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FIRST REPRINT

A.B. 63

ASSEMBLY BILL NO. 63—ASSEMBLYMAN PERKINS

PREFILED FEBRUARY 2, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing maintenance of certain improvements in subdivisions and planned unit developments. (BDR 22-994)

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 real property; revising the provisions governing the maintenance of certain improvements in subdivisions and planned unit developments; 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 278.160 is hereby amended to read as follows:
2 278.160 1. The master plan, with the accompanying charts,
3 drawings, diagrams, schedules and reports, may include such of the
4 following subject matter or portions thereof as are appropriate to the city,
5 county or region, and as may be made the basis for the physical
6 development thereof:
7 (a) Community design. Standards and principles governing the
8 subdivision of land and suggestive patterns for community design and
9 development.
10 (b) Conservation plan. For the conservation, development and
11 utilization of natural resources, including *, without limitation,* water and its
12 hydraulic force, underground water, water supply, forests, soils, rivers and
13 other waters, harbors, fisheries, wildlife, minerals and other natural
14 resources. The plan must also cover the reclamation of land and waters,
15 flood control, prevention and control of the pollution of streams and other
16 waters, regulation of the use of land in stream channels and other areas
17 required for the accomplishment of the conservation plan, prevention,
18 control and correction of the erosion of soils through proper clearing,
19 grading and landscaping, beaches and shores, and protection of watersheds.
20 The plan must also indicate the maximum tolerable level of air pollution.



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- 1 (c) Economic plan. Showing recommended schedules for the allocation
2 and expenditure of public money in order to provide for the economical
3 and timely execution of the various components of the plan.
- 4 (d) Historical properties preservation plan. An inventory of significant
5 historical, archaeological and architectural properties as defined by a city,
6 county or region, and a statement of methods to encourage the preservation
7 of those properties.
- 8 (e) Housing plan. The housing plan must include ~~f, but is not limited~~
9 ~~to f,~~ **without limitation:**
- 10 (1) An inventory of housing conditions, needs and plans and
11 procedures for improving housing standards and for providing adequate
12 housing.
- 13 (2) An inventory of affordable housing in the community.
- 14 (3) An analysis of the demographic characteristics of the community.
- 15 (4) A determination of the present and prospective need for
16 affordable housing in the community.
- 17 (5) An analysis of any impediments to the development of affordable
18 housing and the development of policies to mitigate those impediments.
- 19 (6) An analysis of the characteristics of the land that is the most
20 appropriate for the construction of affordable housing.
- 21 (7) An analysis of the needs and appropriate methods for the
22 construction of affordable housing or the conversion or rehabilitation of
23 existing housing to affordable housing.
- 24 (8) A plan for maintaining and developing affordable housing to meet
25 the housing needs of the community.
- 26 (f) Land use plan. An inventory and classification of types of natural
27 land and of existing land cover and uses, and comprehensive plans for the
28 most desirable utilization of land. The land use plan may include a
29 provision concerning the acquisition and use of land that is under federal
30 management within the city, county or region, including, without
31 limitation, a plan or statement of policy prepared pursuant to NRS
32 321.7355.
- 33 (g) Population plan. An estimate of the total population which the
34 natural resources of the city, county or region will support on a continuing
35 basis without unreasonable impairment.
- 36 (h) Public buildings. Showing locations and arrangement of civic
37 centers and all other public buildings, including the architecture thereof
38 and the landscape treatment of the grounds thereof.
- 39 (i) Public services and facilities. Showing general plans for sewage,
40 drainage and utilities, and rights of way, easements and facilities therefor,
41 including **without limitation**, any utility projects required to be reported
42 pursuant to NRS 278.145.
- 43 (j) Recreation plan. Showing a comprehensive system of recreation
44 areas, including **without limitation**, natural reservations, parks, parkways,
45 **trails**, reserved riverbank strips, beaches, playgrounds and other recreation
46 areas, including, when practicable, the locations and proposed development
47 thereof.



