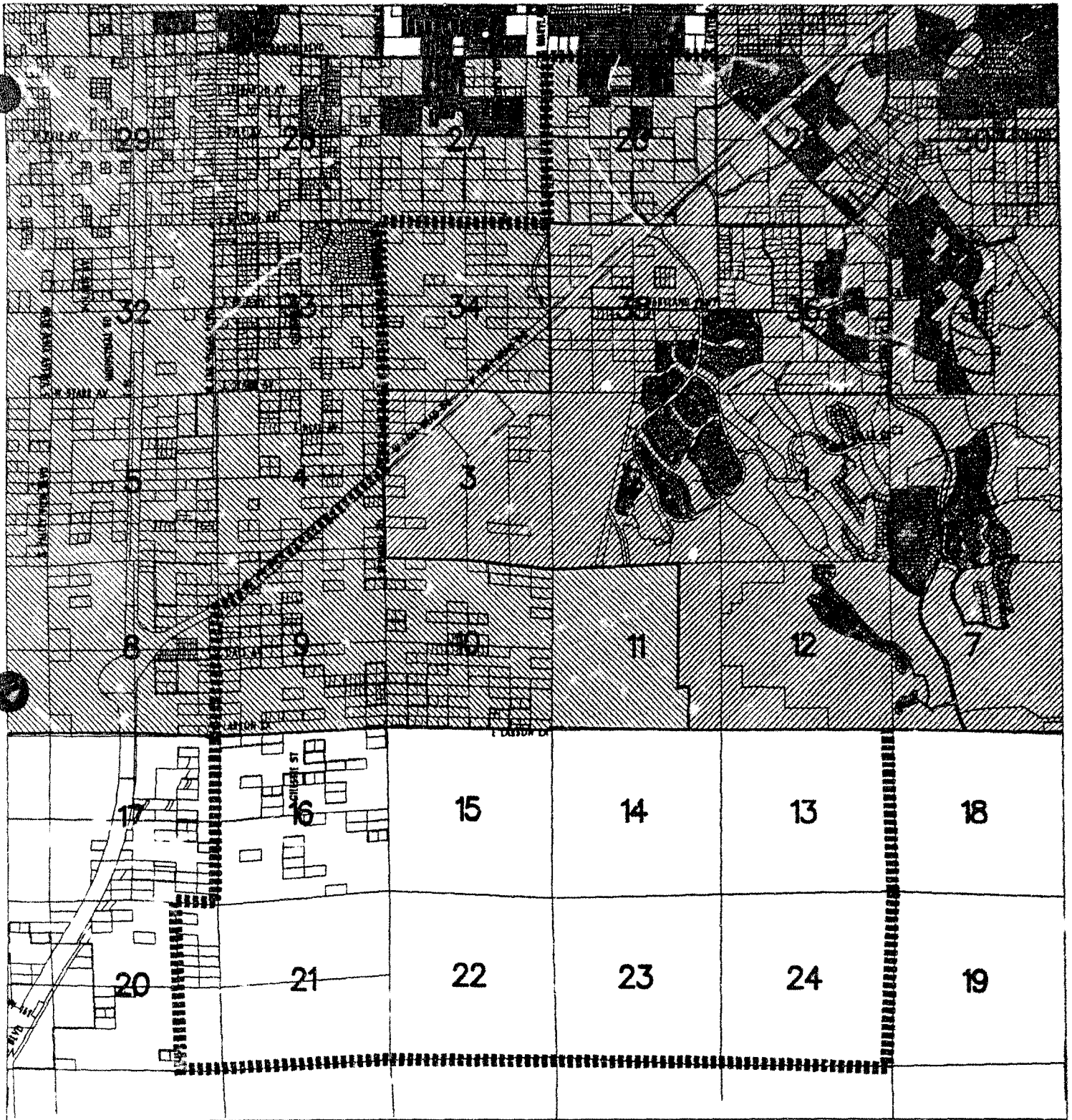

Monica M. Simmons, City Clerk

COUNCIL ACTION




JAN 19 1999


Mayor James B. Gibson

Date: 1/19/99



**CITY OF HENDERSON
FUTURE ANNEXATION AREAS**

-  Existing Henderson Boundaries
-  Enterprise
-  Proposed Future Henderson Boundaries

INTERLOCAL AGREEMENT
FOR
THE FORMATION OF
THE SOUTHERN NEVADA REGIONAL PLANNING COALITION

THIS AGREEMENT is made and entered into this 20th day of October, 1998, by and between the COUNTY OF CLARK, the CITY OF LAS VEGAS, the CITY OF HENDERSON, the CITY OF NORTH LAS VEGAS, and the CITY OF BOULDER CITY, political subdivisions of the State of Nevada. The parties above named are hereinafter referred to as "County" and "the Cities" respectively or collectively as "Public Entities".

WITNESSETH:

WHEREAS, Southern Nevada continues to be one of the nation's fastest growing regions; and

WHEREAS, unprecedented growth creates tremendous challenges for local government to maintain an ongoing equilibrium between demands for public services generated by growth and the supply of revenues to finance those demands; and

WHEREAS, failing to meet these challenges will adversely impact such basic quality of life elements as economic prosperity, public safety, education, transportation, recreation and culture, the natural environment, and health care; and

WHEREAS, these challenges transcend governmental jurisdictional boundaries; and

WHEREAS, it is essential to preserve the unique qualities of individual communities as we continue to grow and develop; and

WHEREAS, intergovernmental collaboration has proven to be an efficient and effective approach to address many of these challenges; and

WHEREAS, it is of utmost importance to preserve and enhance the quality of life for the citizens and the future generations of Southern Nevada; and

WHEREAS, the Public Entities desire to establish proactive Las Vegas Metropolitan Planning Area planning policies for the compatibility of land uses, location of infrastructure and the provision of regional public services; and

WHEREAS, there is a need for collaboration and regional recommendations to address the challenges facing Southern Nevada, enumerated above; and

WHEREAS, the creation of an advisory committee is a necessary first step to interlocal cooperation to address regional governance issues; and

51

WHEREAS, N.R.S. 277.180 provides that two or more political subdivisions of the State may enter into interlocal agreements for the performance of any governmental function in the furtherance of that function.

NOW, THEREFORE, the following have been mutually agreed upon by all parties:

1. Name. The Southern Nevada Regional Planning Coalition, hereinafter referred to as the "Coalition", is hereby created.

2. Definitions.

(a) The Las Vegas Metropolitan Planning Area shall mean the incorporated areas of Las Vegas, North Las Vegas, Henderson, and Boulder City and the unincorporated urban areas of Clark County.

(b) Super Majority of Public Entity Coalition Board members shall mean 66-2/3% of the Public Entity Coalition Board Members.

3. Efficiency Committee Superseded. The Coalition shall supersede the Southern Nevada Government Efficiency Committee.

4. Membership of the Governing Board of the Coalition ("Coalition Board").

(a) Public Entity Membership: The membership of the Coalition Board shall consist of two (2) elected officials appointed by the governing board of each of the Public Entities with the exception of Boulder City which shall appoint one (1) member, for a total of nine (9) members representing the Public Entities. Not later than forty-five (45) days after the effective date hereof, each Public Entity shall appoint its member(s) to the Coalition Board.

(b) Citizen Membership: Within 135 days after the Effective Date of this Agreement, four (4) Citizen Members to represent the private sector and citizen interests shall be appointed by a Super Majority of the Public Entity Coalition Board members. Non-Public Entity members to the Coalition Board shall be limited to two (2) year terms, staggered initially so that two (2) members serve four (4) year terms, and two (2) members serve two (2) year terms.

(c) Each Coalition Board member shall have one (1) vote.

(d) In the event a Coalition Board member representing a Public Entity ceases to be an elected official from the Public Entity which appointed such person to the Coalition Board, or in the event the governing board of a Public Entity revokes a member's

appointment to the Coalition Board, a vacancy shall exist on the Coalition Board which the Public Entity shall fill within forty-five (45) days.

- (e) In the event a Non-Public Entity member of the Coalition Board ceases to be able to fulfill the responsibilities of the Coalition Board as defined in the Rules of Practice and Procedure, a vacancy shall exist which shall be filled by the Super Majority of Public Entity members within forty-five (45) days of such vacancy occurring. Such appointment shall be for the remainder of the term for which the vacancy exists.
- (f) Only Public Entity Coalition Board members may vote on (i) budgetary matters or matters which involve the expenditure of public funds, or (ii) contracts or other instruments that create binding legal obligations on the Public Entities; and (iii) appointments, by Super Majority, of Non-Public Entity Coalition Board members.

