

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, unless local zoning  
15 laws prescribe a larger minimum parcel size; (2) has a zoning designation  
16 consistent with that specified in the applicable master plan, if any; (3) can be  
17 described with reference to the standard subdivisions used in the United States  
18 Public Land Survey System; (4) qualifies for agricultural use assessment; and (5) is  
19 served by certain types of access. This bill provides further that such a parcel ceases  
20 to be exempt from the provisions of chapter 278 of NRS if it ceases to qualify for



21 agricultural use assessment or if commercial buildings or residential dwellings  
22 which did not exist previously are constructed on the parcel.

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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.



1 4. ~~[This]~~ Except as otherwise provided in subsection 5, this  
2 chapter, including, without limitation, any requirements relating  
3 to the adjustment of boundary lines or the filing of a parcel map  
4 or record of survey, does not apply to the division, exchange or  
5 transfer of land for agricultural purposes ~~[into parcels of more than~~  
6 ~~10 acres, if a street, road, or highway opening or widening or~~  
7 ~~easement of any kind is not involved.]~~ if each parcel resulting from  
8 such a division, exchange or transfer:

9 (a) Is 10 acres or more in size, unless local zoning laws require  
10 a larger minimum parcel size, in which case each parcel resulting  
11 from the division, exchange or transfer must comply with the  
12 parcel size required by those local zoning laws;

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

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

18 (d) Qualifies for agricultural use assessment under NRS  
19 361A.100 to 361A.160, inclusive, and any regulations adopted  
20 pursuant thereto; and

21 (e) Is accessible:

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

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

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

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

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

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

40 (1) Dilapidated;

41 (2) Dangerous;

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

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



\* A B 2 5 8 R 1 \*

- 1           ***(5) Otherwise in need of expansion, repair, reconstruction,***
- 2   ***renovation or replacement.***
- 3       **Sec. 2.** This act becomes effective on July 1, 2007.

