



State Land Use Planning Advisory Council

MEETING PACKET

Thursday August 13, 2020
Virtual Meeting

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NOTICE OF PUBLIC MEETING AND AGENDA OF THE STATE LAND USE PLANNING ADVISORY COUNCIL

A public meeting will be held on:

Thursday August 13, 2020 9:00 AM

At the following location:

******Virtual Meeting******

This meeting will be held virtually pursuant to NRS 241.023 and State of Nevada Declaration of Emergency Directives 026 and 029. In-person attendance is not available during this time.

The State Land Use Planning Agency uses LifeSize, a third-party app, for its virtual meetings and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The State Land Use Planning Agency is not responsible if you are not able to participate in a meeting through LifeSize due to these or any other factors. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at scarey@lands.nv.gov.

The public is invited and encouraged to participate by phone at 877-422-8614, when prompted, enter the meeting code 3567823. Public comment will be accepted under items 2 and 11, when called for by the Chair please indicate that you would like to provide a public comment. Public comment may also be submitted via email prior to the meeting, please submit public comments to scarey@lands.nv.us by 5 PM on August 12, 2020.

Please note that times listed are estimates

- 9:00 am** **1) CALL TO ORDER**
Roll Call of the Council and Introductions of staff & guests.
- 9:05 am** **2) PUBLIC COMMENT**
This is an opportunity for the public to provide public comment on any item included on the agenda or any other land use planning and any other related topic not included on the agenda. (Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda).
- 9:10 am** **3) REVIEW OF THE AGENDA (For possible action)**
(Agenda is reviewed for unforeseen circumstances such as the inability of a scheduled speaker to attend, to move an item to a different time during the meeting to accommodate a speaker, etc.)
- 9:15 am** **4) APPROVAL OF MINUTES (For possible action)**
- Approval of Minutes from the May 28, 2020 SLUPAC meeting
- 9:20 am** **5) PRESENTATION ON STATE RAIL PLAN UPDATE (For Possible Action)**
The Nevada Department of Transportation (NDOT) is in the process of updating the State Rail Plan, representatives from NDOT and Strategic Rail Finance will provide the Council with an overview of the Plan and the Council may provide input or other responses to NDOT. *Members - State Land Use Planning Advisory Council*
- 10:00 am** **6) PRESENTATION ON GOVERNOR SISOLAK CLIMATE CHANGE EXECUTIVE ORDER (For Possible Action)**
In November, Governor Sisolak signed Executive Order Executive Order 2019-22. The Executive Order directs State of Nevada agencies to identify and evaluate policies and regulatory strategies to achieve the long-term goals of greenhouse gas emissions reductions, as required by Senate Bill 254 and in accordance with Nevada's commitments as a member of the US Climate Alliance. Dr. Kristen Averyt, State Climate Policy Coordinator will provide the Council with an overview of the executive order and discuss efforts underway to address climate change and reduce greenhouse emissions in Nevada. The Council may consider input or other response regarding the Executive Order and SLUPAC's role. *Members - State Land Use Planning Advisory Council*
- 10:30 am** **7) DISCUSSION AND RECOMENDATION ON POTENTIAL SLUPAC LEGISLATIVE CHANGES (For Possible Action)**
At its last meeting, the Council reviewed and discussed potential changes to NRS 321 including Council powers and duties. The Council will review and provide direction to the Administrator of State Lands on a conceptual bill draft request to update its statute. *Members - State Land Use Planning Advisory Council*
- 11:00 am** **8) COUNTY PLANNING UPDATES (For Discussion Only)**

Updates from SLUPAC members on planning and land use related activities within their areas of representation. *Members – State Land Use Planning Advisory Council*

11:30 am 9) FUTURE AGENDA ITEMS (For Possible Action)

The Council will discuss and recommend items to be placed on a future SLUPAC agenda. *Members – State Land Use Planning Advisory Council*

11:45 am 10) SCHEDULING OF FUTURE SLUPAC MEETING DATES AND LOCATIONS (For Possible Action)

The Council will discuss and recommend dates and possible locations for future SLUPAC meetings. Traditionally, the Council has met four times in a year and has held its meetings in various geographic areas throughout the State. *Members – State Land Use Planning Advisory Council*

11:50 am 11) PUBLIC COMMENTS

This is an opportunity for the public to provide public comment on any item included on the agenda or any other land use planning and any other related topic not included on the agenda. (Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda).

12:00 pm 12) ADJOURN (For possible action)

Members – State Land Use Planning Advisory Council

PLEASE NOTE:

(I) Times listed for all items are estimates.

(II) Items on the agenda may be taken out of order at the discretion of the Chair; the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

(III) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey in writing at the Nevada Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, Nevada 89701 or by calling 775-684-2723 no later than August 11, 2020.

(IV) Documentation and supporting agenda items are available on the Nevada Division of State Lands Website at www.lands.nv.gov/land-use-planning/state-land-use-planning-advisory-council/slupac-meeting-agendas-and-minutes and will be available at the SLUPAC meeting. For further information you may contact Scott Carey at 775-684-2723 or at scarey@lands.nv.gov.

Notice of this meeting was posted at the following locations:

Nevada Division of State Lands website at: www.lands.nv.gov

Nevada Public Notice Website at www.notice.nv.gov.

STATE LAND USE PLANNING ADVISORY COUNCIL
MEETING MINUTES

May 28, 2020
 Virtual Meeting

This meeting was held virtually pursuant to NRS241.023 and State of Nevada Declaration of
 Emergency Directive 006.

Members Present

Jake Tibbitts, Eureka County (Chair)
 Lorinda Wichman, Nye County (Vice Chair)
 Delmo Andreozzi, Elko County
 James Barbee, Churchill County
 Kathy Canfield, Storey County
 Roger Mancebo, Pershing County
 Lee Plemel, Carson City
 Colby Prout, NACO
 Sami Real, Clark County

Members Absent

Don Alt, Lyon County
 Bill Calderwood, White Pine County
 Art Clark, Lander County
 Jim French, Humboldt County
 Jeanne Herman, Washoe County
 Nancy McDermid, Douglas County
 Kevin Phillips, Lincoln County
 Garth Price, Mineral County
 De Winsor, Esmeralda County

Others Present

Jordan Hosmer-Henner, Office of Governor Steve Sisolak
 Tori Sundheim, Office of Attorney General
 Ian Carr, Office of Attorney General
 Zachary Ormsby, Nevada Conservation Districts Program
 Charlie Donohue, Nevada Division of State Lands
 Ellery Stahler, Nevada Division of State Lands
 Scott Carey, Nevada Division of State Lands

1) CALL TO ORDER

The meeting was called to order by **Jake Tibbitts** at 9:03 am. A roll call was held for members of Council and a quorum was established. Introductions were made by others who were present.

2) PUBLIC COMMENTS

Jake Tibbitts called for public comment. Scott Carey stated that the meeting notice included instructions for how to submit a public comment before the meeting and as of the deadline of May 27, 2020 at 5:00 PM staff did not receive any public comments. **Jake Tibbitts** called for any additional public comment. There was no public comment.

3) REVIEW OF THE AGENDA

Lee Plemel made a motion to approve the agenda as submitted, the motion was seconded by **Lorinda Wichman**. There was no discussion on the motion. **Jake Tibbitts** called for a roll call vote on the motion.

Nevada Division of State Lands
 State Land Use Planning Agency
 901 S. Stewart Street, Suite 5003
 Carson City, NV 89701

Telephone: (775) 684-2723
www.lands.nv.gov/land-use-planning

AYES: Jake Tibbitts, Lorinda Wichman, Delmo Andreozzi, James Barbee, Kathy Canfield, Roger Mancebo, Lee Plemel, Sami Real.

