

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT S.B. 554

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; authorizing the governing body of a county or city to adopt an alternative procedure allowing certain decisions of a board of adjustment to be appealed directly 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. Except as otherwise provided in NRS 278.310, each governing***
4 ***body shall adopt an ordinance providing that any person who is***
5 ***aggrieved by a decision of:***
6 ***(a) The planning commission, if the governing body has created a***
7 ***planning commission pursuant to NRS 278.030;***
8 ***(b) The board of adjustment, if the governing body has created a***
9 ***board of adjustment pursuant to NRS 278.270;***
10 ***(c) A hearing examiner, if the governing body has appointed a***
11 ***hearing examiner pursuant to NRS 278.262; or***



1 (d) Any other person appointed or employed by the governing body
2 who is authorized to make administrative decisions regarding the use of
3 land,
4 may appeal the decision to the governing body.

5 2. Except as otherwise provided in NRS 278.310, an ordinance
6 adopted pursuant to subsection 1 must set forth, without limitation:

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

9 (b) The procedures pursuant to which the governing body will hear
10 the appeal.

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

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

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

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

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

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

23 (g) That the governing body may charge the appellant a fee for the
24 cost of the appeal.

25 3. Any person who:

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

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

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

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

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

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

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



1 3. The governing body may provide for compensation to its planning
2 commission in an amount of not more than ~~§50~~ *§80* per meeting of the
3 commission, with a total of not more than \$400 per month, and may
4 provide travel expenses and subsistence allowances for the members in the
5 same amounts as are allowed for other officers and employees of the
6 county or city.

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

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

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

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

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

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

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

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



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1 5. An attested copy of any part, amendment, extension of or addition
2 to the master plan adopted by any regional planning commission ~~{shall}~~
3 *must* be certified to the county planning commission and to the board of
4 county commissioners of each county within the regional district. *The*
5 *county planning commission and board of county commissioners may*
6 *authorize such certification by electronic means.*

7 **Sec. 5.** NRS 278.265 is hereby amended to read as follows:
8 278.265 1. Any ordinance enacted pursuant to the provisions of NRS
9 278.264 must provide, in substance, the same notice of hearing and
10 conduct of hearing safeguards required by NRS 278.315 or 278.480,
11 whichever is applicable.

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

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

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

23 (a) Matters relating to a zoning classification, zoning district or an
24 amendment to a zoning boundary.

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

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

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

32 278.310 1. ~~{Appeals}~~ *Except as otherwise provided in subsection 4,*
33 *appeals* to the board of adjustment may be taken by:

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

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

43 2. ~~{The}~~ *Except as otherwise provided in subsection 4, the* time within
44 which an appeal must be made, and the form of other procedure relating
45 thereto, ~~{shall}~~ *must* be as specified in the general rules provided by the
46 governing body to govern the procedure of the board of adjustment and in
47 the supplemental rules of procedure adopted by the board of adjustment.

48 3. *Each governing body which has created a board of adjustment*
49 *pursuant to NRS 278.270 shall adopt an ordinance providing that any*



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1 *person who is aggrieved by a decision of the board of adjustment*
2 *regarding an appeal of an administrative decision may appeal the*
3 *decision of the board of adjustment. An ordinance that a governing body*
4 *is required to adopt pursuant to this subsection must either:*

5 *(a) Comply with subsection 2 of section 1 of this act, thereby requiring*
6 *the aggrieved person first to appeal the decision of the board of*
7 *adjustment to the governing body; or*

8 *(b) Set forth a separate procedure which allows the aggrieved person*
9 *to appeal the decision of the board of adjustment directly to the district*
10 *court of the proper county by filing a petition for judicial review within*
11 *25 days after the date of filing of notice of the decision with the clerk or*
12 *secretary of the board of adjustment, as provided in NRS 278.0235.*

13 *4. If the governing body has not created a board of adjustment*
14 *pursuant to NRS 278.270, any person aggrieved by the decision of an*
15 *administrative officer or agency, as described in subsection 1, may appeal*
16 *the decision in accordance with the ordinance adopted pursuant to*
17 *section 1 of this act.*

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

19 278.315 1. The governing body may provide by ordinance for the
20 granting of variances, special use permits, conditional use permits or other
21 special exceptions by the board of adjustment, the planning commission or
22 a hearing examiner appointed pursuant to NRS 278.262. The governing
23 body may impose this duty entirely on the board, commission or examiner,
24 respectively, or provide for the granting of enumerated categories of
25 variances, special use permits, conditional use permits or special
26 exceptions by the board, commission or examiner.

