

SENATE BILL NO. 269—SENATORS MCGINNESS, HARDY AND LEE

MARCH 13, 2007

JOINT SPONSORS: ASSEMBLYMEN CHRISTENSEN, HARDY,  
GOICOECHEA AND GRADY

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing land use planning regarding military installations. (BDR 22-111)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

~

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 that certain land use plans and regulations take into account military installations; requiring that notice of certain land use hearings be given to the commander of a military installation in certain circumstances; authorizing the military to appeal certain land use decisions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, comprehensive regional policy plans, comprehensive regional plans, master plans and zoning regulations are required to include goals and policies related to certain topics. (NRS 278.02528, 278.0274, 278.160, 278.250) **Sections 3, 4, 6 and 8** of this bill require that such plans and regulations address the coordination and compatibility of land uses with existing military installations, taking into account the location, purpose and stated mission of the military installations.

Under existing law, a hearing must be held before an application for certain conditional use permits may be granted, before a master plan may be adopted or substantially amended, before zoning regulations or boundaries may be established or amended, and before variances, special use permits, conditional use permits or other special exceptions may be granted. Owners of property within a certain number of feet of the property in question are required to be given notice of such hearings. (NRS 278.147, 278.210, 278.260, 278.315) **Sections 5, 7, 9 and 10** of this bill require that notice of such hearings be given to the commander of a



16 military installation if the military installation is within 3,000 feet of the property in  
17 question.

18 Under existing law, the governing body of each city and county is required to  
19 adopt an ordinance providing that an aggrieved person may appeal the decision of a  
20 planning commission, board of adjustment, hearing examiner or similar body.  
21 (NRS 278.3195) Under existing law, the definition of "person" does not include  
22 governmental entities. (NRS 0.039) **Section 11** of this bill provides that the term  
23 "person" includes the Armed Forces of the United States or an official component  
24 or representative thereof for the limited purpose of appealing the decision of a  
25 planning commission, board of adjustment, hearing examiner or similar body.

---

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  
2 thereto a new section to read as follows:

3 *"Military installation" means a base or facility at which or*  
4 *from which the Air Force, Army, Coast Guard, Marine Corps,*  
5 *Navy, Air Force Reserve, Army Reserve, Coast Guard Reserve,*  
6 *Marine Corps Reserve, Navy Reserve or National Guard conducts*  
7 *exercises, maneuvers, operations, patrols or training.*

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

9 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
10 *section 1 of this act*, unless the context otherwise requires, the  
11 words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
12 *and section 1 of this act* have the meanings ascribed to them in  
13 those sections.

14 **Sec. 3.** NRS 278.02528 is hereby amended to read as follows:

15 278.02528 1. The regional planning coalition shall develop a  
16 comprehensive regional policy plan for the balanced economic,  
17 social, physical, environmental and fiscal development and orderly  
18 management of the growth of the region for a period of at least 20  
19 years. The comprehensive regional policy plan must contain  
20 recommendations of policy to carry out each part of the plan.

21 2. In developing the plan, the coalition:

22 (a) May consult with other entities that are interested or  
23 involved in regional planning within the county.

24 (b) Shall ensure that the comprehensive regional policy plan  
25 includes goals, policies, maps and other documents relating to:

26 (1) Conservation, including, without limitation, policies  
27 relating to the use and protection of natural resources.

28 (2) Population, including, without limitation, standardized  
29 projections for population growth in the region.

30 (3) Land use and development, including, without limitation,  
31 a map of land use plans that have been adopted by local



1 governmental entities within the region, and that the plan addresses,  
2 if applicable ~~[, mixed-use]~~ :

3 (I) *Mixed-use* development, transit-oriented development,  
4 master-planned communities and gaming enterprise districts ~~[ ]~~ ;  
5 *and*

6 (II) *The coordination and compatibility of land uses*  
7 *with each military installation in the region, taking into account*  
8 *the location, purpose and stated mission of the military*  
9 *installation.*

10 (4) Transportation.

11 (5) The efficient provision of public facilities and services,  
12 including, without limitation, roads, water and sewer service, police  
13 and fire protection, mass transit, libraries and parks.

14 (6) Air quality.

15 (7) Strategies to promote and encourage:

16 (I) The interspersation of new housing and businesses in  
17 established neighborhoods; and

18 (II) Development in areas in which public services are  
19 available.

