
ASSEMBLY BILL NO. 388—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 4, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to process of land use planning in certain counties.
(BDR 22-507)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to land use planning; providing in skeleton form for a town advisory board of an unincorporated town to serve as the planning commission of the unincorporated town in certain counties; expanding the subjects that must be included within a master plan in certain counties; making various changes to the provisions governing the notice required in certain counties for the adoption or amendment of a master plan, a change in the boundary of a zoning district or the granting of a variance, special use permit, conditional use permit or special exception; 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 278.030 is hereby amended to read as follows:
2 278.030 1. The governing body of each city and of each county
3 whose population is 25,000 or more shall create by ordinance a planning
4 commission to consist of seven members.
5 2. Cities and counties whose population is less than 25,000 may create
6 by ordinance a planning commission to consist of seven members. If the
7 governing body of any city or of any county whose population is less than
8 25,000 deems the creation of a planning commission unnecessary or
9 inadvisable, the governing body may, in lieu of creating a planning
10 commission as provided in this subsection, perform all the functions and
11 have all ~~to~~ the powers which would otherwise be granted to and be
12 performed by the planning commission.
13 3. *In an unincorporated town in a county whose population is*
14 *100,000 or more, the town advisory board shall perform all the functions*

1 *and have all the powers which would otherwise be granted to and be*
2 *performed by a planning commission.*

3 **Sec. 2.** NRS 278.150 is hereby amended to read as follows:

4 278.150 1. The planning commission shall prepare and adopt a
5 comprehensive, long-term general plan for the physical development of the
6 city, county, *town* or region which in the commission's judgment bears
7 relation to the planning thereof.

8 2. The plan must be known as the master plan, and must be so
9 prepared that all or portions thereof, except as *otherwise* provided in
10 subsection 3, may be adopted by the governing body, as provided in NRS
11 278.010 to 278.630, inclusive, as a basis for the development of the city,
12 county, *town* or region for such reasonable period of time next ensuing
13 after the adoption thereof as may practically be covered thereby.

14 3. In counties whose population is 100,000 or more, if the governing
15 body of the city or county adopts only a portion of the master plan, it shall
16 include in that portion a conservation plan, a housing plan and a population
17 plan as provided in NRS 278.160.

18 *4. In counties whose population is 400,000 or more, the governing*
19 *body of the city or county shall adopt a master plan that includes each of*
20 *the subjects set forth in subsection 1 of NRS 278.160.*

21 **Sec. 3.** NRS 278.160 is hereby amended to read as follows:

22 278.160 1. ~~[The]~~ *Except as otherwise provided in subsection 4 of*
23 *NRS 278.150 and subsection 3 of NRS 278.170, the* master plan, with the
24 accompanying charts, drawings, diagrams, schedules and reports, may
25 include such of the following subject matter or portions thereof as are
26 appropriate to the city, county, *town* or region, and as may be made the
27 basis for the physical development thereof:

28 (a) Community design. Standards and principles governing the
29 subdivision of land and suggestive patterns for community design and
30 development.

31 (b) Conservation plan. For the conservation, development and
32 utilization of natural resources, including water and its hydraulic force,
33 underground water, water supply, forests, soils, rivers and other waters,
34 harbors, fisheries, wildlife, minerals and other natural resources. The plan
35 must also cover the reclamation of land and waters, flood control,
36 prevention and control of the pollution of streams and other waters,
37 regulation of the use of land in stream channels and other areas required
38 for the accomplishment of the conservation plan, prevention, control and
39 correction of the erosion of soils through proper clearing, grading and
40 landscaping, beaches and shores, and protection of watersheds. The plan
41 must also indicate the maximum tolerable level of air pollution.

1 (c) Economic plan. Showing recommended schedules for the allocation
2 and expenditure of public money in order to provide for the economical
3 and timely execution of the various components of the plan.

