

Senate

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 16, 1973

The twelfth meeting of the Committee on Federal, State and Local Governments was held on February 16, 1973, at 1:30 P.M.

Committee members present: Chairman James Gibson
John Foley
Carl Dodge
Coe Swobe
Lee Walker
Stan Drakulich

Also present were:

John Meder, Carson City Supervisor
Bill Adams, City of Las Vegas
Larry Hampton, Director of Public Works, Clark County
Gene Milligan, Nevada Association of Realtors
Ross Morres, Bureau of Indian Affairs
Robert Bowers, Nevada Association of Realtors
Mr. Gene Milligan, Nevada Association of Realtors
Joe Midmore, Builders Association
Senator Cliff Young
Mr. Ray Knisley
Floyd Vice, Washoe County
Dick Allen, Washoe County Planning
Gilbert Buck, Engineering Mgr. Las Vegas/Reno
Grant Engstrom, Reno
Carl Sonderblum, Southern Pacific Land Company
Jerry Higgins, Washoe County Planning Commission
Cal Dodge, City of Sparks
Press representatives

Chairman Gibson called the meeting to order and stated that the purpose of this meeting was to again hear testimony on the bills Senator Young had introduced.

SB-120 Makes technical changes in surveying and mapping provisions affecting subdivision of land.

Senator Young explained that at the hearings they had held with state surveyors, it became apparent there were shortcomings in the existing law. They worked together and came up with changes they felt were desirable.

Mr. Hampton of Clark County then testified that this legislation is needed and desirable. There are some problems that will affect the operation of the local subdivision planning. Some of the changes suggested do seem to be to the benefit of the private surveyors, and to the disadvantage of the governing agencies. Mr. Hampton turned to section 2, line, of SB-120 with regard to the wording "error or omission," and said there should be some definition of this language. The present wording of the bill would make it possible for someone to request a re-filing on even a minute error if they wanted to do so. Therefore, the degree of error should be qualified and possibly could be determined by the county surveyor. He suggested this section should read, "if, in the opinion of either the county or the city surveyor, an error or omission "

Mr. Hampton also referred to the language at the end of Section 2, "If such surveyor is no longer professionally active in the county, the preparation and recording shall be handled by the county surveyor." This burden should not be placed on the county surveyor, but should be done by the firm in which the retired surveyor was a member. The county surveyor should do this only if no other responsible person can be found. He was also of the opinion that approval of the change should be made by the county or the city surveyor.

Next Mr. Hampton turned to Section 6, Subsection 4, on page 2. This deals with the fact that if the planning commission conditionally approves or denies a tentative map and states the reasons for denial, that if these corrections are made, the tentative map automatically becomes approved. He feels this presents problems. If this language does remain as proposed, he further suggested that the 90-day period be reduced to 30 days.

The next provision to be considered was on page 4, section 11, 1(b) "A performance bond, in an amount to be determined by the county surveyor or city surveyor is deposited." This is the amount they estimate would do the necessary monumentation. Mr. Hampton said that he would like to see the performance bond replaced by a cash deposit. Performance bonds are very difficult to collect -- bonding companies go broke daily and the fee for performance bonds is so small that it might be to the subdividers advantage to pay it. A cash deposit would eliminate the monumentation before they start selling lots. In the normal subdivision this would run around \$25.00 to \$50.00 per lot.

Mr. Midmore, representing the Builders Association, was next to testify on SB-120. Mr. Midmore reported on his conversation with Mr. Ralph Kramer who had acted as a consultant with the Southern Nevada Home Builders with regard to some of this legislation. In this particular bill, Mr. Kramer had requested that it be pointed out to the committee in section 11, subsection 1, that a performance bond had not been mandatory in the past and he was not aware of any situation where it would be. When dealing with registered land surveyors, they have a stake in maintaining a good status within the state, as any licensed professional person. He also referred to section 12, subsection 10, stating that Mr. Kramer believed the amendatory language in this section was leaving too much power in the hands of the city or county surveyor.

Chairman Gibson read a letter from the Carson River Basin Council pertaining to SB-120. There followed some discussion as to the suggested changes made by the Council.