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- 1 (k) Rural neighborhoods preservation plan. In any county whose
2 population is 400,000 or more, showing general plans to preserve the
3 character and density of rural neighborhoods.
- 4 (l) Safety plan. In any county whose population is 400,000 or more,
5 identifying potential types of natural and man-made hazards, including ,
6 *without limitation*, hazards from floods, landslides or fires, or resulting
7 from the manufacture, storage, transfer or use of bulk quantities of
8 hazardous materials. The plan may set forth policies for avoiding or
9 minimizing the risks from those hazards.
- 10 (m) School facilities plan. Showing the general locations of current and
11 future school facilities based upon information furnished by the appropriate
12 local school district.
- 13 (n) Seismic safety plan. Consisting of an identification and appraisal of
14 seismic hazards such as susceptibility to surface ruptures from faulting, to
15 ground shaking or to ground failures.
- 16 (o) Solid waste disposal plan. Showing general plans for the disposal of
17 solid waste.
- 18 (p) Streets and highways plan. Showing the general locations and
19 widths of a comprehensive system of major traffic thoroughfares and other
20 traffic ways and of streets and the recommended treatment thereof,
21 building line setbacks, and a system of naming or numbering streets and
22 numbering houses, with recommendations concerning proposed changes.
- 23 (q) Transit plan. Showing a proposed system of transit lines, including
24 rapid transit, streetcar, motorcoach and trolley coach lines and related
25 facilities.
- 26 (r) Transportation plan. Showing a comprehensive transportation
27 system, including , *without limitation*, locations of rights of way,
28 terminals, viaducts and grade separations. The plan may also include port,
29 harbor, aviation and related facilities.
- 30 2. The commission may prepare and adopt, as part of the master plan,
31 other and additional plans and reports dealing with such other subjects as
32 may in its judgment relate to the physical development of the city, county
33 or region, and nothing contained in NRS 278.010 to 278.630, inclusive,
34 prohibits the preparation and adoption of any such subject as a part of the
35 master plan.
- 36 **Sec. 2.** NRS 278.4781 is hereby amended to read as follows:
37 278.4781 *1. "Landscaping" means trees, shrubs, grass and other*
38 *ornamentation, whether ~~or not~~ natural or artificial, ~~and~~ located:*
39 *(a) On the perimeter of a development or subdivision.*
40 *(b) On a median strip on the perimeter of a development or*
41 *subdivision.*
- 42 *2. The term* includes drainage necessary for the maintenance ~~thereof.~~
43 *of the landscaping described in subsection 1.*
- 44 **Sec. 3.** NRS 278.4787 is hereby amended to read as follows:
45 278.4787 *1. ~~1A~~ Except as otherwise provided in subsection 5, a*
46 *person who proposes to divide land for transfer or development into four or*
47 *more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A*
48 *of NRS, may, in lieu of providing for the creation of an association for a*
49 *common-interest community, request the governing body of the*



1 jurisdiction in which the land is located to assume the maintenance of one
2 or more of the following improvements located on the land:
3 (a) Landscaping;
4 (b) Public lighting; ~~and~~
5 (c) Security walls ~~;-~~
6 ~~2. A request made~~; and
7 (d) *Trails, parks and open space which provide a substantial public*
8 *benefit or which are required by the governing body for the primary use*
9 *of the public.*
10 2. *A governing body shall establish by ordinance a procedure*
11 *pursuant to which a request may be submitted* pursuant to subsection 1
12 ~~must be made~~ in the form of a petition, *which must be* signed by a
13 majority of the owners whose property will be assessed ~~pursuant to~~
14 ~~subsection 3~~ and *which* must set forth descriptions of all tracts of land ~~or~~
15 *residential units* that would be subject to such an assessment.
16 3. ~~Upon receipt of the petition,~~ *The governing body may by*
17 *ordinance designate a person to approve or disapprove a petition*
18 *submitted pursuant to this section. If the governing body adopts such an*
19 *ordinance, the ordinance must provide, without limitation:*
20 (a) *Procedures pursuant to which the petition must be reviewed to*
21 *determine whether it would be desirable for the governing body to*
22 *assume the maintenance of the proposed improvements.*
23 (b) *Procedures for the establishment of a maintenance district or unit*
24 *of assessment.*
25 (c) *A method for:*
26 (1) *Determining the relative proportions in which the assumption of*
27 *the maintenance of the proposed improvements by the governing body*
28 *will:*
29 (I) *Benefit the development or subdivision in which the*
30 *improvements are located; and*
31 (II) *Benefit the public;*
32 (2) *Assessing the tracts of land or residential units in the*
33 *development or subdivision to pay the costs that will be incurred by the*
34 *governing body in assuming the maintenance of the proposed*
35 *improvements, in the proportion that such maintenance will benefit the*
36 *development or subdivision in which the improvements are located; and*
37 (3) *Allocating an amount of public money to pay the costs that will*
38 *be incurred by the governing body in assuming the maintenance of the*
39 *proposed improvements, in the proportion that such maintenance will*
40 *benefit the public.*
41 (d) *Procedures for a petitioner or other aggrieved person to appeal to*
42 *the governing body a decision of the person designated by the governing*
43 *body by ordinance adopted pursuant to this subsection to approve or*
44 *disapprove a petition.*
45 4. *If the governing body does not designate by an ordinance adopted*
46 *pursuant to subsection 3 a person to approve or disapprove a petition, the*
47 *governing body shall, after receipt of a complete petition submitted at*
48 *least 120 days before the approval of the final map for the land, hold a*
49 *public hearing at least 90 days before the approval of the final map for*



