



# State Land Use Planning Advisory Council

## MEETING PACKET

Thursday May 29, 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 May 28, 2020 9:00 AM

At the following location:

\*\*\*Virtual Meeting\*\*\*

This meeting will be held virtually pursuant to NRS241.023 and State of Nevada Declaration of Emergency Directive 006. 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](mailto:scarey@lands.nv.gov).

The public is invited and encouraged to participate by phone at (312) 584-2401, when prompted, enter the meeting code 3567823. Public comment may also be submitted via email prior to the meeting, please submit public comments to [scarey@lands.nv.us](mailto:scarey@lands.nv.us) by 5 PM on May 27, 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 January 17, 2020 SLUPAC meeting
- 9:20 am 5) REVIEW OF SLUPAC POWERS & DUTIES (For Discussion Only)  
Staff will provide the Council with a review of the legislative history and intent of the powers and duties of SLUPAC as defined in NRS 321.740 and 321.750. *Members - State Land Use Planning Advisory Council*
- 9:55 am 6) ELECTION OF FOUR MEMBERS TO SERVE ON THE SLUPAC EXECUTIVE COUNCIL (For possible action)  
The Executive Council (NRS 321.755) consists of four SLUPAC members and the Administrator of Nevada Division of State Lands and is charged with, upon request, resolving inconsistencies in land use plans between two or more adjacent or overlapping local governmental entities which cannot be resolved between them. The terms of each member of the Executive Council have expired. 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. *Members - State Land Use Planning Advisory Council*
- 10:05 am 7) REVIEW AND POSSIBLE REVISIONS TO SLUPAC BYLAWS (For Possible Action)  
At its last meeting, the Council reviewed and discussed possible issues with its bylaws and made revisions to prevent inconsistencies with State law. The Council will review and discuss its bylaws and possibly make additional revisions to its bylaws. *Members - State Land Use Planning Advisory Council*
- 10:30 am 8) DISCUSSION AND RECOMENDATION ON POTENTIAL SLUPAC LEGISLATIVE CHANGES (For Possible Action)  
At its last meeting, the Council reviewed and discussed its powers and duties under NRS 321. 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 9) 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 10) 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 11) 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 12) 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 13) 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 May 26, 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](http://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](mailto: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](http://www.lands.nv.gov)

Nevada Public Notice Website at [www.notice.nv.gov](http://www.notice.nv.gov).

**STATE LAND USE PLANNING ADVISORY COUNCIL**  
**MEETING MINUTES**

January 17, 2020

The Springs Preserve-Cienaga Room, 333 South Valley View Blvd., Las Vegas, NV 89107

**Members Present**

Lorinda Wichman, Nye County (Vice Chair)  
 Delmo Andreozzi, Elko County  
 James Barbee, Churchill County  
 Bill Calderwood, White Pine County  
 Jeanne Herman, Washoe County  
 Lee Plemel, Carson City  
 Kevin Phillips, Lincoln County  
 Garth Price, Mineral County  
 Sami Real, Clark County  
 De Winsor, Esmeralda County

**Members Absent**

Jake Tibbitts, Eureka County (Chair)  
 Nancy McDermid, Douglas County  
 Don Alt, Lyon County  
 Jim French, Humboldt County  
 Art Clark, Lander County  
 Roger Mancebo, Pershing County  
 Kathy Canfield, Storey County  
 Colby Prout, NACO

**Others Present**

Tori Sundheim, Office of Attorney General  
 Charlie Donohue, Nevada Division of State Lands  
 Ellery Stahler, Nevada Division of State Lands  
 Scott Carey, Nevada Division of State Lands  
 Curtis Moore, Elko County  
 Lee Bonner, Nevada Department of Transportation  
 Tom Erickson, Strategic Rail Finance  
 Michael Sussman, Strategic Rail Finance  
 Chaunsey Chau-Duong, Las Vegas Water District  
 Marilyn Kirkpatrick, Clark County Commissioner  
 Marci Henson, Clark County

**1) CALL TO ORDER**

The meeting was called to order by **Lorinda Wichman** at 9:00 am and introductions were made by those present.

**2) PUBLIC COMMENTS**

Lee Bonner with the Nevada Department of Transportation (NDOT) provided the Council with a brief overview of the update to the Nevada State Rail Plan. He requested to be placed on a future Council agenda to provide a formal presentation on the plan and discuss how local land use planning policy can support moving more goods by rail in Nevada.

Michael Sussman with Strategic Rail Finance discussed the importance of tying freight transportation to land use planning policy and how doing so could benefit Nevada like it has in other parts of the country. He stated

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that the team is working on hosting 6 regional summits with the public to seek input on the Nevada State Rail Plan update in May.

### **3) REVIEW OF THE AGENDA**

**Kevin Phillips** made a motion to approve the agenda as submitted, the motion was seconded by **Garth Price**. The motion was approved.

### **4) APPROVAL OF MINUTES**

**Jeanne Herman** made a motion to approve the December 7, 2018 and September 27, 2019 meeting minutes as submitted, the motion was seconded by **Lee Plemel**. The motion was approved.

**Delmo Andreozzi, De Winsor, and Garth Price** abstained from voting on the December 7, 2018 and September 27, 2019 meeting minutes as they were not present at either meeting.

**Bill Calderwood** abstained from voting on the December 7, 2018 meeting minutes as he was not present at this meeting.

### **5) HOST PRESENTATION: SPRINGS PRESERVE**

Chaunsey Chau-Duong with the Las Vegas Water District provided the Council with a [PowerPoint presentation](#) that described the history of the Springs Preserve and highlighted programs offered throughout the year.

**Delmo Andreozzi** asked for a copy of Chaunsey's presentation to be emailed to the Council following the meeting.

Charlie Donohue with the Division of State Lands asked about the State Question 1 Bond Program and how much it cost to build the Springs Preserve. Chaunsey stated that the original construction was estimated at \$20 million and that roughly 1/3 of the facility was paid for using State Question 1 bond funds.