The suggestion was made by Mr. Hampton at this point that the words be added to the end of the sentence which begins on page 7, line 15, "or re-filing of final map."

Mr. Allen of Washoe County said that they had had considerable difficulty with the 30-day time limit as set in paragraph 4. subsection (a) on page 2 of this bill. He suggested that this be changed to read either 45 or 65 days.

The next witness to appear before the committee on SB-120 was Mr. Buck, representing Daniel, Mann, Johnson & Mendenhall, who stated that he had just met with a group of surveyors in both Clark County and Washoe and they had some suggestions on this bill:

(1) Page 1, line 10, the word "county" should be changed to "state." (This refers to a registered land surveyor professionally active in one county and then moves to another county -- it should be incumbent upon him to make these necessary changes as he is professionally active within the state.)

(2) Page 2, line 11, add a paragraph 3. "No other certificates or approvals will be required prior to recording." This would better clarify the certificate requirement for this phase of the amending procedure.

(3) Page 4, line 1, suggest striking lines 1-5 and insert: "directed in writing by the county surveyor or city surveyor, as the case may be." (This would eliminate any possible conflict with the idea that the county recorder may completely recheck a map in order to record it, and leaves the authority where it belongs with the city or county surveyor.)

(4) Page 4, line 40, after "shall" insert the preface to subparagraph (c) on page 5, lines 1 and 2, so that it would read, "final monument shall meet the following minimum specifications or the county surveyor's or city surveyor's equal specifications." (This then gives the alternate to the county surveyor or the city surveyor the right to come up with equal specifications for all these things that follow, rather than just for the one portion.)

(5) On Line 43, page 4, in front of "be placed as follows," they would suggest the wording, "a minimum 5/8ths inch re-bar and cap of sufficient length to insure its durability." Then strike on line 44, "A 2 inch I.D. iron pipe," and on Line 46 "A 1 inch I.D. iron pipe," and insert the word "and."

(6) On page 5, line 11, insert the word "other," so that line 11 would read as follows: "final map, where no other monument is set or found," then strike the remainder of that paragraph and insert the words "local ordinance shall dictate." The paragraph would then read, "3. At all lot corners, angle points and curve points shown on the final map, where no other monument is set or found, local ordinance shall dictate."

(7) On page 6, line 38, delete "engineer or" so that it reads "4. A certificate by the surveyor responsible for the ..."

(8) On page 6, line 47, delete "engineer" and insert "surveyor." (This keeps the language consistent.)

(9) On page 9, commencing with line 4, subparagraph 8., after the word "unless" insert "directed in writing by the county surveyor or city surveyor, as the case may be," and strike the remainder of the paragraph as presently written.

(10) Page 10, after line 15, add: "A certificate by the city surveyor or the city surveyor be added to all records of the survey."

The group that Mr. Buck represents was primarily responsible for the drafting of this bill.

Mr. Marfisi, representing McCullough Properties, Inc., testified on SB-120. In reply to his question on page 3, section 6, Senator Swobe stated that this had been included as a stop-gap measure until the legislature could add other language that would allow the cities and counties to turn down these subdivisions, or to set up proper guidelines for them.

SB-123 Provides for seismic safety in preparation of master plans.

Senator Young again reiterated his testimony given in the previous hearing on February 7th with regard to this bill. Mr. Adams of Las Vegas again stated that the City of Las Vegas is in favor of this legislation, providing some uniform standard of rating is set up.

SB-124 Redefines subdivision in planning and zoning law.

Senator Young explained that this bill attempts to correct a deficiency which is recognized state-wide. The bill does not accomplish entirely what the sub-committee had in mind, and they are now in the process of developing some additional language which would mitigate to some extent the rigors of sub-section 2, line 22, on page 2 of the bill. Hearings were held in several cities with regard to this legislation where testimony was given to the effect that the present definition of "subdivision" makes it impossible for cities and counties to do the necessary job of controlling what is subdivision activity. At the present time, "subdivision" is defined legally as "the division of a parcel of land into five or more lots within a calendar year." (There are certain other exceptions given below that.)

