

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 1.2)

(Reprinted with amendments adopted on May 21, 2021)

THIRD REPRINT

A.B. 211

ASSEMBLY BILL NO. 211—ASSEMBLYWOMAN JAUREGUI

MARCH 9, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to land use planning.  
(BDR 22-795)

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

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

AN ACT relating to land use planning; requiring, with certain exceptions, a copy of the tentative map of the design of a proposed subdivision of land to be forwarded to the Department of Wildlife for review; revising the factors that are considered before taking final action on a tentative map; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

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

**Section 1.5** of this bill requires the tentative map to be forwarded to the Department of Wildlife for review unless: (1) the governing body has adopted a habitat conservation plan for multiple species that includes a determination of the impact to wildlife and wildlife habitat and the habitat conservation plan was approved by the United States Fish and Wildlife Service; or (2) the proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed. **Section 1.2** of this bill authorizes the Board of Wildlife Commissioners to establish by regulation certain fees for the review of a tentative map by the Department. **Section 2.5** of this bill makes a conforming change related to the requirement in **section 1.2** to deposit such fees in the Wildlife Account in the State General Fund.

Existing law requires a governing body or planning commission to consider certain factors before taking final action on a tentative map. (NRS 278.349) **Section 2** of this bill additionally requires the governing body or planning commission to consider the potential impact to wildlife and wildlife habitat before taking final action on a tentative map.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.2.** Chapter 278 of NRS is hereby amended by adding  
3 thereto a new section to read as follows:

4 *1. The Board of Wildlife Commissioners may establish by*  
5 *regulation reasonable fees for the review of a tentative map by the*  
6 *Department of Wildlife pursuant to NRS 278.335. The amount of*  
7 *such fees for the Department to review a tentative map must not*  
8 *exceed a flat fee of \$250 plus an additional fee of not more than*  
9 *\$5 per acre shown on the tentative map.*

10 *2. All fees collected pursuant to subsection 1 must be*  
11 *deposited in the Wildlife Account in the State General Fund*  
12 *pursuant to NRS 501.356.*

13 *3. The Board of Wildlife Commissioners may adopt any other*  
14 *regulations necessary for the Department of Wildlife to carry out*  
15 *its duties pursuant to NRS 278.335.*

16 **Sec. 1.3.** NRS 278.010 is hereby amended to read as follows:

17 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
18 *section 1.2 of this act* unless the context otherwise requires, the  
19 words and terms defined in NRS 278.0103 to 278.0195, inclusive,  
20 have the meanings ascribed to them in those sections.

21 **Sec. 1.5.** NRS 278.335 is hereby amended to read as follows:

22 278.335 1. A copy of the tentative map must be forwarded by  
23 the planning commission or its designated representative, or if there  
24 is no planning commission, the clerk or other designated  
25 representative of the governing body, for review to:

26 (a) The Division of Water Resources and the Division of  
27 Environmental Protection of the State Department of Conservation  
28 and Natural Resources. ~~{;}~~

29 (b) The district board of health acting for the Division of  
30 Environmental Protection pursuant to subsection 2. ~~{; and}~~

31 (c) If the subdivision is subject to the provisions of NRS  
32 704.6672, the Public Utilities Commission of Nevada.

33 (d) *Except as otherwise provided in this paragraph, the*  
34 *Department of Wildlife. This paragraph does not apply if:*

35 (1) *The governing body has adopted a habitat conservation*  
36 *plan for multiple species of wildlife that evaluates the potential*  
37 *impacts to wildlife and wildlife habitats from the development of*  
38 *land, including, without limitation, any determination of impact to*  
39 *wildlife and wildlife habitat required pursuant to federal law, and*  
40 *the habitat conservation plan has been approved by the United*  
41 *States Fish and Wildlife Service; or*



1           ***(2) The proposed subdivision is infill development which is***  
2 ***proposed on a vacant or substantially vacant tract of land that is***  
3 ***surrounded by land that is already developed.***

4           2. In a county whose population is 100,000 or more, if the  
5 county and one or more incorporated cities in the county have  
6 established a district board of health, the authority of the Division of  
7 Environmental Protection to review and certify proposed  
8 subdivisions and to conduct construction or installation inspections  
9 must be exercised by the district board of health.

