

SENATE BILL NO. 391—SENATORS PORTER AND JAMES

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning land use planning. (BDR 22-1197)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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; providing for the establishment of provisions to preserve the rural character and density of certain areas in larger counties; providing for a governing body to establish an analysis of the cost to construct infrastructure in certain areas; authorizing the governing body to enter into agreements to carry out the plan for the development of infrastructure in certain areas; requiring certain governing bodies adopting any part of the master plan to adopt a land use plan; establishing provisions to promote infill development in smart growth zones; revising the limitation on local control over the location of housing for persons with disabilities; requiring the health division of the department of human resources to maintain a registry of residential facilities for groups; limiting the number of annual amendments to the land use plan of the master plan in certain circumstances; providing that zoning regulations, restrictions and boundaries adopted by a governing body must strictly conform to the master plan; revising provisions governing applications for special use permits with regard to property located within certain unincorporated towns; 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 thereto
- 2 the provisions set forth as sections 2 to 12.5, inclusive, of this act.
- 3 **Sec. 2.** *“Average residential density” means the number of lots*
- 4 *intended for residential dwelling units within the boundaries of a*
- 5 *subdivided or developed area, divided by the total number of acres within*
- 6 *the boundaries of the subdivision or developed area.*
- 7 **Sec. 3.** *“Coalition” means the regional planning coalition created*
- 8 *pursuant to section 10 of this act.*

1 **Sec. 3.5.** *“Infill development” means development that fills in an*
2 *existing pattern of development on land that is:*

3 1. *Improved or unimproved; and*

4 2. *Surrounded completely by infrastructure and other development.*

5 **Sec. 4.** *“Infrastructure” means publicly owned or publicly supported*
6 *facilities that are necessary or desirable to support intense habitation*
7 *within a region, including, without limitation, parks, roads, schools,*
8 *police stations, fire stations, community centers, sanitary sewers,*
9 *facilities for mass transit and facilities for the conveyance of power,*
10 *water and the treatment of wastewater.*

11 **Sec. 5.** *“Residential dwelling unit” has the meaning ascribed to it in*
12 *NRS 278.4977.*

13 **Sec. 6.** *“Rural preservation neighborhood” means a subdivided or*
14 *developed area:*

15 1. *Which consists of 10 or more residential dwelling units;*

16 2. *Where the outer boundary of each lot that is used for residential*
17 *purposes is not more than 330 feet from the outer boundary of any other*
18 *lot that is used for residential purposes;*

19 3. *Which has no more than two residential dwelling units per acre;*
20 *and*

21 4. *Which allows residents to raise or keep animals noncommercially.*

22 **Sec. 6.5.** *“Smart growth zone” means an area designated pursuant*
23 *to section 12.5 of this act.*

24 **Sec. 7.** *“Used for residential purposes” means a lot or parcel of land*
25 *that is 5 acres or less in area and contains a residential dwelling unit of a*
26 *permanent nature.*

27 **Sec. 8. 1.** *In a county with a population of 400,000 or more, the*
28 *governing body shall take such actions as are necessary and appropriate*
29 *to ensure that the rural character of each rural preservation*
30 *neighborhood is preserved.*

31 2. *Unless a rural preservation neighborhood is located within 330*
32 *feet of an existing or proposed street or highway that is more than 99 feet*
33 *wide, the governing body shall, to the extent practicable, adopt any*
34 *zoning regulation or restriction that is necessary to:*

35 (a) *Maintain the rural character of the area developed as a low*
36 *density residential development;*

37 (b) *Except as otherwise provided in subsection 4, ensure that the*
38 *average residential density for that portion of the zoning request that is*
39 *located within 330 feet of a rural preservation neighborhood does not*
40 *exceed three residential dwelling units per acre; and*

41 (c) *Provide adequate buffer areas, adequate screening and an orderly*
42 *and efficient transition of land uses, excluding raising or keeping*
43 *animals commercially or noncommercially.*

1 **3. The governing body may modify the standards for the**
2 **development of infrastructure to maintain the rural character of the**
3 **rural preservation neighborhood.**

4 **4. The governing body may, for good cause shown, allow a greater**
5 **density or intensity of use when that use is less than 330 feet from a rural**
6 **preservation neighborhood.**

7 **Sec. 9. The provisions of sections 10, 11 and 12 of this act apply**
8 **only to counties whose population is 400,000 or more and cities located**
9 **within those counties.**

10 **Sec. 10. The board of county commissioners and the city council of**
11 **each of the four largest cities in the county shall establish a regional**
12 **planning coalition by cooperative agreement pursuant to chapter 277 of**
13 **NRS. The regional planning coalition may:**

14 **1. Develop policies for the region, including, without limitation, the**
15 **promotion of orderly development, coordinated land use planning and**
16 **the efficient provision of services to urban areas, including, without**
17 **limitation, roads, water and sewer service, police and fire protection,**
18 **mass transit, libraries and parks;**

19 **2. Coordinate sources of information;**

20 **3. Establish standardized projections for population;**

21 **4. Recommend measures to increase the efficiency of governmental**
22 **entities and services;**

23 **5. Make recommendations regarding the disposal of federal land;**

24 **6. Establish methods for resolving disputes regarding annexation**
25 **and other matters that arise between jurisdictions;**

26 **7. Periodically review the master plans adopted by the governing**
27 **body of the county and each city; and**

28 **8. Periodically review the annual plan for capital improvements**
29 **prepared by the governing body of each local government in the county**
30 **pursuant to NRS 278.0226.**

