
ASSEMBLY BILL NO. 380—ASSEMBLYMEN GUSTAVSON,
ANGLE, GIBBONS, MARVEL AND GRADY

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Abolishes requirements relating to spheres of influence in regional planning in certain counties and revises manner in which governing board for regional planning may take action on certain appeals concerning projects of regional significance in certain counties. (BDR 22-737)

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; abolishing the requirements relating to spheres of influence in regional planning in certain counties; revising the manner in which the governing board for regional planning may take action on certain appeals concerning projects of regional significance; 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 278.026 is hereby amended to read as follows:
2 278.026 As used in NRS 278.026 to 278.029, inclusive, unless
3 the context otherwise requires:
4 1. “Affected entity” means a public utility, franchise holder,
5 local or regional agency, or any other entity having responsibility
6 for planning or providing public facilities relating to transportation,
7 solid waste, energy generation and transmission, conventions and
8 the promotion of tourism, air quality or public education. The term
9 does not include:
10 (a) A state agency; or



1 (b) A public utility which is subject to regulation by the Public
2 Utilities Commission of Nevada.

3 2. "Facilities plan" means a plan for the development of public
4 facilities which will have a regional impact or which will aid in
5 accomplishing regional goals relating to transportation, solid waste,
6 energy generation and transmission, conventions and the promotion
7 of tourism, air quality or public education. The term does not
8 include a plan for the development of a specific site or regulations
9 adopted by an affected entity to implement the comprehensive
10 regional plan.

11 3. "Governing board" means the governing board for regional
12 planning created pursuant to NRS 278.0264.

13 4. "Joint planning area" means an area that is the subject of
14 common study and planning by the governing body of a county and
15 one or more cities.

16 5. "Project of regional significance," with respect to a project
17 proposed by any person other than a public utility, means a project
18 which:

19 (a) Has been identified in the guidelines of the regional planning
20 commission as a project which will result in the loss or significant
21 degradation of a designated historic, archeological, cultural or
22 scenic resource;

23 (b) Has been identified in the guidelines of the regional planning
24 commission as a project which will result in the creation of
25 significant new geothermal or mining operations;

26 (c) Has been identified in the guidelines of the regional planning
27 commission as a project which will have a significant effect on the
28 natural resources, public services, public facilities or the adopted
29 regional form of the region; or

30 (d) Will require a change in zoning, a special use permit, an
31 amendment to a master plan, a tentative map or other approval for
32 the use of land which, if approved, will have an effect on the region
33 of increasing:

- 34 (1) Employment by not less than 938 employees;
35 (2) Housing by not less than 625 units;
36 (3) Hotel accommodations by not less than 625 rooms;
37 (4) Sewage by not less than 187,500 gallons per day;
38 (5) Water usage by not less than 625 acre feet per year; or
39 (6) Traffic by not less than an average of 6,250 trips
40 daily.

41 The term does not include any project for which a request for an
42 amendment to a master plan, a change in zoning, a tentative map or
43 a special use permit has been approved by the local planning
44 commission before June 17, 1989.



- 1 6. "Project of regional significance," with respect to a project
2 proposed by a utility, includes:
3 (a) An electric substation;
4 (b) A transmission line that carries 60 kilovolts or more;
5 (c) A facility that generates electricity greater than 5 megawatts;
6 (d) Natural gas storage and peak shaving facilities; and
7 (e) Gas regulator stations and mains that operate over 100
8 pounds per square inch.

9 ~~[7. "Sphere of influence" means an area into which a city plans
10 to expand as designated in the comprehensive regional plan within
11 the time designated in the comprehensive regional plan.]~~

12 **Sec. 2.** NRS 278.0274 is hereby amended to read as follows:

13 278.0274 The comprehensive regional plan must include goals,
14 policies, maps and other documents relating to:

15 1. Population, including a projection of population growth in
16 the region and the resources that will be necessary to support that
17 population.

