

Southern Nevada Regional Planning Coalition

Policies for Projects of Regional Significance

June 2010

Introduction

In 1999, the Nevada Legislature adopted Assembly Bill 493 requiring a variety of regional planning initiatives. The Southern Nevada Regional Planning Coalition took the initiative to deal with these issues, and in February of 2001 the Regional Planning Coalition successfully completed and adopted the Southern Nevada Regional Policy Plan. This Plan addresses a variety of conservation, land use, transportation, public facilities, air quality, and related regional needs. One of the actions recommended in the Plan is the creation of a process of addressing projects of regional significance, including those that relate to “cross boundary impacts”.

Assembly Bill 493 adopted in 1999 (amended by Assembly Bills 425, 2005 and 289, 2009) established the provisions for addressing “projects of regional significance”. Together, the Bills specify that the Southern Nevada Regional Planning Coalition:

1. **Shall** establish a definition for the term “project of regional significance”. In establishing the definition the Regional Planning Coalition shall consider:
 - a) *Existing definitions of the term within the Nevada Revised Statutes; and*
 - b) *That a project may have regional significance for several reasons, including, without limitation, the potential impact that the project may have on historic, archaeological, paleontological, cultural, scenic and natural resources, public facilities, including, without limitation, schools, and public services within the region.*
2. **May** consider and take necessary action with respect to any issue that the Regional Planning Coalition determines will have a significant impact on the region, including, without limitation, projects of regional significance.

This report summarizes the way in which the Regional Planning Coalition defines Projects of Regional Significance, along with policies for the way in which their impacts are to be assessed and mitigated.

The RPC will address Projects of Regional Significance in several ways. First, it will address impacts associated with certain site-specific development that occurs proximate to jurisdictional boundaries. This approach emphasizes the importance of encouraging better communication and cooperation between jurisdictions in addressing potential cross-jurisdictional impacts of new growth. Second, it will address regional infrastructure projects that are not under the jurisdiction of an existing regional planning authority.

Specifically, the process described below accomplishes several important objectives:

1. It establishes a way to provide better communications and coordination between neighboring jurisdictions related to potential cross-boundary impacts of certain land uses.
2. It builds on, and improves certain practices and procedures currently in place within jurisdictions, without creating disruptive new procedures.
3. It does not extend the time frame for local review of development projects.
4. It preserves local autonomy of decision making related to site specific projects.
5. It provides a forum for discussing and addressing regional infrastructure issues.

Definition of Projects of Regional Significance

The Regional Planning Coalition defines Projects of Regional Significance to include any of the following:

A. Site Specific Projects

1. Site specific building or development projects of either a private, public, or quasi-public nature (Site Specific Project) that satisfy one of the following criteria and occur within a half mile of the boundary of an adjacent municipal corporation or unincorporated area:
 - (a) Tentative maps or planned unit developments of 500 units or more;
 - (b) Tourist accommodations of 300 units or more;
 - (c) A commercial or industrial facility generating more than 6,250 average daily vehicle trips, as defined by the Institute of Transportation Engineers or its successor; or
 - (d) A nonresidential development encompassing more than 160 acres.
2. Zoning map amendments or local land use plan amendments that could result in development that exceeds the threshold criteria identified above and that occurs within a half mile of the boundary of an adjacent municipal corporation or unincorporated area, or
3. Any Special Use Permit request that involves property within 500 feet of the boundary of an adjacent municipal corporation or unincorporated area.

A person shall not develop in phases, subdivide, or otherwise partition a proposed project for the purpose of evading or avoiding the provisions of this policy.

Commentary: Senate Bill 191 requires that local governments assess impacts of certain “projects of significant impact”. The criteria established in Senate Bill 191 were generally used as the Projects of Regional Significance threshold criteria for several reasons. First, they have already been institutionalized in local planning procedures. Second, the way in which impacts are assessed are also defined and established in SB 191, which means that Projects of Regional Significance can be assessed using the same methodology. Thus, a mechanism for identifying and assessing cross boundary impacts can be implemented within the scope of existing review procedures. The criteria in SB 191 were modified slightly. First, the traffic threshold was raised, since the “trip” number in SB 191 is low in proportion to other criteria, and would result in relatively small commercial areas (such as a convenience store) being considered Projects of Regional Significance. Second, the reference to “Final Maps” was changed to “Tentative Maps”.