### **6) ELECTION OF CHAIR AND VICE CHAIRMAN FOR 2020**

**Lorinda Wichman** stated that she heard from **Jake Tibbitts** and that he was interested in serving another term as Chairman of the Council.

**Lorinda Wichman** made a motion to elect **Jake Tibbitts** as Chair for a 1-year term, the motion was seconded by **James Barbee**. The motion was approved.

**Kevin Phillips** made a motion to elect **Lorinda Wichman** as Vice Chairman for a 1-year term, the motion was seconded by **Jeanne Herman**. The motion was approved.

**Lorinda Wichman** abstained for voting on the motion to elect the Vice Chairman.

### **7) ELECTION OF FOUR MEMBERS TO SERVE ON THE SLUPAC EXECUTIVE COUNCIL**

Scott Carey with the Nevada Division of State Lands provided the Council with an overview of the purpose of the SLUPAC Executive Council and their duties. He stated that the terms of the existing four members of the SLUPAC Executive Council have all expired. He stated that the Council needs to appoint four new members to the SLUPAC Executive Council, and that state law requires that the SLUPAC Executive Council be geographically represented from around the State.

This item was tabled by the Council to be heard after item #10 on the agenda.

After reviewing the information presented by staff concerning the duties and powers of the SLUPAC Executive Council in item #10 **Lorinda Wichman** stated that she believes that the Council should delay action on making the appointments to the SLUPAC Executive Council till the next meeting. She stated that it would be good for the Council to receive additional information from staff on the legislative intent of the SLUPAC Executive Council and obtain additional information before making its appointments.

**James Barbee** made a motion to table the election of the four members to serve on the SLUPAC Executive Council until the next Council meeting, the motion was seconded by **Garth Price**. The motion was approved.

## **8) CLARK COUNTY LANDS BILL PRESENTATION**

Marci Henson with Clark County provided the Council with a [PowerPoint presentation](#) that described the proposed Southern Nevada Economic Development and Conservation Act and its status.

**Delmo Andreozzi** asked for a copy of Marci's presentation to be emailed to the Council following the meeting.

**Delmo Andreozzi** asked if there is a cost to the County associated with obtaining the additional public lands proposed in the lands bill. Marci Henson stated that the proposed legislation requires the jurisdiction requesting the land to pay for the realty transaction costs associated with acquiring the land from the Bureau of Land Management (BLM).

**Delmo Andreozzi** asked how much money was paid per acre for lands auctioned off as part of the Southern Nevada Public Lands Management Act. Marci Henson stated that the price for the lands sold is determined by an appraisal conducted by the BLM to determine fair market value. She further stated that recently lands sold by the BLM have been going for double the appraised value, or roughly about \$166,000 per acre.

**Delmo Andreozzi** stated that it's much different and difficult to determine highest and best use for BLM lands in rural areas of the state because the land values are so different compared Clark County. He further stated that the Elko County recently acquired 241 acres for a motorsports area and that it took the County 9 years to acquire this land from the BLM.

**Lorinda Wichman** stated that it can be difficult to work with the Federal Government and to determine the highest and best use for lands under their appraisal processes. Citing her experience involving obtaining BLM land for a historic cemetery in Nye County, she stated that it took nearly 2 years to change the land use designation of the cemetery from recreation and to get the BLM to back off from their original appraisal. She further stated that overall the process to acquire 12 acres for the historic cemetery cost the County about \$12,000.

**Jeanne Herman** stated that Congress is no longer interested in designating additional wilderness areas and asked how this would impact Clark County's lands bill. Marci Henson stated that within the House of Representatives, the County has been told that they would need to include more wilderness areas in the bill in order to get the bill passed out of the chamber. She further stated that within the Senate the majority party may not be as excited about additional wilderness areas and that the County will need to work with both chambers to get the bill approved.

Ellery Stahler with the Division of State Lands asked what the timeframe is to get the County's land bill approved. Marci Henson stated that the County desires to have the bill approved by the end of the year. Marci further stated that the County is exploring options with Nevada's delegation in Congress to pass the bill on its own or be combined with other military and county land bills.

Charlie Donohue with the Division of State Lands asked if the County's lands bill would allow the State to convert its Recreation and Public Purpose (R&PP) lands. Marci Henson stated that the proposed bill does allow for this.

Charlie Donohue asked if the State would regain ownership of the Mt Charleston fire station under the provisions of the proposed bill. Marilyn Kirkpatrick, Clark County Commissioner stated that the State would not regain ownership of the Mt. Charleston fire station.

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Charlie Donohue asked about the proposed land exchange in Lee Canyon and how to get the Federal Government to agree on an equal value exchange. Marci Henson stated that the County did a lot of research on a [white paper by the University of Utah](#) about defining the public interest and equal value of Federal Lands. She further stated that the County wrote into its proposed bill why the proposed transfer is in the public interest (scientific, recreational, and aesthetic) and would be of equal value to other Federal lands for potential exchange.

Charlie Donohue asked if the public interest and equal value argument has ever been challenged or written into a Federal lands bill. Marci Henson stated there have been similar equal value and public interest arguments made in [Public Law 105-335](#), [Public Law 112-79](#), and the [Utah Test & Training Encroachment Prevention and Temporary Closure Act](#).

**Lorinda Wichman** asked that the University of Utah white paper and the other equal value and public interest laws that referenced in Marci Henson's presentation be emailed to the Council.