4 (d) Historical properties preservation plan. An inventory of significant
5 historical, archaeological and architectural properties as defined by a city,
6 county, **town** or region, and a statement of methods to encourage the
7 preservation of those properties.

8 (e) Housing plan. The housing plan must include, but is not limited to:

9 (1) An inventory of housing conditions, needs and plans and
10 procedures for improving housing standards and for providing adequate
11 housing.

12 (2) An inventory of affordable housing in the community.

13 (3) An analysis of the demographic characteristics of the community.

14 (4) A determination of the present and prospective need for
15 affordable housing in the community.

16 (5) An analysis of any impediments to the development of affordable
17 housing and the development of policies to mitigate those impediments.

18 (6) An analysis of the characteristics of the land that is the most
19 appropriate for the construction of affordable housing.

20 (7) An analysis of the needs and appropriate methods for the
21 construction of affordable housing or the conversion or rehabilitation of
22 existing housing to affordable housing.

23 (8) A plan for maintaining and developing affordable housing to
24 meet the housing needs of the community.

25 (f) Land use plan. An inventory and classification of types of natural
26 land and of existing land cover and uses, and comprehensive plans for the
27 most desirable utilization of land. The land use plan may include a
28 provision concerning the acquisition and use of land that is under federal
29 management within the city, county, **town** or region, including, without
30 limitation, a plan or statement of policy prepared pursuant to NRS
31 321.7355.

32 (g) Population plan. An estimate of the total population which the
33 natural resources of the city, county, **town** or region will support on a
34 continuing basis without unreasonable impairment.

35 (h) Public buildings. Showing locations and arrangement of civic
36 centers and all other public buildings, including the architecture thereof
37 and the landscape treatment of the grounds thereof.

38 (i) Public services and facilities. Showing general plans for sewage,
39 drainage and utilities, and rights of way, easements and facilities therefor,
40 including any utility projects required to be reported pursuant to NRS
41 278.145.

42 (j) Recreation plan. Showing a comprehensive system of recreation
43 areas, including natural reservations, parks, parkways, reserved riverbank

1 strips, beaches, playgrounds and other recreation areas, including, when
2 practicable, the locations and proposed development thereof.

3 (k) Safety plan. In any county whose population is 400,000 or more,
4 identifying potential types of natural and man-made hazards, including
5 hazards from floods, landslides or fires, or resulting from the manufacture,
6 storage, transfer or use of bulk quantities of hazardous materials. The plan
7 may set forth policies for avoiding or minimizing the risks from those
8 hazards.

9 (l) Seismic safety plan. Consisting of an identification and appraisal of
10 seismic hazards such as susceptibility to surface ruptures from faulting, to
11 ground shaking or to ground failures.

12 (m) Solid waste disposal plan. Showing general plans for the disposal of
13 solid waste.

14 (n) Streets and highways plan. Showing the general locations and
15 widths of a comprehensive system of major traffic thoroughfares and other
16 traffic ways and of streets and the recommended treatment thereof,
17 building line setbacks, and a system of naming or numbering streets and
18 numbering houses, with recommendations concerning proposed changes.

19 (o) Transit plan. Showing a proposed system of transit lines, including
20 rapid transit, streetcar, motorcoach and trolley coach lines and related
21 facilities.

22 (p) Transportation plan. Showing a comprehensive transportation
23 system, including locations of rights of way, terminals, viaducts and grade
24 separations. The plan may also include port, harbor, aviation and related
25 facilities.

26 2. The commission may prepare and adopt, as part of the master plan,
27 other and additional plans and reports dealing with such other subjects as
28 may in its judgment relate to the physical development of the city, county ,
29 **town** or region, and nothing contained in NRS 278.010 to 278.630,
30 inclusive, prohibits the preparation and adoption of any such subject as a
31 part of the master plan.

