
ASSEMBLY BILL NO. 379—ASSEMBLYMEN GUSTAVSON,
ANGLE, GIBBONS AND MARVEL

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Requires super-majority vote for approval of certain decisions relating to land use planning in certain counties. (BDR 22-328)

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

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

AN ACT relating to land use planning; requiring a super-majority vote for the approval of certain decisions relating to land use 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.** NRS 278.0272 is hereby amended to read as
2 follows:
3 278.0272 1. The regional planning commission shall develop
4 a comprehensive regional plan for the physical development and
5 orderly management of the growth of the region for the next 20
6 years.
7 2. The plan must consist of written text, appropriate maps and
8 such goals and policies, including those addressing current and
9 future problems, as may, in the opinion of the commission, affect
10 the region as a whole and are proper for inclusion in the regional
11 plan.
12 3. In developing the plan, the commission shall:
13 (a) Review and consider each existing regional plan and master
14 plan that has been adopted pursuant to the provisions of this chapter
15 and that applies to any area in the region, and any similar plan of a



1 local government, and may seek and consider the advice of each
2 local planning commission and any other affected entity; and
3 (b) Coordinate the elements of the plan and make them
4 consistent with each other.
5 4. Before approving the plan, the commission must hold a
6 public hearing on the proposed plan in each of the cities within the
7 region and in the unincorporated area of the county.
8 5. Before amending the plan, the commission must hold at least
9 one public hearing on the proposed amendment at a location in the
10 region.
11 6. The approval of the plan or any amendment to it must be by
12 resolution of the commission ~~carried~~ :
13 (a) *Voted upon separately by each group of members on the*
14 *commission who represent each local planning commission*
15 *described in paragraphs (a) and (c) of subsection 1 of NRS*
16 *278.0262; and*
17 (b) *Carried* by the affirmative votes of not less than two-thirds
18 of ~~its total membership~~ *each group of members on the*
19 *commission who represent each local planning commission*
20 *described in paragraphs (a) and (c) of subsection 1 of*
21 *NRS 278.0262.*
22 7. The regional planning commission shall review the plan
23 annually, update it not less than every 5 years, and forward its
24 recommendations regarding proposed amendments to the plan to the
25 governing board for adoption. Amendments to the comprehensive
26 regional plan may be proposed only by the regional planning
27 commission, the governing board or a local governing body. Except
28 as otherwise provided in subsection 8, all requests for amendments
29 to the plan must be studied and considered at public hearings held
30 annually by the commission.
31 8. The commission may consider a proposed amendment and
32 determine whether it is necessary to the health and welfare of the
33 community or substantially benefits the community in general. If the
34 commission determines that the amendment is necessary, it may
35 schedule a public hearing on the amendment at any time. Any
36 person may appeal the determination of the commission to the
37 governing board.
38 9. Except as otherwise provided in this subsection, notice of
39 the time and place of each hearing required by the provisions of this
40 section must be given by publication in a newspaper of general
41 circulation in the region at least 10 days before the day of the
42 hearing. If there is more than one newspaper of general circulation
43 in the region, notice must be given by publication in at least two
44 such newspapers. Notice of the time and place of the initial meeting
45 of the regional planning commission and the hearing at which the



1 commission receives testimony concerning final approval of the
2 comprehensive regional plan must be given by publication at least
3 30 days before the day of the meeting or hearing. Notice given
4 pursuant to this subsection must be a display advertisement of not
5 less than 3 inches by 5 inches.

6 **Sec. 2.** NRS 278.0282 is hereby amended to read as follows:

7 278.0282 1. Before the adoption or amendment of any master
8 plan, facilities plan or other similar plan, each governing body and
9 any other affected entity shall submit the proposed plan or
10 amendment to the regional planning commission, which shall
11 review the plan or amendment at one or more public hearings held
12 within 60 days after its receipt of that plan or amendment and
13 determine whether the proposed plan or amendment conforms with
14 the comprehensive regional plan. The commission shall specify
15 those parts of the plan or amendment, if any, that are not in
16 conformance and why they fail to conform.

17 2. Before the adoption or amendment of any master plan,
18 facilities plan or other similar plan by a state agency or a public
19 utility whose plan must be approved by the Public Utilities
20 Commission of Nevada, the agency or utility shall submit the
21 proposed plan or amendment to the regional planning commission,
22 which shall, within 60 days after its receipt, review the plan or
23 amendment and offer suggestions to the agency or utility regarding
24 the conformance of the plan with the comprehensive regional plan.

25 3. Except as otherwise provided in NRS 278.028, a local
26 governing body or any other affected entity shall not adopt a master
27 plan, facilities plan or other similar plan, or any amendment to any
28 of those plans, unless the regional planning commission has
29 determined that the plan or amendment is in conformance with the
30 comprehensive regional plan. A proposed plan is in conformance
31 with the comprehensive regional plan if it is not in conflict with the
32 comprehensive regional plan and it promotes the goals and policies
33 of the comprehensive regional plan.

34 4. If the regional planning commission fails to make a
35 determination within 60 days after its receipt from an affected entity
36 or local governing body of a proposed plan or amendment pursuant
37 to this section, the plan or amendment shall be deemed to be in
38 conformance with the comprehensive regional plan.

39 5. An affected entity or a local governing body which has
40 submitted a proposed plan and which disagrees with the reasons
41 given by the regional planning commission for making a
42 determination of nonconformance pursuant to this section, may file
43 an objection with the regional planning commission within 45 days
44 after the issuance of that determination. The affected entity or local
45 governing body shall attach its reasons why the plan is in



1 conformance with the comprehensive regional plan. The regional
2 planning commission shall consider the objection and issue its final
3 determination of conformance or nonconformance within 45 days
4 after the objection is filed. The determination may be appealed to
5 the governing board not later than 30 days after its issuance.

6 6. Within 45 days after its receipt of an appeal, the governing
7 board shall consider the appeal and issue its decision, which must be
8 made by the affirmative votes of a simple majority of its total
9 membership. If the board affirms the determination of the
10 commission, the affected entity or local governing body shall,
11 within 60 days after the issuance of the decision, propose revisions
12 to the plan and resubmit the plan together with those proposed
13 revisions to the commission for review in accordance with the
14 provisions of this section.

15 7. Any determination of conformance made by the commission
16 pursuant to this section must be ~~made~~:

17 (a) *Voted upon separately by each group of members on the*
18 *commission who represent each local planning commission*
19 *described in paragraphs (a) and (c) of subsection 1 of NRS*
20 *278.0262; and*

21 (b) *Carried* by the affirmative votes of not less than two-thirds
22 of ~~its total membership~~ *each group of members on the*
23 *commission who represent each local planning commission*
24 *described in paragraphs (a) and (c) of subsection 1 of*
25 *NRS 278.0262.*