20 3. The regional planning coalition shall not adopt or amend the  
21 comprehensive regional policy plan unless the adoption or  
22 amendment is by resolution of the regional planning coalition:

23 (a) Carried by the affirmative votes of not less than two-thirds of  
24 its total membership; and

25 (b) Ratified by the board of county commissioners of the county  
26 and the city council of each city that jointly established the regional  
27 planning coalition pursuant to NRS 278.02514.

28 **Sec. 4.** NRS 278.0274 is hereby amended to read as follows:

29 278.0274 The comprehensive regional plan must include goals,  
30 policies, maps and other documents relating to:

31 1. Population, including a projection of population growth in  
32 the region and the resources that will be necessary to support that  
33 population.

34 2. Conservation, including policies relating to the use and  
35 protection of air, land, water and other natural resources, ambient air  
36 quality, natural recharge areas, floodplains and wetlands, and a map  
37 showing the areas that are best suited for development based on  
38 those policies.

39 3. The limitation of the premature expansion of development  
40 into undeveloped areas, preservation of neighborhoods and  
41 revitalization of urban areas, including, without limitation, policies  
42 that relate to the interspersation of new housing and businesses in  
43 established neighborhoods and set forth principles by which growth  
44 will be directed to older urban areas.



\* S B 2 6 9 R 1 \*

4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:

(a) Address, if applicable ~~[-mixed-use]~~ :

(1) *Mixed-use* development, transit-oriented development, master-planned communities and gaming enterprise districts; *and*

(2) *The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;*

(b) Allow for a variety of uses;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:

(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;

(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;

(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and

(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:

(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and

(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.



\* S B 2 6 9 R 1 \*

6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

8. Any utility project required to be reported pursuant to NRS 278.145.

**Sec. 5.** NRS 278.147 is hereby amended to read as follows:

278.147 1. No person may commence operation in this State of a facility where an explosive, a highly hazardous substance designated pursuant to NRS 459.3816 if present in a quantity equal to or greater than the amount designated pursuant to NRS 459.3816, or a hazardous substance listed in the regulations adopted pursuant to NRS 459.3833 will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit therefor from the governing body of the city or county in which the facility is to be located. Each governing body shall establish by local ordinance, in accordance with the provisions of this section, the procedures for obtaining such a permit.

2. An application for a conditional use permit must be filed with the planning commission of the city, county or region in which the facility is to be located. The planning commission shall, within 90 days after the filing of an application, hold a public hearing to consider the application. The planning commission shall, at least 30 days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be:

(a) Sent by mail or, if requested by a party to whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified, to:

(1) The applicant;

(2) Each owner or tenant of real property located within 1,000 feet of the property in question;

(3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);

(4) If a mobile home park or multiple-unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence;



\* S B 2 6 9 R 1 \*

(5) *If a military installation is located within 3,000 feet of the property in question, the commander of that military installation;*

(6) Any advisory board that has been established for the affected area by the governing body;

~~[(6)]~~ (7) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

~~[(7)]~~ (8) The State Fire Marshal; and

~~[(8)]~~ (9) The Administrator of the Division of Industrial Relations of the Department of Business and Industry; and

(b) Published in a newspaper of general circulation within the city or county in which the property in question is located.

3. The notice required by subsection 2 must:

(a) Be written in language that is easy to understand; and

(b) Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility.

4. In considering the application, the planning commission shall:

(a) Consult with:

(1) Local emergency planning committees;

(2) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(3) The State Fire Marshal;

(4) The Administrator of the Division of Industrial Relations of the Department of Business and Industry; ~~and~~

(5) *The commander of any other military installation that may be affected by the operation of the facility; and*

(6) The governing body of any other city or county that may be affected by the operation of the facility; and

(b) Consider fully the effect the facility will have on ~~the~~ :

(1) *The health and safety of the residents of the city, county or region.*

(2) *The safety and security of any military installation in the city, county or region.*

5. The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, the planning commission shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of ~~the~~ :



\* S B 2 6 9 R 1 \*

1       (a) *The* health and safety of the residents of the city, county or  
2 region.

3       (b) *The safety and security of any military installation in the*  
4 *city, county or region.*

5       6. The governing body shall, within 30 days after the receipt of  
6 the recommendations of the planning commission, hold a public  
7 hearing to consider the application. The governing body shall:

8       (a) Cause notice of the hearing to be given in the manner  
9 prescribed by subsection 2; and

10       (b) Grant or deny the conditional use permit within 30 days after  
11 the public hearing.

