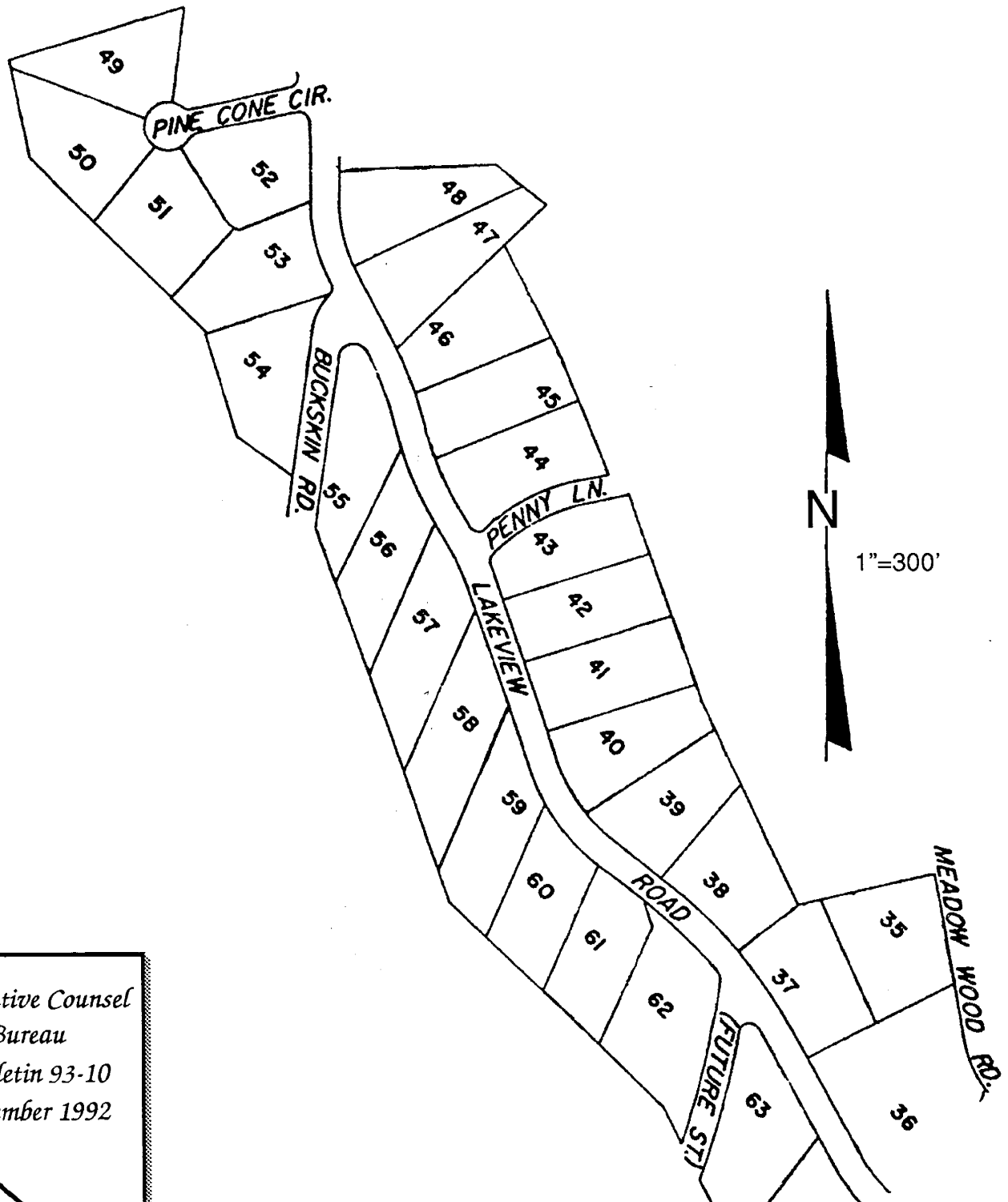


Subdivision of Land



Legislative Counsel
Bureau
Bulletin 93-10
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SUBDIVISION OF LANDS

BULLETIN NO. 93-10

SEPTEMBER 1992

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SUMMARY OF RECOMMENDATIONS

The Legislative Commission's Subcommittee to Study State and Local Procedures for the Review and Approval of Proposals for the Subdivision of Land recommends that the 67th Session of the Nevada Legislature:

Subdivisions in General

1. Clarify the law concerning the surveying requirements for subdivisions within industrial or commercial developments and the provisions relating to Chapter 116 of *Nevada Revised Statutes*, the "Uniform Common-Interest Ownership Act." (BDR 22-337)
2. Revise State statutes to require that when land is divided, all property taxes should be current at the time certain final maps are recorded. The law currently requires that property taxes for the entire fiscal year be paid at the time of recordation. (BDR 22-338)
3. Clarify and restructure State law pertaining to the vacation and abandonment of public streets, easements or maps. (BDR 22-338)
4. Revise State law concerning the consolidation of lots by limiting consolidation to three lots or less and establishing a new procedure for consolidation. (BDR 22-335)

Tentative and Final Subdivision Maps

5. Clarify State law to ensure that the two local entities with the capability to perform comprehensive reviews of subdivisions regarding health (district boards of health in Clark and Washoe Counties) have total authority for such reviews. In addition to clarifying this matter in the law, a streamlined notification process between these two district boards of health and Nevada's Health Division, in the Department of Human Resources, also is recommended. (BDR 22-337)
6. Revise State law concerning the current 3-mile limit for extraterritorial review of subdivisions by cities. Instead, a 1-mile limit and a streamlined process are recommended for the review by a city of proposed

subdivisions in unincorporated areas. Likewise, *Nevada Revised Statutes* 578.580, pertaining to the applicability of building codes, should be changed from 3 miles to 1 mile. (BDR 22-337)

7. Revise State law to provide a streamlined process for the review by counties of subdivisions in incorporated cities within 1 mile of the county boundary. This provision only applies to counties whose population is 200,000 or more. (BDR 22-337)
8. Clarify State law to allow a planning commission to delegate certain responsibilities to its professional staff or others (designated representatives). (BDR 22-337)
9. Clarify and add provisions in State law concerning final governmental action on a tentative subdivision map which relate to water sufficiency, zoning and planning conformity, hazards from wild fires and master planning. (BDR 22-337)
10. Revise State law to increase the time limit, from 1 year to 2 years, within which a subdivider must present a final map after receiving approval of the tentative map, unless an extension of time is granted. (BDR 22-337)

Parcel Maps and Divisions of Land into Large Parcels

11. Clarify State law concerning the review and approval process for parcel maps. (BDR 22-336)
12. Clarify State law concerning requirements which may be imposed by a governing body on a second or subsequent parcel map on the same tract of land. (BDR 22-336)
13. Revise State law to specify that if a proposal to divide land into large parcels involves 16 lots or more, access to each parcel by emergency vehicles must be provided. (BDR 22-336)

Surveying Requirements for Land Divisions

14. Make technical revisions to State law to clarify and strengthen certain surveying and map requirements for land divisions. (BDR 22-339)

REPORT TO THE 67TH SESSION OF THE NEVADA LEGISLATURE BY THE
LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY STATE
AND LOCAL PROCEDURES FOR THE REVIEW AND APPROVAL
OF PROPOSALS FOR THE SUBDIVISION OF LAND

I. INTRODUCTION

The 66th Session of the Nevada Legislature in 1991 adopted Assembly Concurrent Resolution No. 46 (File No. 181, *Statutes of Nevada 1991*, page 2640). This measure directed the Legislative Commission to study State and local procedures for the review and approval of proposals for the subdivision of land. (Appendix A of this report is a copy of A.C.R. 46.)

In order to conduct the study, the Legislative Commission appointed a subcommittee consisting of the following members:

Assemblyman James W. McGaughey, Chairman
(Las Vegas)
Senator Dean A. Rhoads, Vice Chairman
(Tuscarora)
Senator Leonard V. Nevin
(Sparks)
Assemblyman Rick Bennett
(Las Vegas)
Assemblyman John L. Norton
(Las Vegas)

Staff of the Legislative Counsel Bureau served the subcommittee throughout the interim period. Staff members assisting on the study included: Robert E. Erickson, Research Director (principal staff), Leigh O'Neill of the Legal Division (legal counsel) and Ricka Benum (subcommittee secretary). A notable amount of assistance was provided by representatives of local governments and private businesses from throughout the State. Of special significance were the contributions of the members of a technical advisory committee (TAC) appointed by the Legislative Commission. The TAC was divided into two working groups - one for southern Nevada and the other for the northern and rural portions of the State.

Members of the TAC were:

Wayne Alexander	Real estate industry (southern Nevada representative)
Larry Brown	Las Vegas Valley Water District
Carl Cahill	Washoe County Health Department
Jeffrey Codega	Northern Nevada Homebuilders Association
Tom Cribben	Pyramid Engineering, Sparks (engineering and surveying)
Lewis H. Dodgion	Division of Environmental Protection, State Department of Conservation and Natural Resources
Kay Elverum	Nevada Association of Realtors
Greg Evangelatos	City of Sparks
Myla C. Florence	Health Division, Department of Human Resources
Dick Goecke	City of Las Vegas Public Works Department
Mike Harper	Washoe County Development Review Department
Stan Jones	Southern Nevada land developer
Brett Lane	Clark County, County Surveyor
Lynn Luman	Greater Las Vegas Association of Realtors, Las Vegas
Les MacFarlane	VTN-Nevada, Las Vegas (engineering and surveying)
Stuart Peters	City of Reno
Irene Porter	Southern Nevada Homebuilders Association
Dan Rechenmacher	Real estate industry (northern Nevada representative)
Bonnie Rinaldi	Clark County Comprehensive Planning Department
Clare Schmutz	Clark County Health District
Bruce Scott	Resource Concepts, Carson City (engineering and surveying)
Ed Skudlarek	Utilities Representative (Sierra Pacific Power Company, Reno)
Walt Sullivan	Carson City Community Development Department
R. Michael Turnipseed	Division of Water Resources, State Department of Conservation and Natural Resources
Ron Williams	Nye County Planning Department
Ed Wynes	Humboldt County, Planning Director

There were also other participants from the private and public sectors who provided information and recommendations on land division issues affecting all portions of the State.

A total of 10 public meetings were held in association with the study. Six were technical advisory hearings and four were meetings of the legislative subcommittee. The subcommittee adopted recommendations addressing specific issues to streamline the subdivision review process.

II. HISTORICAL BACKGROUND OF SUBDIVISION LAWS IN NEVADA

The 1941 Nevada State Legislature, through its passage of Senate Bill 30 (Chapter 110, *Statutes of Nevada 1941*, pages 249-264), enabled counties with a population of 15,000 or more, and the cities within those counties, "to regulate and restrict the improvement of land and to control the location and soundness of structures." This landmark legislation was enacted "for the purpose of promoting health, safety, morals, or the general welfare of the community." Among other things, this enabling legislation provided for the establishment of local or regional planning commissions, comprehensive long-term planning, zoning districts, subdivision controls and building inspection.

Senate Bill 30 was sponsored by a veteran lawmaker from Washoe County, Senator H. C. Heidtman. It is interesting to note that in 1941 only two Nevada counties (Clark and Washoe) had more than 15,000 residents.

For over 50 years, Nevada has experienced continuous rapid growth. From 1940 to 1990, the State's population increased elevenfold - from 110,246 to 1,201,833. The vision of the 1941 Legislature is acknowledged, as basic land use planning tools and mechanisms were authorized to help ensure orderly growth and development in the State.

Nevada's planning laws have been amended and strengthened on a number of occasions since 1941. For example, the 1947 Legislature amended the 1941 act to apply to all counties and cities in the State. Another important change occurred in 1975 and 1977. Through passage of Senate Concurrent Resolution No. 48, (File No. 178, *Statutes of Nevada 1975*, page 1988) the 1975 Legislature authorized a study of Nevada's laws governing the review and approval/disapproval of construction projects, particularly by the State's Health

Division. An interim subcommittee of the Legislative Commission was established to carry out the study, and two technical advisory committees were appointed from northern and southern Nevada to assist the study efforts. The greatest amount of time during the study was devoted to subdivision controls authorized under State law. The primary product of the study was Legislative Counsel Bureau Bulletin No. 77-10, *The Roles Of The State Health Division And Local Government In Approving Construction Projects* (Appendix B). During the 1977 Session, however, it was determined that the scope of the proposed legislation should be broadened, again using the technical advice of private and public sector experts from around the State. The final legislation to come out of the study, Assembly Bill 475 (Chapter 580, *Statutes of Nevada 1977*, pages 1494-1527 - Appendix C) was one of the most significant planning-related measures ever approved by the Nevada Legislature.

The original purpose of A.C.R. 46 of the 1991 Legislative Session was to focus on possible overlapping responsibilities in the review of subdivisions by the Division of Environmental Protection and the State's Health Division. During hearings on A.C.R. 46, Ms. Irene Porter, of the Southern Nevada Homebuilders Association, recommended broadening the scope of the study to focus on land divisions in general, as was done in the 1970's. This recommendation was incorporated in A.C.R. 46, as approved by the Legislature. The A.C.R. 46 study, therefore, represents a broad overview of Nevada's land division laws, procedures and related matters.

III. DISCUSSION OF RECOMMENDATIONS

Throughout the interim study, subcommittee members and participants reviewed existing Nevada law and possible additions, deletions or amendments thereto. The following sets forth the rationale for these changes by *Nevada Revised Statutes* (NRS) section and the adopted recommendations.

NRS 278.325

Most participants supported additional clarification in the law concerning subdivisions within industrial or commercial developments.

NRS 278.373 and NRS 278.374

Several local government and private sector representatives from Clark County recommended that Nevada's subdivision laws properly relate to Chapter 116 of NRS, the "Uniform Common-Interest Ownership Act."

1. Clarify the law concerning the surveying requirements for subdivisions within industrial or commercial developments and the provisions relating to Chapter 116 of *Nevada Revised Statutes*, the "Uniform Common-Interest Ownership Act." (BDR 22-337)

NRS 278.460, NRS 278.467, NRS 278.468, NRS 278.4725, and NRS 278.5693

Several persons testified during public meetings that when land is divided, all property taxes should be current at the time certain final maps are recorded. However, other persons recommend that property taxes for the full fiscal year be paid at the time of recordation, as now is required by law. Although there was no consensus of opinion on this matter, most participants appeared to support changing the current law.

2. Revise State statutes to require that when land is divided, all property taxes should be current at the time certain final maps are recorded. The law currently requires that property taxes for the entire fiscal year be paid at the time of recordation. (BDR 22-338)

NRS 278.480, NRS 278.490, NRS 278.491 (new section), and NRS 278.492 (new section)

Several persons recommended that State law pertaining to the vacation or abandonment of public streets, easements or maps be restructured and clarified, including the consolidation of parcels.

3. Clarify and restructure State law pertaining to the vacation and abandonment of public streets, easements or maps. (BDR 22-338)

4. **Revise State law concerning the consolidation of lots by limiting consolidation to three lots or less and establishing a new procedure for consolidation.**
(BDR 22-335)

NRS 278.335

An initial focus of the A.C.R. 46 study was to resolve any overlapping responsibilities in the subdivision review process, particularly with respect to public health considerations. It was agreed by study participants that the two local entities with the capability to perform comprehensive reviews of subdivisions regarding health (district boards of health in Clark and Washoe Counties) should have total authority for such reviews. In addition to clarifying this matter in the law, participants also supported a streamlined notification process between these two district boards of health and Nevada's Health Division.

5. **Clarify State law to ensure that the two local entities with the capability to perform comprehensive reviews of subdivisions regarding health (district boards of health in Clark and Washoe Counties) have total authority for such reviews. In addition to clarifying this matter in the law, a streamlined notification process between these two district boards of health and Nevada's Health Division, in the Department of Human Resources, also is recommended.** (BDR 22-337)

NRS 278.340

After considerable discussion at meetings in both northern and southern Nevada, it was agreed that the current 3-mile limit for extraterritorial review of subdivisions by cities was unnecessary for planning purposes. Instead, a 1-mile limit and a streamlined process were endorsed for the review by a city of proposed subdivisions in unincorporated areas. Likewise, NRS 578.580, pertaining to the applicability of building codes, should be changed from 3 miles to 1 mile.

6. **Revise State law concerning the current 3-mile limit for extraterritorial review of subdivisions by cities. Instead, a 1-mile limit and a streamlined process are recommended for the review by a city of proposed subdivisions in unincorporated areas. Likewise,**

Nevada Revised Statutes 578.580, pertaining to the applicability of building codes, should be changed from 3 miles to 1 mile. (BDR 22-337)

NRS 278.345

Participants agreed that a streamlined process for extra-territorial subdivision review, with a 1-mile limit, also should be made to apply to the counties which come under this section of law.

- 7. Revise State law to provide a streamlined process for the review by counties of subdivisions in incorporated cities within 1 mile of the county boundary. This provision only applies to counties whose population is 200,000 or more. (BDR 22-337)**

NRS 278.347 and NRS 278.348

The law should be clarified to allow a planning commission to delegate certain responsibilities to its professional staff, as determined appropriate in each local jurisdiction.

- 8. Clarify State law to allow a planning commission to delegate certain responsibilities to its professional staff or others (designated representatives). (BDR 22-337)**

NRS 278.349

With regard to final action on a tentative subdivision map, the governing body (or planning commission) currently is required to consider certain factors. Through the public meeting process of this study, it was agreed that:

- a. Water sufficiency needs to be clarified;**
- b. Conformity with zoning and planning needs to be clarified;**
- c. Consideration of hazards from wild fires, as recommended by the Nevada Association of Counties, and others, should be added to this section of law; and**
- d. Subsection 4 needs to be moved to the sections of law which deal with master planning.**

9. Clarify and add provisions in State law concerning final governmental action on a tentative subdivision map which relate to water sufficiency, zoning and planning conformity, hazards from wild fires and master planning. (BDR 22-337)

NRS 278.360

This section of law created the greatest controversy during the public meetings leading up to the final work session. Some participants (primarily private sector) advocate longer extensions of time and no additional requirements for approved tentative maps before they are made final and recorded. Other participants (primarily local government sector) advocate an absolute deadline on the recordation of final maps after tentative approval, unless a longer period is provided through a developer/local government agreement as specified under NRS 278.0201. Alternative approaches were developed pertaining to this section of law, but study participants did not all agree on a preferred method, even though an earlier version of Alternative No. 1 appeared to have the greatest support.

10. Revise State law to increase the time limit, from 1 year to 2 years, within which a subdivider must present a final map after receiving approval of the tentative map, unless an extension of time is granted. (BDR 22-337)

NRS 278.461

This section of Nevada law is confusing because it puts the final step of the parcel map review and approval process first in State law. This recommendation clarifies the issue.

11. Clarify State law concerning the review and approval process for parcel maps. (BDR 22-336)

NRS 278.462

Current Nevada law regarding subsequent parcel maps contains a "loop-hole" which was not anticipated when the statute was added in 1977. Subsection 3 of NRS 278.462 has been interpreted by some authorities to allow subsequent parcel maps on the same tract of land as long as the ownership is different. Some land developers have used subsequent parcel

maps "owned" by various people to divide a larger tract of land into more than four parcels without having to provide improvements which will be required by future homeowners. This practice, which is termed "four-by-fouring," has the potential to create substandard developments.

The proposed revision to NRS 278.462, which was endorsed by all but one of the A.C.R. 46 participants, is designed to protect the rights of small landowners to develop minor subdivisions while removing a "loophole" which has caused problems in several jurisdictions.

12. Clarify State law concerning requirements which may be imposed by a governing body on a second or subsequent parcel map on the same tract of land. (BDR 22-336)

NRS 278.488

This section correctly applies the various concluding requirements for a parcel map near the end of these sections of law.

Clarify State law concerning the review and approval process for parcel maps. (BDR 22-336)

(Also see Recommendation No. 11 on Page 8.)

NRS 278.4712 (new section) and NRS 278.4713 (revised)

Most participants agreed that if a proposal to divide land into large parcels involves a full section of land (640 acres) or more, then provisions should be added to State law to ensure access to each parcel by emergency vehicles. The new language is designed to address this concern.

13. Revise State law to specify that if a proposal to divide land into large parcels involves 16 lots or more, access to each parcel by emergency vehicles must be provided. (BDR 22-336)

NRS 278.372, NRS 278.375, NRS 278.463, NRS 278.464,
NRS 278.466, NRS 278.472, NRS 278.473, and NRS 278.475

Several recommendations were submitted which relate to certain surveying and map requirements for land divisions.

Most of these recommendations were endorsed by the professional land surveyors who participated in the A.C.R. 46 meetings. However, differences of opinion persisted concerning certain wording in the "Surveyor's Certificate" (NRS 278.375).

14. Make technical revisions to State law to clarify and strengthen certain surveying and map requirements for land divisions. (BDR 22-339)

APPENDICES

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APPENDIX A

Assembly Concurrent Resolution No. 46, File No. 181,
Statutes of Nevada 1991, page 2640

Assembly Concurrent Resolution No. 46—Committee
on Government Affairs

FILE NUMBER...181.

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of state and local procedures for the review and approval of proposals for the subdivision of land.

WHEREAS, The State of Nevada has in recent years experienced a rapid rate of growth in its population, requiring the subdivision and development of a large amount of land in the state; and

WHEREAS, The procedures by which state and local agencies review and approve proposals for the subdivision of land, despite their increasing importance and extremely technical nature, have not been comprehensively examined since 1976; and

WHEREAS, Chapter 278 of NRS requires both the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Health Division of the Department of Human Resources to review water quality factors associated with tentative and final maps for proposed subdivisions; and

WHEREAS, Those same agencies are also both responsible for reviewing individual sewage disposal systems; and

WHEREAS, Each agency charges a fee for its services which ultimately must be paid by the purchaser of the developed property; and

WHEREAS, Many people who are concerned about the high cost of available housing have questioned whether review by both agencies is the most economically efficient manner of protecting public health and safety; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the procedures by which state and local agencies review and approve proposals for the subdivision of land, including an examination of the respective responsibilities and programs of the Division of Environmental Protection and the Health Division to determine if there is any duplication of services; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint an advisory committee to provide it with such technical assistance as it requires to conduct the study; and be it further

RESOLVED, That the Legislative Commission submit a report of its findings and any recommendations for appropriate legislation to the 67th session of the Legislature.

