Public participation in Clark County, Nevada: An analysis of public participation in the land use planning process

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CHAPTER I

INTRODUCTION

This paper explores public participation as determined through three land use planning case studies in Clark County, Nevada. Chapter One outlines the existing conditions for public participation and introduces a set of questions to be explored. Chapter Two defines the scope and methodology employed in the research. Chapter Three is a literature review for levels of public participation. The next Chapter discusses statutory requirements for planning and formal public participation. Further, Chapter Four outlines the events leading up to a revised planning participation process and implementation in three land use plan updates. Finally, Chapter Four explores themes derived through the planning process. Chapter Five poses a list of recommendations that address public participation levels and development.

Planning is the process through which the local government along with citizens prepare for the future. The level of public participation in this process is analogous to a layered cake. The top layer would represent a true one person, one vote participation which can still be found in New England town meetings today. As you make your way through the layers, participation changes to representative participation and finally to placated participation. Finally, the last layer is public apathy where low voter turn-out and non-participation are prevalent.
Unincorporated Clark County planners are tasked with designing a participation process that balances the mandates of Nevada Revised Statutes 278 and the Ethical Principles in Planning with the changing needs of Clark County residents. Public participation plays a significant role in this process; soliciting input and active participation from the public helps to determine successful implementation of the plan.

The role of the level of public participation in the land use planning process has never been fully analyzed in Clark County. Several studies have been conducted that address the participation process from the citizen point of view. Locally, an analysis of public participation addressed the Cities of Henderson and Las Vegas. Generally, the study recommended a development of formal information and education procedures for the citizens. Yet another study only addressed civic participation in Sunrise Manor planning area. Chris Kuchuris concluded that civic participation in Sunrise Manor Town Advisory Board was deficient and that a longer period for participation was necessary to remedy the problem. Formal participation has been limited to town advisory boards and ad hoc committees and is defined statutorily (see Appendix A for excerpts of Nevada Revised Statute).

The Department of Comprehensive Planning has been through several land use plan updates since the Department’s inception in 1979. In each of these plan updates, the level of public participation changed based on the needs of the citizens, the planners and the elected officials. Over the past five years, the participation levels has become integral to the local elected officials. Neighborhood planning, community-based decision
making, grassroots initiatives have become essential to a successful planning process.

As Clark County has yet to define the role of public participation, the first question analyzed is what is the level of the role of public participation in the land use planning process? Furthermore, the tools a planner uses to measure participation may determine the outcome of the participation element. Is the role of public participation satisfactory to the planner? There have been many studies in the late 1960's and early 1970's on the extent of participation, federal mandated participation elements, and the relative success of such programs. How does that level compare to a theoretical level of participation? The approach to public participation is a continual refinement of all previous processes. There are participation models and advisory service through the American Planning Association which can serve as a planning resources. Is there a formal or informal internal process to refine public participation element? Budgeting resources is a critical factor in the assessment of a successful participation process. Are the Human and Capital resources sufficient to effectively complete the participation task? An analysis of this type will assist planners in developing public participation elements to the plans. The general body of knowledge for public participation is large, yet for Clark County, analysis of the inner workings of planners with the public as they come to consensus on land-use plans is superficial. The planner's goals are clarified through statute and public policy but implementation is unclear. Elected officials, special interest groups, at-risk minority groups are just a few influences on the planning process. What are the outside factors that affect the participation process? A detailed analysis of public
participation will benefit planners in formulating future plan policy.

Fundamental principles in the planning profession and over-heated controversy concerning "citizen participation," "citizen control" and "maximum feasible involvement of the poor" in the late 1960's, benchmark the level and role of public participation. Professional planners are constantly searching for the optimal combination to satisfy all interested parties. By exploring the role of the level of public participation in the land use planning process, planners are hoping to refine public participation designs for future land use plan updates.

The purpose of this collective case study will be to analyze the role of the level of public participation in the Clark County land use planning process. Through a cross-case analysis bounded by a two year planning process, themes and patterns are analyzed. The planning areas are defined as Spring Valley, Enterprise and Sunrise Manor (see Appendix B for locator map). The land use planning process generally provides land use decision guidance to residents, property owners, developers, planning staff and the Board of County Commissioners. The primary players are elected officials, Planning Commission, Comprehensive Planning Steering Committee and town advisory boards. Public participation is defined as a group and/or an individual giving input through formal and informal means. Formal groups are defined as recognized and/or established groups that have a certain amount of influence and defined scope. Formal groups range from citizen advisory panels to service providing agencies. Informal groups are non-binding, narrowly focused and are short term.
CHAPTER II

DESIGN AND METHODOLOGY

The two tasks of the study focus on how the planning staff of the Clark County Department of Comprehensive Planning formulated and implemented public participation and how the level of participation fits within a theoretical participation model. Themes are developed through the use of observations, County documents, and interviews. Statutory requirements and Clark County administrative policies are discussed and analyzed. The interviews are in-depth discussions with planning staff who directly worked on the land use plan updates. Three participation processes are analyzed and comparisons made to a theoretical participation model. The planning areas are bounded by both time and physical boundaries. Since public participation is only one element of the entire land use planning process, this study focuses solely on the participation element of the process.

The study is a collective case study of three land use planning participation elements. Themes are derived using a cross-case analysis method. What is the level of the role of public participation in the land use planning process? The grand tour question poses a general question that is central to the study. Five subquestions further develop the grand tour question by analyzing external factors, formal and informal requirements, resources available and determination of overall success.
This study is bounded by a set time frame of approximately two years, January 1997 to April 1999. Three planning areas within the bounded time frame were completed. The Spring Valley Land Use plan update started in January 1997 and ended in October 1997. Approximately 50% of Spring Valley is developed with a population of 92,487 or approximately 8% of the total population of Clark County. County documents were reviewed and interviews with planning staff were conducted. The Enterprise plan update started in February 1998 and ended in December 1998. Approximately thirteen percent of Enterprise is developed with a population of 10,208. Observations and active participation were made, County documents gathered and interviews with staff conducted. The Sunrise Manor plan update began in April 1998 and was completed in April 1999. Approximately seventy percent is developed with a population of 150,313. An analysis of County documents and staff interviews were used (Table 1).

<table>
<thead>
<tr>
<th></th>
<th>Time frame</th>
<th>Observations</th>
<th>County Documents</th>
<th>Interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Valley</td>
<td>1/97 - 10/97</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Enterprise</td>
<td>2/98 - 11/98</td>
<td>Yes/Participant</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sunrise Manor</td>
<td>4/98 - 4/99</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Reference to "planning process" is specified as land use plan updates. "Citizen" participation is defined as non-agency or non-governmental participants. The term "public" includes both citizens and public agencies. Total participants should include members of the local legislative body, planning commission, director of planning.
selected citizen participants and planning staff. Participation and planning process information will be centralized in the Department of Comprehensive Planning. Resources such as interviewee's names and numbers are documented for convenient access. Weaknesses of the study may be attributed to generalization from more than one case study examination, no interviews of the citizen participants and biases of planning staff who are unhappy with the level of participation or too close to the process. Clark County documentation may be skewed due to the political nature of the issue. This study is not intended to generalize to all types of participation in Clark County. For example, environmental planning programs have federally defined participation levels.

The researcher is a principal planner with the Clark County Department of Comprehensive Planning. The general job duties of the researcher include:

- Conducts specialized or difficult planning projects that require a high level of expertise or experience
- Goals, objectives and deadline development
- Implementation strategies
- Community outreach

As both a hands-on participant and an observer, I will have the resources to do a detailed analysis of the participation element of the planning processes. The role of a planner is to identify issues, develop and recommend goals and policies, and implement the plan. Within the development of the plan, public input must be identified, solicited,
facilitated and conveyed into workable goals and policies. The collective public interest must be identified beyond the vocal minority. My biases will be in favor of sound planning practices and personal years working in Clark County which provide an intimate knowledge of the internal planning procedures.
CHAPTER III

THIRTY YEARS OF PUBLIC PARTICIPATION

The rise of the planning profession paralleled the growth of the progressive reform movement in the early Twentieth Century. The City Beautiful Movement was the beginning of the planning movement in the United States. The Model City, a publication by the National Municipal League emerged from this time period. This publication and others focused the public's attention on the weakness and corruption in municipal governments. The following decades were characterized with the rise of professional bureaucracies; most notable, the creation of the planning profession. By the 1950's and 1960's, the level of planning reforms and research started to reverse itself. The principles of participatory government, Godschalk (1972) states, "need to be reassessed" to address the changing needs of the people.