5. Meeting and Notice.

- (a) First meeting shall be held within 45 days of the execution of this Agreement.
- (b) The time and place of regular meetings and special meetings shall be noticed to the general public as required by the Open Meeting Law.
- (c) Subject to the desired goal of taking action by consensus, if possible, and except as provided in Sections 4(b), 4(e) and 4(f), action by the Coalition Board shall be effective for all purposes, if approved by a majority of the members of the Coalition Board at a meeting duly called and noticed. A quorum shall consist of a majority of the members of the Coalition Board, except for those matters covered by Section 4(f), a quorum shall consist of 66-2/3% of the Public Entity Board members.

6. Officers. The officers of the Coalition shall consist of a Chair and Vice-Chair selected from the Public Entity Coalition Board members, elected, for a one-year term, at the first meeting of each calendar year. The initial Chair and Vice-Chair shall be elected at the first meeting of the Coalition and shall serve until the first meeting of 2000.

7. Staff. The Coalition shall employ such professional, necessary technical and support staff with such duties as required by the Coalition Board.

8. Technical Committee. A Technical Committee, consisting of the Clark County Manager and the City Managers of Las Vegas, Henderson, North Las Vegas, and Boulder City, or their designee(s), shall support the work of the Coalition. In addition, the Technical Committee may invite participation on the Technical Committee of representatives of regional agencies or entities including, but not limited to (a) the

Regional Transportation Commission, (b) the Clark County School District, (c) the Regional Flood Control District, (d) the Clark County District Board of Health, (e) the Southern Nevada Water Authority, and (f) Public Utilities. The Technical Committee shall select a Chair from its membership. The Technical Committee shall perform such duties as required by the Coalition Board. The Technical Committee shall meet as often as necessary with the time and place and notice thereof as may be agreed on from time to time by the Technical Committee.

9. Powers. The Coalition may, without limitation and upon approval of a majority of its members:

- (a) Develop Las Vegas Metropolitan Planning Area Policies which shall address any or all of the following:
 - (1) Policies for promotion of orderly development, coordinated land use planning and the efficient provision of urban services;
 - (2) Policies for better coordination of transportation networks among local jurisdictions;
 - (3) Policies for coordinated infrastructure planning and the siting of capital facilities among local and regional public service providers;
 - (4) Policies that consider the need for housing for all economic segments of the population and its distribution throughout the community;
 - (5) Policies for region-wide economic development and employment;
 - (6) Policies for protecting the environment;
 - (7) Policies for developing and coordinating a regional trail and open space program; and
 - (8) Policies for maximizing cooperation among local governments and optimizing public infrastructure financing.

The items listed in this sub-section (a) shall be developed as the Las Vegas Metropolitan Planning Area Policies through an open and participatory citizen involvement process. The Las Vegas Metropolitan Planning Area Policies shall define an implementation plan which recognizes achievable timeframes and measurable benchmarks.

- (b) Manage and implement the strategic plan and infrastructure finance recommendations adopted by the Southern Nevada Strategic Planning Authority.

- (c) Coordinate a regional and local data base for the Las Vegas Metropolitan Planning Area, including GIS .
- (d) Establish standardized population projections with respect to regional planning purposes.
- (e) Identify and recommend to the appropriate Public Entities measures which, if implemented, would increase the efficiency of furnishing governmental services and reduce the cost thereof.
- (f) Examine issues and problems with respect to Federal Land Disposal Policy and Practice in the Las Vegas Valley; consult with the affected Public Entities and representatives of the Federal Government; and make recommendations with respect thereto.
- (g) Consider issues between Public Entities concerning annexation, future land use, zoning and development of land adjacent to the boundaries of two or more Public Entities and establish methods for addressing such issues.
- (h) Identify and recommend to the appropriate Public Entities measures to coordinate development regulations and public improvement standards.
- (i) Consider any issues of regional significance as determined appropriate by the Coalition Board.
- (j) Review Master Plans and Capital Improvement Plans for consistency with the Las Vegas Metropolitan Planning Area Policies on a biennial basis.

10. Clearinghouse Responsibility. The Coalition shall assume the responsibilities of the Clark County A-95 Clearinghouse Council. The Cooperative Agreement for the formation of the Clark County Clearinghouse Council dated the 6th day of July, 1993 by and among Clark County, City of Las Vegas, City of North Las Vegas, City of Henderson, Boulder City and the City of Mesquite shall terminate on the Effective Date hereof if approved by the governing boards of all signatory parties thereto within a three (3) month period, otherwise on June 30, 1999. It is understood and agreed by the parties hereto that there is no outstanding indebtedness nor are there outstanding contractual obligations of the Council established pursuant to the July 6, 1993 Agreement.. The responsibilities assumed under this Section include the responsibility to administer the efforts necessary for the review, comment, and recommendations required for compliance with Presidential Executive Order 12372 and Governor's Executive Order, State of Nevada, June 9, 1983, relative to applications for Project Notification and Review System, Direct Federal

Development, State Plans, and Coordination of Planning in Multijurisdictional Areas. On termination of the July 6, 1993 Agreement, the Coalition shall succeed to the staff and funds of the Clark County Clearinghouse Council.

11. Procedures.

- (a) The Coalition Board may refer any matter before it to the regional organization, governmental agency or Public Entity having jurisdiction over such matter for review and recommendation to the Coalition. The Coalition Board or the Coalition Staff may consult with such regional organization, governmental agency or Public Entity with respect to the matter under consideration by the Coalition Board. The Coalition Board shall request a response within forty-five (45) days of the referral. If no response is forthcoming within the forty-five (45) day period, the Coalition Board may proceed to consider and take action on the matter before it without input from the regional organization, governmental agency or Public Entity.

Examples of appropriate references are:

- Transportation - Regional Transportation Commission.
 - Education and schools - Clark County School District
 - Flood Control - Regional Flood Control District
 - Air Quality - Clark County Planning Department and/or Clark County District Board of Health
 - Water Issues - Southern Nevada Water Authority
 - Other governmental agencies as may be appropriate
- (b) In the event a Coalition Recommendation or Policy involves one or more Public Entities or other governmental agency, the governing boards of the Public Entity or Entities or governmental agency involved shall consider the recommendation of the Coalition within forty-five (45) days of the Coalition recommendation. In the event the governing board of any Public Entity or governmental agency rejects the Coalition recommendation, such Public Entity or governmental agency shall report to the Coalition Board at its next regular meeting the reasons for such rejection.
- (c) The Coalition Board shall adopt Rules of Practice and Procedure to govern the affairs of the Coalition and the meetings of the Coalition Board as the Coalition Board deems necessary. Initial Rules of Practice and Procedure shall be adopted no later

than 135 days from the execution of this Agreement. It is the desired goal of the Coalition to take action on matters before it by consensus where possible. The Rules of Practice and procedure shall define consensus and shall identify the matters concerning which the Coalition Board is to strive to achieve the desired goal of consensus.

12. Standing Sub-Committees. There shall be the following Standing Sub-Committees of the Coalition:

- (a) Federal Lands Disposal Sub-Committee to address issues referenced in Section 9 (f) above. This Sub-Committee shall work directly with the Bureau of Land Management ("BLM") and shall report its activities to the Coalition Board. The membership of this Sub-Committee shall be the Clark County Coalition Board members and the Mayors of Henderson, Las Vegas and North Las Vegas. The Field Manager of the Las Vegas Field Office of the BLM and a representative of the United States Air Force shall be ex-officio non-voting members of this Sub-Committee.
- (b) Clark County Clearinghouse Council Sub-Committee to address the issues referenced in Section 10 above. The membership of this Sub-Committee shall be one (1) elected official from each of the Public Entities and one (1) elected official from the City of Mesquite, each of whom shall be appointed by the governing board of the political subdivision such member represents. The existing membership of the Clark County Clearinghouse Council appointed pursuant to the July 6, 1993 Cooperative Agreement shall serve as the first members of this Sub-Committee.
- (c) The Coalition Board may appoint additional Sub-Committees from time to time with such duties as may be designated by the Coalition Board.
- (d) Sub-Committees shall have such members as may be determined from time to time by the Coalition Board.

13. Budget Authority. The Coalition Board is authorized to prepare an annual budget. Unless otherwise agreed by the Coalition Board, the budget shall apportion costs among the Public Entities, based on the percentage that each Public Entity's vote(s) on the Coalition Board bear to the total number of Public Entity Coalition Board votes provided however that no Public Entity's share of an annual budget shall exceed .15% of that entity's general fund revenues for the preceding fiscal year without the consent of that

entity's governing board. The apportioned costs shall be submitted to the governing bodies of the Public Entities for ratification. Upon approval by each Public Entity, funds to cover that entity's share of costs shall be deposited into a special account to be maintained by the fiscal agent for the Coalition selected by the Coalition Board. Each Public Entity agrees to pay its share of annual budget expenses during the term of this Agreement. The fiscal agent shall furnish an independent audit on request of the Coalition Board but not more often than one (1) each year. In furtherance of the management of its fiscal affairs, the Coalition may accept donations from private sector donors and utilize such funds for the purposes of the Coalition.

