

Amendment No. 440

Senate Amendment to Senate Bill No. 327	(BDR 22-883)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 327 (§ 8).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

ERS/HAC



Date: 4/18/2019

S.B. No. 327—Revises provisions relating to land use planning. (BDR 22-883)





## SENATE BILL NO. 327—SENATOR KIECKHEFER

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to land use planning. (BDR 22-883)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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; defining ~~the terms “residential dwelling unit,” “superpad,” “superpad final map,” and “superpad tentative map.”~~ **“residential dwelling unit”**; authorizing the governing body of a county or city to ~~include procedures for the development of a superpad~~ **provide for the division of land into five or more lots** in an ordinance for planned unit development; ~~and setting forth those procedures~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes procedures for the governing body of a city or county to include when enacting an ordinance for a proposed planned unit development. (NRS 278A.440-278A.590) ~~Sections 2-7 of this bill define the terms “final tract map,” “residential dwelling unit,” “superpad,” “superpad final map” and “superpad tentative map.”~~ **Section 8** of this bill authorizes a governing body of a county or city that enacts an ordinance for a proposed planned unit development to ~~include the procedures for a proposed superpad~~ **provide for the division of land** within the planned unit development ~~[Sections 9-14 of this bill establish the procedures and requirements for a proposed superpad that may be included in such an ordinance.~~

~~Section 9 of this bill requires a landowner who proposes a superpad to file a superpad tentative map with and pay certain existing fees to the governing body or its designated representative. Section 9 also establishes the requirements for the preparation and review of the superpad tentative map. Section 10 of this bill requires, with limited exception, a landowner who has received approval of a superpad tentative map to file a superpad final map within 4 years after the approval of the superpad tentative map. Section 10 further establishes the requirements for the preparation and review of the superpad final map.~~

~~Section 11 of this bill prohibits a landowner from further subdividing a superpad for the construction of residential dwelling units unless he or she files a preliminary tract plan and final tract plan for the superpad. Section 12 of this bill requires a landowner who proposes to subdivide a superpad in a planned unit development for residential dwelling units to file a preliminary tract plan and pay certain existing fees. Section 12 also establishes the requirements for the preparation and approval of the preliminary tract plan. Section 13 of this bill requires the designated representative of the governing body to approve, conditionally approve or disapprove a preliminary tract plan within 30 days after receiving the preliminary tract plan. Section 14 of this bill requires a landowner to file a final tract plan and pay certain existing fees. Section 14 also establishes the requirements for the final tract plan.]~~ **into five or more lots pursuant to a tentative and final map for land zoned for industrial or commercial development or a parcel map for the division of land for transfer or development. Section 8 requires such an ordinance to prohibit the development of a**

residential dwelling unit within such a planned unit development unless the lot that will be developed with the residential dwelling unit is further subdivided in accordance with certain existing requirements for the subdivision of land.

Section 8 further provides that a tentative map to further subdivide land for the development of residential dwelling units may be submitted and processed by the governing body at the same time as a tentative map or parcel map for the division of land. Sections 1 and 15 of this bill make conforming changes.

Section 4 of this bill defines the term "residential dwelling unit."

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

**Section 1. NRS 278.461 is hereby amended to read as follows:**

278.461 1. Except as otherwise provided in this section ~~and~~ and section 8 of this act, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body, unless those requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid, and by the affidavit of the person who proposes to divide the land stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person who proposes to divide the land or any successor in interest.

2. In addition to any other requirement set forth in this section, a person who is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring the approval of the parcel map by the State Engineer; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, the clerk shall submit the parcel map to the governing body at its next regular meeting.

4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

5. A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

6. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of 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.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

**Sec. 1.5.** Chapter 278A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 to 14, inclusive,]~~ **4 and 8** of this act.