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

35 (a) The applicant;

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

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

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

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

48 3. If the application is for the issuance of a special use permit in a
49 county whose population is 100,000 or more, the governing body shall, to



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1 the extent this notice does not duplicate the notice required by subsection
2 2, cause a notice to be sent at least 10 days before the hearing to each
3 owner, as listed on the county assessor's records, of at least 30 parcels
4 nearest to the property in question. The notice must be sent by mail or, if
5 requested by an owner to whom notice must be provided, by electronic
6 means if receipt of such an electronic notice can be verified, and be written
7 in language which is easy to understand. The notice must set forth the time,
8 place and purpose of the hearing and a physical description or map of the
9 property in question.

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

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

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

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

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

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

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

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

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

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

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

46 278.319 1. The governing body may adopt an ordinance that
47 authorizes the director of planning or another person or agency to grant
48 minor deviations from requirements for land use established within a
49 zoning district without conducting a hearing. The ordinance must require



1 an applicant for a minor deviation to obtain the written consent of the
2 owner of any real property that would be affected by the minor deviation.

3 2. If the director of planning or other authorized person or agency
4 grants a deviation in accordance with its authority delegated pursuant to
5 subsection 1, the director of planning or other authorized person or agency
6 shall ensure that the deviation will not impair the purpose of the zoning
7 district or any regulations adopted by the governing body pursuant to NRS
8 278.250.

9 3. An ~~ordinance adopted pursuant to this section must provide an~~
10 ~~opportunity for an~~ applicant or other aggrieved person ~~to~~ *may* appeal the
11 decision of the director of planning or other authorized person or agency
12 ~~to the governing body~~ *in accordance with the ordinance adopted*
13 *pursuant to section 1 of this act.*

14 **Sec. 9.** NRS 278.328 is hereby amended to read as follows:
15 278.328 The governing body may, by ordinance, authorize the
16 planning commission to take final action on a tentative map and a final
17 map. Any person aggrieved by the commission's action may appeal the
18 commission's decision ~~to the governing body within a reasonable period~~
19 ~~to be determined, by ordinance, by the governing body~~ *in accordance*
20 *with the ordinance adopted pursuant to section 1 of this act.*

21 **Sec. 10.** NRS 278.330 is hereby amended to read as follows:
22 278.330 1. The initial action in connection with the making of any
23 subdivision is the preparation of a tentative map.

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

28 3. The commission, its designated representative, the clerk or other
29 designated representative of the governing body or, when authorized by the
30 governing body, the subdivider or any other appropriate agency shall
31 distribute copies of the map and any accompanying data to all state and
32 local agencies charged with reviewing the proposed subdivision.

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

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

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

40 (b) In a county whose population is less than ~~40,000~~ *400,000*, within
41 60 days,

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

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

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



1 (b) In a county whose population is less than ~~40,000~~ 400,000, within
2 60 days,
3 after accepting as a complete application a tentative map, approve,
4 conditionally approve or disapprove the tentative map in the manner
5 provided for in NRS 278.349. ~~##~~ The planning commission shall file its
6 written decision with the governing body.

7 **Sec. 11.** NRS 278.349 is hereby amended to read as follows:
8 278.349 1. Except as otherwise provided in subsection 2, the
9 governing body, if it has not authorized the planning commission to take
10 final action, shall, by a majority vote of the members present, approve,
11 conditionally approve ~~H~~ or disapprove a tentative map filed pursuant to
12 NRS 278.330:

13 (a) In a county whose population is ~~40,000~~ 400,000 or more, within 45
14 days; or
15 (b) In a county whose population is less than ~~40,000~~ 400,000, within
16 60 days,
17 after receipt of the planning commission's recommendations.

18 2. If there is no planning commission, the governing body shall
19 approve, conditionally approve or disapprove a tentative map:

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 the map is filed with the clerk of the governing body.

25 3. The governing body, or planning commission if it is authorized to
26 take final action on a tentative map, shall consider:

27 (a) Environmental and health laws and regulations concerning water
28 and air pollution, the disposal of solid waste, facilities to supply water,
29 community or public sewage disposal and, where applicable, individual
30 systems for sewage disposal;

31 (b) The availability of water which meets applicable health standards
32 and is sufficient in quantity for the reasonably foreseeable needs of the
33 subdivision;

34 (c) The availability and accessibility of utilities;

35 (d) The availability and accessibility of public services such as schools,
36 police protection, transportation, recreation and parks;

37 (e) Conformity with the zoning ordinances and master plan, except that
38 if any existing zoning ordinance is inconsistent with the master plan, the
39 zoning ordinance takes precedence;

40 (f) General conformity with the governing body's master plan of streets
41 and highways;

42 (g) The effect of the proposed subdivision on existing public streets and
43 the need for new streets or highways to serve the subdivision;

44 (h) Physical characteristics of the land such as flood plain, slope and
45 soil;

46 (i) The recommendations and comments of those entities reviewing the
47 tentative map pursuant to NRS 278.330 to 278.348, inclusive; and



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1 (j) The availability and accessibility of fire protection, including, but not
2 limited to, the availability and accessibility of water and services for the
3 prevention and containment of fires, including fires in wild lands.