14. Professional Services. In the exercise of its powers, the Coalition may employ professional services.

15. Term of the Agreement. This Agreement shall continue until terminated.

16. Termination. This Agreement may be terminated, and the Coalition disbanded, by the adoption of a resolution to that effect by the governing bodies of four (4) of the five (5) Public Entities. Such termination shall not take effect until all outstanding debts or contractual obligations of the Coalition have been fulfilled and one hundred and eighty (180) days shall have passed from the adoption of such resolution by the fourth Public Entity.

17. Amendments. This Agreement may be amended by approval of such amendment by the governing boards of all Public Entities. The Amendment shall be effective on the date stated in the amendment or, if no effective date is stated, on the date of approval of the amendment by the last Public Entity.

18. Effective Date. The effective date of this Agreement shall be the date on which the governing board of the last Public Entity to approve this Agreement does approve this Agreement.

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THIS AGREEMENT may be executed in any number of counterparts, and when so executed, each such counterpart shall be deemed to be an original hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the day and in the year first above written.

ATTEST:

Patricia Harrison
for Loretta Bowman, County Clerk
PATRICIA HARRISON

Board of County Commissioners
Clark County, Nevada

By *Yvonne Atkinson Gates*
Yvonne Atkinson Gates, Chair

ATTEST:

Barbara Jo Ronemus
Barbara Jo Ronemus, City Clerk

City of Las Vegas, Nevada

By *Jan Lavery Jones*
Mayor Jan Lavery Jones

APPROVED AS TO FORM:
J. Ponticello 11/30/98
Date

ATTEST:

Monica M. Simmons
Monica M. Simmons, City Clerk

City of Henderson, Nevada

By *James B. Gibson*
Mayor James B. Gibson

ATTEST:

Eileen Sevigny
Eileen Sevigny, City Clerk

City of North Las Vegas, Nevada OCT 21 1998

By *Michael L. Montandon*
Mayor Michael L. Montandon

ATTEST:

Vicki G. Mayes
Vicki G. Mayes, City Clerk

City of Boulder City, Nevada

By *Robert S. Ferraro*
Mayor Robert S. Ferraro

**MINUTES OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
April 9, 1999**

The Committee on Government Affairs was called to order at 8:23 a.m., on Friday, April 9, 1999. Chairman Douglas Bache presided in Room 3143 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Douglas Bache, Chairman
Mr. John Jay Lee, Vice Chairman
Ms. Merle Berman
Mrs. Vivian Freeman
Ms. Dawn Gibbons
Mr. David Humke
Mr. Harry Mortenson
Mr. Roy Neighbors
Ms. Bonnie Parnell
Ms. Gene Segerblom
Mr. Kelly Thomas
Ms. Sandra Tiffany
Ms. Kathy Von Tobel
Mr. Wendell Williams

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Dave Ziegler, Committee Policy Analyst
Virginia Letts, Committee Secretary

OTHERS PRESENT:

Bryon Slobe, State Fire Marshal
Stephanie Licht, representing Elko County
Ross de Lipkau, Attorney for Airport Authority of Washoe County
Janet Carson, representing Sierra Pacific Power Company

THE MOTION CARRIED (ASSEMBLYWOMAN FREEMAN WAS ABSENT FOR THE VOTE).

Assembly Bill 493: Makes various changes concerning regional planning.
(BDR 22-282)

Chairman Bache indicated it was requested by the regional planning agencies and Ms. Fretwell was very helpful in working with he and Ms. Giunchigliani. There was a proposed amendment (Exhibit K) and he would let Ms. Fretwell and Ms. Giunchigliani explain the amendment.

Betsy Fretwell, representing the city of Henderson stated on lines 2 to 38, page 3, of the amendment where it read "each of the four largest" should be replaced with "at least three of the largest." It would then be consistent with existing interlocal agreements, but gave the flexibility to add more people when they wanted to join the plan.

Ms. Giunchigliani interjected it represented what was currently occurring with the regional coalition. She continued, on page 4 the language was reworked indicating a "land use plan map for the region based on the adopted plans of local entities." That language more closely aligned with what was currently done by the planning authority. They had tried to work with what Senator Porter's bill encompassed so there was no conflict but still took into account what the strategic planning coalition had been designing. Also changes in subsection 7 addressed another public purpose statement that the plan should take into consideration. Section 6 was the original proposed incentive language although when it was rewritten there was an error, so where it read "creating a building permit fee," "building" should read "development."

Ms. Fretwell interjected in section 7 the language seemed to indicate the entities if they were otherwise required to submit a plan to the public utilities commission (PUC) then they were required to submit those plans to the coalition. She felt there should be an "or" added, to read "The following entities shall, or if otherwise required..."

Ms. Giunchigliani pointed out section 8 was rewritten and referred back to what the regional planning coalition wanted in section 5, subsections 2 and 3. Section 9 dealt with the budget and lifted directly from the original bill, so plans would be submitted to the local governments for recommendation for funding, but it would determine what triggered the funding mechanism. In section 10 the original language was deleted in its entirety with the recommended language allowing the coalition to enter into a contract for services necessary to

implement the provisions of the act. There was also a mandate starting July 1, 2002, the coalition must review the consistency with the adopted regional policy plan not more than every 2 years. The last change provided 90 days for plans to be submitted with the act becoming effective January 1, 2000, which should provide adequate time to have the plan in place.

Ms. Fretwell added throughout the document it went back and forth between conference of "regional plan" and "comprehensive regional policy plan." Since everything was developed by policy, she felt the phrase should be "comprehensive regional policy plan." Also, in section 5 where it referred "from federal agencies" that should be changed to "to federal agencies."

Ms. Von Tobel questioned if the plan worked in conjunction with the plan introduced in the senate. Ms. Giunchigliani replied in the affirmative and that was on what Ms. Fretwell had been working and what the coalition was moving toward.

ASSEMBLYMAN LEE MADE A MOTION TO AMEND AND DO PASS
A.B. 493.

ASSEMBLYMAN MORTENSEN SECONDED THE MOTION.

THE MOTION CARRIED (ASSEMBLYWOMAN FREEMAN WAS ABSENT
FOR THE VOTE).

Assembly Bill 349: Makes changes to provisions governing notice of certain amendments to master plan or zoning regulation. (BDR 22-1339)

Kelly Thomas, District 16, testified he had passed out the proposed amendments to the bill (Exhibit L) which addressed community notification of nonconforming zone changes, other applications, and school districts. There was concern about the fiscal impact, so he reduced the requirements. Currently master plan notification in counties over 400,000 was 500 feet, and was being changed to 1,000 so it reduced some of the impact. In the rural counties the notification area went from 300 to 500 feet. He had also included enabling legislation so notification could be made by electronic means if there was a request to do so. The noticing requirements were mirrored in the zoning portion of statute to match that of the master plan. A requirement was added to notice the superintendent of schools and his/her designee, which was the impetus of the original bill. Mr. Lee's concerns had also been addressed regarding commercial and residential use permits. Those were separated so commercial

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.

~CHANGES ARE SHADED~
4/8/99

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted. Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).
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:

1-1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
1-2 the provisions set forth as sections 2 to 11, inclusive, of this act.

1-3 **Sec. 2. As used in sections 2, 4, 5 and 7 to 11, inclusive, of this act,**
1-4 **unless the context otherwise requires, "regional planning coalition"**
1-5 **means the regional planning coalition established pursuant to**
1-6 **section 4**
1-6 **of this act.**

1-7 **Sec. 3. 1. The legislature recognizes the need for innovative**
1-8 **strategies of planning and development that:**
1-9 **(a) Address the anticipated needs and demands of continued**
1-10 **urbanization and the corresponding need to protect**
1-11 **environmentally**

1-11 **sensitive areas; and**
1-12 **(b) Will allow the development of less populous regions of this**
1-12 **state if**

1-13 **such regions:**
1-14 **(1) Seek increased economic development; and**
1-15 **(2) Have sufficient resources of land and water to accommodate**
1-16 **development in a manner that is environmentally sound.**

2-1 **2. The legislature further recognizes that innovative strategies of**

2-2 **planning and development may be superior to conventional strategies of**

2-3 **planning and development with respect to:**

2-4 **(a) Protecting environmentally sensitive areas;**

2-5 **(b) Maintaining the economic viability of agricultural and other**
2-6 **predominantly rural land uses; and**

2-7 **(c) Providing cost-effective public facilities and services.**

2-8 **3. It is the intent of the legislature that each comprehensive regional**

2-9 **plan adopted or amended pursuant to this chapter should set forth**
a

2-10 **process of planning which:**

2-11 **(a) Allows for:**

2-12 **(1) The efficient use of land within existing urban areas; and**

2-13 **(2) The conversion of rural lands to other uses, if such other uses**
2-14 **are appropriate and consistent with the provisions of this chapter**
and the

2-15 **master plan of each affected city and county.**

2-16 **(b) Uses innovative and flexible strategies of planning and**
2-17 **development and creative techniques of land use planning which**
2-18 **promote sustainable growth, including, without limitation,**
establishment

2-19 **of new towns, the maintenance of open space and mixed-use**
2-20 **development.**

2-21 **4. It is the further intent of the legislature that when the governing**
2-22 **body of a local government adopts a master plan or zoning**
regulation,

2-23 **the plan or regulation should promote a strategy of maximizing the**
use

2-24 **of existing facilities and services through redevelopment,**
interspersions of

2-25 **new housing and businesses in established neighborhoods and**
other

2-26 **mechanisms for urban revitalization.**

2-27 **5. It is the further intent of the legislature that the construction of**
2-28 **public facilities and the provision of services necessary to support**
2-29 **development should be coordinated with activities of development**
to

2-30 ensure that demand for such facilities and services can be met at
the time
2-31 the demand is created. In carrying out this intent, local and
regional
2-32 governmental entities are encouraged to construct public facilities,
2-33 provide services or carry out development in phases. Public
facilities
2-34 constructed and services provided to accommodate new
development
2-35 should be consistent with plans for capital improvements prepared
2-36 pursuant to NRS 278.0226.

