

# DISTRICT COMPILED POLICIES

## CHAPTER 8 – DISTRICT PROPERTY

### 8.01 Acquisition of District Property

- (A) Purpose. The district may acquire property (including without limitation fee ownership, easement, water rights, lease or rental) from time to time to satisfy a district need.
  
- (B) Policy. The district should acquire property either through acceptance of a donation or pursuant to a negotiated agreement, to satisfy needs identified in its guiding documents (e.g. comprehensive plan, functional plans), for the protection of natural resources, other district purposes, or to facilitate a sequenced real estate transaction.
  
- (C) Implementation Strategy.
  - (1) Staff will evaluate potential property acquisition on a case-by-case basis using the District Operational Procedures adopted by the general manager.
  - (2) Acquisition of property shall satisfy district needs as identified in its guiding documents.
  - (3) Donation of property that does not meet a need identified in district guiding documents shall only be accepted if there is a benefit to the public that outweighs the cost of its maintenance.
  - (4) Due diligence shall be undertaken for the acquisition of property as set forth in the District Operational Procedures adopted by the general manager.
  - (5) The purchase price shall be equal to or less than the fair market value. The fair market value is determined by the appraisal and review process as defined in the District Operational Procedures.
  - (6) The board may approve a purchase price above fair market value if it finds that the acquisition of the property is in the public's best interest.
  - (7) Acquisition shall be subject to final approval by the board.
  - (8) The district may consider using its eminent domain authority (condemnation) to complete a purchase if the district cannot acquire the property through a voluntary transaction with the owner.

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## 8.02 Disposal of Surplus District Land

- (A) Purpose. The district should retain ownership of properties necessary for conducting its business operation, supporting the community, and for the preservation of public spaces and open space. Land should not be disposed of (by sale, easement, encroachment, or otherwise) for private interest unless deemed beneficial for the district or for the greater public use, such as affordable housing or other identified community need.
- (B) Policy. It is the district's policy to dispose of properties that are no longer required for their intended purpose and to invest the proceeds of such sales in the acquisition or development of property(ies) to serve a district need, or in the case of restricted funds used to acquire a property, to serve a similar use consistent with the requirements of that funding source.
- (C) Implementation Strategy.
  - (1) Disposal of land shall be considered if the land does not meet an identified need as described in the district's guiding documents and does not provide a public benefit that outweighs the cost of its maintenance, and;
  - (2) Staff will evaluate each surplus property on a case-by-case basis using the District Operational Procedures adopted by the general manager.

## 8.03 Easements on District Property

- (A) Purpose. To provide direction for requesting and securing easements on district owned property to staff, community members, adjacent property owners, developers and the business community.
- (B) Policy. It is district policy to preserve the integrity, investment, public access and function of district property. In the spirit of cooperation with the community at-large, adjacent property owners, developers and the business community, it may sometimes be acceptable to allow easements on district property for other than park and recreation purposes if the benefits to the district and community outweigh the negative impacts. The district will charge fees to offset staff time spent on these requests.
- (C) Implementation Strategy.
  - (1) Easements shall be permitted with approval by the general manager or designee when required as a condition of a district development proposal or for easements under 10,000 square feet. All other easements require board approval.

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- (2) Upon request, the district will consider proposals for easements on district properties if it can be demonstrated that the negative impact of the intended function of such easements will not outweigh the community and district benefits or the district will be adequately compensated for such an impact. Examples of such easements include conservation, storm water / sanitary sewer / domestic water, construction access, emergency access, utility, road right-of-way or similar easements.
- (3) Staff will evaluate each easement proposal on a case-by-case basis using the District Operational Procedures adopted by the general manager.
- (4) The general manager will periodically update the District Operational Procedures to reflect inflationary increases in staffing, materials, and land costs. Updates will take into account local, regional, and statewide planning and regulatory initiatives.
- (5) Fees will be determined considering: (1) whether the easement is for personal or commercial purposes, (2) if design plans must be reviewed, (3) if the easement requires board approval; and (4) if legal review is required, as set out in the District Operational Procedures.

