



# **State Land Use Planning Advisory Council**

## **MEETING PACKET**

Thursday February 10, 2022  
Las Vegas, NV

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**NOTICE OF PUBLIC MEETING AND AGENDA FOR THE**

# **STATE LAND USE PLANNING ADVISORY COUNCIL**

A public meeting will be held on:

**Thursday February 10, 2022 9:30 AM**

At the following location:

**University of Nevada Cooperative Extension Office  
Room #E  
8050 Paradise Road, Las Vegas, NV**

or

**via Lifesize at <https://call.lifesizecloud.com/3567823>  
Phone: 877-422-8614 Meeting ID: 3567823**

Attendance to this meeting will also be available virtually. For this meeting the State Land Use Planning Advisory Council will be using Zoom, a third-party app, 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 Advisory Council is not responsible if you are not able to participate in a meeting through Zoom due to these or any other factors.

Public comment may be submitted via email prior to the meeting, please submit public comments to [scarey@lands.nv.gov](mailto:scarey@lands.nv.gov) by 4 PM on February 9, 2022. 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).

**Please note that times listed are estimates**

- 9:30 am 1) Call to Order**  
Roll Call of the Council and Introductions of staff & guests.
- 9:40 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).
- 9:45 am 3) Review of 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.)
- 9:50 am 4) Election of Chair and Vice Chairman for 2022 (For possible action)**  
Pursuant to NRS 331.740(6) the Chair and Vice Chair serve a one-year term. Members - *State Land Use Planning Advisory Council*
- 9:55 am 5) Approval of Meeting Minutes (For possible action)**
- Approval of minutes from the July 9, 2021 SLUPAC meeting.
- 10:00 am 6) County and Member 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*
- 11:00 am 6) NEAP Presentation (For Discussion Only)**  
The Council will hear a presentation from University of Nevada, Cooperative Extension pm the progress of the Nevada Economic Assessment Project (NEAP) and an overview on how to access and use the information gathered from the project. *Members - State Land Use Planning Advisory Council*
- 11:30 am 8) Vacation Home Rental Discussion (For Discussion Only)**  
Local governments throughout Nevada have been dealing with how to regulate and manage short term and vacation home rentals within their jurisdiction. This item will allow the Council an opportunity to review and discuss the different ordinances that been enacted to regulate short term and vacation rentals throughout the state. *Members - State Land Use Planning Advisory Council*
- 12:00 pm 9) State Land Use Planning Agency Update (For Discussion Only)**  
Staff will provide the Council with an update on agency activities, SLUPAC projects, Federal public lands and other legislation, and other issues of interest to the Council.
- 12:15 pm 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*

**12:20 pm 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*

**12:25 pm 12) 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).

**12:30 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 February 8, 2022.

(IV) Documentation and supporting agenda items are available on the Nevada State Clearinghouse Website at <https://clearinghouse.nv.gov> 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:**

University of Nevada Cooperative Extension Office, 8050 Paradise Road, Las Vegas NV 89123

Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, NV 89701

Nevada State Library and Archives, 100 N Stewart St, Carson City, NV 89701

Nevada State Clearinghouse website at: <https://clearinghouse.nv.gov>

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



February 10, 2022

To: State Land Use Planning Advisory Council

From: Scott Carey, AICP, State Lands Planner

RE: Election of Chair and Vice Chairman

### **Authorization**

NRS 321.740 (6) provides that “At its first meeting each year, the Advisory Council shall elect a Chair and Vice Chair from among its members.” The passage of Assembly Bill 52 during the 81<sup>st</sup> Session of the Nevada Legislature authorized SLUPAC to elect a Vice Chair. Section 1.3 of the SLUPAC Bylaws provide that “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.”

### **Background**

At the March 1, 2021 meeting the Council elected Jake Tibbitts (Eureka County) as the Chair of the Council for a 1-year term ending on March 1, 2022. NRS 321.740 and the SLUPAC Bylaws allow for the Chair to be re-elected if desired by the Council.

The main roles of the Chair of SLUPAC include to run the meetings, assist staff with the development of meeting agendas, and sign letters of support or comments letter on behalf of the Council.

At the March 1, 2021 meeting the Council elected Lorinda Wichman (Nye County) as the Vice Chair of the Council for a 1 year term ending on March 1, 2022. NRS 321.740 and the SLUPAC Bylaws allow for the Vice-Chair to be re-elected if desired by the Council.

The main roles of the Vice Chair of SLUPAC include to run the meetings in the absence of the Chair, assist staff with the development of meeting agendas, and sign letters of support or comments letter on behalf of the Council in the absence of the Chair.

**Recommendation:** *Staff recommends that the Council elect a Chair and Vice Chair for a 1-year term ending on February 10, 2023.*

**STATE LAND USE PLANNING ADVISORY COUNCIL**  
**MEETING MINUTES**  
 July 9, 2021

Richard H. Bryan Building  
 Tahoe Hearing Room. 2<sup>nd</sup> Floor  
 901 S. Stewart Street  
 Carson City, NV

**Members Present**

Jake Tibbitts, Eureka County (Chair)  
 Lorinda Wichman, Nye County (Vice Chair)  
 Sami Real, Clark County  
 Jim Barbee, Churchill County  
 Maureen Casey, Douglas County  
 Wilde Brough, Elko County  
 De Winsor, Esmeralda County  
 Jim French, Humboldt County  
 Art Clark, Lander County  
 Wes Henderson, Lyon County  
 Curtis Schlepp, Mineral County  
 Roger Mancebo, Pershing County  
 Kathy Canfield, Storey County  
 Jeanne Herman, Washoe County  
 Colby Prout, NACO  
 Sari Nichols, Nevada Indian Commission

**Members Absent**

Hope Sullivan, Carson City  
 Kevin Phillips, Lincoln County  
 Bill Calderwood, White Pine County  
 Nevada League of Cities & Municipalities