6. It is the further intent of the legislature that provisions should be made to give local governments the tools to meet their constituent needs. Therefore, solely for the provisions of this bill, the governing body of the county or city may, by ordinance, exercise functional authority within the county or city over matters of a county or city concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power were comprised in that general authority.

2-37 **Sec. 4. In a county whose population is 400,000 or more, the board**
2-38 **of county commissioners and the city council of each of the four**
largest

2-39 **cities in the county shall establish a regional planning coalition by**
2-40 **cooperative agreement pursuant to chapter 277 of NRS.**

2-41 **Sec. 5. 1. The regional planning coalition shall develop a**
2-42 **comprehensive regional plan for the balanced economic, social,**
physical,

2-43 **environmental and fiscal development and orderly management of**
the

3-1 **growth of the region for a period of at least 20 years. The**
comprehensive

3-2 **regional plan must contain recommendations of policy to carry out**
each

3-3 **part of the plan.**

3-4 **2. In developing the plan, the coalition:**

3-5 **(a) May consult with other entities that are interested or involved in**
3-6 **regional planning within the county.**

3-7

3-14 (1) Conservation, including, without limitation, policies relating to
3-15 the use and protection of natural resources.

3-16 (2) Population, including, without limitation, a projection of
3-17 population growth in the region.

3-18 (3) Land use and development including a land use plan map for
the region based on the adopted plans of local entities.

3-19 (4) Transportation.

3-20 (5) Public facilities and services.

3-21 (6) Air quality.

(7) Strategies to promote and encourage infill development or
development in areas where public services are available.

3-22 3. In addition to the requirements set forth in subsection 2, the
regional planning coalition may

(1) Coordinate sources of information;

(2) Recommend measures to increase the efficiency of
governmental entities and services;

(3) Make recommendations regarding the disposal of federal
land;

(4) Establish methods for resolving boundary planning issues
and other matters that arise between jurisdictions;

(5) Review:

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

(b) The annual plan for capital improvements prepared by the
governing body of each participating local government in the county
pursuant to NRS 278.0226;

(6) Develop and recommend standardization to the extent
practicable of land use plan classifications for the region.

(7) Consider any issues of regional significance as determined
appropriate by the coalition;

(8) Designate allowable future land uses for each part of the
county, including, without limitation the identification of each
category of land use in which the construction and operation of a
public school is permissible. The identification of a category of land
use in which the construction and operation of a public school is
permissible must be carried out in consultation with the county
school district and include a determination whether there is sufficient
land proximate to a residential development to meet projected needs
for public schools; and

~~(9) Identify and depict the boundaries of each historic district within the county and designate each significant historical property within the county that the regional planning coalition determines to merit historical preservation;~~

4. ~~The regional planning coalition shall not adopt or amend the comprehensive regional plan unless the adoption or amendment is by~~

~~resolution of the regional planning coalition carried by the affirmative~~

~~votes of not less than two-thirds of its total membership and upon the ratification by County Commission and each participating city council of the planning policies.~~

5. The regional planning coalition must define "project of regional significance" for the region by July 1, 2001. In defining said projects shall give consideration to the definition of projects of regional significance existing in other parts of the statutes. The coalition should further consider the impact on historic, archaeological, cultural, scenic or natural resources, public facilities and public services.

Sec. 6. The regional planning coalition shall: study and develop recommended methods of providing incentives for the interspersion of new development with established development, including, without limitation, an expedited process of permitting for such new development and creating a building permit fee for a special extension of infrastructure to discourage outbuilding and encourage infill.

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

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

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

Sec. 8. A governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, excluding amendments to plans adopted

~~pursuant to NRS 278.160.1 (f), after July 1, 1999 the completion of Section 5, Subsection 2 (3) of this act, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment.~~

~~6-13 Sec. 9. The regional planning coalition shall, on or before July 1
6-20 of each year, prepare and adopt a budget for the immediately
succeeding~~

~~6-21 fiscal year and shall submit that budget to each of the local
governments~~

~~6-22 within the region as a recommendation for funding.~~

~~6-19 Sec. 10. The regional planning coalition may contract with~~

~~6-24 planners, engineers, architects and other consultants to carry out
the~~

~~6-25 provisions of this section and sections 2, 4, 5 and 7 to 10,
inclusive, of~~

~~6-26 this act. The regional planning coalition may employ or contract
for services necessary to implement the provisions of this act and
other responsibilities determined by the coalition as outlined in the
interlocal agreement pursuant to NRS 277.~~

~~6-23 Sec. 11. Each governing body, regional agency, state agency or public
6-28 utility that is located in whole or in part within the region shall, on or
6-29 before May 1, 2001, submit to the regional planning coalition for its
6-30 review all existing master plans, facilities plans and other similar plans
of~~

~~6-31 the governing body, regional agency, state agency or public utility.~~

~~6-27 Sec. 12. The regional planning coalition shall:~~

~~6-33 1. On or before March 1, 2001:~~

~~6-34 (a) Adopt a comprehensive regional plan in accordance with section 5
6-35 of this act. Before approving the plan, the regional planning coalition
shall~~

~~6-36 hold public hearings on the proposed plan in the cities and
unincorporated~~

~~6-37 areas within the county.~~

~~6-38 (b) In cooperation with local governmental entities within the county,~~

~~6-39 develop guidelines to determine whether master plans established by
those~~

~~6-40 entities would conform with the comprehensive regional plan.~~

~~6-41 (c) Report May submit three bill draft requests to the legislature
regarding the development and adoption of progress made in developing~~

~~6-42 and adopting the comprehensive regional plan and any other~~
~~6-43 recommendations the regional planning coalition may have for regional~~
~~7-1 planning within the county. The recommendations must include~~
~~7-2 amendments or additions to legislative measures or provisions of NKS~~
that

7-3 the regional planning coalition determines are necessary to amend must:

7-4 (1) Ensure the adequacy and consistency of regional planning efforts
7-5 within the region;

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

7-8 2. Not more than every two years the coalition must review the
consistency with the adopted regional policy plan on or before July 1, 2002:

7-9 (a) Examine master plans, facilities plans and other similar plans
7-10 submitted to the regional planning coalition pursuant to section 5.3.6 or
8 of

7-11 this act to determine whether the plans:

7-12 (1) For conform with the comprehensive regional policy plan.

7-13 ~~(2) Propose a project that would constitute a project of regional~~
~~7-14 significance pursuant to criteria developed in accordance with section 5~~
of

7-15 ~~this act.~~

7-16 ~~(b) (2) Review, consider and make recommendations regarding~~
7-17 applications from agencies of the Federal Government and applications
for

7-18 federal assistance for federally-assisted programs or projects.

7-19 ~~3. On or before September 1, 2001, make final recommendations~~
~~7-20 regarding plans examined by the regional planning coalition pursuant to~~
7-21 ~~paragraph (a) of subsection 2.~~ If the regional planning coalition
determines

7-22 that a plan is not in conformance with the comprehensive regional plan,
the

7-23 regional planning coalition shall return the plan to the submitting entity
7-24 with guidance regarding the manner in which the submitting entity may
7-25 bring the plan into conformance with the comprehensive regional plan
and

7-26 with instructions to resubmit the plan within ~~[45]~~ 90 days showing the
changes made by the entity or with the stated reasons for not bringing the
plan into conformance.

7-27

7-30 **Sec. 13.** This act becomes effective on ~~[July 1, 1999]~~ January 1, 2000.

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**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 13, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:50 p.m., on Thursday, May 13, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Assemblyman Kelly Thomas, Clark County Assembly District No. 16
Assemblywoman Christina R. Giunchigliani, Clark County Assembly District No. 9
Assemblywoman Vivian L. Freeman, Washoe County Assembly District No. 24
Assemblywoman Sandra J. Tiffany, Clark County Assembly District No. 21
Assemblywoman Gene Wines Segerblom, Clark County Assembly District No. 22
Assemblyman Harry Mortenson, Clark County Assembly District No. 42

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
David Ziegler, Committee Policy Analyst
Angela Culbert, Committee Secretary

OTHERS PRESENT:

traditional development projects. She supported the provision which would not require the local governments to accept all proposals of this nature.