The era of social unrest in the late 1960's was characterized by such movements as "Power to the People" and "Maximum Feasibility Participation" in which experiments with decentralization and community participation were emphasized. President Lyndon Johnson's "War on Poverty" led the movement of decentralizing government. Decentralization in government was the movement to moving government positions closer to the people in an effort to address their issues more effectively. The Office of Economic Opportunity's (OEO), Community Action Programs, were to provide a
legitimate role for the clients or recipients of services in program administration and
decision making. In 1966, The U.S. Department of Housing and Urban Development
prescribed a Model Cities Program which called for “Widespread Citizen Participation.”
These programs emphasized the implementation of public participation as integral
elements. Federally mandated public participation was a template for all kinds of
participation programs. The shortcomings of the program was that participation models
were a one size fits all approach that eventually “failed” because the “intent” of involving
the public was not met. Shifting democratic values, evolution of participation, issues
and attitudes of the public and public officials and the continually changing role of
citizens in the governmental process are the underlying themes discovered.

Level of Participation

The heated controversies over citizen participation and the “redefined” level of
control were addressed by Arnstein’s (1969) Ladder of Citizen Participation (Table 2).
Through a simple diagram, participation and control could be separated into the different
degrees of citizen control. The planner and citizen could use this ladder to “assess the
various forms of participation and determine the effectiveness of certain activities and
deciding whether to accept roles offered to them by agencies whose control they are
attempting to share.”
Table 2

**Eight Rungs on a Ladder of Citizen Participation**

<table>
<thead>
<tr>
<th>Rung</th>
<th>Citizen Control</th>
<th>Degree of Citizen Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Citizen control</td>
<td>Degree of citizen power</td>
</tr>
<tr>
<td>7</td>
<td>Delegated power</td>
<td>Degree of citizen power</td>
</tr>
<tr>
<td>6</td>
<td>Partnership</td>
<td>Degree of citizen power</td>
</tr>
<tr>
<td>5</td>
<td>Placation</td>
<td>Degree of tokenism</td>
</tr>
<tr>
<td>4</td>
<td>Consultation</td>
<td>Degree of tokenism</td>
</tr>
<tr>
<td>3</td>
<td>Informing</td>
<td>Degree of tokenism</td>
</tr>
<tr>
<td>2</td>
<td>Therapy</td>
<td>Non-participation</td>
</tr>
<tr>
<td>1</td>
<td>Manipulation</td>
<td>Non-participation</td>
</tr>
</tbody>
</table>

In theory, citizen participation is the cornerstone of democracy. In practical application, however, the meaning of participation is constantly being redefined. True citizen participation is defined as citizen control and delegated power. The closest form of citizen participation to Arnstein’s (1969) ideal type is New England town hall meetings.

Several researchers have studied community based participation and the processes that increase overall participation. One study, a comparative assessment of the processes of “neighborhood democracy,” concluded that “decentralization” of the bureaucracies did not increase representation or democracy. The same study found deficiencies in a lack of organized opposition, low voter turn-outs, weak adherence to democratic procedures and a disregard for new interests. The role of participation is
predicated on the structure and mechanics of government and processes. Insightful analysis of the mechanics of democracy is clarified by the "permissive culture of false appearances" and that shared civic values have been systematically broken down threatening democracy in America.\textsuperscript{19} The legitimacy question, social contract between the citizens and the government, raised is that the evolution of participatory government has eroded to become only the participation of special interest groups who influence policy-making and decision making at all governmental levels. Grieder (1992) explores how issues are presented to the public and to what level token gesture to democracy will pacify the ordinary citizen. "The evolution of participatory government has eroded and the facade of democracy is being perpetuated."\textsuperscript{20}

A type of citizen participation, tokenism, is a word used for enabling people to participate in planning. This type of participation, however, only allows the powerholders to educate or cure the participants; citizens are made aware of a program via a one way flow of information. Other degrees of tokenism involve the solicitation of input without a proper mechanism for incorporating the input. Citizen advisory boards were created to solicit public input, yet when the process was completed the public input was not included.\textsuperscript{21}

Another form of participation is considered non-participation. One form of non-participation would be therapy; citizens are appointed to advisory boards and committees where they are educated or "guided" to accept opinions that support a particular plan for action.\textsuperscript{22} Another study discusses the challenges associated with soliciting public
participation. When residents are poor, politically inept or apathetic, the continual challenges to public participation are enormous. This form of non-participation is the most challenging and, unfortunately, widespread.

Another public participation model for planners and the public is the “Participation Continuum of Decision Making Techniques.” In Desario and Langton’s (1987) continuum of participation (see Appendix C), the constant variable is the role of the public; it is always maximized. The independent variable is the level of technical participation. Technical participation, from professionals, is maximized on the left and minimized on the right of the continuum. Desario and Langton emphasize that the education of the participants must happen in order for them to compete successfully with professionals versed in the jargon and legal statutes of the issue.

Outside Factors

There are several outside factors that may directly or indirectly influence the make-up of the participation element. “Citizen communication in the media, print and electronics, are a party to a backroom system of government, either as a passive partner - guilty of sins of omission - or as willing participants in cover-ups.” William Greider (1992) explores the facade of democracy perpetuated by government by citing specific examples of institutional barriers that plague the ordinary citizen. The illusion of democracy, he states, is institutionalized by the media, elections and control of
information. The two part political arena is in place to continue the advantages of an elite group to manipulate the system for their mutual benefit. This elite group is made up of special interest groups, corporations and other groups proficient in a political process that they have mastered and manipulated. Mr. Grieder (1992) correctly refers to this as “Realities of Power”. He also states that the ordinary citizen is either placated with token gestures of participation or resorts to verbal assaults. Special interest groups are capable of maneuvering the political landscape and know the processes which favor their interest over individual interest.

Other outside factors of concern are the level of knowledge and technical expertise the participating citizens possess. Even if groups of citizens have sufficient access to participate in an agency’s decision-making process, they still need technical and legal information, time, and resources to participate effectively.27

Formal/Informal

Studies have indicated that a considerable degree of variation exists in the quality of participation process approaches. A majority of jurisdictions across the United States have adopted a planning commission oversight for land use decisions. For planners, public involvement in the decision-making process is mandated or should be an integral and constructive part of any planning endeavor.28 As part of the formal participation process, public hearings must be conducted. This is the primary forum for citizens to
share input and receive feedback from the regulatory process. Informal participation is the unwritten and undefined process in which friends, neighbors and business associates communicate in a nonlinear format. With informal participation, public input is either convoluted or misrepresentative. Informal participation is difficult to track and identify the primary issue. The success of participation programs is determined by the methodical comparative evaluation and experimentation.

Satisfaction

The level of success or satisfaction is determined by the combination of factors used to put a participation element together. The classical theory of Thomas Jefferson states that lack of participation leads to loss of sense of community, apathy, discontent, erosion of democratic values, in other words, civic pride. There is no clear choice for a specific procedure and technique for public participation. Even with plans and strategies that are consistent with desired values, problems with implementation remain. Three processes need to be redefined: leadership, citizenship and the political process. Elected leaders shuffle through conflicting priorities to acknowledge the citizens with little or no say in the governmental process. Citizens must, therefore, play an active role in government and the community. The political process should be refined to encompass differing minority groups and to bring them into the political mainstream.

A factor of successful public participation in a planning process is the actual level
of funding which has been allocated. Studies have demonstrated that decreased funding levels will lower the absolute number of participants in the process. An active role of the public balanced with the needs of the decision-makers will lead to more democracy, achieving more citizen participation and sense of community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. The necessity for the highest standards of fairness and honesty among all participants is elevated. The American Institute of Certified Planners (AICP) lists responsibilities to the public as part of the Ethical Principles in Planning guidelines (see Appendix D for full text). Ethical principles are derived both from the general values of society and from the planner’s special responsibility to serve the public interest. As the basic values of society are often in conflict, these principles are also at times competing. For example, the need to provide full public information may compete with the need to respect confidences. Further ethical principles address the process of developing plans and programs. Often, plans and programs, result from a balance of divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles. The following are general AICP guidelines for professional planners working with the public:

A. A planner’s primary obligation is to serve the public interest. While the definition of the public interest is formulated through continuous debate, a planner owes allegiance to a conscientiously attained concept of the public interest, which
requires these special obligations:

1) A planner must have special concern for the long range consequences of present actions.
2) A planner must pay special attention to the interrelatedness of decisions.
3) A planner must strive to provide full, clear and accurate information on planning issues to citizens and governmental decision-makers.
4) A planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs. Participation should be broad enough to include people who lack formal organization or influence.
5) A planner must strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and must urge the alteration of policies, institutions and decisions which oppose such needs.
6) A planner must strive to protect the integrity of the natural environment.
7) A planner must strive for excellence of environmental design and endeavor to conserve the heritage of the built environment.35

The American Planning Association program, GROWING SMARTsm, is a national program aimed at statutory planning reform.36 There are eleven general elements:

(1) There is no single, “one-size-fits-all” model for planning statutes.
(2) Model statutes should provide for planning that goes beyond the shaping and guidance of physical development.
(3) Model statutes should build on the strengths of existing organizations that undertake and implement planning.
(4) Planning statute reform should not look just at regulation but also at provision of
infrastructure and property taxation.

(5) Model statutes should account for the intergovernmental dimension of planning and development control.

(6) Model statutes should prescribe the substantive contents of plans.