31 **Sec. 11. 1. A governing body may establish, independently or in**
32 **conjunction with another governing body, an analysis of the cost to**
33 **construct infrastructure in an area which is relatively undeveloped and**
34 **which is likely to become developed.**

35 **2. The analysis of the cost to construct infrastructure in an area that**
36 **is relatively undeveloped must include, without limitation:**

37 **(a) A precise description of the area, either in the form of a legal**
38 **description or by reference to roadways, lakes and waterways, railroads**
39 **or similar landmarks, and township, county or city boundaries;**

40 **(b) An estimate of the expected total population of the area when the**
41 **land becomes fully developed;**

1 (c) An assessment of the infrastructure that will be necessary to
2 support the area when it becomes fully developed according to the master
3 plan adopted by the governing body pursuant to NRS 278.220; and

4 (d) A plan for the development of the infrastructure which includes,
5 without limitation:

6 (1) Any minimum requirements for the development of
7 infrastructure that have been determined by the coalition;

8 (2) A plan to meet the anticipated needs of the area for police and
9 fire protection, parks, roads, regional transportation and flood control
10 facilities when the land becomes fully developed;

11 (3) An estimate of the date on which each phase of the development
12 will occur;

13 (4) The manner in which the plan for the development of the
14 infrastructure will be implemented; and

15 (5) An economic analysis of the cost to plan and develop fully the
16 infrastructure for the area.

17 3. The governing body may, if it finds that the analysis of the
18 projected need for infrastructure is consistent with the master plan,
19 approve the analysis by ordinance.

20 4. The governing body shall provide the necessary copies of the
21 analysis to the coalition for review and information.

22 **Sec. 12. 1.** A governing body may carry out the plan for
23 infrastructure by negotiating master development agreements,
24 independently or in conjunction with an interlocal agreement for the
25 area.

26 2. As used in this section, "master development agreement" means a
27 written agreement:

28 (a) Between a governing body and a person who has a legal or
29 equitable interest in land that is entered into upon the application of the
30 person who wishes to develop that land;

31 (b) To enable the governing body to distribute equitably the costs to
32 develop infrastructure for an area of land that is largely undeveloped;
33 and

34 (c) That is based on an analysis of the need for infrastructure that is
35 prepared pursuant to section 11 of this act.

36 **Sec. 12.5. 1.** In a county whose population is 100,000 or more, the
37 governing body of the county and each city in the county shall designate
38 as a smart growth zone each area within its jurisdiction that is likely to
39 benefit from infill development. The governing body shall review such
40 zones periodically and adjust the zones as it deems necessary.

41 2. In a county whose population is less than 100,000, the governing
42 body of the county and each city in the county may designate as a smart

1 *growth zone each area within its jurisdiction that is likely to benefit from*
2 *infill development. The governing body may review and adjust such*
3 *zones periodically as it deems necessary.*

4 **Sec. 13.** NRS 278.010 is hereby amended to read as follows:

5 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2*
6 *to 12.5, inclusive, of this act*, unless the context otherwise requires, the
7 words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and*
8 *sections 2 to 7, inclusive, of this act* have the meanings ascribed to them in
9 those sections.

10 **Sec. 13.3.** NRS 278.021 is hereby amended to read as follows:

11 278.021 1. ~~1. [The purpose of this section is to remove obstacles~~
12 ~~imposed by zoning ordinances, declarations of restrictions, deed~~
13 ~~restrictions, restrictive covenants and equitable servitudes which prevent~~
14 ~~persons who are mentally retarded from living in normal residences.~~
15 ~~—2.]~~ In any ordinance adopted by a city or county, the definition of
16 “single-family residence” must include a ~~[home in which six or fewer~~
17 ~~unrelated persons who are mentally retarded reside with one or two~~
18 ~~additional persons to act as house parents or guardians who need not be~~
19 ~~related to each other or any of the mentally retarded persons who reside in~~
20 ~~the house.~~

21 ~~—3.—This section does] :~~

22 *(a) Residential facility for groups in which 10 or fewer unrelated*
23 *persons with disabilities reside with a minimum of:*

24 *(1) One or two additional persons who act as house parents or*
25 *guardians and who need not be related to any of the residents with*
26 *disabilities; and*

27 *(2) If applicable, one or two additional persons who are related to*
28 *the house parents or guardians within the second degree of*
29 *consanguinity or affinity.*

30 *(b) Home for individual residential care in which two or fewer*
31 *unrelated persons with disabilities reside with:*

32 *(1) One or two additional persons who act as house parents or*
33 *guardians and who need not be related to any of the residents with*
34 *disabilities; and*

35 *(2) If applicable, one or two additional persons who are related to*
36 *the house parents or guardians within the second degree of*
37 *consanguinity or affinity.*

38 **2.** *The provisions of subsection 1 do* not prohibit a definition of
39 *“single-family residence”* which permits more persons to reside in the
40 house, nor does it prohibit regulation of homes which are operated on a
41 commercial basis.

