

SENATE BILL NO. 554—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning land use planning. (BDR 22-322)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to land use planning; requiring the governing body of each county and city to adopt an ordinance providing for the appeal of certain land use decisions to the governing body; providing for an appeal of such decisions by the governing body to the district court; raising the maximum compensation that a governing body may provide to its planning commission for each meeting of the planning commission; authorizing certain attested copies of a master plan to be certified by electronic means; modifying the period within which certain entities must take action on a tentative map, parcel map or final map; revising provisions regarding the presentation of a series of final maps for a subdivision; 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 a
2 new section to read as follows:

3 ***1. Each governing body shall adopt an ordinance providing that any***
4 ***person who is aggrieved by a decision of:***

5 ***(a) The planning commission, if the governing body has created a***
6 ***planning commission pursuant to NRS 278.030;***

7 ***(b) The board of adjustment, if the governing body has created a***
8 ***board of adjustment pursuant to NRS 278.270;***

9 ***(c) A hearing examiner, if the governing body has appointed a***
10 ***hearing examiner pursuant to NRS 278.262; or***

11 ***(d) Except as otherwise provided in NRS 278.310, any other person***
12 ***appointed or employed by the governing body who is authorized to make***
13 ***administrative decisions regarding the use of land,***
14 ***may appeal the decision to the governing body.***



1 2. An ordinance adopted pursuant to subsection 1 must set forth,
2 without limitation:

3 (a) The period within which an appeal must be filed with the
4 governing body.

5 (b) The procedures pursuant to which the governing body will hear
6 the appeal.

7 (c) That the governing body may affirm, modify or reverse a decision.

8 (d) The period within which the governing body must render its
9 decision except that:

10 (1) In a county whose population is 400,000 or more, that period
11 must not exceed 45 days.

12 (2) In a county whose population is less than 400,000, that period
13 must not exceed 60 days.

14 (e) That the decision of the governing body is a final decision for the
15 purpose of judicial review.

16 (f) That, in reviewing a decision, the governing body will be guided by
17 the statement of purpose underlying the regulation of the improvement of
18 land expressed in NRS 278.020.

19 (g) That the governing body may charge the appellant for the cost of
20 the appeal if the governing body, after a hearing, determines that the
21 appeal is frivolous.

22 3. Any person who:

23 (a) Has appealed a decision to the governing body in accordance with
24 an ordinance adopted pursuant to subsection 1; and

25 (b) Is aggrieved by the decision of the governing body,
26 may appeal that decision to the district court of the proper county by
27 filing a petition for judicial review within 25 days after the date of filing
28 of notice of the decision with the clerk or secretary of the governing body,
29 as set forth in NRS 278.0235.

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

31 278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1**
32 **of this act**, unless the context otherwise requires, the words and terms
33 defined in NRS 278.0105 to 278.0195, inclusive, have the meanings
34 ascribed to them in those sections.

35 **Sec. 3.** NRS 278.040 is hereby amended to read as follows:

36 278.040 1. The members of the planning commission are appointed
37 by the chief executive officer of the city, or in the case of a county by the
38 chairman of the board of county commissioners, with the approval of the
39 governing body. The members must not be members of the governing body
40 of the city or county. The majority of the members of the county planning
41 commission in any county whose population is 400,000 or more must
42 reside within the unincorporated area of the county.

43 2. In Carson City, the members of the planning commission
44 established as provided in NRS 278.030 are appointed by the mayor from
45 the city at large, with the approval of the board of supervisors.

46 3. The governing body may provide for compensation to its planning
47 commission in an amount of not more than ~~150~~ **\$100** per meeting of the
48 commission, with a total of not more than \$400 per month, and may
49 provide travel expenses and subsistence allowances for the members in the



1 same amounts as are allowed for other officers and employees of the
2 county or city.

3 4. Except as otherwise provided in this subsection, the term of each
4 member is 4 years, or until his successor takes office. If applicable, the
5 term of each member of a county or city planning commission in any
6 county whose population is 400,000 or more is coterminous with the term
7 of the member of the governing body who recommended his appointment
8 to the appointing authority. If the recommending member resigns his office
9 before the expiration of his term, the corresponding member of the
10 planning commission may continue to serve until the office is next filled by
11 election. If the office of the recommending member becomes vacant before
12 the expiration of the term for any other reason, the corresponding member
13 of the planning commission may continue to serve for the duration of the
14 original term.