NAYS: None

4) APPROVAL OF MINUTES

Jake Tibbitts pointed out several errors within the January 17, 2020 SLUPAC meeting minutes. Jake stated that the spelling of Tori Sundheim was incorrect in several places with the “d” missing in Sundheim.

Delmo Andreozzi made a motion to approve the January 17, 2020 SLUPAC meeting minutes with the corrections as outlined by Jake Tibbitts. The motion was seconded by **Roger Mancebo**.

There was no discussion on the motion. **Jake Tibbitts** called for a roll call vote on the motion.

AYES: Jake Tibbitts, Lorinda Wichman, Delmo Andreozzi, James Barbee, Kathy Canfield, Roger Mancebo, Lee Plemel, Sami Real.

NAYS: None

5) REVIEW OF SLUPAC POWERS & DUTIES

Scott Carey with the Division of State Lands provided the Council with a [PowerPoint presentation](#) that provided an overview of the legislative history and intent of SLUPAC. Scott stated that in the late 1960's states created planning agencies as a way to better align state budgets with program & agency objectives. He stated that in 1973, the Nevada Legislature approved AB 233, the Land Use Planning Act which created the State Land Use Planning Agency and SLUPAC. He further stated that the main objectives of the law were to; better coordinate state and local government land use planning efforts, coordinate and analyze Federal land management decisions & withdrawals, and protect areas of critical environmental concern.

Scott provided the Council with an overview of the original composition of SLUPAC as outlined in the Land Use Planning Act of 1973. He stated that originally the act outlined that the Governor would appoint to SLUPAC one member from each county and that members must represent urban and rural areas of state. He further stated that original law stated that SLUPAC may include members from each county who are representatives from the county, an incorporated city, or a regional planning commission. He stated that in 1975 the State Land Use Planning Agency was established as part of the Department of Conservation and Natural Resources and was absorbed into the Division of State Lands.

Scott stated that in 1977 there was a major reform by the Legislature to the State Land Use Planning Act of 1973 through the approval of SB 212. He stated that this bill added in many of the powers and duties that SLUPAC has today including local government planning support functions, designating state areas of critical environmental concern, and resolving local government land use inconsistencies. He stated that when the bill was heard in committee, Senator Joe Neal from Clark County suggested adding in the power for SLUPAC to resolve local government land use inconsistencies. According to testimony from the hearings, citing drainage and land use issues associated with the Buffalo Ditch in the City of North Las Vegas caused by development in surrounding local jurisdictions Senator Neal wanted SLUPAC to have the authority to resolve these types of issues.

Scott stated that SB 212 in 1977 narrowed down and further defined state areas of critical environmental concern. He stated that the reason for this change was due to efforts between 1973 and 1977 to designate Walker Lake as a state area of critical environmental concern. The effort to designate Walker Lake as a state area of critical environmental concern was to protect the lake from surface water over appropriation. Scott stated that during the 1977 session there was an agreement struck between the sponsor of SB 2121 Senator Carl Dodge and Assemblyman Joe Dini. The agreement between Senator Dodge and Assemblyman Dini was to better define what a state area of critical environmental concern is and SLUPAC's role in the process. As a result of the agreement, SLUPAC's role in the process was narrowed to assist local governments with

identifying, planning, and recommending the designation of state areas of critical environmental concern. Scott stated that intent of the SB 212 was that state areas of critical environmental concern would have the consent of the nearby local government and that these areas would be locally managed.

Delmo Andreozzi stated that he recalls within Elko County and near the City of Elko that there weren't any zoning and land use ordinances in place until the 1970's. Delmo stated that this appears to be around the same timeline as when the SLUPAC statute was approved. He further stated that there seems to be a connection between the timing of NRS 278 (Zoning and Subdivision regulations) and the need to resolve local government land use inconsistencies.

Scott Carey, with the Division of State Lands stated that he agrees and that the timing of NRS 278 and the creation of SLUPAC are likely tied together. He stated that the legislature's intent of authorizing local governments to regulate their growth through the implementation of subdivision and zoning ordinances was to implement a master plan and better plan land uses throughout the state.

Jake Tibbitts thanked Scott for putting this presentation together and for sharing this research with the Council. He stated that he felt this information would be helpful for the Council's discussion later on the agenda about changing the SLUPAC statute during the next legislative session.

6) ELECTION OF FOUR MEMBERS TO SERVE ON THE SLUPAC EXECUTIVE COUNCIL

Scott Carey with the Nevada Division of State Lands provided an overview of the [staff memo](#) for this item that was included as page 25 of the meeting packet. Scott stated that the last appointed members of the SLUPAC Executive Council were Sami Real (Clark County), Jim French (Humboldt County), Laurie Carson (White Pine) and Austin Osborne (Storey County). He stated that that the terms of all previously appointed members to the Executive Council have expired and the Council needs to appoint 4 new members. He stated that in accordance with NRS 321.755 (2), the four new members appointed should be representative of the various areas of the state. He stated that prior to the meeting, he did reach out to **Jim French** and **Sami Real** to gauge their interest in serving on the Executive Council again. Jim and Sami both indicated to him that they both would be willing to serve on the Executive Council if appointed by the Council. He reminded the Council that in terms of time commitment, the Executive Council only meets when requested.

Jake Tibbitts stated that he felt that it was important that the Executive Council have representation from Clark County and that he would support appointing **Sami Real** to the Executive Council. He stated that he felt that **Jim French** would be a good appointment to the Executive Council and that Jim would be a good representative of northwestern Nevada. He asked if **Lorinda Wichman** would be willing to serve on the Executive Council.

Lorinda Wichman stated that she would be willing to serve on the Executive Council.

Jake Tibbitts stated that he felt that **Lee Plemel** would be a good appointment to the Executive Council and could represent the urban areas of Western Nevada well. He asked if **Lee Plemel** would be willing to serve on the Executive Council.

Lee Plemel stated that he would be willing to serve on the Executive Council.

Roger Mancebo made a motion to appoint **Jim French, Lorinda Wichman, Sami Real, and Lee Plemel** to term two-year terms on the SLUPAC Executive Council. The motion was seconded by **Delmo Andreozzi**.

There was no discussion on the motion. **Jake Tibbitts** called for a roll call vote on the motion.

AYES: Jake Tibbitts, Lorinda Wichman, Delmo Andreozzi, James Barbee, Kathy Canfield, Roger Mancebo, Lee Plemel, Sami Real.

NAYS: None

7) REVIEW AND POSSIBLE REVISIONS TO SLUPAC BYLAWS

Scott Carey with the Nevada Division of State Lands provided an overview of the [changes to the SLUPAC bylaws](#) made at the January 17, 2020 meeting that was included as pages 26-29 of the meeting packet. Scott stated that the intent of this item was to confirm with the Council the changes that were made at the last meeting and to see if there were any other changes to the bylaws that the Council would like to make.

Jake Tibbitts brought up a concern about Section 2.5 of the Bylaws which require the Council to follow Roberts Rules of Order. Jake stated that the Council does not follow Roberts Rules of Order perfectly and that there are very few governing bodies in the state that do. He stated that one change that he would like to be made to this section of the bylaws is to add that the Council will follow the latest version of Roberts Rules of Order.

Lorinda Wichman stated that she understands why the Council would want to follow Roberts Rules of Order because it helps with establishing the proper decorum for the meeting. Lorinda stated that the Council has never had a problem with losing control of a meeting with the public or with the members of the Council. She stated that following Roberts Rules of Order can be a good guide to running a meeting but if you have to follow them perfectly it could prove problematic. She further stated that her preference would be to remove the requirement to follow Roberts Rules of Order as outlined in Section 2.5 of the bylaws and to stick the requirements for running a public meeting as outlined in Nevada Revised Statutes (NRS).