Mr. Hillerby stated the bill, with the amendment, would be permissive, noting although it is not necessary, it may encourage people to use innovation in development.

With no further testimony on the measure, the chairman closed the hearing on A.B. 566. She directed the committee to address A.B. 493.

ASSEMBLY BILL 493: Makes various changes concerning regional planning.
(BDR 22-282)

Assemblywoman Christina R. Giunchigliani, Clark County Assembly District No. 9, explained A.B. 493 is a rewrite of previously proposed regional planning legislation, and she cited the Urban Land Institute findings regarding a study of the Las Vegas Valley to illustrate the necessity of the measure. She read:

Growing from a small town to major city in just a few decades inevitably generates problems and issues about the value of growth and how to manage it. The governance process in the valley is widely believed unfortunately by the public to be part of the growth problem, but valley governments are also part of the solution. The valley has only five local governments in contrast to dozens or even hundreds in most metropolitan areas, and those local governments all have active planning programs that have done good work.

Assemblywoman Giunchigliani read from the recommendations made by the panel in response to questions from individuals in the community, stating "The panel strongly recommends the valley leaders move to a form or regional organization to provide leadership, strategic planning and coordination of the valley's growth to strengthen the regional economy, to assure the community's livability and to meet current and future demands for public facilities and services." She pointed out the panel believed the valley to be fortunate to have five local governments, but that those jurisdictions needed the "leadership, guidance and coordination to respond to tomorrow's growth challenges." She noted the recommendation was made of "building strategic leadership and a sense of community among Las Vegans should be a high priority for the region's

management of growth." She acknowledged the panel's observation regarding "the relative weakness of civic leadership and community identity in the valley especially with regard to region-wide issues. Political leadership appears fractious and unfocused on the major issues confronting the valley. Business leadership and civic affairs in some cases was invisible. It is time to form a more collaborative approach to the regional development and to formulate a shared vision to guide the future growth."

Assemblywoman Giunchigliani suggested, based on the leadership of Senator Porter and the work completed by the Southern Nevada Strategic Planning Authority (SNSPA) over the last 2 years, it is necessary to utilize A.B. 493 as "the next step." She stated the bill parallels and complements legislation proposed by Senator Porter in setting up the format for the next 2 years.

The assemblywoman indicated the proposal had been amended from the previous session to remove the majority of the mandates, though noted the mandate to create the plan remains. She pointed out the regional planning coalition is the body designated to create the plan, noting the determination of a regional significant project would be the purview of the coalition. In addition, she noted, the coalition would have the opportunity, through A.B. 493, to present the Legislature with three bill draft requests next session in the case it is found their ability to properly plan and manage growth is impeded. The bill, she explained, would allow the coalition a 2-year additional time line in which to complete the plan. She noted the public purpose section had been rewritten from the previous session to provide more of a statement within statute as to what the plan would be about

Chairman O'Connell clarified the SNSPA has endorsed the bill. Ms. Giunchigliani concurred.

Phil Rosenquist, Assistant Director, Comprehensive Planning, Clark County, read from a prepared statement (Exhibit F), explained the SNSPA has produced a strategic plan which provides a vision of the future for southern Nevada and contains numerous strategies. He suggested A.B. 493 is "the next step." Reminding the committee that the SNSPA will sunset in June 1999, Mr. Rosenquist indicated the bill will assist in implementing the plan by requiring the regional planning coalition to prepare a regional policy plan whereby all local jurisdiction plans would be reviewed for conformance with those policies. Original testimony, he noted, expressed support for the intent of the measure,

but raised concern with several aspects of the bill. He indicated they had worked with the assemblywoman to address the future planning needs of southern Nevada and expressed support for A.B. 493 in its amended form.

Steve G. Holloway, Lobbyist, Associated General Contractors, Las Vegas Chapter, voiced his concern regarding the amount of planning measures before the Legislature. He requested a thorough attempt on behalf of the committee to review the bills' impact on growth in southern Nevada. He indicated there has not been discussion as to the cumulative impact on growth and the economy. He expressed concern regarding the redundancy in the proposals, noting a land-use coordinating entity, a Southern Nevada Regional Planning Coalition, and regional planning coalitions are all established in different measures this session.

Chairman O'Connell commented three bills regarding planning issues had been passed out of the Senate Committee on Government Affairs.

Assemblywoman Giunchigliani indicated she had coordinated her planning proposal along with those by Senator Porter and Senator Titus so as to avoid duplication and conflict. She expressed the importance of addressing construction and development needs.

Further discussion ensued regarding the numbers and the status of proposed planning bills. Chairman O'Connell questioned whether Senator Porter was familiar with all of the various planning bills. Senator Porter indicated Assemblywoman Giunchigliani has attempted to work her proposed bills in with those originating in the Senate, noting meetings on the bills had recently been conducted to "compare notes" on the subject.

Prompted by Chairman O'Connell to give a comparison of planning proposals, Ms. Fretwell indicated she had been working with Mr. Rosenquist to ensure the measures did not duplicate one another or create two levels of government. She explained that although bills proposed by Senator Titus and Assemblywoman Giunchigliani both reference an interlocal body, the entity will be the regional planning coalition. She pointed out Assemblywoman Giunchigliani's bill represents much work, but it allows 3 years in which to complete the tasks set forth. Senator Porter's measure, she noted, mandates the coalition to exist upon passage while Senator Titus's proposal requires policies be coordinated. Ms. Fretwell contended the bills will work together.

Chairman O'Connell indicated the committee has attempted to oversee the coordination of efforts regarding planning legislation. Mr. Holloway thanked the body for their effort, noting the construction community has not been vocal in testifying against the various measures because there are positive aspects to the proposals. He restated the concern regarding coordination of bills.

Senator Porter stated there has been cooperation between the Legislature and local government to coordinate efforts while not "over-regulating" planning issues.

Ms. Giunchigliani expressed her appreciation of Bruce Woodbury, Board of Commissioners, Clark County, noting his active participation in ensuring coordination of the proposals. She indicated the intent is to create workable legislation which assists rather than impedes the process.

Chairman O'Connell suggested Mr. Holloway review the various proposals presented for legislative review. Senator Porter recommended Mr. Holloway and the committee review charts created by staff in the southern communities as to the coordination of the planning measures.

With no further testimony on A.B. 493, Chairman O'Connell closed the hearing. She opened the hearing on A.B. 424.

ASSEMBLY BILL 424: Makes various changes to process of regional planning in certain counties. (BDR 22-1362)

Assemblywoman Vivian L. Freeman, Washoe County Assembly District No. 24, drew attention to a prepared amendment (Exhibit G), noting the mock bill was an unofficial bill draft created by her staff. She indicated this proposed amended form of the bill was greatly changed from the original bill.

Chairman O'Connell clarified the changes made in Exhibit G have not been acted upon by an Assembly committee. Assemblywoman Freeman confirmed the changes made were new.

Assemblywoman Freeman pointed out northern Nevada passed regional planning legislation in 1989, and told the committee of its genesis. She explained the regional planning originally focused on growth within the McCarran Boulevard ring, which, she noted, has worked well. Assemblywoman Freeman indicated

AB 493

Testimony for the May 13, 1999 Meeting of the Senate Committee on Government Affairs.

Good afternoon Madam Chairman and members of the Committee. Phil Rosenquist, Clark County Department of Comprehensive Planning. Thank you for the opportunity testify in support of AB 493.

We believe that AB 493 is the next step in taking the Southern Nevada Strategic Planning Authority's Strategic Plan vision and high level strategies to the implementation level. The Authority has viewed the Strategic Plan as an initial stage with a lot of work remaining to be accomplished. This bill will continue our collaborative planning efforts in Southern Nevada by requiring the Southern Nevada Regional Planning Coalition (SNRPC) to prepare a regional policy plan. Local master plans and plan amendments would then be reviewed for consistency with the regional policy plan.

Our initial testimony on the assembly side supported the intent of AB 493 and raised points of concern with several aspects of the bill. Since that time, we have worked with the author to resolve concerns and we sincerely appreciate Assemblywoman Giunchigliani's ideas and willingness to work together to address the future planning needs of Southern Nevada.

This bill will require extensive efforts by the Southern Nevada Regional Planning Coalition and the coalition is willing to undertake these efforts. On April 22, 1999 SNRPC took a position of support on AB 493 as amended.

Thank you for the opportunity to address the Committee. I will try to answer any questions you may have.