15 5. Members may be removed, after public hearing, by a majority vote
16 of the governing body for just cause.

17 6. Vacancies occurring otherwise than through the expiration of term
18 must be filled for the unexpired term.

19 **Sec. 4.** NRS 278.210 is hereby amended to read as follows:

20 278.210 1. Before adopting the master plan or any part of it, or any
21 substantial amendment thereof, the commission shall hold at least one
22 public hearing thereon, notice of the time and place of which ~~it shall~~ **must**
23 be given at least by one publication in a newspaper of general circulation in
24 the city or county, or in the case of a regional planning commission, by one
25 publication in a newspaper in each county within the regional district, at
26 least 10 days before the day of the hearing.

27 2. The adoption of the master plan, or of any amendment, extension or
28 addition thereof, ~~it shall~~ **must** be by resolution of the commission carried by
29 the affirmative votes of not less than two-thirds of the total membership of
30 the commission. The resolution ~~it shall~~ **must** refer expressly to the maps,
31 descriptive matter and other matter intended by the commission to
32 constitute the plan or any amendment, addition or extension thereof, and
33 the action taken ~~it shall~~ **must** be recorded on the map and plan and
34 descriptive matter by the identifying signatures of the secretary and
35 chairman of the commission.

36 3. No plan or map, hereafter, ~~it shall~~ **may** have indicated thereon that it
37 is a part of the master plan until it ~~it shall have~~ **has** been adopted as part of
38 the master plan by the commission as herein provided for the adoption
39 thereof, whenever changed conditions or further studies by the commission
40 require such amendments, extension ~~it~~ or addition.

41 4. An attested copy of any part, amendment, extension of or addition
42 to the master plan adopted by the planning commission of any city, county
43 or region ~~it shall~~ **must** be certified to the governing body of ~~such~~ **the** city,
44 county or region. ***The governing body of the city, county or region may***
45 ***authorize such certification by electronic means.***

46 5. An attested copy of any part, amendment, extension of or addition
47 to the master plan adopted by any regional planning commission ~~it shall~~
48 **must** be certified to the county planning commission and to the board of
49 county commissioners of each county within the regional district. ***The***



1 *county planning commission and board of county commissioners may*
2 *authorize such certification by electronic means.*

3 **Sec. 5.** NRS 278.265 is hereby amended to read as follows:

4 278.265 1. Any ordinance enacted pursuant to the provisions of NRS
5 278.264 must provide, in substance, the same notice of hearing and
6 conduct of hearing safeguards required by NRS 278.315 or 278.480,
7 whichever is applicable.

8 2. The governing body shall, by ordinance, set forth the duties and
9 powers of the hearing examiner, including a statement of whether the
10 hearing examiner may take final action on any matter assigned to him by
11 the governing body.

12 3. Except as otherwise provided in subsection 4, the governing body
13 may authorize the hearing examiner to take final action on matters relating
14 to a variance, vacation, abandonment, special use permit, conditional use
15 permit and other special exception or application specified in the
16 ordinance.

17 4. The governing body shall not authorize the hearing examiner to take
18 final action on:

19 (a) Matters relating to a zoning classification, zoning district or an
20 amendment to a zoning boundary.

21 (b) An application for a conditional use permit that is filed pursuant to
22 NRS 278.147.

23 5. An ~~ordinance adopted pursuant to NRS 278.264 must set forth the~~
24 ~~manner in which an~~ applicant or protestant may appeal any final action
25 taken by the hearing examiner ~~to the governing body.~~ *in accordance with*
26 *the ordinance adopted pursuant to section 1 of this act.*

27 **Sec. 6.** NRS 278.310 is hereby amended to read as follows:

28 278.310 1. ~~Appeals~~ *Except as otherwise provided in subsection 3,*
29 *appeals* to the board of adjustment may be taken by:

30 (a) Any person aggrieved by his inability to obtain a building permit, or
31 by the decision of any administrative officer or agency based upon or made
32 in the course of the administration or enforcement of the provisions of any
33 zoning regulation or any regulation relating to the location or soundness of
34 structures.

35 (b) Any officer, department, board or bureau of the city or county
36 affected by the grant or refusal of a building permit or by other decision of
37 an administrative officer or agency based on or made in the course of the
38 administration or enforcement of the provisions of any zoning regulations.