**Sec. 2.** ~~[As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

**Sec. 3.** ~~["Final tract map" means a map prepared in accordance with NRS 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955 or section 14 of this act, and any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.] (Deleted by amendment.)~~

**Sec. 4.** *"Residential dwelling unit" means a building, or a portion of a building, planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the building or portion of the building. The term does not include an apartment or any other building, or portion of a building, planned, designed or used as a residence for more than one family.*

**Sec. 5.** ~~["Superpad" means a parcel of land within a planned unit development that is developed with utility infrastructure by a master developer.] (Deleted by amendment.)~~

1       Sec. 6. ~~“Superpad final map” means a map prepared in accordance with~~  
2 ~~section 10 of this act, and any applicable local ordinance, which is designed to be~~  
3 ~~placed on record in the office of the county recorder of the county in which any~~  
4 ~~part of the planned unit development is located or the recorder of Carson City.]~~  
5 ~~(Deleted by amendment.)~~

6       Sec. 7. ~~“Superpad tentative map” means a map prepared in accordance~~  
7 ~~with section 9 of this act, and any applicable local ordinance, which shows the~~  
8 ~~design of a proposed superpad within a planned unit development and the~~  
9 ~~existing conditions in and around the proposed superpad.] (Deleted by~~  
10 ~~amendment.)~~

11       Sec. 8. 1. ~~An ordinance enacted pursuant to this chapter for a [proposed]~~  
12 ~~planned unit development may [contain the procedures and requirements for~~  
13 ~~creating, developing and subdividing a superpad within the planned unit~~  
14 ~~development set forth in sections 2 to 14, inclusive, of this act.~~

15       2. ~~An ordinance enacted pursuant to this chapter that includes the~~  
16 ~~procedures provided in sections 2 to 14, inclusive, of this act:~~

17       ~~(a) May designate the planning commission of the county or city, director of~~  
18 ~~planning or other representative of the governing body or planning commission~~  
19 ~~to review a superpad tentative map or superpad final map required pursuant to~~  
20 ~~sections 9 and 10 of this act and take final action on the map or plan in lieu of~~  
21 ~~the governing body.~~

22       ~~(b) Shall designate the director of planning or other representative of the~~  
23 ~~governing body or planning commission to review a preliminary tract plan,~~  
24 ~~preliminary tract map, final tract plan and final tract map pursuant to sections~~  
25 ~~12, 13 and 14 of this act.] authorize the division of land within the planned unit~~  
26 ~~development for transfer or development into five or more lots pursuant to:~~

27       ~~(a) A tentative and final map for land zoned for industrial or commercial~~  
28 ~~development in accordance with the requirements of NRS 278.325 and any other~~  
29 ~~applicable requirements for such tentative and final maps; or~~

30       ~~(b) A parcel map in accordance with the requirements of NRS 278.461 to~~  
31 ~~278.469, inclusive.~~

32       2. ~~If an ordinance for a planned unit development authorizes the division of~~  
33 ~~land pursuant to subsection 1, a residential dwelling unit may not be constructed~~  
34 ~~on a lot divided pursuant to such an ordinance unless the lot is further subdivided~~  
35 ~~in accordance with the requirements of NRS 278.326 to 278.460, inclusive.~~

36       3. ~~If the governing body authorizes the division or subdivision of land~~  
37 ~~within a planned unit development pursuant to this section, a landowner may~~  
38 ~~submit a tentative map for the subdivision of land into one or more residential~~  
39 ~~dwelling units at the same time a tentative map or a parcel map for the division of~~  
40 ~~land is submitted. The landowner must pay any applicable fees for submitting~~  
41 ~~such maps.~~

42       Sec. 9. ~~[1. A landowner who proposes to create a superpad within a~~  
43 ~~proposed planned unit development must first file a superpad tentative map with~~  
44 ~~the governing body or its designated representative. Except as otherwise provided~~  
45 ~~in subsections 2 and 3, a superpad tentative map must be filed and reviewed in~~  
46 ~~accordance with the requirements of NRS 278.330 to 278.353, inclusive, and the~~  
47 ~~landowner must pay the applicable fees set forth in NRS 278.3295, 278.330 and~~  
48 ~~704.6672.~~