42 ~~[4.—For the purposes of subsection 1, a residence for mentally retarded~~
43 ~~persons is not a commercial activity.]~~ *For the purposes of this subsection,*

1 *a residential facility for groups or a home for individual residential care*
2 *shall not be deemed to be a home that is operated on a commercial basis*
3 *for any purposes relating to building codes or zoning.*

4 *3. The health division of the department of human resources shall*
5 *compile and maintain a registry of information relating to each*
6 *residential facility for groups that exists in this state and shall make*
7 *available for access on the Internet or its successor, if any, the*
8 *information contained in the registry. The registry must include with*
9 *respect to each residential facility for groups:*

10 *(a) The name of the owner of the facility;*

11 *(b) The name of the administrator of the facility;*

12 *(c) The address of the facility; and*

13 *(d) The number of clients for which the facility is licensed.*

14 *Any department or agency of a county or city that becomes aware of the*
15 *existence of a residential facility for groups that is not included in the*
16 *registry shall transmit such information to the health division, as is*
17 *necessary, for inclusion in the registry within 30 days after obtaining the*
18 *information.*

19 *4. The governing body of a county whose population is 100,000 or*
20 *more or the governing body of a city in such a county or any department*
21 *or agency of the city or county shall approve the first application*
22 *submitted on or after October 1, 1999, to operate a residential facility for*
23 *groups within a particular neighborhood in the jurisdiction of the*
24 *governing body, including, without limitation, an application submitted*
25 *as a result of the change in ownership of a residential facility for groups.*
26 *If, on or after October 1, 1999, an application is submitted to operate a*
27 *residential facility for groups that is in addition to the residential facility*
28 *for groups that has been approved pursuant to paragraph (a) or (b) of*
29 *subsection 1 within 660 feet from an existing residential facility for*
30 *groups, the governing body shall review the application based on*
31 *applicable zoning ordinances. Except as a result of a change in*
32 *ownership of a residential facility for groups on or after October 1, 1999,*
33 *the requirements of this subsection do not require the relocation or*
34 *displacement of any residential facility for groups which existed before*
35 *October 1, 1999, from its location on that date. The provisions of this*
36 *subsection do not create or impose a presumption that the location of*
37 *more than one residential facility for groups within 660 feet of each*
38 *other is inappropriate under all circumstances with respect to the*
39 *enforcement of zoning ordinances and regulations.*

40 *5. The governing body of a county or city shall not:*

41 *(a) Require a special use permit for a residential facility for groups; or*

42 *(b) Authorize the operators of a residential facility for groups to allow*
43 *persons other than those specified in subsection 1 to reside at the facility.*

1 **6. The provisions of this section must not be applied in any manner**
2 **which would result in a loss of money from the Federal Government for**
3 **programs relating to housing.**

4 **7. As used in this section:**

5 **(a) "Change in ownership" means any transfer of ownership except a**
6 **transfer of ownership between any persons related within the third degree**
7 **of consanguinity or affinity.**

8 **(b) "Home for individual residential care" has the meaning ascribed**
9 **to it in NRS 449.0105.**

10 **(c) "Person with a disability" means a person:**

11 **(1) With a physical or mental impairment that substantially limits**
12 **one or more of the major life activities of the person;**

13 **(2) With a record of such an impairment; or**

14 **(3) Who is regarded as having such an impairment.**

15 **(d) "Residential facility for groups" has the meaning ascribed to it in**
16 **NRS 449.017.**

17 **Sec. 13.7.** NRS 278.150 is hereby amended to read as follows:

18 278.150 1. The planning commission shall prepare and adopt a
19 comprehensive, long-term general plan for the physical development of the
20 city, county or region which in the commission's judgment bears relation to
21 the planning thereof.

22 2. The plan must be known as the master plan, and must be so prepared
23 that all or portions thereof, except as *otherwise* provided in subsection 3,
24 may be adopted by the governing body, as provided in NRS 278.010 to
25 278.630, inclusive, as a basis for the development of the city, county or
26 region for such reasonable period of time next ensuing after the adoption
27 thereof as may practically be covered thereby.

28 3. In counties whose population is 100,000 or more, if the governing
29 body of the city or county adopts only a portion of the master plan, it shall
30 include in that portion a conservation plan, a housing plan , *a land use plan*
31 and a population plan as provided in NRS 278.160.

32 **Sec. 14.** NRS 278.160 is hereby amended to read as follows:

33 278.160 1. The master plan, with the accompanying charts, drawings,
34 diagrams, schedules and reports, may include such of the following subject
35 matter or portions thereof as are appropriate to the city, county or region,
36 and as may be made the basis for the physical development thereof:

37 (a) Community design. Standards and principles governing the
38 subdivision of land and suggestive patterns for community design and
39 development.

40 (b) Conservation plan. For the conservation, development and utilization
41 of natural resources, including water and its hydraulic force, underground
42 water, water supply, forests, soils, rivers and other waters, harbors,
43 fisheries, wildlife, minerals and other natural resources. The plan must also

1 cover the reclamation of land and waters, flood control, prevention and
2 control of the pollution of streams and other waters, regulation of the use of
3 land in stream channels and other areas required for the accomplishment of
4 the conservation plan, prevention, control and correction of the erosion of
5 soils through proper clearing, grading and landscaping, beaches and shores,
6 and protection of watersheds. The plan must also indicate the maximum
7 tolerable level of air pollution.

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

11 (d) Historical properties preservation plan. An inventory of significant
12 historical, archaeological and architectural properties as defined by a city,
13 county or region, and a statement of methods to encourage the preservation
14 of those properties.

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

16 (1) An inventory of housing conditions, needs and plans and
17 procedures for improving housing standards and for providing adequate
18 housing.

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

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

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

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

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

27 (7) An analysis of the needs and appropriate methods for the
28 construction of affordable housing or the conversion or rehabilitation of
29 existing housing to affordable housing.

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

32 (f) Land use plan. An inventory and classification of types of natural
33 land and of existing land cover and uses, and comprehensive plans for the
34 most desirable utilization of land. The land use plan may include a
35 provision concerning the acquisition and use of land that is under federal
36 management within the city, county or region, including, without limitation,
37 a plan or statement of policy prepared pursuant to NRS 321.7355.

