

CHAPTER.....

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:

Existing law generally requires the preparation and filing of a parcel map when land will be divided into four lots or less for transfer or development. (NRS 278.461) However, with respect to the adjustment of boundary lines or the transfer of land as between two abutting parcels, a parcel map is not required if the applicable governing body grants its approval and a professional land surveyor performs a field survey, sets monuments and files a record of survey. (NRS 278.461, 278.5692, 278.5693) In addition, certain divisions of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning. (NRS 278.320)

This bill clarifies that divisions, exchanges and transfers of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning, including any requirements pertaining to the adjustment of boundary lines or the filing of a parcel map or record of survey, if each parcel resulting from the division, exchange or transfer: (1) is 10 acres or more in size, unless local zoning laws prescribe a larger minimum parcel size; (2) has a zoning designation consistent with that specified in the applicable master plan, if any; (3) can be described with reference to the standard subdivisions used in the United States Public Land Survey System; (4) qualifies for agricultural use assessment; and (5) is served by certain types of access. This bill provides further that such a parcel ceases to be exempt from the provisions of chapter 278 of NRS if it ceases to qualify for agricultural use assessment or if commercial buildings or residential dwellings which did not exist previously are constructed on the parcel.

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

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

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

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



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

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

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

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

(4) Cemetery lots; or

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

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

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

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

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

4. ~~[This]~~ *Except as otherwise provided in subsection 5, this chapter, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes ~~[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, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;

(b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;



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

(d) Qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and

(e) 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.

5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair, reconstruction, renovation or replacement of preexisting buildings or dwelling units that are:

(1) Dilapidated;

(2) Dangerous;

(3) At risk of being declared a public nuisance;

(4) Damaged or destroyed by fire, flood, earthquake or any natural or man-made disaster; or

(5) Otherwise in need of expansion, repair, reconstruction, renovation or replacement.

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

