



## WASHOE COUNTY COMMUNITY SERVICES DEPARTMENT PARKLAND EASEMENT POLICY AND PROCEDURES

### I **PURPOSES:** The purposes of this policy are to:

- Provide direction for Washoe County's Community Services Department (Department) on the policy and process for considering and recommending Board of County Commission (Board) action various types of easements that will allow for the fair and uniform administration of non-park use of Washoe County's parklands (parks, trails, open spaces).
- Establish and define criteria for non-park use of park property;
- Inform prospective users and the public of the expectations and intentions of the Department with respect to non-park uses; and
- Authorize the Department to receive and retain for uses that benefit Washoe County's parklands (parks, trails, open space) appropriate compensation for non-park use of park property and mitigation of any short term or long term impacts.

### II **POLICY:** It is the Policy of Washoe County's Community Services Department to:

- Ensure the Department's ability to provide future public services by the effective stewardship of Washoe County's parklands and facilities;
- Discourage unauthorized and inappropriate uses of park property;
- Minimize adverse impacts to park land and facilities, including natural, cultural, recreational, and historical resources of authorized non-park uses of Washoe County's parklands; and
- Require that permanent or long term non-park use of parklands, such as by conveyance of an easement to another public entity, individual, or corporate body or by transfer of jurisdiction, be authorized by action of the Board.

### III **PERSONS AND PARTIES AFFECTED:** Persons and parties affected by this policy include the Department, adjacent property owners, applicants requesting or holding easements, non-authorized users of parklands, and citizens and community interests.

### IV **DEFINITIONS:**

**Easement:** An easement is an interest in land which grants the right to use or enjoy land owned by another. The sale or lease of county real property is generally governed by N.R.S. 244.2795, 244.281, 244.282 and 244.283, which require two appraisals of the property and a public auction unless the transfer contemplated falls within one of the exceptions enumerated in the statutes. The exceptions to the two appraisal/public auction requirements include:

- Transfers for affordable housing, control and protection of animals, rehabilitation of rental property in residential neighborhoods, and rehabilitation of abandoned rental property.
- The sale or exchange of property with landowners abutting a road or flood control facility to adjust the road or flood control facility.
- The sale or lease of rights-of-way or water rights to a public utility.
- The transfer or sale of land that was part of an original mining town site which was acquired directly from the federal government.
- The transfer or conveyance of land to a corporation for public benefit.
- The transfer or conveyance of land to a nonprofit organization for development of affordable housing.
- The reconveyance, sale or lease of land donated, dedicated or condemned for public purposes when it being reconveyed to the person from whom it was received or to his/her heirs at law.
- Transfers for the purpose of vacating or abandoning streets or easements.
- Transfers effectuating the purpose of a cooperative or interlocal agreement that was in effect on October 1, 2004.
- Leases of real property for a term of one year or less, or leases of real property that are less than 25,000 square feet for a term of not more than 3 years, where it can be demonstrated that it is in the best interest of the county .
- Transfers of land of more than one acre which have been approved by the voters at an election. Transfers of land where the property to be sold or leased is worth less than \$1,000.

**V CRITERIA TO BE CONSIDERED IN EVALUATING EASEMENTS:** In general easements will not be considered unless it is possible to minimize harm to the maximum extent practicable and/or provide full restoration to the pre-disturbance condition and function is included in the proposed project. In addition, the Department, in fulfilling its responsibility to preserve and protect the County's Park system and its natural resources, will not advocate efforts to transfer park property or park facilities or any portion thereof for non-park use, or establish non-park uses therein including water related or other utility related non park uses, unless:

- The Department has determined that the proposed project is complementary with other planned or existing park uses at the subject site; or
- It has been determined that there is no feasible or prudent alternative to the use of park lands for the specified purpose; or
- Such transfer or use can be shown to provide substantial long term benefit to the County's Park system; or
- Such use was in existence prior to the adoption of this policy and serves a clear purpose such as existing use arrangements with other County departments, Washoe County School District, Regional Transportation Commission, Nevada Department of Transportation, City of Reno, City of Sparks, Bureau of Land Management and the United States Forest Service, or other government or quasi-governmental entity that may or may not be established by formal transfer of rights; or

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- The non-park use meets a legal obligation of the County, such as to allow access to private property or to allow certain utility services across private property; or
- The proposed project will benefit the general public; or
- The proposed project is essential to public safety, health and welfare.