18 2. Conservation, including policies relating to the use and
19 protection of air, land, water and other natural resources, ambient air
20 quality, natural recharge areas, floodplains and wetlands, and a map
21 showing the areas that are best suited for development based on
22 those policies.

23 3. The limitation of the premature expansion of development
24 into undeveloped areas, preservation of neighborhoods and
25 revitalization of urban areas, including, without limitation, policies
26 that relate to the interspersions of new housing and businesses in
27 established neighborhoods and set forth principles by which growth
28 will be directed to older urban areas.

29 4. Land use and transportation, including the classification of
30 future land uses by density or intensity of development based upon
31 the projected necessity and availability of public facilities and
32 services and natural resources, and the compatibility of development
33 in one area with that of other areas in the region. This portion of the
34 plan must allow for a variety of uses, describe the transportation
35 facilities that will be necessary to satisfy the requirements created
36 by those future uses and must be based upon the policies and map
37 relating to conservation that are developed pursuant to subsection 2,
38 surveys, studies and data relating to the area, the amount of land
39 required to accommodate planned growth, the population of the area
40 projected pursuant to subsection 1, and the characteristics of
41 undeveloped land in the area.

42 5. Public facilities and services, including provisions relating to
43 sanitary sewer facilities, solid waste, flood control, potable water
44 and ground-water aquifer recharge which are correlated with
45 principles and guidelines for future land uses, and which specify



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1 ways to satisfy the requirements created by those future uses. This
2 portion of the plan must:

3 (a) Describe the problems and needs of the area relating to
4 public facilities and services and the general facilities that will be
5 required for their solution and satisfaction;

6 (b) Identify the providers of public services within the region
7 and the area within which each must serve, including service
8 territories set by the Public Utilities Commission of Nevada for
9 public utilities;

10 (c) Establish the time within which those public facilities and
11 services necessary to support the development relating to land use
12 and transportation must be made available to satisfy the
13 requirements created by that development; and

14 (d) Contain a summary prepared by the regional planning
15 commission regarding the plans for capital improvements that:

16 (1) Are required to be prepared by each local government in
17 the region pursuant to NRS 278.0226; and

18 (2) May be prepared by the water planning commission of
19 the county, the regional transportation commission and the county
20 school district.

21 6. Annexation . ~~[, including the identification of spheres of
22 influence for each unit of local government, improvement district or
23 other service district and specifying standards and policies for
24 changing the boundaries of a sphere of influence and procedures for
25 the review of development within each sphere of influence. As used
26 in this subsection, "sphere of influence" means an area into which a
27 political subdivision may expand in the foreseeable future.]~~

28 7. Intergovernmental coordination, including the establishment
29 of guidelines for determining whether local master plans and
30 facilities plans conform with the comprehensive regional plan.

31 8. Any utility project required to be reported pursuant to
32 NRS 278.145.

33 **Sec. 3.** NRS 278.0278 is hereby amended to read as follows:

34 278.0278 1. Before a project of regional significance is
35 approved finally by the county or city and before construction on a
36 project of regional significance may begin, the regional planning
37 commission must make a finding that the project is in conformance
38 with the adopted regional plan. In making its determination, the
39 commission shall limit its review to the substance and content of
40 the adopted comprehensive regional plan and shall not consider the
41 merits or deficiencies of a project in a manner other than is
42 necessary to enable it to make that determination.

43 2. If the commission fails to make any finding regarding a
44 project of regional significance within 60 days after the project is



1 submitted to it, it shall be deemed that the commission has made a
2 finding that the project conforms with the regional plan.

3 3. If the commission determines that the project is not in
4 conformance with the regional plan, the determination may be
5 appealed to the governing board within 45 days after the
6 determination is made. The governing board shall consider the
7 appeal and may reverse the determination of the commission or
8 recommend that the county or city take actions to make the proposal
9 consistent with the comprehensive regional plan. *Any action taken
10 by the governing board on an appeal pursuant to this subsection
11 must be by the affirmative vote of a majority of the representatives
12 appointed by each appointing authority pursuant to paragraphs
13 (a), (b) and (c) of subsection 1 of NRS 278.0264.*

14 4. The county or city shall, within 45 days after receipt ~~[]~~ of
15 *recommendations from the governing board pursuant to*
16 *subsection 3*, consider any such recommendations and direct such
17 changes in the project as are necessary to assure the consistency of
18 the proposal with the adopted regional plan.