49       2. ~~For the purpose of the review of a superpad tentative map pursuant to the~~  
50 ~~provisions of NRS 278.335 to 278.345, inclusive, the landowner may include~~  
51 ~~estimates concerning the sewage disposal, water pollution, water quantity, water~~  
52 ~~supply facilities, traffic generation, schools, police and fire protection and~~  
53 ~~recreation and park facilities based upon the zoning and density of the proposed~~

1 ~~planned unit development established in the ordinance enacted pursuant to the~~  
2 ~~provisions of this chapter.~~

3 ~~3. A governing body or its designated representative shall consider the~~  
4 ~~criteria set forth in subsection 3 of NRS 278.349 in determining whether to take~~  
5 ~~final action on a superpad tentative map to the extent that such criteria is not~~  
6 ~~otherwise addressed or is not inconsistent with the ordinance enacted pursuant to~~  
7 ~~the provisions of this chapter.~~

8 ~~4. After accepting a superpad tentative map, the governing body or its~~  
9 ~~designated representative may approve, conditionally approve or disapprove the~~  
10 ~~superpad tentative map. } (Deleted by amendment.)~~

11 **Sec. 10.** ~~{1. Unless a longer time is provided in the ordinance enacted~~  
12 ~~pursuant to this chapter, within 4 years after the approval of a superpad tentative~~  
13 ~~map pursuant to section 9 of this act, a landowner proposing a superpad shall file~~  
14 ~~a superpad final map with the governing body or its designated representative.~~

15 ~~2. A superpad final map must be:~~

16 ~~(a) Prepared in accordance with the superpad tentative map for the entire~~  
17 ~~area for which the superpad tentative map has been approved pursuant to section~~  
18 ~~9 of this act; and~~

19 ~~(b) Except as otherwise provided in subsections 3 and 4, filed and reviewed~~  
20 ~~in accordance with the requirements of NRS 278.371 to 278.460, inclusive, and~~  
21 ~~the landowner must pay the applicable fees set forth in NRS 278.3295, 278.450~~  
22 ~~and 704.6672.~~

23 ~~3. A superpad final map presented for filing pursuant to this section is not~~  
24 ~~required to include a certificate of approval issued by the Division of Water~~  
25 ~~Resources of the State Department of Conservation and Natural Resources~~  
26 ~~pursuant to paragraph (b) of subsection 1 of NRS 278.377.~~

27 ~~4. Any state or local agency that is required to review a superpad final map~~  
28 ~~concerning sewage disposal, water pollution, water quantity, water supply~~  
29 ~~facilities, traffic generation, schools, police and fire protection and recreation~~  
30 ~~and park facilities pursuant to NRS 278.374 to 278.378, inclusive, shall use the~~  
31 ~~underlying density and zoning of the planned unit development established in the~~  
32 ~~ordinance enacted pursuant to the provisions of this chapter when determining~~  
33 ~~whether to approve a superpad final map. } (Deleted by amendment.)~~

34 **Sec. 11.** ~~{1. Except as otherwise provided in subsection 2, a superpad may~~  
35 ~~be transferred, developed or subdivided in accordance with the provisions of:~~

36 ~~(a) NRS 278.326 to 278.460, inclusive, for the subdivision of lands;~~

37 ~~(b) NRS 278.461 to 278.469, inclusive, for a parcel map; or~~

38 ~~(c) Sections 12, 13 and 14 of this act.~~

39 ~~2. A residential dwelling unit may not be constructed on a superpad unless~~  
40 ~~the superpad is further subdivided pursuant to the provisions of section 14 of this~~  
41 ~~act or NRS 278.326 to 278.460, inclusive. } (Deleted by amendment.)~~

42 **Sec. 12.** ~~{1. A landowner who proposes to further subdivide a superpad~~  
43 ~~into five or more parcels for residential dwelling units must submit a preliminary~~  
44 ~~tract plan to the designated representative of the governing body and pay the~~  
45 ~~applicable fees set forth in NRS 278.3295 and 704.6672.~~