38 (g) Population plan. An estimate of the total population which the
39 natural resources of the city, county or region will support on a continuing
40 basis without unreasonable impairment.

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

1 (i) Public services and facilities. Showing general plans for sewage,
2 drainage and utilities, and rights of way, easements and facilities therefor,
3 including any utility projects required to be reported pursuant to NRS
4 278.145.

5 (j) Recreation plan. Showing a comprehensive system of recreation
6 areas, including natural reservations, parks, parkways, reserved riverbank
7 strips, beaches, playgrounds and other recreation areas, including, when
8 practicable, the locations and proposed development thereof.

9 (k) *Rural neighborhoods preservation plan. In any county whose*
10 *population is 400,000 or more, showing general plans to preserve the*
11 *character and density of rural neighborhoods.*

12 (l) Safety plan. In any county whose population is 400,000 or more,
13 identifying potential types of natural and man-made hazards, including
14 hazards from floods, landslides or fires, or resulting from the manufacture,
15 storage, transfer or use of bulk quantities of hazardous materials. The plan
16 may set forth policies for avoiding or minimizing the risks from those
17 hazards.

18 ~~(m)~~ (m) Seismic safety plan. Consisting of an identification and
19 appraisal of seismic hazards such as susceptibility to surface ruptures from
20 faulting, to ground shaking or to ground failures.

21 ~~(n)~~ (n) Solid waste disposal plan. Showing general plans for the
22 disposal of solid waste.

23 ~~(o)~~ (o) Streets and highways plan. Showing the general locations and
24 widths of a comprehensive system of major traffic thoroughfares and other
25 traffic ways and of streets and the recommended treatment thereof, building
26 line setbacks, and a system of naming or numbering streets and numbering
27 houses, with recommendations concerning proposed changes.

28 ~~(p)~~ (p) Transit plan. Showing a proposed system of transit lines,
29 including rapid transit, streetcar, motorcoach and trolley coach lines and
30 related facilities.

31 ~~(q)~~ (q) Transportation plan. Showing a comprehensive transportation
32 system, including locations of rights of way, terminals, viaducts and grade
33 separations. The plan may also include port, harbor, aviation and related
34 facilities.

35 2. The commission may prepare and adopt, as part of the master plan,
36 other and additional plans and reports dealing with such other subjects as
37 may in its judgment relate to the physical development of the city, county
38 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
39 prohibits the preparation and adoption of any such subject as a part of the
40 master plan.

41 **Sec. 14.3.** NRS 278.170 is hereby amended to read as follows:

42 278.170 1. The commission may prepare and adopt all or any part of
43 the master plan or any subject thereof, except as *otherwise* provided in

1 subsection 2, for all or any part of the city, county or region. Master
2 regional plans must be coordinated with similar plans of adjoining regions,
3 and master county and city plans within each region must be coordinated so
4 as to fit properly into the master plan for the region.

5 2. In counties whose population is 100,000 or more, if the commission
6 prepares and adopts less than all subjects of the master plan, as outlined in
7 NRS 278.160, it shall include, in its preparation and adoption, the
8 conservation, housing , *land use* and population plans described in that
9 section.

10 **Sec. 14.7.** NRS 278.210 is hereby amended to read as follows:

11 278.210 1. Before adopting the master plan or any part of it, or any
12 substantial amendment thereof, the commission shall hold at least one
13 public hearing thereon, notice of the time and place of which shall be given
14 at least by one publication in a newspaper of general circulation in the city
15 or county, or in the case of a regional planning commission, by one
16 publication in a newspaper in each county within the regional district, at
17 least 10 days before the day of the hearing.

18 2. The adoption of the master plan, or of any amendment, extension or
19 addition thereof, ~~{shall}~~ *must* be by resolution of the commission carried by
20 the affirmative votes of not less than two-thirds of the total membership of
21 the commission. The resolution ~~{shall}~~ *must* refer expressly to the maps,
22 descriptive matter and other matter intended by the commission to
23 constitute the plan or any amendment, addition or extension thereof, and
24 the action taken ~~{shall}~~ *must* be recorded on the map and plan and
25 descriptive matter by the identifying signatures of the secretary and
26 chairman of the commission.

27 3. No plan or map, hereafter, ~~{shall}~~ *must* have indicated thereon that it
28 is a part of the master plan until it ~~{shall have}~~ *has* been adopted as part of
29 the master plan by the commission as herein provided for the adoption
30 thereof, whenever changed conditions or further studies by the commission
31 require such amendments, extension, or addition.

32 4. *Except as otherwise provided in this subsection, the commission*
33 *shall not amend the land use plan of the master plan set forth in*
34 *paragraph (f) of subsection 1 of NRS 278.160 more than four times in a*
35 *calendar year. The provisions of this subsection do not apply to a change*
36 *in the land use designated for a particular area if the change does not*
37 *affect more than 25 percent of the area.*

38 5. An attested copy of any part, amendment, extension of or addition to
39 the master plan adopted by the planning commission of any city, county or
40 region ~~{shall}~~ *must* be certified to the governing body of ~~{such}~~ *the* city,
41 county or region.

1 ~~[5.]~~ 6. An attested copy of any part, amendment, extension of or
2 addition to the master plan adopted by any regional planning commission
3 ~~[shall]~~ **must** be certified to the county planning commission and to the
4 board of county commissioners of each county within the regional district.

