

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 9, 10, 12, 14 + NRS 278.3295,
278.330, 278.450, 704.6672)

S.B. 327

SENATE BILL NO. 327—SENATOR KIECKHEFER

MARCH 18, 2019

Referred to Committee on Government Affairs

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

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to land use planning; defining certain terms relating to superpads; authorizing the governing body of a county or city to include procedures for the development of a superpad in an ordinance for planned unit development and setting forth those procedures; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes procedures for the governing body of a city or county
2 to include when enacting an ordinance for a proposed planned unit development.
3 (NRS 278A.440-278A.590) **Sections 2-7** of this bill define the terms “final tract
4 map,” “residential dwelling unit,” “superpad,” “superpad final map” and “superpad
5 tentative map.” **Section 8** of this bill authorizes a governing body of a county or
6 city that enacts an ordinance for a proposed planned unit development to include
7 the procedures for a proposed superpad within the planned unit development.
8 **Sections 9-14** of this bill establish the procedures and requirements for a proposed
9 superpad that may be included in such an ordinance.
10 **Section 9** of this bill requires a landowner who proposes a superpad to file a
11 superpad tentative map with and pay certain existing fees to the governing body or
12 its designated representative. **Section 9** also establishes the requirements for the
13 preparation and review of the superpad tentative map. **Section 10** of this bill
14 requires, with limited exception, a landowner who has received approval of a
15 superpad tentative map to file a superpad final map within 4 years after the
16 approval of the superpad tentative map. **Section 10** further establishes the
17 requirements for the preparation and review of the superpad final map.
18 **Section 11** of this bill prohibits a landowner from further subdividing a
19 superpad for the construction of residential dwelling units unless he or she files a
20 preliminary tract plan and final tract plan for the superpad. **Section 12** of this bill
21 requires a landowner who proposes to subdivide a superpad in a planned unit
22 development for residential dwelling units to file a preliminary tract plan and pay



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23 certain existing fees. **Section 12** also establishes the requirements for the
24 preparation and approval of the preliminary tract plan. **Section 13** of this bill
25 requires the designated representative of the governing body to approve,
26 conditionally approve or disapprove a preliminary tract plan within 30 days after
27 receiving the preliminary tract plan. **Section 14** of this bill requires a landowner to
28 file a final tract plan and pay certain existing fees. **Section 14** also establishes the
29 requirements for the final tract plan.

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

1 **Section 1.** Chapter 278A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 14, inclusive,
3 of this act.

4 **Sec. 2.** *As used in sections 2 to 14, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 7, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“Final tract map” means a map prepared in*
9 *accordance with NRS 278.325, 278.360 to 278.460, inclusive,*
10 *278.472, 278.4725 or 278.4955 or section 14 of this act, and any*
11 *applicable local ordinance, which is designed to be placed on*
12 *record in the office of the county recorder of the county in which*
13 *any part of the subdivision is located or the recorder of Carson*
14 *City.*

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

23 **Sec. 5.** *“Superpad” means a parcel of land within a planned*
24 *unit development that is developed with utility infrastructure by a*
25 *master developer.*

26 **Sec. 6.** *“Superpad final map” means a map prepared in*
27 *accordance with section 10 of this act, and any applicable local*
28 *ordinance, which is designed to be placed on record in the office*
29 *of the county recorder of the county in which any part of the*
30 *planned unit development is located or the recorder of Carson*
31 *City.*

32 **Sec. 7.** *“Superpad tentative map” means a map prepared in*
33 *accordance with section 9 of this act, and any applicable local*
34 *ordinance, which shows the design of a proposed superpad within*



1 a planned unit development and the existing conditions in and
2 around the proposed superpad.

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

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

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

17 (b) Shall designate the director of planning or other
18 representative of the governing body or planning commission to
19 review a preliminary tract plan, preliminary tract map, final tract
20 plan and final tract map pursuant to sections 12, 13 and 14 of this
21 act.

22 **Sec. 9. 1.** A landowner who proposes to create a superpad
23 within a proposed planned unit development must first file a
24 superpad tentative map with the governing body or its designated
25 representative. Except as otherwise provided in subsections 2 and
26 3, a superpad tentative map must be filed and reviewed in
27 accordance with the requirements of NRS 278.330 to 278.353,
28 inclusive, and the landowner must pay the applicable fees set forth
29 in NRS 278.3295, 278.330 and 704.6672.

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

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



1 4. After accepting a superpad tentative map, the governing
2 body or its designated representative may approve, conditionally
3 approve or disapprove the superpad tentative map.

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

9 2. A superpad final map must be:

10 (a) Prepared in accordance with the superpad tentative map
11 for the entire area for which the superpad tentative map has been
12 approved pursuant to section 9 of this act; and

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

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

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

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

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

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

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

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

42 **Sec. 12. 1.** A landowner who proposes to further subdivide
43 a superpad into five or more parcels for residential dwelling units
44 must submit a preliminary tract plan to the designated



1 *representative of the governing body and pay the applicable fees*
2 *set forth in NRS 278.3295 and 704.6672.*

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

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

9 (a) *A preliminary map;*

10 (b) *A site survey and site analysis of the superpad and its*
11 *immediate surroundings;*

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

14 (d) *An affidavit by the landowner stating that the landowner*
15 *will make provision for the payment of the tax imposed by chapter*
16 *375 of NRS and for compliance with the disclosure and recording*
17 *requirements of subsection 5 of NRS 598.0923, if applicable, by*
18 *the landowner or any successor in interest; and*

19 (e) *Any other information reasonably requested by the*
20 *designated representative.*

21 4. *Each agency which receives a copy of the preliminary tract*
22 *plan pursuant to subsection 2 shall review the preliminary tract*
23 *plan pursuant to NRS 278.335 to 278.3485, inclusive, and file*
24 *written comments on the preliminary tract plan with the*
25 *designated official within 15 days after the receipt of the*
26 *preliminary tract plan.*

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

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

36 3. *The designated representative shall approve or*
37 *conditionally approve a preliminary tract plan upon a*
38 *determination that the preliminary tract plan substantially*
39 *conforms to:*

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

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



1 (c) *The requirements of the ordinance enacted pursuant to this*
2 *chapter.*

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

6 (a) *Disapprove the preliminary tract plan; and*

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

11 5. *Any determination that a preliminary tract plan is not in*
12 *substantial conformance pursuant to subsection 3 may be initially*
13 *appealed to the planning commission within 30 days after the*
14 *determination is made. The planning commission shall consider*
15 *an appeal made pursuant to paragraph (a) and may affirm or*
16 *reverse the determination. A decision of the planning commission*
17 *may be appealed in accordance with the ordinance adopted*
18 *pursuant to NRS 278.3195.*

19 **Sec. 14.** 1. *After the approval of a preliminary tract plan*
20 *pursuant to section 13 of this act, the landowner shall submit a*
21 *final tract plan to the designated representative of the governing*
22 *body and pay the applicable fees set forth in NRS 278.3295,*
23 *278.450 and 704.6672.*

24 2. *The final tract plan must include:*

25 (a) *A final tract map;*

26 (b) *A final site plan; and*

27 (c) *Any other necessary supporting material.*

28 3. *The final tract map must:*

29 (a) *Be prepared in accordance with the preliminary tract plan;*
30 *and*

31 (b) *Comply with the requirements of NRS 278.360 to 278.460,*
32 *inclusive, for a final map.*

33 **Sec. 15.** This act becomes effective on July 1, 2019.

