

Assembly

GOVERNMENT AFFAIRS COMMITTEE  
MINUTES OF THE MEETING  
MARCH 5, 1973

MEMBERS PRESENT: CHAIRMAN DINI  
VICE-CHAIRMAN ULLOM  
ASSEMBLYMAN BROOKMAN  
ASSEMBLYMAN MAY  
ASSEMBLYMAN SMITH  
ASSEMBLYMAN GOJACK  
ASSEMBLYMAN YOUNG  
ASSEMBLYMAN FORD

MEMBERS ABSENT: NONE

ALSO PRESENT: PAMELA WILCOX, WASHOE COUNTY PROPERTY OWNERS ASSOCIATION  
PAT GOTHEBERG  
EARL WOOSTER, RENO RECREATION COMMISSION  
ERIC CRONKHITE, STATE PARK SYSTEM  
JACK LIBBY, SOUTHERN NEVADA HOME BUILDERS ASSN.  
JACK KENNEY, " " " " "  
LESTER S. RUSSELL, NEVADA RECREATION AND PARK SOCIETY  
DAISY J. TALVITIE, LEAGUE OF WOMEN VOTERS  
WILLIAM ADAMS, CITY OF LAS VEGAS  
JOE MIDMORE BUILDERS ASSOCIATION OF NORTHERN NEVADA  
GENE MILLIGAN, NEVADA ASSOCIATION OF REALTORS  
- GENE SULLIVAN, CITY OF RENO  
- G. A. BROTEN, CITY OF RENO RECREATION COMMISSION  
- THOMAS W. MILLER, NEVADA PARK COMMISSION  
ASSEMBLYMAN WITTENBERG  
VIRGINIA COOKE, SIERRA HEIGHTS HOMEOWNERS  
MICHON MACKEDON

OTHERS PRESENT SEE ATTACHED LIST

The chairman called the meeting to order.

AB 214 - Provides that cities or counties shall require dedication of land for park purposes or payment in lieu as condition of subdivision approval.

Assemblyman Ford told the committee that AB 214 and AB 241 were basically similar - AB 214 was modeled after the Quimby Act in California, while Ab 241 was modeled after a Inter-Governmental model act. Ab 241 provides for inclusion of model homes and apartments. The purpose of both bills are similar. ✓

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Assemblyman Wittenberg: Representing Northwest Reno area, Presently there are 300 acres of undeveloped land in the district, by spring there will be 750 new resident units. This means approximately 12,500 new people. There are not enough parks to take care of the present population.

Assemblyman Barengo: In 1970 the people built a private park in Reno; this indicates the desire of the people to have parks. The need is great.

Michon: Mackedon: People in small towns, such as Fallon need parks also. Fallon presently has 1 park for 12,000 people. The need is not only in large cities.

Eric Cronkhite: The Nevada State Park System supports the concept of the bills.

Willian Adams: See attached statement.

Gene Sullivan: The cost of up-keep of a park varies with the type of park. The cost for the City of Reno is not available. But it does not cost more necessarily to maintain more park land. The big cost is the initial cost of building a park.

Assemblyman Young wanted to know what the suggested size of a park should be.

Mr. Sullivan said that there were many schools of thought on this question, but the generally accepted area was 4 acres for 1,000 for neighborhood parks and 10 acres per 1,000 people for regional parks.

Jack Libby: The Builders' Association does not object to parks, and will help any way that they can but they do object to the bills because they consider them un-American. Taking property without just compensation is not right. The entire town should pay for parks. If this bill is passed the next thing will be taking land for schools and other such purposes. This legislation is discriminatory to builders and homeowners. People who have had homes in the area will benefit from the parks the new subdivision will have to provide. The bill does not define park clearly. What standards will be used to assess the land? The bills offer no protections. The land acquired can be sold or used for any other purpose.

Assemblyman May suggested that subdivisions which included recreational land seem to sell faster.

Mr Libby agreed and said that much land could be used for recreational purposes that was not suitable for home building.

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Mr. Libby told the committee that raw land in Las Vegas averaged \$10,000 per acre. The cost of providing the land for parks would work a hardship on builders. He felt that the builders should have a say in where the park land is selected.

Assemblyman Brookman asked if the City of Las Vegas presently had a problem with the upkeep of the parks it now had.

Assemblyman Wittenberg stated that the cost of the parks would be approximately 6 to 7% of the cost of the house.

Assemblyman Getto asked if parks would add value to the house.