Tori Sundheim with the Office of Attorney General stated that following Roberts Rules of Order can be a good guideline for the Council to run its meetings. Tori stated that if the bylaws require the Council to follow Roberts Rules of Order perfectly, then that requirement could be more burdensome to the Council than helpful.

Jake Tibbitts stated that the chair of the meeting does govern the control of the meeting and that as long as the requirements of the open meeting law are followed it doesn't matter that much how the meeting is being run. Jake stated that his preference would be to remove section 2.5 of the bylaws.

Lorinda Wichman made a motion to remove section 2.5 of the SLUPAC bylaws. The motion was seconded by **Roger Mancebo**.

There was no discussion on the motion. **Jake Tibbitts** called for a roll call vote on the motion.

AYES: Jake Tibbitts, Lorinda Wichman, Delmo Andreozzi, James Barbee, Kathy Canfield, Roger Mancebo, Lee Plemel, Sami Real.

NAYS: None

At 9:50 AM **Jake Tibbitts** called for a 5-minute recess for the meeting.

At 9:55 AM **Jake Tibbitts** called the meeting back to order.

Scott Carey with the Nevada Division of State Lands asked for the Council for clarification on whether the changes to bylaws made at January 17, 2020 meeting were correct and made to the satisfaction of the Council. Scott stated that it would be helpful for staff if the Council could take action to reaffirm the changes to the bylaws made at the January 17, 2020 meeting.

Lorinda Wichman made a motion to accept the bylaws as amended from January 17, 2020 SLUPAC meeting. The motion was seconded by **Sami Real**.

There was no discussion on the motion. **Jake Tibbitts** called for a roll call vote on the motion.

AYES: Jake Tibbitts, Lorinda Wichman, Delmo Andreozzi, James Barbee, Kathy Canfield, Roger Mancebo, Lee Plemel, Sami Real.

NAYS: None

8) DISCUSSION AND RECOMENDATION ON POTENTIAL SLUPAC LEGISLATIVE CHANGES

Scott Carey with the Nevada Division of State Lands provided an overview of the [conceptual changes to the SLUPAC statute](#) that was included as pages 30-31 in the meeting packet. Scott stated that this item was a follow up to the January 17, 2020 meeting where the staff committed to presenting conceptual changes to the SLUPAC statute NRS 321.740. He stated that the staff wanted to present these concepts to the Council for discussion and was seeking direction from the Council on how to proceed with the proposes changes to the statute.

Scott provided the Council with an overview of four conceptual changes to the SLUPAC statute. The first conceptual change was to add two non-voting members to the Council representing the Nevada League of Cities and the Nevada Indian Commission. The second conceptual change was to have a member's term on SLUPAC coincide with their term in office if they are an elected official. The third conceptual change was to add the ability for counties to appoint an alternate member to the Council to attend and vote in meetings when the appointed member is unable to attend. The fourth conceptual change was to clarify and make explicit the duties of SLUPAC (through its Executive Council) to serve as mediator, provide technical assistance, resolve land use inconsistencies between local governments, and recommend to the Governor land use planning policies for Areas Critical of Environmental Concern.

Lorinda Wichman asked for additional information concerning the conceptual change regarding a Council member's term coinciding with their term as an elected official. Scott Carey with the Nevada Division of State Lands stated that under Nevada Revised Statutes (NRS) the Governor will appoint a member to the Council for a 3 year term and that the term doesn't always match up with the term of office if that member of the Council is an elected official. He stated that the intent of this change is to make sure that the term on the Council coincides with their term in office.

Lorinda Wichman stated that in December she will be termed out as County Commissioner and that her term on SLUPAC and the Executive Council will go past December. **Jake Tibbitts** stated that intent of this change would be to still allow a county to reappoint or allow for a termed out elected official to continue serving on the Council. He further stated that the proposed change would also allow a county to appoint a new member to the Council if the elected official is termed out or no longer in office.

Jake Tibbitts provided a summary of the first conceptual change which would add two non-voting members to the Council representing the Nevada League of Cities and the Nevada Indian Commission. Jake stated that he felt the addition of these two entities to the Council would be helpful for land use planning coordination and would be similar to the recent addition of the Nevada Association of Counties a non-voting member on the Council. He called for any comments or questions regarding this conceptual change from the Council. There were no comments or questions from the Council.

Jake Tibbitts provided a summary of the second conceptual change related to the term on SLUPAC and an elected official's term in office. He called for any comments or questions regarding this conceptual change from the Council.

Delmo Andreozzi stated that he felt that this conceptual change should be tweaked to allow each county to appoint an elected official or staff member as its representative on the Council. Delmo stated that the way this change is presented it makes it seem like a county must appoint an elected official as its representative on the Council. He stated that his preference would be to allow each county to have the flexibility to appoint whomever they want, whether it's a staff member or elected official.

Scott Carey with the Nevada Division of State Lands stated that he understands the points that have been brought up from the Council concerning the second conceptual change. Scott stated that the staff is receiving clear direction from the Council that this bill draft request should be written to allow each county the flexibility to appoint their representative to the Council as they see fit, whether that be an elected official or staff member.

Jake Tibbitts provided a summary of the third conceptual change which would allow a county to appoint an alternate member to the Council. Jake stated that he supports allowing counties to send an alternate member to represent it on the Council. He also stated that he believes that allowing alternate members may result in some loss of authority because all members of the Council are appointed by the Governor. He stated that in his experience on other boards that allow alternates, that sometimes the alternate members are the only ones who participate in the meetings. He called for any comments or questions regarding this conceptual change from the Council.

Lorinda Wichman stated that she also feels that alternates are important and questioned whether it would be worth it to have all alternate members go through the formal appointment process with the Governor's Office. Scott Carey with the Nevada Division of State Lands stated that having alternative members go through the formal appointment process with the Governor's Office could create additional work for staff and the Governor's Office and possible delays in the appointment process. He stated that NRS 321.740 (3)(b) does allow for a county's nomination to become effective if the Governor does not act upon the county's nomination within 30 days.

Lorinda Wichman stated that she feels a county's representative on the Council becomes more important in they are appointed by the Governor through the formal appointment process. Lorinda added that a formal appointment from the Governor gives the work of the Council more weight and importance. She further stated that the Council also can conduct business with majority of those present and that allowing an alternate member may not be as important.

Jake Tibbitts stated that he agreed and that allowing alternate members on the Council could create some consistency issues in terms of representation on the Council. Jake stated that he is leaning towards not pursuing a change the Council's statute to allow for alternate members.

Sami Real stated that she agrees and that the Council only meets once a quarter and that it's important that all appointed members to participate. Sami expressed concerns about having alternate members serve on the Council who then would become de facto regular members and abusing the alternate allowance.

Delmo Andreozzi stated that his intent with allowing counties to have alternate members was so that each county could have representation on the Council when the regular member is unable to attend the meeting. He stated that alternate members who do attend meetings should not be voting members. He stated that he felt alternate members could be there to share technical expertise and information during the meetings.

Jake Tibbitts stated that Delmo shared a good point with the purpose of alternate members and suggested that this could be something that the Council could revisit in the bylaws at a later date. Jake stated that he saw value in allowing a county to have a non-voting alternate member attend and participate in the meeting for the purposes of sharing information with the Council about their respective county. He stated that he felt that this type of alternate member could be allowed today and isn't something that needs to be addressed in the statute but rather in the bylaws.

Lorinda Wichman stated that as a public body, the Council does allow anyone from the public to attend its meeting and speak during public comment as required in the open meeting law.

Scott Carey with the Nevada Division of State Lands stated that staff understands the direction from the Council and they will not pursue the conceptual change to allow for alternate members. Scott stated that staff understands the intent of allowing non-voting alternate members for the purposes of information sharing. He further stated that staff will work on an amendment to the Council's bylaws to allow for this type of non-voting alternate member for consideration at a future meeting.

