



## AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-28661 - APPLICANT/OWNER: CITY OF LAS VEGAS

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### \*\* CONDITIONS \*\*

**STAFF RECOMMENDATION:** APPROVAL, subject to:

1. Title 18.20.050 is hereby amended as follows:

#### **18.20.050 Public Hearing and Notice**

~~The Planning Commission shall hold a public hearing on the petition for vacation and shall report its finding to the City Council. The City Council shall notify by certified mail each owner of property abutting the proposed vacation and cause a notice to be published at least once in a newspaper of general circulation in the City or County, setting forth the extent of the proposed vacation and setting a date for public hearing, which must be not less than ten days and not more than forty days after the date the notice is first published.~~

The Planning Commission shall hold a public hearing on the petition for vacation as follows:

- (A) If the petition for vacation is for a dedicated right-of-way, the Planning Commission shall hold a public hearing on the petition for vacation and shall report its finding to the City Council. Notice of the City Council meeting shall be sent by mail, sufficient to meet the requirements of Nevada Revised Statutes (NRS) 278.480, to each owner of property abutting the proposed vacation and cause a notice to be published at least once in a newspaper of general circulation in the City or County, setting forth the extent of the proposed vacation and setting a date for public hearing, which must be not less than ten business days and not more than forty days after the date the notice is first published; or

(B) If the petition for vacation is for an easement or government patent reservation, the Planning Commission shall hold a public hearing on the petition for vacation and shall approve, approve with conditions, or deny the petition. Notice of the Planning Commission meeting shall be sent by mail, sufficient to meet the requirements of Nevada Revised Statutes (NRS) 278.480, to each owner of property abutting the proposed vacation and cause a notice to be published at least once in a newspaper of general circulation in the City or County, setting forth the extent of the proposed vacation and setting a date for public hearing, which must be not less than ten business days and not more than forty days after the date the notice is first published.

2. Title 18.20.060 is hereby amended as follows:

**18.20.060 Order of Vacation**

~~If, after holding the public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation, it may order the street, easement or government patent reservation vacated. The City Council may make the order conditional and the order shall become effective only upon the fulfillment of the conditions prescribed. In the case of a government patent reservation, the order may take the form of a relinquishment of interest or its equivalent, and the order shall be treated as an order of vacation under the provisions of this Chapter~~

**(A) Vacation of Right-of-Way:** If, after holding the public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation, it may order the street vacated. The City Council may make the order conditional and the order shall become effective only upon the fulfillment of the conditions prescribed.

**(B) Vacation of Easement or Government Patent Reservation:** If, after holding the public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it may order the easement or government patent reservation vacated. The Planning Commission may make the order conditional and the order shall become effective only upon the fulfillment of the conditions prescribed. In the case of a government patent reservation, the order may take the form of a relinquishment of interest or its equivalent, and the order shall be treated as an order of vacation under the provisions of this Chapter.

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**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request to amend Title 18.20 to revise the public notice requirements for Vacation applications that are forwarded to City Council. The requested amendment would specify which petitions are forwarded to the City Council and which are final action by the Planning Commission.

**BACKGROUND INFORMATION**

In an effort to improve public notice processes and improve communication with the public as a part of the entitlements process the city has reviewed and made recommendation for changes to the public noticing requirements for various applications as provided for under Title 19. During a similar review of Title 18 it was determined that the current processes, language of the Title, and Nevada Revised Statute (NRS) requirements were not in sync with one another.

**ANALYSIS**

The proposed amendment will align the citys requirements with the requirements of NRS for public hearing noticing of vacations. Currently, the language of Title 18.20 does not adequately reflect the requirements of NRS 278.480 or proposed city procedures. For vacations, NRS does not specify whether the duly-noticed and -advertised public hearing has to be held before the City Council, Planning Commission, or someone else. But it contemplates that such noticing and publication will relate to the hearing before the final decision maker, whoever that is. Presently, Title 18.20 requires that these items are noticed and published for the hearing that is before the City Council. Further, the Planning and Development Department has been advertising and mailing notices prior to Planning Commission meetings as well.

To bring Title 18 and noticing procedures into conformance with Nevada Revised Statutes, Title 18.20.050 and 060 will be amended to allow vacations and relinquishments of easements and government patent reservations to be final action at the Planning Commission and to specify the noticing requirements. Further, vacations of rights-of-way have been determined to require City Council review and the procedure and noticing requirement has been outlined. The proposed amendment is in keeping with the requirements of applicable state law and furthers the citys goals to improve the public notice process and improve communication with the public. For these reasons, staff recommends approval of this amendment.

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Summary:

Title 18.20 Vacations	NRS Requirement	Planning Commission Notification	City Council Notification
Existing Requirements	Notices mailed/sent, at least 10 business days in advance of hearing, to abutting owners, using a method that confirms delivery but does not require recipients signature. An unspecified amount of notice must also be given to certain utilities/service providers.	Notices are sent 10 calendar days in advance of hearing, to abutting/affected property owners, via postcard notice.  <i>All Vacations forwarded to the City Council.</i>	Notices are sent 10 calendar days in advance of hearing, to abutting/affected property owners, via certified mail, which do require a recipients signature.
Proposed Requirements		Notices shall be sent 10 business days in advance of hearing, to abutting/affected property owners, via a delivery method that is in conformance with NRS 278.480 for all vacation petitions that are final action at Planning Commission.  <i>Vacations of easements and government patent reservations are final action. Vacations of rights-of-way are forwarded to the City Council.</i>	Notices shall be sent 10 business days in advance of hearing, to abutting/affected property owners, via a delivery method that is in conformance with NRS 278.480 for all vacation petitions that are forwarded to the City Council.

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**NOTICES MAILED**            NESWPAPER ONLY

**APPROVALS**                0

**PROTESTS**                 0