

ARTICLE 10 DEDICATION STANDARDS

1001 Intent

To provide a minimum standard for the required land dedication pursuant to Section 30-28-133(4)(a) C.R.S.. For a Planned Development, this section shall apply only when the required land dedication has not been satisfied.

1002 General Requirements

The applicant shall provide for the construction, at no cost to the county or school district or public, all roads adjacent to publicly dedicated sites, traffic signalization to serve the site, extension of all utilities to the site, and other public infrastructure as required by the Board . Bonding or other security needed to ensure such improvements shall be required at such time as requested by the Board.

1003 Parks

Whenever land is proposed for residential or non-residential use, the owner of the land is to provide land or cash-in-lieu of land for active and specialized recreation generated by the proposed use. In general, these lands need to be suitable for the development of active play areas, trails, or in some instances serve to preserve unique landforms or natural areas. Where no suitable land is available in a residential or non-residential development, cash-in-lieu of land or of equivalent value in the donation of recreational facilities may be substituted at the County's discretion. Additional dedication for open land may be required by the Board if deemed necessary to preserve areas of special countywide significance (refer to Sections 1003.11.5 and 1003.12.5 of these regulations).

1003.01 The following formula is used to calculate the minimum amount of land dedication required in residential developments which is deemed necessary to provide the needed parks. This formula is based on 15 acres/1000 population.

Local Park	=	Dwelling units x 0.015 acres/unit
Regional Park	=	Dwelling units x 0.030 acres/unit
Total	=	Dwelling units x 0.045 acres/unit

The Board reserves the right to adjust the acreage requirement between local and regional park categories as deemed necessary to meet specific needs and to determine the amount of developed park acreage required. The Board may also consider alternative park land dedication formulas for multi-family development proposals.

1003.02 Non-residential developments and nonresidential developments of a Planned Development District shall be required to dedicate a minimum of 3% of the gross site for park purposes. Provision of park facilities within non-residential developments is encouraged. Only in those cases where

the provision of park and recreational facilities will help satisfy the need for certain public recreational facilities will credit be considered.

- 1003.03 For the purposes of calculating the required dedication, existing dwelling units within a subdivision shall be excluded from the calculation of the park requirement if they have previously been included in the calculation of County park dedication or cash-in-lieu through the subdivision process. If the existing dwelling units have not previously been included in the calculation for park land dedication or cash-in-lieu of land, then they will be included in the calculation.
- 1003.04 Land proposed for park dedication shall be clearly identified on any submitted plat or site plan including the number of acres for each site and the total acreage proposed for County park dedication within the project.
- 1003.05 The conveyance of dedicated land for parks to Douglas County shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The subdivider shall provide the County with a title insurance policy in the County's name and a certified survey at the time of conveyance. Dedicated park land shall include the necessary water rights or other available water service to provide for irrigation and drinking water. Regional and community park land dedication shall be conveyed to the County prior to recordation of the first final plat for the subdivision. Local park land dedication shall be required at the time of the final plat for the area served by the local park.
- 1003.06 Cash-in-lieu of land dedication shall be used in cases in which the cash value of park land dedication is deemed, by the Board, to be more appropriate in satisfying the needs of the proposed development than land within the proposed development. Such cases include, but are not limited to, small developments not able to meet the minimum size requirement and developments which already have adjacent facilities that could be expanded to satisfy the need created by the proposed development. In those land developments where proposed regional trails are located, no cash-in-lieu will be accepted unless there is an acceptable alternate route shown on the Douglas County Parks, Trails, and Open Lands Master Plan.

The minimum cash-in-lieu fee for minor development final plats or replats which create ten or fewer residential lots shall be \$250 for each new residential lot.

- 1003.06.1 The Douglas County Parks, Trails, and Building Grounds Division shall review all cash-in-lieu requests and make a recommendation to the Board.
- 1003.06.2 The Board shall make a final determination of the method in which the dedication requirements shall be satisfied.

1003.06.3 When the combination of land and cash-in-lieu of land is requested , the following formula shall be used:

- 1) **Total park dedication in acres required as calculated by formula** - **Land Acreage Accepted** = **Total acreage for dedication as cash-in-lieu**
- 2) **Total acreage for dedication as cash-in-lieu** x **\$ Value/acre as determined by market value** = **Dedication \$ Amount Required**

1003.06.4 The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for park land dedication. Value shall be based on anticipated market value after completion of platting. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Board to evaluate the adequacy of the proposal. This information shall include at least one appraisal of the property by a qualified appraiser.

1003.06.5 The cash-in-lieu fee will be prorated on a per unit basis at the time of final platting.

1003.06.6 Cash-in-lieu fee collected is recommended to be used to benefit the residents within the service area of the type of park for which the fees were collected (i.e. neighborhood park - 1/4 to 1/2 mile radius; community park - 2 mile radius; regional park - 5 to 7 mile radius or to benefit all County residents). The Board reserves the right to adjust the cash-in-lieu requirement between local and regional park categories as deemed necessary to meet specific needs.

1003.07 Dispensing of park lands and/or cash obtained through the County dedication requirements shall be through the Board at a public hearing. Any such park property that is proposed for sale for private uses may be considered following a public hearing of the Board.

1003.08 The County shall assume the responsibility of development and maintenance of all regional parks, trails, and open lands unless otherwise negotiated. Title to land dedicated for local parks shall be held by the County, with long-term lease arrangements being negotiated with a local governing entity at the time such is in place. Development and maintenance of local parks, trails, and open space shall be the responsibility of the applicant or a local governing entity.