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APPENDIX B

Legislative Counsel Bureau Bulletin No. 77-10,
*The Roles Of The State Health Division And
Local Government In Approving
Construction Projects*

**THE ROLES OF THE STATE HEALTH DIVI-
SION AND LOCAL GOVERNMENT IN
APPROVING CONSTRUCTION PROJECTS**



Bulletin No. 77-10

**LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA**

September 1976

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* * * * *

LEGISLATIVE COMMISSION

Senator Richard H. Bryan	Assemblyman Keith Ashworth
Senator Melvin D. Close, Jr.	Assemblyman Joseph E. Dini, Jr.
Senator Carl F. Dodge	Assemblyman Lawrence E. Jacobsen
Senator James I. Gibson	Assemblyman Paul W. May
Senator Lee E. Walker	Assemblyman Donald R. Mello
Senator Thomas R. C. Wilson	Assemblyman Sue Wagner

FILE NUMBER 178

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study and make recommendations relating to the impact of regulations by the health division of the department of human resources on the power of a local government to approve construction projects.

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to study:

1. The statutory requirements of chapters 116, 117, 278, 444 and 445 of NRS as they confer regulatory authority upon the health division of the department of human resources;

2. The effect of the health division's regulations on local government's authority to approve or disapprove construction projects; and

3. The feasibility of placing with local governments the exclusive control over the approval or disapproval of any construction project; and be it further

Resolved, That the legislative commission report the results of the study and make appropriate recommendations to the 59th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 59th Session of the Nevada Legislature:

This report is submitted in compliance with Senate Concurrent Resolution No. 48 of the 58th session of the Nevada legislature, which directed the legislative commission to study the impact of regulations by the health division of the department of human resources on the power of a local government to approve construction projects.

The legislative commission appointed a subcommittee to conduct the study composed of Senator Eugene V. Echols as chairman, Senator Helen Herr as vice chairman and the following assemblymen as members: Eileen B. Brookman, Virgil M. Getto, John E. Jeffrey and John M. Vergiels. Because of the highly technical nature of the subject matter, the subcommittee in turn appointed two technical advisory committees whose memberships were drawn respectively from the northern and southern part of the state and from the public and private sectors of the fields of public works, health, engineering, planning, real estate and construction. Both advisory committees closely examined the entire process by which the state health division and local governments approve construction projects and their joint report was adopted by the subcommittee almost without modification as the basis for its own report. The legislative commission joins with the subcommittee in extending its appreciation to the members of the advisory committees and to their coordinators, Ms. Irene Porter, director of planning for the City of North Las Vegas, and Messrs. Robert Erickson and Fred Welden of the Nevada state land use planning agency.

In its report, the subcommittee has attempted to present its findings and recommendations briefly and concisely. Only that data which bear directly upon the recommendations are included. All supporting documents including the joint report of the technical advisory committees are on file with the legislative counsel bureau and are readily available to any legislator.

This report is transmitted to the members of the 1977 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada

REPORT OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
ON ROLES OF THE STATE HEALTH DIVISION AND
LOCAL GOVERNMENTS IN APPROVING
CONSTRUCTION PROJECTS

I. INTRODUCTION

The review and approval authority of the state health division extends over various types of construction projects. They include mausoleums, crypts and similar structures, health care and child care facilities, water and sewage treatment plants and similar projects which are constructed for general improvement districts, those facilities which the legislature has designated as complex sources of air pollution (see NRS 445.446) and subdivisions. The subcommittee found from its initial inquiries that the health division regulations pertaining to these types of projects are numerous and highly technical. The interrelationship of state and local enforcement procedures in the approval process, especially in the review and approval of subdivisions, is complex and in some cases varies in practice from one part of the state to another. Besides the technical aspects of the study, the subcommittee also knew that for some time prior to the enactment of S.C.R. No. 48, groups of local public officials and private citizens had taken an active and deep interest in the problem areas and policy issues which the study was to address. For these reasons the subcommittee asked these groups to form two technical advisory committees.

The committee memberships were large and included state and local public officials and private citizens from both the northern and southern part of the state who were engaged in public works, health, engineering, planning, real estate and construction. (A list of the members of the northern Nevada technical advisory committee and the southern Nevada technical advisory committee appears as Exhibit 1.) The committees were asked to examine each type of construction project which required approval by the state health division in light of the directive of S.C.R. No. 48 to study:

1. The statutory requirements of chapters 116, 117, 278, 444 and 445 of NRS as they confer regulatory authority upon the health division of the department of human resources;

2. The effect of the health division's regulations on local government's authority to approve or disapprove construction projects; and

3. The feasibility of placing with local governments the exclusive control over the approval or disapproval of any construction project * * *.

After 7 months of careful investigation and analysis and effective coordination carried out by Ms. Irene Porter, director of planning of the City of North Las Vegas, and Mr. Fred Welden of the Nevada state land use planning agency, the two advisory committees issued a joint report with recommendations which this subcommittee has adopted as its own with only minor modifications. The subcommittee is indebted to its technical advisory committees.

II. THE FINDINGS AND RECOMMENDATIONS

A. Mausoleums, crypts and similar structures.

The southern Nevada technical advisory committee reported that in Clark County the district board of health, on behalf of the state health division, and local governments both inspect the construction of mausoleums, vaults, crypts and similar structures. The subcommittee finds that inspections conducted exclusively by the city or county public works or building department would be sufficient where the city or county had adopted a nationally recognized building code. County enforcement of state and local regulations governing the construction of these structures should occur only within the unincorporated areas of the county. It appears that the cities prefer that where an incorporated city does not have a building or public works department and a nationally recognized building code, the state health division should carry out the inspection.

The subcommittee recommends that

CITIES AND COUNTIES WHICH HAVE A BUILDING OR PUBLIC WORKS DEPARTMENT AND HAVE ADOPTED A NATIONALLY RECOGNIZED BUILDING CODE BE REQUIRED TO ENFORCE IN PLACE OF THE HEALTH DIVISION OR A DISTRICT BOARD OF HEALTH STATE REGULATIONS AND LOCAL ORDINANCES PERTAINING TO THE CONSTRUCTION OF MAUSOLEUMS, CRYPTS AND SIMILAR STRUCTURES WITHIN THEIR RESPECTIVE JURISDICTIONS.

BDR 40-85, attached as Appendix A, would carry out this recommendation.

B. Complex sources of air pollution.

The district boards of health in Clark and Washoe counties and the state health division in the other areas of the state review complex or indirect sources of air pollution under Nevada's air pollution control law, NRS 445.401 to 445.601, inclusive. That law was enacted in 1971 in response to the federal Clean Air Act (42 U.S.C. §§ 1857 et seq.) under which the United States Environmental Protection Agency (EPA) developed regulations pertaining to complex sources. The Nevada law at first allowed local standards to be equivalent to or stricter than those established by statute or state regulation. (See chapter 567, Statutes of Nevada 1971, page 1191.) The Clark County district health board adopted stricter standards. Later, when the Environmental Protection Agency indefinitely delayed enforcement of the federal standards, local dissatisfaction with the district's standards grew and was followed in 1975 by the enactment of Assembly Bill No. 480 which provided that local emission control standards could be equivalent to, but not stricter than, those established by the state; that no regulation, state or local, pertaining to size cutoffs for indirect sources could be more stringent than those established in the federal law; and that if the Environmental Protection Agency delays the effective date for enforcement of its indirect source regulations beyond January 17, 1977, the state's authority to review complex sources is to expire. (See chapter 752, Statutes of Nevada 1975, page 1781 et seq.)

The subcommittee finds that the decline in confidence in the federal indirect source standards and the increase in concern over economic conditions in the state justifies removal of the state's review authority over complex sources as provided in the law. But the law should provide for the possibility that the Environmental Protection Agency may fix the effective date for enforcing its indirect source regulations after January 17, 1977. If that should happen, the subcommittee recommends that

THE STATE ENFORCE ONLY THE FEDERAL REGULATIONS AND ONLY TO THE EXTENT REQUIRED BY THE FEDERAL LAW;
THAT TO THE EXTENT LOCAL ENFORCEMENT IS NOT INCONSISTENT WITH THE FEDERAL LAW, THE GOVERNING BODIES OF THE CITIES AND COUNTIES BE REQUIRED TO ENFORCE

FEDERAL INDIRECT SOURCE REGULATIONS AND LOCAL REGULATIONS THAT ARE AT LEAST AS STRICT AS THE FEDERAL REGULATIONS.

BDR 40-86, attached as Appendix B, would carry out this recommendation.

C. Subdivisions.

The roles of the state health division and local governments in approving subdivisions are treated in widely dispersed sections of Nevada Revised Statutes. The technical advisory committees reported that this factor, coupled with instances of statutory duplication and inconsistency, presents difficulties for developers and planners alike. As soon as the advisory committees completed their report to this subcommittee, they began work for the legislative commission on an integrated land division law. The subcommittee urges the adoption of a land division law which is contained in a single chapter of Nevada Revised Statutes.

The advisory committees found that the district health departments of Clark and Washoe counties and several local governments have the staff resources necessary to conduct subdivision reviews in the place of the state health division. While local review by qualified health authorities is permitted under the health division's current subdivision regulations, only the division by law may sign the subdivision's final map. The subcommittee believes that both economy and safety can be served by review by qualified local personnel. Accordingly, the subcommittee recommends that

THE SUBDIVISION REVIEW AND APPROVAL AUTHORITY OF THE STATE HEALTH DIVISION BE EXERCISED BY A DISTRICT BOARD OF HEALTH, CITY OR COUNTY UPON ITS REQUEST IF THE HEALTH DIVISION DETERMINES THAT THESE AGENCIES ARE ADEQUATELY STAFFED TO CONDUCT SUBDIVISION REVIEWS.

The state health division should still monitor and supervise the local review. A requirement for the local reviewing agencies to certify to the health division that an approved subdivision does satisfy the division's regulations is one tool to aid its supervision. Finally, if a qualified district board of health, city or county wishes to review subdivision projects in the place of the state health division, the state should not be chargeable with any expense the local agency incurs in doing so.

Subdivision review and approval by the state health division (for sewage disposal, water pollution, water quality and water supply facilities) and the state division of water resources (for water quantity) is required only at the final map stage. The current practice in the health division to review projects informally at the tentative map stage indicates that it is feasible to alert the developer to potential shortcomings in his project before he begins to make costly outlays on it. The subcommittee believes that tentative approval by both state agencies should be required at this stage. But approval at the tentative map stage should not replace approval at the final map stage. Final approval insures review of detailed engineering drawings. Therefore, the subcommittee recommends that

THE TENTATIVE MAP OF A PROPOSED SUBDIVISION BE
APPROVED, CONDITIONALLY APPROVED OR DISAPPROVED
BY THE STATE HEALTH DIVISION AND THE STATE DIVI-
SION OF WATER RESOURCES.

(Qualified local agencies would exercise the state health division's authority to review tentative maps as discussed in the next previous recommendation.) The subcommittee would urge in this regard that any forthcoming major revision of the subdivision law set time limits within which state review of a proposed subdivision must be completed.

The technical advisory committees found that the water supply facilities of a proposed subdivision are given essentially the same review by both the state health division and the public service commission of Nevada. (See subsection 7 of NRS 278.420 and NRS 704.679.) The subcommittee recognizes that the commission, which regulates large water systems after they are installed, needs assurance that the systems are adequately designed to meet operating requirements. Specifically the public service commission needs to know that its requirements regarding flowing pressures at a utility's distribution main and installation and service connections to the utility's distribution system have been met. The subcommittee is satisfied that the commission's need for assurance can be met with a certificate from the health division indicating that the subdivision complies with the commission's regulations and thus commission review of the proposed subdivision can be eliminated. Accordingly, the subcommittee recommends that

THE REQUIREMENT FOR PUBLIC SERVICE COMMISSION REVIEW AND APPROVAL OF THE WATER SUPPLY FACILITIES OF A PROPOSED SUBDIVISION BE ELIMINATED AND THAT THE STATE HEALTH DIVISION BE REQUIRED TO CERTIFY TO THE COMMISSION AFTER APPROVING THE FINAL MAP THAT THE SUBDIVISION SATISFIES COMMISSION REGULATIONS PERTAINING TO FLOWING PRESSURES AT A UTILITY'S DISTRIBUTION MAIN AND INSTALLATION AND SERVICE CONNECTIONS TO THE UTILITY'S DISTRIBUTION SYSTEM.

In their report the technical advisory committees pointed out that a subdivision developer is normally required to distribute the tentative map and associated information to a host of state and local reviewing agencies. Local governments in Clark County have found it more efficient to have the local agency which first receives the tentative map distribute copies of the map to all the other reviewing authorities. The subcommittee believes this procedure should obtain throughout the state and therefore recommends that

THE PLANNING COMMISSION, THE CLERK OF THE GOVERNING BODY OF A CITY OR COUNTY OR, WHEN PERMITTED BY THE GOVERNING BODY, THE SUBDIVIDER OR ANY OTHER APPROPRIATE AGENCY BE REQUIRED TO DISTRIBUTE COPIES OF THE TENTATIVE MAP AND ANY ACCOMPANYING DATA TO ALL STATE AND LOCAL AGENCIES CHARGED WITH REVIEWING A PROPOSED SUBDIVISION.

At present, state law authorizes the planning commissions to approve or disapprove the tentative map of a proposed subdivision. (See, for example, subsection 4 of NRS 278.330.) The subcommittee believes that authority should be exercised by elected officials acting upon a recommendation only of the planning commission. Therefore, the subcommittee recommends that

THE PLANNING COMMISSION REPORT UPON A TENTATIVE MAP SHOULD CONTAIN RECOMMENDATIONS TO THE GOVERNING BODY FOR APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL.

Under paragraph (b) of subsection 1 of NRS 278.320 physical divisions of land created by court order are exempt from the subdivision laws. The technical advisory committees reported instances where courts in divorce actions and other proceedings divided land into lots which were too small or otherwise

unsuitable to build upon without obtaining a variance from the local zoning laws. The subcommittee recommends that

IN ANY PROCEEDING INVOLVING THE DISPOSITION OF LAND, THE COURTS BE REQUIRED TO CONSIDER LOT SIZE AND OTHER APPLICABLE ZONING REQUIREMENTS BEFORE ORDERING A PHYSICAL DIVISION OF THE LAND.

BDR 22-84, attached as Appendix C, would carry out all the foregoing recommendations relating to subdivisions.

D. Executive agency regulations.

The subcommittee found that numerous regulations which set policy and have the force of law have been promulgated in many state and local government agencies by appointed rather than elected officials. The subcommittee believes that government regulation should be made more sensitive to the needs of the electorate and therefore recommends that

EXECUTIVE AGENCY REGULATIONS ADOPTED BY APPOINTED OFFICIALS BE APPROVED BY ELECTED OFFICIALS AND THAT PROCEDURES ALLOWING FULL OPPORTUNITY FOR PUBLIC PARTICIPATION IN THEIR ADOPTION BE STRENGTHENED.

MEMBERS OF THE TECHNICAL ADVISORY COMMITTEES

SOUTHERN NEVADA TECHNICAL ADVISORY COMMITTEE

Irene Porter (Coordinator), Director of Planning, North Las Vegas
Robert Eads, Boulder City Engineer
Robert Gordon, Henderson Planning Director
Larry Hampton, Las Vegas Director of Public Works
Jack Kenney, Southern Nevada Home Builders
Robert McNutt, Las Vegas Engineer
John Pisciotta, Clark County Director of Building and Safety
James Scholl, Clark County Engineering Department
Dr. V. H. Ueckert, Clark County Health Department

Alternates:

Greg Borgel, Clark County Planning Department
Karsten Bronken, Las Vegas City Engineer
Willem F. A. Stolk, Clark County Health Department
Robert Weld, Southern Nevada Home Builders Executive Director

NORTHERN NEVADA TECHNICAL ADVISORY COMMITTEE

Fred Welden and Robert Erickson (Coordinators), Nevada State Land Use Planning Agency
Jim Barnes, Deputy Attorney General, State Real Estate Division
Don Bayer, Regional Planning Commission of Reno, Sparks, and Washoe County
Charles Breese, Washoe County District Health Department
Ron Byrd, SE&A Consulting Engineers
George Charchalis, Reno Community Development Director
Robert Churn, City of Sparks Division Engineer
Lew Dodgion, State Health Division
Alex Fittinghoff, Sparks Community Development Coordinator
Robert Gardner, Douglas County Public Works Director
John Hancock, Carson City Planning Director
Corky Lingenfelter, Nevada Association of Realtors
Mark Meiser, Meiser Enterprises, Inc., Sparks
Bill Newman, State Division of Water Resources
Jim Newman, Nevada Home Builders Association
H. LaVerne Rosse, State Environmental Protection Services
B. P. Selinder, Churchill County Resource Coordinator
Glen M. Thompson, Reno Assistant City Engineer
James Viano, President, Home Builders Association
Floyd Vice, Washoe County Engineer
Richard Wagner, Pershing County District Attorney
Ron Young, Humboldt County Planning Director

Exhibit 1

SUMMARY--Requires certain local government agencies to enforce specified building standards. (BDR 40-85)
Fiscal Note: Local Government Impact: Yes.
State or Industrial Insurance Impact: Yes.

AN ACT relating to cemeteries; requiring certain local government agencies to enforce regulations pertaining to the construction of specified structures; and providing other matters properly relating thereto.

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

Section 1. NRS 452.210 is hereby amended to read as follows:

452.210 1. [No person, firm or corporation shall] A person shall not build, construct or erect any mausoleum, vault, crypt or structure intended to hold or contain dead human bodies, which shall be wholly or partially above the surface of the ground, except in compliance with the [rules and] regulations of the state board of health governing their location, materials and construction. The state board of health may adopt and, except as provided in subsection 2, the health division shall enforce such regulations.

2. [The state board of health is authorized and empowered to adopt and the health division is authorized to enforce such rules and regulations governing the location, materials and construction of mausoleums, vaults, crypts or other similar structures; but the proper local officials of any incorporated city shall have the

authority to make and enforce such additional ordinances, bylaws, rules or regulations as they may deem necessary not inconsistent with NRS 452.210 to 452.250, inclusive, or with any rule or regulation adopted or prescribed by the state board of health.] An incorporated city or a county which:

(a) Has a building or public works department; and

(b) Has adopted a nationally recognized building code, entirely or with variations,

shall enforce within its respective city limits or unincorporated areas any regulations pertaining to the construction of mausoleums, vaults, crypts or other similar structures, as adopted by the state board of health under subsection 1, and shall exercise such enforcement, including supervisory control, instead of the health division and any district board of health.

3. The city or county may, by ordinance, make and enforce additional regulations pertaining to mausoleums, vaults, crypts or other similar structures as it may deem necessary not inconsistent with NRS 452.210 to 452.250, inclusive, or with any regulation adopted by the state board of health.

[3.] 4. Before commencing the building, construction or erection of [the same,] a mausoleum, vault, crypt or other similar structure, full detailed plans and specifications of [such] the

structure shall be presented to the health division for its examination and approval. The approval of the plans and specifications of [such] the structure shall be evidenced by a certificate in writing signed by the state health officer.

Sec. 2. NRS 452.230 is hereby amended to read as follows:

452.230 1. [The] Except as provided in subsection 2 of NRS 452.210, the health division shall have supervisory control over the construction of any [such] mausoleum, vault or crypt, and shall:

(a) See that the approved plans and specifications are in all respects complied with.

(b) Appoint an inspector under whose supervision [such] the mausoleum, vault or crypt shall be erected _ [if county and city inspections are not made which require compliance with the Uniform Building Code of 1967.]

(c) Determine the amount of compensation of the inspector. The compensation shall be paid by the person [, firm or corporation] erecting such mausoleum, vault or crypt.

2. No departure or deviation from the original plans and specifications [shall be] is permitted except upon approval of the health division, evidenced in [like manner and form] the same manner as the approval of the original plans and specifications.

3. [No] A mausoleum, vault, crypt or structure [so erected] shall not be used [for the purpose of interring or depositing

therein] to hold any dead body until (there shall have been obtained from the health division a final certificate, signed by the state health officer, stating that the plans and specifications, as filed, have been complied with.) a final certificate is obtained indicating compliance with the plans and specifications as filed. The certificate must be signed either by the state health officer for the health division or by the head of the local building or public works department, depending upon which division or department supervised the construction under NRS 452.210.

SUMMARY--Modifies requirements for the regulation of certain sources of air pollution. (BDR 40-86)
Fiscal Note: Local Government Impact: Yes.
State or Industrial Insurance Impact: Yes.

AN ACT relating to air pollution control; modifying requirements for the regulation of certain sources of air pollution; and providing other matters properly relating thereto.

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

Section 1. NRS 445.493 is hereby amended to read as follows:

445.493 1. No regulation adopted pursuant to any provision of NRS 445.401 to 445.601, inclusive, may be enforced as to indirect sources [which] if it is more stringent with respect to the size cutoffs [as] established for designated areas pursuant to the United States Clean Air Act of 1963 and the rules and regulations adopted in furtherance thereof.

2. [Should] Except as provided in subsection 3, if the United States Environmental Protection Agency [delay] delays the effective date for enforcement of its indirect source regulations beyond January 17, 1977, the [state's] authority of a state agency or district board of health to review new complex sources shall expire. Those projects approved prior to that date shall continue under the guidelines established in their permit.

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3. If the federal indirect source regulations become effective after January 17, 1977, then:

(a) The authority of a state agency to review new complex sources may be exercised only:

(1) In the enforcement of the federal indirect source regulations; and

(2) To the extent enforcement by the state agency is required by the federal act.

(b) Except as provided in subsection 1, the governing body of each county and each incorporated city shall enforce within its jurisdiction the federal indirect source regulations or any indirect source regulations it adopts which are at least as strict as the federal indirect source regulations, to the extent such local enforcement is not inconsistent with the requirements of the federal act.

Sec. 2. NRS 445.546 is hereby amended to read as follows:

445.546 1. Except as provided in subsections 2 and 3 of NRS 445.493:

(a) The district board of health, county board of health or board of county commissioners in each county which has a population of 100,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, shall establish an air pollution control

program within 2 years after July 1, 1971, and administer such program within its jurisdiction unless superseded.

[2.] (b) The program shall:

[(a)] (1) Establish by ordinance or local regulation standards of emission control, emergency procedures and variance procedures [which:

(1) In the case of complex sources, are equivalent to, but not stricter than; and

(2) In the case of all other sources, are] equivalent to or stricter than [,] those established by statute or state regulation; and

[(b)] (2) Provide for adequate administration, enforcement, financing and staff.

