

SENATE BILL NO. 176—COMMITTEE ON GOVERNMENT AFFAIRS  
(ON BEHALF OF WASHOE COUNTY)

FEBRUARY 20, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding planning and zoning. (BDR 22-583)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to land use planning; requiring the retention of certain information regarding notice provided for certain hearings; revising the requirements governing notice of a hearing regarding the amendment to a zoning boundary; revising the date by which a subdivider must present successive maps in a series of final maps; 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 a new section to read as follows:  
3     *If a governing body or other entity causes notice of a hearing*  
4     *to be provided pursuant to NRS 278.0215, 278.147, 278.260,*  
5     *278.315, 278.4789 or 278.480, the governing body or other entity*  
6     *shall retain:*  
7     1. *A copy of the notice;*  
8     2. *A list of the persons or governmental entities to which the*  
9     *notice was addressed; and*  
10    3. *A record of the date on which the notice was deposited in*  
11    *the United States mail, postage prepaid, or, if applicable, sent by*  
12    *electronic means.*



\* S B 1 7 6 R 2 \*

1       **Sec. 2.** NRS 278.010 is hereby amended to read as follows:  
2       278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
3 *section 1 of this act*, unless the context otherwise requires, the  
4 words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
5 have the meanings ascribed to them in those sections.

6       **Sec. 3.** NRS 278.260 is hereby amended to read as follows:  
7       278.260 1. The governing body shall provide for the manner  
8 in which zoning regulations and restrictions and the boundaries of  
9 zoning districts are determined, established, enforced and amended.

10       2. A zoning regulation, restriction or boundary , or an  
11 amendment thereto , must not become effective until after  
12 transmittal of a copy of the relevant application to the town board,  
13 citizens' advisory council or town advisory board pursuant to  
14 subsection 5, if applicable, and after a public hearing at which  
15 parties in interest and other persons have an opportunity to be heard.  
16 The governing body shall cause notice of the time and place of the  
17 hearing to be:

18       (a) Published in an official newspaper, or a newspaper of  
19 general circulation, in the city, county or region; and

20       (b) Mailed to each tenant of a mobile home park if that park is  
21 located within 300 feet of the property in question, at least 10 days  
22 before the hearing.

23       3. If a proposed amendment involves a change in the boundary  
24 of a zoning district in a county whose population is less than  
25 ~~400,000,~~ *100,000*, the governing body shall, to the extent this  
26 notice *does not duplicate* the notice required by subsection 2, cause  
27 a notice *of the hearing* to be sent at least 10 days before the hearing  
28 to:

29       (a) The applicant;

30       (b) Each owner, as listed on the county assessor's records, of  
31 real property located within 300 feet of the portion of the boundary  
32 being changed;

33       (c) The owner, as listed on the county assessor's records, of each  
34 of the 30 separately owned parcels nearest to the portion of the  
35 boundary being changed, to the extent this notice does not duplicate  
36 the notice given pursuant to paragraph (b); and

37       (d) Any advisory board which has been established for the  
38 affected area by the governing body.

39 The notice must be sent by mail or, if requested by a party to whom  
40 notice must be provided pursuant to paragraphs (a) to (d), inclusive,  
41 by electronic means if receipt of such an electronic notice can be  
42 verified, and *must* be written in language which is easy to  
43 understand. The notice must set forth the time, place and purpose of  
44 the hearing and a physical description of ~~it~~ or a map detailing ~~it~~ the  
45 proposed change, must indicate the existing zoning designation ~~it~~



1 and the proposed zoning designation ~~§~~ of the property in question,  
2 and must contain a brief summary of the intent of the proposed  
3 change. If the proposed amendment involves a change in the  
4 boundary of the zoning district that would reduce the density or  
5 intensity with which a parcel of land may be used, the notice must  
6 include a section that an owner of property may complete and return  
7 to the governing body to indicate his approval of or opposition to  
8 the proposed amendment.

9 4. If a proposed amendment involves a change in the boundary  
10 of a zoning district in a county whose population is ~~400,000~~  
11 **100,000** or more, the governing body shall, to the extent this notice  
12 does not duplicate the notice required by subsection 2, cause a  
13 notice *of the hearing* to be sent at least 10 days before the hearing  
14 to:

- 15 (a) The applicant;
- 16 (b) Each owner, as listed on the county assessor’s records, of  
17 real property located within ~~500~~ **750** feet of the portion of the  
18 boundary being changed;
- 19 (c) The owner, as listed on the county assessor’s records, of each  
20 of the 30 separately owned parcels nearest to the portion of the  
21 boundary being changed, to the extent this notice does not duplicate  
22 the notice given pursuant to paragraph (b); ~~and~~
- 23 (d) *Each tenant of a mobile home park if that park is located*  
24 *within 750 feet of the property in question; and*
- 25 (e) Any advisory board which has been established for the  
26 affected area by the governing body.