Sami Real stated Clark County has transitioned its public meetings to a virtual format because of the pandemic and they have found this format has been beneficial to allow for additional public input. Sami asked if the Council

will be having more of its meetings be available virtual in the future. She stated that with a virtual format or the availability of teleconference, that more members of the Council could be able to participate in meetings.

Jake Tibbitts stated that he agreed with Sami's thoughts on virtual meetings and suggested that the Council have more of its meetings be available virtually or through teleconference to allow for greater participation.

Charlie Donohue with the Nevada Division of State Lands stated he felt that virtual or teleconference availability would be beneficial to the Council and public. Charlie stated that the staff will look into having more virtual or teleconference availability for future Council meetings. He stated that due to the locations of some Council meetings, technology wise it may not always be possible to have virtual or teleconference availability.

Jake Tibbitts provided a summary of the fourth conceptual change to clarify and make explicit the duties of the Council. Jake stated that he feels strongly that the Council needs to clarify what it is already doing with respect to passing resolutions and establishing land use policy for the state. He stated that the Council recently had passed resolutions and sent letters establishing a position and recommending land use policy changes for the Nevada Test and Training Range and Fallon Range Training Complex land expansions. He stated that the statute allows for the Council to only advise the Administrator of the Division of State Lands on policy and that it is not explicitly allowed to take its own position or issue land use policy recommendations. He stated that the statute should be changed to allow the Council to make its own statements of policy and issue land use recommendations consistent with the Administrator of the Division of State Lands.

Delmo Andreozzi stated that the Council should take Jake's recommendations a step further and make it explicit within the statute that the Council will have the ability to weigh in on Federal land use issues. Delmo stated that the Council has taken on issues related to RS 2477 roads in the past and that he felt it would be good to have the Council weigh in on wildfire, targeting base grazing, and other Federal land management issues.

Jake Tibbitts stated that the Council will prepare general policy statements on Federal land management and land use planning issues under NRS 321.7355 along with the State Land Use Planning Agency (SLUPA). Jake stated that under NRS 321.7355 (4) the agency does have the authority to provide comments and issue statements of policy regarding Federal land issues. He further stated that when the agency does provide comments and issue statements of policy, the agency is supposed to seek the recommendation of the Council. He stated that the way the statute is now, it seems cumbersome for the Council have to go through the Administrator of the Division of State Lands in order to issue statements of policy.

Scott Carey with the Nevada Division of State Lands stated that staff understands the direction from the Council on this conceptual change. Scott stated that staff will take a look at the language in NRS 321.7355 and draft changes to the statute for the Council to consider at the next meeting.

Tori Sundheim with the Office of Attorney General stated that she is available to assist the Council and staff with drafting potential changes to the SLUPAC statute. Tori stated that in the past it has been very beneficial to have the Council vote to pass resolutions and provide its recommendations on land use planning policy and land management projects.

Jake Tibbitts suggested that the Council take a look at changing the duties of the Council as outlined in NRS 321.750 to add in the authority for the Council to provide its own statements of policy and issue land use planning policy recommendations. Jake suggested that another subsection be added to NRS 321.750 to allow the Council in concurrence with the State Land Use Planning Agency to provide advice, recommendations, and statements of policy regarding any Federal, State, or Local government land use planning policy or land management activity.

9) COUNTY PLANNING UPDATES

Jake Tibbitts, Eureka County:

Nevada Division of State Lands
State Land Use Planning Agency
901 S. Stewart Street, Suite 5003
Carson City, NV 89701

Telephone: (775) 684-2723
www.lands.nv.gov/land-use-planning

Jake stated that the biggest land use issue in the county right now is the ongoing fight over the management of water resources in the Diamond Valley. He stated that recently the county has seen a couple of large-scale solar projects show interest in the county. He stated that one such project seeks to connect into the existing Falcon to Gondor transmission line located in the south end of the Diamond Valley. He stated that this transmission line does have additional capacity and the developer is working with property owners in the area on a project that could spur land use changes. He stated that with the recent downturn in the economy gold prices are at near all-time highs which is spurring additional mining exploration activities within the county.

Lee Plemel, Carson City:

Lee stated that he recently participated in a webinar with Dr. Fred Steinmann of the University of Nevada concerning the economic impact of the COVID-19 pandemic. He stated that overall, the outlook is pretty grim with respect to retail sales and gaming revenues. He stated that this projected loss of revenue will likely impact all the counties and that future planning projects over the next year or longer may be delayed.

James Barbee, Churchill County:

James stated that last week the county's lands bill was released in Congress by Congressman Amodei. He stated that the lands bill attaches to other counties and includes some of the mitigation proposals that Navy made with the proposed expansion of the Fallon Range Training Complex

Lorinda Wichman, Nye County:

Lorinda stated that the County has been reviewing a proposed solar project that is in Clark County but located near the border with Nye County. She stated that the County has concerns with the use of water associated with the proposed solar project.

Sami Real, Clark County:

Sami stated that she did not have update for Clark County. She offered to talk with Lorinda Wichman about the proposed solar project near Nye County.

Roger Mancebo, Pershing County:

Roger stated that Pershing County continues to review and wait to see whether the Fallon Range Training Complex will take more land from the county. He stated that the Pershing County lands bill is in some turmoil once again and that the county is waiting to see how the bill progresses in Congress.

Kathy Canfield, Storey County:

Kathy stated Storey County continues to work on its RS 2477 road inventory. She stated that county has hired Farr West Engineering to develop a water resources plan for the county. She stated that the county expects to complete the water resources plan by October and that the RS 2477 road inventory should be completed by mid-summer.

Colby Prout, Nevada Association of Counties:

Colby stated that NACO is working to support all of the counties and is sharing additional information to assist with their response to the COVID-19 pandemic. He stated that NACO is also closely monitoring the actions of the Federal Government during this time to assist the counties with keeping up on the latest information.

Scott Carey with the Nevada Division of State Lands provided an update on the roster for the Council and how they continue to work with the Governor's Office on the backlog of formal appointments. He asked those members of the Council whose terms are expiring at the end of the year to begin the process with their County Commission's to seek reappointment or new appointees. He stated that the State Land Use Planning Agency is currently tracking 11 Federal lands bills and a [list of the land](#) bills was provided on page 40 of the meeting

packet. He also stated that the agency has completed with the Legislative Counsel Bureau the printing of the latest edition of the Laws Related to Planning publication.

10) FUTURE AGENDA ITEMS

Jake Tibbitts stated that it would be good for the Council to consider specific BDR language for changing the SLUPAC statute. Jack also stated that it would be good to have a future agenda item about the Fallon Range Training Complex land withdrawal project.

Scott Carey with the Nevada Division of State Lands stated that the staff had received a request from Lee Bonner with NDOT to provide a formal presentation at the next meeting about the State Rail Plan. Scott also stated that the staff has received another request from Sean Gephart with the Nevada Department of Agriculture to provide the Council with a presentation on noxious weeds.

11) SCHEDULING OF FUTURE SLUPAC MEETING DATES AND LOCATIONS

Scott Carey with the Nevada Division of State Lands stated that the staff was hoping to finalize a date for the next Council meeting. Scott stated that a set date would allow the staff to schedule a location for a meeting and bring forth agenda items for review and consideration by the Council. He suggested that the Council set a date for its next meeting within the late July or early August timeframe.

Lorinda Wichman suggested August 13, 2020 as the date for the next Council meeting. The consensus of the Council was that this date would work for its next meeting.

12) PUBLIC COMMENTS

Jake Tibbitts called for public comment. Scott Carey stated that the meeting notice included instructions for how to submit a public comment before the meeting and as of the deadline of May 27, 2020 at 5:00 PM staff did not receive any public comments. **Jake Tibbitts** called for any additional public comment. There was no public comment.