[3.] (c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445.401 to 445.601, inclusive, and the federal act insofar as it pertains to local programs, and such agency is authorized to take all action necessary to secure for the county the benefits of the federal act.

[4.] (d) Powers and responsibilities provided for in NRS 445.461, 445.476 to 445.526, inclusive, 445.571 to 445.581, inclusive, and 445.601 shall be binding upon and shall inure to

the benefit of local air pollution control authorities within their jurisdiction.

[5.] 2. The local air pollution control board shall carry out all provisions of NRS 445.466 with the exception that notices of public hearings shall be given in any newspaper, qualified pursuant to the provisions of chapter 233 of NRS, as amended from time to time, once a week for 3 weeks, which notice shall specify with particularity the reasons for the proposed rules or regulations and provide other informative details. [Such rules or regulations may be more restrictive, except as provided in subsection 2, than those adopted by the commission.] NRS 445.466 shall not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445.598.

[6.] 3. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the state, or may establish its own air pollution control program. If such county establishes such program, it shall be subject to the approval of the commission.

[7.] 4. No existing compliance schedule, variance order or other enforcement action relating to air pollution by fossil fuel-fired steam generating facilities, with a capacity greater than 1,000 megawatts, may be enforced until July 1, 1977.

[3. The state environmental commission shall hold 1 or more public hearings prior to July 1, 1976, for the purpose of reviewing air contaminant emission standards applicable to fossil fuel-fired steam generating facilities.]

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SUMMARY--Revises provisions relating to subdivisions. (BDR 22-84)
Fiscal Note: Local Government Impact: Yes.
State or Industrial Insurance Impact: Yes.

AN ACT relating to the division of land; revising provisions of NRS respecting the review of proposed subdivisions by certain state and local government agencies; requiring courts to consider zoning requirements in certain proceedings; and providing other matters properly relating thereto.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In any proceeding involving the disposition of land, the court shall consider lot size and other applicable zoning requirements before ordering a physical division of the land.

Sec. 2. Chapter 273 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. 1. The authority of the health division of the department of human resources to review and certify proposed subdivisions and conduct construction or installation inspections shall be exercised by the district board of health or, where

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there is no district board of health, then by the incorporated city within whose limits, or the county in whose unincorporated area, the subdivision is to be situated if:

(a) The district board of health or the city or county requests such authority of the health division; and

(b) The health division determines that the district board of health or the city or county is adequately staffed to conduct the subdivision review and inspections.

2. A district board of health or a city or county which conducts reviews and inspections under this section shall certify to the health division within 10 days after approving the tentative map and the final map that the subdivision meets all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities.

3. The state is not chargeable with any expense incurred by a district board of health or a city or county acting pursuant to this section.

Sec. 4. The health division of the department of human resources or the local agency acting pursuant to section 3 of this act shall certify to the public service commission of Nevada within 10 days after approving the final map that the subdivision meets the requirements of public service commission regulations pertaining

to flowing pressures at a utility's distribution main and installation and service connections to a utility's distribution system.

Sec. 5. The tentative map shall be approved, conditionally approved or disapproved by:

1. The health division, or the local agency acting pursuant to section 3 of this act, with respect to sewage disposal, water pollution, water quality and water supply facilities; and

2. The division of water resources with respect to water quantity,

within a reasonable time after it is filed with the division.

Sec. 6. NRS 116.040 is hereby amended to read as follows:

116.040 1. The map or plat shall be certified by the surveyor making [the same, which] it. The certificate shall be substantially as follows:

I, (surveyor's name), do hereby certify that this plat is a true and accurate map of the land surveyed by me and laid out into blocks, lots, streets, alleys and public places at the instance of (give name of owner or trustee); that the location of the blocks, lots, streets, alleys and public places has been definitely established and perpetuated in strict accordance with the law and as shown hereon; that the blocks, lots and public places shown hereon are situate wholly within (give description by metes and bounds or

by legal subdivision); that the survey was completed on the
..... day of (give date).

2. The map or plat shall:

(a) Be acknowledged by the owner [or owners,] or trustee [,]
before [some] an officer authorized by law to take the acknowledg-
ment of conveyances of real property; and

(b) Contain signed and acknowledged evidence by the owner [or
owners of their] of his grant of permanent easements for utility
installations and access, as designated on the map, together with
a statement approving such easements, signed by each public
utility company or agency in whose favor the easements are granted
or whose utility services are to be required for the platted
parcels.

(c) If the land is situated in any city or town, or outside any
city or town, but within 3 miles of [the] its limits , [of the
same,] be approved by the [legislative authority] governing body
of the city or town in or near which the land is situated, and
in the absence of [such legislative authority,] a governing body,
by the [legislative authority] governing body of the county in
which the city or town is situated; and

(d) If the land is situated more than 1 mile from the limits
of any city or town, be approved by the board of county commis-
sioners of the county in which the land is situated; and

(e) Be approved by the health division of the department of human resources , or the local agency acting pursuant to section 3 of this act, concerning sewage disposal, water pollution, water quality and water supply facilities; and

(f) Be approved by the division of water resources of the state department of conservation and natural resources concerning water quantity.

3. A copy of the approval by the division of water resources required by paragraph (f) of subsection 2 shall be furnished to the subdivider who in turn shall provide a copy of [such] the approval to each purchaser of land in the subdivision prior to the time the sale is completed. No statement of approval as required in paragraphs (e) and (f) of subsection 2 is a warranty or representation in favor of any person as to the safety or quantity of such water.

4. When [so] acknowledged, certified and approved, the original and one copy of the map or plat shall be filed in the office of the county recorder of the county in which the lands [so platted and laid out] are situated and one copy of the map or plat shall be filed, without charge, in the office of the county assessor of the same county . [where the lands are situated.]

5. [No city or] The governing body of a city, town or county [legislative authority] shall not approve or accept for filing

any map or plat under this chapter that does not conform to the requirements of this chapter.

Sec. 7. NRS 117.027 is hereby amended to read as follows:

117.027 At the time any condominium map or plan is presented to the county recorder for recording the following certificates shall be presented to be recorded immediately prior to [such] the map or plan:

1. A subdivision report from a reputable title company showing the names of the parties who may be required to sign the map or plan and guaranteeing that the names of the parties contained therein are the only parties who are required to sign [such] the map or plan.
2. A certificate from a reputable title company showing that there are no liens against the condominium or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.
3. A certificate from:
 - (a) The health division of the department of human resources, or the local agency acting pursuant to section 3 of this act, showing that the [health division has approved the] map or plan is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

(b) The division of water resources of the state department of conservation and natural resources [,] showing that the final map is approved concerning water quantity.

4. A copy of the certificate from the division of water resources required by subsection 3 shall be furnished to the condominium subdivider who in turn shall provide a copy of such certificate to each purchaser of a condominium unit prior to the time the sale is completed. No statement of approval as required in subsection 3 is a warranty or representation in favor of any person as to the safety or quantity of such water.

Sec. 3. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision [shall be] is the preparation of a tentative map [or maps] which shall show, or be accompanied by, such data as are specified by the provisions of NRS 278.010 to 278.630, inclusive.

2. The subdivider shall file copies of [such map or maps] the map with the planning commission, or with the clerk of the governing body if there [be] is no planning commission , together with a filing fee in an amount as determined by the governing body.

3. The commission, the clerk of the governing body or, when permitted by the governing body, the subdivider or any other

appropriate agency shall distribute copies of the map and any accompaning data to all state and local agencies charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting. The governing body shall act [thereon] on it within 40 days after [such] submittal.

[4.] 5. If there is a planning commission, it shall report to the subdivider and to the governing body on the tentative map [or maps of any subdivision submitted to it] within 65 days after [the tentative map] it has been filed . [; and the] The report shall [approve, conditionally approve, or disapprove the map or maps of the subdivision. If conditionally approved or disapproved, the report shall state the conditions under which the map would have been approved or that approval was withheld because the land proposed to be subdivided was not suitable for such development. If approval is withheld, the report shall state the reasons why the land was not considered suitable.] recommend approval, conditional approval or disapproval of the tentative map. If conditional approval is recommended, the report shall state the conditions under which a recommendation of approval would have been given. If disapproval is recommended, the report shall state the reasons why the land was not considered suitable for development.

[5. If the subdivider is dissatisfied with any action of the planning commission, he may, within 15 days after such action, appeal from the action of the planning commission to the governing body which must hear the same, unless the subdivider consents to a continuance, within 10 days or at its next succeeding regular meeting. The governing body may by a majority vote of its members overrule any ruling of the planning commission in regard to the tentative map.]

6. Before approving a tentative map, the governing body shall make such findings as are not inconsistent with the provisions of NRS 278.010 to 278.630, inclusive, or local ordinances adopted pursuant thereto, including but not limited to, findings that the subdivision:

(a) Will not result in undue water or air pollution. In making this determination it shall consider:

(1) The topography of the land and its relation to the flood plains or areas subject to flooding or water damage;

(2) The nature of soils and subsoils and their ability adequately to support waste disposal;

(3) The slope of the land and its effect on effluents;

(4) The effectiveness of sewerage plans; and

(5) The applicable health law and regulations.

(b) Has sufficient water meeting applicable health standards for the reasonably foreseeable needs of the subdivision.

(c) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

(d) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

(e) Will not cause unreasonable street or highway congestion or unsafe conditions with respect to use of the streets or highways existing or proposed.

(f) Is in conformance with the duly adopted master plan, if any.

7. No provision of this chapter [shall be construed to prevent] prevents a governing body from disapproving a tentative map if such disapproval is in the best interests of the public health, safety or welfare, and such disapproval is by a majority vote of its members and made within the time limit provided in subsection [3.] 4.

Sec. 9. NRS 278.340 is hereby amended to read as follows:

278.340 1. [Whenever any] If a subdivider proposes to subdivide any land within 3 miles of the exterior boundary of a city [,] which [city] has a planning commission, the county

planning commission or governing body shall file a copy of the subdivider's tentative map with the city planning commission. The city planning commission shall have not to exceed 30 days' time [for action] to report on the map [and report] to the [governing body of the county in which the subdivision is situated.] authority from which it received the map. The planning commission [or] and the governing body of the county shall take into consideration the report of the city planning commission before respectively reporting on or approving the tentative map . [of any subdivision within the 3-mile limit.]

2. If [such] the city has no planning commission, the county planning commission or governing body shall file a copy of the subdivider's tentative map with the governing body of the city, which shall report to the [planning commission or governing body of the county in which the subdivision is situated] authority from which it received the map within 30 days after such filing. The planning commission [or] and the governing body of the county shall take [such] the report into consideration before respectively reporting on or approving the tentative map . [of any subdivision within the 3-mile limit.]

Sec. 10. NRS 278.345 is hereby amended to read as follows:

278.345 [Whenever any] if a subdivider proposes to subdivide any lands within an incorporated city in a county having a

population of 200,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, which does not have a regional planning commission, the city planning commission or governing body shall file a copy of the subdivider's tentative map [of the proposed subdivision] with the county planning commission. The county planning commission shall have not to exceed 30 days' time [for action] to report on the map [and report] to the governing body of the city in which the subdivision is situated. The planning commission [or] and the governing body of the city shall take into consideration the report of the county planning commission before respectively reporting on or approving the tentative map . [of any subdivision.]

Sec. 11. NRS 278.420 is hereby amended to read as follows:

278.420 The following certificates and acknowledgments shall appear on the final map and may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map. A lien for state, county, municipal or local taxes and for special assessments or beneficial interest under trust deeds or trust interests under bond indentures [shall not be deemed to be] is not an interest

in land for the purpose of this section. Any map including territory originally patented by the United States or the State of Nevada, under patent reserving interest to either or both of the entities, may be recorded under the provisions of NRS 278.010 to 278.630, inclusive, without the consent of the United States or the State of Nevada thereto, or to dedications made thereon. Signatures required by this section of parties owning rights-of-way, easements or reversions which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value, and which signatures it is impossible or impracticable to obtain, may be omitted if the names of such parties and the nature of their interest is endorsed on the map, together with a reasonable statement of the circumstances preventing the procurement of such signatures.

2. A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses (subject to such reservations as may be contained in any such offer of dedication) those certain parcels of land which the parties desire so to dedicate. The certificate may state that any certain parcel or parcels are not offered for dedication but a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown

thereon and intended for any public use shall be offered for dedication for public use except those parcels other than streets intended for the exclusive use of the lot owners in such subdivision, their licensees, visitors, tenants and servants.

3. A certificate for execution by the clerk of each approving governing body stating that the body approved the map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

4. A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the map, together with a statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the platted parcels.

5. A certificate by the engineer or surveyor responsible for the survey and final map, giving the date of the survey and stating that the survey was made by him or under his direction, and that the survey is true and complete as shown. The certificate shall also state that the monuments are of the character and occupy

the positions indicated, or that they will be set in such positions and at such time as is agreed upon under the provisions of NRS 278.400.

6. A certificate by the county surveyor if a subdivision lies within an unincorporated area, and if a subdivision lies within a city, a certificate by the city engineer or by the county surveyor when for that purpose appointed by the governing body of the city, stating that he has examined the final map, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of NRS 278.010 to 278.630, inclusive, and of any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct and that the monuments as shown are of the character and occupy the positions indicated or that the monuments have not been set and that a proper performance bond has been deposited guaranteeing their setting on or before a day certain. The certificate shall be dated and signed by the county surveyor or city surveyor, or by an authorized deputy.

7. A certificate by:

(a) The health division of the department of human resources
, or the local agency acting pursuant to section 3 of this act.

showing that the [health division approved the] final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

(b) The division of water resources of the state department of conservation and natural resources [,] showing that the final map is approved concerning water quantity.

8. A copy of the certificate by the division of water resources required by subsection 7 shall be furnished to the subdivider who in turn shall provide a copy of such certificate to each purchaser of land prior to the time the sale is completed. No statement of approval as required in subsection 7 is a warranty or representation in favor of any person as to the safety or quantity of such water.

Sec. 12. NRS 278.430 is hereby amended to read as follows:

278.430 [Whenever] if a governing body [shall have] has adopted a master plan of streets and highways for any area within its jurisdiction, then no plat of a subdivision of land within such territory or part thereof shall be recorded until it [shall have] has been approved by the [planning commission.] governing body.

Sec. 13. NRS 704.679 is hereby repealed.

APPENDIX C

Assembly Bill 475 (Chapter 580, Statutes
of Nevada 1977, pages 1494-1527)

CHAPTER...**S.80**

AN ACT relating to divisions of land; providing procedures for subdividing lands; creating parcels and creating planned unit developments; providing for amending and abandoning such divisions; providing civil and criminal penalties; providing for the powers and duties of certain state and local governing bodies; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 278.010 is hereby amended to read as follows:

278.010 For the purpose of NRS 278.010 to 278.630, inclusive:

1. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" means the planning commission of the city, the county or the region, as established by ordinance.

4. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.

5. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which [map] 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.

6. "Forty nominal acres" means an area of land not less than 1/16 of a section as described by a government land office survey or 40 acres calculated by another actual survey.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

[7.] 8. "Improvement" means [only] such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for general use of property owners in the subdivision and local neighborhood traffic and drainage needs.

[8.] 9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, under the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions. A certified copy of the ordinance and amendments thereto shall be recorded in the office of the county recorder or the recorder of Carson City.

[9.] 10. "Parcel map" means a map [prepared] as provided in NRS 278.500 and 278.510 [.] and sections 35, 36 and 38 of this act.

[10.] 11. "Right-of-way" includes all public and private rights-of-way and shall include all areas required for public use in accordance with any master plan or parts thereof.

[11.] 12. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights-of-way, and other ways.

[12.] 13. "Subdivider" means a person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

[13.] 14. "Subdivision" is defined in NRS 278.320.

[14.] 15. "Tentative map" means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. [, and need not be based upon an accurate or detailed final survey of the property.]

SEC. 2. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land, each of which comprises: [40 or more nominal acres of land in counties having a population of less than 200,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, or each of which comprises 10 or more nominal acres of land in counties having a population of 200,000 or more, as determined by such census.]

(1) *Ten nominal acres or more of land, in any county or city which adopts an ordinance by which the county or city elects to limit the applicability of the term "subdivision" for the purposes of this section to land divisions having a nominal area of less than 10 acres; or*

(2) *Forty nominal acres or more of land, in those areas where such an ordinance is not adopted,*
including roads and roadway easements.

(b) *Any joint tenancy or tenancy in common shall be deemed a single interest in land.*

(c) Unless a method of disposition is adopted for the purpose of evading this chapter [,] or would have the effect of evading this chapter, the term "subdivision" does not apply to: [any division of land:]

(1) [Which is created by order of] *Any division of land which is ordered by any court in this state or created by operation of law;*

(2) [Which is created by a] *A lien, mortgage, deed of trust or any other security instrument;*

(3) [Which is created by a] *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;*

(4) [Which creates cemetery lots:] *Cemetery lots; or*

(5) [Which creates an interest or interests] *An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property. [;*

(6) *Which is created by the acquisition of an interest in land in the name of a husband and wife, or other persons who are related to each*

other within the first or second degree of consanguinity, or pursuant to adoption in accordance with law, which interest is established or created by a joint tenancy, community property, or as tenants in common. Any such interest shall be deemed for purposes of this subsection, as only one interest.

(7) Containing not more than four lots, parcels, sites, units or plots.]

2. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

(a) Such land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 of NRS which is an immediate successor in title to a railroad company, and such land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on such land.

3. [Nothing contained herein shall] *This chapter does not apply to the division of land for agricultural purposes [, in] into parcels of more than 10 acres, [not involving any] if a street, road, or highway opening or widening or [easements] easement of any kind [.] is not involved.*

SEC. 3. NRS 278.327 is hereby amended to read as follows:

278.327 Approval of [a subdivision map or parcel] *any map pursuant to the provisions of NRS 278.010 to [278.560,] 278.630, inclusive, does not in itself prohibit the further division of the lots, parcels, sites, units or plots described, but any such further division [must] shall conform to the applicable provisions of those sections.*

SEC. 4. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision [shall be] *is the preparation of a tentative map. [or maps which shall show, or be accompanied by, such data as are specified by the provisions of NRS 278.010 to 278.630, inclusive.]*

2. The subdivider shall file copies of such map [or maps] with the planning commission, or with the clerk of the governing body if there [be] *is no planning commission together with a filing fee in an amount as determined by the governing body.*

3. *The commission, the clerk of the governing body or, when permitted by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies charged with reviewing the proposed subdivision.*

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting. [The governing body shall act thereon within 40 days after such submittal.]

4. If there is a planning commission, it shall report to the subdivider and to the governing body on the map or maps of any subdivision submitted to it within 65 days after the tentative map has been filed; and the report shall approve, conditionally approve, or disapprove the map or maps of the subdivision. If conditionally approved or disapproved, the report shall state the conditions under which the map would have been

approved or that approval was withheld because the land proposed to be subdivided was not suitable for such development. If approval is withheld, the report shall state the reasons why the land was not considered suitable.

5. If the subdivider is dissatisfied with any action of the planning commission, he may, within 15 days after such action, appeal from the action of the planning commission to the governing body which shall hear the same, unless the subdivider consents to a continuance, within 10 days or at its next succeeding regular meeting. The governing body may by a majority vote of its members overrule any ruling of the planning commission in regard to the tentative map.

6. Before approving a tentative map, the governing body shall make such findings as are not inconsistent with the provisions of NRS 278.010 to 278.630, inclusive, or local ordinances adopted pursuant thereto, including but not limited to, findings that the subdivision:

(a) Will not result in undue water or air pollution. In making this determination it shall consider:

(1) The topography of the land and its relation to the flood plains or areas subject to flooding or water damage;

(2) The nature of soils and subsoils and their ability adequately to support waste disposal;

(3) The slope of the land and its effect on effluents;

(4) The effectiveness of sewerage plans; and

(5) The applicable health law and regulations.

(b) Has sufficient water meeting applicable health standards for the reasonably foreseeable needs of the subdivision.

(c) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

(d) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

(e) Will not cause unreasonable street or highway congestion or unsafe conditions with respect to use of the streets or highways existing or proposed.

(f) Is in conformance with the duly adopted master plan, if any.

(g) Does not have any delinquent taxes owing on it, as evidenced by a certificate issued by the county treasurer and submitted to the governing body by the subdivider.

7. No provision of this chapter may be construed to prevent a governing body from disapproving a tentative map if such disapproval is in the best interests of the public health, safety or welfare, and such disapproval is by a majority vote of its members and made within the time limit provided in subsection 3.]

5. *If there is a planning commission it shall, within 45 days after receiving a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.*

6. *The agenda of any meeting of the planning commission or any governing body, which includes the review of the tentative map shall be published or posted in a prominent public place.*

SEC. 5. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 8, inclusive, of this act.

SEC. 6. 1. A copy of the tentative map shall be forwarded by the local government to the division of water resources of the state department of conservation and natural resources and the health division of the department of human resources, or the local representative acting for the health division for review.

2. The authority of the health division to review and certify proposed subdivisions and conduct construction or installation inspections shall be exercised by the district board of health or, where there is no district board of health, then by the incorporated city within whose limits, or the county in whose unincorporated area, the subdivision is to be situated if:

(a) The district board of health or the city or county requests such authority of the health division; and

(b) The health division determines that the district board of health or the city or county is adequately staffed to conduct the subdivision review and inspections.

3. A district board of health or a city or county which conducts reviews and inspections under this section shall certify to the health division within 10 days after filing its recommendations concerning the tentative map and after approving the final map that the subdivision meets all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities.

4. The state is not chargeable with any expense incurred by a district board of health or a city or county acting pursuant to this section.

5. Each reviewing agency shall within 15 days from the receipt of the tentative map file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

SEC. 7. 1. Except as provided in subsection 2, the governing body shall, by a majority vote of the members present, approve, conditionally approve, or disapprove a tentative map filed with it pursuant to NRS 278.330 within 30 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 within 45 days after the map is filed with the governing body.

3. The governing body shall consider:

(a) Environmental laws and regulations concerning water and air pollution and solid waste disposal;

(b) Health laws and regulations concerning water supply and sewage disposal and the availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

(c) Availability and accessibility of utilities;

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

(e) General 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) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical land characteristics such as flood plain, slope, soil; and

(i) Recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and section 6 of this act.