### 8.04 Encroachments on District Property

- (A) Purpose. To provide direction for resolving encroachments on district owned property to staff, community members, adjacent property owners, developers and the business community.
- (B) Policy. It is district policy to preserve the integrity, investment, public access and function of district property. Any encroachment on or modification to district property is considered trespassing when it comes to the attention of the district, regardless of when the property was initially encroached upon or by whom. Persons deemed responsible by the district will be notified in writing and directed to remove all encroachments. Examples of encroachments on district property include landscape installation, placement of physical structures, fence / wall installation and pathway / driveway construction.
- (C) Implementation Strategy.
  - (1) If an encroachment is not resolved within 90 days of the notice or other period specified by the district in the encroachment notice, the district may take action to restore the property to its original condition. Persons deemed responsible by the district for the encroachments must pay the cost of such action. Due to the complexity of these requests, the district may charge fees to pay for the legal review and to offset staff time spent on these projects as outlined in the District Operational Procedures adopted by the general manager.

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- (2) Staff will evaluate each contested encroachment on a case-by-case basis using the District Operational Procedures adopted by the general manager. If the violator wishes to appeal a decision of the general manager, persons responsible for the encroachment may request a hearing before the board.

### 8.05 Telecommunications Facilities on District Property

- (A) Purpose. To provide direction for requesting and securing the installation and operation of telecommunication facilities on district owned property to staff, community members, adjacent property owners, developers and the business community.
- (B) Policy. It is district policy to preserve the integrity, investment, public access and function of district property. In the spirit of cooperation with community members, adjacent property owners, developers and the business community, it may sometimes be acceptable to allow the installation and operation of telecommunications facilities on district property for other than park and recreation purposes if the benefits to the district and community outweigh the negative impacts. Consideration may be given to the impact of telecommunication facilities on properties adjacent to district property. Due to the complexity of these requests, the district will charge fees to pay for the legal review and to offset staff time spent on these projects as outlined in the District Operational Procedures adopted by the general manager.
- (C) Implementation Strategy. Upon request, staff will evaluate each lease proposal on a case-by-case basis using the District Operational Procedures adopted by the general manager. The District Operational Procedures will provide steps to ensure compliance with district policies. The general manager will deny a telecommunications lease proposal or recommend it to the board for approval. Decisions of the general manager may be appealed to the board. The board may approve or deny a lease and may hold further public hearings at its discretion. All decisions of the board are final.

### 8.06 Wetland and Buffer Mitigation on District Property

- (A) Purpose. To provide direction for requesting and securing the use of district owned property for wetland and buffer mitigation purposes to staff, community members, adjacent property owners, developers and the business community.
- (B) Policy. It is district policy to preserve the integrity, investment, public access and function of district property. In the spirit of cooperation with community members, adjacent property owners, developers and the business community, it may sometimes be acceptable to allow the use of district property for mitigation purposes for other than park and recreation purposes if the benefits to the district and community outweigh the adverse impacts. Due to the delicate nature of new

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mitigation sites and the significant staff work to respond to a proposal, the district will charge fees to offset staff time spent on these projects.

(C) Implementation Strategy.

- (1) Upon request, staff will evaluate each mitigation proposal on a case-by-case basis using the District Operational Procedures adopted by the general manager. The general manager may approve or deny a mitigation request. Decisions of the general manager may be appealed to the board by submitting a written request.
- (2) The general manager will periodically update the District Operational Procedures to reflect inflationary increases in staffing, materials and land costs. Updates will take into account local, regional and statewide planning and regulatory initiatives.

### 8.07 Naming of District Property

(A) Purpose. To provide direction for the naming of new district properties, the renaming of existing district properties, and the naming of features in otherwise named district properties.

(B) Policy. It is district policy to name or rename district properties and features in otherwise named district properties so as to support, acknowledge, and welcome communities at district parks, trails, and facilities, and thereby also serve the interests of the district. To this end, the district's preference is to name properties using the district's Names Catalog. Additionally, the district may support the consideration of naming and renaming requests within the following broad categories:

- (1) Historic Events, People, Places and Symbolic Terms of local cultural significance: The history of events, places, persons, or peoples and/or the district's Land Acknowledgment Statement may play an important role in the naming or renaming of a district property to better honor the history of the district and the community.
- (2) Outstanding Individuals: Over time, the district has benefited from the contributions made by many outstanding individuals. This category is designed to acknowledge the sustained contribution that has been made by such individuals to the district and the development and management of the district's park and recreation system.
- (3) Donors: Over the years, the district has benefited from the financial contributions made by community members, businesses, and foundations. On occasion, the significance of such donations may warrant consideration being given to requests from either the donor or another party to

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acknowledge such a gift by naming district property for the donor, the donor's surname, a family member or friend of the donor, a donating business, or a person associated with a donating business. The district reserves the right to rename any district property if the person for whom it is named is revealed to not or no longer align with the district's values.