12       7. Notwithstanding any provision of this section to the  
13 contrary, the provisions of this section do not apply to the mining  
14 industry.

15       8. As used in this section, "explosive" means a material subject  
16 to regulation as an explosive pursuant to NRS 459.3816.

17       **Sec. 6.** NRS 278.160 is hereby amended to read as follows:

18       278.160 1. Except as otherwise provided in subsection 4 of  
19 NRS 278.150 and subsection 3 of NRS 278.170, the master plan,  
20 with the accompanying charts, drawings, diagrams, schedules and  
21 reports, may include such of the following subject matter or portions  
22 thereof as are appropriate to the city, county or region, and as may  
23 be made the basis for the physical development thereof:

24       (a) Community design. Standards and principles governing the  
25 subdivision of land and suggestive patterns for community design  
26 and development.

27       (b) Conservation plan. For the conservation, development and  
28 utilization of natural resources, including, without limitation, water  
29 and its hydraulic force, underground water, water supply, solar or  
30 wind energy, forests, soils, rivers and other waters, harbors,  
31 fisheries, wildlife, minerals and other natural resources. The plan  
32 must also cover the reclamation of land and waters, flood control,  
33 prevention and control of the pollution of streams and other waters,  
34 regulation of the use of land in stream channels and other areas  
35 required for the accomplishment of the conservation plan,  
36 prevention, control and correction of the erosion of soils through  
37 proper clearing, grading and landscaping, beaches and shores, and  
38 protection of watersheds. The plan must also indicate the maximum  
39 tolerable level of air pollution.

40       (c) Economic plan. Showing recommended schedules for the  
41 allocation and expenditure of public money in order to provide for  
42 the economical and timely execution of the various components of  
43 the plan.

44       (d) Historical properties preservation plan. An inventory of  
45 significant historical, archaeological and architectural properties as



defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

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

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

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

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

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

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

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

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

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

(1) Must address, if applicable ~~[mixed-use]~~ :

*(I) Mixed-use* development, transit-oriented development, master-planned communities and gaming enterprise districts ~~[ ]~~ ;  
*and*

*(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.*

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

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

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



\* S B 2 6 9 R 1 \*



1 (i) Public services and facilities. Showing general plans for  
2 sewage, drainage and utilities, and rights-of-way, easements and  
3 facilities therefor, including, without limitation, any utility projects  
4 required to be reported pursuant to NRS 278.145.

5 (j) Recreation plan. Showing a comprehensive system of  
6 recreation areas, including, without limitation, natural reservations,  
7 parks, parkways, trails, reserved riverbank strips, beaches,  
8 playgrounds and other recreation areas, including, when practicable,  
9 the locations and proposed development thereof.

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

13 (l) Safety plan. In any county whose population is 400,000 or  
14 more, identifying potential types of natural and man-made hazards,  
15 including, without limitation, hazards from floods, landslides or  
16 fires, or resulting from the manufacture, storage, transfer or use of  
17 bulk quantities of hazardous materials. The plan may set forth  
18 policies for avoiding or minimizing the risks from those hazards.

19 (m) School facilities plan. Showing the general locations of  
20 current and future school facilities based upon information furnished  
21 by the appropriate local school district.

22 (n) Seismic safety plan. Consisting of an identification and  
23 appraisal of seismic hazards such as susceptibility to surface  
24 ruptures from faulting, to ground shaking or to ground failures.

25 (o) Solid waste disposal plan. Showing general plans for the  
26 disposal of solid waste.

27 (p) Streets and highways plan. Showing the general locations  
28 and widths of a comprehensive system of major traffic  
29 thoroughfares and other traffic ways and of streets and the  
30 recommended treatment thereof, building line setbacks, and a  
31 system of naming or numbering streets and numbering houses, with  
32 recommendations concerning proposed changes.

33 (q) Transit plan. Showing a proposed multimodal system of  
34 transit lines, including mass transit, streetcar, motorcoach and  
35 trolley coach lines, paths for bicycles and pedestrians, satellite  
36 parking and related facilities.

37 (r) Transportation plan. Showing a comprehensive  
38 transportation system, including, without limitation, locations of  
39 rights-of-way, terminals, viaducts and grade separations. The plan  
40 may also include port, harbor, aviation and related facilities.