## **9) AFFORDABLE HOUSING DISCUSSION**

Marilyn Kirkpatrick, Clark County Commissioner led the Council in a discussion on affordable housing and the County's ongoing efforts to address the issue. She stated that if the County doesn't do anything to address affordable housing, within 10 years the County will be short 59,000 homes that will be needed for veterans, seniors, and families that are living within the poverty level. She stated that the County Commission has chosen to set aside proceeds from the county marijuana licensing revenues to address this issue. She stated that using local funding is easier to use and more flexible at addressing the issue than Federal or State funding. Some of the initiatives that the county is using its funding towards include; paying for 6 months of rent for affordable housing leases, paying off liens on properties that are behind on county property taxes and transferring those properties for affordable housing development, and submitting a reservation request with the BLM for 40 properties within the County to build affordable housing. She stated that the BLM can only complete two affordable housing projects per year within the county which only equates to 300 units. To address this, the County is working with the BLM to acquire smaller 5-acre properties and is looking at constructing smaller pre-built "cube houses" that would be connected to utilities. She stated that within Clark County there are over 6,000 people who are homeless, the majority of whom are senior citizens. She further stated that the County is also working with partners to obtain donations to address the issue, to date over \$40 million has been raised towards to the initiative.

**Lorinda Wichman** asked if the County has any memorandums of understanding (MOU) or agreements with property owners and complexes where the County provides an affordable housing rent subsidy. Marilyn Kirkpatrick stated that the County meets regularly with the apartment association to discuss issues and concerns. She stated that the County does provide case management services to ensure rent is being paid and issues are being addressed at these complexes. She suggested that other local governments around the state use and leverage their own funding to provide an affordable housing rent subsidy because it comes with less restrictions. She stated that Clark County raised its sales tax rate 1/8<sup>th</sup> of a cent to support affordable housing which has raised \$54 million towards the initiative. She stated that combined with the marijuana licensing revenues the County will construct 1,200 units of affordable housing and provide additional transportation & preschool services to support the initiative.

**Lorinda Wichman** asked about the 1,200 sq. ft. minimum housing restriction and if the County is looking to construct tiny homes. Marilyn Kirkpatrick stated that the County has looked into tiny homes, but the concern is a lack of national standards and meeting public safety requirements. She stated that the county has looked to construct the pre-built "cube houses" and building larger boarding style housing.

**Lee Plemel** asked what the affordability rate is for service workers within the County. Marilyn Kirkpatrick stated that that affordability rate depends upon where they live within the County. She further stated that the County is attempting to look at the whole issue of affordability and all the costs associated with housing like childcare.



**Lee Plemel** asked if the County has a written policy on how the marijuana licensing revenues are used. Marilyn Kirkpatrick stated that the County Commission adopted a resolution of intent for this funding, established separate accounts to track the funding, and receives quarterly updates on how the funding is being spent.

Charlie Donohue with the Nevada Division of State Lands asked how the County prioritizes the individual with its funding. Marilyn Kirkpatrick stated that the priority for the County Commission is on families first, followed by disabled individuals.

Charlie Donohue asked about the abilities of a city to create land banks vs a county. Marilyn Kirkpatrick stated that the standard language of city charters throughout the state allow for greater flexibility to exercise their powers and authority than a county enabling statute.

**Lee Plemel** asked how the County can give preference to one group of people over another group. Marilyn Kirkpatrick stated by using local funding the County can establish its own rules and control how the funding is utilized.

## **10) REVIEW OF OPEN MEETING LAW AND REVIEW OF SLUPAC POWERS AND DUTIES**

Tori Sundheim with the Office of Attorney General provided the Council with a [PowerPoint Presentation](#) that included an overview of the Open Meeting Law and the powers and duties of the Council.

After reviewing NRS 321.740 (7) relating to establishing a quorum for the Council, Tori Sundheim asked the Council what they believe constitutes a quorum for the Council.

**Lee Plemel** stated that he believed that the intent of the statute was for the Council to establish a quorum under the same requirements as those referenced in Nevada Revised Statutes (NRS).

**Delmo Andreozzi** stated that the way the statute for establishing a quorum is currently written adding the phrase "and" makes it very confusing.

Referencing NRS 321.740 (7) **Lorinda Wichman** stated that she believed a period is needed after the word "business" in order to avoid redundancy and make the statute clearer on what constitutes a quorum.

**Sami Real** asked about the requirement in NRS for a County to have 2 or more nominations for its representative on the Council. Tori Sundheim stated that it would be good for a county to submit to the Governor more than one nomination for its representative on the Council. Charlie Donohue with the Nevada Division of State Lands stated that Governor Gibbons wanted to have more than one nomination to consider for appointment to the Council and for other State Boards and Commissions.

**Garth Price** asked what the process is when the Governor rejects a County's nomination for its Council representative. Scott Carey with the Nevada Division of State Lands stated that the agency is working closely with the Governor's Office to work through the backlog of Council appointments that are in process. He stated that there are currently 8 applications from Council members pending appointment from the Governor. He stated that the preference is that all appointments follow the process as outlined in NRS and that the agency and all counties work closely with the Governor's Office.

Tori Sundheim clarified that the existing statute (NRS 321.740 (3) b does allow for a county's nomination to the Council to become effective without the Governor's appointment if after 30 days the Governor does not notify the county that they will not appoint the county's nomination.

**Lorinda Wichman** stated that although the county's nomination to the Council becomes effective without the Governor's appointment after 30 days, the Governor under the statute has the opportunity to make the appointment or not.

**Lee Plemel** asked what would happen if the Council met after 30 days after a county submitted its nomination for its representative on the Council. Tori Sundheim stated that under the statute if the Governor does not act

within the 30 days of receiving a county's nomination, their nomination to the Council becomes effective. She stated that if the Council meets within the 30 days of submitting its application, then the county's nomination does not become effective without the appointment of the Governor. Tori stated that it's important for the counties to submit a list of three persons and a preference of whom they nominate to the serve on the Council for the Governor to consider.

Tori Sunheim stated that NRS does not allow for a county to allow for alternate members to serve on the Council. She stated that whoever is the appointed representative for the County is the only one who can vote and participate in Council meetings. She further stated that counties are prohibited under the law to designate someone else to fill in for its representative when needed. Pursuant to NRS 241.025(1) an alternate member can vote only if the public body's legal authority allows it; the Council's statute NRS 321.740 does not authorize alternate members.