46 ~~2. A copy of the preliminary tract plan must be forwarded by the designated~~  
47 ~~representative, to all state and local agencies charged with reviewing a tentative~~  
48 ~~map for a proposed subdivision pursuant to NRS 278.335 to 278.348, inclusive.~~

49 ~~3. The preliminary tract plan must be prepared for the entire area of the~~  
50 ~~superpad and include:~~

51 ~~(a) A preliminary map;~~

52 ~~(b) A site survey and site analysis of the superpad and its immediate~~  
53 ~~surroundings;~~

~~1. (c) A site plan that includes the proposed plotting of the lots, grading and drainage plan, utility plan and landscape design;~~

~~2. (d) An affidavit by the landowner stating that the landowner will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the landowner or any successor in interest; and~~

~~3. (e) Any other information reasonably requested by the designated representative.~~

~~4. Each agency which receives a copy of the preliminary tract plan pursuant to subsection 2 shall review the preliminary tract plan pursuant to NRS 278.325 to 278.3485, inclusive, and file written comments on the preliminary tract plan with the designated official within 15 days after the receipt of the preliminary tract plan. ] (Deleted by amendment.)~~

~~Sec. 13. [1. The designated representative of the governing body shall, within 30 days after a complete preliminary tract plan is submitted pursuant to section 12 of this act, approve, conditionally approve or disapprove the preliminary tract plan pursuant to subsections 2, 3 and 4.~~

~~2. The designated representative may consider the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a preliminary tract plan.~~

~~3. The designated representative shall approve or conditionally approve a preliminary tract plan upon a determination that the preliminary tract plan substantially conforms to:~~

~~(a) The superpad final map submitted pursuant to section 10 of this act;~~

~~(b) Any comments filed pursuant to subsection 4 of section 12 of this act by state and local agencies regarding their review of the preliminary tract plan; and~~

~~(c) The requirements of the ordinance enacted pursuant to this chapter.~~

~~4. If the designated representative determines that the preliminary tract plan does not substantially conform pursuant to subsection 3, the designated representative shall:~~

~~(a) Disapprove the preliminary tract plan; and~~

~~(b) Return the preliminary tract plan to the person who proposes to subdivide the land, with the reason for disapproving the preliminary tract plan and recommendations for the person to bring the preliminary tract plan into substantial conformance.~~

~~5. Any determination that a preliminary tract plan is not in substantial conformance pursuant to subsection 3 may be initially appealed to the planning commission within 30 days after the determination is made. The planning commission shall consider an appeal made pursuant to paragraph (a) and may affirm or reverse the determination. A decision of the planning commission may be appealed in accordance with the ordinance adopted pursuant to NRS 278.3195. ] (Deleted by amendment.)~~

~~Sec. 14. [1. After the approval of a preliminary tract plan pursuant to section 13 of this act, the landowner shall submit a final tract plan to the designated representative of the governing body and pay the applicable fees set forth in NRS 278.3295, 278.450 and 704.6672.~~

~~2. The final tract plan must include:~~

~~(a) A final tract map;~~

~~(b) A final site plan; and~~

~~(c) Any other necessary supporting material.~~

~~3. The final tract map must:~~

~~(a) Be prepared in accordance with the preliminary tract plan; and~~



~~1 (b) Comply with the requirements of NRS 278.360 to 278.460, inclusive, for a~~  
~~2 final map. (Deleted by amendment.)~~

3 **Sec. 15. NRS 278A.030 is hereby amended to read as follows:**

4 278A.030 As used in this chapter, unless the context otherwise requires, the  
5 words and terms defined in NRS 278A.040 to 278A.070, inclusive, **and section 4**  
6 **of this act,** have the meanings ascribed to them in such sections.

7 ~~[Sec. 15.]~~ **Sec. 16.** This act becomes effective on July 1, 2019.