32 **Sec. 4.** NRS 278.170 is hereby amended to read as follows:

33 278.170 1. ~~[The]~~ **Except as otherwise provided in subsections 2 and**
34 **3, the** commission may prepare and adopt all or any part of the master plan
35 or any subject thereof ~~[, except as provided in subsection 2,]~~ for all or any
36 part of the city, county , **town** or region. Master regional plans must be
37 coordinated with similar plans of adjoining regions, and master county ,
38 ~~[and]~~ city **and town** plans within each region must be coordinated so as to
39 fit properly into the master plan for the region.

40 2. In counties whose population is 100,000 or more, if the commission
41 prepares and adopts less than all subjects of the master plan, as outlined in
42 NRS 278.160, it shall include, in its preparation and adoption, the
43 conservation, housing and population plans described in that section.

1 **3. In counties whose population is 400,000 or more, the commission**
2 **shall prepare and adopt a master plan that includes each of the subjects**
3 **set forth in subsection 1 of NRS 278.160.**

4 **Sec. 5.** NRS 278.180 is hereby amended to read as follows:

5 278.180 The county , ~~and~~ city **and town** planning ~~commission~~
6 **commissions** shall, during the formulation of plans for community design
7 and public buildings, notify , **by certified mail**, the governing boards of
8 school districts having jurisdiction of the areas considered of the
9 preparation of such plans to the end that adequate and properly located
10 school sites may be provided for.

11 **Sec. 6.** NRS 278.210 is hereby amended to read as follows:

12 278.210 1. Before adopting the master plan or any part of it, or any
13 ~~substantial~~ amendment thereof, the commission shall hold at least one
14 public hearing thereon . ~~1~~

15 **2. Except as otherwise provided in subsection 3,** notice of the time
16 and place of ~~which shall~~ **such a hearing must** be given ~~at least~~ by :

17 **(a) At least** one publication in a newspaper of general circulation in the
18 city ~~for county,~~ , **county or town**, or in the case of a regional planning
19 commission, by one publication in a newspaper in each county within the
20 regional district, at least 10 days before the day of the hearing ~~1~~.

21 ~~2~~ ; and

22 **(b) Certified mail to the governing board of a school district having**
23 **jurisdiction of the area that will be affected by the adoption or**
24 **amendment of the master plan, at least 30 days before the day of the**
25 **hearing.**

26 **3. If the area affected by an amendment of the master plan, plus an**
27 **additional area extending 500 feet in all directions from the affected**
28 **area, includes less than 100 parcels of land, notice of the time and place**
29 **of a hearing required pursuant to subsection 1 must, in addition to the**
30 **notice required pursuant to subsection 2, be sent by mail at least 10 days**
31 **before the hearing to:**

32 **(a) The applicant, if the amendment of the master plan was not**
33 **initiated by the commission;**

34 **(b) Each owner, as listed on the county assessor's records, of real**
35 **property located within 1,320 feet from the affected area;**

36 **(c) Each of the owners, as listed on the county assessor's records, of at**
37 **least the 30 parcels nearest to the affected area, to the extent this notice**
38 **does not duplicate the notice given pursuant to paragraph (b); and**

39 **(d) Any advisory board which has been established for the affected**
40 **area by the governing body.**

41 **The notice must be written in language which is easy to understand and,**
42 **if applicable, include a physical description of, or a map detailing, the**
43 **proposed** **amendment.**

15 ~~[4.]~~ 6. The commission shall not amend a subject of the master plan
16 set forth in subsection 1 of NRS 278.160 more than four times in a
17 calendar year.

~~[5.]~~ 8. An attested copy of any part, amendment, extension of or
addition to the master plan adopted by any regional planning commission
~~[shall]~~ **must** be certified to the county planning commission and to the
board of county commissioners of each county within the regional district.

27 278.260 1. The governing body shall provide for the manner in
28 which zoning regulations and restrictions and the boundaries of zoning
29 districts are determined, established, enforced and amended.