(7) Model statutes should anticipate the potential for abuse of planning tools and correct for it.

(8) Model statutes should use familiar terminology.

(9) Model statutes should expressly provide for citizen involvement.

(10) Model statutes should allow flexibility in planning administration.

(11) Model statutes should be based on an appraisal of what has worked.

The processes for engaging the public in planning are not made clear in many planning statutes. Requirements for public notice, public hearings, workshops, distribution and publication of plans, and development regulations are often improvised. Consequently, the public may find their role and use of their input uncertain, and may become suspicious of plans and decisions that emerge. Planning should be the opposite; it should engage citizens positively at all steps in the process, acknowledging and responding to the public's comments and concerns. Through collaborative approaches, planning should build support for outcomes which ensure that the public's wants will indeed happen. GROWING SMART™ (1998) elevates the awareness that participation elements are not clearly defined. "Participation, despite the rhetoric of 'planning with people,' remains a weak component of the planning process." 37 An article in the Growing Smart™ working papers suggests organizational strategies for public planning agencies to have meaningful citizen involvement. 38 An understanding of why people do not
participate in the public process is crucial. Abraham Maslow’s hierarchy of needs comes into play. An understanding that if the basic needs of the person are questionable, then more than likely, that person will not be participating in a land use planning process (see Appendix E for model city planning program). Moreover, the person will be worrying about rent or groceries instead of participating in the community planning process. Assessing the readiness of, and identifying the stakeholders, will assist the planner with the element of participation in the process. Lastly, no matter how well designed the deliberative process is, it cannot succeed if everyone is not involved.
CHAPTER IV

CLARK COUNTY LAND USE PLANNING PROCESS

Statutory Requirements

Clark County is a political subdivision of the State of Nevada, established in 1909 and operates under the provisions of the general laws of the State. The County has approximately 8,000 square miles and includes five incorporated cities: Las Vegas, Henderson, North Las Vegas, Boulder City and Mesquite; thirteen unincorporated towns; one school district; four library districts; one urban and two rural fire districts; one sanitation district; one urban and three rural water districts; and eleven judicial townships. All special districts in unincorporated areas of the County are created by the Board of County Commissioners.59

In its capacity as a town government, Clark County is responsible for the well-being of the citizens in its thirteen unincorporated towns. As an unincorporated town, the state has declared “that the residents of such areas have considerable interest in representative and participatory government for such areas and should be provided a role whereby they may assist the board of county commissioners in the management of government as it relates to such towns (see Appendix A for excerpts from Nevada Revised Statute).”
Clark County is considered a creature of the State of Nevada and has no independent power unless explicitly given them by the State Legislators. Clark County is tasked through State law with the responsibility to prepare a comprehensive plan “for the physical development of the city, county or region...” (see Appendix A for excerpts from Nevada Revised Statute). In August of 1978, the Department of Comprehensive Planning through County Code 2.06.010 was established to carry out the tasks of Nevada Revised Statute 278. The Clark County Planning Commission and several advisory groups have been formally established to assist the Board of County Commissioners with their responsibility to approve and pass master plans, land use and zoning actions. Town Advisory Boards were created and granted the authority to 1) assist the Board of County Commissioners (BCC) by acting as a liaison between the town and the BCC and 2) advise the BCC on important town matters (see Appendix A for excerpts from Nevada Revised Statute). Each unincorporated town has an advisory board, however, all traditional governmental decisions are made by the Board of County Commissioners.

The Planning Commission was established through NRS 278.030 as the governing body in counties of over 400,000 in population. The Clark County Planning Commission’s purpose is to advise the Chairman and BCC on all matters related to the division or subdivision of land (28.04.09). The Planning Commission has the authority to recommend approvals of tentative and final subdivision maps, recording of survey maps and private street maps (28.04.100). Table 3 graphically depicts the formal participation requirements prescribed in Nevada Revised Statute, codified into Clark County ordinance.
or an administrative act.

Table 3

<table>
<thead>
<tr>
<th>Legal Authority</th>
<th>Key Phrase</th>
<th>Public Input Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clark County Comprehensive Planning Steering Committee</strong></td>
<td>Clark County Administrative Policy</td>
<td>Advise</td>
</tr>
<tr>
<td><strong>Town Advisory Board</strong></td>
<td>NRS 269.576</td>
<td>Assist/Advise</td>
</tr>
<tr>
<td><strong>Planning Commission</strong></td>
<td>NRS 278.030 Title 28 County Code</td>
<td>Advise/Recommend</td>
</tr>
<tr>
<td><strong>Board of County Commission</strong></td>
<td><em>Political Subdivision of the State of Nevada</em></td>
<td>Final Approval/Denial</td>
</tr>
</tbody>
</table>

* Dillion’s Rule State: Creature of the state with no enabling powers unless specifically prescribe through the state legislators.

Table 3 depicts the public input required for adoption of master plan and amendments.

Only one public hearing for the Planning Commission and Board of County Commission is required under state statute.

Notice of the time and place of which shall be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing (see Appendix A for excerpts from Nevada Revised Statute).

Statutory requirements through Nevada Revised Statute establishes the baseline for public participation. Planners are now tasked with defining the appropriate level of
the role of public participation in the land use planning process.

The Experiment

The average annual growth rate in Clark County has been more than 6 percent since 1990, with a net monthly increase in population of more than 4,000. A majority of the residents are from California. The pressure placed on service providers is tremendous as they try to keep pace with growth. There has also been tremendous pressure to reach out to the new citizens arriving every month to the Las Vegas Valley. New residents are unaware of County processes or services and may not participate due to the lack of community outreach. Clark County is striving to increase this participation through the Neighborhood Service Program to educate and reach out to the community.

Up until 1996, public notice in the major newspapers, Las Vegas Review Journal or Sun, ten days before the meeting and notice for a public hearing on the plan (Table 4) was the only public participation in the land use planning process.

Unless a member of the public was directly informed or stumbled upon a notice in the paper, participation was minimal. This was the process used by the planners when they updated the Winchester/Paradise Land Use Guide.
In early 1995 the Board of County Commissioners was assailed by angry residents of the Winchester/Paradise planning areas. The residents were concerned that the planners were developing plans contrary to the public's goals. Furthermore, the public was appalled at the level of notification that announced the process. Comprehensive Planning staff brainstormed to develop a process for increasing the level of participation in the Land Use Plan updates. A task force made up of three Board of County Commissioners members was established to identify the issues with the Town Advisory Boards, and make three recommendations to improve participation. The task force members voted to forward the three recommendations with one being noted as the preferred option to the full BCC. On May 2, 1995, the BCC directed staff to include further public participation steps into the process. The direction was to 1) incorporate at
least two mass mailings to every property owner in the plan area, 2) conduct neighborhood meetings and 3) develop a new plan format that incorporated “bubble mapping”; a move away from parcel based planning. This direction meant County Planners had to develop a participation element over and above statutory requirements. The future challenge was how to implement a new participation element (see Appendix F for Clark County Participation Process) which depicts the statutory requirements for participation and the administrative process developed in Comprehensive Planning.

Behind the Scenes

Spring Valley was the first Land Use Plan update that required the new participation process. The Community Planning Team (CPT), made up of planners, senior planners and principal planners (see Appendix G for roles and responsibilities), brain stormed ideas on how to implement the Board of County Commissioners new participation policy. The first challenge for the CPT was how to notify every property owner in Spring Valley. With over 90,000 people in the Spring Valley area, the cost to place labels on and send out postcards announcing the start of the process was formidable. A relatively new planner suggested that the CPT use the Assessors files through Clark County’s Geographic Information Systems. The postcards could be generated with relatively low cost and bundled for a mass mailing.

At the previous Spring Valley Town Advisory meeting, the lead planner
announced that the Spring Valley Land Use plan was going to be updated. The second challenge for the CPT was to decide what process should be used for the neighborhood meetings? A strategy was devised to use focus groups consisting of three groups of fifteen people; developers would comprise of 1/3 of members, service providers 1/3 and citizens 1/3 for a total of forty-five participants. The intention of the 1/3 split was to balance the differing interests in the focus groups. The recruitment for citizens was difficult due to the time commitments required for the participation balance. At one point the lead planner had to make a plea via the phone for citizens to participate. The challenge that arose from this approach was that citizens were picked who had a narrow focus, they wanted to protect their home from multi-family or commercial encroachment.

Two Principal Planners and a Senior Planner were tasked with leading the focus groups. Previously, the Senior Planner requested direction from the Principal Planners on two points; what is the role of staff and what is the role of the focus group. Since this question was unclear, staff imposed on itself the duty to act as technical advisors to the focus groups. All the planners were relatively inexperienced with public participation in a Clark County planning process; for planners, this was their first planning process out of school.