Tori Sunheim provided the Council with an overview of its powers and duties which include: advising and providing resources to the Administrator for the Division of State Lands and Counties on land use planning, providing statements of policies on Federal and State land acquisitions, and working cooperatively with the Nevada Attorney General's Office and the Nevada Association of Counties (NACO) on RS 2477 roads.

Tori Sunheim stated that the Council through its SLUPAC Executive Council has the power under NRS 321.755 to resolve inconsistencies between the land use plans of local government entities. She provided the Council with an overview of the process and this council's role in resolving inconsistencies between local government entities land use plans. She also provided the Council with an overview of the process and the Council's role in planning for areas of critical environmental concerns in the State.

**Lorinda Wichman** recalled that since she has served on the Council that she has never seen the SLUPAC Executive Council exercise its authority in resolving land use inconsistencies between local governments. She asked if the SLUPAC Executive Council has ever exercised this authority before. Charlie Donohue with the Nevada Division of State Lands stated that he recalled that the SLUPAC Executive Council was set to engage with an issue involving the Moapa Dace several years ago but they did not meet and to the best of his knowledge has never been convened.

Scott Carey with the Nevada Division of State Lands stated that a hypothetical example of the SLUPAC Executive Council exercising its authority to resolve land use inconsistencies between local governments could be the Walmart and shopping center that was built in Douglas County on the border of Carson City. He stated that in this example Carson City could have found Douglas County's land use approval of the Walmart and shopping center inconsistent with its land use plan. He stated that Carson City could have requested that the SLUPAC Executive Council resolve this land use consistency. He further stated that it was staff's opinion that the statute provides the SLUPAC Executive Council with the authority to change a local government land use designation in order to resolve an inconsistency.

**Lorinda Wichman** asked for clarification if the SLUPAC Executive Council would have the authority to resolve a land use inconsistency between a local government and the Federal Government or if the statute only allows the SLUPAC Executive Council to resolve disputes between local governments. Scott Carey stated that the statute only applies to local government land use inconsistencies.

**Delmo Andreozzi** stated that he believes that land use decisions are made at the local government level and that it could be a slippery slope and become very political for the SLUPAC Executive Council to be involved with altering local government land use designations. He further stated that he is interested to see if this SLUPAC Executive Council has met before and if it has taken any previous actions.

**Lee Plemel** asked what it would take for the SLUPAC Executive Council to resolve a local government land use inconsistency. Tori Sunheim stated that the statute outlines that one or more local governments would submit a request to the SLUPAC Executive Council to resolve the land use inconsistency.

**Lorinda Wichman** stated that she believes that the intent of the statute is not for the SLUPAC Executive Council to impose its will but to act as a mediator and offer its assistance to local governments in resolving the land use inconsistencies.

Scott Carey stated that he believes that the statute was adopted prior to the enactment of regional planning laws around the State and the ability for local governments to resolve land use issues through regional planning. He stated that given the statute's age, he believed that the Legislature's intent with creating the SLUPAC Executive Council's powers was a way for local governments to resolve land use disputes.

**Sami Real** asked if the Council itself is to act as a mediator in land use planning issues rather than providing statewide guidance and bringing forth land use planning issues. Tori Sunheim stated that the Council has the duty and authority to do both. She stated that the Council is tasked with bringing forward information regarding land use issues and to provide insight on Federal and State land issues and acquisitions.

Tori Sunheim clarified that the SLUPAC Executive Council only can resolve land use inconsistencies between local governments and not between local governments and Federal agencies. She stated that the SLUPAC Executive Council has the authority to resolve land use inconsistencies between cities, counties, general improvement districts, and other political subdivisions of the State that are adjacent or overlapping to each other. She provided a hypothetical example that the SLUPAC Executive Council could not resolve a land use inconsistency between the City of Las Vegas and the City of Reno.

**Lorinda Wichman** asked about the state law that requires private property rights for public right of way access and if the SLUPAC Executive Council would have the authority to resolve any disputes between a private property owner and a local government. Tori Sunheim stated that she believed that the SLUPAC Executive Council would not have the authority to resolve this type of dispute and that its powers are limited to what is included in the statute.

Tori Sunheim stated that another duty of the Council outlined in NRS 321.770 is the ability to review and assist the Governor in land use planning for areas of critical environmental concern (ACEC) on State lands. She stated that the statute outlines a process for the Council to review and provide a recommendation to the Governor on establishing a State ACEC if brought forward or requested by a local government. She clarified that a State ACEC is different than a Federal ACEC designation, and that the Council does not have the authority to create a Federal ACEC. Charlie Donohue stated that he can think of two instances where an ACEC could be designated on State lands: one for the desert pupfish in the Railroad Valley and another for steamboat buckwheat in Washoe County near the Steamboat geothermal plant.

**Delmo Andreozzi** stated that this presentation has been a lot to review and that Council should take a look at its powers and duties again at a future meeting. **Lorinda Wichman** agreed with this and suggested that the Council's powers and duties be discussed again at its next meeting.

Charlie Donohue stated that staff will put this item on the next agenda. He further stated that staff will also conduct additional research and provide the Council with additional background on the legislative intent of the SLUPAC Executive Council's authority to resolve local government land use inconsistencies.

## **11) RECOMENDATION TO REPEAL OR REVISE SLUPAC BYLAWS AND DIRECTION ON POTENTIAL SLUPAC LEGISLATIVE CHANGES**

Scott Carey with the Nevada Division of State Lands provided the Council with a brief overview of its bylaws which were last updated in 2014. He stated that many of the Council's bylaws refer to statute and that there are sections of the bylaws which are not allowed under NRS such as designating alternate members. He stated that staff is recommending that the Council repeal these bylaws to avoid potential conflicts and allow staff to come back with a new set of bylaws. Charlie Donohue with the Nevada Division of State Lands added that staff could also come back to the Council with suggestions for legislative changes to its statute.