41 2. The commission may prepare and adopt, as part of the  
42 master plan, other and additional plans and reports dealing with such  
43 other subjects as may in its judgment relate to the physical  
44 development of the city, county or region, and nothing contained in



1 NRS 278.010 to 278.630, inclusive, prohibits the preparation and  
2 adoption of any such subject as a part of the master plan.

3 **Sec. 7.** NRS 278.210 is hereby amended to read as follows:

4 278.210 1. Before adopting the master plan or any part of it  
5 in accordance with NRS 278.170, or any substantial amendment  
6 thereof, the commission shall hold at least one public hearing  
7 thereon, notice of the time and place of which must be given at least  
8 by one publication in a newspaper of general circulation in the city  
9 or county, or in the case of a regional planning commission, by one  
10 publication in a newspaper in each county within the regional  
11 district, at least 10 days before the day of the hearing.

12 2. Before a public hearing may be held pursuant to subsection  
13 1 in a county whose population is 100,000 or more on an  
14 amendment to a master plan, including, without limitation, a gaming  
15 enterprise district, if applicable, the person who requested the  
16 proposed amendment must hold a neighborhood meeting to provide  
17 an explanation of the proposed amendment. Notice of such a  
18 meeting must be given by the person requesting the proposed  
19 amendment to:

20 (a) Each owner, as listed on the county assessor's records, of  
21 real property located within a radius of 750 feet of the area to which  
22 the proposed amendment pertains;

23 (b) The owner, as listed on the county assessor's records, of  
24 each of the 30 separately owned parcels nearest to the area to which  
25 the proposed amendment pertains, to the extent this notice does not  
26 duplicate the notice given pursuant to paragraph (a); ~~and~~

27 (c) Each tenant of a mobile home park if that park is located  
28 within a radius of 750 feet of the area to which the proposed  
29 amendment pertains ~~and~~ ; and

30 *(d) If a military installation is located within 3,000 feet of the*  
31 *area to which the proposed amendment pertains, the commander*  
32 *of the military installation.*

33 ➡ The notice must be sent by mail at least 10 days before the  
34 neighborhood meeting and include the date, time, place and purpose  
35 of the neighborhood meeting.

36 3. Except as otherwise provided in NRS 278.225, the adoption  
37 of the master plan, or of any amendment, extension or addition  
38 thereof, must be by resolution of the commission carried by the  
39 affirmative votes of not less than two-thirds of the total membership  
40 of the commission. The resolution must refer expressly to the maps,  
41 descriptive matter and other matter intended by the commission to  
42 constitute the plan or any amendment, addition or extension thereof,  
43 and the action taken must be recorded on the map and plan and  
44 descriptive matter by the identifying signatures of the secretary and  
45 chairman of the commission.



\* S B 2 6 9 R 1 \*

4. Except as otherwise provided in NRS 278.225, no plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to:

(a) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area; or

(b) A minor amendment adopted pursuant to NRS 278.225.

6. An attested copy of any part, amendment, extension or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

7. An attested copy of any part, amendment, extension or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.

**Sec. 8.** NRS 278.250 is hereby amended to read as follows:

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

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

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

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

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.



\* S B 2 6 9 R 1 \*

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

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

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

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

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

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

(k) To promote health and the general welfare.

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

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(n) To promote systems which use solar or wind energy.

*(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.*

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

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to



1 perform certain functions that the governing body determines to be  
2 socially desirable, including, without limitation, developing an area  
3 to include a certain proportion of affordable housing.

4 (b) "Inclusionary zoning" means a type of zoning pursuant to  
5 which a governing body requires or provides incentives to a  
6 developer who builds residential dwellings to build a certain  
7 percentage of those dwellings as affordable housing.

8 (c) "Minimum density zoning" means a type of zoning pursuant  
9 to which development must be carried out at or above a certain  
10 density to maintain conformance with the master plan.

11 **Sec. 9.** NRS 278.260 is hereby amended to read as follows:

12 278.260 1. The governing body shall provide for the manner  
13 in which zoning regulations and restrictions and the boundaries of  
14 zoning districts are determined, established, enforced and amended.