13) ADJOURN

Lorinda Wichman made a motion to adjourn the meeting. The motion was seconded by **Roger Mancebo** and approved by the Council. The meeting was adjourned at 11:09 am.

Respectfully submitted,

Scott Carey
/s/
Meeting Recorder

Please note that minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was digitally recorded. Anyone wishing to receive or review the recording may call (775) 684-2723. The recording will be retained for three years.

Division of State Lands - State Land Use Planning Agency

Bill Draft Request (BDR) Concept

BDR Concept Short Title: State Land Use Planning Advisory Council (SLUPAC) Update

NRS title, chapter and sections, Nevada Constitutional provisions, Nevada Administrative Code (NAC) regulations affected.

NRS 321.740 – NRS 321.770.

SUMMARY - The State Land Use Planning Advisory Council (SLUPAC) is the only Governor-appointed council that has a county representative from each of Nevada's seventeen counties as well as the Nevada Association of Counties (NACO). The Council provides recommendations and expertise on land use and natural resources planning and advises the State Land Use Planning Agency regarding the development of plans and statements of policy. These activities are closely coordinated with the Governor's Office. SLUPAC advises the Administrator of the Division of State Lands on the development and distribution to cities and counties of information useful to land use and natural resources planning issues. SLUPAC traditionally meets once per quarter and meetings are held throughout the state the State. At the January 17 and May 28, SLUPAC meetings, the Council discussed and provided direction to agency staff to seek a BDR during the next legislative session.

Duties of the State Land Use Planning Advisory Council include:

- Providing a state-level avenue for local governments to express concerns and discuss issues related to Federal, State, and Local land use and natural resource planning issues.
- Work cooperatively with the Attorney General and the NACO on RS 2477 roads and public lands access issues.
- Designate State Areas of Critical Environmental Concerns (ACEC) and provide assistance to Local Governments with land use planning for ACEC's.
- Through its Executive Council provide technical expertise, mediate, and if needed resolve inconsistencies between local government land use plans.

Description of problem to be solved or the goal of the proposed measure, or both. If acronyms are used, please define.

SUMMARY – The proposed changes to the SLUPAC statute are preliminary in nature and will need to be reviewed and discussed by the Council at its next public meeting. On January 17th, the Council met and reviewed NRS 321.740 and revisited its powers and duties. On May 28th, the Council reviewed language outlining conceptual changes to the SLUPAC statute and provided direction to staff on how to proceed with the BDR. At this meeting the Council provided

additional conceptual changes to the statute and directed staff to draft up a mockup of proposed changes in the statute.

NRS 321.740 (1) and (5) – Potential membership changes to section #1 and #5 adding a non-voting representative from the Nevada League of Cities and a representative from the Inter-Tribal Council of Nevada or Nevada Indian Commission. The purpose of this change is to provide additional representation on the Council from Cities and Tribal Nations that are also responsible for land use planning administration and development regulations within their jurisdictions. Through its membership, SLUPAC enhances statewide land use planning policy administration and collaboration. The addition of these entities to the Council could provide for better land use planning policy administration and collaboration throughout the State.

NRS 321.740 Creation; appointment, number, terms and expenses of members.

1. The Land Use Planning Advisory Council, consisting of 17 voting members appointed by the Governor, ~~and~~ 1 nonvoting member appointed by the Nevada Association of Counties, or its successor organization, *1 nonvoting member appointed by the Nevada League of Cities or its successor organization, and 1 nonvoting member appointed by the Nevada Indian Commission* is hereby created. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

5. The nonvoting members of the Advisory Council serves at the pleasure of the Nevada Association of Counties, or its successor organization, *the Nevada League of Cities, or its successor organization, and the Nevada Indian Commission.*

NRS 321.740 (4) – Potential change to section #4 clarifying that if an elected official is appointed by the County to serve on SLUPAC then the term of the elected official's term on SLUPAC will coincide with their elected term in office. At its May 28, 2020, the SLUPAC reiterated its preference that each county have the authority to nominate to the Governor for appointment, whomever they prefer to serve as its representative. The SLUPAC wanted to retain the ability for each county to nominate for appointment an elected official or other representative as outlined in NRS 321.740 (2). This proposed change would not change the ability for the county to nominate whomever they prefer for appointment by the Governor to SLUPAC. Occasionally, a SLUPAC member's term will extend beyond their term as a count elected official. This BDR would clarify that a SLUPAC member's term will coincide with their elected term in office. If the terms do not coincide, this BDR would give counties the ability to allow their SLUPAC representative to continue their SLUPAC term or nominate a new SLUPAC member to the Governor for appointment.

NRS 321.740 Creation; appointment, number, terms and expenses of members.

4. After the initial terms, each voting member serves a term of 3 years and is eligible for reappointment to the Advisory Council. *The term of any elected county official appointed to the Advisory Council shall coincide with their elected term in office unless the respective Board of County Commissioners takes action pursuant to NRS 321.740 (2).*

NRS 321.740 (6) – Potential change amending this section add the ability for the Council to elect a Vice Chair in addition to its existing power to elect a Chair.

NRS 321.740 Creation; appointment, number, terms and expenses of members.

6. At its first meeting each year, the Advisory Council shall elect a Chair *and Vice Chair* from among its members.

NRS 321.750 (4) – Potential change adding a new section #4 outlining the role of SLUPAC through its Executive Council (NRS 31.755, NRS 321.761, and NRS 321.763) in serving as a mediator, providing technical assistance, and ultimately resolving land use inconsistencies between local governments. NRS 321.761 and NRS 321.763 provide for the establishment of an Executive Council for SLUPAC and grants the authority of the Executive Council to resolve land use inconsistencies between local governments. NRS 321.761 outlines the formal process for the Executive Council to receive and consider resolution to a land use inconsistency. NRS 321.763 outlines the process for the Executive Council to resolve land use inconsistencies between local governments. These powers have been in statute since 1975 but to the best of staff's knowledge, SLUPAC has never been requested to exercise this power. In the past there have been instances in the 1970's (Walker Lake) and 2000's (Ash Meadows NWR) where the Executive Council was requested to convene and resolve land use inconsistencies. However, these land use inconsistencies were resolved before the Executive Council met. The authority of the State to resolve land use inconsistencies between local governments is a useful tool to create better land use policy and conserve natural resources. Since the enactment of this statute in 1975, Nevada has grown from a population of a little over 600,000 to well over 3,000,000 today. During this time Nevada's population has grown to become more urbanized with local land plan use plans overlapping and its population centers and economies becoming more regionalized. As Nevada continues to grow and its urban growth boundaries extend further, there may be a need to resolve land use inconsistencies between local governments in the future. At their last meeting, the SLUPAC requested additional information regarding legislative intent and history behind this power and requested an opportunity to further discuss these powers. Given the age, ambiguity, and powers authorized in this statute, SLUPAC would like to review this section of the statute and have the legislature clarify the intent of this duty. The intent of adding this duty within this section is to specify this as a primary role of the Council and to further clarify the legislative intent of this power which has been delegated to the SLUPAC since 1977.

NRS 321.750 Duties. The Land Use Planning Advisory Council shall:

4. Provide technical expertise, mediation, and resolve inconsistencies in land use plans between two or more adjacent or overlapping local government entities.