**Others Present**

Scott Bohemier, Nevada Department of Transportation  
 Jennifer Taylor, Nevada Governor's Office of Energy  
 Tony Wasley, Nevada Department of Wildlife  
 David Pritchett, U.S. Bureau of Land Management  
 Brett Waggoner, Nye County  
 Sean Santalla, Federal Highways Administration  
 Rhiannon Scanlon, the Wilderness Society  
 Shayna Steingard, Defenders of Wildlife  
 Jaina Moan, the Nature Conservancy  
 Jennifer Haley, NAS Fallon  
 Meghan Brown, Nevada Department of Agriculture  
 Andrea Moe, Nevada Department of Agriculture  
 Jordan Hosmer-Henner, Governor Steve Sisolak  
 Jimmy Lau  
 Elijah Henley, Federal Highways Administration  
 Ian Carr, 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

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

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

## **1) CALL TO ORDER**

The meeting was called to order by **Jake Tibbitts** at 9:00 am. A roll call was held for members of Council and a quorum was established. Introductions were made by others who were present.

## **2) PUBLIC COMMENTS**

**Jake Tibbitts** called for public comment.

Scott Carey with the Nevada Division of State Lands stated that staff did receive [a letter](#) from the Governor's Office of Energy in support of Item #7 on the agenda.

Shayna Steingard with Defenders of Wildlife provided public comment in support of Item #7 on the agenda.

Jaina Moan with the Nature Conservancy provided public comment in support of Item #7 on the agenda.

There was no additional public comment, and the public comment period was closed.

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

Scott Carey with the Nevada Division of State Lands stated that there were no changes needed for the meeting agenda. **Jake Tibbitts** stated that since there were no changes to make, then the Council will proceed with the meeting agenda as submitted.

## **4) APPROVAL OF MINUTES**

**Jake Tibbitts** provided an overview of the minor changes he proposed to the October 27, 2020 meeting minutes. The proposed changes to page 8 of the meeting minutes included changes to the Eureka County update

**Jeanne Herman** made a motion to approve the October 27, 2020 meeting minutes with the changes as outlined by **Jake Tibbitts**. The motion was seconded by **Lorinda Wichman**. There was no discussion on the motion. There were no objections to the motion. The motion was approved unanimously by the Council.

## **5) BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANNING IN NEVADA**

David Pritchett with the Bureau of Land Management provided the Council with a [presentation](#) about upcoming statewide resource management planning activities in Nevada.

**Jim French** stated that he serves on the National Wildhorse Advisory Board and that the Board has called for a resource management plan to revise Appropriate Management Level (AML) because they were set over 50 years ago. David Pritchett with the Bureau of Land Management stated that he does not consider the AML a part of the planning process and that these types of issues would be handled later in the implementation phase after a plan is adopted.

**Jim French** stated that the AML issue triggers land management decisions and that these numbers become relevant in the planning process because they can affect management at the ground level. Jim asked if AML data is incorrect because of other naturally occurring events if this data should be used in developing an Resource Management Plan for an area. David Pritchett with the Bureau of Land Management stated that land health is a broad planning issue and that numbers that go into these types of decision can be affected by many other factors in a Resource Management Plan.

**Jim French** stated that historically AML has been included in Resource Management Planning decisions and that these issues need to be a part of statewide resource management planning. Jim asked why the 2015 Sage

Grouse Management Plan is being included in this planning update instead of the 2019 State of Nevada Sage Grouse Management Plan. David Pritchett with the Bureau of Land Management stated he hoped the legal process involving these plans gets worked out before the planning process formulates its alternatives. David stated that revising Resource Management Plans to include either of the Sage Grouse management plans makes sense as part of this planning process because they have already been incorporated into resource management plans.

**Wilde Brough** stated that he agrees with **Jim French** and shares many of his concerns.

**Art Clark** stated that he does not understand how the Bureau of Land Management can compare the Tuscarora, Mt Lewis, and the Humboldt River field offices because of precipitation. David Pritchett with the Bureau of Land Management stated that the goal of this planning process is make decisions at the field office scale. David stated that a decision made for one field office may not make sense for another field office but that there could be instances where combining decisions for field offices does makes sense.

**Art Clark** asked if the Bureau of Land Management is working with companies to develop wind and solar in Nevada. David Pritchett with the Bureau of Land Management stated that the agency is working with the industry to properly site energy projects on Federal Land and respond to applications received.

**Art Clark** asked if the Bureau of Land Management is pushing climate change. David Pritchett with the Bureau of Land Management stated that the agency is trying to abate climate change as directed by the Administration. David stated that climate change will be analyzed in future resource management planning activities across Nevada.

**Jim Barbee** asked about the Carson City District Office's proposed administrative withdrawal of Federal land for Naval Air Station Fallon and how it may affect the Green Link North project. David Pritchett with the Bureau of Land Management stated that Green Link North project is expected to start its environmental review process within 6 months. David stated that they do anticipate the proposed administrative withdrawal for the Navy to be analyzed in future resource management planning activities in Nevada.

**Maureen Casey** asked if disposal of Federal Lands is going be included in future resource management planning in Nevada. David Pritchett with the Bureau of Land Management stated that yes future land disposals would be included as part of the planning process.

**Maureen Casey** stated that she is concerned about the impact of future renewable energy development and lithium mining on rural counties throughout the state. Maureen stated that green energy is not necessarily green and that she does not think these types of activities are good for Nevada in the long run. David Pritchett with the Bureau of Land Management stated that he will keep the Council informed as the planning process progresses. David further stated that part of his work assignment is to work with the Council and keep it informed.

