



CLARK COUNTY DEPARTMENT OF PUBLIC WORKS

POLICY STATEMENT

Conveyance of Open Space, Critical Areas, Undevelopable Remnant Lands, and Stormwater Tracts

Approved by:
Effective Date:
Revision Date:
File Name:

Purpose:

To define a legally sound and consistent policy for accepting or denying proposed conveyance of open-space tracts, critical-areas tracts, oversized stormwater tracts, or remnant tracts of undevelopable land to Clark County by development project proponents.

Intent

This policy provides Clark County control over conveyance of lands that the County would not otherwise seek to own, and that require significant maintenance risk expenditures from county revenues.

Responsibilities & Affected Parties of Clark County Public Works

This policy primarily affects staff in several Public Works divisions, including Clean Water, Development Engineering and Parks, as well as the Real Property Services section within the Engineering & Construction division. Responsibility for maintaining this policy rests with the Clean Water Division Manager, the Engineering and Construction Division Manager, the Real Property Services Manager, the Development Engineering Manager, the Parks Manager and the Legacy Lands Manager, under direction of the Public Works Director.

Final Authority

The final authority regarding this policy rests with the County Manager. The policy supports and clarifies the provisions in Article III, Section 2.33A.090 of Clark County Code Chapter 2.33A Property Management with regard to acceptance of conveyances of real property.

Background

Land development regularly results in a variety of "left-over" undeveloped land areas. These may take the form of undevelopable critical areas, remnant land slivers not large enough to accommodate additional building lots, and other unusable areas.

Developers traditionally have disposed of these areas by conveying them to Clark County. In some cases entire tracts are dedicated as open space or wetlands. In others, remnant slivers are tacked onto stormwater tracts and dedicated as part of the stormwater facilities.

Legacy Lands, Clean Water and Parks have generally been recipients of these dedications, and in some cases there are valid reasons to accept or even desire conveyance of such tracts to Clark County. However, in many cases these areas represent poor-quality habitat or disconnected islands of land with little value for habitat or to the public. Historically, such conveyances have been accepted as a matter of course, with no input from the divisions that are ultimately responsible for ongoing maintenance and with little regard for the true cost of accepting them.

In many cases, unwanted conveyance of property to Clark County results in significant maintenance costs in response to public complaints about vegetation growth, fire hazards, tree fall, and use of the areas by homeless individuals.

County maintenance of these unused county lands is limited due to funding constraints and statutory limitations on the use of Clean Water fee revenue and Legacy Lands maintenance funding. Because these dedicated tracts are often not stormwater facilities, it is difficult to justify spending Clean Water stormwater fee dollars to maintain them. In the case of Legacy Lands, maintenance/management spending is limited by state code to land acquired with conservation futures revenues and in an amount not to exceed 25% of the prior year's conservation futures property tax revenue. This amount is insufficient to properly manage the inventory of valuable and purposefully acquired legacy properties. It is also

questionable whether such funds may be spent on lands acquired without a commitment of conservation futures funds. In the case of Parks, costs to maintain such parcels are included in the general fund appropriations.

Provisions

1) Conveyance of Open-space, critical area, and remnant tracts

If an applicant desires to convey unused property to Clark County, the following provisions will be considered before any decision is made.

Acceptance or denial of open-space, critical area, and remnant tract dedications will be at the discretion of the County, as represented by the Clean Water Manager, Legacy Lands Manager, Parks Manager, and Real Property Services Manager, with approval of the Public Works Director. Public Works will obtain final approval from the County Manager prior to acceptance of any proposed conveyance of open space, critical areas, or remnant tracts.

The preferred approach is to establish acceptance or non-acceptance of proposed conveyances during preliminary approval. With prior consent from Public Works, the decision may be deferred to final plat review. In either case, review must include an opportunity for comment by the above-listed managers or their designees. No tract conveyances may be accepted without approval from the responsible manager(s) with the concurrence of the Public Works Director. The County shall not issue Park Impact Fee credits for such conveyances, and such conveyances do not relieve the landowner of the obligation to fully comply with all critical areas mitigation requirements for the subdivision.

Criteria for Acceptance

Tracts will be evaluated on a case-by-case basis and acceptance is at the discretion of the above-listed managers. Community Development staff should be consulted during evaluation of proposed critical areas dedications. Parcels most likely to be accepted include:

- Lands within or adjacent to planned or existing county greenways or trail systems
- Lands identified as priority acquisitions under Parks master plans or Legacy Lands acquisition plans
- Lands consisting primarily of identified habitat or wetlands and associated buffers
- Lands that establish habitat connectivity between two or more larger parcels of protected habitat
- Lands required to be set aside as undevelopable under Clark County code

2) Conveyance of Stormwater tracts

If an applicant desires to convey stormwater tracts to Clark County, the following provisions will be considered before any decision is made.

- All provisions in the current Clark County Stormwater Manual pertaining to Clark County acceptance of stormwater facilities must be met.
- Stormwater tracts to be conveyed to Clark County must incorporate all treatment and flow control practices within the tract (whether above or below ground). Outfalls and associated pipes are not required to be within the conveyed tract, but an easement must be provided to allow Clark County access to this infrastructure for inspection and maintenance.
- Any additional land included in the tract that is unneeded for stormwater treatment and flow control or access may not exceed 25% of the functional stormwater facility area.
- For all storm facilities requiring fencing, the fencing shall conform to the boundary of the storm tract. Additional land area outside the fenced portion of the tract may not be conveyed to Clark County.

3) Split parcels

In no case may a single tract to be conveyed to Clark County be split into geographically separate areas. Each separate contiguous area must be a separate legal tract.