This basic law was patterned after legislation recommended about 50 years ago by Hoover when he was Secretary of Commerce. At that time in the definition every division of land was considered a subdivision. We amended that to read as shown above "into 5 or more parcels." This present language permits a subdivider to divide into 4 parcels and not be subject to the subdivision laws. The committee therefore recommended that every division of land should be considered a subdivision, and the cities and counties should have the tools to supervise what has been irregular growth in the past.

Senator Young also stated that they would like to propose eliminating the "10-acre" exception. Under the law, if the land is divided into a net of 10 acres or more, then the political bodies in the county have no control except over "road, width, grade and drain." It was pointed out that as the bill presently reads, the "10-acre" exception would still exist. Senator Dodge requested Mr. Marfisi to draft the proposed new language for this section to do with those limited areas of exception that could not be circumvented for other purposes.

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Mr. Meder, Carson City Supervisor, and representing the County Commissioners Association, submitted a "Resolution" to the committee that states they are supporting this legislation and a new definition of "subdivision," a copy of which is attached hereto as Exhibit "A".

The committee also heard testimony from Mr. Sonderblom, Southern Pacific Land Company, Mr. Bowers and Mr. Milligan, representing the Nevada Association of Realtors, Mr. Marfisi, and Mr. Warren, of the Nevada Municipal Association in support of this legislation with some proposed changes in the present language.

SB-126 Makes provision for planned unit residential development in cities and counties.

Senator Young explained the purpose of this bill -- that this concerns itself mainly with the development of land as a single entity without consideration of conventional lot size, density, and so forth. A list of the suggested amendments to this bill is attached hereto as Exhibit "B".

Mr. Allen and Mr. Marfisi both suggested that the bill as it presently reads, is an "administrative nightmare" and as an example referred to the numerous deadline dates that are given in the bill. It was further stated that the local regulations are too detailed as given in this bill. Further testimony on SB-126 was heard from Mr. Adams of Las Vegas. Mr. Engstrom, representing the National Society of Professional Engineers, said that his group had observed some of the provisions in this bill were contradictory to some of the local planned unit development ordinances that are now in effect. Mr. McDonald testified that he would prefer that this not be merely enabling legislation that would leave the various Nevada communities in the dark as to the details, and actually prefers to see everything spelled out in detail, particularly with reference to the smaller counties. Mr. Higgins of the Washoe County Planning Commission spoke in favor of allowing the ordinances to be developed on the local level.

SB-127 Enables counties and cities to use hearing examiner in zoning appeals.

Senator Young submitted a list of suggested amendments to SB-127, a copy of which is attached hereto as Exhibit "C". This bill basically tries to indicate some standards for qualifications of the hearing examiner by reference to 53(a) of the Nevada Rules of Civil Procedure, and Chapter 38 of the Nevada Revised Statutes with

regard to arbitration. They also corrected something in the original bill that applied to appeals. The hearing officer should be available to the planning commission and political bodies. This is enabling legislation and cities and counties can use it, if they desire, keeping in mind that this is designed to enhance the planning process.

In reply to a question from Mr. Midmore as to the hearing officer having a knowledge of planning, Senator Young stated that he believed this was not necessary as much as the qualification to conduct a hearing, to weigh evidence, and to determine the facts that apply to the law. Mr. Allen suggested that on page 1, section 5, paragraph 2. the words "and planning commission" should be written in after the words "governing body or." Mr. Adams of Las Vegas said they would like to go on record as supporting this as "enabling" legislation which allows the local entity to place the party involved as the hearing examiner within their own jurisdiction. Mr. Bowers stated that he would like to see some qualifications stated within the bill for the hearing officer.

SB-128 Enacts Flood Plain Management Act.

Chairman Gibson read a letter from Mr. DeRicco with regard to this legislation. He would like the committee to hold any action on this until a Land Use Act which is currently being drafted is completed, and should include something in this regard.

It was called to the attention of the committee by Mr. Allen that on the 6th of March there will be a hearing on the Flood Plain Program.

SB-129 Enables cities and counties to adopt official map of public streets, watercourses and public grounds.