Charlie Donohue with the Nevada Division of State Lands asked if the proposed withdrawals for Naval Air Station Fallon and Nellis Air Force Base don't materialize during the planning process if they would still be analyzed by the Bureau of Land Management. David Pritchett with the Bureau of Land Management stated that they do not assume that a land withdrawal will happen, but they do anticipate that these actions and other proposed actions could influence the planning process.

**Jake Tibbitts** stated that he is concerned about a statewide resource management planning process because of his experience dealing with other smaller resource management plans. Jake advocated for having separate Records of Decision for each of the separate districts. Jake asked how the local governments perspective would be included in the planning process. David Pritchett with the Bureau of Land Management stated that the Nevada Association of Counties would be included as one of the focus groups to help bring a local government perspective into the planning process.

**Art Clark** stated that Lander County is not a member of the Nevada Association of Counties, and this organization does not represent the county. David Pritchett with the Bureau of Land Management stated that each county in Nevada would be invited to become a cooperating agency in the planning process.

**Jake Tibbitts** stated that he believes that it will be important to have one on one engagement with individual counties early and consistently throughout the planning process. David Pritchett with the Bureau of Land Management stated there will opportunities for counties to provide input and be involved before the scoping and review of alternatives processes begin.

**Jake Tibbitts** stated that he believes that the timeline for the planning process is aggressive and that he hopes that the Bureau of Land Management will have the ability to modify this timeline instead of rushing the planning process through.

## **6) UPDATE ON AB 52 AND RECAP OF 81<sup>st</sup> SESSION OF NEVADA LEGISLATURE**

Scott Carey with the Nevada Division of State Lands provided the Council with an update on AB 52 and AB 378 which were included as pages that was included as pages 30-41 of the [meeting packet](#). Scott also provided the Council with an overview of other bills of interest that passed during the 81<sup>st</sup> Session of Nevada Legislature that was included as pages 43-64 of the [meeting packet](#).

## **7) REVIEW AND APPROVAL OF A LETTER OF ENDORSEMENT OF THE SMART-FROM-THE-START PLANNING CONCEPT**

Scott Carey with the Nevada Division of State Lands provided the Council with an overview of the proposed letter of endorsement of the Smart from the Start planning concept which was included as pages 67-69 of the [meeting packet](#).

**Maureen Casey** stated that she has concerns with the length of the proposed letter and that it may not accurately reflect the Council. Maureen provided the Council with an overview of a [proposed letter](#) that she wrote for the Council to endorse the Smart from the Start planning concept.

**Art Clark** stated that he agrees with a lot of what **Maureen Casey** is saying that he believes that a lot of rural counties are going to be hurt by renewable energy development. Art stated that he does not agree with renewable energy, specifically windmills because they take more energy to make than they would ever produce. Art stated that he cannot vote on anything this Council votes on without having approval from his County Commission.

**Jake Tibbitts** called for public comment on this item.

Tony Wasley with the Nevada Department of Wildlife spoke in support of the proposed letter of endorsement of the Smart from the Start planning concept.

There was no additional public comment, and the public comment period was closed.

**Sami Real** stated that Clark County supports the Smart from the Start planning concept and having more strategic and coordinated relationships on energy projects.

**Jim French** stated that his County Commission does generally support renewable energy development. Jim stated that there were concerns expressed from the Commission about trying to convert to renewable energy sources without consideration of base load requirements. Jim stated that he does not want to see the Council support a process or program that will put the state in a similar position as California without consideration of base load requirements.

**Sari Nichols** stated that she has concerns with the proposed letter and would prefer to use the letter proposed by **Maureen Casey**.

**Art Clark** asked why there is such a push for energy development in Nevada when there is not such a great influx of new population and development.

**Jake Tibbitts** stated at the last Council meeting there was a presentation from NV Energy about proposed Greenlink West and Greenlink North projects which both highlighted the need for energy development throughout Nevada. Jake also stated that in 2019, the Nevada Legislature approved Senate Bill 254 which mandated that 50% of Nevada's energy must come from renewable energy or energy efficiency measures. Jake stated that these projects and other energy are going to move forward with or without the Council's endorsement. Jake stated that he believes that its important for the Council to engage and promote better planning and coordination on energy projects in the state.

**Jake Tibbitts** called for additional public comment on this item.

Shayna Steingard with Defenders of Wildlife spoke in support of the proposed letter of endorsement of the Smart from the Start planning concept.

There was no additional public comment, and the public comment period was closed.

Ellery Stahler with the Nevada Division of State Lands stated that staff could take the comments and input from the Council and bring back a revised letter for the Council's consideration at a future meeting.

**Jim Barbee** asked how attached staff was to the language referencing the state's renewable portfolio standard and other specifics in the proposed letter. Jim asked if the Council could take the introductory paragraph in proposed letter and combine it with Mauren Casey's proposed letter.

Ellery Stahler with the Nevada Division of State Lands stated that staff would be willing to revise any part of the proposed letter as directed by Council.

**Jake Tibbitts** suggested changing the second sentence of the introductory paragraph of the proposed letter to add the term "where appropriate" before "to already degraded lands". Jake suggested adding a new sentence at the end of the third paragraph of Maureen Casey's proposed letter that states, "We advocate for Nevada's counties and local governments to have active engagement and a primary role in this process consistent with their local plans and policies."

**Sari Nichols** stated the Tribal Nations are own sovereign nations with their own land use planning authorities and that they should also be specifically referenced in this new sentence as such. **Jake Tibbitts** stated that he agrees with this suggestion to the sentence and thanked Sari for pointing this out.

**Jake Tibbitts** suggested that given the Council's new authority under AB 52 to issue its own statements of policy that the letter should be addressed to the entities that are listed as a CC in the proposed letter.

Scott Carey with the Nevada Division of State Lands stated that the intent of the original letter was to send a copy of the letter to the multiple entities listed because there are specific energy projects under development and currently being reviewed by these entities. Scott stated that staff is open to any changes to the proposed letter from the Council.