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

39 3. If the proposed amendment involves a change in the boundary of a
40 zoning district in a county whose population is less than 400,000, the
41 governing body shall, to the extent this notice does not duplicate the notice
42 required by subsection 2, cause a notice to be sent by mail at least 10 days
43 before the hearing

to:

- 1 (a) The applicant;
 - 2 (b) Each owner, as listed on the county assessor's records, of real
3 property located within 300 feet of the portion of the boundary being
4 changed;
 - 5 (c) Each ~~owner,~~ *of the owners*, as listed on the county assessor's
6 records, of at least *the* 30 parcels nearest to the portion of the boundary
7 being changed, to the extent this notice does not duplicate the notice given
8 pursuant to paragraph (b); and
 - 9 (d) Any advisory board which has been established for the affected area
10 by the governing body.
- 11 The notice must be written in language which is easy to understand. It
12 must set forth the time, place and purpose of the hearing and a physical
13 description of, or a map detailing, the proposed change.
- 14 4. If the proposed amendment involves a change in the boundary of a
15 zoning district in a county whose population is 400,000 or more, the
16 governing body shall, to the extent this notice does not duplicate the notice
17 required by subsection 2, cause a notice to be sent by mail ~~at~~ :
- 18 (a) *At least 10 days before the hearing to:*
 - 19 ~~(a)~~ (1) The applicant;
 - 20 ~~(b)~~ (2) Each owner, as listed on the county assessor's records, of real
21 property located within ~~500~~ *1,320* feet from the portion of the boundary
22 being changed;
 - 23 ~~(c) Each owner,~~
 - 24 (3) *Each of the owners*, as listed on the county assessor's records, of
25 at least *the* 30 parcels nearest to the portion of the boundary being
26 changed, to the extent this notice does not duplicate the notice given
27 pursuant to ~~paragraph (b); and~~
 - 28 ~~(d) subparagraph (2); and~~
 - 29 (4) Any advisory board which has been established for the affected
30 area by the governing body ~~;~~ *;* and
 - 31 (b) *At least 30 days before the hearing to the governing board of a*
32 *school district having jurisdiction of an area affected by the change in*
33 *the boundary of the zoning district.*
- 34 The notice must be written in language which is easy to understand. It
35 must set forth the time, place and purpose of the hearing and a physical
36 description of, or a map detailing, the proposed change.
- 37 5. The exterior of the notice mailed pursuant to subsection 4 must bear
38 a statement printed in at least 10-point bold type in substantially the
39 following form:

1 OFFICIAL NOTICE OF PUBLIC HEARING

2
3 6. In addition to mailing the notice required pursuant to subsection 4,
4 in a county whose population is 400,000 or more, the governing body
5 shall, ~~he~~ **not** later than 10 days before the hearing, erect or cause to be
6 erected on the property, at least one sign not less than 2 feet high and 2 feet
7 wide. The sign must be made of material reasonably calculated to
8 withstand the elements for 40 days. The governing body must be consistent
9 in its use of colors for the background and lettering of the sign. The sign
10 must include the following information:

- 11 (a) The existing zoning designation of the property in question;
- 12 (b) The proposed zoning designation of the property in question;
- 13 (c) The date, time and place of the public hearing;
- 14 (d) A telephone number which may be used by interested persons to
15 obtain additional information; and
- 16 (e) A statement which indicates whether the proposed zoning
17 designation of the property in question complies with the requirements of
18 the master plan of the city, ~~he~~ county **or town** in which the property is
19 located.

20 7. A sign required pursuant to subsection 6 is for informational
21 purposes only, and must be erected regardless of any local ordinance
22 regarding the size, placement or composition of signs to the contrary.

23 8. A governing body may charge an additional fee for each application
24 to amend an existing zoning regulation, restriction or boundary to cover
25 the actual costs resulting from the mailed notice required by this section
26 and the erection of not more than one of the signs required by subsection 6,
27 if any. The additional fee is not subject to the limitation imposed by NRS
28 354.5989.

