

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-  
LIABILITY COMPANY; AND FORE STARS,  
LTD., A NEVADA LIMITED-LIABILITY  
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-  
LIABILITY COMPANY; AND FORE STARS,  
LTD., A NEVADA LIMITED-LIABILITY  
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL  
SUBDIVISION OF THE STATE OF  
NEVADA,

Respondent/Cross-Appellant.

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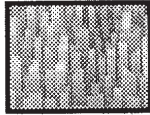
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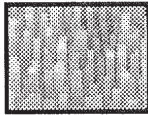
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# I. INTRODUCTION

## 1.1 Purpose and Scope of the Updated General Plan

The City of Las Vegas General Plan is the primary growth management tool and policy document used by City staff, the Planning Commission and City Council to guide the future growth and development of the City.

This General Plan has three basic characteristics:

- **It is generalized:** It provides general guidance and direction for City growth and development. More specific guidance is given with the implementation tools of the General Plan which include (primarily) the City's Zoning Regulations and Subdivision Regulations, and the Capital Improvement Plan for financing of public improvements.

- **It is comprehensive:** In addition to the primary components of Land Use, Community Facilities and Circulation, the General Plan addresses all of the components which affect the physical, economic and social concerns of the City and its residents. The elements include: Infrastructure (sewer, water supply, flood control, and solid waste); Public Finance; Economic Development; Housing; Urban Design; Environmental Quality and Natural Resource Conservation; and Historic Preservation.

- **It is long range:** It plans not only for the pressing concerns of today, but considers the ultimate needs of the community, with projections for "buildout" scenarios of its population based on recommended future land uses.

This General Plan is intended to function as a policy document that will guide growth and development within the City. It is not designed nor in-

tended to create rights in any person nor to create obligations on the part of the City.

## 1.2 The "Las Vegas 2000 and Beyond" Strategic Planning Program

The dynamic pace of growth, and related planning concerns, prompted the Mayor and the City Council to organize a community wide citizens task force to address a number of growth concerns and to provide a vision for the future of our City, and for the entire Valley. In January, 1989, the "Las Vegas 2000 and Beyond" Strategic Planning Program was inaugurated, chaired by the Mayor and co-chaired by the Chairman of the Clark County Board of Commissioners. This program involved over 300 citizens from throughout the Las Vegas Valley, representing a broad cross section of our population. Eight citizen committees were formed to address both the strengths and the weaknesses of Las Vegas, and to provide guidance for future planning in the following areas:

- Public Safety
- Environment
- Transportation
- Human Resources
- Economic Development
- Growth
- Quality of Life
- Resource Availability

Each of the "Las Vegas 2000 and Beyond" committees adopted a variety of specific "actions" to implement their areas of concern for growth management into the 21st century. All appropriate actions from each of the committees were integrated into the update of the General Plan. The updated General Plan also reflects the "Las Vegas 2000 and Beyond" Mission State-

ment: "create a continuing process which encourages economic growth, and which enhances our quality of life through innovative planning and implementation of actionable programs".

All relevant land use "actions", and in particular, the specific following actions of the Land Use Sub-Committee have been emphasized in this update:

1. Update the City's General Plan in coordination with the General/Master Plans of adjoining jurisdictions, and with ongoing regional transportation planning.

2. Develop methods of increased jurisdictional cooperation such as formation of a Las Vegas Valley Council of Governments, consolidation and/or a Valley-wide planning authority.

3. Improve Valley-wide coordination of zoning, building and code enforcement regulation and processing.

4. Investigate and encourage urban form alternatives to suburban sprawl, including nodal development concepts such as urban villages and activity/service centers, and neo-traditional (pedestrian oriented) planning concepts.

5. Implement neighborhood scale planning programs to maintain new neighborhoods, improve and revitalize older neighborhoods, and redevelop neighborhoods when appropriate.

## 1.3 The General Plan Update Process

In order to prepare an effective General Plan update, the following approach and steps were undertaken (see Figure 1, Critical Path for Major General Plan Elements):





# UPDATE AND REVISION OF CITY OF LAS VEGAS GENERAL PLAN CRITICAL PATH FOR MAJOR ELEMENTS

1. Completion of the "Las Vegas 2000 and Beyond" strategic planning program, with the assistance of over 300 Las Vegas Valley citizens.

2. Preparation of initial draft revisions to the 1985 General Plan\* by staff of the Department of Community Planning and Development, with input from the following departments: Building and Safety, Design and Development, Detention and Enforcement, Economic and Urban Development, Fire Services, Parks and Leisure, and Public Works.

3. Appointment by City Council of an 18 member Northwest Citizens Advisory Committee to work with staff to develop an Interim Northwest Area General Plan to deal with the immediate growth concerns of this rapidly developing rural area. The Interim Plan was completed and adopted by City Council on February 20, 1991.

4. Appointment by City Council of a 35 member General Plan Citizens Advisory Committee (CAC), and formation of a General Plan Technical Advisory Committee (TAC) comprised of City department heads.

5. Review, analysis and update of the 1985 General Plan by the CAC and TAC, with support and assistance by Planning staff and staff of all related City departments and regional agencies, to include:

- background data, research and analysis, and identification of issues;
- update of the Policy Document (City-wide Goals, Objectives, Policies and Programs); and
- update of the Community Profile Document (future land use designations), including review of all City land parcels.