5 **Sec. 15.** NRS 278.250 is hereby amended to read as follows:

6 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
7 the governing body may divide the city, county or region into zoning
8 districts of such number, shape and area as are best suited to carry out the
9 purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district
10 it may regulate and restrict the erection, construction, reconstruction,
11 alteration, repair or use of buildings, structures or land.

12 2. The zoning regulations must ~~[be adopted in accordance with]~~ **strictly**
13 **conform to** the master plan for land use and be designed:

14 (a) To preserve the quality of air and water resources.

15 (b) To promote the conservation of open space and the protection of
16 other natural and scenic resources from unreasonable impairment.

17 (c) To provide for recreational needs.

18 (d) To protect life and property in areas subject to floods, landslides and
19 other natural disasters.

20 (e) To conform to the adopted population plan, if required by NRS
21 278.170.

22 (f) To develop a timely, orderly and efficient arrangement of
23 transportation and public facilities and services, including facilities and
24 services for bicycles.

25 (g) To ensure that the development on land is commensurate with the
26 character and the physical limitations of the land.

27 (h) To take into account the immediate and long-range financial impact
28 of the application of particular land to particular kinds of development, and
29 the relative suitability of the land for development.

30 (i) To promote health and the general welfare.

31 (j) To ensure the development of an adequate supply of housing for the
32 community, including the development of affordable housing.

33 ***(k) To ensure the protection of existing neighborhoods and***
34 ***communities, including the protection of rural preservation***
35 ***neighborhoods.***

36 3. The zoning regulations must be adopted with reasonable
37 consideration, among other things, to the character of the area and its
38 peculiar suitability for particular uses, and with a view to conserving the
39 value of buildings and encouraging the most appropriate use of land
40 throughout the city, county or region.

1 **Sec. 16.** NRS 278.260 is hereby amended to read as follows:

2 278.260 1. The governing body shall provide for the manner in
3 which zoning regulations and restrictions and the boundaries of zoning
4 districts are determined, established, enforced and amended.

5 2. A zoning regulation, restriction or boundary must *strictly conform*
6 *to the master plan and must* not become effective until after a public
7 hearing at which parties in interest and other persons have an opportunity to
8 be heard. The governing body shall cause notice of the time and place of
9 the hearing to be:

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

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

15 3. If the proposed amendment involves a change in the boundary of a
16 zoning district in a county whose population is less than 400,000, the
17 governing body shall, to the extent this notice does not duplicate the notice
18 required by subsection 2, cause a notice to be sent at least 10 days before
19 the hearing to:

20 (a) The applicant;

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

24 (c) Each owner, as listed on the county assessor's records, of at least 30
25 parcels nearest to the portion of the boundary being changed, to the extent
26 this notice does not duplicate the notice given pursuant to paragraph (b);
27 and

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

30 The notice must be sent by mail or, if requested by a party to whom notice
31 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
32 means if receipt of such an electronic notice can be verified, and be written
33 in language which is easy to understand. The notice must set forth the time,
34 place and purpose of the hearing and a physical description of, or a map
35 detailing, the proposed change.

36 4. If the proposed amendment involves a change in the boundary of a
37 zoning district in a county whose population is 400,000 or more, the
38 governing body shall, to the extent this notice does not duplicate the notice
39 required by subsection 2, cause a notice to be sent at least 10 days before
40 the hearing to:

41 (a) The applicant;

1 (b) Each owner, as listed on the county assessor's records, of real
2 property located within 500 feet from the portion of the boundary being
3 changed;

4 (c) Each owner, as listed on the county assessor's records, of at least 30
5 parcels nearest to the portion of the boundary being changed, to the extent
6 this notice does not duplicate the notice given pursuant to paragraph (b);
7 and

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

10 The notice must be sent by mail or, if requested by a party to whom notice
11 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
12 means if receipt of such an electronic notice can be verified, and be written
13 in language which is easy to understand. The notice must set forth the time,
14 place and purpose of the hearing and a physical description of, or a map
15 detailing, the proposed change.

16 5. If a 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 substantially
21 the following form:

22
23 **OFFICIAL NOTICE OF PUBLIC HEARING**
24

25 6. In addition to sending the notice required pursuant to subsection 4,
26 in a county whose population is 400,000 or more, the governing body shall,
27 no later than 10 days before the hearing, erect or cause to be erected on the
28 property, at least one sign not less than 2 feet high and 2 feet wide. The
29 sign must be made of material reasonably calculated to withstand the
30 elements for 40 days. The governing body must be consistent in its use of
31 colors for the background and lettering of the sign. The sign must include
32 the following information:

33 (a) The existing zoning designation of the property in question;

34 (b) The proposed zoning designation of the property in question;

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

36 (d) A telephone number which may be used by interested persons to
37 obtain additional information; and

38 (e) A statement which indicates whether the proposed zoning
39 designation of the property in question complies with the requirements of
40 the master plan of the city or county in which the property is located.

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

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

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

11 **Sec. 17.** NRS 278.315 is hereby amended to read as follows:

12 278.315 1. The governing body may provide by ordinance for the
13 granting of variances, special use permits, conditional use permits or other
14 special exceptions by the board of adjustment, the planning commission or
15 a hearing examiner appointed pursuant to NRS 278.262. The governing
16 body may impose this duty entirely on the board, commission or examiner,
17 respectively, or provide for the granting of enumerated categories of
18 variances, special use permits, conditional use permits or special exceptions
19 by the board, commission or examiner.