27 The notice must be sent by mail or, if requested by a party to whom  
28 notice must be provided pursuant to paragraphs (a) to ~~(d)~~ (e),  
29 inclusive, by electronic means if receipt of such an electronic notice  
30 can be verified, and *must* be written in language which is easy to  
31 understand. The notice must set forth the time, place and purpose of  
32 the hearing and a physical description of ~~§~~ or a map detailing ~~§~~ the  
33 proposed change, must indicate the existing zoning designation ~~§~~  
34 and the proposed zoning designation ~~§~~ of the property in question,  
35 and must contain a brief summary of the intent of the proposed  
36 change. If the proposed amendment involves a change in the  
37 boundary of the zoning district that would reduce the density or  
38 intensity with which a parcel of land may be used, the notice must  
39 include a section that an owner of property may complete and return  
40 to the governing body to indicate his approval of or opposition to  
41 the proposed amendment.

42 5. If an application is filed with the governing body and the  
43 application involves a change in the boundary of a zoning district  
44 within an unincorporated town that is located more than 10 miles  
45 from an incorporated city, the governing body shall, at least 10 days



1 before the hearing on the application is held pursuant to subsection  
2 2, transmit a copy of any information pertinent to the application to  
3 the town board, citizens' advisory council or town advisory board,  
4 whichever is applicable, of the unincorporated town. The town  
5 board, citizens' advisory council or town advisory board may make  
6 recommendations regarding the application and submit its  
7 recommendations before the hearing on the application is held  
8 pursuant to subsection 2. The governing body or other authorized  
9 person or entity conducting the hearing shall consider any  
10 recommendations submitted by the town board, citizens' advisory  
11 council or town advisory board regarding the application and, within  
12 10 days after making its decision on the application, *shall* transmit a  
13 copy of its decision to the town board, citizens' advisory council or  
14 town advisory board.

15 6. ~~HH~~ *In a county whose population is 400,000 or more, if* a  
16 notice is required to be sent pursuant to subsection 4:

- 17 (a) The exterior of a notice sent by mail; or  
18 (b) The cover sheet, heading or subject line of a notice sent by  
19 electronic means,  
20 must bear a statement , in at least 10-point bold type or font , in  
21 substantially the following form:

22  
23 OFFICIAL NOTICE OF PUBLIC HEARING  
24

25 7. In addition to sending the notice required pursuant to  
26 subsection 4, in a county whose population is 400,000 or more, the  
27 governing body shall, not later than 10 days before the hearing, erect  
28 or cause to be erected on the property, at least one sign not less than  
29 2 feet high and 2 feet wide. The sign must be made of material  
30 reasonably calculated to withstand the elements for 40 days.  
31 The governing body must be consistent in its use of colors for the  
32 background and lettering of the sign. The sign must include the  
33 following information:

- 34 (a) The existing zoning designation of the property in question;  
35 (b) The proposed zoning designation of the property in question;  
36 (c) The date, time and place of the public hearing;  
37 (d) A telephone number which may be used by interested  
38 persons to obtain additional information; and  
39 (e) A statement which indicates whether the proposed zoning  
40 designation of the property in question complies with the  
41 requirements of the master plan of the city or county in which the  
42 property is located.

43 8. A sign required pursuant to subsection 7 is for informational  
44 purposes only, and must be erected regardless of any local ordinance



1 regarding the size, placement or composition of signs to the  
2 contrary.

3 9. A governing body may charge an additional fee for each  
4 application to amend an existing zoning regulation, restriction or  
5 boundary to cover the actual costs resulting from the mailed notice  
6 required by this section and the erection of not more than one of the  
7 signs required by subsection 7, if any. The additional fee is not  
8 subject to the limitation imposed by NRS 354.5989.

9 10. The governing body shall remove or cause to be removed  
10 any sign required by subsection 7 within 5 days after the final  
11 hearing for the application for which the sign was erected. There  
12 must be no additional charge to the applicant for such removal.

13 11. If a proposed amendment involves a change in the  
14 boundary of a zoning district in a county whose population is  
15 400,000 or more that would reduce the density or intensity with  
16 which a parcel of land may be used and at least 20 percent of the  
17 property owners to whom notices were sent pursuant to subsection 4  
18 indicate in their responses opposition to the proposed amendment,  
19 the governing body shall not approve the proposed amendment  
20 unless the governing body:

21 (a) Considers separately the merits of each aspect of the  
22 proposed amendment to which the owners expressed opposition;  
23 and

24 (b) Makes a written finding that the public interest and necessity  
25 will be promoted by approval of the proposed amendment.