NRS 321.750 (5) – Potential change adding a new section #5 outlining the role of SLUPAC in land use planning for areas of critical environmental concern for the State. As prescribed in NRS 321.770 the Council has the authority to recommend to the Governor land use planning policies for areas of critical environmental concern for the State. NRS 321.770 outlines the process for SLUPAC to assist in land use planning in areas of critical environmental concern for the State. This portion of the statute has been in place since 1977, but to the best of staff’s knowledge SLUPAC has never been requested to exercise this power. Although never exercised, the power of SLUPAC to establish land use planning policies in area of critical environmental concern could be a useful tool to better coordinate land uses between entities and for natural resource conservation in the State. Section 3 of this statute requires a 20-day newspaper notice before a public hearing on a proposed land use planning policy for an area of critical environmental concern. This requirement seems administratively burdensome and should be revised to require SLUPAC to follow the public noticing guidelines of the open meeting law when conducting a public hearing. At their last meeting, SLUPAC requested additional information regarding legislative intent and history behind this power and requested an opportunity to further discuss these powers. Given the age, ambiguity, and powers authorized in this statute, SLUPAC would like to review this section of the statute and have the legislature clarify the intent of this duty. The intent of adding this duty within this section is to specify this as a primary role of the Council and to further clarify the legislative intent of this power which has been delegated to the SLUPAC since 1975.

NRS 321.750 Duties. The Land Use Planning Advisory Council shall:

5. Provide assistance in land use planning for areas of critical environmental concern and recommend to the Governor land use planning policies for areas of critical environmental concern.

NRS 321.750 (6) – Potential change adding a new section #6 to provide the authority for SLUPAC to advise any Federal, State, and Local agency on land use planning policy and allow for SLUPAC provide adopt resolutions, develop its own statements of policy and provide formal comments on Federal, State, and Local land use policies and projects. As a matter of practice, the SLUPAC has adopted resolutions, written formal position letters, and submitted comments on Federal, State, and Local land use planning issues and projects impacting Nevada. However, the authority for SLUPAC to provide general commentary and advice on these issues and projects on its own is ambiguous and not clearly defined within statute. NRS 321.7355 (4)(a) provides that authority for SLUPAC to submit plans and statements of policy to the Governor but only through the State Land Use Planning Agency. Providing the explicit authority for SLUPAC to provide its own statements of policy and formal comments on land use planning activities and projects would be beneficial to provide additional input from the State. The intent of adding this duty within this section is to clearly define that the SLUPAC has the authority to adopt its own statements of policy and provide formal comments on Federal, State, and Local land use polices and projects.

NRS 321.750 Duties. The Land Use Planning Advisory Council shall:

6. Advise any Federal, State, and Local agency on land use planning and policy. Develop its own statements of policy, adopt resolutions, and provide formal comments on Federal, State, and Local government land use planning policies and land management projects.

Bill Type:

- Policy – Substantive
- Policy – Housekeeping
- Budget (essential to enact the budget)

Proposed effective date:

- July 1, 2021
- October 1, 2021
- January 1, 2022
- Upon Passage and Approval

Land Use Planning Advisory Council

NRS 321.740 Creation; appointment, number, terms and expenses of members.

1. The Land Use Planning Advisory Council, consisting of 17 voting members appointed by the Governor, ~~and~~ 1 nonvoting member appointed by the Nevada Association of Counties, or its successor organization, *1 nonvoting member appointed by the Nevada League of Cities or its successor organization, and 1 nonvoting member appointed by the Nevada Indian Commission* is hereby created. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

2. One voting member must be appointed to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

3. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 2, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

(a) If one person has been nominated, that person; or

(b) If two or more persons have been nominated, the person listed by the board first in order of preference,

Ê shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.

4. After the initial terms, each voting member serves a term of 3 years and is eligible for reappointment to the Advisory Council. *The term of any elected county official appointed to the Advisory Council shall coincide with their elected term in office unless the respective Board of County Commissioners takes action pursuant to NRS 321.740 (2).*

5. The nonvoting members of the Advisory Council serves at the pleasure of the Nevada Association of Counties, or its successor organization, *the Nevada League of Cities, or its successor organization, and the Nevada Indian Commission.*

6. At its first meeting each year, the Advisory Council shall elect a Chair *and Vice Chair* from among its members.

7. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

8. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

NRS 321.750 Duties. The Land Use Planning Advisory Council shall:

1. Advise the Administrator on the development and distribution to cities and counties of information useful to land use planning.

2. Advise the State Land Use Planning Agency regarding the development of plans and statements of policy pursuant to subsection 1 of NRS 321.7355.

3. Work cooperatively with the Attorney General and the Nevada Association of Counties as required pursuant to subsection 3 of NRS 405.204.

4. Provide technical expertise, mediation, and resolve inconsistencies in land use plans between two or more adjacent or overlapping local government entities.

5. Provide assistance in land use planning for areas of critical environmental concern and recommend to the Governor land use planning policies for areas of critical environmental concern.

6. Advise any Federal, State, and Local agency on land use planning and policy. Develop its own statements of policy, adopt resolutions, and provide formal comments on Federal, State, and Local government land use planning policies and land management projects.

STATE PLANNING OF USE OF LAND

General Provisions

NRS 321.640 Legislative findings and declaration. The Legislature hereby finds and declares that:

1. It is in the public interest to place the primary authority for the planning process with the local governments, which are closest to the people;
2. Unregulated growth and development of the State will result in harm to the public safety, health, comfort, convenience, resources and general welfare;
3. The cities of the State have a responsibility for guiding the development of areas within their respective boundaries for the common good, and the counties have similar responsibilities with respect to their unincorporated areas;
4. City, county, regional and other planning must be done in harmony to ensure the orderly growth and preservation of the State; and
5. State participation in land use planning should be limited to coordination of information and data, the acquisition and use of federal lands within the State, providing land use planning assistance in areas of critical environmental concern when directed by the Governor or requested by local governments, and providing assistance in resolving inconsistencies between the land use plans of local governmental entities when requested to do so by one of the entities.

(Added to NRS by [1973, 816](#); A [1977, 1553](#); [1979, 151](#); [1989, 1672](#))

NRS 321.655 Definitions. As used in [NRS 321.640](#) to [321.770](#), inclusive:

1. “Administrator” means the executive head of the Division.
2. “Area of critical environmental concern” means any area in this State where there is or could develop irreversible degradation of more than local significance but does not include an area of depleting water supply which is caused by the beneficial use or storage of water in other areas pursuant to legally owned and fully appropriated water rights.
3. “Planning agency” means:
 - (a) The planning commission for the city in which the land is entirely located; or
 - (b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe Regional Planning Agency, within whose jurisdiction the land is located.
4. “Public lands” means all lands within the exterior boundaries of the State of Nevada except lands:
 - (a) To which title is held by any private person or entity;
 - (b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;
 - (c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;
 - (d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or
 - (e) Which are held in trust for Indian purposes or are Indian reservations.

(Added to NRS by [1975, 102](#); A [1977, 1554](#); [1981, 922](#); [1993, 389](#); [1997, 971](#); [1999, 1376](#))

State Land Use Planning Agency

NRS 321.700 Creation. In addition to any other functions assigned to it by law, the Division is hereby designated as the State Land Use Planning Agency for the purpose of carrying out the provisions of [NRS 321.640](#) to [321.770](#), inclusive, and fulfilling any land use planning requirements arising under federal law.

(Added to NRS by [1973, 817](#); A [1975, 103](#); [1977, 1554](#); [1997, 972](#))

NRS 321.710 Administration; activities which have priority; personnel.

1. The Administrator shall administer the activities of the State Land Use Planning Agency. The Administrator has authority and responsibility for the development and distribution of information useful to land use planning.

2. The activities of the State Land Use Planning Agency which have priority are:

(a) Provision of technical assistance to a county or city in areas where such assistance is requested;

(b) Activities relating to federal lands in this State; and

(c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.

3. In addition to the assistant provided by subsection 3 of [NRS 321.010](#) the Administrator may appoint, subject to the availability of money, such professional, technical, administrative, clerical and other persons as the Administrator may require for assistance in performing his or her land use planning duties.