4 4. The governing body or planning commission shall, by a majority
5 vote of the members present, make a final disposition of the tentative map.
6 Any disapproval or conditional approval must include a statement of the
7 reason for that action.

8 **Sec. 12.** NRS 278.360 is hereby amended to read as follows:

9 278.360 1. Unless a longer time is provided in an agreement entered
10 into pursuant to NRS 278.0201:

11 (a) Unless the time is extended, the subdivider shall present to the
12 governing body, or ~~the~~ the planning commission or the director of planning
13 or other authorized person or agency if authorized to take final action by
14 the governing body, within 2 years after the approval of a tentative map:

15 (1) A final map, prepared in accordance with the tentative map, for
16 the entire area for which a tentative map has been approved; or

17 (2) The first of a series of final maps covering a portion of the
18 approved tentative map. ~~{The subdivider shall} If the subdivider elects to~~
19 present a successive map in a series of final maps, each covering a portion
20 of the approved tentative map, ~~{within successive 1 year periods after the~~
21 ~~date of approval of the latest final map in the series.} the subdivider shall~~
22 *present to the governing body, or the planning commission or the*
23 *director of planning or other authorized person or agency if authorized*
24 *to take final action by the governing body, on or before the anniversary*
25 *of the date on which the subdivider presented to that entity for*
26 *recordation the first in the series of final maps:*

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

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

31 (b) If the subdivider fails to ~~record a final map for any portion of the~~
32 ~~tentative map within 2 years after the date of approval of the tentative map,~~
33 ~~or within 1 year after the date of approval of the most recently recorded~~
34 ~~final map,} comply with the provisions of paragraph (a), all proceedings~~
35 concerning the subdivision are terminated.

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

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

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

46 278.380 1. After receipt of the final map:

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

48 (b) If authorized by the governing body, the director of planning or
49 other authorized person or agency, within 10 days after the map is accepted



1 as a complete application by the governing body, planning commission, the
2 director of planning or other authorized person or agency,
3 shall approve the map if it conforms to all the requirements of NRS
4 278.010 to 278.630, inclusive, *and section 1 of this act*, and of any local
5 ordinance applicable at the time of approval of the final map, or any rulings
6 made thereunder.

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

12 3. If an agreement for a required improvement is entered into, the
13 governing body or planning commission may require that the agreement be
14 secured by a good and sufficient bond or other security in the amount
15 determined by the governing body, planning commission or director of
16 planning or other authorized person or agency.

17 4. Any requirement imposed by the planning commission, director of
18 planning or other authorized person or agency pursuant to this section may
19 be appealed ~~to the governing body.~~ *in accordance with the ordinance*
20 *adopted pursuant to section 1 of this act.* If such an appeal is filed, the
21 limit on time to approve or disapprove a final map in subsection 1 is
22 extended until 10 days after ~~the~~ :

23 (a) *The decision of the governing body on the appeal* ~~the~~ ; or
24 (b) *The decision of the district court, if the decision of the governing*
25 *body is appealed to the district court.*

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

27 278.464 1. Except as otherwise provided in subsection 2, if there is a
28 planning commission, it shall:

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

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

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

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

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

41 (b) In a county whose population is less than ~~40,000~~ *400,000*, within
42 60 days,

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



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

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

7 (b) In a county whose population is less than ~~40,000~~ 400,000, within
8 60 days,

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

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

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

26 (b) In a county whose population is less than ~~40,000~~ 400,000, within
27 60 days,

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

30 5. A governing body may consider or may, by ordinance, authorize the
31 consideration of the criteria set forth in subsection 3 of NRS 278.349 in
32 determining whether to approve, conditionally approve or disapprove a
33 second or subsequent parcel map for land that has been divided by a parcel
34 map which was recorded within the 5 years immediately preceding the
35 acceptance of the second or subsequent parcel map as a complete
36 application.

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

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

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

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

46 7. If a parcel map and the associated division of land are approved or
47 deemed approved pursuant to this section, the approval must be noted on
48 the map in the form of a certificate attached thereto and executed by the
49 clerk of the governing body, the governing body's designated



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1 representative or the chairman of the planning commission. A certificate
2 attached to a parcel map pursuant to this subsection must indicate, if
3 applicable, that the governing body or planning commission determined
4 that a public street, easement or utility easement which will not remain in
5 effect after a merger and resubdivision of parcels conducted pursuant to
6 NRS 278.4925 ~~has~~ has been vacated or abandoned in accordance with NRS
7 278.480.