39 2. ~~He~~ *Except as otherwise provided in subsection 3, the* time within
40 which an appeal must be made, and the form of other procedure relating
41 thereto, ~~shall~~ *must* be as specified in the general rules provided by the
42 governing body to govern the procedure of the board of adjustment and in
43 the supplemental rules of procedure adopted by the board of adjustment.

44 3. *If the governing body has not created a board of adjustment*
45 *pursuant to NRS 278.270, any person aggrieved by the decision of an*
46 *administrative officer or agency, as described in subsection 1, may appeal*
47 *the decision in accordance with the ordinance adopted pursuant to*
48 *section 1 of this act.*



1 **Sec. 7.** NRS 278.315 is hereby amended to read as follows:

2 278.315 1. The governing body may provide by ordinance for the
3 granting of variances, special use permits, conditional use permits or other
4 special exceptions by the board of adjustment, the planning commission or
5 a hearing examiner appointed pursuant to NRS 278.262. The governing
6 body may impose this duty entirely on the board, commission or examiner,
7 respectively, or provide for the granting of enumerated categories of
8 variances, special use permits, conditional use permits or special
9 exceptions by the board, commission or examiner.

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

18 (a) The applicant;

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

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

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

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

31 3. If the application is for the issuance of a special use permit in a
32 county whose population is 100,000 or more, the governing body shall, to
33 the extent this notice does not duplicate the notice required by subsection
34 2, cause a notice to be sent at least 10 days before the hearing to each
35 owner, as listed on the county assessor's records, of at least 30 parcels
36 nearest to the property in question. The notice must be sent by mail or, if
37 requested by an owner to whom notice must be provided, by electronic
38 means if receipt of such an electronic notice can be verified, and be written
39 in language which is easy to understand. The notice must set forth the time,
40 place and purpose of the hearing and a physical description or map of the
41 property in question.

42 4. An ~~ordinance adopted pursuant to this section must provide an~~
43 ~~opportunity for the~~ applicant or a protestant ~~to appeal from~~ *may appeal* a
44 decision of the board of adjustment, planning commission or hearing
45 examiner ~~to the governing body~~ *in accordance with the ordinance*
46 *adopted pursuant to section 1 of this act.*

47 5. In a county whose population is 400,000 or more, if the application
48 is for the issuance of a special use permit for an establishment which serves
49 alcoholic beverages for consumption on or off of the premises as its



1 primary business in a district which is not a gaming enterprise district as
2 defined in NRS 463.0158, the governing body shall, in addition to sending
3 the notice required pursuant to subsection 3, not later than 10 days before
4 the hearing, erect or cause to be erected on the property, at least one sign
5 not less than 2 feet high and 2 feet wide. The sign must be made of
6 material reasonably calculated to withstand the elements for 40 days. The
7 governing body must be consistent in its use of colors for the background
8 and lettering of the sign. The sign must include the following information:

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

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

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

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

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

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

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

26 9. The provisions of this section do not apply to an application for
27 conditional use permit filed pursuant to NRS 278.147.

28 **Sec. 8.** NRS 278.319 is hereby amended to read as follows:

29 278.319 1. The governing body may adopt an ordinance that
30 authorizes the director of planning or another person or agency to grant
31 minor deviations from requirements for land use established within a
32 zoning district without conducting a hearing. The ordinance must require
33 an applicant for a minor deviation to obtain the written consent of the
34 owner of any real property that would be affected by the minor deviation.

35 2. If the director of planning or other authorized person or agency
36 grants a deviation in accordance with its authority delegated pursuant to
37 subsection 1, the director of planning or other authorized person or agency
38 shall ensure that the deviation will not impair the purpose of the zoning
39 district or any regulations adopted by the governing body pursuant to NRS
40 278.250.

41 3. An ~~ordinance adopted pursuant to this section must provide an~~
42 ~~opportunity for an~~ applicant or other aggrieved person ~~to~~ *may* appeal the
43 decision of the director of planning or other authorized person or agency
44 ~~to the governing body.~~ *in accordance with the ordinance adopted*
45 *pursuant to section 1 of this act.*

46 **Sec. 9.** NRS 278.328 is hereby amended to read as follows:

47 278.328 The governing body may, by ordinance, authorize the
48 planning commission to take final action on a tentative map and a final
49 map. Any person aggrieved by the commission's action may appeal the



1 commission's decision ~~to the governing body within a reasonable period~~
2 ~~to be determined, by ordinance, by the governing body.~~ *in accordance*
3 *with the ordinance adopted pursuant to section 1 of this act.*

4 **Sec. 10.** NRS 278.330 is hereby amended to read as follows:

5 278.330 1. The initial action in connection with the making of any
6 subdivision is the preparation of a tentative map.

