

ASSEMBLY BILL NO. 461—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

MARCH 10, 1999

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to land use planning in certain counties.  
(BDR 22-556)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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

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AN ACT relating to land use planning; authorizing a governing body or planning commission to consider certain criteria in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map with respect to certain tracts of land; removing the limitation on the amount that a governing body may set for the fee for filing a tentative map of division into large parcels; 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.** NRS 278.464 is hereby amended to read as follows:  
2    278.464 1. Except as otherwise provided in subsection 2, if there is a  
3    planning commission, it shall:  
4    (a) In a county whose population is 40,000 or more, within 45 days; or  
5    (b) In a county whose population is less than 40,000, within 60 days,  
6    after accepting as a complete application a parcel map, recommend  
7    approval, conditional approval or disapproval of the map in a written  
8    report. The planning commission shall submit the parcel map and the  
9    written report to the governing body.  
10   2. If the governing body has authorized the planning commission to  
11   take final action on a parcel map, the planning commission shall:  
12   (a) In a county whose population is 40,000 or more, within 45 days; or

1 (b) In a county whose population is less than 40,000, within 60 days,  
2 after accepting as a complete application the parcel map, approve,  
3 conditionally approve or disapprove the map. It shall file its written  
4 decision with the governing body. Unless the time is extended by mutual  
5 agreement, if the planning commission is authorized to take final action  
6 and it fails to take action within the period specified in this subsection, the  
7 parcel map shall be deemed approved.

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

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

13 (b) In a county whose population is less than 40,000, within 60 days,  
14 after acceptance of the parcel map as a complete application by the  
15 governing body pursuant to subsection 1 or pursuant to subsection 2 of  
16 NRS 278.461, review and approve, conditionally approve or disapprove  
17 the parcel map. Unless the time is extended by mutual agreement, if the  
18 governing body, the director of planning or other authorized person or  
19 agency fails to take action within the period specified in this subsection,  
20 the parcel map shall be deemed approved.

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

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

30 (b) In a county whose population is less than 40,000, within 60 days,  
31 after the date of the request for the waiver, or, in the absence of action, the  
32 waiver shall be deemed approved.

33 5. *A governing body may consider or may, by ordinance, authorize*  
34 *the consideration of the criteria set forth in subsection 3 of NRS 278.349*  
35 *in determining whether to approve, conditionally approve or disapprove a*  
36 *second or subsequent parcel map for:*

37 (a) *A single parcel; or*

38 (b) *A contiguous tract of land under the same ownership,*  
39 *that has been accepted as a complete application pursuant to this section*  
40 *and has been submitted within 5 years after the submission of the first*  
41 *parcel map for that parcel or tract.*

42 6. An applicant or other person aggrieved by a decision of the  
43 governing body's authorized representative or by a final act of the

1 planning commission may appeal to the governing body within a  
2 reasonable period to be determined, by ordinance, by the governing body.  
3 The governing body shall render its decision:

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

5 (b) In a county whose population is less than 40,000, within 60 days,  
6 after the date the appeal is filed.

7 ~~6.~~ 7. If a parcel map and the associated division of land are approved  
8 or deemed approved pursuant to this section, the approval must be noted  
9 on the map in the form of a certificate attached thereto and executed by the  
10 clerk of the governing body, the governing body's designated  
11 representative or the chairman of the planning commission.

12 **Sec. 2.** NRS 278.4713 is hereby amended to read as follows:

13 278.4713 1. Unless the filing of a tentative map is waived, a person  
14 who proposes to make a division of land pursuant to NRS 278.471 to  
15 278.4725, inclusive, must first:

16 (a) File a tentative map for the area in which the land is located with the  
17 planning commission or its designated representative or with the clerk of  
18 the governing body if there is no planning commission; and

19 (b) Pay a filing fee ~~{of no more than \$250}~~ set by the governing body.

20 2. This map must be:

21 (a) Entitled "Tentative Map of Division into Large Parcels"; and

22 (b) Prepared and certified by a professional land surveyor.

23 3. This map must show:

24 (a) The approximate, calculated or actual acreage of each lot and the  
25 total acreage of the land to be divided.

26 (b) Any roads or easements of access which exist, are proposed in the  
27 applicable master plan or are proposed by the person who intends to divide  
28 the land.

29 (c) Any easements for public utilities which exist or which are  
30 proposed.

31 (d) Any existing easements for irrigation or drainage, and any normally  
32 continuously flowing watercourses.

33 (e) An indication of any existing road or easement which the owner  
34 does not intend to dedicate.

35 (f) The name and address of the owner of the land.

36 **Sec. 3.** This act becomes effective upon passage and approval.