10          3. A district board of health which conducts reviews and  
11 inspections under this section shall consider all the requirements of  
12 the law concerning sewage disposal, water pollution, water quality  
13 and water supply facilities. At least four times annually, the district  
14 board of health shall notify the Division of Environmental  
15 Protection which subdivisions met these requirements of law and  
16 have been certified by the district board of health.

17          4. The State is not chargeable with any expense incurred by a  
18 district board of health acting pursuant to this section.

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

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

24          278.349 1. Except as otherwise provided in subsection 2, the  
25 governing body, if it has not authorized the planning commission to  
26 take final action, shall, by an affirmative vote of a majority of all the  
27 members, approve, conditionally approve or disapprove a tentative  
28 map filed pursuant to NRS 278.330:

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

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

33           ↳ after receipt of the planning commission's recommendations.

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

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

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

40           ↳ after the map is filed with the clerk of the governing body.

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

43           (a) Environmental and health laws and regulations concerning  
44 water and air pollution, the disposal of solid waste, facilities to



1 supply water, community or public sewage disposal and, where  
2 applicable, individual systems for sewage disposal;

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

6 (c) The availability and accessibility of utilities;

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

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

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

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

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

19 (i) The recommendations and comments of those entities and  
20 persons reviewing the tentative map pursuant to NRS 278.330 to  
21 278.3485, inclusive;

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

26 (k) *The potential impacts to wildlife and wildlife habitat; and*

27 (l) The submission by the subdivider of an affidavit stating that  
28 the subdivider will make provision for payment of the tax imposed  
29 by chapter 375 of NRS and for compliance with the disclosure and  
30 recording requirements of subsection 5 of NRS 598.0923, if  
31 applicable, by the subdivider or any successor in interest.

32 4. The governing body or planning commission shall, by an  
33 affirmative vote of a majority of all the members, make a final  
34 disposition of the tentative map. The governing body or planning  
35 commission shall not approve the tentative map unless the  
36 subdivider has submitted an affidavit stating that the subdivider will  
37 make provision for the payment of the tax imposed by chapter 375  
38 of NRS and for compliance with the disclosure and recording  
39 requirements of subsection 5 of NRS 598.0923, if applicable, by the  
40 subdivider or any successor in interest. Any disapproval or  
41 conditional approval must include a statement of the reason for that  
42 action.

43 **Sec. 2.5.** NRS 501.356 is hereby amended to read as follows:

44 501.356 1. Money received by the Department from:

45 (a) The sale of licenses;



1 (b) *Fees described in section 1.2 of this act;*  
2 (c) Fees pursuant to the provisions of NRS 488.075 and  
3 488.1795;

4 ~~(e)~~ (d) Remittances from the State Treasurer pursuant to the  
5 provisions of NRS 365.535;

6 ~~(d)~~ (e) Appropriations made by the Legislature; and

7 ~~(e)~~ (f) All other sources, including, without limitation, the  
8 Federal Government, except money derived from the forfeiture of  
9 any property described in NRS 501.3857 or money deposited in the  
10 Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife  
11 Trust Fund pursuant to NRS 501.3585, the Energy Planning and  
12 Conservation Account created by NRS 701.630 or the Account for  
13 the Recovery of Costs created by NRS 701.640,

14 ➤ must be deposited with the State Treasurer for credit to the  
15 Wildlife Account in the State General Fund.

16 2. The interest and income earned on the money in the Wildlife  
17 Account, after deducting any applicable charges, must be credited to  
18 the Account.

19 3. Except as otherwise provided in subsection 4 and NRS  
20 503.597, the Department may use money in the Wildlife Account  
21 only to carry out the provisions of this title and chapter 488 of NRS  
22 and as provided in NRS 365.535, and the money must not be  
23 diverted to any other use.

24 4. Except as otherwise provided in NRS 502.250, 502.410 and  
25 504.155, all fees for the sale or issuance of stamps, tags, permits and  
26 licenses that are required to be deposited in the Wildlife Account  
27 pursuant to the provisions of this title and any matching money  
28 received by the Department from any source must be accounted for  
29 separately and must be used:

30 (a) Only for the protection, propagation and management of  
31 wildlife; and

32 (b) If the fee is for the sale or issuance of a license, permit or tag  
33 other than a tag specified in subsection 5 or 6 of NRS 502.250,  
34 under the guidance of the Commission pursuant to subsection 2 of  
35 NRS 501.181.

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