19 ~~[4]~~ 5. The limits on time imposed in subsection 2 of NRS
20 278.315, subsection 5 of NRS 278.330 and subsection 2 of NRS
21 278.349 are extended by 60 days or such period as may be necessary
22 to complete the review and any appeal provided for in this section.

23 **Sec. 4.** NRS 278.02784 is hereby amended to read as follows:

24 278.02784 1. The regional planning commission may
25 designate one or more joint planning areas in the comprehensive
26 regional plan.

27 2. If an area is designated a joint planning area, the county and
28 the affected cities shall jointly adopt a master plan for the area.

29 3. The master plan for a joint planning area must:

30 (a) Be consistent with the comprehensive regional plan;

31 (b) ~~[Designate the portion of the area, if any, that is included
32 within the sphere of influence of a city;~~

33 ~~—(e)]~~ Designate the portion of the area, if any, that is subject to
34 the jurisdiction of the county for planning and zoning and
35 development decisions; and

36 ~~[(d)]~~ (c) Be submitted to the regional planning commission for
37 review pursuant to NRS 278.028.

38 **Sec. 5.** NRS 268.625 is hereby amended to read as follows:

39 268.625 1. A city located in a county whose population is
40 100,000 or more but less than 400,000 that has adopted a
41 comprehensive regional plan pursuant to NRS 278.026 to 278.029,
42 inclusive, shall adopt a program of annexation. The program must
43 identify areas ~~[in any sphere of influence of the city]~~ to be
44 considered for annexation *by the city* within the next 7 years. The
45 city shall not consider the annexation of any area that is not ~~[within~~



1 ~~the designated sphere of influence and is not~~ included in its
2 program of annexation.

3 2. Before adopting a program of annexation pursuant to
4 subsection 1, the city must hold one or more public hearings. Notice
5 of the time and place of the hearing must be mailed to all owners of
6 real property in the proposed program of annexation. At the public
7 hearing the city shall consider:

- 8 (a) The location of property to be considered for annexation;
- 9 (b) The logical extension of city limits;
- 10 (c) The need for the expansion to accommodate planned
11 regional growth;
- 12 (d) The location of existing and planned water and sewer
13 service;
- 14 (e) Community goals that would be met by any proposed
15 annexation;
- 16 (f) The efficient and cost-effective provision of service areas and
17 capital facilities; and
- 18 (g) Any other factors concerning any proposed annexation
19 deemed appropriate for consideration by the governing body of the
20 city.

21 3. The city shall submit its program of annexation adopted
22 pursuant to subsection 1 to the regional planning commission and
23 the county in which the city is located for recommendations.

24 4. The regional planning commission must certify that a
25 program of annexation adopted pursuant to subsection 1 conforms
26 with the comprehensive regional plan before the program is put into
27 effect. The county or the city may appeal an adverse determination
28 of the regional planning commission in the manner provided in
29 subsections 3 and 4 of NRS 278.028.

30 5. After certification of a program of annexation pursuant to
31 subsection 4, any facilities plan, capital improvement program,
32 development project or location of facilities by a county, a city, an
33 annexation commission, a regional planning commission, the
34 governing board or any other affected entity must be consistent with
35 the certified program of annexation.

36 **Sec. 6.** NRS 268.623 and 278.02788 are hereby repealed.

37 **Sec. 7.** This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTIONS

268.623 “Sphere of influence” defined. “Sphere of
influence” means an area into which a city plans to expand as



designated in a comprehensive regional plan adopted pursuant to NRS 278.026 to 278.029, inclusive, within the time designated in the comprehensive regional plan.

278.02788 Adoption of master plan for sphere of influence; appeal of decision concerning use of land within sphere of influence.

1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