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

9 278.4725 1. Except as otherwise provided in this section, if the
10 governing body has authorized the planning commission to take final
11 action on a final map, the planning commission shall approve,
12 conditionally approve or disapprove the final map, basing its action upon
13 the requirements of NRS 278.472:

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

16 (b) In a county whose population is less than ~~40,000~~ 400,000, within
17 60 days,

18 after accepting the final map as a complete application. The planning
19 commission shall file its written decision with the governing body. Except
20 as otherwise provided in subsection 5, or unless the time is extended by
21 mutual agreement, if the planning commission is authorized to take final
22 action and it fails to take action within the period specified in this
23 subsection, the final map shall be deemed approved unconditionally.

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

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

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

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

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

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

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

45 ~~after the date on which the appeal is filed.~~ *the decision in accordance*
46 *with the ordinance adopted pursuant to section 1 of this act.*

47 4. If the map is disapproved, the governing body or its authorized
48 representative or the planning commission shall return the map to the



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1 person who proposes to divide the land, with the reason for its action and a
2 statement of the changes necessary to render the map acceptable.

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

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

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

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

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

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

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

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

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

25 (b) A certificate signed by the clerk of the governing body or authorized
26 representative of the governing body or the secretary to the planning
27 commission that the map was approved, or the affidavit of the person
28 presenting the map for filing that the time limited by subsection 1 or 2 for
29 action by the governing body or its authorized representative or the
30 planning commission has expired and that the requirements of subsection 5
31 have been met. A certificate signed pursuant to this paragraph must also
32 indicate, if applicable, that the governing body or planning commission
33 determined that a public street, easement or utility easement which will not
34 remain in effect after a merger and resubdivision of parcels conducted
35 pursuant to NRS 278.4925, has been vacated or abandoned in accordance
36 with NRS 278.480.

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

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

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

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

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

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



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

- 4 (1) The final map; or
5 (2) A separate document that is filed with the final map and declares
6 his consent to the division of land.

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

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

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

14 278.480 1. Except as otherwise provided in subsection 10, any
15 abutting owner or local government desiring the vacation or abandonment
16 of any street or easement owned by a city or a county, or any portion
17 thereof, shall file a petition in writing with the planning commission or the
18 governing body having jurisdiction.

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

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

33 4. Except as provided in subsection 5, if, upon public hearing, the
34 governing body, or the planning commission or hearing examiner if
35 authorized to take final action by the governing body, is satisfied that the
36 public will not be materially injured by the proposed vacation, it shall order
37 the street or easement vacated. The governing body, or the planning
38 commission or hearing examiner if authorized to take final action by the
39 governing body, may make the order conditional, and the order becomes
40 effective only upon the fulfillment of the conditions prescribed. An
41 applicant or other person aggrieved by the decision of the planning
42 commission or hearing examiner may appeal ~~to the governing body within~~
43 ~~a reasonable period to be determined, by ordinance, by the governing~~
44 ~~body.~~ *the decision in accordance with the ordinance adopted pursuant to*
45 *section 1 of this act.*

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



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1 6. The order must be recorded in the office of the county recorder, if
2 all the conditions of the order have been fulfilled, and upon the recordation
3 title to the street or easement reverts to the abutting property owners in the
4 approximate proportion that the property was dedicated by the abutting
5 property owners or their predecessors in interest. In the event of a partial
6 vacation of a street where the vacated portion is separated from the
7 property from which it was acquired by the unvacated portion of it, the
8 governing body may sell the vacated portion upon such terms and
9 conditions as it deems desirable and in the best interests of the city or
10 county. If the governing body sells the vacated portion, it shall afford the
11 right of first refusal to each abutting property owner as to that part of the
12 vacated portion which abuts his property, but no action may be taken by
13 the governing body to force the owner to purchase that portion and that
14 portion may not be sold to any person other than the owner if the sale
15 would result in a complete loss of access to a street from the abutting
16 property.

17 7. If the street was acquired by dedication from the abutting property
18 owners or their predecessors in interest, no payment is required for title to
19 the proportionate part of the street reverted to each abutting property
20 owner. If the street was not acquired by dedication, the governing body
21 may make its order conditional upon payment by the abutting property
22 owners for their proportionate part of the street of such consideration as the
23 governing body determines to be reasonable. If the governing body
24 determines that the vacation has a public benefit, it may apply the benefit
25 as an offset against a determination of reasonable consideration which did
26 not take into account the public benefit.

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

30 9. In any vacation or abandonment of any street owned by a city or a
31 county, or any portion thereof, the governing body, or the planning
32 commission or hearing examiner if authorized to take final action by the
33 governing body, may reserve and except therefrom all easements, rights or
34 interests therein which the governing body, or the planning commission or
35 hearing examiner if authorized to take final action by the governing body,
36 deems desirable for the use of the city, the county or any public utility.

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

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

41 **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



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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.