Senator Young submitted some proposed amendments to SB-129, a copy of which is attached hereto as Exhibit "D". This will clarify some of the language now contained in the bill, and provides a limited tool for the cities and counties.

Mr. Adams read part of a letter from the Director of Planning in the City of Las Vegas, a copy of which is attached hereto as Exhibit "E". Mr. Warren stated that the cities, since this is enabling legislation, do not take a firm stand in opposition to this bill, but feel it is not necessary and can be taken care of by the local

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entities. Mr. Allen of Washoe County and Mr. Cal Dodge of the City of Sparks both spoke in support of this legislation, stating that the basic idea is good, and that problems they have had in the past could have been avoided if this legislation had been enacted previously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Pondi,
Committee Secretary

RESOLUTION

COMPILATION OF 37 LEGISLATIVE PROPOSALS

WHEREAS, the Legislative Committee of the Nevada Association of County Commissioners has developed items for proposed legislation to be presented to the general membership of the Nevada Association of County Commissioners for consideration and development of the Association's 1973 legislative program.

NOW, THEREFORE, BE IT RESOLVED, by the general membership of the Nevada Association of County Commissioners, meeting in general session in Fallon, Nevada on December 2, 1972, that the following measures be supported by said Association and be presented to the 1973 Session of the Nevada Legislature.

28. Amend sub-division law to declare two or more lots as a sub-division in any 12 month period, intent is also a factor.

PASSED AND ADOPTED unanimously this 2nd day of December, 1972.

NEVADA ASSOCIATION OF COUNTY COMMISSIONERS

by *Robert A. Smith*
PRESIDENT

ATTEST:

John W. Meder
EXECUTIVE SECRETARY

Exhibit "A"

PROPOSED AMENDMENTS TO S.B. 126

Amend subsection 1 of section 34 and add subsections 2 and 3 to read:

1. The city or county shall, within 20 days following the conclusion of the public hearing provided for in section 33 of this act, by written resolution either:

(a) Grant tentative approval of the plan as submitted;

(b) Grant tentative approval subject to specified conditions not included in the plan as submitted; or

(c) Deny tentative approval of the plan.

Failure of the city or county to act within such period constitutes a grant of tentative approval of the plan submitted.

2. The city or county shall, as part of its resolution, designate the kind of drawings and specifications that shall accompany an application for final approval.

3. The city or county shall, as part of its resolution, require the delivery of a performance bond with the application for final approval. It shall be in an amount not to exceed the estimated value of the completed planned unit residential development and in a form satisfactory to the city or county, duly conditioned upon the completion of the plan or upon each part thereof if development is planned over a period of years. (Renumber present subsections 2 to 5, inclusive.)

Exhibit "B"

1-37

Amend subsection 6 of section 35 to read:

6. In the case of a plan which proposes development over a period of years:

1. The probability of adequate bonding capacity on the part of the landowner.

2. The sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned unit residential development in the integrity of the plan.

Amend subsection 2 of section 38 to read:

2. The application shall include the drawings, specifications, covenants, easements, conditions and performance bond directed to be supplied by the resolution adopted at the time of the tentative approval.

Amend section 43 by adding:

4. An action may be brought on the performance bond, under the terms and conditions stated therein, if the landowner fails to complete the planned unit residential development or any part thereof where development over a period of years is approved.

PROPOSED SUBSTITUTE
BILL FOR S.B. 127

[Study Draft]

SUMMARY--Enables cities, counties and planning commissions to use hearing examiners in variance and special use permit cases.

AN ACT relating to zoning; providing for the appointment of hearing examiners to process applications for variances and special use permits.

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections to , inclusive, of this act.

Sec. 2. The governing body of any county or city or any planning commission may appoint as many full-time hearing examiners as in its discretion may be necessary and appropriate to assist it in the discharge of its duties under NRS 278.010 to 278.630, inclusive, regarding the disposition of applications for zoning variances and special use permits.