**Lorinda Wichman** asked if there are specific legislative changes to the Council's statute that staff believes it should pursue. Charlie Donohue stated that one specific legislative change would be to revise the Council's statute to allow for alternate members to serve on the Council.

Scott Carey stated that another conflict with the bylaws that was not provided with the Council's statute was the ability of the Council to elect a Vice Chairman. He stated that section 1.4 of the bylaws state that the Council shall elect a Chairman and Vice Chairman, however the Council's statute only specifically allows for the election of a Chairman. Tori Sunheim with the Office of Attorney General stated that the Council's bylaws are not effective if they conflict with NRS. She recommended that that Council revise its bylaws, so they are compliant with the Council's statute and does not conflict with NRS.

**James Barbee** asked if the Council needs to change its bylaws so that the sections that conflict with its statute are removed. He added that he would not like to see the bylaws removed in their entirety.

**James Barbee** made a motion to remove section 1.3 Designation of Alternatives and amend section 2.4 Quorum and Vote Required by removing the requirement for nine voting members to be present as outlined on page 23 of the meeting packet. The motion was seconded by **Garth Price**.

**Sami Real** asked if **James Barbee** would amend his motion to include removing section 1.5 Executive Council Membership from the bylaws. She stated that this section is not necessary within the bylaws because the membership of the SLUPAC Executive Council is outlined within NRS 321.755. **James Barbee** stated that he would accept this amendment to his motion.

**James Barbee** made a motion to revise the Council's bylaws by removing section 1.3, section 1.5, and revising section 2.4 as outlined in the meeting packet. The motion was seconded by **Garth Price**.

**Delmo Andreozzi** stated that he supports the motion and the proposed changes to the bylaws. He stated that it can be difficult for members of Council to attend the meetings. He stated that he thinks that it would be of value for Elko County to be able send an alternate member to attend the meetings and provide information but not participate in discussions or vote.

Charlie Donohue stated that **Jake Tibbitts** and staff are of the opinion that the Council will need a bill draft request next legislative session to clean up the statute which would allow the Council to be more engaged and action oriented on land use planning issues around the State.

The motion to revise the Council's bylaws was approved.

**Lorinda Wichman** stated that Council needs to take another look at making further changes to its bylaws at a future meeting. She also stated that the Council should also review a possible bill draft request and discuss changes to the Council's statute. Scott Carey stated that staff can look at additional changes that may be needed to the Council's statute and bring forth concepts and specific language for the Council's consideration at its next meeting.

**James Barbee** asked if the bylaws could be revised to allow for the Council to weigh in and engage with local governments on Federal land issues as outlined in NRS 321.735(1). Tori Sunheim stated that the Council can weigh in an engage on these issues but only to the degree that the Council is allowed to do so under the statute. She further stated that the emphasis of the statute itself seems to be focused on the Council dealing with local, inter-local, and regional land use planning issues.

**Sami Real** asked if there is anything in the statute that prevents the Council from reviewing or providing input on a Federal land issue in support of a local government. Tori Sunheim stated that bylaws cannot give the Council more authority than what is established in its statutes.

Scott Carey stated that staff will conduct research on the legislative intent of the Council and the powers of the SLUPAC Executive Council and will the place an item on the next agenda for the Council to review and discuss potential legislative changes.

**12) COUNTY PLANNING UPDATES****Delmo Andreozzi, Elko County:**

Delmo stated that he appreciates the opportunity to serve on the Council and values the collaboration with the other counties. He stated that after 20 years the County has come to resolution on the South Canyon road dispute with the US Forest Service. He stated that the County has accepted an easement for the road from the US Forest Service which will ensure future public access and maintenance for the County.

Curtis Moore with Elko County stated that the County is working on an update to its codes which were originally created in the 1970's. He stated that the County is following and supporting recent Federal actions within the county for targeted grazing permits. He stated that the County has completed an economic assessment with the University of Nevada as part of the Nevada Economic Assessment Project. He also stated that the County met with Sean Gephart with the Nevada Department of Agriculture concerning noxious weed controls and possible amendments to the County's code.

**De Winsor, Esmeralda County:**

De stated that the County is in the process of reevaluating its land use plan because two mines are in the process of development. He stated that the new mines are creating a need for areas for new housing within the County.

**James Barbee, Churchill County:**

James stated that the County has been involved with the NAS Fallon lands withdrawal proposal and that the County is working on its draft of a future lands bill. He stated that the County is completing preliminary engineering for expansion of water and wastewater facilities to facilitate workforce housing. He stated that the County has purchased 30 acres to support this effort and that the county is working with a land trust to develop additional workforce housing on other county owned lands. He also stated that the County is in the process of updating its master plan and land use section which should be completed in the next couple of months.

**Garth Price, Mineral County:**

Garth stated that the County is also following the NAS Fallon lands withdrawal proposal.

**Bill Calderwood, White Pine County:**

Bill stated that the County is moving forward with its mapping for RS 2477 roads, he added that the County is using a similar mapping process used by other counties in Nevada. He stated that the County is using its new GIS mapping data to update and improve its 9-1-1 communications system and for other uses within the county. He stated that the County is working on a proposal to hire its own Natural Resources Director. He also stated that the County Commission has signed an agreement to expand its industrial park by 120 acres, which will include a new rail spur.

**Sami Real, Clark County:**

Sami stated that the County continues to work on its lands bill and efforts to address housing affordability. She stated that the County is working on a full update to the County's comprehensive master plan and zoning ordinance. She stated that the County has hired a consultant to assist with the updating the comprehensive master plan and zoning ordinance. She stated that the goal of the update is to better align zoning designations and master plan land uses.

**Kevin Phillips, Lincoln County:**

Kevin stated that there was no update for the County.

**Lorinda Wichman, Nye County:**

Lorinda stated that the County is working on an update to its master plan and adding a new groundwater management plan component of its master plan. She also stated that the County is following the NAS Fallon lands withdrawal proposal and is seeking minor concessions from the Navy to recognize the cumulative impacts of the proposal to the County.

