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6. Implementation

Background

In addition to serving as an implementation tool for the Douglas County Master Plan, the Trails Plan also serves as a planning guide for development activities. This plan will assist the County in the prioritization of acquiring rights of way and specific parcels of land through various mechanisms for trails and access points. Most notably will be the use of Southern Nevada Public Land Management Act funds, which may be utilized to acquire property and easements that meet the requirements of the Act.

One of the components used by Douglas County in the prioritization process of properties in Douglas County for acquisition is the dedication of easements for trails and trailhead facilities. The adoption of the Trails Plan will assist Douglas County in prioritizing and supporting the purchase of conservation easements with the requirement that various public access trails be dedicated as a condition of receiving the County support for easement purchases. A comprehensive Trails Plan will also assist the County in the implementation of the public facilities element of the Master Plan and the integration and linking of recreational and public facilities throughout Douglas County.

The first step in the implementation of the Trails Plan is to identify and build off the existing trails, bikeways and pedestrian facilities that currently exist in Douglas County. The integration of public facilities should provide for a greater level of usage and enhance safety throughout the County as these facilities receive greater levels of use. The overall quality of our facilities, type, number and use is enhanced as they are integrated in to a countywide system. To this end, the Trails Plan attempts to integrate public access trails, trailheads and other pedestrian facilities with existing or proposed pedestrian trails, bikeways, roadways and other planned development activities or facilities.

The co-location of facilities is desired to reduce the cost of the construction and maintenance of public facilities as well as to reduce the amount of impact such facilities have on our natural surroundings. Co-location of facilities may include not only like facilities, such as pedestrian paths, bike trails, trailheads and park facilities, but also may incorporate other public facilities that can support similar activities. This would include the location of water tanks and access roads for other public facilities, including power substations, power-line easements and roads, outlying fire stations, the Douglas County Fairgrounds and other similar public facilities as may be appropriate. The integration and co-location of

or recreation land for every 1,000 new residents or an equivalent fee if no park was designated on the master plan and the subdivision was within three-quarters mile of a park or proposed park. *Associated Home Builders of Greater East Bay, Inc. v. City of Walnut Creek* (1971).

In *Dolan v. City of Tigard* (1994), the U.S. Supreme Court held that a subdivision exaction constitutes a taking under the federal Constitution unless (1) an "essential nexus" exists between a legitimate state interest and the exaction and (2) the exaction bears a "rough proportionality" to the projected impact of the proposed development. In *Nollan v. California Coastal Comm'n* (1987), the Supreme Court held that the California Coastal Commission's demand for an access easement over beachfront owners' property as a condition for permitting them to rebuild their house constituted an impermissible taking because there was no "nexus" between the demand (for parallel access from one coastal lot to the next) and the harm the Commission was attempting to alleviate (loss of coastal views).

State courts have not adopted a uniform standard for determining the validity of subdivision exactions. The strictest view requires that the exaction be specifically and uniquely attributable to the subdivision activity. The most lenient standard is that the exaction must be reasonably related to the use of the facilities to be made by the subdivision's inhabitants.

C. GROWTH MANAGEMENT

A community may regulate its rate of residential growth to reduce the burden that new population

imposes on municipal services and budget and subdivision regulations often indirectly restrict growth by reducing the supply of land available for development (e.g. open space zoning, large lot sizes), by pricing out much lower-cost housing, or by excluding apartments and mobile home parks. Restricting users (e.g. single family districts, excluding more than a specified number of unrelated persons from living together). Growth management, on the other hand, deal with this issue by restricting the number of residential building permits that can be issued. Some of the techniques for restricting growth are indicated in the following illustrations.

Illustration—Moratorium: An initiative ordinance in Livermore, California provided that no building permit could be issued until classrooms are not over 1000 sq. ft. schools are not operating on double session, sewer treatment facilities meet regional quality standards, and water supplies are adequate. *Associated Home Builders v. Eastbay, Inc. v. City of Livermore* (1976).

Illustration—Cap: A court invalidated an initiative ordinance in Boca Raton, Florida that limited the city to 100 dwelling units. *Boca Raton v. Boca Villas Corp.*

Illustration—Points: In Ramapo, New York, a building could not be erected until the property owner acquired a specified number of points based on the availability of sewerage, drainage, parks and recreation, roads, and fire services. The developer could increase the point count by providing the services personally, rather than waiting for the city to supply them. *Golden v. Planning Bd. of Ramapo*.

Illustration—Quota: Petaluma, California issued no more than four building permits per year for residential projects. More than four units. Permits were awarded according to a lottery.