20 2. A hearing to consider an application for the granting of a variance,
21 special use permit, conditional use permit or special exception must be held
22 before the board of adjustment, planning commission or hearing examiner
23 within 65 days after the filing of the application, unless a longer time or a
24 different process of review is provided in an agreement entered into
25 pursuant to NRS 278.0201. A notice setting forth the time, place and
26 purpose of the hearing must be sent at least 10 days before the hearing to:

27 (a) The applicant;

28 (b) Each owner of real property located within 300 feet of the property
29 in question;

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

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

34 The notice must be sent by mail or, if requested by a party to whom notice
35 must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic
36 means if receipt of such an electronic notice can be verified, and be written
37 in language which is easy to understand. The notice must set forth the time,
38 place and purpose of the hearing and a physical description or map of the
39 property in question.

40 3. If the application is for the issuance of a special use permit in a
41 county whose population is 100,000 or more, the governing body shall, to
42 the extent this notice does not duplicate the notice required by subsection 2,
43 cause a notice to be sent at least 10 days before the hearing to each owner,

1 as listed on the county assessor's records, of at least 30 parcels nearest to
2 the property in question. The notice must be sent by mail or, if requested by
3 an owner to whom notice must be provided, by electronic means if receipt
4 of such an electronic notice can be verified, and be written in language
5 which is easy to understand. The notice must set forth the time, place and
6 purpose of the hearing and a physical description or map of the property in
7 question.

8 4. *If an application is for the issuance of a special use permit with*
9 *regard to property that is located within an unincorporated town that is*
10 *rural in character and not located within an urbanized area of the*
11 *county, as determined by the board of county commissioners, the*
12 *applicant shall present the information contained in the application at a*
13 *meeting of the town board, citizens' advisory council or town advisory*
14 *board, whichever is applicable, before a hearing is held on the*
15 *application pursuant to subsection 2. The town board, citizens' advisory*
16 *council or town advisory board may make recommendations regarding*
17 *the application and submit its recommendations for consideration at the*
18 *hearing held pursuant to subsection 2. The governing body or other*
19 *person or entity that is authorized to take action on the application at the*
20 *hearing held pursuant to subsection 2 shall not take action on the*
21 *application until it receives recommendations from the town board,*
22 *citizens' advisory council or town advisory board regarding the*
23 *application or evidence from the applicant that he presented the*
24 *information contained in the application at a meeting of the town board,*
25 *citizens' advisory council or town advisory board, unless the town board,*
26 *citizens' advisory council or town advisory board failed to discuss the*
27 *application because of the absence of a quorum present at the scheduled*
28 *meeting. The governing body or other authorized person or entity shall*
29 *consider any recommendations made by the town board, citizens'*
30 *advisory council or town advisory board regarding the application. If the*
31 *governing body or other authorized person or entity does not concur with*
32 *the recommendation, if any, the governing body or other authorized*
33 *person or entity shall specify for the record the reasons for its action.*

34 5. 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 ~~5.4~~ 6. In a county whose population is 400,000 or more, if the
39 application is for the issuance of a special use permit for an establishment
40 which serves alcoholic beverages for consumption on or off of the premises
41 as its primary business in a district which is not a gaming enterprise district
42 as defined in NRS 463.0158, the governing body shall, in addition to
43 sending the notice required pursuant to subsection 3, not later than 10 days

1 before the hearing, erect or cause to be erected on the property, at least one
2 sign 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.}~~ 7. A sign required pursuant to subsection ~~{5.}~~ 6 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.}~~ 8. A governing body may charge an additional fee for each
16 application for a special use permit to cover the actual costs resulting from
17 the erection of not more than one sign required by subsection ~~{5.}~~ 6, if any.
18 The additional fee is not subject to the limitation imposed by NRS
19 354.5989.

20 ~~{8.}~~ 9. The governing body shall remove or cause to be removed any
21 sign required by subsection ~~{5.}~~ 6 within 5 days after the final hearing for
22 the application for which the sign was erected. There must be no additional
23 charge to the applicant for such removal.

24 ~~{9.}~~ 10. The provisions of this section do not apply to an application
25 for a conditional use permit filed pursuant to section 1 of ~~{this act.}~~
26 *Assembly Bill No. 603 of this session.*

27 **Sec. 18.** NRS 231.067 is hereby amended to read as follows:

28 231.067 The commission on economic development shall:

29 1. Develop a state plan for industrial development and diversification.

30 *The state plan must include a provision that promotes infill development*
31 *in smart growth zones designated pursuant to section 12.5 of this act.*

32 2. Promote, encourage and aid the development of commercial,
33 industrial, agricultural, mining and other vital economic interests of this
34 state, except for travel and tourism, except that in a county whose
35 population is less than 35,000, the county may include community
36 development and the development of the nongaming recreation and tourism
37 industry in its economic development efforts.

38 3. Identify sources of financing and assist businesses and industries
39 which wish to locate in Nevada in obtaining financing.

40 4. Provide and administer grants of money to political subdivisions of
41 the state and to local or regional organizations for economic development
42 to assist them in promoting the advantages of their communities and in
43 recruiting businesses to relocate in those communities. Each recipient must

1 provide an amount of money, at least equal to the grant, for the same
2 purpose, except, in a county whose population is less than 35,000, the
3 commission may, if convinced that the recipient is financially unable to do
4 so, provide such a grant with less than equal matching money provided by
5 the recipient.

6 5. Encourage and assist state, county and city agencies in planning and
7 preparing projects for economic or industrial development and financing
8 those projects with revenue bonds.