26 12. The governing body of a county whose population is  
27 400,000 or more shall not approve a zoning regulation, restriction or  
28 boundary, or an amendment thereof, that affects any unincorporated  
29 area of the county that is surrounded completely by the territory of  
30 an incorporated city without sending a notice to the governing body  
31 of the city. The governing body of the city, or its designee, must  
32 submit any recommendations to the governing body of the county  
33 within 15 days after receiving the notice. The governing body of the  
34 county shall consider any such recommendations. If the governing  
35 body of the county does not accept a recommendation, the  
36 governing body of the county, or its authorized agent, shall specify  
37 for the record the reasons for its action.

38 **Sec. 4.** NRS 278.315 is hereby amended to read as follows:

39 278.315 1. The governing body may provide by ordinance  
40 for the granting of variances, special use permits, conditional use  
41 permits or other special exceptions by the board of adjustment, the  
42 planning commission or a hearing examiner appointed pursuant to  
43 NRS 278.262. The governing body may impose this duty entirely on  
44 the board, commission or examiner, respectively, or provide for the  
45 granting of enumerated categories of variances, special use permits,



1 conditional use permits or special exceptions by the board,  
2 commission or examiner.

3 2. A hearing to consider an application for the granting of a  
4 variance, special use permit, conditional use permit or special  
5 exception must be held before the board of adjustment, planning  
6 commission or hearing examiner within 65 days after the filing of  
7 the application, unless a longer time or a different process of review  
8 is provided in an agreement entered into pursuant to NRS 278.0201.

9 3. In a county whose population is less than 100,000, notice  
10 setting forth the time, place and purpose of the hearing must be sent  
11 at least 10 days before the hearing to:

12 (a) The applicant;

13 (b) Each owner of real property, as listed on the county  
14 assessor's records, located within 300 feet of the property in  
15 question;

16 (c) If a mobile home park is located within 300 feet of the  
17 property in question, each tenant of that mobile home park; and

18 (d) Any advisory board which has been established for the  
19 affected area by the governing body.

20 4. Except as otherwise provided in subsection 7, in a county  
21 whose population is 100,000 or more, a notice setting forth the time,  
22 place and purpose of the hearing must be sent at least 10 days before  
23 the hearing to:

24 (a) The applicant;

25 (b) If the application is for a deviation of at least 10 percent but  
26 not more than 30 percent from a standard for development:

27 (1) Each owner, as listed on the county assessor's records, of  
28 real property located within 100 feet of the property in question; and

29 (2) Each tenant of a mobile home park located within 100  
30 feet of the property in question;

31 (c) If the application is for a special use permit or a deviation of  
32 more than 30 percent from a standard for development:

33 (1) Each owner, as listed on the county assessor's records, of  
34 real property located within 500 feet of the property in question;

35 (2) The owner, as listed on the county assessor's records, of  
36 each of the 30 separately owned parcels nearest the property in  
37 question, to the extent this notice does not duplicate the notice given  
38 pursuant to subparagraph (1); and

39 (3) Each tenant of a mobile home park located within 500  
40 feet of the property in question;

41 (d) If the application is for ~~fa change in zoning or~~ a project of  
42 regional significance, as that term is described in NRS 278.02542:

43 (1) Each owner, as listed on the county assessor's records, of  
44 real property located within 750 feet of the property in question;



1 (2) The owner, as listed on the county assessor's records, of  
2 each of the 30 separately owned parcels nearest the property in  
3 question, to the extent this notice does not duplicate the notice given  
4 pursuant to subparagraph (1); and

5 (3) Each tenant of a mobile home park located within 750  
6 feet of the property in question; and

7 (e) Any advisory board which has been established for the  
8 affected area by the governing body.

9 5. If an application is filed with the governing body for the  
10 issuance of a special use permit with regard to property situated  
11 within an unincorporated town that is located more than 10 miles  
12 from an incorporated city, the governing body shall, at least 10 days  
13 before the hearing on the application is held pursuant to subsection  
14 2, transmit a copy of any information pertinent to the application to  
15 the town board, citizens' advisory council or town advisory board,  
16 whichever is applicable, of the unincorporated town. The town  
17 board, citizens' advisory council or town advisory board may make  
18 recommendations regarding the application and submit its  
19 recommendations before the hearing on the application is held  
20 pursuant to subsection 2. The governing body or other authorized  
21 person or entity conducting the hearing shall consider any  
22 recommendations submitted by the town board, citizens' advisory  
23 council or town advisory board regarding the application and, within  
24 10 days after making its decision on the application, *shall* transmit a  
25 copy of its decision to the town board, citizens' advisory council or  
26 town advisory board.

27 6. An applicant or a protestant may appeal a decision of the  
28 board of adjustment, planning commission or hearing examiner in  
29 accordance with the ordinance adopted pursuant to NRS 278.3195.