**Maureen Casey** suggested taking out the first line in her proposed letter and revising the term "close to existing transmission" in the proposed letter.

**Jim Barbee** suggested changing this phrasing to "existing transmission corridors" and to remove the second paragraph of Maureen Casey's proposed letter.

**Jim Barbee** made a motion to use Maureen Casey's proposed letter to endorse the Smart from the Start planning concept with the additions and changes as discussed by the Council. The motion was seconded by **Maureen Casey**.

Charlie Donohue with the Nevada Division of State Lands suggested that the Council take a short recess so staff can work on the revised language in the proposed letter.

**Jake Tibbitts** called for a 5 minute recess.

After the recess, Scott Carey with the Nevada Division of State Lands provided an overview of the changes made to the letter that was discussed by the Council. Scott stated that the letter has been revised to make the letter addressed to Governor Sisolak, the Public Utilities Commission of Nevada, the Nevada Governor's Office of Energy, the Nevada Governor's Office of Economic Development, the Colorado River Commission, and the Nevada State Climate Policy Coordinator. Scott also stated that the letter has been revised to use the language from the first paragraph of the proposed letter and use the term "existing transmission corridors" as discussed by the Council. Scott stated that the second paragraph of the letter proposed by **Maureen Casey** remains unchanged. Scott stated that the third paragraph of the letter includes a new sentence as proposed by **Jake Tibbitts** and **Maureen Casey**.

**Maureen Casey** suggested in the last sentence of the last paragraph of the letter to change "if you have" to "if there are".

**Jim French** expressed concern over the use of the term "degraded" lands adjacent to proposed corridors in the letter and questioned how many lands within Humboldt County fall into this category.

**Sami Real** suggested that the term "degraded" be replaced with "impacted" in the first paragraph of the proposed letter. **Jim French** stated that he agrees with this change.

**Jake Tibbitts** suggested that this letter also be sent to the Bureau of Land Management, Nevada State Office.

**Sami Real** asked if the proposed letter includes anything about reducing land use conflicts. Scott Carey with the Nevada Division of State Lands stated that the last sentence of the second paragraph of the letter does address reducing land use conflicts.

**Jake Tibbitts** suggested replacing the term environmentally sensitive habitat to "sensitive resources" so that this term would include visual and cultural resources.

**Wilde Brough** stated that he likes the idea of the Smart from the Start planning concept but that he is concerned how reliant the renewable energy industry is on the use of public subsidies. Wilde stated that he does not believe that it is good to support the concept of using public tax dollars for the renewable energy industry.

Jaina Moan with the Nature Conservancy spoke in support of the proposed letter of endorsement of the Smart from the Start planning concept.

**Sami Real** suggested adding a comma after SLUPAC in the first sentence of the letter, changing the references of "the Council" to "SLUPAC" throughout the letter, and changing the last sentence to begin with "If there are any questions or requests for".

**Jake Tibbitts** called for a vote on Jim Barbee's motion to use Maureen Casey's proposed letter to endorse the Smart from the Start planning concept with the additions and changes as discussed by the Council. There was no opposition to the motion by those present. (Members, **Jeanne Herman**, **Art Clark**, and **Kathy Canfield** were not present for this vote). The motion was approved unanimously by the Council.

## **8) FEDERAL HIGHWAYS ADMINISTRATION (FHWA) NEVADA PLANNING STUDY: FEDERAL LANDS INTEGRATION**

Elijah Henley and Sean Santalla with the Federal Highways Administration provided the Council with a [presentation](#) about the Nevada Planning Study and Federal Lands Integration process.

**Jake Tibbitts** stated that the Council could be a good medium for the FHWA to get input on the Nevada Planning Study from local governments and Tribal Nations across Nevada.

**Sara Nichols** stated that Tribal Nations do not receive adequate funding for their transportation needs across Nevada. Sari highlighted the ongoing issues the Duckwater Shoshone Tribe has had with its main road to the community from Ely. Sari stated that this road goes across three separate counties and crosses Federal land and is in poor condition and needs to be improved by the Federal government.

Elijah Henley with the Federal Highways Administration thanked Sari for bringing this issue to the FHWA's attention and clarified the Federal funding process and funding for Tribal roads. Elijah stated that he would like to learn more about this issue and see if there is a program or opportunity within the FHWA to help resolve this issue.

**Lorinda Wichman** asked if the road **Sari Nichols** was referring to was the main from the Duckwater Reservation to Eureka instead of from Ely.

**Jake Tibbitts** thanked the FHWA for providing this presentation and stated that he looks forward to hearing more and having the council be involved with the Nevada Planning Study in the future.

#### **9) STATE LAND USE PLANNING AGENCY UPDATE**

Scott Carey with the Nevada Division of State Lands provided an overview of the update for the agency which was included as pages 87-88 of the [meeting packet](#).

#### **10) COUNTY AND MEMBER PLANNING UPDATES**

In the interests of time this item was dispensed with and referred to a future Council meeting.

#### **11) FUTURE AGENDA ITEMS**

**Jake Tibbitts** stated that it would be good for the Council to hear a presentation in the future about the Bureau of Land Management Statewide Resource Management Plan update and the FHWA Nevada Land Study.

**Maureen Casey** asked for a future presentation from Colin Robertson about the Nevada Division of Outdoor Recreation and the Dark Skies Program.

#### **12) SCHEDULING OF FUTURE SLUPAC MEETING DATES AND LOCATIONS**

Scott Carey with the Nevada Division of State Lands stated that staff was hoping to finalize a date and location for the next Council meeting. Scott suggested that the Council set a date and location for its next meeting sometime in October and the next meeting be held in a hybrid meeting format.

