

ASSEMBLY BILL NO. 211—ASSEMBLYWOMAN JAUREGUI

MARCH 9, 2021

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions relating to a plan to address impacts to wildlife. (BDR 22-795)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; requiring, with certain exceptions, the Department of Wildlife to submit comments on the potential impacts to wildlife and wildlife habitat of a proposed subdivision of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth an approval process for the subdivision of land that requires a subdivider of land to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for comment and requires the planning commission or governing body to consider such comments when deciding whether to approve the tentative map. (NRS 278.335-278.3485)

Section 1 of this bill requires, with certain exceptions: (1) a tentative map to be forwarded to the Department of Wildlife for comment on potential impacts to wildlife and wildlife habitat; and (2) the governing body or planning commission to consider such comments when deciding whether to approve the tentative map.

Section 1 also authorizes the Department of Wildlife to impose a fee and adopt regulations relating to the Department's review of the tentative map.

Section 2 of this bill indicates the placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2:



* A B 2 1 1 *

(a) *The planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the Department of Wildlife.*

(b) *The Department of Wildlife shall within 30 days review and comment in writing upon the map regarding the potential impacts to wildlife and wildlife habitat and submit the comments to the planning commission or governing body, as applicable. The Department shall include in its comments, without limitation, a plan for how the subdivider may avoid, minimize or mitigate the potential impacts to wildlife and wildlife habitat.*

(c) *The planning commission or governing body, as applicable, shall take any such comments from the Department of Wildlife into consideration before approving the tentative map.*

2. *The provisions of subsection 1 do not apply if the planning commission or governing body, as applicable, has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service.*

3. *The Department may charge the subdivider a fee of not more than \$5,000 for reviewing a tentative map pursuant to this section. The amount of any such fee must be based, without limitation, on the size of the proposed subdivision and the type of wildlife habitat that will be impacted by the proposed subdivision.*

4. *The Department of Wildlife may adopt any regulations necessary to carry out the provisions of this section.*

Sec. 2. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➤ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or



(b) In a county whose population is less than 700,000, within 60 days,

➔ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive ~~§~~, *and section 1 of this act*;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and

(k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for 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 subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless the subdivider has submitted an affidavit stating that the subdivider 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



1 subdivider or any successor in interest. Any disapproval or
2 conditional approval must include a statement of the reason for that
3 action.

4 **Sec. 3.** This act becomes effective on July 1, 2021.