1 *the land, unless otherwise waived by the governing body, to* determine the
2 desirability of assuming the maintenance of the proposed improvements. *If*
3 *the governing body determines that it would be undesirable for the*
4 *governing body to assume the maintenance of the proposed*
5 *improvements, the governing body shall specify for the record its reasons*
6 *for that determination.* If the governing body determines that it would be
7 desirable *for the governing body* to assume the maintenance of the
8 *proposed* improvements, the governing body shall by ordinance:
9 (a) *Determine the relative proportions in which the assumption of the*
10 *maintenance of the proposed improvements by the governing body will:*
11 *(1) Benefit the development or subdivision in which the*
12 *improvements are located; and*
13 *(2) Benefit the public.*
14 (b) Create a maintenance district or unit of assessment consisting of the
15 tracts of land *or residential units* set forth in the petition ~~+~~
16 ~~—(b)—~~ *or include the tracts of land or residential units set forth in the*
17 *petition in an existing maintenance district or unit of assessment.*
18 (c) Establish the method *or, if the tracts or units are included within*
19 *an existing maintenance district or unit of assessment, apply an existing*
20 *method* for determining ~~{the}~~ :
21 (1) *The* amount of an assessment ~~{for the cost of the maintenance~~
22 ~~assumed}~~ *to pay the costs that will be incurred* by the governing body ~~{and~~
23 ~~the}~~ *in assuming the maintenance of the proposed improvements. The*
24 *amount of the assessment must be determined in accordance with the*
25 *proportion to which such maintenance will benefit the development or*
26 *subdivision in which the improvements are located.*
27 (2) *The* time and manner of payment of the assessment.
28 ~~{(c)}~~ (d) Provide that the assessment constitutes a lien upon the tracts of
29 land or residential units ~~{thereon}~~ *within the maintenance district or unit*
30 *of assessment.* The lien must be executed, and has the same priority, as a
31 lien for property taxes.
32 ~~{(d)}~~ (e) Prescribe the levels of maintenance to be provided.
33 ~~{(e)}~~ ~~Determine the amount by which the public interest will benefit~~
34 ~~from the provision of the maintenance and allocate}~~
35 (f) *Allocate* to the cost of providing the maintenance the appropriate
36 amount of public money to pay for that part of the maintenance which
37 creates the public benefit.
38 ~~{(f)}~~ (g) Address any other matters that the governing body determines
39 to be relevant to the maintenance of the improvements ~~+~~
40 ~~—4.—~~ *, including, without limitation, matters relating to the ownership of*
41 *the improvements and the land on which the improvements are located*
42 *and any exposure to liability associated with the maintenance of the*
43 *improvements.*
44 5. *If the governing body requires an owner of land to dedicate a tract*
45 *of land as a trail identified in the recreation plan of the governing body*
46 *adopted pursuant to paragraph (j) of subsection 1 of NRS 278.160, the*
47 *governing body shall:*
48 (a) *Accept ownership of the tract; and*



- 1 ***(b) Assume the maintenance of the tract and any other improvement***
2 ***located on the land that is authorized in subsection 1.***
3 ***6. The governing body shall record, in the office of the county***
4 ***recorder for the county in which the tracts of land or residential units***
5 ***included in a petition approved pursuant to this section are located, a***
6 ***notice of the creation of the maintenance district or unit of assessment***
7 ***that is sufficient to advise the owners of the tracts of land or residential***
8 ***units that the tracts of land or residential units are subject to the***
9 ***assessment. The costs of recording the notice must be paid by the***
10 ***petitioner.***
11 ***7. The provisions of this section apply retroactively to a development***
12 ***or subdivision*** with respect to which:
13 (a) An agreement or agreements between the owners of tracts of land
14 within the development ***or subdivision*** and the developer allow for the
15 provision of services in the manner set forth in this section; or
16 (b) ~~All of the~~ ***The*** owners of affected tracts of land ***or residential units***
17 agree ~~in writing to be bound by the provisions of~~ ***to dissolve the***
18 ***association for their common-interest community in accordance with the***
19 ***governing documents of the common-interest community upon approval***
20 ***by the governing body of a petition filed by the owners pursuant to*** this
21 section.
22 **Sec. 4.** Notwithstanding the amendatory provisions of subsection 2 of
23 NRS 278.4787, a governing body shall adopt the ordinance required
24 pursuant to that subsection on or before October 1, 2001.
25 **Sec. 5.** This act becomes effective upon passage and approval.