**Jeanne Herman, Washoe County:**

Jeanne stated that the update to the County's regional plan has been completed. She stated that the County is also working on a public lands bill and expressed concerns about the potential impact to recreation, mining and ranching within the County. She also stated that the State Engineer has recently issued a moratorium on new well drilling within Cold Springs and that the County continues to have flooding in Swan Lake.

**Lee Plemel, Carson City:**

Lee stated that Carson City was directed by the Board of Supervisors to rewrite its zoning code over the next two years. Lee stated that the staff will be updating its zoning code without the help of consultants and will be relying on other zoning code updates from around the State. Lee also stated that Carson City has adopted a diesel fuel tax which will be in place for two years and the going to an election.

**13) FUTURE AGENDA ITEMS**

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, another request from Sean Gephart with the Nevada Department of Agriculture to provide a presentation on noxious weeds, and the Department of Conservation and Natural Resources would like to provide a presentation on Governor Sisolak's Climate Change Executive Order and greenhouse gas emissions report.

Scott stated that other future agenda items requested by the Council at this meeting include: a review of the Council's powers and duties, the Council's bylaws, potential SLUPAC legislative changes, and the election of SLUPAC Executive Council members.

**14) SCHEDULING OF FUTURE SLUPAC MEETING DATES AND LOCATIONS**

Scott Carey with the Nevada Division of State Lands provided an overview of the previous Council meeting locations from the past six years. He stated that staff was looking for direction from the Council on a setting a meeting date and location for its next meeting.

**Jeanne Herman** suggested that if the Council is going to have another special meeting for RS 2477 roads, that Carson City would be a good location to have this type of meeting.

**Lorinda Wichman** suggested that Friday April 3, 2020 would be a good date for the Council to hold its next meeting. Scott Carey stated that it has been awhile since the Council met in Storey County and considering all the development within the County it would be a good location to hold a meeting.

**James Barbee** made a motion to hold the next Council meeting on April 3, 2020 in Storey County, the motion was seconded by **Garth Price**. The motion was approved.

**15) PUBLIC COMMENTS**

None.

**16) ADJOURN**



**Garth Price** made a motion to adjourn the meeting. The motion was seconded by **Sami Real** and approved by the Council. The meeting was adjourned at 1:12 pm.

Respectfully submitted,

Scott Carey

/s/

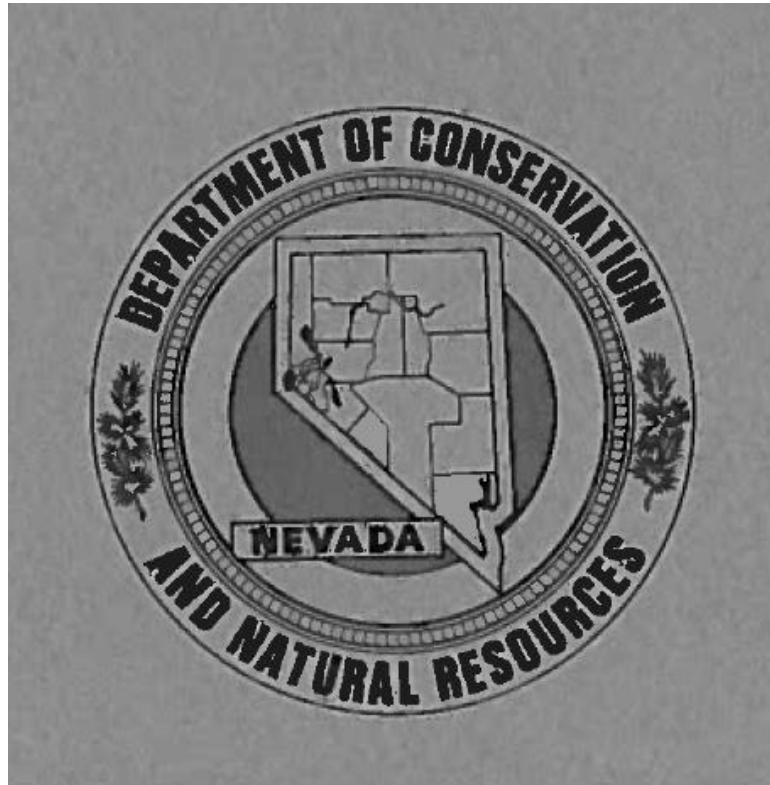
Meeting Recorder

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.



# State Land Use Planning Advisory Council: Legislative History and Intent



Scott Carey, State Lands Planner



<sup>16</sup>  
*“Before examining the specifics of my budget proposal I respectfully invite the attention of the legislature to a recommendation to create a new division of Land Use Planning in the Department of Conservation and Natural Resources”*

*“This is my view, is an item of critical importance. The state has hired a statewide planner and also has implemented long range-planning in water resources. It is essential that we have companion effort with respect to land.”*

- Governor Michael O'Callaghan State of the State Address before the 57<sup>th</sup> Legislature in 1973.

## SLUPA Purpose

“a lack of state land use policy and planning and the increased size, scale, and impact of private actions have created a situation in which land use management decisions of wide public concern often are being made on the basis of expediency, tradition, short-term economic considerations other factors which too frequently are unrelated or contradictory to sound environmental, economic, and social land use considerations.” Land Use Planning Act of 1973

# SLUPAC

## Land Use Planning Act of 1973

(a) Shall be appointed by the governor, at least one from each county.

(b) May represent urban        rural areas of the state.

(c) May include members of the city, county and regional planning commissions.

## SB 212-1977

- Added in the local government planning support functions.
- Added in the ACEC designation
- Refined the duties similar to today.
- Added in Executive Council and land use inconsistency resolution.

## Resolution of Land Use Inconsistencies

- Technical expertise
- Local government dispute resolution
- Assist with enforcement of regulations or policies to solve the land use inconsistencies for SLUPA.