**Jim Barbee** offered the Churchill County Commission Chambers in Fallon as the location for the next Council meeting.

**Jake Tibbitts** suggested Friday October 15, 2021 in Fallon as the date and location for the next Council meeting. The consensus of the Council was that this date and location would work for its next meeting.

#### **13) PUBLIC COMMENT**

**Jake Tibbitts** called for public comment.

There was no public comment, and the public comment period was closed.

**14) ADJOURN**

**Jim Barbee** made a motion to adjourn the meeting. The motion was seconded by **Maureen Casey** and approved unanimously by the Council.

The meeting was adjourned at 12:20 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.



February 10, 2022

To: State Land Use Planning Advisory Council

From: Scott Carey AICP, State Lands Planner

RE: Short Term and Vacation Home Rental Discussion

## Background

At the October 15<sup>th</sup> the Council requested a future agenda item to discuss efforts throughout the State to regulate and manage short term and vacation home rentals. The purpose of this agenda item is for the Council to review and discuss the different ordinances and efforts that have been undertaken throughout the state to regulate short term and vacation rentals.

Short-term rentals can be defined as the rental of all or part of a residential dwelling unit for a duration of occupancy of less than 30 days. Nationally, the rental of homes have become more common with the advent of online rental platforms like AirBnb, VRBO, HomeAway, and other similar sites. With Nevada being such a desirable tourist destination, many local governments throughout the state have been forced to deal with how to regulate short term and vacation home rentals.

In 2015, the American Planning Association issued a quick notes policy document that provided context to the issue of short-term rentals and recommendations for their regulation. A copy of the 2015 policy document is available [HERE](#). In 2019, the American Planning Association issued a policy memo that offered strategies and lessons learned for planners as they navigate regulations for short term rentals. A copy of the 2019 policy document is available [HERE](#). In 2021, the Virginia Chapter of the American Planning Association hosted a webinar on regulating short term rentals. The webinar identified community concerns arising from short-term rentals and evaluated regulatory alternatives to address the concerns. A link to this webinar is available [HERE](#).

## Statewide Efforts and NRS

In Nevada, short term and vacation home rentals have experienced rapid growth which has forced local governments to implement or be in the process of implementing rules and regulations. Ordinances have been put in place to ensure that vacation and short-term rental units comply with public health and safety standards and meet business licensing & transient lodging tax requirements. Common land use impacts associated with

vacation home and short-term rentals include noise, parking, trash, and occupancy. While certain local governments in the state have chosen to regulate short term and vacation home rentals, others have banned them outright, while others have not addressed the issue within their zoning codes.

In 2017, the Nevada Legislature passed [Assembly Bill 321](#) which allowed local governments to adopt an ordinance requiring a hosting platform to gather data on business activity within their jurisdiction. If such an ordinance is adopted, the hosting platforms are required to submit quarterly reports that contain information on the rentals facilitated by the hosting platforms and the amount of revenue collected.

In 2021, the Nevada Legislature passed [Assembly Bill 363](#) which required local governments in Clark County with a population above 25,000 to enact an ordinance regulating short-term rentals by July 1. The intent of the bill is to standardize the rules for short term and vacation home rentals and to hold hosting platforms liable and property owners for noncompliance with local regulations. The bill also enacts licensing requirements for property owners, creates enforcement mechanisms, and establishes distance requirements from other short-term rentals & non-restricted gaming establishments.

In March of 2021, the Research Division of the Legislative Counsel Bureau published a policy document on the issue of Short-Term Rentals in Nevada. This policy document includes helpful context and background into this issue and what local governments throughout the State are doing. A copy of the Short-Term Rentals in Nevada policy document is attached to this staff report.

### **Links to Adopted Ordinances and Other Information**

[City of Henderson](#)

[City of Las Vegas](#)

[City of North Las Vegas](#)

[City of Mesquite](#)

[Clark County](#)

[Douglas County](#)

[Washoe County](#)

**Recommendation:** *Staff recommends that the Council review the information provided in this memo and have a discussion on the best practices to regulate short term and vacation rentals throughout the state.*

## SHORT-TERM RENTALS IN NEVADA

Recent innovations in technology have led to the development of what is commonly referred to as the sharing economy, a peer-to-peer based model by which individuals share, buy, and/or sell goods and services. As a sub-portion of the “gig economy,” the sharing economy is facilitated by companies that provide an online, on-demand marketplace to connect users, such as—in the case of vacation rentals—property owners and renters.

Applying the sharing economy to vacation rentals is nothing new, with companies like VRBO (1995) and Homeaway (2004) operating since well before the Great Recession. However, in recent years the popularity of these companies, and others like Airbnb, has grown exponentially. With an estimated \$169 billion global value, the short-term rental (STR) market is effectuating significant change in tourist economies around the world.

Against this backdrop of rapid growth, the regulation of STRs is a quickly evolving issue across the country, with many states beginning to take action. According to the National Conference of State Legislatures, states’ approaches to regulating STRs vary widely, and a majority of states leave the decision-making to local governments.

In Nevada, STRs have proliferated in many communities, and local governments have implemented—or are in the process of implementing—various related rules and regulations. While certain counties and municipalities regulate STRs, and others have banned them outright, most cities and counties in Nevada have not addressed the issue, essentially allowing STRs to operate without any oversight.

### SHORT-TERM RENTAL MARKET STATISTICS



**660,000** listings in **the U.S.**  
on Airbnb alone

(2021; iPropertyManagement)



**7,717** listings in **Clark County,**  
Nevada, on Airbnb alone

(2018; Inside Airbnb)

## SHORT-TERM RENTAL MARKET STATISTICS (CONT'D)



**\$169 B** estimated **global market** valuation

(2018; [Skift](#))



**23,000** **vacation rental companies** in the United States

(2018; [Vacation Rental Management Association](#))

### PROS AND CONS OF SHORT-TERM RENTALS

Short-term rentals offer both positive and negative consequences for homeowners and the communities in which they are located. They benefit property owners financially by providing a source of income. Also, communities located near tourist destinations may benefit because expanding the number and variety of accommodations for travelers can help draw more visitors, or tourists who would not otherwise visit.

