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What's New

In land use planning

*Let us do the
reading for
you!*

RFM Land Use Consulting, LLC

Ethics in Planning

There will always be those who will ask, is there ethics in Planning? Should there be ethics in Planning?

I personally wonder just how many people are there who would actually say yes in a heartbeat.

Planners are not expected to be perfect; public trust however imposes increased responsibility on planners to offer an example of impeccable conduct.

Most of those in the planning profession accept the concept of ethical conduct as important. However, in any given office, one may observe a variety of different behaviors under the same circumstances.

It can be safely said, at least I hope it does, that the

general orientation of right or wrong is not derived from reading a code of ethics from whatever profession one is in. However it is from the conscious or unconscious lessons we learned growing up, whether it be from the family, religious upbringing or early schooling.

We, as planners, should bring that upbringing to our professional lives. Do what's right for the community in which we serve, for the clients we represent, and for ourselves.

What are your thoughts on ethics in planning? Let me know! Drop me a line!

Join me on...

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Exactions as a result of Nollan

Generally speaking, the power to exact concessions from developers is a part of the jurisdictions police power. If exactions are proper, they further a legitimate governmental or public interest.

Initially exactions were permitted only when there was a direct relationship between the exaction and the project. As an example, requiring roads in a subdivision project. If that project didn't exist, roads wouldn't be required. Simple. Over time, the acceptable definition of nexus of proportionality was expanded to such things as requiring

land for schools as a result of the subdivision and the like.

By the 1970s and 1980s, things were essentially getting out of hand in what was being required of developers.

In 1987, the Nollan family, for an unreasonable exaction imposed on their property, took the California Coastal Commission to court. The CCC required an easement permitting a public access along the beach in front of their soon to be rebuilt house.

The CCC had required this of all other homes in the area, and at the time

Exactions as a result of Nollan (cont.)



approximately 40 homes had agreed to the condition. However, the Nollan's disagreed in that there was no direct relationship between a taller (2-story) house and public access to the beach.

It was eventually heard by the US Supreme Court, it was determined that there was no relationship and sided with the Nollan's. Justice Scalia even indicated he thought it was out of bounds what jurisdictions were doing (I won't repeat exactly what he said). The ruling did not strip away exactions;

it merely reimposed that a direct nexus be established between a proposed project and the exaction imposed.

The same year, AB 1600 was passed that requires that before development fees (another type of exaction) be imposed, that a jurisdiction be required to identify the purpose of the fee and the use it will be applied to. The fee must also be segregated from other funds, and refunded back if not used within five years for the purpose originally defined.

To Laugh, or Not to Laugh, that is the Joke...

Sshish-boom-bahhh....what's the sound a sheep makes when it explodes? (thank you Carnac!)

To the person who invented the zero, thanks for nothing!

We've all heard of Darth Vader...but do you know his Cousin? Her name is Ella....

A man bought a thesaurus at a yard sale and later found out all the pages were blank...he was at a loss for words...

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Yes, Planners do have a sense of humor!!



This, That, The Other...and whatever that is...

It has come to my attention that there are issues with signing up to be on my email list through Constant Contact. I do apologize for that, but it appears out of my control to fix. CC is not really customer service oriented I find. If you know anyone who wants to sign up, please have them contact me through my email at rfm467@gmail.com and I'll take care of it.

In a previous issue, I opened up the possibility of having an advisory committee if anyone wanted to volunteer. Sort of like a Board of Directors. Positions are open, feel free to reach out at rfm467@gmail.com.

YouTube videos on planning topics are something I started a while back. There are a few now, but I would like ideas for future postings. Let me know your

thoughts!

I am thinking of changing a few things up on these newsletters. The first of which, given that I am running out of ideas of what to write on, is going to either a one-page/one topic per month issue. Another is to continue this format and go to every other month. What is/are your thoughts?



What is of interest to you, the reader...

I hope you have been enjoying reading these newsletters as much as I have in writing them. I've been trying to find information that may be of some interest to everyone.

Now that I've been doing this awhile, let me turn the tables on to you, my readers! Please let me know what may be of interest to you...things you may want to know, or hear about.

Additionally, if you have any announcements you may wish to pass along, or have a short piece to share, please pass it along and I'll be happy to include it in the newsletter. If you have an article you want published, please forward it along too!

As you know, I publish this once a month, so plan accordingly! If there is a

special announcement though, I can easily slip it in the email blasts as a separate and stand-alone item!

If you would like to see it explained on YouTube, now that I have a channel started, please let me know too!

If you would like a different format, let me know!

Also note that I have a blog on my website (www.rfmlanduseconsulting.com) that I will occasionally post on. Check it out!





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Customer Comes
First***

Publications

I hope you have enjoyed this publication of RFM Land Use Consulting's newsletter! While short in nature, I hope you have found the information useful.

It is my hope to periodically publish a newsletter to keep my clients up to date with articles relating to the planning field, as well as highlight projects I feel are of note for the community.

If there are subjects of interest in the

planning field you would like to see here, please feel free to contact me with those ideas, and I will include them in future publications.

If you know anyone wanting to subscribe to this newsletter, go to www.rfmlanduseconsulting.com. Thank you for reading!

Topics in future editions of the newsletter...

- Articles from you!
- Trends in Planning
- Advisory Board
- Community Engagement

Sign up for our Newsletter!

If you know anyone interested in signing up for this newsletter, or if you've viewed this from the website and want to be included in the regular publication of it and for future communications from RFM Land Use Consulting, have them get a hold of me at rfm467@gmail.com.