## Areas of Critical Environmental Concern

State Land Use Planning Act of 1973

“any area in this state where uncontrolled development could result in irreversible degradation of more than local significance”.



# Areas of Critical Environmental Concern

SB 212 in 1977

“means any area in this state where there is or could develop 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.”.

# Agendas and Areas of Critical Environmental Concern

- Identification
- Planning
- 
- Implementation

# Agendas and Areas of Critical Environmental Concern



Legislative Intent & History

SLUPAC



Nevada Division of  
**STATE LANDS**

STATE OF NEVADA  
Department of Conservation & Natural Resources

Steve Sisolak, Governor  
Bradley Crowell, *Director*  
Charles C. Donohue, *Administrator*

May 28, 2020

To: State Land Use Planning Advisory Council

From: Scott Carey, State Lands Planner

RE: Election of Four Members to Serve on the SLUPAC Executive Council

The Executive Council (NRS 321.755) consists of four SLUPAC members and the Administrator of Nevada Division of State Lands. The Executive Council is charged with, upon request, resolving inconsistencies in land use plans between two or more adjacent or overlapping local governmental entities which cannot be resolved between them.

At the February 9, 2018 SLUPAC meeting, the Council appointed Sami Real (Clark County), Jim French (Humboldt County), and Austin Osborne (Storey County) to the Executive Council. The appointment was for a two-year term that expired on February 2, 2020. At the September 8, 2017 meeting, the Council appointed Laurie Carson (White Pine) to a two-year term on the Executive Council that expired on September 8, 2019.

Since all the terms of all of the Executive Council have expired, the Council needs to appoint 4 new members to serve on the Executive Council. NRS 321.755 (2) states that "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."

**Recommendation:** *Staff recommends that the Council appoint 4 new members to serve on the Executive Council for a 2 year term.*

## STATE LAND USE PLANNING ADVISORY COUNCIL

### BYLAWS

Adopted May 2, 1980  
 Amended October 9, 1981  
 Amended June 14, 1987  
 Amended November 25, 1996  
 Amended August 10, 2007  
 Amended February 7, 2014  
 Amended January 17, 2020

### ARTICLE 1 — GENERAL

#### 1.1 NAME:

The name of the Council is the Land Use Planning Advisory Council.

#### 1.2 MEMBERSHIP:

The membership of the Council shall consist of one elected official or representative of local political subdivisions from each county as appointed by the Governor and one non-voting member appointed by the Nevada Association of Counties or its successor organization (NRS 321.740). All such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified. (NRS 232A.020)(August 10, 2007)(February 7, 2014)

#### ~~1.3 DESIGNATION OF ALTERNATES:~~

~~In the event a member cannot be present, that member shall designate a person to represent him as an alternate at Council meetings. Designation must be confirmed by the member in writing, or by telephone, to the State Land Use Planning Agency. The alternate has voting privileges on all matters except policy recommendations to the Governor. (June 14, 1987)(August 10, 2007)~~

#### 1.4 OFFICERS:

The Council shall elect from its own members a chairman and vice-chairman, whose terms of office shall be one year, and who may be re-elected. If a vacancy occurs in either office, the Council may fill such vacancy for the unexpired term.

The State Land Use Planning Agency shall serve as secretary, record minutes, send out announcements, and manage other related administrative affairs.

### ~~1.5 EXECUTIVE COUNCIL MEMBERSHIP:~~

~~The council shall elect from its membership four persons to serve with the Administrator of the Division of State Lands as an Executive Council. The Council shall elect two alternate members to the Executive Council; said alternate members to replace Executive Council members in cases which involve the regular members' counties. Each member and alternate member of the Executive Council shall serve for two year terms (NRS 321.755).~~

## ARTICLE 2 – MEETINGS

### 2.1 MEETINGS:

The Council shall hold at least two (2) regular meetings each year. Special meetings may be called by the Chairman and the Administrator of the Division of State Lands. All meetings shall be open to the public except on those matters excluded from the Nevada Open Meeting Law (NRS 241.010-241.050). (October 9, 1981)

### 2.2 NOTICE OF MEETINGS:

Adequate notice shall be given in advance of all meetings to members of the Council and members of the press. Notice of all meetings shall be consistent with the guidelines contained in the Nevada Revised Statutes Chapter 241.

### 2.3 PLACE OF MEETINGS:

Meetings of the Council shall be held in such places as the Council members may select.

### 2.4 QUORUM AND VOTE REQUIRED:

A quorum is constituted by ~~nine (9) members present~~ a majority of the active voting members of the Advisory Council at a duly noticed meeting. A majority of those voting shall be required to take action with respect to any matter. Abstentions will not be considered a vote. (November 25, 1996)(February 7, 2014)(January 17, 2020)

In the event less than ~~nine (9)~~ a majority of the active voting members of the Advisory Council ~~members~~ are in attendance at a duly advertised meeting, so as

to not constitute a quorum, such meeting may continue as an informational meeting where no action is taken. (November 25, 1996)([February 7, 2014](#))

## 2.5 PARLIAMENTARY:

**“Robert’s Rules of Order” shall govern the conduct of meetings in all cases in which they are applicable.**

## ARTICLE 3 – DUTIES

### 3.1 ADVISORY ROLE:

The Council shall advise the Administrator on the development and distribution to cities and counties of information useful to land use planning (NRS 321.750).

### 3.2 LIAISON ROLE:

The Council members shall serve a liaison function between the local governments in their respective counties and the State Land Use Planning Agency.

### 3.3 REVIEW AND COMMENT ROLE:

The Council may review and comment upon proposed actions of the Executive Council prior to final positions being established.

### 3.4 EXECUTIVE COUNCIL DUTIES:

The Executive Council shall render decisions on inconsistencies between local land use plans in conformity with the provisions of NRS 321.761—321.763.

The Executive Council shall make recommendations for land use planning policies and regulations in areas of critical environmental concern in conformity with the provisions of NRS 321.770.