On the other hand, one of the biggest complaints about STRs is that they reduce the availability of long-term rentals, thereby potentially exacerbating affordable housing shortages for permanent residents in areas where that is an issue. Some also argue that STRs compete with established hotel operators, one of the primary sources of jobs in certain regions. Further, some neighborhoods that have been inundated with STRs have seen adverse consequences like increased noise, trash, and traffic, as well as less parking availability.

### NEVADA'S STATEWIDE STATUTES REGARDING SHORT-TERM RENTALS

To help local governments become better informed on the growth of the STR market, the 2017 Nevada Legislature passed [Assembly Bill 321](#), which allowed local jurisdictions to adopt an ordinance requiring a hosting platform to gather data on business activity in their jurisdiction. The bill specifically identified online hosting platforms that facilitate the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging, and also included owners and lessees of properties who use hosting platforms.

If such an ordinance is adopted, quarterly reports must contain certain information concerning the rentals facilitated by the hosting platform, including but not limited to the amount of revenue collected from each rental. Local governments may also issue subpoenas requiring a hosting platform, owner, or lessee to produce records to determine whether any laws—such as those relating to permitting, registration requirements, noise violations, or similar issues—have been violated. The provisions of AB 321 are now codified in [Nevada Revised Statutes \(NRS\) 244.1545](#) (counties) and [268.0957](#) (cities).

## LOCAL GOVERNMENT REGULATION OF SHORT-TERM RENTALS

To address some of the potentially negative aspects of the STR market and the complaints of homeowners, many local governments in Nevada and across the nation are seeking to control the number of STRs available and implement certain safety- and health-related requirements. Local government options regarding regulation include a ban, licensure, and no action. Counties and cities have also addressed enforcement and set penalties for violations, as well as requiring the collection of transient lodging taxes.

### Cities and counties often consider the following range of regulatory options:



Permitting process (fees, fines, review times, etc.)



Fire and guest safety (fire inspections, defensible space, smoke detectors, structures meeting code standards, etc.)



Occupancy limits (number of guests allowed per room or per home, etc.)



Parking (adequate off-street parking spaces, designated parking areas, etc.)



Trash (placement or volume of trash, bear-proofing, etc.)



Noise (excessive noise, late-night/early morning noise, etc.)



Limits on number of STRs (minimum distance between properties, etc.)



Owner occupation and/or on premises, or 24-hour owner availability

## EXAMPLES OF REGULATORY ACTIONS IMPLEMENTED BY LOCAL GOVERNMENTS IN NEVADA

### COUNTIES

Based on a review of the ordinances in each of Nevada's 17 counties, 2 counties appear to have approved an ordinance regarding STRs, and—as of February 2021—at least 1 county was in the process of developing such an ordinance.

#### Clark

Clark County banned STRs in unincorporated portions of the county, including in and around the Las Vegas Strip. Since 1998, it is illegal under [Clark County Code 30.44.010\(b\)\(7\)\(C\)](#) to rent residential property for fewer than 31 days in unincorporated portions of the county. Offending homeowners can be fined \$1,000 a day, with the potential for a misdemeanor charge. Despite the ban, many STRs can be found on internet websites.

#### Douglas

Douglas County is unique in that it only regulates STRs located in the Tahoe Township (a portion of Douglas County located in the Lake Tahoe Basin), while banning them in the rest of the county ([Douglas County Code 20.622.050](#)). Unpermitted vacation rentals located in Douglas County are subject to a \$5,000 civil penalty. In the Tahoe Township, where registered STRs are permitted, the county requires a \$400 registration fee for new STRs (with a \$200 annual renewal fee) and a \$150 annual inspection fee. Further, among other requirements, the county limits occupancy, requires designated parking, and mandates that a local contact person be available 24 hours a day to deal with complaints. More information about STRs in Douglas County is available on the county's [website](#).

#### Washoe

As of February 2021, Washoe County was considering an ordinance that would require a permitting process and various regulations regarding safety, occupancy limits, and trash pickup, among other requirements. More information about this process and the proposed ordinance is available on the county's [website](#).

## EXAMPLES OF REGULATORY ACTIONS IMPLEMENTED BY LOCAL GOVERNMENTS IN NEVADA (CONT'D)

### CITIES

A number of cities in Nevada—including Henderson, Las Vegas, and Mesquite—have approved specific ordinances to regulate STRs. At this time, many other cities—such as Boulder City, Ely, North Las Vegas, and Reno—appear to be in the process of developing an STR ordinance.

#### City of Henderson

The City of Henderson requires an \$820 annual registration fee for STRs. All applicants must submit a noise management plan as part of the STR registration. In multifamily complexes, no more than 25 percent of all units may be registered as an STR, and planned communities can ban them altogether. Prior to issuance of registration, the property owner and a registered local contact must complete and provide proof of completion of a short-term vacation rental certification program provided by a college or university or offered through a professional organization. The course must be approved by the city's Community Development and Services Department. A copy of the city's [Good Neighbor pamphlet](#) and the property's registered local contact information must be provided upon booking and must be on site at all times. More information, including links to relevant regulations in Chapter 19 of the City of Henderson's Municipal Code, is available on the city's "[Short-Term Vacation Rentals](#)" webpage.