There were three focus group meetings in which the Focus Groups had presentations from service providers and other planning initiatives. At the end of the third meeting, staff and the participants were exhausted. Staff was guilty of “information overload.”
Consensus within the focus group was difficult to achieve; too many interests were at play. Eventually the planners gave the focus group members colored pens and let them create the plan. Plan policies that make up the justification for the land use designations were disregarded or warped by self-interest. Clark County Department of Aviation's noise contours around McCarran Airport, known as the Cooperative Management Agreement (CMA) between the Bureau of Land Management and McCarran Airport for management in a noise zone, limited development to commercial, industrial or very low residential densities. The Focus Groups took this restriction and made several square miles of Spring Valley commercial within the CMA. Furthermore, disregard for rational justification persisted as colors for the land use designations were suggested “to be equally representative” in the plan. At this time one focus group comprised of fifteen people, five from each interest group was asked to take everyone’s comments and merge them into one document. Again, staff had a difficult time recruiting citizens since most of them were “burned out.” The participants who eventually participated in the final focus group were the most vocal and had personal agendas. For example, a developer wanted his land planned as commercial and a resident wanted to keep “those apartment dwellers” away from single family residence. The previous work of original Focus Groups were also disregarded.

The draft Spring Valley Land Use Plan was forwarded through the statutory adoption process where it was stopped by the Board of County Commissioners (BCC). A huge turn-out of citizens questioned the sound planning principles behind the decisions as
well as the BCC questioning the planners. At that time the BCC directed staff to “iron out” the policies of the Cooperative Management Agreement (CMA) and clarify the land use parameters. At this time little to no formal citizen participation occurred.

As “fires” erupted for the Lead Planners, the subordinate staff tried to correct the problems of the original draft. Based on underlying concepts for the area, a “bubble map” plan was created. The Commissioner of the planning area was being assailed by the residents to update the plan and these residents also questioned the Focus Group process. The subordinate planners presented their concept to the rest of their Community Planning Team (CPT). The Lead Planner forwarded the concept with minor modifications to the reconvened Focus Group; they recommended approval with minor modifications through the adoption process. The Spring Valley Land Use Plan went to the Board of County Commissioners. With piece-meal modifications by the BCC, the Spring Valley Plan was finalized.

Planning staff learned from the initial process that clear direction to the focus groups was necessary and that staff needed to take a lead to build consensus in the process. Clearly, this was an experience to learn from for the challenges that lay ahead would require the planners to rethink their participation level.

Enterprise is the planning area in the southwest part of the Las Vegas Valley. Approximately thirteen percent of the planning area is developed with a majority of the land managed by the Bureau of Land Management (BLM). At the time the update started, large land exchanges were occurring in the area (see Appendix H for outline of
the Land Exchange process) At the time of the planning process over 7,000 acres had been exchanged in the Las Vegas Valley. The County had two views on this occurrence:
1) lands were generally exchanged outside of established service areas, like water and wastewater; 2) Clark County enjoyed the ability to create large master planned communities which typically have more amenities than piece-meal subdivisions. Examples are Rhodes Ranch and Southern Highlands. The Enterprise Town Advisory Board was concerned that their rural lifestyle would change due to perceived unmanaged growth.

Concurrent to these factors, a reorganization of the Department of Comprehensive Planning and some departures created opportunities for the subordinate planners to implement their planning thoughts and Lead Planners to pursue better planning principals. The Enterprise Work Team (EWT) was created. The EWT was the first time other planning department divisions like current and environmental planning was involved as a key member and not as consults. The EWT was larger than previous planning teams but this was a new era for Comprehensive Planning. The EWT identified the mistakes of Spring Valley and modified the planning process to emphasize the participation element and minimize the special interest factors. The process was forwarded to the Board of County Commissioners where they herald the process as innovative.

The first application of the new process was an updated land use plan for the Town of Enterprise. The new process focused on early, active and continued input from
residents, property owners, developers, service providers and elected officials.

The step-by-step procedure engaged the public in the planning process through widely publicized workshops and open houses. Town Advisory Board (TAB) meetings, as well as Comprehensive Plan Steering Committee Meetings, Planning Commission Hearings and Board of County Commissioner Hearings, gave the public further opportunities to assist in the molding of the plan. The simplified uniform process included:

- establishment of community goals and policies;
- draft plan development;
- public hearings for consideration and adoption; and
- an evaluation period.

The first phase of the process, “Community Goals”, began with a public workshop at the Clark County Government Center where separate work stations dealing with individual elements of the plan were addressed:

- land use;
- transportation;
- environment;
- public services and facilities; and
- community character.
Through the workshop, a draft list of community issues, opportunities and goals were developed. These were presented to the Town Advisory Board for creation of a list of community priorities. Public hearings formalized community goals and provided staff the guidance necessary to produce a rough draft of the new plan.

The second phase of the process was “Draft Plan Development.” In this phase, a Planning Advisory Group (PAG) was established to assist Clark County staff in refining a previously prepared draft. The fifteen member PAG was made up of residents, development community representatives and public service providers as in the Spring Valley PAG. The PAG was given clear direction and scope of authority for devising a plan. This upset certain participants who wanted to get a color pen and mark up the planning area. This tactic, developed by staff, was used to balance the power of special interest.

The balance of the Planning Advisory Groups (PAG), which the planners had hoped for, was disrupted with the inclusion of master planned community developers and large land exchange speculators. The PAG was to be made up of citizens representing specific geographical areas in Enterprise and an equal amount of commercial and residential developers. The reason for the participation formula was to prevent individual manipulation by interest groups; all land use changes were expected to be in the public forum and not in closed meetings. Staff believed the inclusion of more developers and land speculators was disrupted the PAG balance since more developers than citizens sat on the PAG. Some planners believed that this was an attempt to manipulate the process
to placate vocal interests in the community. Still other planners pointed out that the land speculators and developers were, in general, supportive of the issues being championed by the citizens such as Rural Neighborhood Preservation areas.

Following the Draft's review by the PAG, the draft plan was presented to the TAB. The Comprehensive Plan Steering Committee, as well as neighboring TAB's and incorporated cities, then had the opportunity to review the draft and comment. The TAB generally appreciated the work of the planners by complimenting in formal meetings and "pats on the back" after the meetings.44 Trust was established between staff and the TAB. A member of the TAB commented that they can see the work that the planners were doing and that all their comments and ideas were settled before a public meeting or addressed immediately by staff.

Next, a combined briefing of the Planning Commission and the Board of County Commissioners regarding the Draft occurred. This strategy was employed to create an open forum in which decisions and guidance could be made and to ensure that the same information would go to the Board of County Commissioners. There was also the assumption that the planners were relatively shielded by management from special interest groups. Following the combined briefing, the draft was presented for review and comment at a widely publicized second open house. At the second open house previous comments and the work of the Planning Advisory Group was displayed. Each chapter of the Plan was represented by staff who worked on the particular section. The environmental chapter was highlighted by the fact that the Enterprise Land Use Plan was
the first plan to incorporate environmental policies for air and water quality. There were little to no substantial comments from the second open house. The end result of the second phase was a final draft of the land use plan.

During the “Adoption” phase of the process, the draft Land Use Plan was considered through the beginning steps of the formal adoption process. First, the Enterprise Town Advisory Board (TAB), then the Comprehensive Plan Steering Committee reviewed the plan. Next it was reviewed by the neighboring TAB’s and incorporated cities. Finally, the draft was presented to the Planning Commission and the Board of County Commissioners for approval.

What was significantly different in this plan process from the others was the “Evaluation” which involved monitoring of the plan to account for changing conditions. Evaluations on the plan’s effectiveness over an extended period were incorporated. The Plan was touted as a model of success for the land use planning process. Where necessary, the “Plan Development Process” may be revisited in order to amend the Enterprise Plan.

Sunrise Manor, located in the eastern part of the Las Vegas Valley, is the third planning area to use the new participation process. Unlike Spring Valley and Enterprise, Sunrise Manor is about seventy percent built. A built environment has different planning challenges than planning vacant land. The type of citizen and level of participation is unlike the unbuilt planning area. Staff’s approach to the planning area was from a redevelopment and infill development perspective. Basically, the planning area has
already been zoned. Due to vacancies and overlapping land use plan updates, staff resources were stretched. One experienced planner, and his subordinates, were in charge of implementing a land use planning process. Because of the lack of work experience, the Sunrise Manor Planning Team (SMPT) was clearly a vertical directive team.

The participation format refined in the Enterprise Planning Process was used. A Planning Advisory Group (PAG) was established to assist Clark County staff with refining a concept plan previously developed by staff. The fifteen member PAG was made up of residents, development community representatives and public service providers. Nellis Air Force officials participated and gaming interest, due to existing H-1 zoning (Hotel/Casinos), were also part of the PAG. As with the Enterprise PAG, only one group of fifteen was used to review the draft plans. The PAG was given clear direction and scope of authority for devising a plan.