7 2. The subdivider shall file copies of such map with the planning
8 commission or its designated representative, or with the clerk of the
9 governing body if there is no planning commission, together with a filing
10 fee in an amount determined by the governing body.

11 3. The commission, its designated representative, the clerk or other
12 designated representative of the governing body or, when authorized by the
13 governing body, the subdivider or any other appropriate agency shall
14 distribute copies of the map and any accompanying data to all state and
15 local agencies charged with reviewing the proposed subdivision.

16 4. If there is no planning commission, the clerk of the governing body
17 shall submit the tentative map to the governing body at its next regular
18 meeting.

19 5. Except as otherwise provided by subsection 6, if there is a planning
20 commission, it shall:

21 (a) In a county whose population is ~~40,000~~ *400,000* or more, within 45
22 days; or

23 (b) In a county whose population is less than ~~40,000~~ *400,000*, within
24 60 days,

25 after accepting as a complete application a tentative map, recommend
26 approval, conditional approval or disapproval of the map in a written report
27 filed with the governing body.

28 6. If the governing body has authorized the planning commission to
29 take final action on a tentative map, the planning commission shall:

30 (a) In a county whose population is ~~40,000~~ *400,000* or more, within 45
31 days; or

32 (b) In a county whose population is less than ~~40,000~~ *400,000*, within
33 60 days,

34 after accepting as a complete application a tentative map, approve,
35 conditionally approve or disapprove the tentative map in the manner
36 provided for in NRS 278.349. ~~It~~ *The planning commission* shall file its
37 written decision with the governing body.

38 **Sec. 11.** NRS 278.349 is hereby amended to read as follows:

39 278.349 1. Except as otherwise provided in subsection 2, the
40 governing body, if it has not authorized the planning commission to take
41 final action, shall, by a majority vote of the members present, approve,
42 conditionally approve ~~it~~ or disapprove a tentative map filed pursuant to
43 NRS 278.330:

44 (a) In a county whose population is ~~40,000~~ *400,000* or more, within 45
45 days; or

46 (b) In a county whose population is less than ~~40,000~~ *400,000*, within
47 60 days,

48 after receipt of the planning commission's recommendations.



- 1 2. If there is no planning commission, the governing body shall
2 approve, conditionally approve or disapprove a tentative map:
3 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
4 days; or
5 (b) In a county whose population is less than ~~40,000~~ 400,000, within
6 60 days,
7 after the map is filed with the clerk of the governing body.
8 3. The governing body, or planning commission if it is authorized to
9 take final action on a tentative map, shall consider:
10 (a) Environmental and health laws and regulations concerning water
11 and air pollution, the disposal of solid waste, facilities to supply water,
12 community or public sewage disposal and, where applicable, individual
13 systems for sewage disposal;
14 (b) The availability of water which meets applicable health standards
15 and is sufficient in quantity for the reasonably foreseeable needs of the
16 subdivision;
17 (c) The availability and accessibility of utilities;
18 (d) The availability and accessibility of public services such as schools,
19 police protection, transportation, recreation and parks;
20 (e) Conformity with the zoning ordinances and master plan, except that
21 if any existing zoning ordinance is inconsistent with the master plan, the
22 zoning ordinance takes precedence;
23 (f) General conformity with the governing body's master plan of streets
24 and highways;
25 (g) The effect of the proposed subdivision on existing public streets and
26 the need for new streets or highways to serve the subdivision;
27 (h) Physical characteristics of the land such as flood plain, slope and
28 soil;
29 (i) The recommendations and comments of those entities reviewing the
30 tentative map pursuant to NRS 278.330 to 278.348, inclusive; and
31 (j) The availability and accessibility of fire protection, including, but not
32 limited to, the availability and accessibility of water and services for the
33 prevention and containment of fires, including fires in wild lands.
34 4. The governing body or planning commission shall, by a majority
35 vote of the members present, make a final disposition of the tentative map.
36 Any disapproval or conditional approval must include a statement of the
37 reason for that action.
38 **Sec. 12.** NRS 278.360 is hereby amended to read as follows:
39 278.360 1. Unless a longer time is provided in an agreement entered
40 into pursuant to NRS 278.0201:
41 (a) Unless the time is extended, the subdivider shall present to the
42 governing body, or ~~or~~ the planning commission or the director of planning
43 or other authorized person or agency if authorized to take final action by
44 the governing body, within 2 years after the approval of a tentative map:
45 (1) A final map, prepared in accordance with the tentative map, for
46 the entire area for which a tentative map has been approved; or
47 (2) The first of a series of final maps covering a portion of the
48 approved tentative map. ~~The subdivider shall~~ *If the subdivider elects to*
49 present a successive map in a series of final maps, each covering a portion



