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SENATE BILL NO. 358—SENATORS TITUS, WIENER, CARE,  
SCHNEIDER AND COFFIN

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides for certain protections relating to certain lands adjacent to Red Rock Canyon National Conservation Area. (BDR 22-645)

FISCAL NOTE: Effect on Local Government: Yes.  
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.

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AN ACT relating to land use planning; limiting certain powers of planning and zoning that may be exercised by local governments within certain enumerated lands adjacent to the Red Rock Canyon National Conservation Area; providing certain exceptions; providing for the residents of Clark County to vote on an advisory question to determine whether such limitations should continue in effect; and providing other matters properly relating thereto.

1 WHEREAS, Red Rock Canyon is a natural wonder within the  
2 State of Nevada that is uniquely beautiful and of scenic interest; and

3 WHEREAS, Red Rock Canyon includes several distinctive and  
4 significant geologic features, including, without limitation, the  
5 Keystone Thrust Fault, Willow Spring and Rainbow Mountain; and

6 WHEREAS, In addition to its scenic beauty and geologic  
7 significance, Red Rock Canyon provides numerous recreational  
8 opportunities to visitors from both within and without the State of  
9 Nevada, including, without limitation, hiking, climbing, bicycling,  
10 camping and horseback riding; and

11 WHEREAS, With regard to tourism, Red Rock Canyon provides  
12 a dramatic counterpoint to the activities offered within the more  
13 urban portions of Clark County, helping to draw to the area tourists



1 who might not otherwise be interested in participating in gaming,  
2 attending shows or other such activities; and

3 WHEREAS, A significant part of the reason that Red Rock  
4 Canyon is of interest to tourists, sightseers and recreational users is  
5 that it provides an area of sanctuary from the congestion and sprawl  
6 of the more urban portions of Clark County; and

7 WHEREAS, If the scenic views and largely rural character of Red  
8 Rock Canyon were to be encroached upon by development that is on  
9 a large scale or of inappropriate character, the value of Red Rock  
10 Canyon with respect to tourism, sightseeing and recreation would be  
11 greatly diminished, to the detriment of Clark County and the State  
12 of Nevada as a whole; now, therefore,

13  
14 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
15 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

16  
17 **Section 1.** Chapter 278 of NRS is hereby amended by adding  
18 thereto a new section to read as follows:

19 *In the region of this state for which the Red Rock Canyon*  
20 *Conservation Area and Adjacent Lands Act establishes limits upon*  
21 *development, the powers conferred by this chapter which relate to*  
22 *planning, subdivision regulation and zoning are subordinate to*  
23 *those limits.*

24 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

25 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
26 *section 1 of this act*, unless the context otherwise requires, the  
27 words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
28 have the meanings ascribed to them in those sections.

29 **Sec. 3.** Chapter 244 of NRS is hereby amended by adding  
30 thereto a new section to read as follows:

31 *In the region of this state for which the Red Rock Canyon*  
32 *Conservation Area and Adjacent Lands Act establishes limits upon*  
33 *development, the powers conferred by this chapter which relate to*  
34 *planning, subdivision regulation and zoning are subordinate to*  
35 *those limits.*

36 **Sec. 4.** Chapter 268 of NRS is hereby amended by adding  
37 thereto a new section to read as follows:

38 *In the region of this state for which the Red Rock Canyon*  
39 *Conservation Area and Adjacent Lands Act establishes limits upon*  
40 *development, the powers conferred by this chapter which relate to*  
41 *planning, subdivision regulation and zoning are subordinate to*  
42 *those limits.*

43 **Sec. 5.** Chapter 269 of NRS is hereby amended by adding  
44 thereto a new section to read as follows:



1 *In the region of this state for which the Red Rock Canyon*  
2 *Conservation Area and Adjacent Lands Act establishes limits upon*  
3 *development, the powers conferred by this chapter which relate to*  
4 *planning, subdivision regulation and zoning are subordinate to*  
5 *those limits.*

6 **Sec. 6.** Chapter 639, Statutes of Nevada 1993, at page 2673, is  
7 hereby amended by adding thereto a new section to be designated as  
8 section 0.5, immediately preceding section 1, to read as follows:

9 *This act shall be known as the Red Rock Canyon*  
10 *Conservation Area and Adjacent Lands Act.*

11 **Sec. 7.** Chapter 639, Statutes of Nevada 1993, at page 2673, is  
12 hereby amended by adding thereto new sections to be designated as  
13 sections 1.3 and 1.7, immediately following section 1, to read as  
14 follows:

15 **Sec. 1.3.** *As used in this act, unless the context*  
16 *otherwise requires, the words and terms defined in sections*  
17 *1.7 and 2 of this act have the meanings ascribed to them in*  
18 *those sections.*

19 **Sec. 1.7.** *“Adjacent lands” means the following tracts*  
20 *of land:*

21 1. *All of sections 34, 35 and 36, Township 20 South,*  
22 *Range 58 East, MDM;*

23 2. *All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23,*  
24 *24, 25, 26, 27, 34, 35 and 36, Township 21 South, Range 58*  
25 *East, MDM;*

26 3. *All of sections 1, 2, 3, 10, 11, 12, 13, 14 and 15,*  
27 *Township 22 South, Range 58 East, MDM;*

28 4. *All of sections 31 and 32, Township 20 South, Range*  
29 *59 East, MDM, with the exception of any lands that are*  
30 *located within the corporate limits of the City of Las Vegas*  
31 *on the effective date of this act;*