Every property owner was notified pursuant to the Board of County Commissioners (BCC) Administrative directive reactive to the Winchester/Paradise plan update. Two widely attended open houses were conducted at the Sunrise Library. At the first open house staff presented issues and opportunities that would effect the planning area. Staff informed the public of previous BCC policies regarding Nellis Air Force Base (Nellis AFB) environs. Nellis AFB has a Live Ordinance Loading Area designation that encompasses areas surrounding the Base. The ordinance limits the type of development adjacent to the Base. Property owners near the Base said there is "no threat, therefore no problem (with any type of development)." Their arguments were heard but
subsequently left out of the draft plans due to the direct conflict with public safety addressed in the plan.

The Sunrise Manor Town Advisory Board (TAB) is continually updated on the progress of the plan. The two open houses and the TAB were the formal arena for citizens to voice their concerns. There were several NIMBY (Not In My Backyard) issues. The Rural Estate property owners (horse properties) did not want multi-family anywhere near their homes. Furthermore, two interest groups emerged; senior citizens and Rural Neighborhood Preservation (RNP) people. By sheer numbers, senior citizens were the majority that participated. Citizens living in RNP’s wanted to preserve their lifestyle of Rural Estates and horse properties. As a rule of thumb, staff does not want 200 angry residents showing up to a public hearing before the BCC, therefore, public issues are resolved during the process. The public interest is addressed by any of the following tactics to build consensus among the citizens: education, incorporating the issue or referring the BCC to make the determination.

The Board of County Commissioners held the final public hearing on Sunrise Manor Land Use Plan update April 7, 1999. There was no significant protest and that the final draft of the plan will be adopted.
Level of Public Participation

Through the interviews with staff and review of internal County documents, themes have emerged through the three comparative case studies. The level of public participation in the land use plan updates was defined by Nevada Revised Statute and furthered by the Board of County Commissioners (BCC). The strategy of implementation was left up to the planning staff. Factors to consider are broken into three main groups: the Public, Board of County Commissioners (BCC) and the Planners. Defining participation levels was dependent upon staff’s implementation of the process. The participation element of each land use plan was a refinement of the previous plan. Informally, planning staff gauges the external and internal factors that will eventually shape the level and role of participation in the land use plan process.

What is Your Role?

Nevada Revised Statute defines the role of the Board of County Commissioners, Town Advisory Boards, and the Planning Commission. The formal public input process as well as to the degree of notice for land use actions is defined in Table 3. The three planning updates, at a minimum, followed the statutory requirements. Furthermore, administrative actions were employed that extended the notice of land use updates to every property owner in the planning area and required open houses to be conducted.
The level of participation above the statutory and administrative requirements is to be examined by the planner, and if further participation is merited, the planner should champion the cause. Informally, the participation element analysis of previous plan updates looks to discover what refinements to the process can be completed from the previous element. The planners look at past mistakes and try to avoid them in their process.

Only one planner in all three processes was truly familiar with the standards set down by the American Institute of Certified Planners (AICP) and American Planning Association (APA). The AICP/APA Code of Ethics and Ethical Principles in Planning defines the planners responsibility towards the public; “[A] planners primary obligation is to serve the public interest.” Even though most planners are unaware, or only vaguely aware of the standards, the sound principles they employed met the spirit of the AICP/APA Code of Ethics and Ethical Principles in Planning.

Internally, all the land use plan updates began by defining the role of the members of the Community Planning Team (CPT). Specifically, the amount of time devoted to meetings, level of participation from other planning divisions, and identification of outside factors that may unduly influence the process. For Spring Valley land use plan, planner’s roles were defined primarily by rank and then ability. The role of planners outside of the CPT was defined as that of a consultant to the process. The role of Enterprise planners was defined by functional need and inclusiveness. A core team, made up of all participating planners in the Department of Comprehensive Planning, was
established. The public service providers were the consultants to the plan. The Sunrise Manor Land Use update mirrored the internal model of Enterprise for the inclusion of planners based on functionality. The service providers were the consultants to the plan. The lack of human resources and experienced planners to work on Sunrise Manor resulted in a more vertical directive of the planning process.

Level of Authority

The twelve planners of the Department of Comprehensive Planning who were interviewed compared their land use plan participation authority to Sherry Arnstein’s Eight Rungs on a Ladder of Citizen Participation. The following are broad definitions of the eight classifications given by Sherry Arnstein (1969):

1. Manipulation- educated to the rationale behind the local officials actions.
2. Therapy- Powerlessness of the people. They are thought to have an “illness” and must alter their behavior to conform with the local officials.
3. Informing- “Dog and pony” show with one way flow of information.
4. Consultation- Surveys with no process for incorporation.
5. Placation- Vocal “trouble makers” who are placed on a board and have no real authority.
6. Partnership- Shared power/mutual veto power
7. Delegated power- Citizens gain power to make certain decisions.
8. Citizen control- Citizens have final authority.

The results from the interview questions were that the perception of the participation element differs amongst the planners working on the plan (see Appendix I for a list of interview questions). An underlying pattern that emerged was that authority of the public in the participation process did not vary from Spring Valley through Sunrise Manor. Information and Consultation was the definition for the participation element of all the land use plan updates.

The interviewees realized that Spring Valley was the first land use plan to use the new participation process. They identified mistakes that were made and integrated in upcoming processes. Specifically, planners viewed Spring Valley participation element as a “continuous dog and pony show.” Other planners gave specific Arnstein (1969) rankings to parts of the process. For instance, one interviewee believed that the Spring Valley Town Advisory Board should be categorized as having been placated. Another planner categorized the participation element as “dysfunctional” consultation. The planner went so far as to draw a graph to clarify the process (Appendix J depicts a graphic representation of the Spring Valley Land Use Plan Participation Process). Still another planner ranked the participation as therapeutic and informing.

The Enterprise process was a refinement of the participation element of Spring Valley land use plan update. Generally, the classification of the authority of public participation was higher than Spring Valley. Placation and Consultation was the general classification given to the process. Another interviewee described the Town Advisory
Board as being classified between Partnerships and Delegated Powers.

Sunrise Manor was classified as Information and Consultation. Basically, the plan was completed due to the fact that over 70% of the planning was built out. Policies effecting the area were already established such as Nellis Air force Base Live Ordinance and Loading Area. The land use designations were established or only slightly modified. One planner suggested that the planning area would be “better off” with a redevelopment plan for existing areas instead of planning areas that are already built.

It needs to be noted that in a majority of the interviews the planner either emphasized or declared that more participation should have happened. Some interviewees stated that “Citizen Control will probably never happen;” but they expressed their professional drive towards the upper “Rungs” of Arnstein’s participation ladder.
The initial participation plan design itself is continually evolving through the process as a result of new ideas, opportunities and constraints that were not foreseen in the initial design. The final participation element didn’t compromise the principles of the planner or the public but just enhanced the total process. Through this analysis, the level of the role of public participation in the three land use planning processes continuously changes.

What is the level of the role of public participation in the land use planning process?

The level of the role of public participation in the land use planning process is defined formally and implemented differently. External factors such as planning area size, types of citizens in area, level of organized participation, staff resources and political issues are all considered when a planner develops the land use planning process participation element.

The theoretical level of participation is complicated to define. Sherry Arnstein’s Eight Rungs on a Ladder of Citizen Participation was used as a model to compare the planning areas. Based on the results, “tokenism” is the current participation level in the
land use planning process with an understanding that Partnership or Delegated Power may be the optimal combination for the public.

Currently, there is no formal process to measure the success or failure of a participation element in the land use planning process. Except for mass public complaints at the public hearing process, the Board of County Commissioners will continue with their statutory requirements and administrative directives. Ultimately and informally, the level of participation is left up to the planners to define and implement.

Was the Participation Element of the Land Use Plans Successful?

The answer to the question is Yes. As one planner noted, the planners and elected official are heading in the right direction with participation and that he hopes more inclusive planning is conducted in the future.

Recommendations

The following recommendations address the roles and responsibilities of the planner, legislative requirements and administrative actions.

The first recommendation is that each entity with planning and zoning jurisdiction adopt guiding standards from the American Planning Association’s (APA) Ethical Principles in Planning. Specifically, require that all planners know and understand their
roles and responsibility to the public, to the employer and to themselves.

Due to the fact that land use planning and zoning affect the economic and social fabric of a planning area enormously, American Institute of Certified Planners (AICP) certification should be required for all planning project leads with a goal to achieve 50% or more planning certification over the next five years. The purpose of the certification is that an AICP certified planner is held to a higher standard by his/her planning peers and the national association than non-certified planners. In other words, a Code of Ethics and Professional Conduct is clearly spelled out for the planner.

The next recommendation has to do with legislative and administrative changes to participation. The Planning Commission, under Nevada Revised Statute (NRS) 278.030 and Title 28 of Clark County Code, can recommend and advise the Board of County Commissioners on land use and zoning issues or city council if within incorporated Clark County. I recommend the following changes:

• Amend NRS 278.030 to require at least four lay people to sit on the Commission.

• The lay persons on the Commission shall represent the interest of the public as defined by adopted plans and annual surveys.

• Administratively, develop a code of ethics for the Planning Commission to be adopted by the Board of County Commissioners.

Exclusively, the Planning Commission recommendations would not affect the level of participation, but would ensure a more balanced approach to planning and zoning.