(Added to NRS by [1973, 817](#); A [1975, 103](#); [1977, 1037](#), [1127](#), [1554](#); [2017, 650](#))

NRS 321.720 Duties of Administrator concerning local governments.

1. The Administrator shall develop and make available to cities and counties information useful to land use planning, including:

(a) Preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

(b) Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the State;

(c) Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning and management within the State and of state and local programs and activities which have a land use impact of more than local concern;

(d) Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

(e) Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government, among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports and soliciting of comments on reports concerning information useful to land use planning;

(f) Coordination of planning for state and local acquisition and use of federal lands within the State, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal;

(g) Provision of assistance to counties to develop programs to increase the responsibility of local governments for the management of lands in the State of Nevada that are under federal management; and

(h) Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

2. To the extent practicable, the Administrator shall:

(a) Compile any information developed pursuant to subsection 1; and

(b) Make the compilation available to cities and counties.

(Added to NRS by [1973, 817](#); A [1975, 103](#); [1977, 1554](#); [1989, 1672](#); [1997, 1031](#); [2017, 650](#))

NRS 321.735 Powers and duties concerning federal lands; action by certain cities and counties not precluded.

1. The State Land Use Planning Agency may represent the interests of the State, its local or regional entities, or its citizens as these interests are affected by policies and activities involving the use of federal land.

2. The provisions of this section do not preclude a city or county whose governing body has adopted a master plan pursuant to [NRS 278.220](#) from representing its own interests in accordance with [NRS 278.243](#).

(Added to NRS by [1977, 1128, 1553](#); A [1983, 1883](#); [1999, 1422](#))

NRS 321.7353 Notice of federal acquisition of private land to be provided to affected cities and counties; submission of written comment.

1. Upon receipt of a notice of realty action from the United States concerning the purchase by the Federal Government of private land or the exchange of public land for private land, the State Land Use Planning Agency shall give written notice of the proposed action to the governing body of each county or city affected within 1 week after its receipt of the notice.

2. The governing body of each affected county or city may, in addition to submission of comments directly to the Federal Government, deliver its written comments on the proposed realty action, including an estimation of any related reduction in the total assessed valuation of the real property within the jurisdiction of the local government and recommendations for mitigation of the loss of assessed valuation, to the State Land Use Planning Agency within 30 days after receipt of the notice.

3. If the State Land Use Planning Agency elects to submit written comment to the Federal Government upon the realty action, it shall include in its submission any comments it received pursuant to subsection 2.

(Added to NRS by [1999, 1376](#))

NRS 321.7355 Plan or statement of policy concerning lands under federal management.

1. The State Land Use Planning Agency shall prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the acquisition and use of lands in the State of Nevada that are under federal management.

2. The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:

(a) Commercial, industrial or residential development;

(b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or

(c) Accommodating increases in the population of this State.

↪ The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

4. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or policy statements to the Governor, Legislature or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands.

5. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

(Added to NRS by [1983, 1882](#); A [1989, 1673](#); [1995, 643](#); [1997, 1032, 3251](#); [2011, 2478](#); [2013, 1620](#))

State Consent to Federal Use of Public Land

NRS 321.736 Hearings and recommendations of local planning agencies.

1. Upon receipt of an application by the United States for consent to a use of public land, the State Land Use Planning Agency shall give written notice of the application to the planning agencies of the local governments within 1 week after its receipt of the application.

2. Each planning agency so notified shall within 45 days after the notice is sent hold a public hearing on the application at the place where it normally meets. If the land is located within the jurisdiction of two or more planning agencies, each of those agencies must hold a hearing.

3. Each planning agency shall notify the public by publication in one issue of a newspaper of general circulation published in each of the counties in which the land is located. The notice must be published at least 20 days before the date set for the hearing and set forth a description of the land and the use for which consent is sought as stated in the application. The cost of publishing the notice must be borne by the United States or by someone in its behalf.

4. Each planning agency shall deliver its written recommendation on the application, including the reasons for its recommendation, to the State Land Use Planning Agency within 15 days after the conclusion of its hearing on the application.

5. The application must contain such information and supporting documents as are prescribed in regulations adopted by the State Land Use Planning Agency and approved by the Director of the State Department of Conservation and Natural Resources.

(Added to NRS by [1981, 921](#))

NRS 321.737 Transfer or referral of certain applications to State Engineer. In considering applications to obtain consent to a use of the public lands, the State Land Use Planning Agency shall transfer the application to the State Engineer for his or her decision or refer it to the State Engineer for technical or engineering advice if the application or use affects water rights, reclamation, flood control or protection of watershed. The water law of this State is the rule of decision in all matters relating to water rights.

(Added to NRS by [1981, 922](#))

NRS 321.738 Hearing and recommendation of State Agency.

1. The State Land Use Planning Agency shall hold a hearing on an application for consent to use public land within 45 days after it receives the written recommendation from the planning agencies. The State Agency shall give notice of its hearing as required by law. At its hearing the State Agency shall receive any testimony pertaining to any use of the land which is not repetitive and shall consider the written recommendation of the planning agency.

2. The State Agency shall deliver its written recommendation on the application, including the reasons for its recommendation to the Governor within 15 days after the conclusion of its hearing on the application.

(Added to NRS by [1981, 922](#))

NRS 321.739 Grant or denial of consent by Governor.

1. The Governor in deciding whether to grant or deny the consent of the State to a use of public land shall:

(a) Balance the interests of the Federal Government and the State; and

(b) Not apply standards or impose conditions respecting the use of land which are more restrictive than those generally applicable to other persons or governmental agencies in this State.

2. In granting the consent of the State the Governor shall not grant or waive any right, privilege, immunity or other incident of sovereignty provided for in [NRS 328.085](#).

3. Any recommendation of the State Land Use Planning Agency which is not acted on by the Governor within 30 days after receiving it and which is not in conflict with the requirements of this section is automatically approved unless the Governor in a writing which is attached to the application and recommendations defers the decision for a good cause.

4. The consent of the Governor to a use of public land must be evidenced by a certificate signed by the Governor and delivered to the United States. A copy of the certificate must also be delivered to the State Land Registrar.

(Added to NRS by [1981, 922](#))

Land Use Planning Advisory Council

NRS 321.740 Creation; appointment, number, terms and expenses of members.

1. The Land Use Planning Advisory Council, consisting of 17 voting members appointed by the Governor and 1 nonvoting member appointed by the Nevada Association of Counties, or its successor organization, is hereby created. The provisions of subsection 6 of [NRS 232A.020](#) do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

2. One voting member must be appointed to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners

of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

3. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 2, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

(a) If one person has been nominated, that person; or

(b) If two or more persons have been nominated, the person listed by the board first in order of preference,

↪ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.

4. After the initial terms, each voting member serves a term of 3 years and is eligible for reappointment to the Advisory Council.

5. The nonvoting member of the Advisory Council serves at the pleasure of the Nevada Association of Counties, or its successor organization.

6. At its first meeting each year, the Advisory Council shall elect a Chair from among its members.

7. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

8. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

(Added to NRS by [1973, 819](#); A [1977, 1191](#), [1478](#), [1556](#); [2013, 342](#))

NRS 321.750 Duties. The Land Use Planning Advisory Council shall:

1. Advise the Administrator on the development and distribution to cities and counties of information useful to land use planning.

2. Advise the State Land Use Planning Agency regarding the development of plans and statements of policy pursuant to subsection 1 of [NRS 321.7355](#).

3. Work cooperatively with the Attorney General and the Nevada Association of Counties as required pursuant to subsection 3 of [NRS 405.204](#).

(Added to NRS by [1973, 819](#); A [1975, 105](#); [1977, 1556](#); [1997, 1033](#); [2015, 2634](#))

NRS 321.755 Executive Council.