9 6. Coordinate and assist the activities of counties, cities, local and
10 regional organizations for economic development and fair and recreation
11 boards in the state which affect industrial development, except for travel
12 and tourism, except that in a county whose population is less than 35,000,
13 the county may include community development and the development of
14 the nongaming recreation and tourism industry in its economic
15 development efforts.

16 7. Arrange by cooperative agreements with local governments to serve
17 as the single agency in the state where relocating or expanding businesses
18 may obtain all required permits.

19 8. Promote close cooperation between public agencies and private
20 persons who have an interest in industrial development and diversification
21 in Nevada.

22 9. Organize and coordinate the activities of a group of volunteers
23 which will aggressively select and recruit businesses and industries,
24 especially small industries, to locate their offices and facilities in Nevada.

25 **Sec. 19.** NRS 319.160 is hereby amended to read as follows:

26 319.160 1. The division may provide advice, technical information,
27 training and educational services, conduct research and promote the
28 development of housing, building technology and related fields.

29 **2. *The division shall develop and carry out policies to promote infill***
30 ***development in smart growth zones designated pursuant to section 12.5***
31 ***of this act.***

32 **Sec. 20.** Section 14 of this act is hereby amended to read as follows:

33 **Sec. 14.** NRS 278.160 is hereby amended to read as follows:

34 278.160 1. The master plan, with the accompanying charts,
35 drawings, diagrams, schedules and reports, may include such of the
36 following subject matter or portions thereof as are appropriate to
37 the city, county or region, and as may be made the basis for the
38 physical development thereof:

39 (a) Community design. Standards and principles governing the
40 subdivision of land and suggestive patterns for community design
41 and development.

1 (b) Conservation plan. For the conservation, development and
2 utilization of natural resources, including water and its hydraulic
3 force, underground water, water supply, forests, soils, rivers and
4 other waters, harbors, fisheries, wildlife, minerals and other natural
5 resources. The plan must also cover the reclamation of land and
6 waters, flood control, prevention and control of the pollution of
7 streams and other waters, regulation of the use of land in stream
8 channels and other areas required for the accomplishment of the
9 conservation plan, prevention, control and correction of the erosion
10 of soils through proper clearing, grading and landscaping, beaches
11 and shores, and protection of watersheds. The plan must also
12 indicate the maximum tolerable level of air pollution.

13 (c) Economic plan. Showing recommended schedules for the
14 allocation and expenditure of public money in order to provide for
15 the economical and timely execution of the various components of
16 the plan.

17 (d) Historical properties preservation plan. An inventory of
18 significant historical, archaeological and architectural properties as
19 defined by a city, county or region, and a statement of methods to
20 encourage the preservation of those properties.

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

23 (1) An inventory of housing conditions, needs and plans and
24 procedures for improving housing standards and for providing
25 adequate housing.

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

27 (3) An analysis of the demographic characteristics of the
28 community.

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

31 (5) An analysis of any impediments to the development of
32 affordable housing and the development of policies to mitigate
33 those impediments.

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

36 (7) An analysis of the needs and appropriate methods for the
37 construction of affordable housing or the conversion or
38 rehabilitation of existing housing to affordable housing.

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

1 (f) Land use plan. An inventory and classification of types of
2 natural land and of existing land cover and uses, and comprehensive
3 plans for the most desirable utilization of land. The land use plan

4 ~~may~~ :

5 (1) *Must show each smart growth zone that has been*
6 *designated pursuant to section 12.5 of this act;*

7 (2) *Must identify policies that would assist in promoting*
8 *infill development in such zones; and*

9 (3) *May* include a provision concerning the acquisition and
10 use of land that is under federal management within the city, county
11 or region, including, without limitation, a plan or statement of
12 policy prepared pursuant to NRS 321.7355.

13 (g) Population plan. An estimate of the total population which
14 the natural resources of the city, county or region will support on a
15 continuing basis without unreasonable impairment.

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

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

23 (j) Recreation plan. Showing a comprehensive system of
24 recreation areas, including natural reservations, parks, parkways,
25 reserved riverbank strips, beaches, playgrounds and other recreation
26 areas, including, when practicable, the locations and proposed
27 development thereof.

28 (k) Rural neighborhoods preservation plan. In any county whose
29 population is 400,000 or more, showing general plans to preserve
30 the character and density of rural neighborhoods.

31 (l) Safety plan. In any county whose population is 400,000 or
32 more, identifying potential types of natural and man-made hazards,
33 including hazards from floods, landslides or fires, or resulting from
34 the manufacture, storage, transfer or use of bulk quantities of
35 hazardous materials. The plan may set forth policies for avoiding or
36 minimizing the risks from those hazards.

37 (m) Seismic safety plan. Consisting of an identification and
38 appraisal of seismic hazards such as susceptibility to surface
39 ruptures from faulting, to ground shaking or to ground failures.

40 (n) Solid waste disposal plan. Showing general plans for the
41 disposal of solid waste.

1 (o) Streets and highways plan. Showing the general locations
2 and widths of a comprehensive system of major traffic
3 thoroughfares and other traffic ways and of streets and the
4 recommended treatment thereof, building line setbacks, and a
5 system of naming or numbering streets and numbering houses, with
6 recommendations concerning proposed changes.

7 (p) Transit plan. Showing a proposed system of transit lines,
8 including rapid transit, streetcar, motorcoach and trolley coach lines
9 and related facilities.

10 (q) Transportation plan. Showing a comprehensive
11 transportation system, including locations of rights of way,
12 terminals, viaducts and grade separations. The plan may also
13 include port, harbor, aviation and related facilities.