4. When the board of trustees of a school district develops a plan for the future construction of one or more schools, it shall notify each city, county or regional planning commission any part of whose territory will be served by a proposed school. The notice shall include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The board shall notify each commission of any change in or abandonment of its plan.

5. The governing body shall not approve a tentative map if the taxes are delinquent on any of the land to be subdivided. The subdivider shall prove that no tax is delinquent by submitting to the governing body a certificate of the county treasurer to this effect.

6. Final disposition of the tentative map shall be by a vote of the majority of the governing body and any disapproval or conditional approval shall include a statement of the reason for such action.

SEC. 8. 1. The planning commission or governing body with which the tentative map is filed shall forward a copy of such map to the board of trustees of the school district within which such lands are located. Within 15 days after receipt of such copy, the board of trustees shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site, the person proposing the subdivision shall set aside a site of the size which is determined by the board. Such person and the board of trustees shall negotiate for the price of the site, which shall not exceed the fair cash market value of the land as determined by an independent appraisal paid for by the board. If any lands purchased by a school district pursuant to the provisions of this subsection have not been placed in use as a school site at the end of 10 years from the date of purchase, they shall then first be offered to the subdivider or his successor in interest at a sale price equal to the fair market value. If such person does not accept the offer, then the board of trustees may:

(a) Sell or lease such property in the manner provided in NRS 277.050 or NRS 393.220 to 393.320, inclusive;

(b) Exchange such property in the manner provided in NRS 277.050 or NRS 393.326 to 393.3293, inclusive; or

(c) Retain such property, if such retention is determined to be in the best interests of the school district.

3. Except as provided in subsection 4, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection 2.

4. Land dedicated under the provisions of former NRS 116.020, as it read prior to April 6, 1961, which the board of trustees determines is

unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or his successor or successors in interest.

SEC. 9. NRS 278.350 is hereby amended to read as follows:

278.350 1. The time ~~limits~~ *limit* for acting and reporting on ~~maps as specified in NRS 278.010 to 278.630, inclusive,~~ *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, ~~the~~ *a tentative map as filed shall be deemed to be approved, and the clerk of the governing body shall certify such approval.*

SEC. 10. NRS 278.360 is hereby amended to read as follows:

278.360 1. ~~The~~ *Unless the time is extended, the subdivider* ~~may~~ *shall* within 1 year after approval of the tentative map ~~or maps of a subdivision~~ *or before the expiration of any extension by the governing body* cause the subdivision, or any part thereof, to be surveyed and a final map ~~thereof to be~~ prepared in accordance with the tentative map. ~~as approved. Any failure so~~ *Failure to record a final map within 1 year from the approval of the tentative map shall terminate the time prescribed in this section terminates* all proceedings, and before the final map may thereafter be recorded, or any sales be made, a new tentative map shall be filed.

2. ~~No final map of a subdivision as defined in NRS 278.010 to 278.630, inclusive, shall be accepted by the county recorder for record unless all provisions of NRS 278.010 to 278.630, inclusive, and of any local ordinance have been complied with. The county recorder shall accept or refuse it for recordation within 10 days of its delivery to him.~~ *The governing body or planning commission may grant to the subdivider a single extension of not more than 1 year within which to record a final map after receiving approval of the tentative map.*

SEC. 11. NRS 278.370 is hereby amended to read as follows:

278.370 1. Local *subdivision* ordinances shall be enacted by the governing body of every incorporated city and every county, prescribing ~~detailed~~ regulations which, in addition to the provisions of NRS 278.010 to 278.630, inclusive, ~~shall~~ govern matters of improvements, mapping, accuracy, engineering and related subjects, but shall not be in conflict with NRS 278.010 to 278.630, inclusive.

2. The subdivider shall comply with the provisions of the appropriate local ordinance before the ~~map or maps of a subdivision may be~~ *final map is approved.*

SEC. 12. NRS 278.380 is hereby amended to read as follows:

278.380 1. Upon receipt of the final map and report of the planning commission, the governing body shall at its next meeting, or within a period of not more than 10 days after such filing, approve the map if ~~the same~~ *it* conforms to all the requirements of NRS 278.010 to 278.630, inclusive, and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder.

2. The governing body shall at that time also accept or reject any or

all offers of dedication and may, as a condition precedent to the acceptance of any streets or easements, require that the subdivider [either] improve or agree to improve the streets or easements.

3. [In the event] If an agreement for [the] a required improvement [of the streets or easements] is entered into, the governing body may require that the agreement be secured by a good and sufficient bond [in an amount not in excess of the cost of the improvement.] or other security in the amount determined by the governing body.

SEC. 13. NRS 278.390 is hereby amended to read as follows:

278.390 Title to property dedicated or accepted for streets and easements [shall pass] passes when the final map is [duly] recorded. [under the provisions of NRS 278.010 to 278.630, inclusive.] If at the time the final map is approved any streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use, which acceptance shall be recorded in the office of the county recorder [.] and be so noted by the recorder on the subdivision plot.

SEC. 14. Chapter 278 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The survey, monumentation and final map shall be made by a land surveyor registered in the State of Nevada.

2. The final monuments shall be set prior to the recordation of the final map unless the subdivider furnishes a performance bond or other suitable assurance to the governing body guaranteeing that the subdivider will provide for the services of a registered land surveyor to set the monuments on or before a day certain. The amount of the performance bond, if required, shall be determined by the local governing body. If a surveyor other than the one signing the final plat accepts responsibility for the setting of monuments, a certificate of amendment shall be filed and recorded.

3. The final monument shall, except as provided in subsections 5 and 6, have a nonferrous tablet, disc or cap securely attached to the top of a metallic shaft solidly embodied in the ground, having a minimum diameter of $\frac{3}{4}$ of an inch and length of embedment sufficient to resist removal, with a mark for the exact point and stamped "RLS" followed by the surveyor's registration number. The governing body may specify equal or greater standards for final monuments which shall be placed at:

(a) A subdivision boundary corner and at any point necessary to insure that each monument on a given boundary can be seen from the next monument on that boundary.

(b) On intersections of street centerlines.

(c) A street centerline at an angle point, cul-de-sac radius point or a point which defines a curve (beginning of a curve, end of a curve or a point of tangent intersection), and at any subdivision boundary or an appropriate offset.

(d) A position for a corner of the system of rectangular surveys directly relevant to property lines and corners of the subdivision.

4. A final monument required in subsection 3 which falls in a paved area shall be set in:

(a) *A survey monument well with cover lid and placed with the top of the monument tablet, disc or cap being not less than 4 inches below the pavement surface; or*

(b) *A comparable permanent monument as required by the governing body.*

5. *If a point designated in subsection 3 falls on solid bedrock or on a concrete or stone roadway, curb, gutter, or walk, a durable nonferrous metal tablet, disc or cap shall be securely anchored in the rock or concrete and marked as required in subsection 3.*

6. *If a monument required by subsection 3 cannot be set because of steep terrain, water, marsh or existing structures, or if it would be lost as a result of proposed construction, one or more reference monuments shall be set. In addition to the physical requirements for a monument set forth in subsections 3, 4 and 5, the letters "RM" or "WC" shall be stamped in the tablet, disc or cap. If only one reference monument is used, it shall be set on the actual line or a prolongation thereof. Otherwise, at least two reference monuments shall be set. These monuments shall be deemed final monuments.*

7. *A lot corner shall be set by the land surveyor in the manner approved by the governing body.*

SEC. 15. NRS 278.410 is hereby amended to read as follows:

278.410 1. The final map shall be clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, but affidavits, certificates and acknowledgments [may] shall be legibly stamped or printed upon the map with opaque ink.

2. The size of each sheet of the map shall be 24 by 32 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.

4. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

5. The final map shall show all survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, *central angle* and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves.

6. Each lot shall be numbered [], and each block may be numbered or lettered [] in sequence.

7. Each street shall be named.

8. Each block shall be numbered or lettered.

9. The exterior boundary of the land included within the subdivision shall be indicated by graphic border.

[9.] 10. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

[10.] 11. The final map shall also satisfy any additional survey and map requirements of the local ordinance.

SEC. 16. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 22, inclusive, of this act.

SEC. 17. *The certificates and acknowledgments required by sections 18 to 22, inclusive, of this act, shall appear on a final map and may be combined where appropriate.*

SEC. 18. 1. *A final map presented for filing shall include a certificate signed and acknowledged, pursuant to NRS 111.270, by any person who is the owner of the land:*

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility or person in whose favor the easement is created or whose services are required.

2. *For the purpose of this section the following shall be deemed not to be an interest in land under this section:*

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

3. *A local government may by ordinance require a title company to:*

(a) Certify that each person signing the final map owns of record an interest in the land and that all of the owners of record of the land have signed the final map; and

(b) List any lien or mortgage holders of record.

SEC. 19. *A final map presented for filing shall include a certificate of the surveyor responsible for the survey and the certificate shall be in the following form:*

SURVEYORS CERTIFICATE

I, _____, a Registered Land Surveyor
(Name of Surveyor)

in the State of Nevada, certify that:

1. *This is a true and accurate representation of the lands surveyed under my supervision at the instance of _____*

(Owner, Trustee, Etc.)

2. *The lands surveyed lie within _____*

*(Section(s), Township, Range,
and Meridian)*

and the survey was completed on _____

(date)

3. *This plat complies with the applicable state statutes and any local ordinances.*

4. *The monuments are of the character shown and occupy the positions indicated.*

(OR)

4. The monuments will be of the character shown and occupy the positions indicated by.....

(a day certain)

and that an appropriate performance bond has been posted with the Governing Body to assure their installation.

date

Name of Surveyor,
Registration Number and Seal

SEC. 20. 1. A final map presented for filing shall include a certificate by the county surveyor or county engineer if a subdivision lies within an unincorporated area, and if a subdivision lies within a city, a certificate by the city engineer or by the county surveyor when for that purpose appointed by the governing body of the city, stating:

(a) That he has examined the final map;

(b) That the map is technically correct and that if the monuments have not been set, that a proper performance bond has been deposited guaranteeing their setting on or before a day certain.

2. The person certifying the information required by this section shall be a registered land surveyor or a registered civil engineer.

SEC. 21. 1. A final map presented for filing shall include a certificate by:

(a) The health division of the department of human resources, or the local agency acting pursuant to section 6 of this act, indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

(b) The division of water resources of the state department of conservation and natural resources, showing that the final map is approved concerning water quantity.

2. A copy of the certificate by the division of water resources required by subsection 1 shall be furnished to the subdivider who in turn shall provide a copy of such certificate to each purchaser of land prior to the time the sale is completed. Any statement of approval as required in subsection 1 is not a warranty or representation in favor of any person as to the safety or quantity of such water.

SEC. 22. 1. A final map presented for filing shall include a certificate by the clerk of the governing body stating that the body approved the map and accepted or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication.

2. The chairman of the planning commission, the director of planning on behalf of the planning commission or, if no planning commission exists, the clerk of the governing body shall certify on the final map that it substantially complies with the tentative map and all conditions have been met.

3. The clerk of the governing body shall cause the approved final map to be presented to the county recorder for filing.

SEC. 23. NRS 278.450 is hereby amended to read as follows:

278.450 The county recorder shall collect a fee of \$25, plus 25 cents

per lot [.] or unit mapped, for the recordation of any final map. The fee shall be deposited in the general fund of the county where it is collected.

SEC. 24. NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not file for record any final map unless such map contains all the certificates of approval, conveyance and consent required by the provisions of sections 18 to 22, inclusive, of this act and by the provisions of any local ordinance.

2. Nothing contained in NRS 278.010 to 278.630, inclusive, prevents the recording under the provisions of NRS 278.010 to 278.630, inclusive, and any applicable local ordinances of a [final] map of any land which is not [defined as] a subdivision, nor do NRS 278.010 to 278.630, inclusive, prohibit the filing of a map in accordance with the provisions of any statute requiring the filing of registered land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him.

SEC. 25. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 28, inclusive, of this act.

SEC. 26. If an error or omission is found in any recorded subdivision plat, record of survey, parcel map or reversionary map, and the correction changes or purports to change the physical location of any survey monument, property line or boundary line, the county surveyor or governing body may cause an amended plat, survey or map to be filed and recorded.

SEC. 27. 1. If an error or omission is found in any subdivision plat, record of survey, parcel map, or reversionary map and the correction does not change or purport to change the physical location of any survey monument, property line or boundary line, the county surveyor or governing body may cause a certificate of amendment to be filed and recorded. The surveyor who made the survey shall prepare and record the certificate within 90 days after notification by the county surveyor or governing body. If the surveyor is no longer professionally active in the county the county surveyor or a registered land surveyor appointed by the board of county commissioners shall prepare the certificate.

2. The certificate of amendment shall:

(a) Be in the form of a letter addressed to the county surveyor or the governing body;

(b) Specify the title and recording date of the document being amended;

(c) Concisely state the data being amended and the correction or omission;

(d) Be dated, signed and sealed by the surveyor preparing the certificate; and

(e) Contain the following statement, dated and signed by the county surveyor or a registered land surveyor appointed by the county governing body:

I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of NRS 278.010 to 278.630, inclusive, NRS 625.340 to 625.380, inclusive, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of

amendment so amends the document as to make it technically correct.

3. Upon the recording of a certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original document being amended.

SEC. 28. 1. Any amendment of a recorded subdivision plat, parcel map or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map or record of survey the same procedures and requirements apply as in the original filing.

(b) If the proposed amendment is to a subdivision plat only those procedures for the approval and filing of a final map and the requirements of subsection 2 apply.

2. Any amended plat, map or survey shall:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a blank margin for the county recorder's index information;

(d) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp;

(e) Contain the certificate required by section 18 of this act or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures when such order is based upon a finding that a bona fide effort was made to communicate with the necessary persons, that all persons who responded have consented thereto and that the amendment does not adversely affect the persons who did not respond.

(f) Contain a certificate of the registered land surveyor who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and NRS 625.340 to 625.380, inclusive, and with any applicable local ordinance; and

(g) Contain a certificate executed by the appropriate county surveyor, county engineer or city engineer if he is a registered land surveyor or a registered civil engineer stating that he has examined the document and that it is technically correct.

3. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended.

SEC. 29. NRS 278.480 is hereby amended to read as follows:

278.480 1. [Any person, firm or corporation] Any abutting owner or local government desiring the vacation or abandonment of any street or easement or portion thereof shall file a petition in writing [, signed by not less than three owners of lands within the area affected by the proposed vacation and abandonment.] with the governing body having jurisdiction.

2. If there [be] is a planning commission, the governing body shall refer the petition to the planning commission, which shall report thereon to the governing body as set forth in NRS 278.240.

3. Whenever any ~~streets are~~ *street or easement* is proposed to be vacated, the governing body shall cause the ~~streets~~ *street or easement* to be posted with a notice setting forth the extent of the proposed abandonment and setting a date for public hearing, which date shall be not less than ~~30~~ *10* days and not more than 40 days subsequent to the date of ~~posting of the street.~~ *the posting.*

4. ~~If,~~ *Except as provided in subsection 5, if,* upon public hearing, the governing body is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street ~~to be~~ *or easement* vacated. The governing body may make such order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

5. *If a utility has an easement over the property, the governing body shall provide in its order for the continuation of that easement.*

6. The order shall be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon such recordation title to the street ~~shall revert~~ *or easement reverts* upon the payment required in subsection ~~6.~~ *7,* to the abutting property owners in the *approximate* proportion that the property was dedicated by such abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion thereof, the governing body may sell such vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city. If the governing body so sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action shall be taken by the governing body to force such owner to purchase such portion and no such portion shall be sold to any person other than such owner if such sale would result in a complete loss of access to a street from such abutting property.

~~6.~~ *7.* The abutting property owners shall pay for title to the proportionate part of the street such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply such benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

~~7.~~ *8.* Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

~~8.~~ *9.* In any vacation or abandonment of any street or portion thereof, the governing body may reserve and except therefrom any easements, rights or interests therein which the governing body may deem desirable for the use of the city or of any public utility.

SEC. 30. NRS 278.490 is hereby amended to read as follows:

278.490 1. Any ~~person, firm or corporation~~ *owner or governing body* desiring to revert *or abandon* any subdivision map, parcel map or part thereof to acreage or to abandon any subdivision map, parcel map or portion thereof shall ~~cause a final map of the reversion or abandonment to be recorded in the office of the county recorder.~~ *submit a written*

application accompanied by a map of the proposed abandonment or reversion to the governing body for approval. The application shall describe the requested changes.

2. The [final] map shall contain the [certificate set forth in subsection 1 of NRS 278.420.] *certificates required by sections 18 to 22, inclusive, of this act* and shall be presented to the governing body for approval. If the map includes the abandonment of any public [streets,] *street or easement*, the provisions of NRS 278.480 [must] *shall* be followed prior to the [recordation] *approval* of the map.

3. Except for the provisions of this section and any provision or ordinance relating to the payment of fees in conjunction with filing or recordation or checking of a final [map,] *map or parcel map*, no other provision of NRS 278.010 to 278.630, inclusive, shall apply to a map made solely for the purpose of abandonment of a former map or for reversion of any [subdivision] *land division* to acreage.

4. Upon [the recording of a final map of such] *approval of the map of reversion or abandonment, it shall be recorded by the governing body in the office of the county recorder and the county recorder shall make a written notation of the fact on each sheet of the previously recorded final map or parcel map affected by the later recording.*

SEC. 31. NRS 278.497 is hereby amended to read as follows:

278.497 As used in NRS 278.4971 to 278.4987, inclusive, the words and terms defined in NRS 278.4971 to [278.4978,] *278.4977*, inclusive, have the meanings ascribed to them in those sections, unless the context otherwise requires.

SEC. 32. (Deleted by amendment.)

SEC. 33. NRS 278.500 is hereby amended to read as follows:

278.500 1. A person who proposes to divide any land *for transfer or development* into four or fewer lots any of which has a nominal area of less than: [40 acres, or, in a county whose population is 200,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, into five or more lots whose nominal area is 10 acres or more but less than 40 acres]

(a) *Ten acres, in any county or city which has adopted an ordinance by which the county or city elected to limit the applicability of the term "subdivision" for the purposes of NRS 278.320 to land divisions having a nominal area of less than 10 acres; or*

(b) *Forty acres, in those areas where such an ordinance has not been adopted,*

including roads and roadway easements, shall file a parcel map in the office of the county recorder, unless this requirement is waived. [No survey may be required if the requirement of a parcel map is waived.

2. The governing body may require such street grading and drainage provisions as are reasonably necessary for lot access and drainage needs. It may also require such lot design as is reasonably necessary and such off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing development of adjacent property.

3. A certificate for execution by the director of the planning department or clerk of the appropriate governing body shall appear on each

parcel map stating that the body or department approves the map for purposes of land division.

4. The governing body shall, in any city or county having a planning department or planning personnel, give the planning director or other designated representative of the planning department the authority to approve a parcel map, or waive the requirement of a parcel map or survey for a parcel map, without further action by the planning commission or the governing body. The planning department, or the governing body where no planning department or planning personnel exist, shall review the parcel map if required and within 45 days after filing shall approve, conditionally approve or disapprove such map, unless the time is extended by agreement with the applicant.

If the applicant disagrees with any decision of the planning department concerning the parcel map, or if the map is disapproved, the applicant has 30 days in which to file an appeal with the planning commission. The planning commission shall make a determination within 45 days from the date the appeal was filed.

If the planning commission denies the appeal, the applicant has 30 days in which to file an appeal with the governing body. The governing body shall make a final determination within 45 days from the date the appeal was filed.

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

(a) Creation or realignment of a [right-of-way.] *public right-of-way by a public agency.*

(b) Creation or realignment of an easement.

(c) [An amendment or certificate of amendment under NRS 278.491 to 278.495, inclusive.

(d)] Adjustment of the boundary line or the transfer of land between two adjacent property owners which does not result in the creation of any additional parcels.

[(e)] (d) 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.*

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

(a) *Creation of a lien, mortgage, deed of trust or any other security instrument.*

(b) *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 are severed from the surface ownership of real property.*

(d) *File a certificate of amendment under section 27 of this act.*

[6.] 4. When two or more separate lots, parcels, sites, units or plots of land are purchased, they [shall] remain separate for the purposes of this section and NRS 278.550, 278.590 and 278.630. When such lots, parcels, sites, units or plots are resold or conveyed they [shall be] are

exempt from the provisions of NRS 278.010 to 278.630, inclusive [.] , until further divided.

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

SEC. 34. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36, of this act.

SEC. 35. *The governing body may require:*

1. *Street grading, drainage provisions and lot designs as are reasonably necessary.*

2. *Offsite access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.*

3. *For a second or subsequent parcel map with respect to a single parcel or contiguous tract of land under the same ownership any reasonable improvement, but not more than would be required if the parcel were a subdivision.*

SEC. 36. 1. *The governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall review and approve, conditionally approve or disapprove a parcel map and if unusual circumstances exist may waive the requirement for a parcel map or survey.*

2. *Before waiving a parcel map or survey, a determination shall be made by the county surveyor or another registered land surveyor that a survey is not required.*

3. *Unless the time is extended by mutual agreement a request for waiver or the submission of a parcel map shall be acted upon within 30 days or in the absence of action shall be deemed approved.*

4. *An applicant aggrieved by a decision of the governing body's authorized representative may appeal to the planning commission within 30 days and the commission shall render its decision within 45 days after filing of the appeal.*

5. *If the planning commission denies the appeal, the applicant may appeal to the governing body within 30 days and the governing body shall render its decision within 45 days after filing of the appeal.*

6. *The approval of a parcel map and the associated land division shall be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission.*

SEC. 37. NRS 278.510 is hereby amended to read as follows:

278.510 1. *The parcel map shall be legibly drawn in black waterproof india ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. The size of each sheet shall be 24 by 32 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank*

margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map shall indicate the owner of any adjoining land, or right-of-way if owned by the person dividing the land.

3. If a survey is required, the parcel map shall show:

(a) All monuments found, set, reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto.

(b) Bearing or witness monuments, basis of bearings, bearing and length of lines and scale of map.

(c) Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts.

(d) Memorandum of oaths.

(e) Signature of surveyor.

(f) Date of survey.