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 14, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:25 p.m., on Friday, May 14, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Assemblyman Harry Mortenson, Clark County Assembly District No. 42.
Assemblywoman Christina R. Giunchigliani, Clark County Assembly District
No. 9
Assemblyman Kelly Thomas, Clark County Assembly District No. 16
Assemblywoman Vivian L. Freeman, Washoe County Assembly District No. 24
Assemblyman Tom Collins, Clark County Assembly District No. 1
Senator Mark A. James, Clark County Senatorial District No. 8

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
Julie Burdette, Committee Secretary

OTHERS PRESENT:

Dean Heller, Secretary of State
Marlene Lockard, Director, Department of Information Technology

THE MOTION CARRIED. (SENATOR O'DONNELL VOTED NO.)

Next, the committee addressed A.B. 493.

ASSEMBLY BILL 493: Makes various changes concerning regional planning.
(BDR 22-282)

SENATOR PORTER MOVED TO DO PASS A.B. 493.

SENATOR NEAL SECONDED THE MOTION.

Senator Raggio clarified the measure would apply only to Clark County.
Assemblywoman Giunchigliani concurred.

THE MOTION PASSED UNANIMOUSLY.

Research Library note:
see also Exhibit D

Chairman O'Connell directed attention to A.B. 349.

ASSEMBLY BILL 349: Makes changes to provisions governing notice of certain amendments to master plan or zoning regulation and applications for granting of variances, special and conditional use permits and other special exceptions. (BDR 22-1339)

SENATOR TITUS MOVED TO DO PASS A.B. 349.

SENATOR NEAL SECONDED THE MOTION.

Research Library
note: see also
Exhibit D

Senator Porter requested the committee review the amendments. Senator O'Donnell expressed concern regarding the 1,000-foot notice provision, stating it will cost the county \$120,000 to provide this notification. He expressed concern regarding the expense, effectiveness, and necessity of the notification.

Senator Raggio stated it was his impression that adequate notice was currently provided. He questioned the necessity of providing additional notice.

reflected that most entities were already meeting the requirements of the proposal.

SENATOR CARE SECONDED THE MOTION.

THE MOTION FAILED. (SENATORS O'CONNELL, RAGGIO, O'DONNELL AND PORTER VOTED NO. SENATOR NEAL WAS ABSENT FOR THE VOTE.)

Chairman O'Connell directed the committee's attention to A.B. 388. An amendment suggested by Assemblywoman Giunchigliani was submitted for the record (Exhibit E).

ASSEMBLY BILL 388: Makes various changes to process of land use planning in certain counties. (BDR 22-507) *Research Library note: See also Exhibit D.*

Senator Porter indicated he had a question regarding the school districts.

Questioned by Senator Porter, Chairman O'Connell indicated the planning coalition opposed the measure.

Ms. Wilson-Papa recognized the regional planning coalition held a meeting on May 13, 1999, noting they did not change their original position on the measure. She pointed out the coalition had stated that if the bill passed and additional amendments were made, they would reconsider their position on the bill.

Senator Porter questioned the changes preferred by the coalition. Ms. Wilson-Papa indicated the concern had been expressed regarding the limitation of amending the land-use element of a master plan to four times per year. She pointed out there had been additional debate on the master plan element provisions within the bill, even with the proposed amendments which would allow the regional planning coalition to address this issue. She indicated discussion had been had regarding the necessity of the bill.

Ms. Fretwell stated the regional planing coalition was opposed to additional zoning, recognizing their concern regarding limiting flexibility in the master plan.

She further indicated concern had been expressed regarding costs to businesses and residents having to wait 90 days prior to changes being made. She pointed out the sponsor's attempt to make adjustments, though noted there were philosophical differences on the measure.

Marta Golding Brown, Lobbyist, City of North Las Vegas, expressed concurrence with Ms. Wilson-Papa's and Ms. Fretwell's understanding of the regional planning coalition's position on the measure. She pointed out members of the coalition were concerned about voting on a bill which may contain other amendments they had not yet seen. She confirmed their desire to see the final bill prior to supporting the measure.

Senator Titus expressed her concern regarding the number of meetings held for changing the master plan. This issue, she noted, was addressed in A.B. 388. She stated her support for consistency between master plans and zoning, and recognized the local governments had agreed to work on this issue in the Senate government affairs committee meeting on April 8, 1999. She suggested language be added into A.B. 388 to address this issue, as set forth in Exhibit F, stating, "A zoning regulation, restriction, or boundary, must be adopted in conformance with the master plan as required in NRS 278.150."

Chairman O'Connell suggested the amendment could be added into A.B. 493; the planning measure previously passed by the committee.

SENATOR O'DONNELL MOVED TO INDEFINITELY POSTPONE A.B. 388.

SENATOR PORTER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS VOTED NO. SENATOR NEAL WAS ABSENT FOR THE VOTE.)

Chairman O'Connell drew attention to A.B. 424.

ASSEMBLY BILL 424: Makes various changes to process of regional planning in certain counties. (BDR 22-1362)

Senate Committee on Government Affairs
May 14, 1999
Page 13

Senator Raggio stated testimony had been given to indicate the bill was unnecessary in its current form. He requested the sponsor of the bill speak to its necessity. *Research Library note: see also Exhibit D.*

Assemblywoman Vivian L. Freeman, Washoe County Assembly District No. 24, stressed the importance of focusing on the older parts of town in terms of infill development. She stated Washoe County representatives assured her of their willingness to work together, and had expressed their support of including the University and Community College System of Nevada and the school board in planning issues. She suggested these policy changes make a difference. The assemblywoman drew attention to the amendment (Exhibit G) which would include a representative from the local school district to the advisory committee. After the session, she explained, she plans to hold public forums around the area to listen to public concern. Constituents, she noted, want to be a larger part of the process.

Senator Raggio expressed concern regarding testimony from county representatives which had indicated the bill to be unnecessary. He requested time to review the proposed amendment (Exhibit G).

Assemblywoman Freeman stressed the measure would be a great help to the cities, reiterating the intent of changing "the thinking" with regards to regional planning and to include the public in the process.

Chairman O'Connell recommended the committee finish their business on A.B. 493.

SENATOR TITUS MOVED TO RESCIND THE MOTION TO DO PASS ON A.B. 493 AND TO AMEND AND DO PASS A.B. 493 WITH THE AMENDMENT SET FORTH IN EXHIBIT F.

SENATOR PORTER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NEAL WAS ABSENT FOR THE VOTE.)

Chairman O'Connell called attention to A.B. 563.

WORK SESSION

SENATE GOVERNMENT AFFAIRS

FRIDAY, MAY 14

ASSEMBLY BILL 130 — Repeals certain provisions related to campaigns. (Requested by the Committee on Elections, Procedures, and Ethics.) Heard on April 21.

Assembly Bill 130 repeals the provision in Nevada's Campaign Practices Act that prohibits a person from making a false statement of fact concerning a candidate or a question on a ballot. The measure also repeals the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot. Finally, A.B. 130 repeals provisions that give Nevada's Commission on Ethics jurisdiction over complaints of negative campaigning.

The repealed provisions of Assembly Bill 130 were added to the *Nevada Revised Statutes* during the 1997 Legislative Session by Senate Bill 215. Testimony noted that the intent of S.B. 215 was, in part, to address negative campaigning. The actual implementation and scope of the law, however, appeared questionable following numerous campaign-related complaints filed with Nevada's Commission on Ethics during the 1998 election cycle. Further testimony indicated that repealing these provisions in Nevada's Campaign Practices Act ensures the protection of freedom of speech in campaigns. No testimony was offered in opposition to A.B. 130.

Proposed Amendments

- Senator Care has requested that the committee consider an amendment proposed by Allen Lichtenstein, which limits the Ethics Commission to make a determination of whether an allegation of fact is false. (TAB A)
- Another amendment has been proposed to address constitutional concerns with the provisions that A.B. 130 proposes to repeal. (TAB B)

ASSEMBLY BILL 213 — Establishes provisions governing information obtained in investigations of conduct of officer or employee of executive department of government. (Requested by the Assembly Committee on Education.) Heard May 12.

Assemblyman Williams testified that certain, pertinent personnel information of executive department employees should be open to the public. Specifically, A.B. 213 requires that

ASSEMBLY BILL 484 — Extends powers of housing authorities to new types of development. (Requested by Assemblywoman Segerblom, by request.) Heard May 4 and considered at the work session on May 11.

Witnesses testified that Nevada's existing statutes applicable to financing by housing authorities were adopted in 1943, and that there have been substantial changes in their needs and programs since that time. Witnesses said that participation by housing authorities in certain projects has been delayed or precluded by uncertainty regarding their statutory authority.

In response, A.B. 484 updates existing statutes to clarify the conditions under which housing authorities may participate in low and moderate income housing, as well as their authority to carry out programs in partnership with nonprofit corporations and private persons. The measure provides specific, objective standards for financing by housing authorities; prohibits a housing authority from financing owner-occupied single family housing with private activity bonds; and assures adequate credit quality for any instruments that are offered by a housing authority.