The unincorporated Las Vegas Valley land use plans are too big to achieve a
successful participation element. The next recommendation would be for the Town of Spring Valley and Enterprise to incorporate into a combined city or two separate cities. Spring Valley is thirty-five square miles and Enterprise is over seventy square miles. If these two unincorporated towns were to form one city, the city would be over 100 square miles; Cities of Las Vegas and Henderson are 107 and 80 square miles respectfully. Sunrise Manor is 40 square miles and is located adjacent to the City of North Las Vegas. By combining and incorporating the towns of Enterprise and Spring Valley, the new city officials would be able to better address the local residents concerns. Control over planning and implementing the community’s destiny would be addressed locally. Sunrise Manor should be annexed into the City of North Las Vegas. After incorporation and annexation, development of neighborhood plans that are based on physical constraints, not political jurisdiction should be completed.

The next recommendation would be for the City of Las Vegas and Clark County Neighborhood Service Departments along with planning representatives from Henderson and North Las Vegas to identify potential neighborhood planning areas in the Las Vegas Valley that overlap jurisdictional boundaries. These areas are to be developed jointly and in collaboration with city and county citizens. Specifically, they need to define the neighborhood plans by redevelopment area.

The next recommendation is that each Clark County land use plan update have an interactive internet web site to be created and maintained by the Department of Comprehensive Planning. This web site will give the citizens an opportunity to receive
plan update information as well as e-mail comments or suggestions to the planners. The creation of Web sites for all planning areas should be implemented to store comments or suggestions so that when a land use plan is updated a tracking of issues are retrievable. This recommendation is currently being employed by the Southern Nevada Water Authority and preliminary feedback has been positive.

My last recommendation is for the Department of Comprehensive Planning to develop a model public participation guideline to be adopted by the Board of County Commissioners. The guideline should contain the legislative requirements, administrative directives, American Institute of Certified Planners and American Planning Association Ethical requirements, and implementation plan. Understanding that every planning process may have a slightly different level of the role of public participation, a document that the public can review and reference would help establish trust and collaboration between the planners and the public.
APPENDIX A
CITIZENS' ADVISORY COUNCIL

NRS 269.024 Creation by board of county commissioners. If the board of county commissioners determines that the best interest of an unincorporated town of which such board constitutes the governing body would best be served by the appointment of a citizens' advisory council to act in an advisory and liaison capacity with respect to governing the affairs of such town it shall enact an ordinance creating such advisory council, designating its powers and duties and providing the qualifications of the members thereof.

(Added to NRS by 1973, 799)

NRS 269.0242 Members; qualifications; election; appointment; terms; duties. Any ordinance enacted pursuant to NRS 269.024 must include provisions in substance as follows:

1. The citizens' advisory council must consist of not fewer than three nor more than five members.

2. Each member of the advisory council must be a resident and qualified elector in the town.

3. The members of the advisory council must be appointed by the board of county commissioners from a list of a number of qualified persons, equal in number to the number of positions on the advisory council which are to be filled, elected at an informal election. Notice of the election must be posted in accordance with NRS 241.020. The election must be held in the town in November of the year of the general election.

4. The list of names of the persons elected must be presented to the board of county commissioners at their first meeting in December of the year of the general election. The persons appointed to the advisory council shall serve their respective terms at the pleasure of the board.

5. The members of the advisory council first appointed by the board of county commissioners shall serve until the 1st Monday in January following the next general election, and thereafter the terms of office of the members of the advisory council are for 2 years and begin on the 1st Monday in January following each general election.

6. The advisory council shall assist the board of county commissioners in governing the
town by acting as liaison between the residents of the town and the board. The advisory
council and the board shall cooperate to inform each other of all matters of interest to the
town and its residents. The advisory council shall not expend or contract any town money
for any purpose.

7. The members of the advisory council shall serve without compensation.

(Added to NRS by 1973, 799; A 1977, 201; 1981, 400)

NRS 269.0244 Officers; meetings; rules of procedure; records. The advisory council shall
elect such officers from within its membership, fix such time and place of meetings,
adopt such rules of procedure and keep such records all as in its sole discretion it shall
determine consistently with the purposes of NRS 269.024 to 269.0248, inclusive.

(Added to NRS by 1973, 799)

NRS 269.0246 Responsibilities of board of county commissioners unaffected. It is the
intent of NRS 269.024 to 269.0248, inclusive, that the existence and activities of the
advisory council shall in no way diminish the responsibility of the board of county
commissioners in its capacity as the governing body of the town and in performing its
duties as such, but that it shall bring to bear on the problems of the town the knowledge
of a representative group of residents thereof.

(Added to NRS by 1973, 799)

NRS 269.0248 Creation of additional councils under original ordinance. Citizens' 
advisory councils for two or more towns may be created by one ordinance, and the initial
ordinance may from time to time be amended to create citizens' advisory councils for
additional towns, if the board of county commissioners determines that all of such towns
shall be governed by the same ordinance.

(Added to NRS by 1973, 800)

278.210 -- Adoption of master plan and amendments by the commission: Notice; hearing;
resolution; attested copies.

1. Before adopting the master plan or any part of it, or any substantial amendment
thereof, the commission shall hold at least one public hearing thereon, notice of the time
and place of which shall be given at least by one publication in a newspaper of general
circulation in the city or county, or in the case of a regional planning commission, by one
publication in a newspaper in each county within the regional district, at least 10 days
before the day of the hearing.
2. The adoption of the master plan, or of any amendment, extension or addition thereof, shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

3. No plan or map, hereafter, shall have indicated thereon that it is a part of the master plan until it shall have been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension, or addition.

4. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region shall be certified to the governing body of such city, county, or region.

5. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission shall be certified to the county planning commission and to the board of county commissioners of each county within the regional district.

[10:110:1941; 1931 NCL '5063.09]

ANNOTATIONS

-- ANNOTATIONS --

NEVADA CASES.

Denial of permit for use not conforming to pending change. Where planning commission had disapproved building plans which conformed to ordinance not yet formally abrogated but did not conform to new ordinance in process of adoption at time commission acted, application for writ of mandamus to require approval of plans after new ordinance became effective was properly denied, because property owner had no vested right to application of superseded zoning regulations and ordinances in effect when court rules were controlling. (See also NRS 278.210.) Kings Castle v. Board of County Commissioners, 88 Nev. 557, 502 P.2d 103 (1972), cited, Williams v. Griffin, 91 Nev. 743, at 745, 542 P.2d 732 (1975), distinguished, Board of Clark County Comm'rs v. Excite Corp., 98 Nev. 153, at 157, 643 P.2d 1209 (1982), City of Reno v. Nevada First
When notice and hearing are necessary to satisfy due process. When statute requires notice and hearing as to possible effect of zoning law upon property rights, action becomes quasi-judicial in character, and statutory notice and hearing then become necessary in order to satisfy requirements of due process and may not be dispensed with. (See NRS 278.210, 278.220 and 278.260.) Forman v. Eagle Thrifty Drugs & Mkts., 89 Nev. 533, 516 P.2d 1234 (1973) ATTORENY GENERAL'S OPINIONS.

Ordinance which provides that governing body of county must review and affirm, modify or reverse recommendations of regional planning commission on zoning matters is not invalid. Ordinance which provides that governing body of county must review and affirm, modify or reverse recommendations of regional planning commission on zoning matters is authorized by NRS 278.020 and 278.260 and is not invalid. Under such ordinance, governing body has authority to act on proposal even where planning commission has failed to recommend it (see NRS 278.210), but action of governing body is subject to provisions of NRS 278.220 relating to necessity for report from planning commission. AGO 79-14 (7-17-1979)

278.220 -- Adoption of master plan by governing body: Notice; hearing; procedure for changes in plan.

1. Upon receipt of a certified copy of the master plan, or of any part thereof, as adopted by the planning commission, the governing body may adopt such parts thereof as may practicably be applied to the development of the city, county or region for a reasonable period of time next ensuing.

2. The parts shall thereupon be endorsed and certified as master plans thus adopted for the territory covered, and are hereby declared to be established to conserve and promote the public health, safety and general welfare.

3. Before adopting any plan or part thereof, the governing body shall hold at least one public hearing thereon, notice of the time and place of which shall be published at least once in a newspaper of general circulation in the city or counties at least 10 days before the day of hearing.

4. No change in or addition to the master plan or any part thereof, as adopted by the planning commission, shall be made by the governing body in adopting the same until the proposed change or addition shall have been referred to the planning commission for a report thereon and an attested copy of the report shall have been filed with the governing
body. Failure of the planning commission so to report within 40 days, or such longer period as may be designated by the governing body, after such reference shall be deemed to be approval of the proposed change or addition.

[Part 11:110:1941; A 1947, 834; 1943 NCL ' 5063.10]

ANNOTATIONS

--ANNOTATIONS--

REVISER'S NOTE.

In revised subsec. 3, "thereon" replaced "hereon." NEVADA CASES.