(g) Signature of the owner or owners of the land to be divided. [;]

(h) Any easements granted or dedications made. [; and]

(i) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

[3.] 4. If a survey is not required, the parcel map shall show:

(a) By appropriate reference to the existing information on which it is based, the tract to be divided and the resulting lots;

(b) The means of access to the several lots;

(c) The signature of the owner or owners of the land to be divided;

(d) Any easements granted or dedications made; and

(e) Any other data necessary for intelligent interpretation of the division and access.

[4.] 5. If a survey is not required for the preparation of a parcel map, the map [must] shall be prepared by a registered land surveyor, but his certificate upon the map may include substantially the following:

This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior document.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the land division.

7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in such parcel.

SEC. 38. Chapter 278 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. If the parcel map is waived the authority which granted the waiver may require the preparation and recording of a document which contains:

(a) A legal description of all parts based on a system of rectangular surveys;

(b) A provision for the dedication or reservation of any road right-of-way or easement; and

(c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it shall be prepared by a registered land surveyor and bear his signature and stamp.

3. *The person preparing the document may include the following statement:*

This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior document.

SEC. 39. NRS 278.540 is hereby amended to read as follows:

278.540 If a record of survey contains ~~more than four~~ *two or more* lots or parcels, the surveyor or a person ~~or one of the persons~~ for whom the record of survey is made shall place upon the map thereof a statement of the facts which will clearly show that such record of survey is not ~~of a subdivision as defined in NRS 278.010 to 278.630, inclusive, or all~~ *in conflict with the* requirements of NRS 278.010 to 278.630, inclusive, ~~concerning subdivision of real property~~ and the regulations of transactions pertaining thereto shall be complied with.

SEC. 40. NRS 278.565 is hereby amended to read as follows:

278.565 1. A copy of deed restrictions proposed for a subdivision in a county having a population of 100,000 or more but less than 200,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, shall be filed with the planning commission or governing body ~~along~~ with the tentative map. ~~pursuant to NRS 278.330.~~

2. Upon final approval of the subdivision, a copy of such restrictions shall be:

(a) Filed with the building inspector having jurisdiction over the area within which such subdivision is situated.

(b) Presented to each prospective purchaser of real property within such subdivision.

SEC. 41. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person to offer to sell, to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to ~~NRS 278.500,~~ *a parcel map*, until the final map or parcel map thereof, in full compliance with the appropriate provisions of NRS 278.010 to 278.630, inclusive, and any local ordinance has been duly recorded in the office of the recorder of the county in which any portion of the subdivision or land divided is located.

2. ~~Any offer to sell, contract to sell, sale or transfer contrary to the provisions of NRS 278.010 to 278.630, inclusive, is a misdemeanor. Nothing herein contained shall be deemed to~~ *A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than \$300 for each lot or parcel offered, sold or transferred.*

3. *This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, firm or corporation may otherwise be entitled, and any such municipality or other political subdivision or person, firm or corporation may file suit in the district court of the county in which any property attempted to be divided or sold in violation of NRS 278.010 to 278.630, inclusive, is located to restrain or enjoin any attempted or proposed division or sale in violation of NRS 278.010 to 278.630, inclusive.*

SEC. 42. Chapter 40 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In any proceeding involving disposition of land the court shall consider lot size and other applicable zoning requirements before ordering a physical division of the land.

SEC. 43. NRS 117.027 is hereby amended to read as follows:

117.027 At the time any condominium map or plan is presented to the county recorder for recording the following certificates shall be presented to be recorded immediately prior to [such] the map or plan:

1. A subdivision report from a reputable title company showing the names of the parties who may be required to sign the map or plan and guaranteeing that the names of the parties contained therein are the only parties who are required to sign [such] the map or plan.

2. A certificate from a reputable title company showing that there are no liens against the condominium or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

3. A certificate from:

(a) The health division of the department of human resources, or the local agency acting pursuant to section 6 of this act, showing that the [health division has approved the] map or plan is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

(b) The division of water resources of the state department of conservation and natural resources [,] showing that the final map is approved concerning water quantity.

4. A copy of the certificate from the division of water resources required by subsection 3 shall be furnished to the condominium subdivider who in turn shall provide a copy of such certificate to each purchaser of a condominium unit prior to the time the sale is completed. No statement of approval as required in subsection 3 is a warranty or representation in favor of any person as to the safety or quantity of such water.

SEC. 44. NRS 117.120 is hereby amended to read as follows:

117.120 1. A condominium project consisting of five or more units shall be deemed to be a subdivision of land within the meaning of NRS 278.320, but only NRS [278.330,] 278.340, 278.350, 278.360, 278.370, [278.380, 278.390, subsection 1 of NRS 278.400, subsections 1, 2, 3, 4, 5, 7, 8, 9 and 10 of NRS 278.410 and NRS 278.420, 278.430, 278.450, 278.460, 278.470, 278.480 and 278.490 shall be applicable] 278.390, 278.410, except for subsection 6, 278.450, 278.460, 278.480, 278.490 and sections 6 to 8, inclusive, subsections 1 and 2 of section 14, sections 17 and 26 to 28, inclusive, of this act apply to such condominium projects.

2. A condominium project consisting of four units or less shall be deemed to be a [subdivision] division of land within the meaning of NRS 278.500, but only NRS 278.500 [, 278.510, 278.540, 278.550 and subsection 1 of NRS 278.560 shall be applicable] and sections 14, 35 and 36 of this act apply to such condominium projects.

3. Tentative or final maps or parcel maps required to be prepared and recorded by any of the statutory sections listed in subsections 1 and 2 of this section shall conform with the requirements of NRS 117.020. The

sections of NRS listed in subsections 1 and 2 of this section and all other sections of NRS which are [deemed] applicable to condominiums or condominium projects shall be liberally construed to avoid unreasonable and unduly technical application of such sections to condominiums and condominium projects, and to encourage the establishment of condominiums and condominium projects in Nevada.

SEC. 45. NRS 119.120 is hereby amended to read as follows:

119.120 1. The provisions of this chapter do not apply, unless the method of disposition is adopted for the purpose of the evasion of the provisions of this chapter or the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701 to 1720, inclusive, upon notification to the division by the person electing to be exempt under this subsection, to the making of any offer or disposition of any subdivision or lot, parcel, unit or interest therein:

(a) By a purchaser of any subdivision lot, parcel, interest or unit thereof for his own account in a single or isolated transaction.

(b) If each lot, parcel, interest or unit being offered or disposed of in any subdivision is more than 80 acres in size. For purposes of this subsection, the size of any undivided interest being offered or disposed of in any subdivision shall be computed by dividing the number of the undivided interests into the area of the subdivision, exclusive of common or reserved areas, roadways or easements.

(c) If each lot, parcel, interest or unit being offered or disposed of in any subdivision is 40 acres or more, including roadways and easements, but not more than 80 acres in size, so long as the form and content of the advertising to be used is filed and approved in compliance with subsection 7 of NRS 119.180. The size of undivided interests shall be computed as provided in paragraph (b) of this subsection.

(d) To any person who is engaged in the business of the construction of residential, commercial or industrial buildings for disposition.

(e) By any person licensed in the State of Nevada to construct residential buildings and where such land being offered or disposed of is to include a residential building when disposition is completed.

(f) Pursuant to the order of any court of this state.

(g) By any government or government agency.

(h) To any offer or disposition of any evidence of indebtedness secured by way of any mortgage or deed of trust of real estate.

(i) To securities or units of interest issued by an investment trust regulated under the laws of this state, except where the division finds that the enforcement of this chapter with respect to such securities or units of interest is necessary in the public interest and for the protection of purchasers.

(j) To cemetery lots.

2. Unless the method of disposition is adopted for the purpose of the evasion of the provisions of this chapter or the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701 to 1720, inclusive, this chapter [shall] *does* not apply to the sale or lease of real estate which is free and clear of all liens, encumbrances and adverse claims if each and every purchaser or his or her spouse has personally inspected the lot which he purchased and if the developer executes a written affirmation to that

effect to be made a matter of record in accordance with [rules and] regulations [of the administrator] of the division. As used in this subsection, the terms "liens," "encumbrances" and "adverse claims" are not intended to refer to purchase money encumbrances nor property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments which, under applicable state or local law, constitute liens on the property before they are due and payable.

3. The division may from time to time, pursuant to [rules and regulations issued] *regulations adopted* by it, exempt from any of the provisions of this chapter any subdivision, if it finds that the enforcement of this chapter with respect to such subdivision or lots, parcels, units or interests is not necessary in the public interest and for the protection of purchasers.

4. Any subdivision which has been registered under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701 to 1720, inclusive, [shall be] is subject to all of the requirements of this chapter, except that such subdivision may file with the division a copy of an effective statement of record filed with the Secretary of Housing and Urban Development. To the extent that the information contained in the effective statement of record provides the division with information required under this chapter, the effective statement of record may substitute for information otherwise required under this chapter.

5. *An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive.*

SEC. 46. Chapter 119 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive.

SEC. 47. NRS 270.010 is hereby amended to read as follows:

270.010 Whenever:

1. The map or [maps, or plat or plats,] *plat* of any city or of any part [or subdivision] thereof or addition thereto, [heretofore] filed or recorded in accordance with the then existing law or [laws, or that may hereafter be] filed and recorded in accordance with this chapter [or other subsisting acts, shall,] *is*, by reason of error or mistake, or lack of sufficient description, or by reason of the fact that the original map or [maps, plat or plats, have been] *plat is* lost or destroyed, or by reason of the fact that there have been filed or recorded two or more conflicting maps or plats for such city or part [or subdivision] thereof or addition thereto, [be] *is* uncertain or ambiguous; or

2. By reason of the mistaken, faulty, erroneous platting or description of or on any such map or [maps, or plat or plats,] *plat*, or by reason of the destruction of section corners or other artificial or natural monuments, there [shall be] *is* any substantial uncertainty, ambiguity or confusion as to the correct and accurate description or location of the lands, blocks or lots therein described or the lines of the blocks, lots, streets, alleys, highways, parks, school property, cemeteries or other pieces or parcels devoted to public use,

such lost or destroyed map or [maps, or plat or plats,] *plat* may be

restored or such faulty, erroneous or ambiguous map or [maps, or plat or plats,] plat may be corrected, or the confusion, ambiguity or uncertainty arising by reason of there being two or more conflicting maps or plats, or by reason of the destruction of section corners or other artificial or natural monuments, may be cured as [hereinafter specified] provided in NRS 270.010 to 270.150, inclusive.

SEC. 48. NRS 270.020 is hereby amended to read as follows:

270.020 1. The city council, or other legislative board of any such city, [either] upon its own motion or resolution or upon the petition of any property holder and taxpayer within the city, affected by such loss, destruction, uncertainty, ambiguity, confusion or conflict, may instruct and employ the city [engineer of the city,] surveyor or the county [engineer] surveyor of the county in which the city is situate, or any other [competent surveyor or civil engineer,] registered land surveyor, to make a complete survey of such city or of such part [or subdivision] thereof or addition thereto and to prepare a correct and accurate map or plat of such survey, upon which map or plat [shall be laid down and delineated] all of the blocks, lots, streets, alleys, highways, parks, school property, cemeteries and other properties devoted to public use [.] shall be shown.

2. The map or plat shall show by course and distance accurate ties with well-known and established section, or quarter section, corner or corners, and with some permanent artificial monument or monuments erected or constructed with definite and exact relation to the center line of the streets of such city or such part [or subdivision] thereof or addition thereto and with such marks or monuments of original surveys as may be found and identified, together with an accurate description of each such section, or quarter section, corner, monument or mark.

3. The map shall be entitled substantially as follows: "Map of survey of city of (or of [subdivision of or] addition to city of, as the case may be) under the provisions of chapter 270 of NRS and in accordance with a resolution of the board of supervisors of the city of (or as the case may be). Passed..... (giving date)."

4. The map shall bear the sworn certificate of the [engineer or] surveyor making the same and shall be made upon vellum, tracing cloth or other material of a permanent nature generally used for such purpose in the engineering profession, and shall be drawn to a convenient scale sufficiently large to show clearly all lines and corners of blocks, lots, streets, alleys, highways, parks, school property, cemeteries and other property devoted to public use. Where there is any uncertainty as to the correct position, description or line of any lot, block, street, alley or other piece or parcel of property affected, or wherever there is a conflict or contradiction in point, line, numbering, lettering or other description, by reason of conflicting maps, theretofore filed or recorded, or by reason of mistakes or inaccuracies in any prior map or [maps, or plat or plats,] plat, or otherwise, the same shall be clearly shown or indicated. Wherever the line on which fences, buildings or other improvements have been built in accordance with prior maps, plats or surveys, or otherwise, and the same appear to be in conflict with the lines, points or directions, as shown

in the map or plat herein provided for, such conflict or conflicts shall likewise be clearly shown.

5. The map may be prepared in as many sections and with such changes in scale as may be necessary to show clearly the matters herein required.

SEC. 49. NRS 270.050 is hereby amended to read as follows:

270.050 1. Objections or exceptions to such maps or plats shall be in writing, under the oath of the objecting or excepting party, and shall be filed with the clerk of the board not later than 60 days after the first publication of the notice and the clerk shall endorse his filing marks thereon.

2. **[Such]** The objections or exceptions need not be in any precise or particular form, but shall state clearly the nature of the objection or exception and the grounds and facts upon which the same are based, and shall conform so far as may be practicable to pleadings in courts of record. No answer or reply need be made or filed to put such objections or exceptions at issue, but the same shall be considered at issue upon the map or plat and the objections or exceptions thereto. Such objections or exceptions shall be entitled: "Before the city council (or as the case may be) of the city of, county of, State of Nevada. In the matter of the adoption of a map or plat of and for the city of (or the **[subdivision of, or]** addition to, such city, as the case may be.)"

SEC. 50. NRS 270.070 is hereby amended to read as follows:

270.070 1. The summons in the action need not contain a description by lot or block numbers or by metes and bounds, but shall refer generally to the purpose of the action and shall contain the name of the city or part **[or subdivision]** thereof or addition thereto to be affected by the action.

2. A copy of the summons shall be posted in 3 conspicuous places within the city within 10 days after the filing of the complaint.

3. After the service of the summons and complaint, as herein provided, and the filing of the notice of the pendency of such action and the posting of summons, as in this section specified, all of the property within such city or part **[or subdivision]** thereof or addition thereto shall, for all of the purposes of the action, be conclusively deemed within the jurisdiction of the district court in which such action is brought.

4. If the names of the owner or owners of any of the property within the city shall be unknown to the plaintiff, such fact may be recited in the complaint in the action and any and all such owners impleaded under fictitious names, and the complaint may be thereafter amended if the true names of such fictitious defendants or any of them be thereafter ascertained. The judgment and decree in the action shall be binding and conclusive as to all of the property affected, whether the owners, or one or more thereof, of any of the parcels of property within the city be actually named as party or parties defendant or not.

SEC. 51. NRS 270.090 is hereby amended to read as follows:

270.090 1. Findings of fact and conclusions of law and judgment shall be made and entered as in other cases, and exceptions, motions for

new trial and appeals may be had as provided in NRS and Nevada Rules of Appellate Procedure.

2. The court or judge thereof shall in the findings and decree adopt, settle, determine, fix and establish a definite map or plat of the city or part [or subdivision] thereof or addition thereto, in accordance with the pleadings and proof, and shall, by reference, make a part of the findings and judgment the map or plat so adopted, settled, determined, fixed and established.

3. Wherever blocks or parts of blocks in the original lost, destroyed, conflicting, erroneous, or faulty maps or plats have been insufficiently or incorrectly platted, numbered or lettered, the omission, insufficiency or fault shall be supplied and corrected in accordance with such pleadings and proof.

4. If the map or [maps, or plat or plats,] plat prepared by the [engineer as hereinbefore provided shall] surveyor by reason of the pleadings, proof, findings and judgment [be] is inadequate or impracticable of use for the judgment, the judgment or decree may require the making of a new map or [maps, or plat or plats,] plat in accordance with the provisions of the findings and judgment.

5. A certified copy of such judgment, together with such map or [maps, or plat or plats, as shall finally be] plat as is adopted, settled, determined, fixed and established by the court, shall be filed in the office of the county recorder of the county in which the action is tried. All the ties and descriptions of section or quarter section corners, monuments or marks required by NRS 270.020 shall appear on such map finally established by the judgment. The county recorder shall be entitled to collect and receive as his fees for recording and indexing the certified copy of the judgment and map the following sums: \$10 for the map, and regular charges, as provided by law, for the decree, but not exceeding \$50.

6. The judgment may require that all prior existing maps in conflict with the map or plat adopted, shall be so marked or identified by the county recorder to show the substitution of the new map or plat in place thereof.

SEC. 52. NRS 270.180 is hereby amended to read as follows:

270.180 NRS 270.160 to 270.180, inclusive, are intended to supplement and not to supersede the existing laws relating to the vacation of city and town plats [.] and do not apply to land divided pursuant to NRS 278.010 to 278.630, inclusive.

SEC. 53. NRS 280A.080 is hereby amended to read as follows:

280A.080 The powers granted under the provisions of this chapter may be exercised by any city or county which enacts an ordinance [.] if such ordinance:

1. Refers to this chapter.
2. Includes a statement of objectives for planned unit residential development, pursuant to the provisions of NRS 280A.090.
3. Designates the local agency which shall exercise the powers of the city or county.
4. Sets forth the standards for a planned unit residential development consistent with the provisions of this chapter.
5. Sets forth the procedures pertaining to the application for hearing

on and tentative and final approval of a planned unit residential development, which shall be consistent with the provisions of this chapter.] *conforming to the provisions of this chapter.*

SEC. 54. NRS 280A.100 is hereby amended to read as follows:

280A.100 1. Each ordinance enacted pursuant to the provisions of this chapter shall set forth the standards and conditions by which a proposed planned unit residential development shall be evaluated.

2. The city or county may prescribe, from time to time, [rules and] regulations to supplement the standards and conditions set forth in the ordinance, if [:

(a) Such rules and regulations are not inconsistent with the standards and conditions.

(b) Such rules and] the regulations are made a matter of public record.

3. Any amendment or change of [such rules and] the regulations [shall] does not apply to any plan for which an application for tentative approval [has been] is made prior to the placing of public record any such amendment or change.

[4. Such standards and conditions and all supplementary rules and regulations established for a particular planned residential development authorized pursuant to such ordinance shall not be inconsistent with the provisions of NRS 280A.110 to 280A.160, inclusive.]

SEC. 55. NRS 280A.110 is hereby amended to read as follows:

280A.110 [1.] An ordinance enacted pursuant to the provisions of this chapter shall set forth the uses permitted in a planned unit residential development. [which uses may be limited to:

(a) Dwelling units which are not detached, semidetached or multi-storied structures or any combinations thereof.

(b) Any nonresidential use to the extent such nonresidential use is designed and intended to serve the residents of the planned unit residential development.

2. An ordinance may establish regulations setting forth the timing of development among the various types of dwelling and may specify whether or not some or all nonresidential uses are to be built before, after or at the same time as the residential uses.]

SEC. 56. NRS 280A.120 is hereby amended to read as follows:

280A.120 1. An ordinance enacted pursuant to the provisions of this chapter shall establish standards governing the density or intensity of land use in a planned residential development.

2. [Such] The standards shall take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit residential development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit residential development in consideration of:

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned residential development.

(c) The location, design and type of dwelling units.

(d) The criteria for approval of a tentative map of a subdivision.

3. In the case of a planned unit residential development which is proposed to be developed over a period of years, such standards may, to encourage the flexibility of housing density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit residential development in the case of each section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within some section or sections of development whether or not it be earlier or later in the development than with regard to the others. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county, but such reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

SEC. 57. NRS 280A.140 is hereby amended to read as follows:

280A.140 1. The ordinance ~~may~~ *shall* provide that the city or county may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the ordinance shall not require, as a condition of the approval of a planned unit residential development, that land proposed to be set aside for common open space be dedicated or made available to public use. The ordinance may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space, and that such organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise, without first offering to dedicate such common open space to the city or county ~~[.]~~ *, which offer shall be accepted or rejected within 120 days.*

2. The ordinance may authorize such organization to make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the plan. The assessments shall be made ratably against the properties within the planned unit residential development that have a right of enjoyment of the common open space. The ordinance may provide for agreement between the organization and the property owners providing:

- (a) A reasonable method for notice and levy of the assessment; and
- (b) For the subordination of the liens securing such assessment to other liens either generally or specifically described.

SEC. 58. NRS 280A.142 is hereby amended to read as follows:

280A.142 An organization established pursuant to NRS 280A.140 for the ownership and maintenance of common open space which receives payments from owners of property within the planned unit residential development for such maintenance shall:

- 1. Immediately deposit such payments in a separate trust account maintained by it with some bank or recognized depository in this state.
- 2. Keep records of all such payments deposited therein ~~[.]~~ *and all disbursements therefrom.*

SEC. 59. NRS 280A.144 is hereby amended to read as follows:

280A.144 1. Any reasonable assessment upon any property within the planned unit residential development levied pursuant to NRS 280A.-140 shall be a debt of the owner thereof at the time the assessment is made. The amount of the assessment plus interest, costs including attorney fees and penalties shall be a lien upon the property assessed when the organization causes to be recorded with the county recorder of the county wherein the development is located a notice of assessment which shall state:

(a) The amount of the assessment and interest, costs and penalties;

(b) A description of the property against which the same has been assessed; and

(c) The name of the record owner of the property.

Such notice shall be signed by an authorized representative of the organization or as otherwise agreed. Upon payment or other satisfaction of the assessment and charges, the organization shall cause to be recorded a further notice stating the satisfaction and the release of the lien.

2. Such lien shall be prior to property taxes and assessments recorded subsequent to the recordation of the notice of assessment except where the agreement provides for its subordination to other liens and encumbrances. Unless sooner satisfied and released or its enforcement initiated as provided in NRS 280A.146, the lien shall expire and be of no further force or effect ~~["1 year"]~~ 2 years from the date of recordation of the notice of assessment, but the ~~["1-year"]~~ 2-year period may be extended by the organization for not ~~["to exceed 1 additional year"]~~ more than 2 additional years by recording a written extension thereof.

3. Such lien may be enforced by sale by the organization, its agent or attorney after failure of the owner to pay such assessment in accordance with its terms. Such sale shall be conducted in accordance with the provisions of Covenants Nos. 6, 7 and 8 of NRS 107.030 and 107.090 insofar as they are consistent with the provisions of NRS 280A.146, or in any other manner permitted by law. Unless otherwise provided by agreement the organization, if it is a corporation, cooperative association, partnership or natural person, ~~["shall have power to"]~~ may bid in the property at foreclosure sale and ~~["to"]~~ hold, lease, mortgage and convey ~~["the same."]~~ it.