Mr. Libby said that parks are not that desirable because of added traffic and the children they attract.

Assemblyman Gojack asked why the land not suitable for building houses would be suitable for building parks.

Mr. Libby replied that the land not suitable for building could be used for golf courses and bike trail and hiking trails.

Assemblyman Ford asked if the bill would not make it fairer for builders since the land would be required of all builders. As it is now, some builders provide park land or are forced to while others do not.

The chairman asked what amendments Mr. Libby would suggest.

Mr. Libby suggested the following amendments.

1. Make the bill permissive.
2. Add a reversionary clause.
3. Provision for money to go back to buyers if land not developed within certain time.

Joe Midmore: Many gaps are evident in the bill. AB 214 is very similar to the bill defeated last session except may has been changed to shall.

AB 214 would stand the test of the courts better than AB 241. It should be amended to say that the money given in lieu of land must be used to benefit the subdivision. It should also be amended to give the city or county a definite time limit within which to start the park development.

AB 241 would impose a new tax - the residential construction. He stated he would not object to paying more taxes for parks as he felt they were of benefit to the community and should be paid for by the community. He said he doubted that the parks now developed actually are fully used.

Mr. Broten said the amount of use a park gets depends on the planning of the park.

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It is a revolutionary idea to pay to move into a neighborhood.

The chairman pointed out that at present the older homeowners of a neighborhood pay for the general improvements and the new residents have the advantage of the improvements.

Assemblyman May suggested that AB 241 could be amended to say the park should be in the area or sub-division.

Mr. Libby said some limit on the amount of land required should be set. He said if the bills were passed it would be like passing a bill to raise the gasoline tax and not saying how much it could be raised.

Assemblyman Ford pointed out that small subdivisions would only have to give a small amount of land and that perhaps the park commission or governmental units would have a master plan for parks and be allowed to place the park where it would do the most good. She stated that the ceiling for the amount of land required would be set by the amount of park land the governmental unit could afford to develop

Gene Mulligan: It is more fair and equitable for all people to pay taxes for parks. These bills give no consideration to the valuation of the land or the location. It could be double taxation. He stated that there could be problems where a developer has to deal with different governmental units who all have different ordinances. A time limit to develop a park or to give the land could be bad for both the city and the builder as the city sometimes does not have the money available for park development and the builder sometimes takes a long time to finish a development.

Roland Oakes: It should be considered the amount this would add to the cost of a home could disqualify some people from owning homes. The question of public housing projects also has to be taken into consideration. Usually parks are needed most in low-cost housing areas.

Jack K. nney: Both bills take land without compensation, which is a method of indirect condemnation. The following things should be considered: 1) method of compensation. Suggest appraisal or three appraisers if builders and city do not agree on amount of money 2) define park and set standards 3) make provision for parks to revert after 24 months 4) provide for the maintainance of parks. 5) insist that the land be used for parks. Decide what a neighborhood is - 160 acres?? Include all developments, not just residnetal. Develop a master plan for parks before city decides to take option of having land for parks. Exclude FHA-HUD developments.

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Mrs. Wilcox said that people want parks and are willing to pay for them. The price of parks added to the cost of the home is the best way to pay.

Mr. Wooster suggested a 2 year limitation on the development of a park or that the park had to be developed when 75% of the subdivision was complete.

Mr. Knisley told the committee that it was important that no ad valorem tax be added. He felt small parks were the most successful when the people of the neighborhood and the people who use the parks are able to have small private neighborhood parks. This could be done through neighborhood associations who would police and keep up the parks themselves.

Assemblyman Ford noted that the County Commissioners Association as well as many other groups supported the concept of the bills.

Assemblyman Getto moved committee introduction of BDRs 27-808, 38-1209, 23-1277 and 58-1066.  
Assemblyman Smith seconded the motion.  
The motion carried.