Department policy and/or restrictive covenants on some lands may make it impossible to approve easement requests. Exclusive easements will not be considered.

**VI PROHIBITED NON-PARK USES:** Non-park uses or activities that are prohibited include:

- Any new or additional industrial, mining, quarrying, oil, gas, sand, gravel or other mineral development projects.
- Any other change in the general character of the topography of the land including the impacts to wetlands, streams and other water resources.
- The creation or continued use and expansion of a public health hazard or code violation.
- Any new or additional commercial or business activity that involves significant or continuous “on sight public participation” or attendance.
- Placement of signs, billboards or advertisements except identification of project or property owners.
- Any new use or activity not in compliance with local ordinances.

**VII PROCEDURES:**

A fee of \$100.00 will be assessed at the time an application is submitted.

Acceptance of an application for review does not guarantee approval.

Applications for easements are reviewed on a case-by-case basis. Upon receipt of a complete application by the Department’s Planning and Development Division, an initial assessment will be conducted within 10 business days. During this initial review, all applications for easements will be analyzed first under the provisions of state law cited above to determine whether the granting of the easement is governed by these statutes and whether the request falls within one of the statutory exceptions to the two appraisal/public auction requirement. In the event of a conflict between state law and the terms of this policy, state law controls.

Following the initial assessment, Department staff may request time for additional information from or meetings with the applicant. Within 10 business days following completion of any additional meetings or discussions with the applicant, Department staff will prepare and submit to the Department Director their recommendations for further action on the proposed easement.

All applicants will be requested to present their proposal for public review and comment to the appropriate Washoe County Citizen Advisory Board or other appropriate

community forum and provide notice to all adjacent property owners as required in Washoe County Code Chapter 110 noticing provisions related to project proposals. **All public noticing costs will be paid for by the applicant.**

Washoe County's Open Space and Regional Parks Commission will review the project, identify mitigation measures if applicable, and provide recommendations to the Board as appropriate.

Following action by the Open Space and Regional Parks Commission, agreements can then be drafted for the Board's consideration. The Department, Washoe County District Attorney and Washoe County Risk Management will review the agreements prior to consideration by the Board. A technical check of the legal description shall be performed by the County Surveyor or their designee.

**VIII CONDITIONS:** Easements may be conditioned by imposing various fees, charges and monetary assurances to ensure that all work performed on or around the easement is completed to the satisfaction of the Department. The County shall establish and periodically review effective procedures for granting construction easements and monitoring construction activities for compliance with terms and conditions of construction easements.

**IX COMPENSATION AND MITIGATION:**

1. The Department will require compensation for the value of the land based on an appraisal prepared by a certified appraiser or other valuation deemed appropriate by the Department and compliant with Washoe County Code 80.540, unless otherwise indicated by State law. The affected land area shall be determined based on the extent of impact. To establish the value of the easement a land appraisal will be performed by a mutually agreed upon, certified appraiser, compliant with Washoe County Code 80.540, unless otherwise indicated by State law. **A preliminary title report and the appraisal expenses will be paid for entirely by the applicant.**
2. Additional financial mitigation may be assessed based on factors such as the sensitivity of impacted areas and the length of time park activities may be disrupted, or other factors that are relevant to the proposed project, including consideration of differential or lower costs associated with a project as a result of obtaining an easement.
3. The Department will impose an impact fee of \$5.00 per square foot for any loss or disturbance resulting from unauthorized use, unauthorized work, or private use of public parkland, open space, or park facility.

**X DISPOSITION OF REVENUES GENERATED FROM EASEMENTS AND/OR ADDITIONAL FINANCIAL MITIGATION:** Revenues from the value of land and any financial mitigation measures will be allocated for future support of Washoe County's Park system and may be expended on park improvement projects, park operations and maintenance etc. Reasonable efforts will be made to utilize any revenues from granting easements or requiring additional financial mitigation at the park site

affected by the easement. If no such opportunity exists at that particular site, revenue may be allocated to another park within that Park District where the easement was located, or elsewhere within the County's park system based upon the particular needs of the Department at that time. The Board will authorize disposition of revenues for each proposed easement as part of its action on each proposal.

**XI ATTACHMENTS:**

1. Parklands Easement Application