6. Preparation by Planning staff, and review and recommendation by CAC and TAC, of an expanded format General Plan to include specific new

Elements pertaining to:

- Land Use
- Economic Development
- Circulation
- Housing
- Community Facilities
- Urban Design
- Infrastructure
- Environmental Quality and Natural Resource Conservation
- Public Finance
- Historic Preservation

7. Preparation of an Evaluation and Implementation Matrix (EIM) for each of the above Elements to provide:

- a method of measuring the implementation progress of the General Plan;
- a budgeting document for the programs of each Element; and
- a tool for further developing work programs.

8. Aggregation of the 16 individual Community Profile Area maps into three "sector" scale proposed future land use maps (Northwest, Southwest and Southeast: see Section 2.5 in the following Land Use Section) to provide a broader scope of reference for land use relationships than was possible with the smaller land areas covered by the Community Profile maps.

9. Preparation, with input of Planning staffs of Henderson, North Las Vegas and Clark County, of a generalized Valley-wide scale Future Land Use Plan Map.

10. Concurrent review and adoption of the Downtown/West Las Vegas Development Plan in conjunction with the Department of Economic and Urban Development.

11. Introduction of a new approach to the categorization of proposed future land uses by identifying Development Intensity Levels (D.I.L.) by traffic generation, rather than by the typical land use designations, for all land

parcels. A pilot study is underway in the Southwest Sector to demonstrate the application of this process, which will be applied to residential land parcels, non-residential parcels and a combination of both.

## 1.4 Population Growth and the Need for Growth Management

The Las Vegas Valley is one of the fastest growing areas in the country. Since adoption of the previous General Plan in 1985, extensive growth has occurred, and continues, in both the City and throughout the Valley. Existing development extends beyond the projected northwest growth boundary lines shown on the 1985 General Plan for the year 2000. The population of the City of Las Vegas increased by 57% from 1980 (164,674) to 1990 (258,295). Overall Clark County had a similar rate of growth (60%), with an increase in population from 463,087 in 1980 to 741,459 in 1990. The increases in specific sectors of the City are noted in the following table:

Table 1

### CLV Population Changes: 1980-1990

Sector	Increase	% Change
SE	33,566	28
SW	57,859	186
NW	2,196	14
City-wide	93,621	57

## 1.5 Growth Management

Growth Management is a conscious government program intended to influence the rate, amount, type, location, and quality of future development

\* See Appendix Volume, Chapter I, for overview of key elements of 1985 General Plan

within a local jurisdiction. It should be noted that this definition, which focuses on "actively guiding growth", differs from the notion of "nogrowth". Growth management programs may include statements of growth policy, development plans, and various traditional and innovative implementation tools including regulations, administrative devices, taxation programs, public investment programs, land acquisition programs, and other creative techniques.

As defined, the growth management process attempts to influence the "primary" characteristics of growth: rate, amount, type, location, and quality. These are the essential and major avenues through which the overall form and nature of development can be affected. A secondary set of growth features, which are in effect "impact" characteristics, such as environmental impact or fiscal impact, are outputs that result from the development process itself. Analyzing the impacts of development is one way to judge the effectiveness and equity of growth management. It is possible to limit negative growth impacts by managing the primary growth characteristics. For example, the negative fiscal impacts of new growth can be minimized by directing new development to locations already served by water and sewer systems and by relating the acceptable rate of development to levels that can be accommodated by adequate public facilities such as streets, water, fire etc.

## 1.6 Content Conformance with State of Nevada Statutes

Requirements for the contents of General Plans are contained in Nevada Revised Statutes (NRS), Section 278.160. The only required elements are a Population Plan and a Conservation Plan. However, this edition of the Las Vegas General Plan addresses the full list of categories suggested by

278.160, which includes: Land Use, Conservation, Economic, Population, Historic Properties Preservation, Recreation, Seismic Safety and Subsidence, Solid Waste Disposal, Streets and Highways, Transit, Community (Urban) Design, Housing, and Public Services and Facilities (defined as sewage, drainage and utilities). These topics have been restructured into ten plan elements. A major priority was placed upon linkage and consistency among all General Plan elements.

Additional and separate requirements for the Downtown Development Plan, which includes the adjacent West Las Vegas area (discussed under the following Southeast Sector Plan) are contained in NRS Section 279.382 - 279.680. Approval of the Downtown Development Plan was integrated with the overall General Plan preparation and approval process, in coordination with the Department of Economic and Urban Development and the Downtown Redevelopment Agency.

## 1.7 Intergovernmental Coordination

A major emphasis was also placed on intergovernmental coordination and cooperation among all City departments and other affected jurisdictions and agencies. Input and coordination were maintained with: Clark County Comprehensive Planning; the cities of Henderson and North Las Vegas; the Nevada Department of Transportation (NDOT) the Regional Transportation Commission (RTC); the Regional Flood Control District; the Las Vegas Valley Water District; The Bureau of Land Management; the Southern Nevada Homebuilders Association; the Greater Las Vegas Association of Realtors; the Environmental Research Center; the UNLV Center for Business and Economic Research; the Preservation Association of Clark County; the Colorado River Commission; the Clark County School District; the Las Vegas Metropolitan Police Depart-

ment; and the Clark County Library District.

## 1.8 Format of the Updated General Plan

Each of the following ten General Plan Elements contains the following sections:

1. An outline of the **Background** of existing conditions
2. The identification of major **Issues**
3. The development of the overall
  - **Goal:** the end result which is desired by the City for each of the elements, and the supporting:
  - **Objectives:** more specific (and more readily measured) aims, or expected results
  - **Policies:** courses of action that are proposed by the City to pursue a definite course of action to implement the Objectives
  - **Programs:** Specific tasks or work items to implement the Policies
4. The development of an **Evaluation and Implementation Matrix (EIM)** to coordinate and measure the implementation progress of the General Plan.

## II. Land Use

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