Sec. 3. 1. Hearing examiners appointed under the authority of section 2 of this act shall:

(a) Have served as or possess the general qualifications requisite to appointment as master, referee, auditor, examiner or neutral arbitrator, as provided in NRCP 53(a) and chapter 38 of NRS, respectively.

(b) Possess such other qualifications as are considered necessary by the governing body or the commission.

2. Hearing examiners so appointed shall receive such compensation as is considered necessary and shall serve at the pleasure of the governing body or the commission.

Sec. 4. Upon the determination of any governing body or the commission that a hearing examiner is to be employed and before any hearings are conducted utilizing his services, an ordinance shall be enacted setting forth rules of procedure for the processing and hearing of applications for zoning variances and special use permits and for the review of any decisions affecting such applications.

Sec. 5. 1. Any ordinance enacted pursuant to the provisions of section 4 of this act shall provide, in substance, the same notice of hearing and conduct of hearing safeguards as are required by chapter 233B of NRS for contested cases.

2. Provision in any such ordinance shall be made for transmittal to the governing body, zoning board of adjustment or the commission of the hearing examiner's written report. The report shall include:

(a) Findings directed to each issue raised at the hearing and sufficient to support the recommendations made by the hearing examiner.

(b) Recommendations of approval, denial or other disposition of the application for zoning variance or special use permit.

(c) Reasons supporting the recommendations.

Sec. 6. 1. Any ordinance enacted pursuant to the provisions of section 4 of this act may provide a reasonable fee schedule for the services of such hearing examiner.

2. Any such fee schedule may make provision for the charge to be made for furnishing transcripts of the hearing.

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BILL FOR S.B. 127

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Sec. 3. 1. Hearing examiners appointed under the authority of section 2 of this act shall:

(a) Have served as or possess the general qualifications requisite to appointment as master, referee, auditor, examiner or neutral arbitrator, as provided in NRCP 53(a) and chapter 38 of NRS, respectively.

Exhibit "D" F 102

(c) Reasons supporting the recommendations.

Sec. 6. 1. Any ordinance enacted pursuant to the provisions of section 4 of this act may provide a reasonable fee schedule for the services of such hearing examiner.

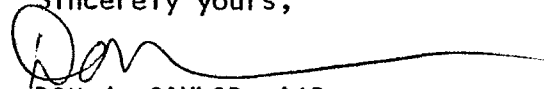
2. Any such fee schedule may make provision for the charge to be made for furnishing transcripts of the hearing.

copy

S.B. 129 - Section 7, paragraph 2, line 41 stipulates a one-year limit from the time a letter is submitted by a property owner announcing his intention to build or develop land. Our attorneys have rules that two years from adoption of such a plan is a reasonable period of time in which to deny utilization of the land without acquiring it. This provision conceivably could cut this time down to one year if somebody announced their intention immediately upon adoption of such a plan or could act in the reverse and allow the City to deny development for more than two years if the owner did not announce his intention until the plan had been in effect the two years described as "a reasonable length of time"; therefore, I believe the one year period could act adversely both against the City and/or the property owner depending on the circumstances. I believe that the two year period has been accepted generally, therefore, I would propose that the wording be changed to read that if the governing body has not acquired the property or begun condemnation proceedings within two years after adoption of the plan, the governing body shall either amend the plan or allow the development of the land. There may be some conflict between S.B. 129 and S.B. 128 because I interpret S.B. 128 as allowing the City to adopt a flood control plan which could delineate flood plains and flood lanes and deny the use of land in these areas without any compensation to the owner whereas S.B. 129 deals with water courses and prohibits denial of the use of land without compensation.

S.B. 130 - NO COMMENT.