15 2. A zoning regulation, restriction or boundary, or an  
16 amendment thereto, must not become effective until after transmittal  
17 of a copy of the relevant application to the town board, citizens'  
18 advisory council or town advisory board pursuant to subsection 5, if  
19 applicable, and after a public hearing at which parties in interest and  
20 other persons have an opportunity to be heard. The governing body  
21 shall cause notice of the time and place of the hearing to be:

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

24 (b) Mailed to each tenant of a mobile home park if that park is  
25 located within 300 feet of the property in question ~~H~~; and

26 *(c) If a military installation is located within 3,000 feet of the*  
27 *property in question, mailed to the commander of that military*  
28 *installation,*

29 ➡ at least 10 days before the hearing.

30 3. If a proposed amendment involves a change in the boundary  
31 of a zoning district in a county whose population is less than  
32 100,000, the governing body shall, to the extent this notice does not  
33 duplicate the notice required by subsection 2, cause a notice of the  
34 hearing to be sent at least 10 days before the hearing to:

35 (a) The applicant;

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

39 (c) The owner, as listed on the county assessor's records, of each  
40 of the 30 separately owned parcels nearest to the portion of the  
41 boundary being changed, to the extent this notice does not duplicate  
42 the notice given pursuant to paragraph (b); and

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



1    ➤ The notice must be sent by mail or, if requested by a party to  
2    whom notice must be provided pursuant to paragraphs (a) to (d),  
3    inclusive, by electronic means if receipt of such an electronic notice  
4    can be verified, and must be written in language which is easy to  
5    understand. The notice must set forth the time, place and purpose of  
6    the hearing and a physical description of or a map detailing the  
7    proposed change, must indicate the existing zoning designation and  
8    the proposed zoning designation of the property in question, and  
9    must contain a brief summary of the intent of the proposed change.  
10   If the proposed amendment involves a change in the boundary of the  
11   zoning district that would reduce the density or intensity with which  
12   a parcel of land may be used, the notice must include a section that  
13   an owner of property may complete and return to the governing  
14   body to indicate his approval of or opposition to the proposed  
15   amendment.

16     4. If a proposed amendment involves a change in the boundary  
17   of a zoning district in a county whose population is 100,000 or  
18   more, the governing body shall, to the extent this notice does not  
19   duplicate the notice required by subsection 2, cause a notice of the  
20   hearing to be sent at least 10 days before the hearing to:

21        (a) The applicant;

22        (b) Each owner, as listed on the county assessor's records, of  
23   real property located within 750 feet of the portion of the boundary  
24   being changed;

25        (c) The owner, as listed on the county assessor's records, of each  
26   of the 30 separately owned parcels nearest to the portion of the  
27   boundary being changed, to the extent this notice does not duplicate  
28   the notice given pursuant to paragraph (b);

29        (d) Each tenant of a mobile home park if that park is located  
30   within 750 feet of the property in question; and

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

33   ➤ The notice must be sent by mail or, if requested by a party to  
34   whom notice must be provided pursuant to paragraphs (a) to (e),  
35   inclusive, by electronic means if receipt of such an electronic notice  
36   can be verified, and must be written in language which is easy to  
37   understand. The notice must set forth the time, place and purpose of  
38   the hearing and a physical description of or a map detailing the  
39   proposed change, must indicate the existing zoning designation and  
40   the proposed zoning designation of the property in question, and  
41   must contain a brief summary of the intent of the proposed change.  
42   If the proposed amendment involves a change in the boundary of the  
43   zoning district that would reduce the density or intensity with which  
44   a parcel of land may be used, the notice must include a section that  
45   an owner of property may complete and return to the governing



body to indicate his approval of or opposition to the proposed amendment.

5. If an application is filed with the governing body and the application involves a change in the boundary of a zoning district within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, shall transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

6. In a county whose population is 400,000 or more, if a notice is required to be sent pursuant to subsection 4:

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

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

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

#### OFFICIAL NOTICE OF PUBLIC HEARING

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

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

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

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

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



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

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

9. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection 7, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

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

11. If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more that would reduce the density or intensity with which a parcel of land may be used and at least 20 percent of the property owners to whom notices were sent pursuant to subsection 4 indicate in their responses opposition to the proposed amendment, the governing body shall not approve the proposed amendment unless the governing body:

(a) Considers separately the merits of each aspect of the proposed amendment to which the owners expressed opposition; and

(b) Makes a written finding that the public interest and necessity will be promoted by approval of the proposed amendment.

12. The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or an amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the governing body of the city. The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.



