

ASSEMBLY BILL NO. 258—ASSEMBLYMEN CARPENTER, GOEDHART,
GOICOECHEA, GRADY, MARVEL AND SETTELMEYER

MARCH 7, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the division, exchange
or transfer of certain agricultural lands.
(BDR 22-701)

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; clarifying that certain divisions,
exchanges and transfers of land for agricultural purposes
are exempt from requirements pertaining to boundary line
adjustments and the filing of parcel maps and records of
survey; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

- 1 Existing law generally requires the preparation and filing of a parcel map when
2 land will be divided into four lots or less for transfer or development. (NRS
3 278.461) However, with respect to the adjustment of boundary lines or the transfer
4 of land as between two abutting parcels, a parcel map is not required if the
5 applicable governing body grants its approval and a professional land surveyor
6 performs a field survey, sets monuments and files a record of survey. (NRS
7 278.461, 278.5692, 278.5693) In addition, certain divisions of land for agricultural
8 purposes are exempt from the provisions in existing law governing planning and
9 zoning. (NRS 278.320)
10 This bill clarifies that divisions, exchanges and transfers of land for agricultural
11 purposes are exempt from the provisions in existing law governing planning and
12 zoning, including any requirements pertaining to the adjustment of boundary lines
13 or the filing of a parcel map or record of survey, if each parcel resulting from the
14 division, exchange or transfer: (1) is 10 acres or more in size; (2) can be described
15 with reference to the standard subdivisions used in the United States Public Land
16 Survey System; (3) qualifies for agricultural use assessment; and (4) is served by
17 certain types of access.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 278.320 is hereby amended to read as follows:
2 278.320 1. "Subdivision" means any land, vacant or
3 improved, which is divided or proposed to be divided into five or
4 more lots, parcels, sites, units or plots, for the purpose of any
5 transfer or development, or any proposed transfer or development,
6 unless exempted by one of the following provisions:

7 (a) The term "subdivision" does not apply to any division of
8 land which is subject to the provisions of NRS 278.471 to 278.4725,
9 inclusive.

10 (b) Any joint tenancy or tenancy in common shall be deemed a
11 single interest in land.

12 (c) Unless a method of disposition is adopted for the purpose of
13 evading this chapter or would have the effect of evading this
14 chapter, the term "subdivision" does not apply to:

15 (1) Any division of land which is ordered by any court in this
16 State or created by operation of law;

17 (2) A lien, mortgage, deed of trust or any other security
18 instrument;

19 (3) A security or unit of interest in any investment trust
20 regulated under the laws of this State or any other interest in an
21 investment entity;

22 (4) Cemetery lots; or

23 (5) An interest in oil, gas, minerals or building materials,
24 which are now or hereafter severed from the surface ownership of
25 real property.

26 2. A common-interest community consisting of five or more
27 units shall be deemed to be a subdivision of land within the meaning
28 of this section, but need only comply with NRS 278.326 to 278.460,
29 inclusive, and 278.473 to 278.490, inclusive.

30 3. The board of county commissioners of any county may
31 exempt any parcel or parcels of land from the provisions of NRS
32 278.010 to 278.630, inclusive, if:

33 (a) The land is owned by a railroad company or by a nonprofit
34 corporation organized and existing pursuant to the provisions of
35 chapter 81 or 82 of NRS which is an immediate successor in title to
36 a railroad company, and the land was in the past used in connection
37 with any railroad operation; and

38 (b) Other persons now permanently reside on the land.

39 4. This chapter , *including, without limitation, any*
40 *requirements relating to the adjustment of boundary lines or the*
41 *filing of a parcel map or record of survey*, does not apply to the
42 division , *exchange or transfer* of land for agricultural purposes



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~~into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved.] if each parcel resulting from such a division, exchange or transfer:~~

(a) Is 10 acres or more in size;

(b) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;

(c) By itself or in conjunction with other land owned by the same person, whether or not such other land is adjacent, qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and

(d) Is accessible:

(1) By way of an existing street, road or highway;

(2) Through other adjacent lands owned by the same person; or

(3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.

Sec. 2. This act becomes effective on July 1, 2007.