Sincerely yours,



DON J. SAYLOR, AIP
Director of Planning
Coordinator of Urban Renewal

DJS:kt

Attachments

Exhibit "E"

S. B. 120

SENATE BILL NO. 120—SENATORS YOUNG AND SWOBE

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Makes technical changes in surveying and mapping provisions affecting subdivision of land. Fiscal Note: No. (BDR 22-552)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to subdivision of land; making certain technical changes in the procedures affecting surveying and mapping; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 278 of NRS is hereby amended by adding
2 thereto the provisions, set forth as sections 2 to 5, inclusive, of this act.
3 SEC. 2. 1. *If an error or omission in any recorded subdivision plat,*
4 *record of survey or reversionary map is discovered by a county surveyor*
5 *or is accurately reported to him, an amended plat, survey or map, cor-*
6 *recting such error or supplying such omission, shall be prepared and*
7 *recorded within 90 days of such discovery or report. The registered land*
8 *surveyor who made the survey shall prepare and record the amended*
9 *plat, survey or map. If such surveyor is no longer professionally active in*
10 *the county, the preparation and recording shall be handled by the county*
11 *surveyor.*
12 2. *The county surveyor shall send written notice to all persons having*
13 *any record title interest in the property affected by such amendments.*
14 *Mailing shall be to the last-known address of such persons, which shall*
15 *be supplied by the registered land surveyor or obtained from him.*
16 SEC. 3. *The amended plat, survey or map shall:*
17 1. *Be an exact size and scale reproduction on linen of the plat, sur-*
18 *vey or map being amended.*
19 2. *Have the phrase "Amended Plate of" prominently displayed on*
20 *each sheet above the tract number or subdivision name, record of survey*
21 *title or reversionary map title, as the case may be.*
22 3. *Have a blank margin for the county recorder's indexing informa-*
23 *tion.*
24 4. *Have a 3-inch by 3-inch square adjacent to and on the left side*
25 *of the existing square for the county recorder's information and stamp.*

Original bill is 10 pages long.
Contact the Research Library for
a copy of the complete bill.

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 123

SENATE BILL NO. 123—SENATORS YOUNG, HECHT,
SWOBE, RAGGIO AND WILSON

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides for seismic safety in preparation of master plans.
Fiscal Note: No. (BDR 22-320)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT to amend NRS 278.160, relating to master plans, by adding as a category
in the overall master plan a seismic safety plan.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 278.160 is hereby amended to read as follows:

2 278.160 1. The master plan, with the accompanying maps, dia-
3 grams, charts, descriptive matter and reports, shall include such of the
4 following subject matter or portions thereof as are appropriate to the city,
5 county or region, and as may be made the basis for the physical develop-
6 ment thereof:

7 (a) Community design. Standards and principles governing the sub-
8 division of land and suggestive patterns for community design and devel-
9 opment.

10 (b) Conservation plan. For the conservation, development and utili-
11 zation of natural resources, including water and its hydraulic force, for-
12 ests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
13 and other natural resources. The plan shall also cover the reclamation
14 of land and waters, flood control, prevention and control of the pollution
15 of streams and other waters, regulation of the use of land in stream
16 channels and other areas required for the accomplishment of the conser-
17 vation plan, prevention, control and correction of the erosion of soils,
18 beaches, and shores, and protection of watersheds.

19 (c) Economic plan. Showing recommended schedules for the alloca-
20 tion and expenditure of public funds in order to provide for the econom-
21 ical and timely execution of the various components of the plan.

22 (d) Housing. Survey of housing conditions and needs and plans and
23 procedure for improvement of housing standards and for the provision of
24 adequate housing.

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

1-100

SENATE BILL NO. 124—SENATORS YOUNG, HECHT,
SWOBE, WILSON AND RAGGIO

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Redefines subdivision in planning and zoning law.
Fiscal Note: No. (BDR 22-319)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to planning and zoning; redefining subdivision; making special provision for certain small subdivisions; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 117.120 is hereby amended to read as follows:
2 117.120 1. A condominium project consisting of ~~five~~ *four* or
3 more units shall be deemed to be a subdivision of land within the mean-
4 ing of NRS 278.320, but only NRS 278.330, 278.340, 278.350, 278.
5 360, 278.370, 278.380, 278.390, subsection 1 of NRS 278.400,
6 subsections 1, 2, 3, 4, ~~5~~, 7, 8, 9 and 10 of NRS 278.410 and NRS
7 278.420, 278.430, 278.450, 278.460, 278.470, 278.480 and 278.490
8 shall be applicable to such condominium projects.