- (C) Implementation Strategy. The board must approve the naming/renaming of district properties. Upon receiving a naming/renaming request or proposal from staff or a community member, the general manager will evaluate it on a case-by-case basis using the District Operational Procedures adopted by the general manager. After initial evaluation of the request by the general manager, the appropriate district advisory committee may be asked to review the naming/renaming request and recommend to the general manager and the board that the request be approved or denied. The general manager may deny a proposal not deemed by the general manager to be consistent with existing board policy. Any person(s) whose proposal to rename a district property is denied may seek review of the decision by filing a written request with the board within ten (10) days of the general manager's denial. All proposals deemed by the general manager as being consistent with board policy will be referred to the board for approval. All decisions of the board are final after waiting periods have been observed.

### 8.08 Private Sponsorships

- (A) Purpose. To provide direction for requesting and securing sponsorships for district events, facilities and services to staff, community members, and the business community.
- (B) Policy.
- (1) On occasion, the district seeks sponsorships for events, programs, projects and sites from businesses, corporations and other entities.
  - (2) In appreciation of such financial and/or in-kind support, it is district policy to provide sponsors with suitable and appropriate recognition such as space on a temporary basis for their brands, logos, and names to appear at district-owned and managed assets and in our materials. However, such recognition shall adhere to the aesthetic values and purpose of the district's parks, facilities, and services. In addition, such recognition shall not detract from the visitor's experience or expectation, nor shall it impair the visual qualities of the site or be perceived as creating a proprietary interest.
- (C) Implementation Strategy. Staff will evaluate each sponsorship request on a case-by-case basis using the District Operational Procedures adopted by the general manager. All sponsorships which enable the district to further its mission will be

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encouraged. The general manager may approve sponsorships of up to \$150,000. Sponsorships over \$150,000 will be presented to the board for its consideration.

### 8.09 Memorials and Tributes on District Property

- (A) Purpose. To provide direction for requesting and securing permanent memorial and tribute placement at district-owned and managed properties.
- (B) Policy.
- (1) It is district practice to accommodate memorial and tribute requests on a case-by-case basis for placement at district-owned and managed properties. This policy establishes a framework for use in decision making for memorial and tribute requests. Requests will have the best success when they are sensitive to:
- The park user experience;
  - The design standards and concept plans that guide district improvements;
  - The long-term cost of maintenance and the allocation of maintenance resources;
  - The district-identified improvement needs within parks;
  - The average life span of the memorial or tribute (district commitments to memorials or tributes shall survive only until such time that replacement is necessary); and
  - The district's resource allocation philosophy.
- (2) The policy formalizes key procedures, including:
- Application procedure;
  - Review and approval procedure; and
  - Catalog of memorial and tribute amenities – district-preferred options.
- (C) Implementation Strategy. Staff will evaluate each memorial and tribute request on a case-by-case basis using the District Operational Procedures adopted by the general manager.

### 8.10 Affiliate and Athletic Facility Use Policy

- (A) Purpose. To provide direction for working with community groups or entities requesting the use of district-owned and/or operated athletic facilities.
- (B) Policy. The district utilizes a classification system in evaluating athletic facility usage requests. The classification of priority ensures that the publicly funded facilities are being used for the benefit of district community members and not for personal or corporate gain. All community groups or entities seeking the use of district-owned and/or operated athletic facilities shall be based on the priority

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classifications.

- (1) Classification of Priorities:
  - District-run programs and events
  - Affiliates
  - Partners/Associates
  - Renters
  - Commercial

(C) Implementation Strategy.

- (1) Classifications are based on available capacity and do not interfere with district programs. In-district, recreational activities are prioritized and determines the distribution of resources.
- (2) Users of athletic facilities must have a permit.
- (3) Users must follow the district insurance guidelines.
- (4) Users must comply with the district's mission, vision, values, and code of conduct.
- (5) Organizations requesting Affiliate or Partner/Associate status must apply and be approved by district staff.
- (6) Staff will evaluate Affiliate and Partner/Associate requests on a case-by-case basis using the District Operational Procedures adopted by the general manager.
- (7) Organizations that do not meet the requirements of Affiliate or Partner/Associate status may be granted use of district-owned and operated athletic facilities under a renter or commercial designation.
- (8) Affiliates who do not meet and maintain the affiliation requirements may have their allotments withheld and lose their affiliate status.
- (9) Renters and commercial users may access district-owned and operated athletic facilities based on availability.