When notice and hearing are necessary to satisfy due process. When statute requires notice and hearing as to possible effect of zoning law upon property rights, action becomes quasi-judicial in character, and statutory notice and hearing then become necessary in order to satisfy requirements of due process and may not be dispensed with. (See NRS 278.210, 278.220 and 278.260.) Forman v. Eagle Thrifty Drugs & Mkts., 89 Nev. 533, 516 P.2d 1234 (1973)

Approval of wastewater discharge permit by division of environmental protection was upheld notwithstanding failure of governing body to submit proposed change in master plan to planning commission. Board of county commissioners approved relocation of proposed regional wastewater treatment facility without first referring matter to county planning commission as required by NRS 278.220. Subsequently, county applied for wastewater discharge permit from division of environmental protection, which granted permit after public hearing. Appellant challenged granting of permit, arguing that division abused its discretion in issuing permit because division did not independently determine whether county properly approved site of proposed facility. State environmental commission upheld issuance of permit. Upon appeal to supreme court, court also upheld issuance of permit, holding that: (1) environmental commission does not have power to review actions and decisions of local governmental entities (see NRS 445.201); (2) division was entitled to presume that county's approval was valid; and (3) conclusion reached by division and commission that county had approved site of regional facility was supported by substantial evidence. Helms v. State, Div. of Envtl. Protection, 109 Nev. 310, 849 P.2d 279 (1993) ATTORNEY GENERAL'S OPINIONS.

City incorporated under general law may enact ordinance that is in nature of master plan or general code. City incorporated under general law may enact ordinance
that is in nature of master plan or general code, without complying with publication requirement of NRS 266.115, if ordinance is filed in office of city clerk, and notice of such filing is given, as provided in NRS 266.155. AGO 51 (5-13-1959)

Ordinance which provides that governing body of county must review and affirm, modify or reverse recommendations of regional planning commission on zoning matters is not invalid. Ordinance which provides that governing body of county must review and affirm, modify or reverse recommendations of regional planning commission on zoning matters is authorized by NRS 278.020 and 278.260 and is not invalid. Under such ordinance, governing body has authority to act on proposal even where planning commission has failed to recommend it (see NRS 278.210), but action of governing body is subject to provisions of NRS 278.220 relating to necessity for report from planning commission. AGO 79-14 (7-17-1979)
APPENDIX B
Participation Continuum of Decision Making Techniques

Professional Bureaucracy and Commissions
Science Committees or Courts
Council of Information
Public Hearings
Mediation Councils
Citizen Advisory Committees
Neighborhood Councils
Citizen Courts
Referenda
Initiatives

Citizen Participation (Maximized)
Experts (Maximized)
Role of Citizens
Experts (Minimized)
Ethical Principles in Planning

(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community. Section A presents what we hold to be necessary elements in such a view.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants. Section B presents specific standards.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism. These are presented in Section C.

Section D is the translation of the principles above into the AICP Code of Ethics and Professional Conduct. The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the
need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. recognize the rights of citizens to participate in planning decisions;

2. strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;

3. strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;

4. assist in the clarification of community goals, objectives and policies in plan-making;

5. ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;

6. strive to protect the integrity of the natural environment and the heritage of the built environment;

7. pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be

http://www.planning.org/abtaicp/ethics.html 4/1/99
maintained.

Planning Process Participants should:

1. exercise fair, honest and independent judgment in their roles as decision makers and advisors;

2. make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker (see also Advisory Ruling Number 2, "Conflicts of Interest When a Public Planner Has a Stake in Private Development" under Section D)

3. define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

4. abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

5. seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

6. not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

7. serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

9. not use confidential information acquired in the course of their duties to further a personal interest;

10. not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. not misrepresent facts or distort information for the purpose of achieving a desired outcome (see also Advisory Ruling Number 4: "Honesty in the Use of Information" under Section D);

12. not participate in any matter unless adequately prepared and sufficiently capacititated to render thorough and diligent service;

13. respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations (see also Advisory Ruling Number 1: "Sexual Harassment").

C. APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and
aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;

2. do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;

3. participate in continuing professional education;

4. contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;

5. accurately represent their qualifications to practice planning as well as their education and affiliations;

6. accurately represent the qualifications, views, and findings of colleagues;

7. treat fairly and comment responsibly on the professional views of colleagues and members of other professions;

8. share the results of experience and research which contribute to the body of planning knowledge;

9. examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;

10. contribute time and information to the development of students, interns, beginning
AICP/APA Ethical Principles in Planning

practitioners and other colleagues;

11. strive to increase the opportunities for women and members of recognized minorities to become professional planners;

12. systematically and critically analyze ethical issues in the practice of planning.
(See also Advisory Ruling Number 3: "Outside Employment or Moonlighting").
(Adopted October 1978—as amended October 1991)

This Code is a guide to the ethical conduct required of members of the American Institute of Certified Planners. The Code also aims at informing the public of the principles to which professional planners are committed. Systematic discussion of the application of these principles, among planners and with the public, is itself essential behavior to bring the Code into daily use.

The Code's standards of behavior provide a basis for adjudicating any charge that a member has acted unethically. However, the Code also provides more than the minimum threshold of enforceable acceptability. It sets aspirational standards that require conscious striving to attain.

The principles of the Code derive both from the general values of society and from the planning profession's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so also do the principles of this Code sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code. Formal procedures for filing of complaints, investigation and resolution of alleged violations and the issuance of advisory rulings are part of the Code.

The Planner's Responsibility to the Public

A. A planner's primary obligation is to serve the public interest. While the definition of the public interest is formulated through continuous debate, a planner owes allegiance to a conscientiously attained concept of the public interest, which requires these special obligations:
1) A planner must have special concern for the long range consequences of present actions.

2) A planner must pay special attention to the interrelatedness of decisions.

3) A planner must strive to provide full, clear and accurate information on planning issues to citizens and governmental decision-makers.

4) A planner must strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs. Participation should be broad enough to include people who lack formal organization or influence.

5) A planner must strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and must urge the alteration of policies, institutions and decisions which oppose such needs.

6) A planner must strive to protect the integrity of the natural environment.

7) A planner must strive for excellence of environmental design and endeavor to conserve the heritage of the built environment.

The Planner’s Responsibility to Clients and Employers

B. A planner owes diligent, creative, independent and competent performance of work in pursuit of the client’s or employer’s interest. Such performance should be consistent with the planner’s faithful service to the public interest.

1) A planner must exercise independent professional judgment on behalf of clients and employers.

2) A planner must accept the decisions of a client or employer concerning the objectives and nature of the professional services to be
performed unless the course of action to be pursued involves conduct which is illegal or inconsistent with the planner's primary obligation to the public interest.

3) A planner shall not perform work if there is an actual, apparent, or reasonably foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure concerning work for current or past clients and subsequent written consent by the current client or employer. A planner shall remove himself or herself from a project if there is any direct personal or financial gain including gains to family members. A planner shall not disclose information gained in the course of public activity for a private benefit unless the information would be offered impartially to any person.

4) A planner who has previously worked for a public planning body should not represent a private client, for one year after the planner's last date of employment with the planning body, in connection with any matter before that body that the planner may have influenced before leaving public employment.

5) A planner must not solicit prospective clients or employment through use of false or misleading claims, harassment or duress.

6) A planner must not sell or offer to sell services by stating or implying an ability to influence decisions by improper means.

7) A planner must not use the power of any office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.

8) A planner must not accept or continue to perform work beyond the planner's professional competence or accept work which cannot be performed with the promptness required by the prospective client or employer, or which is required by the
9) A planner must not reveal information gained in a professional relationship which the client or employer has requested to be held inviolate. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent a substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner has verified the facts and issues involved and, when practicable, has exhausted efforts to obtain reconsiderations of the matter and has sought separate opinions on the issue from other qualified professionals employed by the client or employer.

The Planner's Responsibility to the Profession and to Colleagues

C. A planner should contribute to the development of the profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities. A planner should treat fairly the professional views of qualified colleagues and members of other professions.

1) A planner must protect and enhance the integrity of the profession and must be responsible in criticism of the profession.

2) A planner must accurately represent the qualifications, views and findings of colleagues.

3) A planner who reviews the work of other professionals must do so in a fair, considerate, professional and equitable manner.

4) A planner must share the results of experience and research which contribute to the body of planning knowledge.

5) A planner must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular...
situation and must not accept the applicability of a customary solution without first establishing its appropriateness to the situation.

6) A planner must contribute time and information to the professional development of students, interns, beginning professionals and other colleagues.

7) A planner must strive to increase the opportunities for women and members of recognized minorities to become professional planners.

8) A planner shall not commit an act of sexual harassment.

The Planner's Self-Responsibility

D. A planner should strive for high standards of professional integrity, proficiency and knowledge.

1) A planner must not commit a deliberately wrongful act which reflects adversely on the planner's professional fitness.

2) A planner must respect the rights of others and, in particular, must not improperly discriminate against persons.