The State Chief Financial Officer of the Housing Division spoke in support of the bill.

There was no opposing testimony, but Senator O'Connell raised concerns about its applications.

No amendments were proposed at the hearing.

ASSEMBLY BILL 493 — Makes various changes concerning regional planning. (Requested by Assemblywoman Giunchigliani.) Heard May 13.

Assemblywoman Giunchigliani testified that A.B. 493 requires the board of county commissioners and the city council of each of at least the three largest cities in the county to establish a Regional Planning Coalition by interlocal agreement.

The Coalition must develop, by March 1, 2001, a comprehensive regional policy plan for the balanced development and orderly growth of the region for a period of at least 20 years.

The bill requires the Coalition to study and develop methods to encourage in-fill housing and business development, and authorizes the Coalition to coordinate sources of information, establish methods for resolving issues related to inter-jurisdictional boundaries, and perform various other regional planning tasks.

The Southern Nevada Strategic Planning Authority and Clark County spoke in favor of the measure.

There was no opposition to the measure.

No amendments were proposed at the hearing.

ASSEMBLY BILL 563 — Establishes provisions to promote infill development in smart growth zones. (Requested by Assemblyman Thomas.) Heard May 13.

Assemblyman Thomas explained that A.B. 563 requires, in a county whose population is 100,000 or more, by January 1, 2001, the governing body of each county and city therein to designate as a smart growth zone each area within its jurisdiction that is likely to benefit from infill development. This provision is permissive in smaller counties. Further, land use plans must show each designated smart growth zone and identify policies that would assist in promoting infill development in such zones.

A representative from the Sierra Club and the American Institute of Architects spoke in favor of the bill.

Representatives from Clark County, the City of Henderson, and the Southern Nevada Homebuilder's Association stated that local governments are currently promoting infill development.

Proposed Amendment

The sponsor of the measure submitted an amendment that deletes requirements for a state plan to include infill developments. The amendment also encourages the use of revenue bonds to promote infill development. (TAB N)

ASSEMBLY BILL 566 — Makes various changes concerning land use planning. (Requested by Assemblyman Thomas.) Heard on May 13.

Assemblyman Thomas testified that A.B. 566 defines a type of development known as "traditional neighborhood development." The bill allows counties whose population is 100,000 or more, to adopt a land use plan that may include a provision that allows for a mixture of residential, commercial, and service uses, such as one would find in a traditional neighborhood development.

NRS 278.260 is hereby amended to read as follows:

2. A zoning regulation, restriction or boundary ***must be adopted in conformance with the master plan as required by NRS 278.150 through NRS 278.240 and*** must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:
 - (a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and
 - (b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question, at least 10 days before the hearing.

85
3507

EXHIBIT F

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 21, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 12:16 p.m., on Friday, May 21, 1999, on the Senate Floor in the Legislative Building, Carson City, Nevada. There was no Agenda. There was no Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

COMMITTEE MEMBERS ABSENT:

Senator William R. O'Donnell

STAFF MEMBERS PRESENT:

Juliann Jenson, Committee Policy Analyst
Patricia Di Domenico, Committee Secretary

Chairman O'Connell opened discussion on Assembly Bill (A.B.) 493.

ASSEMBLY BILL 493: Makes various changes concerning regional planning.
(BDR 22-282)

SENATOR PORTER MOVED TO RESCIND THE COMMITTEE'S PREVIOUS ACTION TO AMEND AND DO PASS A.B. 493. HE FURTHER MOVED TO DO PASS A.B. 493.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS NEAL AND O'DONNELL WERE ABSENT FOR THE VOTE.)

THE MOTION CARRIED. (SENATORS NEAL AND O'DONNELL WERE ABSENT FOR THE VOTE.)

SENATOR RAGGIO MOVED TO INDEFINITELY POSTPONE ASSEMBLY JOINT RESOLUTION (A.J.R.) 7, ASSEMBLY JOINT RESOLUTION (A.J.R.) 18, AND ASSEMBLY CONCURRENT RESOLUTION (A.C.R.) 55.

ASSEMBLY JOINT RESOLUTION 7: Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. (BDR C-1402)

ASSEMBLY JOINT RESOLUTION 18: Proposes to amend Nevada Constitution to require legislature to provide by law for staggered terms of office for district judges. (BDR C-1623)

ASSEMBLY CONCURRENT RESOLUTION 55: Urges public bodies to allot equal time for certain testimony at public meetings. (BDR R-1721)

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS VOTED NO. SENATOR O'DONNELL WAS ABSENT FOR THE VOTE.)

SENATOR PORTER MOVED TO DO PASS A.J.R. 26.

ASSEMBLY JOINT RESOLUTION 26: Proposes to amend Nevada Constitution to exempt state contracts for improvement, acquisition and construction of facilities for schools from state debt limit. (BDR C-1753)

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR O'DONNELL WAS ABSENT FOR THE VOTE.)

FLOOR ACTIONS

AMENDMENTS ON SECOND READING
FLOOR VOTES AND STATEMENTS
OTHER ACTIONS

5. *All terms of the bonds other than:*
- (a) *The rate of interest and the dates for the payment of interest on the bonds;*
 - (b) *The dates and prices for the redemption of the bonds;*
 - (c) *The price for the sale of the bonds; and*
 - (d) *The principal amount of the bonds, the amount of principal maturing in any year and the dates for the payment of principal on the bonds, must be approved by the commissioners of the authority before the bonds are delivered.*

6. *The final rate of interest, dates for the payment of interest, dates and prices of redemption, price for the sale of bonds, principal amount, dates for the payment of principal and requirements for the principal amount maturing in particular years are not required to be approved by the commissioners of the authority if each of those terms complies with the requirements specified by the commissioners before the contract for the purchase of the bonds is signed or the bid for the bonds is accepted.”.*

Amend sec. 46, page 15, lines 38 and 39, by deleting:
 “to 26, inclusive,” and inserting “and 25”.

Amend sec. 49, page 16, line 31, by deleting “trustees,” and inserting “obligees,”.

Amend sec. 49, page 16, by deleting lines 34 and 35 and inserting:
 “2. Vest in an obligee or obligees [~~holding a specified amount in bonds~~] the right, in the event of a default by the authority, to”.

Amend sec. 49, page 16, by deleting lines 40 and 41 and inserting:
 “authority with [~~such~~] the obligees.

3. Provide for the powers and duties of [~~such~~] the obligees and”.

Amend sec. 49, page 17, by deleting lines 1 and 2 and inserting:
 “4. Provide the terms and conditions upon which [~~such~~] the obligees or the holders of a specified proportion of its bonds may enforce”.

Amend sec. 52, page 18, by deleting line 21 and inserting:
 “315.450, 315.460 and 315.470 and section 16 of this act in connection”.

Amend sec. 52, page 18, line 24, by deleting “26,” and inserting “25,”.

Amend sec. 54, page 18, line 41, by deleting “315.460,”.

Amend the leadlines of repealed sections by deleting the leadline of NRS 315.460.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 550.

Amend section 1, page 1, line 2, by deleting "11," and inserting "12,".

Amend sec. 2, page 1, line 3, by deleting:

"2, 4, 5 and 7 to 11," and inserting:

"2 and 4 to 12,".

Amend sec. 3, page 2, line 9, before "plan" by inserting "policy".

Amend sec. 4, page 2, line 38, by deleting "the four" and inserting:

"at least the three".

Amend the bill as a whole by deleting sections 5 through 15 and adding new sections designated sections 5 through 16, following sec. 4, to read as follows:

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

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

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

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

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

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

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

(4) *Transportation.*

(5) *Public facilities and services.*

(6) *Air quality.*

(7) *Strategies to promote and encourage:*

(I) *The interspersions of new housing and businesses in established neighborhoods; and*

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

3. *The regional planning coalition shall not adopt or amend the comprehensive regional policy plan unless the adoption or amendment is by resolution of the regional planning coalition: (a) Carried by the affirmative votes of not less than two-thirds of its total membership; and*

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

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

(a) Creation of an expedited process for granting necessary permits for a development that features such interspersions; and

(b) Imposition of a fee for the extension of infrastructure to encourage such interspersions.

2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, community centers, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

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

(a) Coordinate sources of information;

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

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

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

(e) Review:

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

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

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

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

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

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

2. The regional planning coalition shall establish a definition for the term "project of regional significance." In establishing the definition, the regional planning coalition shall consider:

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

(b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, cultural, scenic and natural resources, public facilities and public services within the region.

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

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

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

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

- 1. The provisions of sections 2 and 4 to 12, inclusive, of this act; and*
- 2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to section 4 of this act.*

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

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

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

- (a) Manner in which the submitting entity changed the plan to be in substantial conformance with the comprehensive regional policy plan; or
- (b) Reasons of the submitting entity for not bringing the plan into substantial conformance.

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

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

Sec. 14. The regional planning coalition:

1. Shall:

(a) On or before March 1, 2001:

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

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

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

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

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

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

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

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

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

Amend the title of the bill to read as follows:

“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.”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 620.

