

Proposed Amendment to Senate Bill 327

Submitted by: Senator Ben Kieckhefer

Date: April 8, 2019

Section 1. Chapter 278A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 to 14, inclusive,]~~ **15 and 16** 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.*~~ **(Deleted by amendment.)**

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.)**

Sec. 6. ~~["Superpad final map" means a map prepared in accordance with section 10 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 planned unit development is located or the recorder of Carson City.]~~ (Deleted by amendment.)

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

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

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

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

~~(b) Shall designate the director of planning or other representative of the governing body or planning commission to review a preliminary tract plan, preliminary tract map, final tract plan and final tract map pursuant to sections 12, 13 and 14 of this act.]~~ (Deleted by amendment.)

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

~~2. For the purpose of the review of a superpad tentative map pursuant to the provisions of NRS 278.335 to 278.3485, inclusive, the landowner may include estimates concerning the sewage disposal, water pollution, water quantity, water supply facilities, traffic generation, schools, police and fire protection and recreation and park facilities based upon the zoning and density of the proposed planned unit development established in the ordinance enacted pursuant to the provisions of this chapter.~~

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

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

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

~~2. A superpad final map must be: (a) Prepared in accordance with the superpad tentative map for the entire area for which the superpad tentative map has been approved pursuant to section 9 of this act; and~~

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

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

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

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

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

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

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

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

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

~~2. A copy of the preliminary tract plan must be forwarded by the designated representative, to all state and local agencies charged with reviewing a tentative map for a proposed subdivision pursuant to NRS 278.335 to 278.3485, inclusive.~~

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

~~(a) A preliminary map;~~

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

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

~~(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~~

~~(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 278.335 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~~

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

Sec. 15. “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. 16. 1. An ordinance enacted pursuant to this chapter for a planned unit development may authorize the division of land for transfer or development into five or more lots through a parcel map processed in accordance with the procedures set forth in NRS 278.325 or NRS 278.461 through 278.469, inclusive, provided no residential dwelling unit may be constructed on a lot created by such parcel map unless the portion of the lot to be developed with a residential dwelling unit is further subdivided pursuant to NRS 278.326 to 278.460, inclusive.

2. An application for a tentative map subdividing a parcel created through a parcel map under subsection 1 for development of one or more residential dwelling units may be processed concurrently with the application for a parcel map under subsection 1.

Sec. 17. NRS 278A.030 is hereby amended to read as follows:

NRS 278A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 278A.040 to 278A.070, and section 15 of this act, inclusive, have the meanings ascribed to them in such sections.

Sec. 18. This act becomes effective on July 1, 2019.