

Senate Bill No. 358—Senators Titus, Wiener, Care,
Schneider and Coffin

CHAPTER.....

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; and providing other matters properly relating thereto.

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

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

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

WHEREAS, With regard to tourism, Red Rock Canyon provides a dramatic counterpoint to the activities offered within the more urban portions of Clark County, helping to draw to the area tourists who might not otherwise be interested in participating in gaming, attending shows or other such activities; and

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

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

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 a new section to read as follows:

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

Sec. 2. NRS 278.010 is hereby amended to read as follows:
278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. *Shall, at its discretion:*

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

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

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

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

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

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

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

Section 1. The legislature *hereby* finds and declares that ~~[this]~~:

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

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

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

(c) *The need to harmonize:*

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

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

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

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

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

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

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

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

Sec. 11. This act becomes effective on July 1, 2003.