SEC. 60. NRS 280A.160 is hereby amended to read as follows:

280A.160 1. The total cost of such maintenance undertaken by the city or county shall be assessed ratably against the properties within the planned unit residential development that have a right of enjoyment of the common open space, and shall become a tax lien on such properties.

2. The city or county, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the appropriate recorder's office upon the properties affected by such lien within the planned unit residential development.

SEC. 61. NRS 280A.180 is hereby amended to read as follows:

280A.180 1. The authority granted a city or county by law to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage

collection and treatment, applies to such improvements within a planned unit residential development.

2. The standards applicable to a planned unit residential development may be different from or modifications of the standards and requirements otherwise required of subdivisions which are authorized under an ordinance enacted pursuant to the provisions of law. [if the planned unit residential development ordinance sets forth the limits and extent of any modifications or changes in such standards and requirements, in order that a landowner may know the limits and extent of permissible modifications from the standards otherwise applicable to subdivisions.

3. The limits of such modification or change established in an ordinance enacted pursuant to this chapter, as well as the degree of modification or change within such limits authorized in a particular case by the city or county, shall take into account the standards and requirements established in any ordinance otherwise enacted pursuant to law, which may not be appropriate or necessary for land development of a type or design contemplated by this chapter.]

SEC. 62. NRS 280A.200 is hereby amended to read as follows:

280A.200 1. An ordinance enacted pursuant to this chapter may contain the minimum design standards set forth in NRS 280A.210 to [280A.340.] 280A.330, inclusive.

2. Where reference is made in any of these standards to a department which does not exist in the city or county concerned, the ordinance may provide for the discharge of the duty or exercise of the power by another agency of the city or county or by the governing body.

SEC. 63. NRS 280A.260 is hereby amended to read as follows:

280A.260 [Where access is not provided by means of a private street, an easement at least 12 feet in width free of all vehicular impediments shall be provided for fire lanes as required by the fire department.] *Fire lanes shall be provided as required by the fire department. Fire lanes may be grass areas.*

SEC. 64. NRS 280A.270 is hereby amended to read as follows:

280A.270 Exterior lighting within the development shall be provided [as follows:

1. On private common drives, safety lights are required and shall be placed no more than 40 feet apart on center with fixtures similar to Kendall # 3663, vandal proof and tamper proof 100 watt, Lightmate wall bracket with Herculex diffuser or equal.

2. On private vehicular access streets, each light shall be a minimum of 175 watt mercury vapor, depending upon street design, and may be Westinghouse Pinto type 2 design or equal. Polycarbonate lenses shall be used in place of glass. All designs, including spacing of luminaries shall be approved by the public works department.

3.] *on private common drives, private vehicular streets and on public streets.* The lighting on all public streets shall conform to the standards approved by the governing body for regular use elsewhere in the city or county.

SEC. 65. NRS 280A.290 is hereby amended to read as follows:

280A.290 A minimum of [three parking spaces] *one parking space* shall be provided for each dwelling unit. [except that required parking

may be reduced by the governing body upon showing of proper justification. Parking on interior and contiguous boundary public streets may be included as a portion of the required parking.]

SEC. 66. NRS 280A.300 is hereby amended to read as follows:

280A.300 [1.] Setback of buildings and other sight restrictions at the intersection of public or private streets shall [have the approval of the traffic department. A setback of 20 feet from a public or private street shall be provided.

2. No building may be located closer than 10 feet to any exterior boundary street.] *conform to local standards.*

SEC. 67. NRS 280A.320 is hereby amended to read as follows:

280A.320 1. The streets within the development may be private or public.

2. [A private street which serves as access to parking areas and is connected to a vehicular access street or a public street is a common drive. A cross section is required showing the common drive to be 30 feet wide from back of curb to back of curb with roll-type or "L" type curb and gutter and alley-type openings. The alley-type openings are required where common drives intersect a vehicular access street or a public street. No sidewalks are required and no easements are required unless utilities are to be dedicated to the governing body. A common drive may be reduced to 26 feet in width when it provides parking access on one side only and a 4-foot clearance is provided between the curb and any structure on the opposite side. A common drive shall not be accepted by the governing body for maintenance and the governing body shall not assume responsibility for servicing it unless it meets or is reconstructed to conform to the standards set by the governing body.

3. A private street connecting to a public street and usually connecting more than one common drive is a vehicular access street. A vehicular access street shall be a minimum of 40 feet from back of curb to back of curb and constructed with an "L" type curb and gutter. No sidewalks are required, but a 3-foot easement shall be provided on both sides behind the curb. All driveways and other accesses shall conform to curb cut standards. A turnaround whose minimum radius is 20 feet shall be provided at the terminus of a vehicular access street. A vehicular access street may be accepted for dedication and maintenance if it is constructed to the specified requirements.

4. Sidewalks are not required on the private streets but are required in the common areas.

5. No private street may directly connect two public streets unless the density and street design are such that the traffic will not overload the street.

6.] All private streets shall be constructed as required by the public works department. The construction of all streets shall be inspected by the public works department.

[7.] 3. All public streets shall conform to the design standards approved by the governing body.

SEC. 68. NRS 280A.340 is hereby amended to read as follows:

280A.340 [1. Whenever more than one dwelling unit is contained within a building and ownership of the separate dwelling units will be in

fee simple or in any ownership other than joint ownership, separate services such as water, power, and sanitary sewer shall be provided to each dwelling unit.

2. Whenever possible, underground utilities shall be required in connection with planned unit developments. The governing body shall decide in each instance.

3. The electric service box, when located in the front of a building, must be recessed flush with the wall with the meter enclosed by means of an accessible box. *The installation and type of utilities shall comply with the local building code or be prescribed by ordinance.*

SEC. 69. NRS 280A.440 is hereby amended to read as follows:

280A.440 The ordinance ~~shall require only~~ *may require* such information in the application as is reasonably necessary to disclose to the city or county:

1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.

2. The density of land use to be allocated to parts of the site to be developed.

3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.

4. The use and the approximate height, bulk and location of buildings and other structures.

5. The feasibility of proposals for disposition of sanitary waste and storm water.

6. Substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.

7. The provisions for parking of vehicles and the location and width of proposed streets and public ways.

8. The required modifications in the municipal land use regulations otherwise applicable to the subject property.

9. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit residential development are intended to be filed.

SEC. 70. NRS 280A.460 is hereby amended to read as follows:

280A.460 1. After the filing of an application pursuant to NRS 280A.410 to 280A.450, inclusive, a public hearing on the application shall be held by the city or county, public notice of which shall be given in the manner prescribed by law for hearings on amendments to a zoning ordinance.

2. The city or county may continue the hearing from time to time and may refer the matter to the planning staff for a further report, [a copy of which shall be filed as a public record without delay. In any event, however,] *but* the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings shall be concluded.

SEC. 71. NRS 280A.470 is hereby amended to read as follows:

280A.470 [1.] The city or county shall, following the conclusion of the public hearing provided for in NRS 280A.460, by minute action:

[(a)] 1. Grant tentative approval of the plan as submitted;

[(b)] 2. Grant tentative approval subject to specified conditions not included in the plan as submitted; or

[(c)] 3. Deny tentative approval to the plan.

If tentative approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the city or county shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

[2.] If tentative approval is granted subject to conditions, the landowner shall within 10 days after receiving a copy of the written resolution of the city or county notify the city or county of his acceptance of or his refusal to accept all of the conditions.

3. If the landowner refuses to accept all the conditions, tentative approval of the plan is automatically rescinded.

4. In the event the landowner does not, within such period, notify the city or county of his acceptance of or his refusal to accept all the conditions, tentative approval of the plan, with all of the conditions, will stand as granted.

5. This section does not prevent the city or county and the landowner from mutually agreeing to a change in such conditions, and the city or county may, at the request of the landowner, extend the time during which the landowner is required to notify the city or county of his acceptance or refusal to accept the conditions.]

SEC. 72. NRS 280A.500 is hereby amended to read as follows:

280A.500 1. A copy of the minutes shall be mailed to the landowner. [Where tentative approval has been granted, the notation of this fact shall be placed on the zoning map.]

2. Tentative approval of a plan [shall] *does* not qualify a plat of the planned unit residential development for recording [nor] *or* authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, shall not be modified, revoked or otherwise impaired by action of the city or county pending an application for final approval, without the consent of the landowner. Such impairment by action of the city or county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

3. The tentative approval shall be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances applicable thereto as they may be amended from time to time, if:

(a) The landowner elects to abandon the plan or any part thereof, and so notifies the city or county in writing; or

(b) The landowner fails to file application for the final approval within the required time.

[Notation of the action taken shall be made on the zoning map.]

SEC. 73. NRS 280A.520 is hereby amended to read as follows:

280A.520 The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use;
2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such area;

3. **[Increase]** *Substantially increase* the floor area proposed for non-residential use; or

4. **[Increase]** *Substantially increase* the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing **[shall]** *need* not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

SEC. 74. NRS 280A.560 is hereby amended to read as follows:

280A.560 1. A plan, or any part thereof, which has been given final approval by the city or county, shall be certified without delay by the city or county and shall be filed of record in the office of the appropriate county recorder before any development shall take place in accordance therewith.

2. Upon **[the filing of record of the plan,]** *recording pursuant to subsection 1*, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to be of any further force and effect.

3. Pending completion of such planned unit residential development, or of that part thereof that has been finally approved, no modification of the provisions of such plan, or any part thereof as finally approved, **[shall]** *may* be made, nor **[shall]** *may* it be impaired by any act of the city or county except with the consent of the landowner.

4. The county recorder shall collect a fee of **[\$25, plus 25 cents]** *\$50, plus 50 cents* per lot or unit mapped, for the **[recordation]** *recording* or filing of any final map, plat or plan. The fee shall be deposited in the general fund of the county where it is collected.

SEC. 75. NRS 280A.570 is hereby amended to read as follows:

280A.570 No further development **[shall]** *may* take place on the property included in the plan until after the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:

1. The plan, or a section thereof, is given approval and, thereafter, the landowner abandons such plan or the section thereof as finally approved and gives written notification thereof to the city or county; or

2. The landowner fails to commence and carry out the planned unit residential development within **[a reasonable]** *the specified* period of time after the final approval has been granted.

SEC. 76. NRS 361.205 is hereby amended to read as follows:

361.205 When the owners of land have laid out and platted the land into lots, streets, alleys and public places and the maps or plats thereof have been duly filed and approved according to **[the provisions of chapter 116 of NRS,]** *law*, such land may be described by numbers or letters as shown on the map or plat.

SEC. 77. NRS 361.210 is hereby amended to read as follows:

361.210 When an owner of land has furnished any map or plat not duly filed and approved according to [the terms of chapter 116 of NRS.] law and such map or plat contains sufficient information clearly to identify the land, and it is properly identified by and filed with the county assessor or the board of county commissioners of the county where the map or plat is filed, the land may be described by reference to this map.

SEC. 78. NRS 404.050 is hereby amended to read as follows:

404.050 1. At any time when a majority of the resident taxpayers of a road district, according to the last previous assessment roll, [shall petition] petitions the board of county commissioners for the location, opening for public use, establishment, change or vacation of any public road or highway, or road to connect with any highway [heretofore established,] or any street or alley in any unincorporated town in the county, setting forth in the petition the beginning, course and termination of such road, highway, street or alley proposed to be located and opened for public use, established, changed or vacated, together with the names of the owner or owners of the land through which the same will pass, the petition may be presented to the county clerk of the county. The county clerk shall lay the petition before the board of county commissioners at the next meeting of the board after the reception of the petition.

2. Within 30 days thereafter, the board of county commissioners shall proceed to locate, open to public use, establish, change or vacate such road, highway, street or alley.

[3. In no case shall the board of county commissioners cause any road or street to be opened where the same shall run diagonally through any lands or lot, so as greatly to impair it in shape, or through an orchard 4 years old, without the consent of the owner or owners thereof. In all cases the board of county commissioners shall follow legal subdivision lines of the government surveys or of town plats, where the same is practicable.]

SEC. 79. NRS 625.360 is hereby amended to read as follows:

625.360 A record of survey is not required of any surveyor when:

1. [It is made by a public officer in his official capacity, has been filed by him as a permanent record of his office and is available for public inspection.

2.] It is of a preliminary nature.

[3.] 2. A map is in preparation for recording or [shall have been] is recorded under present law.

SEC. 80. NRS 625.370 is hereby amended to read as follows:

625.370 1. The charge for filing and indexing any record of survey [and for indexing the same shall be \$2.50] is \$5.00.

2. The record of survey shall be suitably filed by the county recorder and he shall keep proper indexes of such survey records by name of tract, subdivision or United States land subdivision.

SEC. 81. 1. NRS 116.010 to 116.060, inclusive, 116.080 to 116.150, inclusive, 255.140, 268.200, 268.210, 278.400, 278.420, 278.430, 278.440, 278.465, 278.470, 278.491 to 278.495, inclusive, 278.4978, 278.560, 280A.090, 280A.450 and 280A.530 are hereby repealed.

2. NRS 116.070 is hereby repealed.
SEC. 82. Section 4 and subsection 2 of section 81 of this act shall become effective at 12:01 a.m. on July 1, 1977.

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APPENDIX D

SUGGESTED LEGISLATION

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SUMMARY--Establishes procedure to consolidate certain lots of land.
(BDR 22-335)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: No.

AN ACT relating to the division of land; establishing a procedure for an owner, subdivider or governing body to consolidate certain lots into one lot; and providing other matters properly relating thereto.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Any owner, subdivider or governing body desiring to consolidate three lots or less, which were created by a recorded subdivision map, parcel map or map of division into large parcels, into one lot must submit a written application accompanied by a tentative map of consolidation to the governing body or, if authorized by local ordinance, to the planning commission, for approval. The application must describe the requested changes.*

2. *The tentative map of consolidation must:*

(a) Contain the appropriate certificates required by NRS 278.376 to 278.4725, inclusive, for the original division of the land.

(b) Contain the same survey dimensions as the recorded subdivision map, parcel map or map of division into parcels which created the lots that are being consolidated.

3. If the tentative map of consolidation is approved pursuant to section 3 of this act, the owner, subdivider or governing body proposing the consolidation shall submit a final map of consolidation to the governing body or, if authorized by local ordinance, the planning commission. The final map must:

(a) Comply with the requirements of paragraphs (a) and (b) of subsection 2.

(b) Be prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on the recorded map that created the lots that are being consolidated. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for the correctness of other information shown on or copied from the recorded map. The professional land surveyor shall include in his certificate, sufficient information to identify clearly the recorded map that created the lots that are being consolidated.

(c) Be clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits,

certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

4. The size of each sheet of a final map of consolidation must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

5. The scale of a final map of consolidation must be large enough to show all details clearly and enough sheets must be used to accomplish this end.

6. The particular number of the sheet and the total number of sheets comprising a final map of consolidation must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

7. Except for the provisions of this section, section 3 of this act and any provision relating to the payment of fees in conjunction with filing, recordation or checking of a tentative or final map of consolidation, no other provision of NRS 278.010 to 278.630, inclusive, applies to a map made solely for the purpose of consolidating three lots or less into one lot.

Sec. 3. 1. Except as otherwise provided in subsection 2, the governing body or, if authorized by local ordinance, the planning commission, shall, at its next meeting, or within 10 days after the date on which the written application is submitted pursuant to section 1 of this act, whichever is earlier, approve a tentative map of consolidation if the map complies with the requirements of subsection 2 of section 2 of this act and any applicable local ordinance or ruling made pursuant to a local ordinance.

2. The governing body or planning commission shall not approve a tentative map of consolidation which proposes:

(a) To consolidate any lot or portion thereof which has been previously consolidated pursuant to this section; or

(b) To vacate or abandon any street or easement, unless the owner, subdivider or governing body seeking the consolidation has complied with the provisions of NRS 278.480.

3. Upon approval of the tentative map of consolidation and submission of a final map of consolidation in compliance with the requirements of section 2 of this act, the final map must be recorded by the governing body or, if authorized by local ordinance, by the planning commission, in the office of the county recorder. The county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. "Building code" means ordinances, plans, regulations [,] or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" or "*planning commission*" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

4. "Common-interest community" has the meaning ascribed to it in NRS 116.110323.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of 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.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, [and within the limitations therein set forth, regulating the design and improvement of land subdivisions.] *and sections 2 and 3 of this act.*

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 [and 278.464 to 278.467, inclusive.] , 278.464, 278.466 *and* 278.467.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.

Sec. 5. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this state or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) 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;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which [are] is now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, *and* 278.473 to [278.477, inclusive, 278.480 and 278.490.] 278.490, *inclusive, and sections 2 and 3 of this act.*

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act, if:*

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

4. This chapter does not apply to the division of land for agricultural purposes into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved .

Sec. 6. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, until the required map thereof, in full compliance with the appropriate provisions of NRS 278.010 to

278.630, inclusive, *and sections 2 and 3 of this act*, and any local ordinance, has been recorded in the office of the recorder of the county in which any portion of the subdivision or land divided is located.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than \$300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation *of any provision of NRS 278.010 to 278.630, inclusive, or section 2 or 3 of this act*, is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

Sec. 7. NRS 278.600 is hereby amended to read as follows:

278.600 Any county recorder who records a map contrary to the provisions of NRS 278.010 to 278.630, inclusive, *of sections 2 or 3 of this act*, or of any local ordinance adopted pursuant thereto [shall be deemed] *is* guilty of a misdemeanor.

Sec. 8. NRS 278.620 is hereby amended to read as follows:

278.620 Any sale or contract to sell made contrary to the provisions of NRS 278.010 to 278.630, inclusive, *or section 2 or 3 of this act*, is voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal

representative, or trustee in insolvency or bankruptcy within 1 year after the date of execution of the sale or contract to sell, but the sale or contract to sell is binding upon any assignee or transferee of the buyer or person contracting to purchase, other than those above enumerated, and upon the vendor, or person contracting to sell, or his assignee, heir or devisee.

Sec. 9. NRS 278.630 is hereby amended to read as follows:

278.630 1. When there is no final map, parcel map or map of division into large parcels as required by the provisions of NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, then the county assessor shall determine, as lands are placed upon the tax roll and maps of the county assessor's office, any apparent discrepancies with respect to the provisions of NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, and shall report his findings in writing to the governing body of the county or city in which such apparent violation occurs.

2. Upon receipt of the report the governing body shall cause an investigation to be made by the district attorney's office, when such lands are within an unincorporated area, or by the city attorney when within a city, the county recorder and any planning commission having jurisdiction over the lands in question.

3. If the report shows evidence of *a* violation of the provisions of NRS 278.010 to 278.630, inclusive, *or section 2 or 3 of this act*, with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or person, firm or corporation with respect to

violation of the provisions of those sections, the district attorney of each county in this state shall prosecute all such violations in respective counties in which the violations occur.

SUMMARY--Revises provisions governing division of land into four lots or less and revises provisions governing division of land into certain large parcels. (BDR 22-336)

FISCAL NOTE: **Effect on Local Government: No.**

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the division of land; revising certain provisions governing the division of land into four lots or less; revising certain provisions governing the division of land into large parcels; and providing other matters properly relating thereto.

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

Section. 1. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, unless the context otherwise requires:

• **1. "Building code" means ordinances, plans, regulations [,] or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.**

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" or "*planning commission*" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

4. "Common-interest community" has the meaning ascribed to it in NRS 116.110323.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of 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.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630,

inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 [and 278.464 to 278.467, inclusive.] , 278.464, 278.466 and 278.467.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.

Sec. 2. NRS 278.461 is hereby amended to read as follows:

278.461 1. **[A]** *Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four [or fewer lots shall file a parcel map in the office of the county recorder, unless this requirement is] lots or less shall:*

(a) Prepare a parcel map and file a copy 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 these 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.]

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

3. 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.

[3.] 4. 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.

[4.] 5. 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 [are] 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.

[5.] 6. 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.

[6.] 7. 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.

Sec. 3. NRS 278.462 is hereby amended to read as follows:

278.462 The governing body [may require:

1. Street] *or, if authorized by the governing body, the planning commission:*

1. *May require street* grading, drainage provisions and lot designs as are reasonably necessary . [and, if the governing body]

2. *If it anticipates that the parcels will be used for residential , commercial or industrial purposes,* [provisions for the supply and quality of water and sewage as are reasonably necessary.

2. Offsite] *may require offsite* access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use

which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body *or, if authorized by the governing body, the planning commission* may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to [a] :

(a) A single parcel ; or

(b) A contiguous tract of land under the same ownership ,

any reasonable improvement, but not more than would be required if the parcel were a subdivision.

Sec. 4. NRS 278.463 is hereby amended to read as follows:

278.463 A parcel map [shall] *must* be based on a survey made for that purpose, unless this requirement is waived *pursuant to NRS 278.464* by the same authority by which the requirement of filing a parcel map may be waived. The requirement of a survey may be waived *pursuant to NRS 278.464* if, in the judgment of the waiving authority, a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

Sec. 5. NRS 278.464 is hereby amended to read as follows:

278.464 1. [The] *Except as otherwise provided in subsection 2, if there is a planning commission it shall, within 30 days after receiving a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.*

2. If the governing body has authorized the planning commission to act finally on a parcel map, the planning commission shall, within 30 days after receiving the parcel map, approve, conditionally approve or disapprove the map. It shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to act finally and it fails to take action within the 30 days after receiving the parcel map, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to act finally, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall , within 30 days after the parcel map is submitted to the governing body pursuant to subsection 1 or pursuant to subsection 2 of NRS 278.461, review and approve, conditionally approve or disapprove [a] the parcel map . [and] Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the 30 days after the parcel map is submitted to the governing body, the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist , a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map or survey.

[2.] Before waiving the requirement for a parcel map or survey, a determination must be made by the county surveyor or another professional land surveyor that a survey is not required.

[3.] Unless the time is extended by mutual agreement , a request for a waiver [or the submission of a parcel map] must be acted upon within 30 days or in the absence of action *the waiver* shall be deemed approved.

[4.] 5. An applicant aggrieved by a decision of the governing body's authorized representative *or by a final act of the planning commission* may appeal to the [planning commission within 30 days and the commission shall render its decision within 45 days after filing of the appeal.

