

Amendment No. 43

Assembly Amendment to Assembly Bill No. 74

(BDR 22-472)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

WBD/MSM



Date: 4/19/2009

A.B. No. 74—Revises provisions concerning the presentation of a final map of certain subdivisions of land. (BDR 22-472)



ASSEMBLY BILL NO. 74—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

PREFILED DECEMBER 15, 2008

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning ~~the presentation of a~~ **tentative maps and** final ~~map~~ **maps** of certain subdivisions of land. (BDR 22-472)

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 planning; revising provisions ~~governing the presentation of a~~ **concerning tentative maps and** final ~~map~~ **maps** of certain subdivisions of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements for the proposed dividing of land into five or more units for the purpose of transfer or development, unless otherwise exempted. (NRS 278.320-278.460) ***The initial action in the process of dividing such land is the submission of a tentative map of the proposed subdivision, and the concluding action is the recordation of an approved final map. (NRS 278.330, 278.460) Existing law establishes deadlines for the appropriate planning authority and various other affected governmental entities to act or report on such a tentative or final map. A subdivider and the appropriate planning authority can agree to extend those deadlines. (NRS 278.350) Section 1 of this act provides that if a subdivider enters into such an agreement covering a portion of an approved tentative map, no requirements other than those imposed on each of the final maps in a series of final maps may be placed on a map when the agreement is entered into, unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare.***

Under existing law, a subdivider whose tentative map of ~~such~~ a proposed subdivision has been approved by the appropriate planning authority is required to present a final map covering the entire subdivision or the first of a series of successive final maps covering portions of the subdivision within 2 years after the approval of his tentative map, with certain exceptions, or proceedings concerning the subdivision are terminated. (NRS 278.360) ***[This] Section 2 of this bill extends the deadline for submission of either type of final map to 4 years after approval of the tentative map. [As an alternative to this 4 year period, this bill also authorizes a city or county to adopt an ordinance which requires the planning authority to establish the period for submission of such a final map for each subdivision for which a tentative map has been approved. Such a period is required to be established based on consideration of specific criteria set forth in the ordinance relating to the public health, safety and welfare and may not be less than 2 years or more than 4 years after approval of the subdivider's tentative map.]***

Under existing law, if a subdivider is presenting a series of final maps, each successive map is required to be presented within 1 year after the previous final map in the series was recorded, unless the planning authority grants an extension of not more than 1 additional year. The planning authority is prohibited from imposing any additional requirements on a successive map for which an extension is granted unless the requirement is directly attributable to a change in the applicable laws which affect the public health, safety or welfare. (NRS 278.360) ~~(This bill)~~ **Section 2** extends the deadline for the presentation of a successive final map to 2 years after recordation of the previous final map in the series and extends the period for which an extension of that deadline may be granted to 2 additional years. ~~(This bill also clarifies that a change in a local ordinance which affects the public health, safety or welfare allows a planning authority, in the course of granting an extension, to impose an additional requirement on a final map in a series of final maps.)~~

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

Section 1. NRS 278.350 is hereby amended to read as follows:

278.350 Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201:

1. The time limit for acting and reporting on a tentative or final map may be extended by mutual consent of the subdivider and the governing body or planning commission, as the case may be.

2. If no action is taken within the time limits set forth in NRS 278.010 to 278.630, inclusive, a tentative map as filed shall be deemed to be approved, and the clerk of the governing body, or the planning commission if it has been authorized to take final action, shall certify the map as approved.

3. The time limits set forth in NRS 278.010 to 278.630, inclusive, for tentative and final maps are suspended for a period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map or the development, processing or recordation of a final map.

4. If the subdivider enters into an agreement pursuant to subsection 1 covering a portion of an approved tentative map, no requirements other than those imposed on each of the final maps in a series of final maps may be placed on a map when the agreement is entered into unless the requirement is directly attributable to a change in applicable laws which affects the public health, safety or welfare.

~~(Section 1.)~~ **Sec. 2.** NRS 278.360 is hereby amended to read as follows:

278.360 1. Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201 ~~(1) or 278.350:~~

(a) Unless the time is extended ~~, for a different period is established pursuant to subsection 2.)~~ the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, within ~~(2) 4~~ years after the approval of a tentative map:

(1) A final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or

(2) The first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider

1 shall present to the governing body, or the planning commission or the director of
2 planning or other authorized person or agency if authorized to take final action by
3 the governing body, on or before the *second* anniversary of the date on which the
4 subdivider recorded the first in the series of final maps:

5 (I) A final map, prepared in accordance with the tentative map, for the
6 entire area for which the tentative map has been approved; or

7 (II) The next final map in the series of final maps covering a portion of
8 the approved tentative map.

9 (b) If the subdivider fails to comply with the provisions of paragraph (a), all
10 proceedings concerning the subdivision are terminated.

11 (c) The governing body or planning commission may grant an extension of not
12 more than ~~1-year~~ *2 years* for the presentation of any final map after the ~~1-year~~
13 *2-year* period for presenting a successive final map has expired.

14 2. ~~{A governing body may adopt an ordinance that requires the governing~~
15 ~~body, or the planning commission or the director of planning or other authorized~~
16 ~~person or agency if authorized to take final action by the governing body, to~~
17 ~~establish the period within which each subdivider whose tentative map has been~~
18 ~~approved must comply with the provisions of paragraph (a) of subsection 1. Each~~
19 ~~such period:~~

20 ~~—(a) Must be established based on consideration of criteria prescribed in the~~
21 ~~ordinance relating to the protection of the public health, safety and welfare.~~

22 ~~—(b) May not be less than 2 years or more than 4 years after the approval of~~
23 ~~the subdivider's tentative map.~~

24 ~~—3. If the subdivider is presenting in a timely manner a series of final maps,~~
25 ~~each covering a portion of the approved tentative map, no requirements other than~~
26 ~~those imposed on each of the final maps in the series may be placed on the map~~
27 ~~when an extension of time is granted unless the requirement is directly attributable~~
28 ~~to a change in applicable laws, including, without limitation, local ordinances,~~
29 ~~which affect the public health, safety or welfare.~~

30 ~~{Sec. 2.} Sec. 3. 1. This act becomes effective upon passage and~~
31 ~~approval.~~

32 ~~-- 2. Section 2 of this act expires by limitation on June 30, 2013.~~