14 2. The commission may prepare and adopt, as part of the
15 master plan, other and additional plans and reports dealing with
16 such other subjects as may in its judgment relate to the physical
17 development of the city, county or region, and nothing contained in
18 NRS 278.010 to 278.630, inclusive, prohibits the preparation and
19 adoption of any such subject as a part of the master plan.

20 **Sec. 21.** Section 3 of Senate Bill No. 121 of this session is hereby
21 amended to read as follows:

22 **Sec. 3.** NRS 278.260 is hereby amended to read as follows:

23 278.260 1. The governing body shall provide for the manner
24 in which zoning regulations and restrictions and the boundaries of
25 zoning districts are determined, established, enforced and amended.

26 2. A zoning regulation, restriction or boundary must strictly
27 conform to the master plan and must not become effective until
28 after a public hearing at which parties in interest and other persons
29 have an opportunity to be heard. The governing body shall cause
30 notice of the time and place of the hearing to be:

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

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

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

41 (a) The applicant;

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

4 (c) Each owner, as listed on the county assessor's records, of at
5 least 30 parcels nearest to the portion of the boundary being
6 changed, to the extent this notice does not duplicate the notice given
7 pursuant to paragraph (b); and

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

10 The notice must be sent by mail or, if requested by a party to whom
11 notice must be provided pursuant to paragraphs (a) to (d), inclusive,
12 by electronic means if receipt of such an electronic notice can be
13 verified, and be written in language which is easy to understand.

14 The notice must set forth the time, place and purpose of the hearing
15 and a physical description of, or a map detailing, the proposed
16 change **H**, *must indicate the existing zoning designation, and the*
17 *proposed zoning designation, of the property in question, and*
18 *must contain a brief summary of the intent of the proposed*
19 *change.*

20 4. If the proposed amendment involves a change in the
21 boundary of a zoning district in a county whose population is
22 400,000 or more, the governing body shall, to the extent this notice
23 does not duplicate the notice required by subsection 2, cause a
24 notice to be sent at least 10 days before the hearing to:

25 (a) The applicant;

26 (b) Each owner, as listed on the county assessor's records, of
27 real property located within 500 feet from the portion of the
28 boundary being changed;

29 (c) Each owner, as listed on the county assessor's records, of at
30 least 30 parcels nearest to the portion of the boundary being
31 changed, to the extent this notice does not duplicate the notice given
32 pursuant to paragraph (b); and

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

35 The notice must be sent by mail or, if requested by a party to whom
36 notice must be provided pursuant to paragraphs (a) to (d), inclusive,
37 by electronic means if receipt of such an electronic notice can be
38 verified and be written in language which is easy to understand.

39 The notice must set forth the time, place and purpose of the hearing
40 and a physical description of, or a map detailing, the proposed
41 change **H**, *must indicate the existing zoning designation, and the*

1 *proposed zoning designation, of the property in question, and*
2 *must contain a brief summary of the intent of the proposed*
3 *change.*

4 5. The exterior of the notice mailed pursuant to subsection 4
5 must bear a statement in at least 10-point bold type or font in
6 substantially the following form:

7
8 OFFICIAL NOTICE OF PUBLIC HEARING
9

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

- 19 (a) The existing zoning designation of the property in question;
20 (b) The proposed zoning designation of the property in question;
21 (c) The date, time and place of the public hearing;
22 (d) A telephone number which may be used by interested
23 persons to obtain additional information; and
24 (e) A statement which indicates whether the proposed zoning
25 designation of the property in question complies with the
26 requirements of the master plan of the city or county in which the
27 property is located.

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

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

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

1 **Sec. 22.** On or before January 1, 2001:

2 1. The governing body of a county whose population is 100,000 or
3 more shall designate initial smart growth zones as required pursuant to
4 subsection 1 of section 12.5 of this act.

5 2. The commission on economic development shall amend the state
6 plan for industrial development and diversification to include a provision
7 that promotes infill development in smart growth zones as required
8 pursuant to NRS 231.067, as amended by section 18 of this act.

9 3. The housing division of the department of business and industry
10 shall develop the policies to promote infill development in smart growth
11 zones as required pursuant to subsection 2 of NRS 319.160, as amended by
12 section 19 of this act.

13 **Sec. 23.** 1. This section and sections 1, 2, 3, 4, 5, 6, 7 to 12,
14 inclusive, 13, 14 and 15 of this act become effective on October 1, 1999.

15 2. Sections 3.5, 6.5, 12.5, 13.7, 14.3 and 18 to 20, inclusive, and 22 of
16 this act become effective on October 1, 1999, for the purposes of
17 preparations relating to the designation of smart growth zones pursuant to
18 subsection 1 of section 12.5 of this act, the amendment of the state plan for
19 industrial development and diversification pursuant to section 18 of this act
20 and the development of policies to promote infill development pursuant to
21 section 19 of this act and on January 1, 2001, for all other purposes.

22 3. Section 16 of this act becomes effective at 12:01 a.m. on October 1,
23 1999.

24 4. Sections 17 and 21 of this act become effective at 12:02 a.m. on
25 October 1, 1999.

26 5. Section 13.3 of this act becomes effective on January 1, 2000, for
27 the purposes of the compilation of the registry required pursuant to
28 subsection 3 of NRS 278.021 as amended by section 13.3 of this act and on
29 October 1, 1999, for all other purposes.

30 6. Section 14.7 of this act becomes effective on January 1, 2000.

31 7. The provisions of section 8 of this act expire by limitation on June 1,
32 2004.