9 2. A condominium project consisting of ~~four~~ *three* units or less
10 shall be deemed to be a subdivision within the meaning of NRS 278.500,
11 but only NRS 278.500, 278.510, 278.530, 278.540, 278.550 and ~~sub-~~
12 ~~section 1 of NRS~~ 278.560 shall be applicable to such condominium
13 projects.

14 3. Tentative or final maps or records of survey required to be pre-
15 pared and recorded by any of the statutory sections listed in subsections 1
16 and 2 of this section shall conform with the requirements of NRS 117.020.
17 The sections of NRS listed in subsections 1 and 2 of this section and all
18 other sections of NRS which are deemed applicable to condominiums or
19 condominium projects shall be liberally construed to avoid unreasonable
20 and unduly technical application of such sections to condominiums and
21 condominium projects, and to encourage the establishment of condomin-
22 iums and condominium projects in Nevada.

23 SEC. 2. NRS 278.320 is hereby amended to read as follows:

24 278.320 1. "Subdivision" refers to any land ~~or~~ *or* portion thereof,
25 shown on the last preceding tax roll as a unit or as contiguous units,

S. B. 126

SENATE BILL NO. 126—SENATORS YOUNG, HECHT,
SWOBE, WILSON AND RAGGIO

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Makes provision for planned unit residential development in
cities and counties. Fiscal Note: No. (BDR 22-553)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to land development; enabling cities and counties to provide
by ordinance for planned unit residential development within their jurisdictions
and grant applications for such in proper cases; and providing other matters
properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. Title 22 of NRS is hereby amended by adding thereto
2 a new chapter to consist of the provisions set forth as sections 2 to 45,
3 inclusive, of this act.

4 SEC. 2. This chapter may be cited as the Planned Unit Development
5 Law.

6 SEC. 3. In order that the public health, safety, morals and general
7 welfare be furthered in an era of increasing urbanization and of growing
8 demand for housing of all types and design; and in order to encourage
9 a more efficient use of land, public services or private services in lieu
10 thereof; to reflect changes in the technology of land development so that
11 resulting economies may be made available to those who need homes;
12 to insure that increased flexibility of substantive regulations over land
13 development authorized in this chapter be administered in such a way
14 as to encourage the disposition of proposals for land development without
15 undue delay, the provisions of this chapter are created for the use of
16 cities and counties in the adoption of the necessary ordinances.

17 SEC. 4. As used in this chapter, unless the context otherwise requires,
18 the words and terms defined in sections 5 to 8, inclusive, of this act, have
19 the meanings ascribed to them in such sections.

20 SEC. 5. "Common open space" means a parcel or parcels of land or
21 an area of water or a combination of land and water within the site
22 designated for a planned unit residential development which is designed

SENATE BILL NO. 127—SENATORS YOUNG AND SWOBE

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Enables counties and cities to use hearing examiners in zoning appeals. Fiscal Note: No. (BDR 22-555)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to zoning appeals; enabling counties and cities to utilize hearing examiners in the review of decisions affecting variances and special use permits; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 278 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 SEC. 2. *The governing body of any county or city may appoint as*
- 4 *many full-time hearing examiners as in its discretion may be necessary*
- 5 *and appropriate to assist it in the discharge of its duties under NRS*
- 6 *278.010 to 278.630, inclusive, regarding the review of decisions made*
- 7 *affecting zoning variances and special use permits.*
- 8 SEC. 3. 1. *Hearing examiners appointed under the authority of sec-*
- 9 *tion 2 of this act shall possess the qualifications and receive such compen-*
- 10 *sation as is considered necessary by the governing body.*
- 11 2. *Hearing examiners shall serve at the pleasure of the governing*
- 12 *body.*
- 13 SEC. 4. *Upon the determination of any governing body that a hearing*
- 14 *examiner is to be employed and before any hearings are conducted utiliz-*
- 15 *ing his services, an ordinance shall be enacted setting forth rules of pro-*
- 16 *cedure for the processing and hearing of applications for the review of*
- 17 *decisions made affecting zoning variances and special use permits.*
- 18 SEC. 5. 1. *Any ordinance enacted pursuant to the provisions of sec-*
- 19 *tion 4 shall provide, in substance, the same notice of hearing and conduct*
- 20 *of hearing safeguards required by chapter 233B of NRS for contested*
- 21 *cases.*
- 22 2. *Provision in any such ordinance shall be made for the transmittal*
- 23 *to the governing body or zoning board of adjustment of the hearing*
- 24 *examiner's written report. The report shall include:*
- 25 (a) *Findings;*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 128—SENATORS YOUNG, HECHT,
SWOBE, WILSON AND RAGGIO