5. If the planning commission denies the appeal, the applicant may appeal to the] governing body within 30 days . [and the] *The* governing body shall render its decision within 45 days after [filing of the appeal.

6. The approval of] *the date the appeal is filed.*

6. *If a parcel map and the associated [land] division of land are approved or deemed approved pursuant to this section, the approval* must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission.

Sec. 6. NRS 278.467 is hereby amended to read as follows:

278.467 1. If the *requirement for a* parcel map is waived , the authority which granted the waiver may require the preparation and recording of a document which contains:

- (a) A legal description of all parts based on a system of rectangular surveys;
- (b) A provision for the dedication or reservation of any road right of way or easement; and

(c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his signature and stamp.

3. The person preparing the document may include the following statement:

This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

[4. A document recorded pursuant to this section 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.]

Sec. 7. NRS 278.468 is hereby amended to read as follows:

278.468 1. [The parcel map filed with] *If a parcel map is approved pursuant to NRS 278.464, the person who proposed the map shall:*

(a) File the approved map in the office of the county recorder within 1 year after the date the map was approved. 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.

(b) Pay a \$10 fee to the county recorder for filing and indexing.

2. *Upon receipt of a parcel map*, the county recorder [of any county must be filed] *shall file the map* in a suitable place. He shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

[2. The charge for filing and indexing any parcel map is \$10.]

Sec. 8. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, any person who proposes to make a division of land [must] *shall* first file a tentative map with the planning commission for the area in which the land is located, or with the clerk of the governing body if there is no planning commission, and a filing fee of no more than \$250 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) [All] *Any* roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Any easements for public utilities which exist or which are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(e) An indication of any existing road or easement which the owner does not intend to dedicate.

(f) The name and address of the owner of the land.

[4. Each lot must be accessible by road or easement traversable by vehicles suited to the area, unless this requirement is waived by the governing body.]

Sec. 9. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. [The] *Except as otherwise provided in this section, the governing body or planning commission [must] shall approve, conditionally approve or disapprove the final map basing its action upon the requirements of NRS 278.472, within 45 days after its filing. A decision made by the planning commission may be appealed to the governing body by any aggrieved person within 45 days after the action of the planning commission. If the map is disapproved, the governing body or planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of what changes would be necessary to render the map acceptable. [If] Except as otherwise provided in subsection 2, if the governing body or planning commission neither approves nor disapproves the map within 45 days, the map shall be deemed approved unconditionally.*

2. *If the final map divides the land into 16 lots or more, the governing body or planning commission shall not approve a map, and a map shall not be deemed approved, unless:*

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

3. If the final map divides the land into 15 lots or less, the governing body may, if reasonably necessary, require the map to comply with the provisions of subsection 2.

4. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

[3.] 5. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by the owner of land consenting to the dedication of the roads and granting of the easements.

(b) A certificate signed by the clerk of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 for action by the governing body or the planning commission has expired [.] and that the requirements of subsection 2 have been met.

(c) 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.

[4.] 6. *A governing body may by local ordinance require a final map to include:*

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

7. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

[5.] 8. The county recorder shall charge and collect for recording the map a fee of no more than \$25 per page set by the board of county commissioners.

Sec. 10. NRS 278.5693 is hereby amended to read as follows:

278.5693 1. [If] *For* a boundary line [is] *to be* adjusted or *for* land [is] *to be* transferred pursuant to paragraph (c) of subsection [3] 4 of NRS 278.461, a

professional land surveyor [shall perform] *must have performed* a field survey, set monuments and [file] *filed* a record of survey pursuant to NRS 625.340.

2. A record of survey filed pursuant to subsection 1 must contain:

(a) A certificate by the professional land surveyor who prepared the map stating that:

(1) He has performed a field survey of the boundaries of the affected parcels;

(2) [That all] *All* corners and angle points of the adjusted boundary line have been set; and

(3) The map is not in conflict with the provisions of NRS 278.010 to 278.630, inclusive.

(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

(1) He has examined the plat and approves and authorizes the recordation thereof;

(2) He agrees to execute the required documents creating any easement which is shown;

(3) He agrees to execute the required documents abandoning any existing easement pursuant to the provisions of NRS 278.010 to 278.630, inclusive;

(4) All property taxes on the land for the fiscal year have been paid; and

(5) [That any] *Any* lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.

Sec. 11. NRS 540.081 is hereby amended to read as follows:

540.081 NRS 540.061 to 540.091, inclusive, do not apply to:

1. A publicly owned project;
2. A subdivision as defined in NRS 278.320;
3. A parcel map [filed pursuant to] *subject to the provisions of* NRS 278.461
[;] *to 278.469, inclusive;*
4. A division of land pursuant to NRS 278.471 to 278.4725, inclusive; or
5. A planned unit development pursuant to chapter 278A of NRS.

SUMMARY--Revises provisions relating to tentative and final maps of subdivisions of land. (BDR 22-337)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the development of land; revising various provisions relating to tentative and final maps of subdivisions of land; revising the provisions governing when the building code of a city supersedes the building code of a county; and providing other matters properly relating thereto.

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

Section 1. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, unless the context otherwise requires:

1. "Building code" means ordinances, plans, regulations [,] or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" or "*planning commission*" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

4. "Common-interest community" has the meaning ascribed to it in NRS 116.110323.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of 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.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630,

inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 [and 278.464 to 278.467, inclusive.] , *278.464, 278.466 and 278.467.*

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.

Sec. 2. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of such map with the planning commission [,] *or its designated representative*, or with the clerk of the governing body if there is no planning commission , together with a filing fee in an amount determined by the governing body.

3. The commission, *its designated representative*, the clerk *or other designated representative* of the governing body or, when permitted by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission , it shall, within 45 days after receiving a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to act finally on a tentative map, the planning commission shall, within 45 days after receiving a tentative map, approve, conditionally approve or disapprove the

tentative map in the manner provided for in NRS 278.349. It shall file its written decision with the governing body.

Sec. 3. NRS 278.335 is hereby amended to read as follows:

278.335 1. A copy of the tentative map must be forwarded by the [local government] *planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body*, to the division of water resources and the division of environmental protection of the state department of conservation and natural resources , and the health division of the department of human resources [,] or the [local representative] *district board of health* acting for the health division [,] *pursuant to subsection 2*, for review.

2. [The] *In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the health division to review and certify proposed subdivisions and conduct construction or installation inspections must be exercised by the district board of health . [or, where there is no district board of health, then by the incorporated city within whose limits, or the county in whose unincorporated area, the subdivision is to be situated if:*

(a) The district board of health or the city or county requests such authority of the health division; and

(b) The health division determines that the district board of health or the city or county is adequately staffed to conduct the subdivision review and inspections.]

3. A district board of health [or a city or county] which conducts reviews and inspections under this section shall [certify to the health division within 10 days after filing its recommendations concerning the tentative map and after approving the final map that the subdivision meets] *consider* all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. *At least four times annually, the district board of health shall notify the health division of the department of human resources which subdivisions met these requirements of law and have been certified by the district board of health.*

4. The state is not chargeable with any expense incurred by a district board of health [or a city or county] acting pursuant to this section.

5. Each reviewing agency shall , within 15 days from the receipt of the tentative map , file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

6. The [local government] *planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body* shall, for informational purposes only, immediately forward a copy of the tentative map to the public service commission of Nevada for any subdivision which will provide water or services for the disposal of sewage and is subject to the provisions of NRS 704.679. The public service commission of Nevada shall acknowledge receipt of the tentative map within 15 days after it is received.

Sec. 4. NRS 278.340 is hereby amended to read as follows:

278.340 [1. Whenever any] *Except as otherwise provided in a comprehensive regional plan adopted pursuant to NRS 278.026 to 278.029, inclusive, whenever a* subdivider proposes to subdivide any land within [3 miles] *1 mile outside* of the exterior boundary of a city, [which city has a planning commission, the county planning commission or governing body shall file a copy of the subdivider's tentative map with the city planning commission. The city planning commission shall have not to exceed 30 days' time for action on the map and report to the governing body of the county in which the subdivision is situated. The planning commission or governing body of the county shall take into consideration the report of the city planning commission before approving the tentative map of any subdivision within the 3-mile limit.

2. If such city has no planning commission, the county planning commission or governing body shall file a copy of the subdivider's tentative map with the governing body of the city, which shall report to the planning commission or governing body of the county in which the subdivision is situated within 30 days after such filing. The planning commission or governing body of the county shall take such report into consideration before approving the tentative map of any subdivision within the 3-mile limit.] *the planning commission of the county or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body of the county shall forward a copy of the tentative map to the planning*

commission of the city or, if there is no planning commission, the governing body of the city for review and comment.

Sec. 5. NRS 278.345 is hereby amended to read as follows:

278.345 Whenever [any] a subdivider proposes to subdivide any [lands] land within an incorporated city in a county whose population is [400,000] 100,000 or more, [which does not have a regional planning commission, the city planning commission or governing body shall file a copy of the subdivider's tentative map of the proposed subdivision with the county planning commission. Within 30 days after the map is filed, the county planning commission shall take action on the map and report to the governing body of the city in which the subdivision is situated. The planning commission or governing body of the city shall take into consideration the report of the county planning commission before approving the tentative map of any subdivision.] *and the proposed subdivision is within 1 mile of the exterior boundary of an unincorporated area of the county, the planning commission of the city or its designated representative, or, if there is no planning commission, the governing body of the city or its designated representative shall forward a copy of the subdivider's tentative map:*

- 1. To the planning commission of the county for review and comment; or*
- 2. If there is no planning commission of the county, to the clerk of the governing body of the county. The clerk shall submit the map to the governing body of the county at its next regular meeting for review and comment.*

Sec. 6. NRS 278.346 is hereby amended to read as follows:

278.346 1. The planning commission or *its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body* [with which the tentative map is filed] shall forward a copy of [such] *the tentative* map to the board of trustees of the school district within which [such lands are] *the proposed subdivision is* located. Within 15 days after receipt of [such] *the* copy, the board of trustees shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site, the person proposing the subdivision shall set aside a site of the size which is determined by the board. [Such] *The person proposing the subdivision* and the board of trustees shall negotiate for the price of the site, which [shall] *must* not exceed the fair [cash] market value of the land as determined by an independent appraisal paid for by the board. If any [lands] *land* purchased by a school district pursuant to the provisions of this subsection have not been placed in use as a school site at the end of 10 years from the date of purchase, [they shall then first] *the land must* be offered to the subdivider or his successor in interest at a sale price equal to the fair market value. If such person does not accept the offer, then the board of trustees may:

(a) Sell or lease such property in the manner provided in NRS 277.050 or NRS 393.220 to 393.320, inclusive;

(b) Exchange such property in the manner provided in NRS 277.050 or NRS 393.326 to 393.3293, inclusive; or

(c) Retain such property, if such retention is determined to be in the best interests of the school district.

3. Except as provided in subsection 4, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection 2.

4. Land dedicated under the provisions of former NRS 116.020, as it read [prior to] *before* April 6, 1961, which the board of trustees determines is unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or his successor or successors in interest.

Sec. 7. NRS 278.347 is hereby amended to read as follows:

278.347 [Except where a board of county commissioners is the board of trustees of a district, when] *When* any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the [county] 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 board of trustees of the district. The board of trustees may within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take any such comments into consideration before approving the tentative map.

Sec. 8. NRS 278.348 is hereby amended to read as follows:

278.348 In any county whose population is less than 100,000, when any subdivider proposes to subdivide land, any part of which is located within the boundaries of any irrigation district organized pursuant to chapter 539 of NRS, the [county] 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 board of directors of the district. The board of directors shall within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

Sec. 9. 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 act finally, shall, by a majority vote of the members present, approve, conditionally approve, or disapprove a tentative map filed [with it] pursuant to NRS 278.330 within 30 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 within 45 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 act finally 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 [and fire] protection, transportation, recreation and parks;

(e) [General conformity] *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 flood plain, slope and soil;
[and]

(i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 [and 278.335.] to 278.348, *inclusive*;
and

(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.

4. When the board of trustees of a school district develops a plan for the future construction of one or more schools, it shall notify each city, county or regional planning commission any part of whose territory will be served by a proposed school. The notice must include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The board shall notify each commission of any change in or abandonment of its plan.

5. The governing body or planning commission shall, by a majority vote of the members present, make a final disposition of the tentative map. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 10. NRS 278.360 is hereby amended to read as follows:

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

1. Unless the time is extended, the subdivider shall present to the governing body, or planning commission if it has been authorized to act finally, a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within [1 year] 2 years or within successive [1-year] 2-year periods after the date of approval of the tentative map.

2. If the subdivider fails to record a final map for any portion of the tentative map within [1 year] 2 years after the date of approval of the tentative map, or within [1 year] 2 years after the date of approval of the most recently recorded final map, all proceedings concerning the subdivision are terminated.

3. The governing body or planning commission may grant an extension of not more than 1 year for the presentation of any final map after the [1-year] 2-year period for presenting the entire final map or next successive final map has expired.

Sec. 11. NRS 278.374 is hereby amended to read as follows:

278.374 1. A final map presented for filing [shall] *must* include a certificate signed and acknowledged, pursuant to NRS 111.270, by [any] *each* person who is [the] *an* owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility or person in whose favor the easement is created or whose services are required.

2. *A final map of a common-interest community presented for filing and, if required by local ordinance, a final map of any other subdivision presented for filing must include:*

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

A report accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

3. For the purpose of this section the following shall be deemed not to be an interest in land : [under this section:]

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

[3. Upon the final map presented for filing by a common-interest community, a title company must, and for any other subdivision a local government may by ordinance require a title company to:

(a) Certify that each person signing the final map owns of record an interest in the land and that all of the owners of record of the land have signed the final map; and

(b) List any lien or mortgage holders of record. For a common-interest community, the certificate must show that there are no liens against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.]

Sec. 12. NRS 278.377 is hereby amended to read as follows:

278.377 1. A final map presented for filing must include a certificate by:

(a) The health division of the department of human resources [,] or the [local agency] *district board of health* acting pursuant to NRS 278.335 indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities. The health division or [local agency] *district board of health* may not issue a certificate unless it has received written verification from the division of environmental protection of the state department of conservation and natural resources that the map or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.

(b) The division of water resources of the state department of conservation and natural resources, showing that the final map is approved concerning water quantity.

2. Any person aggrieved by the issuance or denial of approval with regard to water pollution and sewage disposal by the division of environmental protection of the state department of conservation and natural resources may appeal to the state environmental commission, which shall affirm, modify or reverse the action of the division. The commission shall adopt regulations providing the time within which appeals must be taken and the manner of taking the appeal to the commission.

3. A copy of the certificate by the division of water resources required by subsection 1 must be furnished to the subdivider who in turn shall provide a copy of [such] *the* certificate to each purchaser of land before the time the sale is completed. Any statement of approval as required in subsection 1 is not a warranty or representation in favor of any person as to the safety or quantity of such water.

Sec. 13. NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not file for record any final map unless the map:

(a) Contains *the report and* all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance.

(b) Is 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.

2. Nothing contained in NRS 278.010 to 278.630, inclusive, prevents the recording , pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and any applicable local ordinances , of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, prohibit the filing of a map in accordance with the provisions of any statute requiring the filing of professional land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him.

Sec. 14. NRS 278.477 is hereby amended to read as follows:

278.477 1. Any amendment of a recorded subdivision plat, parcel map, map of division into large parcels, or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels, or record of survey, the same procedures and requirements apply as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map and the requirements of subsection 2 apply.

2. Any amended plat, map or survey must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a blank margin for the county recorder's index information;

(d) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp;

(e) Contain the *report and the* certificate required by NRS 278.374 , or *contain* an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that a bona fide effort was made to communicate with the necessary persons, that all persons who responded have consented thereto and that the amendment does not adversely affect the persons who did not respond;

(f) Contain a certificate of the professional land surveyor registered pursuant to chapter 625 of NRS who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and 625.340 to 625.380, inclusive, and with any applicable local ordinance; and

(g) Contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he is registered as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS stating that he has examined the document and that it is technically correct.

3. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index

for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 15. NRS 278.490 is hereby amended to read as follows:

278.490 1. Any owner or governing body desiring to revert [or abandon] any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to abandon the map or portion thereof shall submit a written application accompanied by a map of the proposed abandonment or reversion which contains the same survey dimensions as the recorded map to the governing body or, if authorized by ordinance, to the planning commission, for approval. The application must describe the requested changes.

2. The map must contain the *report and the* appropriate certificates required by NRS 278.374 and 278.376 to 278.4725, inclusive, for the original division of the land, and must be presented to the governing body or, if authorized by ordinance, to the planning commission, for approval. If the map includes the abandonment of any public street or easement, the provisions of NRS 278.480 must be followed before the approval of the map.

3. The final map must be:

(a) Prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on a recorded map that is being abandoned or reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments

or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in his certificate, recording information which is sufficient to identify clearly the recorded map being reverted or abandoned.

(b) Clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

4. The size of each sheet of the map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

5. The scale of the map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.

6. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

7. Except for the provisions of this section and any provision or ordinance relating to the payment of fees in conjunction with filing , [or] recordation or checking of a map of the kind offered, no other provision of NRS 278.010 to 278.630, inclusive, applies to a map made solely for the purpose of abandonment of a former map or for reversion of any land division to acreage.

8. Upon approval of the map of reversion or abandonment, it must be recorded by the governing body or, if authorized by ordinance, by the planning commission, in the office of the county recorder . [and the] *The* county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 16. NRS 278.580 is hereby amended to read as follows:

278.580 1. [The] *Subject to the limitation set forth in NRS 244.368, the* governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures , and *may adopt* rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. [Schedules] *A schedule* of fees so fixed [shall] *does* not apply to the State of Nevada and its political subdivisions.

3. [A city building code which has rules, regulations and specifications more stringent than the building code of the county within which such city is located shall supersede, with respect to the area within a 3-mile limit of the boundaries of such city, any provisions of such building code not consistent therewith.

4. None of the provisions of subsection 3 shall be applicable to farm or ranch buildings in existence on March 30, 1959.

5.] Notwithstanding any other provision of law, the state and its political subdivisions [must] *shall* comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

Sec. 17. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. These fees do not apply to the State of Nevada and its political subdivisions.

Sec. 18. NRS 244.368 is hereby amended to read as follows:

244.368 1. A [city] *city's* building code which has rules, regulations and specifications more stringent than the building code of the county within which [such] *the* city is located [shall supersede,] *supersedes*, with respect to the area *within the city and* within a [3-mile] *1-mile* limit *outside* of the boundaries of [such] *the* city, any provisions of [such county] *the county's* building code not consistent therewith.

2. [None of the] *The* provisions of this section [shall be applicable] *do not apply* to farm or ranch buildings in existence on March 30, 1959.

Sec. 19. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.
2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. These fees do not apply to the State of Nevada and its political subdivisions.

SUMMARY--Makes various changes relating to subdivision of land.
(BDR 22-338)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to planning the use of land; making various changes relating to the subdivision of land; providing a penalty; and providing other matters properly relating thereto.

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The map of reversion or abandonment submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 and 278.377 for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by sections 3 and 4 of this act. If the map includes the abandonment of any street or easement owned by a city, a county or the state, the provisions of NRS 278.480 must be followed before approval of the map.*

2. *The final map of reversion or abandonment must be:*

(a) Prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on a recorded map that is being abandoned or reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in his certificate information which is sufficient to identify clearly the recorded map being reverted or abandoned.

(b) Clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

3. *The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.*

4. *The scale of the final map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.*

5. *The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.*

Sec. 3. 1. A map of reversion or abandonment presented for filing must include a certificate signed and acknowledged, pursuant to NRS 111.270, by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion or abandonment.

2. A governing body may by ordinance require a map of reversion or abandonment presented for filing to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land; and

(2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion or abandonment. A holder of record may consent by signing:

(1) The map of reversion or abandonment; or

(2) A separate document that is filed with the map of reversion or abandonment and declares his consent to the reversion or abandonment.

3. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

Sec. 4. A map of reversion or abandonment presented to the county recorder for filing:

1. Must include a certificate by the clerk of the governing body or the planning commission stating that it approved the map.

2. Must not be accepted for filing unless the director of planning or, if there is no director of planning, the clerk of the governing body has certified on the map of reversion or abandonment that it substantially complies with all state statutes and local ordinances, and all conditions of approval have been met.

Sec. 5. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires:

1. "Building code" means ordinances, plans, regulations [,] or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" or "*planning commission*" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

4. "Common-interest community" has the meaning ascribed to it in NRS 116.110323.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, *sections 2, 3 and 4 of this act* and [those of] 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.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act*, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 [and 278.464 to 278.467, inclusive.] , 278.464, 278.466 and 278.467.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.

Sec. 6. NRS 278.325 is hereby amended to read as follows:

278.325 1. If *a subdivision is proposed on* land [is subdivided] which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive [.] , *and sections 2, 3 and 4 of this act.*

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. *Except as otherwise provided in subsection 4, a boundary or line must not be created by a conveyance of a parcel from a subdivision zoned for industrial or commercial development unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in NRS 625.340.*

4. *The provisions of subsection 3 do not apply to a boundary or line that is created entirely within an existing industrial or commercial building.*

Sec. 7. NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not file for record any final map unless the map:

(a) Contains all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance.

(b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

2. Nothing contained in NRS 278.010 to 278.630, inclusive, *or sections 2, 3 and 4 of this act*, prevents the recording , pursuant to the provisions of NRS 278.010 to 278.630, inclusive, *sections 2, 3 and 4 of this act* and any applicable local ordinances , of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, *or sections 2, 3 or 4 of this act*, prohibit the filing

of a map in accordance with the provisions of any statute requiring the filing of professional land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him

Sec. 8. NRS 278.461 is hereby amended to read as follows:

278.461 1. [A] *Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four or fewer lots shall file a parcel map in the office of the county recorder, unless this requirement is 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] no property taxes on the land [for the fiscal year have been paid.] are delinquent.*

2. 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.

3. 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.

(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.

4. 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 [are] 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.

5. 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, *and sections 2, 3 and 4 of this act*, until further divided.

6. 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.

Sec. 9. NRS 278.467 is hereby amended to read as follows:

278.467 1. If the *requirement for a parcel map* is waived , the authority which granted the waiver may require the preparation and [recording] *recordation* of a document which contains:

- (a) A legal description of all parts based on a system of rectangular surveys;
- (b) A provision for the dedication or reservation of any road right of way or easement; and
- (c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his signature and stamp.