1. The Executive Council of the Land Use Planning Advisory Council is hereby created to resolve inconsistencies between the land use plans of local government entities.

2. The Executive Council consists of the Administrator and four persons selected by the Land Use Planning Advisory Council from among its members. To the extent practicable, the members selected to serve on the Executive Council must be representative of the various geographic areas of this State. Each member of the Executive Council shall serve for 2-year terms.

(Added to NRS by [1977, 1552](#); A [1979, 151](#); [2015, 375](#))

Resolution of Inconsistencies in Local Plans

NRS 321.761 Technical assistance; submission of matter to Executive Council.

1. If an inconsistency in land use plans develops between two or more adjacent or overlapping local government entities which cannot be resolved between them, one or more of them may request the State Land Use Planning Agency to study and assist in resolving the inconsistency.

2. Upon receipt of such a request the Administrator shall convene a meeting of all the affected entities and shall provide technical assistance and advice in resolving the inconsistency.

3. If, after subsequent meetings over a reasonable period of time as determined by the Administrator, the affected entities cannot resolve the inconsistency, the matter shall be submitted to the Executive Council of the Land Use Planning Advisory Council for a decision.

(Added to NRS by [1977, 1552](#))

NRS 321.763 Duties of State Agency; adoption, enforcement and expiration of plans and regulations.

1. When an inconsistency in land use plans is submitted for decision, the Executive Council may direct the staff of the State Land Use Planning Agency to conduct studies, assemble information and prepare proposals for alternative courses of action if necessary.

2. The Executive Council shall conduct public hearings in the affected areas before arriving at a decision in the matter.

3. In rendering its decision, the Executive Council may sustain the position of one or more of the local government entities involved or prescribe its own land use plan for the area of inconsistency. The Executive Council may adopt land use regulations to carry out its decision.

4. All land use plans and regulations adopted by the Executive Council pursuant to this section supersede inconsistent plans and regulations of the affected local government entities, but the local government entities are responsible for enforcing the plans and regulations of the Executive Council.

5. In the event of noncompliance with such plans or regulations, any affected local government entity may bring an action to obtain injunctive relief against such noncompliance.

6. The Executive Council, upon petition from all of the affected local government entities or on its own motion, may determine the expiration date of the plans and regulations imposed pursuant to this section.

(Added to NRS by [1977, 1552](#); A [1979, 152](#))

Planning for Areas of Critical Environmental Concern

NRS 321.770 Duties of Administrator and Land Use Planning Advisory Council.

1. The State Land Use Planning Agency shall provide assistance in land use planning for areas of critical environmental concern:

(a) When the Governor directs that the Agency review and assist in land use planning for an area the Governor finds to be of critical environmental concern.

(b) When one or more local government entities request that the Agency advise and assist in land use planning for an area which affects them and which they consider to be of critical environmental concern.

2. Upon receipt of a directive or a request pursuant to subsection 1, the Administrator shall study the problems of the area described and meet with the affected local government entities to receive their initial comments and recommendations. The Administrator shall then submit the matter of planning for the area of critical environmental concern to the Land Use Planning Advisory Council for consideration and recommendation.

3. The Land Use Planning Advisory Council shall include in its procedures one or more public hearings upon notice given by at least one publication at least 20 days before the hearing in a newspaper or combination of newspapers having general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

4. Following completion of the hearings and consideration of other information, the Land Use Planning Advisory Council shall make its final recommendations for land use planning policies in the area of critical environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

5. No land use regulation adopted by the Land Use Planning Advisory Council pursuant to this section may become effective without the approval of the Governor.

(Added to NRS by [1973, 820](#); A [1975, 105](#); [1977, 1556](#); [2015, 375](#))

STATE LAND USE PLANNING ADVISORY COUNCIL Membership Roster			
COUNTY	REPRESENTATIVE	TERM	PHONE
Carson City	Lee Plemel Planning Director 201 N Carson Street Carson City, NV 89701	12/31/20 5/28/22 Executive Council Term	775-887-2180 LPlemel@carson.org
Churchill	James Barbee County Manager 155 N Taylor Street, Suite 194 Fallon, NV 89406	12/31/22	775-423-5136 jbarbee@churchillcounty.org
Clark	Sami Real Planning Manager Department of Comprehensive Planning 500 S Grand Central Parkway Las Vegas, NV 89155	12/31/20 5/28/22 Executive Council Term	(702) 455-3129 Sami.Real@ClarkCountyNV.gov
Douglas	Nancy McDermid Former County Commissioner 1594 Esmeralda Avenue Minden, NV 89423	12/31/20	nmcdermid@me.com
Elko	Delmo Andreozzi County Commissioner 982 Northside Drive Elko, NV 89801	12/31/20	775-934-8117 dandreozzi@elkocountynv.net
Esmeralda	De Winsor County Commissioner PO Box 517 Goldfield, NV 89013	6/30/23	775-530-7443 commissionerdewinsor@gmail.com
Eureka	Jake Tibbitts (Chairman) Natural Resources Manager PO Box 694 10 S Main Street Eureka, NV 89316	12/31/22 1/17/21 Chairman Term	775-237-6010 JTibbitts@EurekaCountyNV.gov
Humboldt	Jim French County Commissioner 5615 Patrician Way Winnemucca, NV 89445	12/31/22 5/28/22 Executive Council Term	775-843-8327 jfrench6472@sbcglobal.net
Lander	Art Clark County Commissioner 50 State Route 305 Battle Mountain, NV 89820	2/28/23	775-761-6011 aclark@landercountynv.org

Lincoln	Kevin Phillips County Commissioner PO Box 90 Pioche, NV 89043	2/28/23	kevin@lcturbonet.com 775-962-1463
Lyon	Don Alt Former County Commissioner 3945 Cypress St Silver Springs, NV 89429	12/31/20	donalt1939@gmail.com
Mineral	Garth Price County Commissioner PO Box 1450 Hawthorne, NV 89415	12/31/22	775-945-2446 garthdprice@gmail.com
Nye	Lorinda Wichman (Vice Chairman) County Commissioner Nye County Courthouse PO Box 153 Tonopah, NV 89409	12/31/20 1/17/21 Vice Chairman Term 5/28/22 Executive Council Term	775-761-1626 lawichman@gmail.com
Pershing	Roger Mancebo 590 14 th Street Lovelock, NV 89419	12/31/22	rmancebo24@gmail.com 775-273-2351
Storey	Kathy Canfield Senior Planner 1064 S C Street Virginia City, NV 89440	12/31/22	(775) 847-1144 kcanfield@storeycounty.org
Washoe	Jeanne Herman County Commissioner PO Box 11130 1001 E 9 th Street Reno, NV 89520	12/31/22	775-358-0555 jherman@washoecounty.us
White Pine	Bill Calderwood Public Works Director 953 Campton Street Ely, NV 89301	12/31/22	775-293-6552 bcaldерwood@whitepinecountynv.gov
Nevada Association of Counties (Non-Voting)	Colby Prout Natural Resources Manager 304 S Minnesota Street Carson City, NV 89703	N/A	Office: 775-883-7863 cprout@nvnaco.org

List of Federal Public Lands Bills Tracked by the State Land Use Planning Agency

- 1) Fallon Range Training Complex Modernization
- 2) Nevada Test and Training Range Withdrawal
- 3) Southern Nevada Economic Development and Conservation Act
- 4) Truckee Meadows Public Lands Management Act
- 5) Pershing County Lands Bill
- 6) City of Fernley Lands Bill
- 7) Douglas County Lands Bill
- 8) Nye County Lands Bill
- 9) Churchill County Lands Bill
- 10) Northern Nevada Economic Development and Conservation Act
- 11) Northern Nevada Economic Development, Conservation and Military Modernization Act of 2020