29 9. The governing body shall remove or cause to be removed any sign
30 required by subsection 6 within 5 days after the final hearing for the
31 application for which the sign was erected. There must be no additional
32 charge to the applicant for such removal.

33 **Sec. 8.** NRS 278.315 is hereby amended to read as follows:

34 278.315 1. The governing body may provide by ordinance for the
35 granting of variances, special use permits, conditional use permits or other
36 special exceptions by the board of adjustment, the planning commission or
37 a hearing examiner appointed pursuant to NRS 278.262. The governing
38 body may impose this duty entirely on the board, commission or examiner,
39 respectively, or provide for the granting of enumerated categories of
40 variances, special use permits, conditional use permits or special
41 exceptions by the board, commission or examiner.

42 2. A hearing to consider an application for the granting of a variance,
43 special use permit, conditional use permit or special exception must be

1 held before the board of adjustment, planning commission or hearing
2 examiner within 65 days after the filing of the application, unless a longer
3 time or a different process of review is provided in an agreement entered
4 into pursuant to NRS 278.0201. A notice setting forth the time, place and
5 purpose of the hearing must be sent by mail ~~{at}~~ :

6 **(a) At least 10 days before the hearing to:**

7 ~~{(a)}~~ **(1) The applicant;**

8 ~~{(b)}~~ **(2) Each owner of real property located within ~~{300}~~ 660 feet of
9 the property in question ~~{;}~~**

10 ~~—(c)}~~ **, unless the application is for the issuance of a special use permit
11 for an establishment which serves alcoholic beverages for consumption
12 on or off of the premises as its primary business in a district which is not
13 a gaming enterprise district as defined in NRS 463.0158, in which case
14 the notice must be provided to each owner of real property located within
15 1,320 feet of the property in question;**

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

18 ~~{(d)}~~ **(4) Any advisory board which has been established for the affected
19 area by the governing body ~~{;}~~ ; and**

20 **(b) At least 30 days before the hearing to the governing board of a
21 school district having jurisdiction of the affected area.**

22 The notice must be written in language which is easy to understand. It
23 must set forth the time, place and purpose of the hearing and a physical
24 description or map of the property in question.

25 3. If the application is for the issuance of a special use permit in a
26 county whose population is 100,000 or more, the governing body shall, to
27 the extent this notice does not duplicate the notice required by subsection
28 2, cause a notice to be sent by mail at least 10 days before the hearing to
29 each ~~{owner,}~~ **of the owners**, as listed on the county assessor's records, of
30 at least **the** 30 parcels nearest to the property in question. The notice must
31 be written in language which is easy to understand. It must set forth the
32 time, place and purpose of the hearing and a physical description or map of
33 the property in question.

34 4. An ordinance adopted pursuant to this section must provide an
35 opportunity for the applicant or a protestant to appeal from a decision of
36 the board of adjustment, planning commission or hearing examiner to the
37 governing body.

38 5. In a county whose population is 400,000 or more, if the application
39 is for the issuance of a special use permit for an establishment which
40 serves alcoholic beverages for consumption on or off of the premises as its
41 primary business in a district which is not a gaming enterprise district as
42 defined in NRS 463.0158, the governing body shall, in addition to mailing
43 the notice required pursuant to subsection 3, not later than 10 days before

1 the hearing, erect or cause to be erected on the property, at least one sign
2 not less than 2 feet high and 2 feet wide. The sign must be made of
3 material reasonably calculated to withstand the elements for 40 days. The
4 governing body must be consistent in its use of colors for the background
5 and lettering of the sign. The sign must include the following information:

6 (a) The existing permitted use and zoning designation of the property in
7 question;

8 (b) The proposed permitted use of the property in question;

9 (c) The date, time and place of the public hearing; and

10 (d) A telephone number which may be used by interested persons to
11 obtain additional information.