32 5. *All of sections 3 and 4, Township 21 South, Range*  
33 *59 East, MDM, with the exception of any lands that are*  
34 *located within the corporate limits of the City of Las Vegas*  
35 *on the effective date of this act;*

36 6. *All of sections 5, 6, 7, 8, 9, 10 and 11, Township 21*  
37 *South, Range 59 East, MDM, with the exception of any*  
38 *lands that are located within the Summerlin South*  
39 *unincorporated area on the effective date of this act;*

40 7. *All of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28,*  
41 *29, 30, 31, 32, 33 and 34, Township 21 South, Range 59*  
42 *East, MDM; and*

43 8. *All of sections 3, 4, 5, 6, 7, 8, 9, 10, 17 and 18,*  
44 *Township 22 South, Range 59 East, MDM.*



1 **Sec. 8.** Chapter 639, Statutes of Nevada 1993, at page 2673, is  
2 hereby amended by adding thereto new sections to be designated as  
3 sections 4.3 and 4.7, immediately following section 4, to read as  
4 follows:

5 **Sec. 4.3.** *With respect to adjacent lands, a local*  
6 *government:*

7 *1. Shall not, in regulating the use of those lands:*

8 *(a) Increase the number of residential dwelling units*  
9 *allowed by zoning regulations in existence on the effective*  
10 *date of this act, unless such an increase can be*  
11 *accomplished, within a given area, by the trading of*  
12 *development credits or another mechanism that allows a*  
13 *greater number of residential dwelling units to be*  
14 *constructed in that area without increasing the overall*  
15 *density of residential dwelling units in that area;*

16 *(b) Establish any new nonresidential zoning districts,*  
17 *other than for public facilities; or*

18 *(c) Expand the size of any nonresidential zoning district*  
19 *in existence on the effective date of this act, other than for*  
20 *public facilities.*

21 *2. Shall, at its discretion:*

22 *(a) Regulate matters to include, without limitation,*  
23 *landscaping, buffering, screening, signage and lighting;*  
24 *and*

25 *(b) Retain all other authority regarding planning,*  
26 *zoning and regulation of uses of land.*

27 **Sec. 4.7.** *The prohibitions set forth in section 4.3 of*  
28 *this act with respect to adjacent lands do not restrict or*  
29 *limit:*

30 *1. Any existing or future development or other rights*  
31 *held by any owner of real property that is not part of those*  
32 *adjacent lands, including, without limitation, all rights,*  
33 *consents and agreements established, enacted, granted or*  
34 *entered into by a governing body, whether reflected in*  
35 *codes, ordinances, permits, agreements or other documents;*

36 *2. Any future use or development of real property that*  
37 *is not part of those adjacent lands; or*

38 *3. The authority of any governing body to regulate real*  
39 *property that is not part of those adjacent lands.*

40 **Sec. 9.** Section 1 of chapter 639, Statutes of Nevada 1993, at  
41 page 2673, is hereby amended to read as follows:

42 Section 1. The legislature *hereby* finds and declares that  
43 ~~this~~:



1 *1. This special act which regulates activity in the Red*  
2 *Rock Canyon National Conservation Area and on adjacent*  
3 *lands is necessary because of:*

4 ~~1-1~~ (a) *The unusual beauty of the Red Rock Canyon*  
5 *National Conservation Area; and*

6 ~~2-1~~ (b) *The rapidly increasing population and growth in*  
7 *the region around the Red Rock Canyon National*  
8 *Conservation Area 1-1; and*

9 (c) *The need to harmonize:*

10 (1) *The retention of the scenic beauty, small-town*  
11 *values, historic character, sense of community and*  
12 *recreational opportunities for visitors and residents of the*  
13 *Red Rock Canyon National Conservation Area and adjacent*  
14 *lands; and*

15 (2) *Residential and commercial development within*  
16 *the Red Rock Canyon National Conservation Area and*  
17 *adjacent lands.*

18 *2. The Legislature supports acquisition by the Federal*  
19 *Government of vacant private lands that are:*

20 (a) *Located within and adjacent to the Red Rock*  
21 *Canyon National Conservation Area;*

22 (b) *Located outside of the boundary described in the*  
23 *Clark County Conservation of Public Lands and Natural*  
24 *Resources Act of 2002, Public Law 107-282, November 6,*  
25 *2002; and*

26 (c) *Essential to the character and value of the Red Rock*  
27 *Canyon National Conservation Area.*

28 **Sec. 10.** Section 2 of chapter 639, Statutes of Nevada 1993, at  
29 page 2673, is hereby amended to read as follows:

30 Sec. 2. ~~[As used in section 1 to 4, inclusive, of this act,]~~  
31 "Red Rock Canyon National Conservation Area" means the  
32 area in and around Red Rock Canyon which has been  
33 designated as a national conservation area by Congress  
34 pursuant to Title 16 of the United States Code.

35 **Sec. 11.** 1. At the general election of 2004, the Board of  
36 County Commissioners of Clark County shall submit an advisory  
37 question to the voters of the County pursuant to NRS 293.482,  
38 asking whether the provisions of this act should continue in effect.

39 2. If a majority of the voters in the County who vote upon the  
40 advisory question:

41 (a) Vote affirmatively to have the provisions of this act continue  
42 in effect, the Legislature hereby pledges that the provisions of this  
43 act will not be amended or repealed except by direct vote of the  
44 residents of Clark County.



- 1 (b) Vote to reject the provisions of this act, the provisions of this
- 2 act expire by limitation on December 31, 2004.
- 3 **Sec. 12.** This act becomes effective on July 1, 2003.

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