3. The person preparing the document may include the following statement:

This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

4. A document recorded pursuant to this section 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] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

Sec. 10. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or governing body has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or, if authorized by ordinance, with the planning commission. 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] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or governing body or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey or based upon the most recent government survey and show the date of

approval of the government survey and contain a certificate by the preparer that the parcels contain the number of acres shown for each parcel.

(e) Clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) All roads or easements of access which exist and which the owner intends to offer for dedication, all roads or easements of access which are shown on the applicable master plan and all roads or easements of access which are specially required by the planning commission or governing body.

(c) Any easements for public utilities which exist or are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 11. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. The governing body or planning commission [must] *shall* approve, conditionally approve or disapprove the final map basing its action upon the requirements of NRS 278.472, within 45 days after its filing. A decision made by the planning commission may be appealed to the governing body by any aggrieved person within 45 days after the action of the planning commission. If the map is disapproved, the governing body or planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of what changes would be necessary to render the map acceptable. If the governing body or planning commission neither approves nor disapproves the map within 45 days, the map shall be deemed approved unconditionally.

2. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

3. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by the owner of land consenting to the dedication of the roads and granting of the easements.

(b) A certificate signed by the clerk of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 for action by the governing body or the planning commission has expired.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

4. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

5. The county recorder shall charge and collect for recording the map a fee of no more than \$25 per page set by the board of county commissioners.

Sec. 12. NRS 278.480 is hereby amended to read as follows:

278.480 1. [Any] *Except as otherwise provided in subsection 10, any* abutting owner or local government desiring the vacation or abandonment of any street or easement *owned by a city, a county or the state, or any portion* thereof [must] , *shall* file a petition in writing with the planning commission or, if there is no planning commission, with the governing body having jurisdiction.

2. If there is a planning commission, it shall report on the petition to the governing body as set forth in NRS 278.240.

3. Whenever any street or easement *owned by a city, a county or the state* is proposed to be vacated, the governing body shall notify by certified mail each owner of property abutting the proposed abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than 10 days and not more than 40 days after the date the notice is first published.

4. Except as provided in subsection 5, if, upon public hearing, the governing body is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed.

5. If a utility has an easement over the property, the governing body shall provide in its order for the continuation of that easement.

6. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city. If the governing body sells the

vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

7. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

8. [Any] *If an* easement for light and air *owned by a city, a county or the state is* adjacent to [any vacated] *a street vacated under the provisions of this section, the easement* is vacated upon the vacation of the street.

9. In any vacation or abandonment of any street *owned by a city, a county or the state, or any portion [of it,] thereof*, the governing body may reserve and except therefrom any easements, rights or interests therein which the governing body deems desirable for the use of the city or of any public utility.

10. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility, but the local ordinance must provide that the simplified procedure may only be used if the affected public utility provides written consent to the vacation or abandonment.

Sec. 13. NRS 278.490 is hereby amended to read as follows:

278.490 1. Any owner or governing body desiring to revert [or abandon] any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to abandon the map or portion thereof shall submit a written application accompanied by a map of the proposed abandonment or reversion which contains the same survey dimensions as the recorded map to the governing body or, if authorized by *local* ordinance, to the planning commission, for approval. The application must describe the requested changes.

2. [The map must contain the appropriate certificates required by NRS 278.374 and 278.376 to 278.4725, inclusive, for the original division of the land, and must be presented to the governing body or, if authorized by ordinance, to the planning commission, for approval. If the map includes the abandonment of any public street or easement, the provisions of NRS 278.480 must be followed before the approval of the map.

3. The final map must be:

(a) Prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the

map has been prepared from information on a recorded map that is being abandoned or reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in his certificate, recording information which is sufficient to identify clearly the recorded map being reverted or abandoned.

(b) Clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

4. The size of each sheet of the map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

5. The scale of the map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.

6. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

7.] *At its next meeting, or within a period of not more than 10 days after the filing of the map of reversion or abandonment, whichever occurs earlier, the*

governing body or, if authorized by local ordinance, the planning commission shall approve the map if it conforms to all of the requirements of this section, sections 2, 3 and 4 of this act and any applicable local ordinance.

3. Except for the provisions of this section , *sections 2, 3 and 4 of this act* and any provision or *local* ordinance relating to the payment of fees in conjunction with filing , [or] recordation or checking of a map of the kind offered, no other provision of NRS 278.010 to 278.630, inclusive, applies to a map made solely for the purpose of abandonment of a former map or for reversion of any land division to acreage.

[8.] 4. Upon approval of the map of reversion or abandonment, it must be recorded by the governing body or, if authorized by ordinance, by the planning commission, in the office of the county recorder . [and the] *The* county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 14. NRS 278.5693 is hereby amended to read as follows:

278.5693 1. [If] *For* a boundary line [is] *to be* adjusted or *for* land [is] *to be* transferred pursuant to paragraph (c) of subsection 3 of NRS 278.461, a professional land surveyor [shall perform] *must have performed* a field survey, set monuments and [file] *filed* a record of survey pursuant to NRS 625.340.

2. A record of survey filed pursuant to subsection 1 must contain:

(a) A certificate by the professional land surveyor who prepared the map stating that:

(1) He has performed a field survey of the boundaries of the affected parcels;

(2) [That all] *All* corners and angle points of the adjusted boundary line have been set; and

(3) The map is not in conflict with the provisions of NRS 278.010 to 278.630, inclusive [.] , *or sections 2, 3 or 4 of this act.*

(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

(1) He has examined the plat and approves and authorizes the recordation thereof;

(2) He agrees to execute the required documents creating any easement which is shown;

(3) He agrees to execute the required documents abandoning any existing easement pursuant to the provisions of NRS 278.010 to 278.630, inclusive [;

(4) All] , *and sections 2, 3 and 4 of this act;*

(4) *No* property taxes on the land [for the fiscal year have been paid;] *are delinquent;* and

(5) [That any] *Any* lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.

Sec. 15. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, until the required map thereof, in full compliance with the appropriate provisions of NRS 278.010 to 278.630, inclusive, *sections 2, 3 and 4 of this act* and any local ordinance, has been recorded in the office of the recorder of the county in which any portion of the subdivision or land divided is located.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than \$300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation *of any provision* of NRS 278.010 to 278.630, inclusive, *or sections 2, 3 or 4 of this act*, is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

Sec. 16. NRS 278.600 is hereby amended to read as follows:

278.600 Any county recorder who records a map contrary to the provisions of NRS 278.010 to 278.630, inclusive, *of sections 2, 3 or 4 of this act* or of any local ordinance adopted pursuant thereto [shall be deemed] *is* guilty of a misdemeanor.

Sec. 17. NRS 278.620 is hereby amended to read as follows:

278.620 Any sale or contract to sell made contrary to the provisions of NRS 278.010 to 278.630, inclusive, *or sections 2, 3 or 4 of this act*, is voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within 1 year after the date of execution of the sale or contract to sell, but the sale or contract to sell is binding upon any assignee or transferee of the buyer or person contracting to purchase, other than those above enumerated, and upon the vendor, or person contracting to sell, or his assignee, heir or devisee.

Sec. 18. NRS 278.630 is hereby amended to read as follows:

278.630 1. When there is no final map, parcel map or map of division into large parcels as required by the provisions of NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act*, then the county assessor shall determine, as lands are placed upon the tax roll and maps of the county assessor's office, any apparent discrepancies with respect to the provisions of NRS 278.010 to 278.630, inclusive, *or sections 2, 3 or 4 of this act*, and shall report his findings in writing to the governing body of the county or city in which such apparent violation occurs.

2. Upon receipt of the report the governing body shall cause an investigation to be made by the district attorney's office [,] when such lands are within an unincorporated area, or by the city attorney when *such lands are* within a city, the county recorder and any planning commission having jurisdiction over the lands in question.

3. If the report shows evidence of violation of the provisions of NRS 278.010 to 278.630, inclusive, *or sections 2, 3 or 4 of this act*, with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or person, firm or corporation with respect to violation of the provisions of those sections, the district attorney of each county in this state shall prosecute all such violations in respective counties in which the violations occur.

SUMMARY--Makes various changes to requirements for division of land.

(BDR 22-339)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the division of land; making various changes to the statutory requirements for the division of land; and providing other matters properly relating thereto.

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 the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *"Building code" means ordinances, plans, regulations or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.*

Sec. 3. *"Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.*

Sec. 4. *"City surveyor" means a person appointed as such or a person designated by a city council or other legislative body of the city to perform the duties of a city surveyor pursuant to this chapter.*

Sec. 5. *"Commission" or "planning commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.*

Sec. 6. *"Common-interest community" has the meaning ascribed to it in NRS 116.110323.*

Sec. 7. *"County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.*

Sec. 8. *"Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of 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.*

Sec. 9. *"Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.*

Sec. 10. *"Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.*

Sec. 11. *"Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive.*

Sec. 12. *"Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.*

Sec. 13. *"Parcel map" means a map as provided in NRS 278.461, 278.462, 278.464, 278.466 and 278.467.*

Sec. 14. *"Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.*

Sec. 15. *"Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.*

Sec. 16. *"Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.*

Sec. 17. *"Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.*

Sec. 18. *"Utility project" means:*

1. An electric transmission line which is designed to operate at 200 kilovolts or more; or

2. A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a governing body.

Sec. 19. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 to 18, inclusive, of this act*, unless the context otherwise requires [:

1. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

4. "Common-interest community" has the meaning ascribed to it in NRS 116.110323.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of 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.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.] , *the words and terms defined in sections 2 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 20. NRS 278.372 is hereby amended to read as follows:

278.372 1. The final map must be clearly and legibly drawn in *permanent* black [waterproof india] ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession . [, but affidavits,] *Affidavits*, certificates and acknowledgments must be legibly stamped or printed upon the *final* map with [opaque] *permanent black* ink.

2. The size of each sheet of the *final* map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the *final* map must be large enough to show all details clearly. The *final* map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the *final* map must indicate its particular number, the total number of sheets in the *final* map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves.

6. Each lot must be numbered [in sequence.] *or lettered*.

7. Each street must be named and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The *final* map must show the definite location of the subdivision, particularly its relation to surrounding surveys.

10. The final map must show the area of each lot and the total area of the land in the subdivision in the following manner:

(a) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(b) In square feet if the area is less than 2 acres.

11. The final map must also satisfy any additional survey and map requirements of the local ordinance.

Sec. 21. NRS 278.375 is hereby amended to read as follows:

278.375 A final map presented for filing must include a certificate of the surveyor responsible for the survey. The certificate must be in the following form:

[Surveyors] Surveyor's Certificate

I,(Name of Surveyor), a Professional Land Surveyor registered in the State of Nevada, certify that:

1. This [is a true and accurate representation of the lands surveyed] *plat represents the results of a survey conducted under my direct supervision at the instance of*

(Owner, Trustee, Etc.) .

2. The lands surveyed lie within

[(Section(s),] (*Section*, Township, Range, Meridian and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less) ,

and the survey was completed on[(date)] (*Date*).

3. This plat complies with the applicable state statutes and any local ordinances [.] *in effect on the date that the survey was completed.*

4. The monuments *depicted on the plat* are of the character shown ,
[and] occupy the positions indicated [.] *and are sufficiently drawn to
enable the survey to be retraced.*

(OR)

4. The monuments *depicted on the plat* will be of the character shown
and occupy the positions indicated by
.....[(a) (A day certain)
and [that] an appropriate [performance bond has been or] *financial
guarantee* will be posted with the [Governing Body] *governing body
before recordation* to assure [their installation.

.....
date Name of Surveyor,
Registration Number and Seal]
the installation of the monuments.

..... *Registration Number and Seal:*
(Name of Surveyor)

Sec. 22. NRS 278.463 is hereby amended to read as follows:

278.463 [A] *Except as otherwise provided in this section, a parcel map
[shall] must* be based on a survey made for that purpose . [, unless this
requirement is waived by the same authority by which the requirement of

filing a parcel map may be waived.] The *county surveyor, city surveyor or professional land surveyor appointed by the governing body, may waive the requirement of a survey [may be waived if, in the judgment of the waiving authority,] if, in his judgment,* a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

Sec. 23. NRS 278.464 is hereby amended to read as follows:

278.464 1. The governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall review and approve, conditionally approve or disapprove a parcel map and if unusual circumstances exist may waive the requirement for a parcel map . [or survey.]

2. Before waiving *the requirement for* a parcel map , [or survey,] a determination must be made by the county surveyor [or another] , *city surveyor or professional land surveyor appointed by the governing body* that a survey is not required.

3. Unless the time is extended by mutual agreement , a request for waiver or the submission of a parcel map must be acted upon within [30] 45 days or in the absence of action shall be deemed approved.

4. An applicant aggrieved by a decision of the governing body's authorized representative may appeal to the planning commission within 30 days and the commission shall render its decision within 45 days after [filing of the appeal.] *the date on which the appeal was filed.*

5. If the planning commission denies the appeal, the applicant may appeal to the governing body within 30 days and the governing body shall render its

decision within 45 days after [filing of the appeal.] *the date on which the appeal was filed.*

6. The approval of a parcel map and the associated [land] *division of land* must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission.

Sec. 24. NRS 278.466 is hereby amended to read as follows:

278.466 1. The parcel map must be legibly drawn in *permanent* black [waterproof india] ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. *Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.* The size of each sheet must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map must indicate the owner of any adjoining land, or any right of way if owned by the person dividing the land.

3. A parcel map must show [the] :

(a) *The* area of each parcel or lot and the total area of the land to be divided in the following manner:

[(a)] (1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

[(b)] (2) In square feet if the area is less than 2 acres.

[4. If a survey is required, the parcel map must show:

(a)] (b) All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

[(b)] (c) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

[(c)] (d) The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

[(d) A memorandum of oaths.

(e) The signature of the surveyor.

(f) The date of the survey.

(g)] (e) The signature of the owner or owners of the land to be divided.

[(h)] (f) Any easements granted or dedications made.

[(i)] (g) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

[5. If a survey is not required, the parcel map must show:

(a) By appropriate reference to the existing information on which it is based, the tract to be divided and the resulting lots;

(b) The means of access to the several lots;

(c) The signature of the owner or owners of the land to be divided;

(d) Any easements granted or dedications made; and

(e) Any other data necessary for an intelligent interpretation of the division and the access.

6. If a survey is not required for the preparation of a parcel map, the map must be prepared by a professional land surveyor, but his certificate upon the map may include substantially the following:

This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior document.

7.] 4. *A parcel map must include:*

(a) The memorandum of oaths described in NRS 625.320.

(b) The certificate of the surveyor required pursuant to NRS 278.375.

5. *A governing body may by local ordinance require a parcel map to include:*

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record may consent by signing:

(1) The parcel map; or

(2) *A separate document that is filed with the parcel map and declares his consent to the division of land.*

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the *division of land* . [division.

8.] 7. Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

Sec. 25. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or governing body has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or, if authorized by *local* ordinance, with the planning commission. 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.

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or governing body or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey [or based upon the most recent government survey and show the date of approval of the government survey] and contain [a certificate by the preparer that the parcels contain the number of acres shown for each parcel.] *the certificate of the surveyor required pursuant to NRS 278.375.*

(e) Clearly and legibly drawn in *permanent* black [waterproof india] ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession . [, but affidavits,] *Affidavits*, certificates and acknowledgments must be legibly stamped or printed upon the map with [opaque] *permanent black* ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) [All] *Any* roads or easements of access which exist and which the owner intends to offer for dedication, [all] *any* roads or easements of access which are

shown on the applicable master plan and [all] any roads or easements of access which are specially required by the planning commission or governing body.

(c) Any easements for public utilities which exist or are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 26. NRS 278.473 is hereby amended to read as follows:

278.473 1. [If] *To correct* an error or omission [is found in any] *in, or to amend any recorded* subdivision plat, record of survey, parcel map, map of division into large parcels, or reversionary map [and] , *if the correction or amendment* does not change or purport to change the physical location of any survey monument, property line or boundary line, [the county surveyor, the governing body or, if authorized by ordinance, the planning commission, may cause a certificate of amendment to be filed and recorded. The] *a certificate of amendment must be requested and recorded pursuant to this section.*

2. *A certificate of amendment may only be requested by:*

(a) *The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;*

(b) *The governing body of the city to make a correction or amendment which affects land located within an incorporated city; or*

(c) *The planning commission if authorized by local ordinance.*

3. *If a certificate of amendment is requested to correct or amend a record of survey, the surveyor who [made] :*

(a) *Made the survey which is to be amended; or*

(b) *Is responsible for the error or omission which is to be corrected,*
shall prepare and record the certificate *of amendment* within 90 days after *he*
receives notification [by the county surveyor, the governing body or the
planning commission.] *of the request made pursuant to subsection 2.* If the
surveyor is no longer professionally active , [in the county,] the county
surveyor , *city surveyor* or a professional land surveyor appointed by the
[board of county commissioners or, if authorized by ordinance, the planning
commission,] *governing body* shall prepare *and file* the certificate.

[2.] 4. The certificate of amendment must:

(a) Be in the form of a letter addressed to the county surveyor, the
governing body *of the city* or, if authorized by *local* ordinance, the planning
commission;

(b) Specify the title , *legal description* and recording date of the document
being *corrected or* amended;

(c) Concisely state the data being [amended] *changed* and the correction or
[omission;] *amendment*;

(d) Be dated, signed and sealed by the surveyor preparing the certificate;
and

(e) Contain the following statement, dated and signed by the county
surveyor , *city surveyor* or a professional land surveyor appointed by the
[county] governing body or, if authorized by *local* ordinance, the planning
commission:

I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of NRS 278.010 to 278.630, inclusive, 625.340 to 625.380, inclusive, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends *or corrects* the document as to make it technically correct.

[3.] 5. If land affected by the certificate of amendment is located within the boundaries of an incorporated city, a copy of the certificate of amendment must be delivered to the city surveyor.

[4.] 6. Upon the recording of a certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 27. NRS 278.475 is hereby amended to read as follows:

278.475 [If]

1. *To correct* an error or omission [is found] in any recorded subdivision plat, record of survey, parcel map, map of division into large parcels, or reversionary map, [and] *if* the correction changes or purports to change the physical location of any survey monument, property line or boundary line, [the county surveyor, the governing body or, if authorized by ordinance, the

planning commission, may cause an amended plat, survey or map to be filed and recorded.] *an amended plat, survey or map must be requested and recorded pursuant to this section.*

2. *An amended plat, survey or map, which corrects an error or omission, may only be requested by:*

(a) *The county surveyor to make a correction which affects land located within the boundaries of an unincorporated area or Carson City;*

(b) *The governing body of the city to make a correction which affects land located within an incorporated city; or*

(c) *The planning commission if authorized by local ordinance.*

3. *Except as otherwise provided in this subsection, a surveyor who is responsible for the error or omission which is to be corrected, shall prepare and record the amended plat, survey or map within 90 days after he receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, the governing body of the city or the planning commission. If the surveyor is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the amended plat, survey or map.*

Sec. 28. NRS 278.477 is hereby amended to read as follows:

278.477 1. [Any] *In addition to the requirements of subsection 2, an amendment of a recorded subdivision plat, parcel map, map of division into large parcels, or record of survey which changes or purports to change the*

physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels, or record of survey, the same procedures and requirements apply as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map . [and the requirements of subsection 2 apply.]

2. Any amended plat, map or survey *required pursuant to subsection 1* must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a blank margin for the county recorder's index information;

(d) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp;

(e) Contain the certificate required by NRS 278.374 or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that a bona fide effort was made to communicate with the necessary persons, that all persons who responded have consented thereto and

that the amendment does not adversely affect the persons who did not respond;

(f) Contain a certificate of the professional land surveyor registered pursuant to chapter 625 of NRS who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and 625.340 to 625.380, inclusive, and with any applicable local ordinance; and

(g) Contain a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he is registered as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS stating that he has examined the document and that it is technically correct.

3. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 29. NRS 278.490 is hereby amended to read as follows:

278.490 1. Any owner or governing body desiring to revert [or abandon] any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to abandon the map or portion thereof shall submit a written application accompanied by a map of the proposed abandonment or reversion which contains the same survey dimensions as the recorded map to the governing body or, if authorized by *local* ordinance, to

the planning commission, for approval. The application must describe the requested changes.

2. The map must contain the appropriate certificates required by NRS 278.374 and 278.376 to 278.4725, inclusive, for the original division of the land, and must be presented to the governing body or, if authorized by *local* ordinance, to the planning commission, for approval. If the map includes the abandonment of any public street or easement, the provisions of NRS 278.480 must be followed before the approval of the map.

3. The final map must be:

(a) Prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on a recorded map that is being abandoned or reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in his certificate, recording information which is sufficient to identify clearly the recorded map being reverted or abandoned.

(b) Clearly and legibly drawn in *permanent* black [waterproof india] ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession . [, but affidavits,] *Affidavits*, certificates and acknowledgments must

be legibly stamped or printed upon the map with [opaque] *permanent black* ink.

4. The size of each sheet of the map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

5. The scale of the map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.

6. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

7. Except for the provisions of this section and any provision or *local* ordinance relating to the payment of fees in conjunction with filing , [or] recordation or checking of a map of the kind offered, no other provision of NRS 278.010 to 278.630, inclusive, applies to a map made solely for the purpose of abandonment of a former map or for reversion of any [land] division *of land* to acreage.

8. Upon approval of the map of reversion or abandonment, it must be recorded by the governing body or, if authorized by *local* ordinance, by the planning commission, in the office of the county recorder . [and the] *The* county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such

an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 30. NRS 361A.031 is hereby amended to read as follows:

361A.030 1. "Converted to a higher use" means:

[1.] (a) A physical alteration of the surface of the property enabling it to be used for a higher use;

[2.] (b) The recording of a final map or parcel map [, as those terms are defined in NRS 278.010,] which creates one or more parcels not intended for agricultural use;

[3.] (c) The existence of a final map or parcel map [, as those terms are defined in NRS 278.010,] which creates one or more parcels not intended for agricultural use; or

[4.] (d) A change in zoning to a higher use made at the request of the owner.

2. *As used in this section:*

(a) *"Final map" has the meaning ascribed to it in section 8 of this act.*

(b) *"Parcel map" has the meaning ascribed to it in section 13 of this act.*