

SENATE BILL NO. 181—SENATOR CARE

FEBRUARY 20, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to amendment of master plans and redevelopment plans. (BDR 22-992)

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 that notice of a public hearing to be held on a proposed amendment to a master plan or a part thereof must be sent by mail to certain owners of real property; revising provisions relating to the amendment of a redevelopment plan; 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 278.210 is hereby amended to read as follows:
- 2 278.210 1. Before adopting the master plan or any part of it
- 3 in accordance with NRS 278.170, or any ~~substantial~~ amendment
- 4 thereof, the commission shall hold at least one public hearing
- 5 thereon, notice of the *date*, time and place of which must be given at
- 6 least by one publication in a newspaper of general circulation in the
- 7 city or county, or in the case of a regional planning commission, by
- 8 one publication in a newspaper in each county within the regional
- 9 district, at least 10 days before the ~~day of the~~ hearing.
- 10 2. *In addition to the notice published pursuant to subsection*
- 11 *1, the commission shall cause a notice of hearing on a proposed*
- 12 *amendment to the master plan or any part thereof to be sent by*
- 13 *mail at least 10 days before the hearing to each owner of real*
- 14 *property, as listed on the county assessor’s records, whom the*
- 15 *commission determines is likely to be directly affected by the*
- 16 *proposed amendment. Such notice must:*



1 (a) *Set forth the date, time, place and purpose of the hearing*
2 *and a physical description of, or a map detailing, the proposed*
3 *amendment; and*

4 (b) *Contain a brief summary of the intent of the proposed*
5 *amendment.*

6 3. The adoption of the master plan ~~[]~~ *or any part thereof*, or of
7 any amendment ~~[]~~ *thereof, including, without limitation, any*
8 *extension of or addition to the master plan or any part thereof*,
9 must be by resolution of the commission carried by the affirmative
10 votes of not less than two-thirds of the total membership of the
11 commission. The resolution must refer expressly to the maps,
12 descriptive matter and other matter intended by the commission to
13 constitute the plan or any amendment ~~[, addition or extension]~~
14 thereof, and the action taken must be recorded on the map and plan
15 and descriptive matter by the identifying signatures of the secretary
16 and chairman of the commission.

17 ~~[3.]~~ 4. No plan or map, hereafter, may have indicated thereon
18 that it is a part of the master plan until it has been adopted as part of
19 the master plan by the commission as herein provided for the
20 adoption thereof, whenever changed conditions or further studies by
21 the commission require such amendments. ~~[, extension or addition].~~

22 ~~4.]~~ 5. Except as otherwise provided in this subsection, the
23 commission shall not amend the land use plan of the master plan set
24 forth in paragraph (f) of subsection 1 of NRS 278.160, or any
25 portion of such a land use plan, more than four times in a calendar
26 year. The provisions of this subsection do not apply to a change in
27 the land use designated for a particular area if the change does not
28 affect more than 25 percent of the area.

29 ~~[5.]~~ 6. An attested copy of any part ~~[, amendment, extension of~~
30 ~~or addition]~~ *of or amendment* to the master plan adopted by the
31 planning commission of any city, county or region in accordance
32 with NRS 278.170 must be certified to the governing body of the
33 city, county or region. The governing body of the city, county or
34 region may authorize such certification by electronic means.

35 ~~[6.]~~ 7. An attested copy of any part ~~[, amendment, extension of~~
36 ~~or addition]~~ *of or amendment* to the master plan adopted by any
37 regional planning commission must be certified to the county
38 planning commission and to the board of county commissioners of
39 each county within the regional district. The county planning
40 commission and board of county commissioners may authorize such
41 certification by electronic means.

42 **Sec. 2.** NRS 278.220 is hereby amended to read as follows:
43 278.220 **1.** Except as otherwise provided in subsection 4 of
44 NRS 278.150:



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

6 ~~[2.]~~ (b) The parts must thereupon be endorsed and certified as
7 master plans thus adopted for the territory covered, and are hereby
8 declared to be established to conserve and promote the public
9 health, safety and general welfare.

10 ~~[3.]~~ 2. Before adopting any *master* plan or *any* part thereof, *or*
11 *any amendment thereof*, the governing body shall hold at least one
12 public hearing thereon, notice of the *date*, time and place of which
13 must be published at least once in a newspaper of general circulation
14 in the city or counties at least 10 days before the ~~[day of]~~ hearing.

15 3. *In addition to the notice published pursuant to subsection*
16 *2, the governing body shall cause a notice of hearing on a*
17 *proposed amendment to the master plan or any part thereof to be*
18 *sent by mail at least 10 days before the hearing to each owner of*
19 *real property, as listed on the county assessor's records, whom the*
20 *governing body determines is likely to be directly affected by the*
21 *proposed amendment. Such notice must:*

22 (a) *Set forth the date, time, place and purpose of the hearing*
23 *and a physical description of, or a map detailing, the proposed*
24 *amendment; and*

25 (b) *Contain a brief summary of the intent of the proposed*
26 *amendment.*

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

37 **Sec. 3.** NRS 279.608 is hereby amended to read as follows:
38 279.608 1. If , at any time after the adoption of a
39 redevelopment plan by the legislative body, ~~[it becomes]~~ *the agency*
40 *desires to take an action that will constitute a material deviation*
41 *from the plan or otherwise determines that it would be* necessary
42 or desirable to amend ~~[or modify]~~ the plan, *the agency must*
43 *recommend the amendment to the plan to* the legislative body .
44 ~~[may amend the plan upon the recommendation of the agency.]~~ An



1 amendment ~~for modification~~ may include the addition of one or
2 more areas to any redevelopment area.

3 2. Before recommending amendment of the plan , the agency
4 shall hold a public hearing on the proposed amendment. Notice of
5 that hearing must be published at least 10 days before the date of
6 hearing in a newspaper of general circulation, printed and published
7 in the community, or, if there is none, in a newspaper selected by
8 the agency. The notice of hearing must include a legal description of
9 the boundaries of the area designated in the plan to be amended and
10 a general statement of the purpose of the amendment. Copies of the
11 notices must be mailed to the last known owner of each parcel of
12 land within those boundaries, at his last known address as shown by
13 the records of the assessor for the community, and to any person
14 who has acquired property within those boundaries from the agency,
15 at his last known address as shown by the records of the agency.

16 3. If after the public ~~hearings~~ *hearing*, the agency
17 recommends substantial changes in the plan which affect the master
18 or community plan adopted by the planning commission or the
19 legislative body, those changes must be submitted *by the agency* to
20 the planning commission for its report and recommendation. ~~That~~
21 *The planning commission shall give its* report and
22 recommendations ~~must be given~~ to the legislative body within 30
23 days after ~~that submission.~~ *the agency submitted the changes to*
24 *the planning commission.*

25 4. After receiving the recommendation of the agency
26 concerning the changes in the plan, the legislative body shall hold a
27 public hearing on the proposed amendment, notice of which must be
28 published in a newspaper in the manner designated for notice of
29 hearing by the agency. If after that hearing the legislative body
30 determines that the amendments in the plan, proposed by the
31 agency, are necessary or desirable, the legislative body shall adopt
32 an ordinance amending the ordinance adopting the plan.

33 5. *As used in this section, "material deviation" means an*
34 *action that, if taken, would alter significantly one or more of the*
35 *aspects of a redevelopment plan that are required to be shown in*
36 *the redevelopment plan pursuant to NRS 279.572. The term*
37 *includes, without limitation, the vacation of a street and the*
38 *relocation of a public park.*