Amend section 1, page 1, line 10, by deleting “45” and inserting “30”.

Amend sec. 4, page 3, line 21, after “for” by inserting “one-half of”.

Amend sec. 4, page 3, by deleting lines 22 and 23 and inserting:

“through June 30 of that year; and”.

Amend sec. 4, page 3, by deleting lines 26 through 29 and inserting:

“(e) ~~On or before February 1~~ February 16 for the remaining one-half of the net proceeds extracted from January 1 through June 30 and for the net proceeds extracted from ~~{October}~~ July 1 through December 31 of the preceding year.”.

Amend sec. 4, page 4, line 5, by deleting:

“~~before~~ February 1” and inserting:

“~~before February 1~~ February 16”.

Amend sec. 4, page 4, line 14, by deleting “March” and inserting “[~~March~~ April”.

Amend sec. 5, page 4, line 33, by deleting “February 20,” and inserting:

“~~{February 20,}~~ March 5.”.

Amend sec. 5, page 5, line 13, after “on” by inserting “or before”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; revising the schedule for payment and refunds of the tax on the net proceeds of minerals; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding tax on net proceeds of minerals. (BDR 32-953)”.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblymen Bache, Carpenter and Giunchigliani.

Roll call on Assembly Bill No. 493:

YEAS—42.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Remarks by Assemblymen Marvel and de Braga.

Potential conflict of interest declared by Assemblyman de Braga.

Roll call on Assembly Bill No. 506:

YEAS—42.

NAYS—None.

Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblymen Carpenter, Bache, Hettrick and Collins.

Roll call on Assembly Bill No. 509:

YEAS—34.

NAYS—Bache, Evans, Giunchigliani, Humke, Leslie, Parnell—6.

NOT VOTING—Angle, Gibbons—2.

Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 515 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 533.

Bill read third time.

Remarks by Assemblywoman Berman.

Roll call on Assembly Bill No. 533:

YEAS—42.

NAYS—None.

Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 431.

Bill read third time.

Roll call on Assembly Bill No. 431:

YEAS—21.

NAYS—None.

Assembly Bill No. 431 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 470.

Bill read third time.

Roll call on Assembly Bill No. 470:

YEAS—17.

NAYS—Carlton.

NOT VOTING—Coffin, Porter, Raggio—3.

Assembly Bill No. 470 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486.

Bill read third time.

Roll call on Assembly Bill No. 486:

YEAS—21.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493.

Bill read third time.

Roll call on Assembly Bill No. 493:

YEAS—21.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—21.

NAYS—None.

BILLS

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 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, interspersion 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 interspersion 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.



1 5. As used in this section:

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

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

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

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

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

20 (I) Employment by not less than 938 employees;

21 (II) Housing by not less than 625 units;

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

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

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

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

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

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

32 (1) An electric substation;

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

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

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

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

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

41 Sec. 6. 1. In a county whose population is 100,000 or more, the
42 regional planning coalition or regional planning commission, as
43 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 interspersion 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 review***
30 ***all existing master plans, facilities plans and other similar plans of the***
31 ***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 of***
35 ***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***



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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 applications
17 from agencies of the Federal Government and applications for federal
18 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.



ASSEMBLY BILL NO. 493—ASSEMBLYMEN GIUNCHIGLIANI, ARBERRY, WILLIAMS, PARKS, COLLINS, MANENDO, OHRENSCHALL, BACHE, SEGERBLUM, 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:*



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- 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, interspersion 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 interspersions 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 interspersions 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 interspersions; and**

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

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*



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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.

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4. In determining whether an instructor has complied with the provisions of subsection 3, the department shall award one credit of continuing education for the completion of each 15 hours of:

(a) Classroom instruction in a course specified in paragraph (a) of subsection 3; or

(b) Attendance at a conference specified in paragraph (b) of subsection 3.

Sec. 4. NRS 483.740 is hereby amended to read as follows:

483.740 1. A person operating a school for training drivers shall maintain liability insurance on motor vehicles used in driving instruction, insuring the liability of the driving school, the driving instructor ~~†~~ and any person taking instruction, in at least the following amounts:

(a) For bodily injury to or death of one person in any one accident, ~~†\$20,000;†~~ \$100,000;

(b) For bodily injury to or death of two or more persons in any one accident, ~~†\$40,000;†~~ \$300,000; and

(c) For damage to property of others in any one accident, ~~†\$10,000.†~~ \$50,000.

2. Evidence of the insurance coverage in the form of a certificate from the insurance carrier must be filed with the department. ~~†and the†~~ The certificate must stipulate that the insurance may not be canceled except upon 10 days' written notice to the department.

Sec. 5. The requirements for continuing education set forth in NRS 483.730 do not apply to the renewal of a license of an instructor for a school for training drivers before October 1, 2001.

Assembly Bill No. 493—Assemblymen Giunchigliani, Arberry, Williams, Parks, Collins, Manendo, Ohrenschall, Bache, Segerblom, Neighbors, Buckley, Perkins, Thomas, Gibbons and Anderson

CHAPTER 408

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.

[Approved May 29, 1999]

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. As used in sections 2 and 4 to 12, inclusive, of this act, unless the context otherwise requires, "regional planning coalition" means the regional planning coalition established pursuant to section 4 of this act.

Sec. 3. 1. The legislature recognizes the need for innovative strategies of planning and development that:

(a) Address the anticipated needs and demands of continued urbanization and the corresponding need to protect environmentally sensitive areas; and

(b) Will allow the development of less populous regions of this state if such regions:

(1) Seek increased economic development; and

(2) Have sufficient resources of land and water to accommodate development in a manner that is environmentally sound.

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

(a) Protecting environmentally sensitive areas;

(b) Maintaining the economic viability of agricultural and other predominantly rural land uses; and

(c) Providing cost-effective public facilities and services.

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

(a) Allows for:

(1) The efficient use of land within existing urban areas; and

(2) The conversion of rural lands to other uses, if such other uses are appropriate and consistent with the provisions of this chapter and the master plan of each affected city and county.

(b) Uses innovative and flexible strategies of planning and development and creative techniques of land use planning which promote sustainable growth, including, without limitation, establishment of new towns, the maintenance of open space and mixed-use development.

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

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

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

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

2. In developing the plan, the coalition:

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

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

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

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

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

(4) Transportation.

(5) Public facilities and services.

(6) Air quality.

(7) Strategies to promote and encourage:

(I) The interspersions of new housing and businesses in established neighborhoods; and

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

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

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

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

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

(a) Creation of an expedited process for granting necessary permits for a development that features such interspersions; and

(b) Imposition of a fee for the extension of infrastructure to encourage such interspersions.

2. As used in this section, "infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, community centers, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

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

- (a) Coordinate sources of information;**
- (b) Recommend measures to increase the efficiency of governmental entities and services;**
- (c) Make recommendations regarding the disposal of federal land;**
- (d) Establish methods for resolving issues related to boundaries and other matters that arise between jurisdictions;**
- (e) Review:**
 - (1) Master plans, facilities plans and other similar plans, and amendments thereto, adopted by a governing body, regional agency, state agency or public utility that is located in whole or in part within the region; and**
 - (2) The annual plan for capital improvements that is prepared by each local government in the region pursuant to NRS 278.0226;**
- (f) Develop and recommend, to the extent practicable, standardized classifications for land use for the region;**
- (g) Consider and take necessary action with respect to any issue that the regional planning coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance;**
- (h) Review, consider and make recommendations regarding applications submitted to agencies of the Federal Government and applications for federal assistance for federally-assisted programs or projects; and**
- (i) Designate allowable future land uses for each part of the county, including, without limitation, the identification of each category of land use in which the construction and operation of a public school is permissible. The identification of a category of land use in which the construction and operation of a public school is permissible must be carried out in consultation with the county school district and include a determination of whether there is sufficient land in the proximity of a residential development to meet projected needs for public schools.**

2. The regional planning coalition shall establish a definition for the term "project of regional significance." In establishing the definition, the regional planning coalition shall consider:

- (a) Existing definitions of the term within the Nevada Revised Statutes; and**
- (b) That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, cultural, scenic and natural resources, public facilities and public services within the region.**

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

Sec. 9. Except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the

regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in paragraph (f) of subsection 1 of NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

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

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

- 1. The provisions of sections 2 and 4 to 12, inclusive, of this act; and*
- 2. Other responsibilities set forth in the cooperative agreement pursuant to which the regional planning coalition was established pursuant to section 4 of this act.*

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

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

3. Within 90 days after the date on which a submitting entity receives the plan and recommendations from the regional planning coalition pursuant to subsection 2, the submitting entity shall provide to the regional planning coalition a written response setting forth the:

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

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

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

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

Sec. 14. The regional planning coalition:

1. Shall:

(a) On or before March 1, 2001:

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

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

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

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

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

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

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

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

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