



**STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Habitat Division**

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MEMORANDUM:

JANUARY 6, 2023

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Jasmine Kleiber, Wildlife Staff Specialist, Habitat Division

Title: **Commission General Regulation 500, Subdivision Map Review**

Purpose: The Commission will hold a second workshop to consider new proposed draft language to NAC 278 on wildlife review of tentative subdivision maps.

Summary

This is draft language for a new regulation to be added to Nevada Administrative Code (NAC) Chapter 278. New draft language includes definitions for "Infill development," "Substantially vacant," and "Vacant" relative to subdivision development. Draft language also includes direction for the collection of fees for conducting review of tentative subdivision maps relative to wildlife and/or habitat resources with potential to be impacted, pursuant to Nevada Revised Statutes 278.337.

Brief Explanation of the Proposed Regulation

Existing law sets forth an approval process for a subdivision of land, requiring the subdivider of the land to submit a tentative map to the planning commission or governing body of a county or city, as applicable, and requires the tentative map to be forwarded to certain state agencies and local governments for review, including the Nevada Department of Wildlife ("Department"). Existing law also authorizes the Nevada Board of Wildlife Commissioners to establish reasonable fees and procedures for the review of a tentative map (NRS 278.335, 278.337). This regulation sets forth procedures and requirements for the review of a tentative map by the Department.

Recommendation

The Department recommends that the Commission review the proposed regulation and move forward for adoption.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R162-22

August 23, 2022

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

AUTHORITY: §§ 1-7, NRS 278.335; § 8, NRS 278.335 and 278.337.

A REGULATION relating to land use planning; defining certain terms relating to the review of a tentative map of a subdivision of land; interpreting certain terms for the purpose of the review of a tentative map by the Department of Wildlife; requiring that certain information be submitted to the Department for the review of a tentative map; providing that the Department will provide written comments on a tentative map; establishing certain fees for the review of a tentative map; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth an approval process for a subdivision of land that requires the subdivider of the 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: (1) requires the tentative map to be forwarded to certain state agencies and local governments for review, which includes, with certain exceptions, the Department of Wildlife; and (2) authorizes the Board of Wildlife Commissioners to establish reasonable fees for the review of a tentative map. (NRS 278.335, 278.337) This regulation sets forth certain procedures and requirements for the review of a tentative map by the Department.

Sections 3 and 4 of this regulation define certain terms relating to the review of a tentative map.

Under existing law, a tentative map is not required to be forwarded to the Department if 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. (NRS 278.335) **Section 5** of this regulation sets forth the interpretation by the Department of the terms “infill development,” “substantially vacant” and “vacant” for the purposes of this exception.

Section 6 of this regulation requires a developer to submit to the Department a tentative map, a review form and the fee required for the review of a tentative map. **Section 6** also sets forth the information that must be included on the review form submitted to the Department.

Section 7 of this regulation provides that the Department will provide written comments on the tentative map and review form which may include methods to avoid or minimize impacts to wildlife, mitigation measures, best management practices or required design features.

Section 8 of this regulation sets forth the fees charged by the Department for the review of a tentative map, which are: (1) \$250 for the initial review of the tentative map plus an additional \$5 for each acre shown on the map; and (2) \$5 per acre shown on the tentative map for any subsequent review of modifications to the map.

Section 1. Chapter 278 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 8, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Subdivision” has the meaning ascribed to it in NRS 278.320.*

Sec. 4. *“Tentative map” has the meaning ascribed to it in NRS 278.019.*

Sec. 5. *As used in NRS 278.335, the Department of Wildlife interprets the term:*

1. “Infill development” to mean the process of developing vacant or underutilized tracts of land in areas that are already developed.

2. “Substantially vacant” to mean a subdivision of land in which not less than 75 percent of the land is vacant.

3. “Vacant” to mean a subdivision of land in which the land:

(a) Is not occupied or used;

(b) Has not been developed or disturbed; and

(c) Does not have any forage, cover, nesting habitat or any other value necessary for wildlife.

Sec. 6. *1. Except as otherwise provided in paragraph (d) of subsection 1 of NRS 278.335, for each tentative map or a modification to a tentative map submitted pursuant to NRS 278.335, a developer shall submit to the Department of Wildlife for review in printed or electronic form:*

- (a) The tentative map;*
- (b) The review form prescribed by the Department of Wildlife; and*
- (c) The fee required pursuant to section 8 of this regulation.*

2. The review form required pursuant to subsection 1 must include, without limitation:

(a) A map that shows:

(1) The topographic features of the subdivision, including, without limitation, the topographic features of the vicinity of the subdivision; and

(2) The location of the proposed subdivision relative to the nearest city, major highway, cross streets and any other easily identifiable landmarks;

(b) The expected timeline of the development of the subdivision;

(c) The size of the subdivision indicated in acres;

(d) A statement of the type of water system to be used in the subdivision and the water source, which may include, without limitation, private wells or a public water system;

(e) A map of the 100-year floodplain for the location of the subdivision, which must have been prepared using recognized methods of preparing a map by a governmental agency responsible for the areas subject to flooding;

(f) A description of the subdivision by 40-acre legal subdivisions within a designated section, township and range or any other legal description which provides a positive identification of the location of the subdivision;

(g) The names, addresses, phone numbers and any other contact information of all developers of the subdivision; and

(h) A master plan showing the location of future development and the intended use of all the land under the ownership or control of the developers in the vicinity of the subdivision.

3. *All items and information required pursuant to subsections 1 and 2 must be submitted to the Department of Wildlife within 5 business days after the tentative map is submitted to the planning commission, or its designated representative, or the clerk of the governing body pursuant to NRS 278.330. If any item or information required pursuant to subsections 1 and 2 are missing, the Department of Wildlife will provide written notice to the developer which identifies the specific item or information that is missing.*

4. *A developer may submit a tentative map to the Department of Wildlife before submitting the tentative map to the planning commission or governing body to be prereviewed by the Department of Wildlife for any potential wildlife issues. If a developer submits a tentative map pursuant to this subsection, he or she must still submit the tentative map, information and fees required in accordance with **subsection 38**.*

5. *The Department of Wildlife will make the review form required pursuant to subsection 1 available on the Internet website of the Department of Wildlife.*

6. *A developer or other interested party may request wildlife information from the Department of Wildlife before submitting any information required by this section.*

Sec. 7. *The Department of Wildlife will provide written comments on a tentative map and review form submitted pursuant to section 6 of this regulation by the deadline set forth in subsection 5 of NRS 278.335. The comments provided by the Department of Wildlife may include, without limitation:*

1. *Methods to avoid or minimize impacts to wildlife;*
2. *Recommendations on mitigation measures; or*
3. *Best management practices or **required** design features.*

Sec. 8. 1. The Department of Wildlife will charge the following fees for the review of a tentative map:

(a) For the review of a tentative map, \$250 plus an additional fee of \$5 for each acre shown on the tentative map; and

(b) For the review of any modifications to a tentative map that was previously submitted to the Department of Wildlife, \$5 for each new acre shown on the modified tentative map.

2. Any fee required pursuant to subsection 1 must be paid at the same time the developer submits the tentative map and review form to the Department of Wildlife pursuant to section 6 of this regulation.