#### City of Las Vegas

In the City of Las Vegas, STRs are limited to owner-occupied homes that have three bedrooms or fewer and are at least 660 feet from another STR ([Unified Development Code 19.12.070](#)). Such rentals must also comply with licensing, noise, and parking regulations. All conditions must be met; no waivers or deviations are allowed. As part of the licensing process, the applicant must have the proposed STR inspected by a member of the code enforcement section. The annual licensing fee is \$500 for each residential unit, and the licensee must provide proof of liability insurance coverage with a \$500,000 minimum. For more information, see the city's "[Short-Term Rentals](#)" webpage.

## EXAMPLES OF REGULATORY ACTIONS IMPLEMENTED BY LOCAL GOVERNMENTS IN NEVADA (CONT'D)

### CITIES (CONT'D)

#### City of Mesquite

The City of Mesquite has regulated STRs since 2012. Its [Vacation Home Rental Business License application](#) requires an application fee of \$35 and an annual license fee of \$50. Among other provisions, the City of Mesquite Vacation Home Rental Ordinance ([Title 2, Chapter 13](#)) sets out various requirements related to local contact information, maximum occupancy, parking, noise, and cleaning, and also requires each vacation rental home to have a landline telephone for local phone service.

### NEXT STEPS

A number of jurisdictions are currently reviewing codes to regulate STRs. From a legislative perspective, it may be useful to track these changes over time to identify best practices and policies. As regulations and activities evolve, the legislature may find opportunities to assist local governments in their efforts to address this issue.

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*Connecting People to Policy*



February 10, 2022

To: State Land Use Planning Advisory Council

From: Scott Carey AICP, State Lands Planner

RE: State Land Use Planning Agency Update

Since the October 15<sup>th</sup> meeting the Agency has been working on and tracking various activities, SLUPAC projects, Federal public lands and other legislation, and other issues of interest to the Council. The purpose of this memo and agenda item to provide the Council with an update on the agency and provide an opportunity to answer questions or provide additional information.

- 1) New Nevada State Clearinghouse Website: Last June the agency was pleased to unveil the new Nevada State Clearinghouse [website](#). For the past several months the agency has been working with a website developer to design a new website and internal system to manage the Nevada State Clearinghouse program. Authorized by gubernatorial executive order in 1989, the Nevada State Clearinghouse, exists to inform Executive Branch agencies of significant federal projects and policy initiatives that affect our state. The new website includes the following new features; search functions, website comment form, JMAC information, email sign up, past notices archive, summary feature, email preferences management, and a NEPA glossary. The new website is intended to be easier for the state agencies, interested stakeholders and the public to access notices posted on the Clearinghouse and provide comments. For additional information or to check out the new Nevada State Clearinghouse website please visit <https://clearinghouse.nv.gov/>.
- 2) Nevada Habitat Conservation Framework: On August 23<sup>rd</sup>, Governor Sisolak signed Executive Order 2021-18 creating the Nevada Habitat Conservation Framework. This executive order directs the Nevada Department of Wildlife (NDOW) to develop a statewide framework to provide for habitat conservation, restoration, rehabilitation for wildlife. Part of this effort includes the development of the Nevada Wildlife Connectivity Plan which includes the designation of wildlife migration corridors, development of best management practices across all levels of government planning, and a migration corridor assessments. The Agency anticipates that this executive order and the corresponding provisions may have an impact on land use planning efforts across the state. The Agency will continue to monitor the progress of the Nevada Habitat Conservation Framework and provide updates

to the Council as necessary. A copy of the Executive Order 2021-18 is attached to this memo and can also be found [here](#).

- 3) 30 by 30: On January 27, 2021, President Biden signed Executive Order 14008 which was aimed at tackling the nation's climate crisis at home and abroad. Section 216 of the executive order directs the Federal Government to achieve the goal of conserving at least 30 percent of the nation's lands and waters by the year 2030. In May, the Nevada Legislature adopted [Assembly Joint Resolution \(AJR\) 3](#) which expresses support for the goal of protecting 30 percent of the lands and waters of the State by 2030. A copy of Section 216 of Executive Order 14008 and AJR 3 is attached to this memo.

The Agency believes that policy of 30 by 30 could have an impact on land use planning and land management activities across Nevada. For the past several months the Agency has been looking into where Nevada is with respect to preserving and protecting 30 percent of its land and waters. The Agency has run some preliminary projections and depending upon how specific lands are classified Nevada could exceed or fall short of the 30 percent goal. The agency continues to await further direction from the Federal government as to how specific lands will be classified as protected or preserved as part of the 30 by 30 policy. In January, the Federal Government issued [an annual progress report](#) about the 30 by 30 initiative nationwide.. The Agency will continue to engage with the Federal Government and other stakeholders to review the land use implications of this policy and will provide updates to the Council as necessary.

- 4) 2021 State Greenhouse Gas Inventory: In January, the State released the [2021 Nevada Statewide Greenhouse Gas Emissions Inventory](#). This annual report tracks the state's progress toward meeting its economy-wide greenhouse gas emissions reduction goals and is an important part of the Nevada Climate Initiative. The following are key highlights from this year's report that may be of interest to the Council from a land use planning perspective.

- Statewide VMT Increases. "Since 2009, total vehicle miles traveled in Nevada has increased by 34.5% (that's more than 7 billion additional miles travelled annually compared to 2009) while emissions have increased by 33.8%."
- Land Use Decisions. "Land-use decisions should consider evolving and emerging climate impacts." The report cites that urban areas in the future will be increasingly exposed to climate drive natural hazards. It loosely recommends that communities prioritize infill and smart growth instead of urban sprawl.
- 30 by 30. A new policy in the Land Use, Land Use Change, and Forestry section of the report calls to "Establish state land conservation goals (for example, conserving 30% of land and water by 2030 [or, "30x30"])"