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Enacts Flood Plain Management Act.
Fiscal Note: No. (BDR 48-321)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to public health and safety; providing for statewide flood plain management; requiring the director of the department of conservation and natural resources to coordinate local, state and federal flood plain management activities; providing for the adoption of local ordinances; providing for injunctive relief; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Title 48 of NRS is hereby amended by adding thereto a
2 new chapter, to consist of the provisions set forth as sections 2 to 21,
3 inclusive, of this act.
- 4 SEC. 2. This act may be cited as the Flood Plain Management Act.
- 5 SEC. 3. The legislature finds and declares that:
- 6 1. A portion of the state's land resource is subject to recurrent flood-
7 ing by overflowing of streams and other watercourses, causing loss of life
8 and property, disruption of commerce and governmental services, unsan-
9 itary conditions, and interruption of transportation and communications,
10 all of which are detrimental to the health, safety, welfare and property of
11 the occupants of flooded lands and the people of this state.
- 12 2. The public interest necessitates sound land use development as
13 land is a limited and irreplaceable resource, and the flood plains of this
14 state are a land resource to be developed in a manner which will result
15 in minimum loss of life and threat to health and reduction of private and
16 public economic loss caused by flooding.
- 17 SEC. 4. It is the policy of this state and the purpose of this act to
18 guide development of the flood plains of this state consistent with the
19 enumerated legislative findings so that there may be provision for:
- 20 1. State coordination and assistance to local governmental units in
21 flood plain management.
- 22 2. Encouragement of local governmental units to adopt, enforce and
23 administer sound flood plain management ordinances.

Original bill is 4 pages long.
Contact the Research Library for
a copy of the complete bill.

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SENATE BILL NO. 129—SENATORS YOUNG AND SWOBE

JANUARY 30, 1973

Referred to Committee on Federal, State and Local Governments

SUMMARY—Enables cities and counties to adopt official map of public streets, watercourses and public grounds. Fiscal Note: No. (BDR 22-549)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public planning; enabling cities and counties to adopt surveys of existing and proposed public streets, watercourses and public grounds as the official map; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 278 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this act.
3 SEC. 2. 1. *The governing body of each city or county may make or*
4 *cause to be made surveys of the exact location of the lines of existing and*
5 *proposed public streets, watercourses and public grounds, including wid-*
6 *enings, narrowings, extensions, diminutions, openings or closings, for the*
7 *whole of the city or county and, by ordinance, adopt such surveys as the*
8 *official map or part thereof of the city or county.*
9 2. *The governing body, by amending ordinances, may make additions*
10 *or modifications to the official map or part thereof by adopting surveys of*
11 *the exact location of the lines of the public streets, watercourses or public*
12 *grounds to be so added or modified, and may also vacate any existing or*
13 *proposed public street, watercourse or public ground contained in the*
14 *official map or part thereof.*
15 SEC. 3. 1. *Prior to the adoption of any survey of existing or proposed*
16 *public streets, watercourses or public grounds as the official map or part*
17 *thereof, or any amendments to the official map, the governing body shall*
18 *refer such surveys and amendments to the appropriate planning commis-*
19 *sion for review.*
20 2. *The planning commission shall report its recommendations on*
21 *such proposed official map, part thereof or amendment thereto within 40*
22 *days, unless an extension of time is agreed to by the governing body.*
23 *Before voting on the adoption of any proposed official map, part thereof*
24 *or amendment thereto, the governing body shall hold a public hearing*
25 *thereon. Notice of such public hearing shall be given by publication in a*

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

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