1 of the approved tentative map, ~~within successive 1 year periods after the~~
2 ~~date of approval of the latest final map in the series.~~ *the subdivider shall*
3 *present to the governing body, or the planning commission or the*
4 *director of planning or other authorized person or agency if authorized*
5 *to take final action by the governing body, on or before the anniversary*
6 *of the date on which the subdivider presented the first in the series of*
7 *final maps:*

8 *(I) A final map, prepared in accordance with the tentative map,*
9 *for the entire area for which the tentative map has been approved; or*

10 *(II) The next final map in the series of final maps covering a*
11 *portion of the approved tentative map.*

12 (b) If the subdivider fails to ~~record a final map for any portion of the~~
13 ~~tentative map within 2 years after the date of approval of the tentative map,~~
14 ~~or within 1 year after the date of approval of the most recently recorded~~
15 ~~final map,~~ *comply with the provisions of paragraph (a),* all proceedings
16 concerning the subdivision are terminated.

17 (c) The governing body or planning commission may grant an extension
18 of not more than 1 year for the presentation of any final map after the 1-
19 year period for presenting a successive final map has expired.

20 2. If the subdivider is presenting in a timely manner a series of final
21 maps, each covering a portion of the approved tentative map, no
22 requirements other than those imposed on each of the final maps in the
23 series may be placed on the map when an extension of time is granted
24 unless the requirement is directly attributable to a change in applicable
25 laws which affect the public health, safety or welfare.

26 **Sec. 13.** NRS 278.380 is hereby amended to read as follows:

27 278.380 1. After receipt of the final map:

28 (a) The governing body or planning commission, at its next meeting; or

29 (b) If authorized by the governing body, the director of planning or
30 other authorized person or agency, within 10 days after the map is accepted
31 as a complete application by the governing body, planning commission, the
32 director of planning or other authorized person or agency,
33 shall approve the map if it conforms to all the requirements of NRS
34 278.010 to 278.630, inclusive, *and section 1 of this act*, and of any local
35 ordinance applicable at the time of approval of the final map, or any rulings
36 made thereunder.

37 2. The governing body, planning commission or director of planning
38 or other authorized person or agency shall at that time also accept or reject
39 all offers of dedication and may, as a condition precedent to the acceptance
40 of streets or easements, require that the subdivider improve or agree to
41 improve the streets or easements.

42 3. If an agreement for a required improvement is entered into, the
43 governing body or planning commission may require that the agreement be
44 secured by a good and sufficient bond or other security in the amount
45 determined by the governing body, planning commission or director of
46 planning or other authorized person or agency.

47 4. Any requirement imposed by the planning commission, director of
48 planning or other authorized person or agency pursuant to this section may
49 be appealed ~~to the governing body,~~ *in accordance with the ordinance*



1 *adopted pursuant to section 1 of this act.* If such an appeal is filed, the
2 limit on time to approve or disapprove a final map in subsection 1 is
3 extended until 10 days after ~~the~~ :

4 *(a) The decision of the governing body on the appeal ~~H~~; or*
5 *(b) The decision of the district court, if the decision of the governing*
6 *body is appealed to the district court.*

7 **Sec. 14.** NRS 278.464 is hereby amended to read as follows:

8 278.464 1. Except as otherwise provided in subsection 2, if there is a
9 planning commission, it shall:

10 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
11 days; or

12 (b) In a county whose population is less than ~~40,000~~ 400,000, within
13 60 days,

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

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

20 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
21 days; or

22 (b) In a county whose population is less than ~~40,000~~ 400,000, within
23 60 days,