\* A.B. 504

Δ A.B. 505

° A.B. 506

+ A.B. 507

GOVERNOR

THOMAS W. MILLER, CHAIRMAN  
RENO

ROBERT O. FORSON, VICE-CHAIRMAN  
NORTH LAS VEGAS



THALIA DONDERO  
LAS VEGAS  
JEAN FORD  
LAS VEGAS  
AUDHEY HARRIS  
RENO  
CLIFFORD SEGERBLOM  
BOULDER CITY  
CHRIS SHEERIN  
ELKO

NEVADA STATE PARK ADVISORY COMMISSION

CARSON CITY, NEVADA 89701

FOR RELEASE: By Thomas W. Miller, Chairman  
Nevada State Park Advisory Commission

Monday, March 5, 1973, 2:00 PM, Rm. 214, Legislative Bldg.  
Carson City, Nevada

HEARING BEFORE THE ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS  
(RE: A.B. 241)

REMARKS MADE BY THOMAS W. MILLER BEFORE THE GOVERNMENT AFFAIRS

COMMITTEE OF THE NEVADA STATE ASSEMBLY, MARCH 5, 1973

IN THE LATE 1930's WHEN I FIRST TOOK OVER AS CHAIRMAN OF THE NEWLY-CREATED NEVADA STATE PARK COMMISSION BY APPOINTMENT OF THE THEN GOVERNOR RICHARD S. KIRMAN, LITTLE OR NO SUBDIVISIONS WERE IN THE PLANS FOR THE FUTURE. IT WAS COMPARATIVELY EASY TO OBTAIN GRANTS OF LAND FOR FOUR OF OUR STATE PARKS.

WHEN THE WAR YEARS CAME, LITTLE OR NO ATTENTION WAS MADE FOR THE UPKEEP OF THESE PARK AND RECREATIONAL AREAS; HOWEVER, WITH THE RETURN TO NORMALCY FOLLOWING THE WAR YEARS, REALTORS AND SUBDIVIDERS BECAME QUITE ACTIVE IN PREPARATION FOR THE ENORMOUS POPULATION GROWTH WHICH WAS BECOMING EVIDENT. IT WAS PARTICULARLY TRUE FOR THE STATE OF NEVADA WITH THE WESTERN MIGRATION. IT WAS ALSO TRUE THAT NO LEGAL PROVISIONS WERE INCORPORATED IN THE NEVADA STATUTES TO CONTROL SUBDIVISION OPERATIONS. NOR WERE THERE PROVISIONS TO DETERMINE THAT RECREATION AREAS BE SET ASIDE AS PART OF THE SUBDIVISION PACKAGE REQUIRING SOME OUTLET FOR OUTDOOR RECREATIONAL FACILITIES. NO CONSIDERATION WAS GIVEN FOR THE DEDICATION OF PARK LAND IN THE SUBDIVISIONS.

IN THE 1971 LEGISLATURE, SB-434 WAS INTRODUCED AND PASSED THE SENATE BUT WAS NOT ACTED UPON BY THE ASSEMBLY COMMITTEE ON TAXATION AND IT DIED WITH THE ADJOURNMENT OF THE LEGISLATURE.

THIS YEAR, AB-241 WILL GIVE NEVADA AN OPPORTUNITY TO PARTICIPATE IN A PROGRAM WHICH WILL PERMIT CITIES AND COUNTIES TO ACQUIRE AND DEVELOP PARKS AND PROGRAMS WHICH ARE SO URGENTLY NEEDED FOR THE PRESENT AND FUTURE GENERATIONS. THE PROVISIONS OF THIS BILL AFFORDS PROTECTION TO REALTORS AND SUBDIVIDERS, AND, AT THE SAME TIME, INSURES A SQUARE DEAL FOR FUTURE DEVELOPMENT OF RECREATIONAL AND PARK AREAS IN NEVADA.

5 March 1973

The City of Las Vegas is sitting in a neutral position and leaving the decision in your capable hands. We do feel it is advisable to furnish you with certain information to assist in the decision

The city has 1,021.62 acres of parks including 680 acres of regional parks. Of this total only 249.32 acres are developed. There are 22 park sites comprising 220.22 developed acres and 112.3 undeveloped acres; 11 school-park sites containing 29.1 acres developed. It has been the city's policy to build a neighborhood park at the elementary schools and swimming pools at the junior high schools.

In addition to the above the city is maintaining 16 miles of median strips, 22 lighted ball diamonds and 8 unlighted ball diamonds.

Our present maintainance figures are approximately \$4,590 per acre per year and we use 5.19 man-years per acre in our maintainance program. We realize as we increase the acreage the cost will go down but if we fully developed everything we had the cost would not drop below \$4,000 per acre per year.