- Integrate Social Cost of GHG Emissions in Planning. “The social cost of greenhouse gases (SC-GHG) can be used in planning efforts (such as regional transportation and land use planning) to provide a monetary value for the SC-GHG emissions that will result from a particular action taken by an agency, including projects, programs, or policies.”
  - State Planning. The report includes a new policy in the Governance section to “Require climate mitigation goals, resilience to impacts of climate change, environmental justice, or other climate policies are considered in all State planning.”
  - Capital Investments. The report includes a new policy in the Governance section to “Require consideration of climate mitigation goals, resilience to impacts of climate change, and SC-GHG emissions (including consideration of environmental justice) in all state funded capital investments.”
  - Reducing VMT’s. One of the key policies in this section was to “Adopt land use policies that discourage more-impactful development and encourage less-impactful development, such as transportation impact fees based on projected increases/decreases in VMT and supports mixed use, high density, and/or infill development.” And to “Adopt a statewide parking policy”.
- 5) Nevada Rail Coalition: Last year the Council approved a letter endorsing the Nevada Rail Plan and supporting the implementation of Recommendation 14 in the plan to “Enact effective freight transportation land-use strategies”. One of the key aspects of the implementation of the plan was to establish a non-profit statewide organization to facilitate better passenger and freight rail service. Since the last Council meeting, the Nevada Rail Coalition has been launched. The coalition is a citizen-based initiative that brings together organizations, groups and individuals, including unions, environmental organizations, passenger and freight rail advocacy associations, social justice organizations, and neighborhood and community associations for the purpose of building an expanded and more robust rail system in Nevada. More information about the Nevada Rail Coalition can be found at [www.nevadarailcoalition.org/](http://www.nevadarailcoalition.org/).
- 6) SLUPAC Article in APA Newsletter: The Agency submitted an short article in the [Winter 2021-2022 edition of the Nevada Planner](#) about the Council’s endorsement of the Smart from the Start energy planning concept. The Nevada Planner is the official newsletter of the Nevada Chapter of the American Planning Association and is read by public and private sector planning professionals around the state.
- 7) BLM Solar Energy Environmental Mapper: The Agency came across a helpful mapping resource from the BLM that may of use to members of the Council to help support further Smart from the Start energy planning efforts throughout the State. The BLM’s Solar

Energy Environmental Mapper tool was created in 2012 and includes a lot of helpful information and data related to energy development and land use planning. The tool includes multiple sets of data that can be used to perform analysis of an area's potential for solar development. Additionally, the tool includes other sets of data such as land use planning designation, special management, exclusion areas, previously disturbed areas, conservation, energy corridors, existing applications, and other helpful layers. This mapping tool is available at no cost from the BLM and can be accessed at <https://solarmapper.anl.gov/>.

- 8) AB 211 NDOW Tentative Map Review: During the 2021 Session of the Nevada Legislature, [Assembly Bill 211](#) was passed and signed into law by Governor Sisolak. The law changes the requirements for local governments to consider the potential impact to wildlife and wildlife habitat before taking final action on a tentative map. The law also requires that tentative map applications be submitted to the Nevada Department of Wildlife (NDOW) for review. We had originally planned for staff from NDOW to provide the Council with a presentation about this bill and its implementation at this meeting, but a scheduling conflict came up. NDOW is currently in the process of drafting regulations to implement this bill and would like to come to a future Council meeting to provide a presentation and seek input. Additionally, NDOW staff has expressed an interest in meeting individually with local government planning staff to seek input on their regulations and the best way to implement their review of future tentative maps around the state.
- 9) SLUPAC Executive Council Sunset Subcommittee: On January 26<sup>th</sup> the Sunset Subcommittee of the Legislative Commission selected the SLUPAC Executive Council for review. The purpose of the review is to determine whether a board or commission should be terminated, modified, consolidated with another board or commission, or continued. In 2014, the Sunset Subcommittee reviewed the SLUPAC Executive Council and recommended for continuation of council with further recommendations. The further recommendations ultimately took the form of [AB 144](#) during the 2015 Nevada Legislative Session which removed the SLUPAC Executive Council from the planning process for recommending State Areas of Critical Environmental Concern (ACEC). This bill also put in the requirement that to the extent practical the members of the SLUPAC Executive Council shall be from different geographic regions of the state. The main role of the SLUPAC Executive Council is to resolve inconsistencies between the land use plans of local government entities. The current membership of the SLUPAC Executive Council is Jim Barbee (Churchill County), Sami Real (Clark County), Jim French (Humboldt County), Lorinda Wichman (Nye County), and Charlie Donohue (Administrator of State Lands). The SLUPAC Executive Council has been scheduled the review on Wednesday,

March 30 at 9 a.m. Please let me know if this schedule would work for you and/or your staff.

- 10) Federal Public Lands Bills: The Agency continues to track the progress of several Nevada specific public lands and natural resource Federal bills. Below is a listing of the bills currently being tracked by the Agency. As the Biden Administration and the 117<sup>th</sup> Congress continue to work on new legislation, the Agency expects these Federal bills to continue moving through the process or resurface over the next year.

- Southern Nevada Economic Development and Conservation Act (S. 567) (H.R. 1597)
- Ruby Mountains Protection Act (S. 609)
- Carson City Public Land Correction Act (S. 1412)
- Lander County Land Management and Conservation Act (S. 1411)
- Lake Tahoe Restoration Reauthorization Act (H.R. 3132) (S. 1583)
- Maude Frazier Mountain (H.R. 216)
- Great Basin National Heritage Area and Mormon Pioneer National Heritage Area Extension Act (S. 1004) (H.R. 2882)
- Elko National Cemetery Act (S. 726)
- Northern Nevada Economic Development, Conservation, and Military Modernization Act of 2021 (H.R. 5243)
- Truckee Meadows Lands Bill
- Nye County Lands Bill
- Fallon Range Training Complex modernization & withdrawal
- Nevada Test and Training Range modernization & withdrawal
- Avi Kwa Ame National Monument
- Sunrise Mountain Protections