12 6. A sign required pursuant to subsection 5 is for informational
13 purposes only, and must be erected regardless of any local ordinance
14 regarding the size, placement or composition of signs to the contrary.

15 7. A governing body may charge an additional fee for each application
16 for a special use permit to cover the actual costs resulting from the erection
17 of not more than one sign required by subsection 5, if any. The additional
18 fee is not subject to the limitation imposed by NRS 354.5989.

19 8. The governing body shall remove or cause to be removed any sign
20 required by subsection 5 within 5 days after the final hearing for the
21 application for which the sign was erected. There must be no additional
22 charge to the applicant for such removal.

23 **Sec. 9.** Chapter 269 of NRS is hereby amended by adding thereto a
24 new section to read as follows:

25 *Each member of a town advisory board must, at least twice during the*
26 *first year after his initial appointment and at least once each year*
27 *thereafter, receive training to perform the duties of a member of a*
28 *planning commission, including, without limitation, training relating to:*

29 *1. State statutes and regulations and local ordinances, resolutions*
30 *and regulations concerning land use planning; and*

31 *2. The provisions of chapter 241 of NRS.*

32 **Sec. 10.** NRS 269.500 is hereby amended to read as follows:

33 269.500 NRS 269.500 to 269.625, inclusive, *and section 9 of this act*
34 may be cited as the Unincorporated Town Government Law.

35 **Sec. 11.** NRS 269.576 is hereby amended to read as follows:

36 269.576 1. Except as appointment may be deferred pursuant to NRS
37 269.563, the board of county commissioners of any county whose
38 population is 400,000 or more shall, in each ordinance which establishes
39 an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive,
40 provide for:

41 (a) Appointment by the board of county commissioners of three or five
42 qualified electors who are residents of the unincorporated town to serve as
43 the town advisory board.

1 (b) Terms for members of the town advisory board, which must expire
2 on the first Monday in January of each odd-numbered year.

3 (c) Removal of a member of the town advisory board if the board of
4 county commissioners finds that his removal is in the best interest of the
5 residents of the unincorporated town, and for appointment of a member to
6 serve the unexpired term of the member so removed.

7 2. The duties of the town advisory board are to:

8 (a) Assist the board of county commissioners in governing the
9 unincorporated town by acting as liaison between the residents of the town
10 and the board of county commissioners; ~~{and}~~

11 (b) Advise the board of county commissioners on matters of importance
12 to the unincorporated town and its residents ~~{and}~~ ; and

13 (c) *Perform the functions and exercise the powers of a planning*
14 *commission, as required pursuant to subsection 3 of NRS 278.030.*

15 3. The board of county commissioners may provide by ordinance for
16 compensation for the members of the town advisory board.

17 **Sec. 12.** NRS 269.577 is hereby amended to read as follows:

18 269.577 1. The board of county commissioners of any county whose
19 population is less than 400,000 shall, in each ordinance which establishes
20 an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive,
21 provide for:

22 (a) The appointment by the board of county commissioners or the
23 election by the people of three or five qualified electors who are residents
24 of the unincorporated town to serve as the town advisory board.

25 (b) The removal of a member of the town advisory board if the board of
26 county commissioners finds that his removal is in the best interest of the
27 residents of the unincorporated town, and for appointment of a member to
28 serve the unexpired term of the member so removed.

29 2. The board of county commissioners may provide by ordinance for
30 compensation for the members of the town advisory board.

31 3. The duties of the town advisory board are to:

32 (a) Assist the board of county commissioners in governing the
33 unincorporated town by acting as liaison between the residents of the town
34 and the board of county commissioners; ~~{and}~~

35 (b) Advise the board of county commissioners on matters of importance
36 to the unincorporated town and its residents ~~{and}~~ ; and

37 (c) *Perform the functions and exercise the powers of a planning*
38 *commission, as required pursuant to subsection 3 of NRS 278.030.*