The reason for including Special Use Permits is that they often involve uses that can have negative land use impacts, which can be mitigated through proper site plan review. The reason for the 500 feet measurement criteria is that the dimension coincides with the typical notification requirement for Special Use Permits.

B. Regionally Significant Infrastructure Projects

Multi-jurisdictional regional infrastructure projects not under the purview of existing regional agencies (such as the Regional Transportation Commission), including, but not limited to, the following facilities when they impact more than one jurisdiction:

1. A transmission line that carries 60 kilovolts or more;
2. A facility that generates electricity greater than 50 megawatts;
3. Natural gas storage and peak shaving facilities; and
4. Gas regulator stations and mains that operate over 200 pounds per square inch.

Determination of Projects of Regional Significance

A. Site Specific Projects

Determination of whether Site Specific Projects meet the criteria established above shall be made by the jurisdiction within which a project is proposed (Project Local Government). The determination should be made at the earliest stage feasible. Specifically, such determination should be made at the time of application of a zoning map amendment, a tentative map, master plan development, planned unit development, special use permit, or any other development request that requires review at a public meeting.

B. Regional Infrastructure Projects

Determination of Regional Infrastructure Projects shall be made by the agency proposing the Project (Proposing Agency). The Proposing Agency shall notify the Regional Planning Coalition of a proposed Regional Infrastructure Project at the earliest stage of planning of the Project as is feasible.

Assessment of Impacts and Referral of Projects of Regional Significance

A. Site Specific Project

If a Project Local Government determines that the threshold criteria for a Site Specific Project of Regional Significance, as defined in Section A1, is met, it shall immediately notify the affected jurisdiction(s) (Affected Local Government) and provide the Affected Local Government with copies of any application materials, as well as an Impact Assessment that includes at a minimum:

- (a) The number of vehicle trips that the project will generate, estimated by applying to the proposed project the average trip rates for the peak days and hours established by the Institute of Transportation Engineers or its successor.
- (b) The estimated number of additional pupils for each elementary school, junior high or middle school, and high school that the project will cause to be enrolled in local schools.
- (c) The distance from the site on which the project will be located to the nearest facilities from which fire-fighting, police and emergency services are provided, including, without limitation, facilities that are planned, but not yet constructed, and facilities which have been included in a plan for capital improvements prepared by the appropriate local government pursuant to NRS 278.0226.
- (d) A brief statement setting forth the anticipated effect of the project on housing, mass transit, open space and recreation.

Commentary: The Impact Assessment required as part of this process is the same as that required by Senate Bill 191. The reason for requiring the same assessment is that it avoids having several different procedures; this approach builds on existing practices, thus minimizing additional burdens or extending the process.

In addition, all notification requirements that relate to distance from proposed sites shall be interpreted to apply to property owners in adjacent jurisdictions.

Commentary: Most jurisdictions provide courtesy notice to property owners in adjacent jurisdictions; this provision simply formalizes the practice. It helps to ensure that affected property owners in adjacent jurisdictions are notified in addition to adjacent governmental jurisdiction.

B. Regional Infrastructure Projects

The Proposing Agency shall provide an assessment of the regional and multi-jurisdictional impacts of the proposed Project to the Regional Planning Coalition at the earliest feasible time. The Proposing Agency shall cooperate with the Regional Planning Coalition in providing information and in communicating with the Coalition about the proposed Project.

Comment by Affected Local Government or Regional Planning Coalition

A. Site Specific Projects

Upon receipt of the Referral, the Affected Local Government shall have fifteen (15) calendar days within which to provide comments (Mitigation Comments) to the Project Local Government. The Mitigation Comments may propose ways in which the Affected Local Government believes any negative impacts of the Project on the Affected Local Government can be mitigated.

