

CHAPTER.....

AN ACT relating to land use planning; authorizing the governing body of a local government to revise the procedure for the adoption of certain minor amendments to the applicable master plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a city, county or regional planning commission to prepare and, after notice and a hearing, adopt a master plan for the city, county or region, as applicable. (NRS 278.150-278.210) The governing body of the city, county or region is authorized to adopt, after notice and a hearing, such parts of the master plan as it deems necessary. (NRS 278.220) Under existing law, a planning commission may amend the master plan and certify the amendment to the governing body. Existing law prohibits the inclusion of a plan or map as part of the master plan until it has been adopted as part of the master plan by the planning commission. (NRS 278.210)

This bill allows the governing bodies of local governments to establish a procedure by which the governing bodies may adopt minor amendments to the master plan without any action by the planning commission. The minor amendments for which such a procedure may be used are limited to changes in boundaries to correct erroneously mapped geographical features, certain changes in the names of jurisdictions, agencies, departments and districts, and changes to reflect updated information based upon new or revised studies.

Existing law prohibits a planning commission from amending the land use plan component of the master plan more than four times in a calendar year, except for changes in land use designated for a particular area which do not affect more than 25 percent of the area. (NRS 278.210)

This bill exempts minor amendments from that prohibition and therefore allows minor amendments to the land use component of the master plan more than four times in a calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing body may establish by ordinance a procedure by which the governing body may adopt minor amendments to the master plan, or any part thereof, without action by the planning commission.

2. Before adopting an ordinance or a minor amendment pursuant to subsection 1, the governing body shall hold a public hearing and give notice of the hearing in the manner required by subsection 3 of NRS 278.220.

3. As used in this section, unless the context otherwise requires, “minor amendment” means:

(a) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;

(b) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and

(c) An update of statistical information that is based on a new or revised study.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must 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]~~ *Except as otherwise provided in section 1 of this act, the* adoption of the master plan, or of any amendment, extension or addition thereof, must 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 must 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 must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

3. ~~[No]~~ *Except as otherwise provided in subsection 1 of this act, no* plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has 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. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160, or any

portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to ~~the~~:

(a) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area ~~of~~; or

(b) A *minor amendment adopted pursuant to section 1 of this act.*

5. 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 in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.

Sec. 4. NRS 278.220 is hereby amended to read as follows:

278.220 Except as otherwise provided in *section 1 of this act and* subsection 4 of NRS 278.150:

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 must 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 must 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, may be made by the governing body in adopting the same until the proposed change or addition has been referred to the planning commission for a report thereon and an attested copy of the report has 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.

Sec. 5. This act becomes effective upon passage and approval.