3) A planner must strive to continue professional education.

4) A planner must accurately represent professional qualifications, education and affiliations.

5) A planner must systematically and critically analyze ethical issues in the practice of planning.

6) A planner must strive to contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.
Citizen Planning Program

This citizen planning program, adapted from the Institute for the Study of Civic Values, uses concepts from the Preamble to the Constitution to help neighborhood activists, government, and business leaders design real social contracts outlining mutual obligations to promote the general welfare of their communities (Schwartz). These may be valuable background questions to use in the planning process in identifying neighborhood characteristics and the general "public pulse."

- Who are "the people" of the neighborhood? What are their backgrounds, their ethnic and religious origins, their economic conditions? If divisions exist, how do people understand them?

- Are all residents considered to be "we the people," regardless of whether they're homeowners, tenants, or residents in public housing?

- Do the people of the neighborhood see themselves as part of a community or merely as private residents of an area with little binding them together?

- Are the people of the neighborhood "knit together"? Or are there serious racial, ethnic, and economic strains among them?

- Where does the neighborhood stand in relation to strong law enforcement, a good educational system, and a healthy economy?

- Do people feel safe from crime? If not, what are the major kinds of crime that threaten people? Where is crime most common—on residential blocks, on the retail corridor?

- What are the major problems threatening the housing stock and the overall appearance and physical stability of the neighborhood?

- Who is at risk in the neighborhood—poor people, people with disabilities, others? Are children at risk on the streets, recreation centers, and at school?

- Can the residents of the neighborhood develop an ethic of addressing the problems they face for the common good?

- What responsibility will homeowners, landlords, tenants, and managers and residents of public housing play in promoting the common good in relation to crime, physical appearance, and children? What responsibility will residents and businesses take for creating economic opportunity for disadvantaged community residents?

- How will neighbors in various circumstances participate to promote the common good in relation to security, physical appearance, and children? To what extent will neighborhood residents unite with the unemployed and low-income residents of the community to secure opportunity?

- What will government and business do to promote security, physical appearance, and the interests of children? How will they join with citizens to help the at-risk members of the community? Will government and business see themselves as active contributors to this process?

- How will efforts to deal with crime, physical decay, children's development, and poverty promote justice that does not exploit the weak?

- Should only those with certain ethnic or economic characteristics be in the neighborhood? Is this consistent with our Constitution?
**Planning Process**

The planning process consists of four primary steps. They include: Community Goals and Policies development, development of a Draft Plan, adoption of the Plan, and on-going evaluation and monitoring of the adopted Plan. There is a strong emphasis on public involvement throughout the planning process.

During the development of the Goals and Policies, an Open House was held for all Planning Area property owners, residents and interested citizens. This Open House gave area residents and property owners a chance to comment on the issues, opportunities and goals related to the update of the Land Use Plan. Comments received at the Open House were summarized and presented to the TAB for further identification of issues, opportunities and goals. The results were also presented to the PC and BCC for their review and comment. Based on the information generated at the Open House, the Clark County Planning Staff prepared a Concept Plan. The Concept Plan was reviewed by a Planning Advisory Group (PAG) consisting of area residents, service providers and representatives of the development community. The purpose of the PAG was to evaluate the Concept Plan map, issues, opportunities, goals and policies and to further refine the Plan. Next, a combined workshop of the BCC and PC was conducted to discuss the identified issues, opportunities, goals and policies of the Draft Plan. A second Open House was held for property owners and interested citizens to critique and provide additional input on the Draft Plan. The results of the Open House were presented to the TAB, PC and BCC and a final draft plan was completed.

The Draft Plan was presented through the traditional public hearing process for final refinements and adoption of the Plan. The public hearing process consisted of a review and recommendation by the TAB and Comprehensive Plan Steering Committee. The Plan was then presented to the PC and BCC for adoption. The final step is the on-going evaluation and monitoring of the Plan by County staff with input from the TAB, PC and BCC.
Clark County Department of Comprehensive Planning  
Roles and Responsibilities  
July 1997

**Principal Planner Position**  
- Develops specific work plan for program or project area, including:  
  - goals, objectives and deadlines  
  - implementation strategies  
  - staff requirements for associated project areas under specific programs  
  - community outreach  
  - coalition and consensus building  
- Conducts specialized or difficult planning projects that require a high level of experience and expertise  
- Integrates staff into program area through:  
  - convening information to all program area staff  
  - delegating appropriate tasks  
  - instructing and training staff  
  - regularly reviewing individual work  
- Identifies interest groups and develops strategies for coordinating work across agencies and developing consensus  
- Encourages and facilitates staff proposals, ideas, and information  
- Works with Assistant Planning Manager to identify training needs and opportunities  
- Acts as a team member if participating in a team environment

**Senior Planner Position**  
- Conducts specific project tasks such as research, analysis, and recommendations under general direction of a Principal Planner or Management  
- May coordinate activities for programs that have a specific limited focus or duration.  
- Responsibilities include:  
  - goals, objectives and deadlines  
  - staff requirements for associated project areas under specific programs  
  - community outreach  
- Assists Principal Planner in identifying interest groups and develops strategies for coordinating work across agencies and developing consensus  
- Represents Division to interest groups for purposes of presenting information and policy proposals.  
- Encourages and facilitates staff proposals, ideas, and information  
- Acts as a team member if participating in a team environment

**Planner Position**  
- Assists in conducting specific project tasks such as research, analysis, and recommendations under general direction of a Principal Planner or Senior Planner  
- Assists Principal Planner in identifying interest groups and develops strategies for coordinating work across agencies and developing consensus  
- Encourages and facilitates staff proposals, ideas, and information  
- Acts as a team member if participating in a team environment
Scoping

- Informal meetings between BLM and Proponent.
- Proponent submits formal exchange proposal.
- BLM determines if offered lands are within the public interest.
- If approved, the proposal moves into the exchange analysis.

Exchange Analysis

- *Agreement to Initiate*, formal phase, case file created and assigned a serial number.
- A *Notice of Exchange Proposal* is published in the newspapers and mailed to Federal, State, and Local Governments.

Processing

- Appraisal of offered and selected lands are processed.
- NEPA compliance is prepared by BLM. Forty-five (45) days are given for written comments.
- At least 60 days prior to the conveyance of and upon issuance of the deed or patent lands, the BLM will notify the State Governor and the local agency of the location of the exchange.
- Once the value of the lands are equalized, a *Notice of Decision* is prepared by the BLM and published in a local newspaper.
- The decision is subject to protest for 45 days. Binding agreement is legal at this time.

Title Transfer

- Nevada State Office of BLM signs off on the agreement.
- Patent is issued.
Interview Questions

Planners

This is your opportunity to voice your professional opinion on public participation in the Clark County land use planning process. Your identity can be confidential.

1. How long have you been a planner with Clark County?
2. Who set the role of the level of citizen participation in the planning process? When? Where? How?
3. Were established citizen advisory boards used in the planning process?
4. Were ad hoc advisory boards created for the planning process?
5. Using Arnstien’s “Ladder of Citizen Participation”, to what degree or combination of degrees of power did the average citizen have?
6. How many citizens were involved in the process? Advisory boards? Walk-ins? Etc?
7. In your opinion, what type of citizens participated in the process?
8. In your opinion, was this a successful citizen participation process? Why? Or Why not?
9. Were the monetary and human resources sufficient for the participation process?
10. Are you an AICP, certified planner?
11. Are you familiar with the American Institute of Certified Planners and American Planning Association Ethical Principles in Planning?
12. Open discussion
Spring Valley Land Use Plan Process:
A Planner’s Perspective
WORKS CITED


7. Clark County, Nevada, Spring Valley Land Use Plan, pg. 9, 1997.


12. Ibid., 2


14. Godschalk, 3

15. Yin & Yates.

17 Arnstein.


20 Ibid.


22 Arnstein.


26 Greider.


30 DeSario and Langton, 216-219.


32 ASCE.

33 Yates.
34 Cole, 62.

35 American Planning Association.


38 *GROWING SMARTSM*.


40 Anonymous, personal interview.

41 Ibid.

42 Ibid.

43 Ibid.

44 Ibid.

45 Ibid.

46 AICP.

47 Arnstein, S.

48 Anonymous, personal interview.

49 Ibid.

50 Arnstein, S.
SOURCES CONSULTED

BOOKS


**INTERVIEWS**


**ARTICLES, REPORTS, DOCUMENTS, OTHER**


Institute of Planners, (35), 216-224.

Clark County, Nevada, Spring Valley Land Use Plan, pg. 9, 1997.

Clark County, Nevada, Enterprise Land Use Plan, pg. 1-10, 1998.

Clark County, Nevada, Draft Sunrise Manor Land Use Plan, pg. 3-19, 1999.

Association.

Kurchuris, Chris, G., (1993). Policy Making and Civic Involvement; Apathy or


Community Planning Experiment in the United States. New York, NY: John
Wiley and Sons.

Comparison of Henderson Ordinances and The City of Las Vegas General Plan.