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

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

34 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
35 days; or

36 (b) In a county whose population is less than ~~40,000~~ 400,000, within
37 60 days,

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

45 4. Except as otherwise provided in NRS 278.463, if unusual
46 circumstances exist, a governing body or, if authorized by the governing
47 body, the planning commission may waive the requirement for a parcel
48 map. Before waiving the requirement for a parcel map, a determination
49 must be made by the county surveyor, city surveyor or professional land



1 surveyor appointed by the governing body that a survey is not required.
2 Unless the time is extended by mutual agreement, a request for a waiver
3 must be acted upon:

4 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
5 days; or

6 (b) In a county whose population is less than ~~40,000~~ 400,000, within
7 60 days,

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

10 5. A governing body may consider or may, by ordinance, authorize the
11 consideration of the criteria set forth in subsection 3 of NRS 278.349 in
12 determining whether to approve, conditionally approve or disapprove a
13 second or subsequent parcel map for land that has been divided by a parcel
14 map which was recorded within the 5 years immediately preceding the
15 acceptance of the second or subsequent parcel map as a complete
16 application.

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

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

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

24 ~~after the date the appeal is filed.~~ *the decision in accordance with the*
25 *ordinance adopted pursuant to section 1 of this act.*

26 7. If a parcel map and the associated division of land are approved or
27 deemed approved pursuant to this section, the approval must be noted on
28 the map in the form of a certificate attached thereto and executed by the
29 clerk of the governing body, the governing body's designated
30 representative or the chairman of the planning commission. A certificate
31 attached to a parcel map pursuant to this subsection must indicate, if
32 applicable, that the governing body or planning commission determined
33 that a public street, easement or utility easement which will not remain in
34 effect after a merger and resubdivision of parcels conducted pursuant to
35 NRS 278.4925 ~~is~~ has been vacated or abandoned in accordance with NRS
36 278.480.

37 **Sec. 15.** NRS 278.4725 is hereby amended to read as follows:

38 278.4725 1. Except as otherwise provided in this section, if the
39 governing body has authorized the planning commission to take final
40 action on a final map, the planning commission shall approve,
41 conditionally approve or disapprove the final map, basing its action upon
42 the requirements of NRS 278.472:

43 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
44 days; or

45 (b) In a county whose population is less than ~~40,000~~ 400,000, within
46 60 days,

47 after accepting the final map as a complete application. The planning
48 commission shall file its written decision with the governing body. Except
49 as otherwise provided in subsection 5, or unless the time is extended by



1 mutual agreement, if the planning commission is authorized to take final
2 action and it fails to take action within the period specified in this
3 subsection, the final map shall be deemed approved unconditionally.

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

9 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
10 days; or

11 (b) In a county whose population is less than ~~40,000~~ 400,000, within
12 60 days,

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

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

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

24 ~~— (b) In a county whose population is less than 40,000, within 60 days,~~
25 ~~after the date on which the appeal is filed.] the decision in accordance~~
26 ~~with the ordinance adopted pursuant to section 1 of this act.~~

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

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

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

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

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

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

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

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

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



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

4 (b) A certificate signed by the clerk of the governing body or authorized
5 representative of the governing body or the secretary to the planning
6 commission that the map was approved, or the affidavit of the person
7 presenting the map for filing that the time limited by subsection 1 or 2 for
8 action by the governing body or its authorized representative or the
9 planning commission has expired and that the requirements of subsection 5
10 have been met. A certificate signed pursuant to this paragraph must also
11 indicate, if applicable, that the governing body or planning commission
12 determined that a public street, easement or utility easement which will not
13 remain in effect after a merger and resubdivision of parcels conducted
14 pursuant to NRS 278.4925, has been vacated or abandoned in accordance
15 with NRS 278.480.

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

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

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

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

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

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

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

30 (1) The final map; or

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

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

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

39 **Sec. 16.** NRS 278.480 is hereby amended to read as follows:

40 278.480 1. Except as otherwise provided in subsection 10, any
41 abutting owner or local government desiring the vacation or abandonment
42 of any street or easement owned by a city or a county, or any portion
43 thereof, shall file a petition in writing with the planning commission or the
44 governing body having jurisdiction.