\* S B 2 6 9 R 1 \*



**Sec. 10.** NRS 278.315 is hereby amended to read as follows:

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

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201.

3. In a county whose population is less than 100,000, notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property, as listed on the county assessor's records, located within 300 feet of the property in question;

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

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

*(e) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation.*

4. Except as otherwise provided in subsection 7, in a county whose population is 100,000 or more, a notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

(a) The applicant;

(b) If the application is for a deviation of at least 10 percent but not more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 100 feet of the property in question; and

(2) Each tenant of a mobile home park located within 100 feet of the property in question;

(c) If the application is for a special use permit or a deviation of more than 30 percent from a standard for development:

(1) Each owner, as listed on the county assessor's records, of real property located within 500 feet of the property in question;



(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 500 feet of the property in question;

(d) If the application is for a project of regional significance, as that term is described in NRS 278.02542:

(1) Each owner, as listed on the county assessor's records, of real property located within 750 feet of the property in question;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (1); and

(3) Each tenant of a mobile home park located within 750 feet of the property in question; ~~and~~

(e) Any advisory board which has been established for the affected area by the governing body ~~;~~ **and**

***(f) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation.***

5. If an application is filed with the governing body for the issuance of a special use permit with regard to property situated within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, shall transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.

6. An applicant or a protestant may appeal a decision of the board of adjustment, planning commission or hearing examiner in accordance with the ordinance adopted pursuant to NRS 278.3195.

7. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is



not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, at least 10 days before the hearing:

(a) Send a notice setting forth the time, place and purpose of the hearing to:

(1) The applicant;

(2) Each owner, as listed on the county assessor's records, of real property located within 1,500 feet of the property in question;

(3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);

(4) Each tenant of a mobile home park located within 1,500 feet of the property in question; ~~land~~

(5) Any advisory board which has been established for the affected area by the governing body; and

*(6) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation; and*

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

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

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

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

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

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

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

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

11. The notice required to be provided pursuant to subsections 3, 4 and 7 must be sent by mail or, if requested by a party to whom



\* S B 2 6 9 R 1 \*

1 notice must be provided pursuant to those subsections, by electronic  
2 means if receipt of such an electronic notice can be verified, and  
3 must be written in language which is easy to understand. The notice  
4 must set forth the time, place and purpose of the hearing and a  
5 physical description or map of the property in question.

6 12. The provisions of this section do not apply to an  
7 application for a conditional use permit filed pursuant to  
8 NRS 278.147.

9 **Sec. 11.** NRS 278.3195 is hereby amended to read as follows:

10 278.3195 1. Except as otherwise provided in NRS 278.310,  
11 each governing body shall adopt an ordinance providing that any  
12 person who is aggrieved by a decision of:

13 (a) The planning commission, if the governing body has created  
14 a planning commission pursuant to NRS 278.030;

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

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

19 (d) Any other person appointed or employed by the governing  
20 body who is authorized to make administrative decisions regarding  
21 the use of land,

22 ➤ may appeal the decision to the governing body. In a county  
23 whose population is 400,000 or more, a person shall be deemed to  
24 be aggrieved under an ordinance adopted pursuant to this subsection  
25 if the person appeared, either in person, through an authorized  
26 representative or in writing, before a person or entity described in  
27 paragraphs (a) to (d), inclusive, on the matter which is the subject of  
28 the decision.

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

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

33 (b) The procedures pursuant to which the governing body will  
34 hear the appeal.

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

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

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

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

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



\* S B 2 6 9 R 1 \*

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

4 (g) That the governing body may charge the appellant a fee for  
5 the filing of an appeal.

6 3. In addition to the requirements set forth in subsection 2, in a  
7 county whose population is 400,000 or more, an ordinance adopted  
8 pursuant to subsection 1 must:

9 (a) Set forth procedures for the consolidation of appeals; and

10 (b) Prohibit the governing body from granting to an aggrieved  
11 person more than two continuances on the same matter, unless the  
12 governing body determines, upon good cause shown, that the  
13 granting of additional continuances is warranted.

14 4. Any person who:

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

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

22 5. *As used in this section, "person" includes the Armed*  
23 *Forces of the United States or an official component or*  
24 *representative thereof.*

25 **Sec. 12.** (Deleted by amendment.)

26 **Sec. 13.** (Deleted by amendment.)