## ARTICLE 4 – MISCELLANEOUS

### 4.1 LIBERAL CONSTRUCTION:



These rules and regulations shall be liberally construed to secure just, speedy and economical determination of all matters before the Council. (November 25, 1996)(February 7, 2014)([January 17, 2020](#))

#### 4.2 DEVIATION:

In special cases, and for good cause not contrary to statute, the Council may permit deviation from these rules and regulations upon a finding and to the extent that strict compliance is determined to be impracticable or unnecessary.

## **Division of State Lands - State Land Use Planning Agency**

### **Bill Draft Request (BDR) Concept**

**BDR Concept Short Title:** Clarification of the Roles and Duties of the State Land Use Planning Advisory Council (SLUPAC)

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

NRS 321.740

NRS 321.750

NRS 321.761 and 321.763

NRS 321.770

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

The purpose of this BDR is to clarify the duties and roles of SLUPAC and its members through four proposed changes to statute.

- 1) SLUPAC membership consists of a Governor-appointed voting member from each of Nevada's 17 counties and a nonvoting member from Nevada Association of Counties. Through its membership, SLUPAC enhances statewide land use planning policy administration and collaboration. Nevada's cities and Tribal Nations also have significant statewide land use planning roles but aren't represented on SLUPAC. This BDR would add non-voting members from Nevada League of Cities and the Inter-Tribal Council of Nevada or Nevada Indian Commission to SLUPAC.
- 2) SLUPAC members are nominated by their respective county, appointed by the Governor, and serve a 3-year term. Occasionally, a SLUPAC member's term will extend beyond their term as a county 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 complete their SLUPAC term or nominate a new SLUPAC member to the Governor for appointment.
- 3) Currently, SLUPAC members are not able to identify an alternate to serve in his or her place at meetings. This BDR would provide for the designation of alternates.
- 4) Finally, this BDR would 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. Currently, these duties are

defined for the Executive Council exclusively, and not as SLUPAC duties delegated to its Executive Council.

The changes proposed by this BDR may be revised and refined pending review by SLUPAC at its next public meeting on May 28, 2020.

**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

## 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](#); \_\_\_\_\_)

**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.**

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 \_\_\_\_\_; 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	EXPIRES	PHONE
Carson City	Lee Plemel Planning Director 201 N Carson Street Carson City, NV 89701	12/31/20	775-887-2180 <a href="mailto:LPlemel@carson.org">LPlemel@carson.org</a>
Churchill	James Barbee County Manager 155 N Taylor Street, Suite 194 Fallon, NV 89406	12/31/22	775-423-5136 <a href="mailto:jbarbee@churchillcounty.org">jbarbee@churchillcounty.org</a>
Clark	Sami Real Planning Manager Department of Comprehensive Planning 500 S Grand Central Parkway Las Vegas, NV 89155	12/31/20	(702) 455-3129 <a href="mailto:Sami.Real@ClarkCountyNV.gov">Sami.Real@ClarkCountyNV.gov</a>
Douglas	Nancy McDermid Former County Commissioner 1594 Esmeralda Avenue Minden, NV 89423	12/31/20	<a href="mailto:nmcdermid@me.com">nmcdermid@me.com</a>
Elko	Delmo Andreozzi County Commissioner 982 Northside Drive Elko, NV 89801	12/31/20	775-934-8117 <a href="mailto:dandreozi@elkocountynv.net">dandreozi@elkocountynv.net</a>
Esmeralda	De Winsor County Commissioner PO Box 517 Goldfield, NV 89013	5/31/19	775-530-7443 <a href="mailto:commissionerdewinsor@gmail.com">commissionerdewinsor@gmail.com</a>
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 <a href="mailto:JTibbitts@EurekaCountyNV.gov">JTibbitts@EurekaCountyNV.gov</a>
Humboldt	Jim French County Commissioner 5615 Patrician Way Winnemucca, NV 89445	12/31/22	775-843-8327 <a href="mailto:jlfrench6472@sbcglobal.net">jlfrench6472@sbcglobal.net</a>
Lander	Art Clark County Commissioner 50 State Route 305 Battle Mountain, NV 89820	2/28/23	<a href="mailto:aclark@landercountynv.org">aclark@landercountynv.org</a>

Lincoln	Kevin Phillips County Commissioner PO Box 90 Pioche, NV 89043	2/28/23	<a href="mailto:kevin@lcturbonet.com">kevin@lcturbonet.com</a> 775-962-1463
Lyon	Don Alt Former County Commissioner 3945 Cypress St Silver Springs, NV 89429	12/31/20	<a href="mailto:donalt1939@gmail.com">donalt1939@gmail.com</a>
Mineral	County Commissioner PO Box 1450 Hawthorne, NV 89415	12/31/22	775-945-2446 <a href="mailto:garthdprice@gmail.com">garthdprice@gmail.com</a>
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	775-761-1626 <a href="mailto:lawichman@gmail.com">lawichman@gmail.com</a>
Pershing	Roger Mancebo 590 14 <sup>th</sup> Street Lovelock, NV 89419	12/31/22	<a href="mailto:rmancebo24@gmail.com">rmancebo24@gmail.com</a> 775-273-2351
Storey	Kathy Canfield Senior Planner 1064 S C Street Virginia City, NV 89440	12/31/22	(775) 847-1144 <a href="mailto:kcanfield@storeycounty.org">kcanfield@storeycounty.org</a>
Washoe	Jeanne Herman County Commissioner PO Box 11130 1001 E 9 <sup>th</sup> Street Reno, NV 89520	12/31/22	775-358-0555 <a href="mailto:jherman@washoecounty.us">jherman@washoecounty.us</a>
White Pine	Bill Calderwood Public Works Director 953 Campton Street Ely, NV 89301	12/31/22	775-293-6552 <a href="mailto:bcaldерwood@whitepinecountynv.gov">bcaldерwood@whitepinecountynv.gov</a>
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 <a href="mailto:cprout@nvnao.org">cprout@nvnao.org</a>

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