

Senate Bill No. 542–Committee on Government Affairs

CHAPTER.....

AN ACT relating to land use; revising provisions governing the notice and hearing requirements for land use regulations, restrictions and exceptions to allow notice by electronic means in certain circumstances; revising provisions relating to the merger and resubdivision of subdivided lands; and providing other matters properly relating thereto.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in NRS 278.480 to 278.4965, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, “contiguous” means either abutting directly on the boundary or separated by a street, alley, public right of way, creek, river or the right of way of a railroad or other public service corporation.*

Sec. 3. 1. *An owner or governing body that owns two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490.*

2. Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278.320 to 278.4725, inclusive, and any applicable local ordinances. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

3. With respect to a merger and resubdivision of parcels pursuant to this section, the owner or governing body conducting the merger and resubdivision shall ensure that streets, easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

4. If a governing body required an owner or governing body to post security to secure the completion of improvements to two or more contiguous parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this section, the governing body shall credit on a pro rata basis the security

posted by the owner or governing body toward the same purposes with respect to the parcels as merged and resubdivided.

Sec. 4. NRS 278.260 is hereby amended to read as follows:

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

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

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

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

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

(a) The applicant;

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

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

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

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

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

(a) The applicant;

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

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

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

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

5. ~~The exterior of the notice mailed~~ *If a notice is required to be sent* pursuant to subsection 4 :

(a) The exterior of a notice sent by mail; or

(b) The cover sheet, heading or subject line of a notice sent by electronic means,

must bear a statement ~~printed~~ in at least 10-point bold type *or font* in substantially the following form:

OFFICIAL NOTICE OF PUBLIC HEARING

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

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

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

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

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

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

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

8. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 6, if

any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

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

Sec. 5. NRS 278.315 is hereby amended to read as follows:

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

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

- (a) The applicant;
- (b) Each owner of real property located within 300 feet of the property in question;
- (c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and
- (d) Any advisory board which has been established for the affected area by the governing body.

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

3. If the application is for the issuance of a special use permit in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent ~~by mail~~ at least 10 days before the hearing to each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the property in question. The notice must be *sent by mail or, if requested by an owner to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified, and be* written in language which is easy to understand. ~~It~~ *The notice* must set

forth the time, place and purpose of the hearing and a physical description or map of the property in question.

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

5. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, in addition to ~~{mailing}~~ **sending** the notice required pursuant to subsection 3, not later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

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

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

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

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

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

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

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

Sec. 6. NRS 278.378 is hereby amended to read as follows:

278.378 1. A final map presented to the county recorder for filing must include a certificate by the clerk of the governing body or planning commission , **or the director of planning or other authorized person or agency if authorized to take final action by the governing body**, stating that ~~{it approved}~~ **the governing body, planning commission, director of planning or other authorized person or agency:**

(a) **Approved** the map ~~{and accepted}~~ ;

(b) **Accepted** or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication ~~{ }~~ ; **and**

(c) If applicable, determined that a public street, easement or utility easement that will not remain in effect after a merger and resubdivision of parcels conducted pursuant to section 3 of this act, has been vacated or abandoned in accordance with NRS 278.480.

2. The director of planning or, if there is no director of planning, the clerk of the governing body shall certify on the final map that it substantially complies with the tentative map and all conditions have been met.

3. The clerk of the governing body or planning commission shall cause the approved final map to be presented to the county recorder for filing.

Sec. 7. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60

days,

after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60

days,

after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. It shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60

days,

after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 2 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the date of the request for the waiver, or, in the absence of action, the waiver shall be deemed approved.

5. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body. The governing body shall render its decision:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the date the appeal is filed.

6. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission. *A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to section 3 of this act, has been vacated or abandoned in accordance with NRS 278.480.*

Sec. 8. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final

action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body. The governing body shall render its decision:

(a) In a county whose population is 40,000 or more, within 45 days; or

(b) In a county whose population is less than 40,000, within 60 days,

after the date on which the appeal is filed.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. *A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to section 3 of this act, has been vacated or abandoned in accordance with NRS 278.480.*

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee of not more than \$35 per page set by the board of county commissioners.

Sec. 9. NRS 278.490 is hereby amended to read as follows:

278.490 1. ~~[Any]~~ *Except as otherwise provided in section 3 of this act, an* owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to revert the map or portion thereof, or to revert more than one map recorded under the same tentative map if the parcels to be reverted are contiguous, shall submit a written application accompanied by a map of the proposed reversion which contains the same survey

dimensions as the recorded map or maps to the governing body or, if authorized by local ordinance, to the planning commission or other authorized person. The application must describe the requested changes.

2. At its next meeting, or within a period of not more than 30 days after the filing of the map of reversion, whichever occurs later, the governing body or, if authorized by local ordinance, the planning commission or other authorized person shall review the map and approve, conditionally approve or disapprove it.

3. Except for the provisions of this section, NRS 278.4955, 278.496 and 278.4965 and any provision or local ordinance relating to the payment of fees in conjunction with filing, recordation or checking of a map of the kind offered, no other provision of NRS 278.010 to 278.630, inclusive, applies to a map made solely for the purpose of reversion of a former map or for reversion of any division of land to acreage.

4. Upon approval of the map of reversion, it must be recorded in the office of the county recorder. The county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

~~[5.—As used in this section, “contiguous” means either abutting directly on the boundary or separated by a street, alley, public right of way, creek, river or the right of way of a railroad or other public service corporation.]~~

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