Commentary: The 15 day comment window is designed to insure that local processes for reviewing projects are not delayed

B. Regional Infrastructure Projects

Upon receipt of notice of a Regional Infrastructure Project and the assessment by a Proposing Agency, the Regional Planning Coalition shall review the proposed Project and assessment and take necessary action including comments on ways in which negative impacts of the proposed Project can be mitigated (Mitigation Comments).

Mitigation by Project Local Government or Proposing Agency

A. Site Specific Projects

The Project Local Government shall, within its discretion, give consideration to the Mitigation Comments and require mitigation of potential negative impacts on the Affected Local

Government to the maximum practical extent¹. The Project Local Government shall make written findings of the way in which the Mitigation Comments were addressed.

In addition, all local regulatory provisions that relate to separations of certain types of land uses from others shall be interpreted to apply to land uses in adjacent jurisdictions.

Commentary: Many communities have separation requirements for certain land uses (i.e. sexually oriented business relative to residential areas or schools). This provision provides that when these uses are proposed near borders that the separations apply to uses in the adjacent jurisdiction as well.

B. Regional Infrastructure Projects

Upon receipt of the Mitigation Comments from the Regional Planning Coalition, the Proposing Agency shall give consideration to the Comments prior to requesting any local approvals. The Proposing Agency shall make written findings of the way in which the Mitigation Comments were addressed.

Multiple Reviews Discouraged

Local governments and Proposing Agencies are encouraged to identify and mitigate the impacts of Projects of Regional Significance at the earliest possible stage. Once a Project is reviewed pursuant to this process, it need not be reviewed again, unless material changes are made to the Project, or substantial additional information is provided, such that the Project Local Government or Proposing Agency determines additional Assessment, Referral, and Comment is merited. For example, if a Project is reviewed at the zone change phase, it is not required to be reviewed under this process again at a site plan review phase, unless the site plan differs from the approved Project, or substantial new information is provided with regard to the Project. On the other hand, for example, if a Master Planned community is approved, and a Special Use Permit is requested that includes a different use than approved under the Master Plan, then the Project Local Government should follow the process of Referral, Assessment, Comment, and Mitigation. Similarly, if a Regional Infrastructure Project is reviewed as part of the initial conformity review process, or as part of a plan amendment reviewed by RPC, then it need not be reviewed again.

Implementation

The provisions of these policies for addressing Projects of Regional Significance should be implemented as follows:

A. Site Specific Projects

1. Through an Interlocal Agreement between the Regional Planning Coalition member jurisdictions, and
2. Through amendments to local land use regulations that institutionalize the definition of Projects of Regional Significance; the process of determination of such Projects; their

¹ Maximum Practical Extent: Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulations, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

referral to Affected Local Governments; the provision of Mitigation Comments; and the consideration and written findings by Project Local Governments related to the Mitigation Comments.

B. Regional Infrastructure Projects

Through notification, communications, and collaboration with agencies engaged in planning infrastructure projects with potential regional impact.

Conclusion

This report defines Projects of Regional Significance to apply to certain site-specific projects located in proximity to adjoining jurisdiction and to regional infrastructure projects not under the purview of existing regional planning authorities. It also establishes a way in which concerns of neighboring communities or the Regional Planning Coalition can be provided and considered.

For Site Specific Projects, the process involves notification, assessment, comments, and mitigation between affected jurisdictions. The Regional Planning Coalition itself does not have a direct role in this process.

For Regional Infrastructure Projects, the Regional Planning Coalition is intended to act as a forum to discuss regional projects and as a mechanism to address regional impacts of such projects.

In addition, other regional issues or projects not addressed in individual plans or the Regional Policy Plan may also arise. For example, the Yucca Mountains nuclear waste disposal proposal unquestionably has major regional implications. It is clearly within the realm of authority of the Regional Planning Coalition to continue to play a leadership role in identifying and addressing such regional issues and projects. Specifically, A.B. 493 authorizes the Regional Planning Coalition to “Consider and take necessary action with respect to any issue that the Regional Planning Coalition determines will have a significant impact on the region...” (Section 7.1(g)).

Nothing in these policies should be interpreted as limiting the responsibility of the Regional Planning Coalition to serve as an advocate for Southern Nevada, to anticipate the needs and demands of a growing regional, and to explore innovative ways to ensure long term regional sustainability.