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DATE: 3-5

NAME	DESIRE TO TESTIFY	BILL #	REPRESENTING
Ronald Cohen	NO	241 7 14	UNLV
Harry Jones	NO	241-214	UNLV
Pamela Wilcox	Y YES	AB 241, 214	Washoe County Property Owners Association
Kate Goldberg	X yes	341	
June E. Osborne	?	241-214	
Earl W. Foster	Y Yes	241	Reno Recreation Dept
ERIC CRONKHITE	Y YES	241-214	STATE PARK SYSTEM
BOB BOWERS	NO	" "	NEV ASSN REPTORS
Frank Pala	No	" "	" " "
JACK LIBBY	X YES	" "	SOUTHERN NEVADA HISTORICAL
JACK KENNEY	YES	" "	" " " "
LESTER S RUSSELL	X YES	" "	NEVADA RECREATION AND PARK SOCIETY
David Smith	X yes	" "	League of Environmentalists
John Hoff			Resemblance
Mary K. ...	X no	241 214	
William Adams	X yes	214-241	City of Las Vegas
Joe Midmore	X yes	✓ ✓	Builders Assoc of N. Nev

DATE: 3-5

NAME	DESIRE TO TESTIFY	BILL #	REPRESENTING
STACEY HADLOCK	NO	241	CITY OF SPARKS
Dave Pressler	NO	241	CITY OF RENO
GENE HULLIVAN	P	241	" " "
Candace Harmon	!	241	" " "
Fitch P. Bette	NO	241	" " "
G. A. Broten	Yes	244 <sup>AB</sup>	Reno Recreation Commission
Quita Luccini	no	241	City of Reno
R. M. Jones	no	241	Reno
Debbie Prune	no	241	Hillside
Paul Hunter	no	241	City of Reno
Captain Wallace	no	241	" "
ROYALD OAKES	?	241	ASSOCIATED GENERAL CON
Walter ...	no	241	Reno ...
J. L. ...	no	241	M. J. - P. J. - P. J.
D. J. LINDEMAN	NO	241	CITY OF RENO
Amel Price	NO		UNIVERSITY OF NEVADA LAS VEGAS
Duane Price	NO	241	Li. V.



ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

Date 3/5/73 Time 1:00 PM Room 214

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

**A. B. 214**

SUMMARY—Provides that cities or counties shall require dedication of land for park purposes or payment in lieu as condition of subdivision approval. Fiscal Note: No. (BDR 22-949)

**A. B. 241**

SUMMARY—Permits cities and counties to acquire and develop parks and playgrounds through site dedication or residential tax. Fiscal Note: No. (BDR 22-696)

\*Please do not ask for counsel unless necessary.

Cliff Young  
2085 Regent St.  
Reno, NV 89502

March 4, 1973

Honorable Joe Dini  
Chairman, Government Affairs Committee  
Nevada State Assembly  
Legislative Building  
Carson City, Nevada

Dear Joe,

SUBJ: PARK DEDICATION BILLS

I was looking forward to the opportunity of testifying before your committee in support of legislation requiring subdividers to dedicate land for park and recreation purposes or pay money in lieu thereof. Unfortunately, the untimely passing of a very close friend prevents my being present at your hearing on Monday.

I would like to take this means of expressing in the strongest language my support of this type of enabling legislation. I am sure that this was the consensus of members on my Legislative Commission Subcommittee which conducted hearings on land problems last year. Without the aid that this bill will make possible, our financially distressed cities and counties will fall hopelessly behind in the race with developers.

It is difficult for many of us who have lived for years in Nevada to comprehend the incredible rate of growth in the years ahead. Skip Hansen testified before the Senate Finance Committee that corporations already approved by his office or seeking approval for license to sell, claim to have approximately 200,000 lots in Nevada. The Governor's Council on Environmental Quality pointed out that in a recent six-month period some 115 subdivisions in Nevada were approved--enough for 36,000 people.

Opponents of this type of legislation argue that it is unconstitutional. I have carefully researched this point and am convinced that it is totally devoid of merit. Recently I have noted another suggestion, namely, that park assessment districts should be created for new subdivisions. Nearly 10 years ago, a number of us in Reno also thought that this might

be the solution. We were successful in having state law amended to make this possible, but to my knowledge, it has never been used. It apparently simply will not work.

One thing that the opponents cannot deny is that mandatory dedication has worked in other states and the trend is for the adoption of this law in other jurisdictions. It has not driven subdividers out of business; it has not subverted the free enterprise system; it has instead been a pragmatic answer to a serious problem.

With best wishes for a successful and thorough hearing I remain.

Sincerely,

*Cliff Young*  
Cliff Young

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CY/dy