45 2. The governing body may establish by ordinance a procedure by
46 which, after compliance with the requirements for notification of public
47 hearing set forth in this section, a vacation or abandonment of a street or an
48 easement may be approved in conjunction with the approval of a tentative
49 map pursuant to NRS 278.349.



* S B 5 5 4 *

1 3. Whenever any street or easement owned by a city or a county is
2 proposed to be vacated, the governing body, or the planning commission or
3 hearing examiner if authorized to take final action by the governing body,
4 shall notify by certified mail each owner of property abutting the proposed
5 abandonment and cause a notice to be published at least once in a
6 newspaper of general circulation in the city or county, setting forth the
7 extent of the proposed abandonment and setting a date for public hearing,
8 which must be not less than 10 days and not more than 40 days after the
9 date the notice is first published.

10 4. Except as provided in subsection 5, if, upon public hearing, the
11 governing body, or the planning commission or hearing examiner if
12 authorized to take final action by the governing body, is satisfied that the
13 public will not be materially injured by the proposed vacation, it shall order
14 the street or easement vacated. The governing body, or the planning
15 commission or hearing examiner if authorized to take final action by the
16 governing body, may make the order conditional, and the order becomes
17 effective only upon the fulfillment of the conditions prescribed. An
18 applicant or other person aggrieved by the decision of the planning
19 commission or hearing examiner may appeal ~~to the governing body within~~
20 ~~a reasonable period to be determined, by ordinance, by the governing~~
21 ~~body.~~ *the decision in accordance with the ordinance adopted pursuant to*
22 *section 1 of this act.*

23 5. If a utility has an easement over the property, the governing body, or
24 the planning commission or hearing examiner if authorized to take final
25 action by the governing body, shall provide in its order for the continuation
26 of that easement.

27 6. The order must be recorded in the office of the county recorder, if
28 all the conditions of the order have been fulfilled, and upon the recordation
29 title to the street or easement reverts to the abutting property owners in the
30 approximate proportion that the property was dedicated by the abutting
31 property owners or their predecessors in interest. In the event of a partial
32 vacation of a street where the vacated portion is separated from the
33 property from which it was acquired by the unvacated portion of it, the
34 governing body may sell the vacated portion upon such terms and
35 conditions as it deems desirable and in the best interests of the city or
36 county. If the governing body sells the vacated portion, it shall afford the
37 right of first refusal to each abutting property owner as to that part of the
38 vacated portion which abuts his property, but no action may be taken by
39 the governing body to force the owner to purchase that portion and that
40 portion may not be sold to any person other than the owner if the sale
41 would result in a complete loss of access to a street from the abutting
42 property.

43 7. If the street was acquired by dedication from the abutting property
44 owners or their predecessors in interest, no payment is required for title to
45 the proportionate part of the street reverted to each abutting property
46 owner. If the street was not acquired by dedication, the governing body
47 may make its order conditional upon payment by the abutting property
48 owners for their proportionate part of the street of such consideration as the
49 governing body determines to be reasonable. If the governing body



1 determines that the vacation has a public benefit, it may apply the benefit
2 as an offset against a determination of reasonable consideration which did
3 not take into account the public benefit.

4 8. If an easement for light and air owned by a city or a county is
5 adjacent to a street vacated pursuant to the provisions of this section, the
6 easement is vacated upon the vacation of the street.

7 9. In any vacation or abandonment of any street owned by a city or a
8 county, or any portion thereof, the governing body, or the planning
9 commission or hearing examiner if authorized to take final action by the
10 governing body, may reserve and except therefrom all easements, rights or
11 interests therein which the governing body, or the planning commission or
12 hearing examiner if authorized to take final action by the governing body,
13 deems desirable for the use of the city, the county or any public utility.

14 10. The governing body may establish by local ordinance a simplified
15 procedure for the vacation or abandonment of an easement for a public
16 utility owned or controlled by the governing body.

17 **Sec. 17.** NRS 278.317 is hereby repealed.

18 **Sec. 18.** This act becomes effective on July 1, 2001.

TEXT OF REPEALED SECTION

NRS 278.317 Review by governing body.

1. The governing body may reserve to itself the power to review decisions of the board of adjustment or planning commission, or both, with respect to variances, special use permits or other special exceptions, and to affirm, modify or reverse any such decision.

2. In reviewing those decisions, the governing body must be guided by the statement of purpose underlying the regulation of land improvement expressed in NRS 278.020.