30 7. In a county whose population is 400,000 or more, if the  
31 application is for the issuance of a special use permit for an  
32 establishment which serves alcoholic beverages for consumption on  
33 or off of the premises as its primary business in a district which is  
34 not a gaming enterprise district as defined in NRS 463.0158, the  
35 governing body shall, at least 10 days before the hearing:

36 (a) Send a notice setting forth the time, place and purpose of the  
37 hearing to:

38 (1) The applicant;

39 (2) Each owner, as listed on the county assessor's records, of  
40 real property located within 1,500 feet of the property in question;

41 (3) The owner, as listed on the county assessor's records, of  
42 each of the 30 separately owned parcels nearest the property in  
43 question, to the extent this notice does not duplicate the notice given  
44 pursuant to subparagraph (2);



1 (4) Each tenant of a mobile home park located within 1,500  
2 feet of the property in question; and  
3 (5) Any advisory board which has been established for the  
4 affected area by the governing body; and  
5 (b) Erect or cause to be erected on the property, at least one sign  
6 not less than 2 feet high and 2 feet wide. The sign must be made of  
7 material reasonably calculated to withstand the elements for 40  
8 days. The governing body must be consistent in its use of colors for  
9 the background and lettering of the sign. The sign must include the  
10 following information:  
11 (1) The existing permitted use and zoning designation of the  
12 property in question ;  
13 (2) The proposed permitted use of the property in question;  
14 (3) The date, time and place of the public hearing; and  
15 (4) A telephone number which may be used by interested  
16 persons to obtain additional information.  
17 8. A sign required pursuant to subsection 7 is for informational  
18 purposes only, and must be erected regardless of any local ordinance  
19 regarding the size, placement or composition of signs to the  
20 contrary.  
21 9. A governing body may charge an additional fee for each  
22 application for a special use permit to cover the actual costs  
23 resulting from the erection of not more than one sign required by  
24 subsection 7, if any. The additional fee is not subject to the  
25 limitation imposed by NRS 354.5989.  
26 10. The governing body shall remove or cause to be removed  
27 any sign required by subsection 7 within 5 days after the final  
28 hearing for the application for which the sign was erected. There  
29 must be no additional charge to the applicant for such removal.  
30 11. The notice required to be provided pursuant to subsections  
31 3, 4 and 7 must be sent by mail or, if requested by a party to whom  
32 notice must be provided pursuant to those subsections, by electronic  
33 means if receipt of such an electronic notice can be verified, and  
34 *must* be written in language which is easy to understand. The notice  
35 must set forth the time, place and purpose of the hearing and a  
36 physical description or map of the property in question.  
37 12. The provisions of this section do not apply to an  
38 application for a conditional use permit filed pursuant to  
39 NRS 278.147.  
40 **Sec. 5.** NRS 278.360 is hereby amended to read as follows:  
41 278.360 1. Unless a longer time is provided in an agreement  
42 entered into pursuant to NRS 278.0201:  
43 (a) Unless the time is extended, the subdivider shall present to  
44 the governing body, or the planning commission or the director of  
45 planning or other authorized person or agency if authorized to take





1 final action by the governing body, within 2 years after the approval  
2 of a tentative map:

3 (1) A final map, prepared in accordance with the tentative  
4 map, for the entire area for which a tentative map has been  
5 approved; or

6 (2) The first of a series of final maps covering a portion of  
7 the approved tentative map. If the subdivider elects to present a  
8 successive map in a series of final maps, each covering a portion of  
9 the approved tentative map, the subdivider shall present to the  
10 governing body, or the planning commission or the director of  
11 planning or other authorized person or agency if authorized to take  
12 final action by the governing body, on or before the anniversary of  
13 the date on which the subdivider ~~presented to that entity for~~  
14 ~~recording~~ recorded the first in the series of final maps:

15 (I) A final map, prepared in accordance with the tentative  
16 map, for the entire area for which the tentative map has been  
17 approved; or

18 (II) The next final map in the series of final maps  
19 covering a portion of the approved tentative map.

20 (b) If the subdivider fails to comply with the provisions of  
21 paragraph (a), all proceedings concerning the subdivision are  
22 terminated.

23 (c) The governing body or planning commission may grant an  
24 extension of not more than 1 year for the presentation of any final  
25 map after the 1-year period for presenting a successive final map has  
26 expired.

27 2. If the subdivider is presenting in a timely manner a series of  
28 final maps, each covering a portion of the approved tentative map,  
29 no requirements other than those imposed on each of the final maps  
30 in the series may be placed on the map when an extension of time is  
31 granted unless the requirement is directly attributable to a change in  
32 applicable laws which affect the public health, safety or welfare.