1003.09 Cash-in-lieu shall be held by the County until such time as a local governing entity is in place and submits, in writing, a request for the cash-in-lieu along with a park plan and development schedule including costs for development and on-going maintenance. Requests shall be reviewed and approved as necessary by the Board.

1003.10 Credit towards park land dedication requirements may be considered for the following:

1003.10.1 Consideration may be given for meeting regional park land dedication requirements through the provision of golf courses, driving ranges, swimming pools, non-commercial indoor recreation centers, and other specialized recreational facilities, provided that such facilities:

- (1) Are available to the general public;
- (2) Will meet a demonstrated public need;
- (3) Are in addition to all necessary local park land and trail dedication requirements;
- (4) Replace or supplement facilities that would generally be provided by the County; and
- (5) Bonding or other security, as requested by the Board, is provided to ensure that such facilities will be built.

1003.10.2 Consideration may be given for meeting regional park land dedication requirements through dedication or purchase and subsequent dedication of off-site land (land not contiguous to the development), provided that such land:

- (1) Will meet a demonstrated public need;
- (2) Meets the acceptance criteria for a regional park or regional trail; and
- (3) Is in addition to all necessary local park land and trail dedication requirements.

1003.10.3 Consideration may be given for meeting regional park land dedication requirements through the provision of private open land if such land is restricted for park, recreation or open space purposes by conservation easement or restricted deed.

- (1) Will meet a demonstrated public need;
- (2) Meets the acceptance criteria for a regional park, regional trail or open lands; and
- (3) Is in addition to all necessary local park land and trail dedication requirements.

1003.10.4 Consideration may be given for meeting local park land dedication requirements through the provision of park and recreation facilities by applicants, special districts, and homeowner's associations. Bonding or other security to ensure such facilities will be built may be required at such time as requested by the Board.

1003.11 Selection Criteria

1003.11.1 Local Parks

Local parks may be classified as either neighborhood parks or community parks. The needs of the specific development will determine which type of park is required. Land may be considered for acceptance for local park land dedication requirements if the following criteria is met:

- (1) Land to be dedicated for a neighborhood park shall be a minimum of 5 acres and be accessible to residents living within a 1/4 to 1/2 mile radius;
- (2) Land to be dedicated for a neighborhood park shall contain sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area;
- (3) Land to be dedicated for a community park shall be a minimum of 20 acres and be accessible to residents living within a 2 mile radius;
- (4) Land to be dedicated for a community park shall contain sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area;
- (5) Land will not be considered for local park land dedication acceptance if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a local park;
- (6) Where feasible, a local park site may be considered for co-locating with an elementary or middle school site in order to benefit from shared facilities such as parking lots, access roads, play fields, etc., thereby reducing the overall acreage requirement by a factor equal to those shared facilities.

1003.11.2 Regional Parks

Land may be considered for acceptance for regional park land dedication requirement if the following criteria are met:

- (1) Land to be dedicated for a regional park shall be a minimum of 50 acres and be accessible to residents living within a 5 to 7 mile radius;
- (2) Area to be dedicated shall offer natural and scenic quality and can support both active and passive recreational activities for all Douglas County residents;
- (3) Land to be dedicated shall contain sufficient flat surface to provide for development of active recreation areas as deemed necessary to meet the needs of the respective service area;

- (4) Land will not be considered for regional park land dedication acceptance if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a regional park; and
- (5) Lakes, ponds, or reservoirs may be considered providing such area does not exceed 1/2 of the developer's dedication requirement and the area is contiguous to other acceptable park land.

1003.11.3 Local Trails

No credit shall be given for local trails against the local park land dedication requirements. Provision of local trails is considered a normal element of an appropriately planned development. The following are considerations for design criteria for local trails:

- (1) Alignment provides linkages for the community to local parks, schools or other activity areas;
- (2) Alignment provides linkages for the community to regional parks, trails, or open lands as specified in the Douglas County Parks, Trails, and Open Lands Master Plan;
- (3) Local trails shall be designed to provide for easy, safe and secure usage and allow for sufficient easement or right-of-way to accommodate multiple uses; and
- (4) Land should not be considered for local trail dedication acceptance if it is an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a local trail.

1003.11.4 Regional Trails

Land may be considered for acceptance or credit toward park land dedication requirement if the land has been identified conceptually as a regional trail corridor in the Parks, Trails, and Open Lands Master Plan and can accommodate trail design standards, or if the following criteria are met:

- (1) Alignment provides linkages to other regional trails and/or parks, either existing or identified in the Parks, Trails, and Open Lands Master Plan;
- (2) Alignment can provide transportation to and connection of population centers, local recreation, open land destinations, public lands, or historical sites;
- (3) Regional trails shall be designed to provide for easy, safe and secure usage and allow for sufficient easement or right-of-way to accommodate multiple uses;

- (4) Land is located in a manner that reveals interesting views of landscape features such as buttes, ridge lines, water features, wetlands, and stands of trees;
- (5) The required right-of-way or easement width is 30 to 50 feet; in some situations, slope and soil considerations may require additional right-of-way or easement width; and
- (6) Land will not be considered for regional trails dedication acceptance if it is in an exclusive utility or other easement, public street right-of-way, pedestrian walkway required under other regulations, or contains topographical or hazardous obstructions that would preclude development as a regional trail.

1003.11.5 Open Land

Land may be required in addition to park land dedication requirements if the area serves one or more of the following functions:

- (1) To identify or separate municipalities, communities or subdivisions or to provide expansive visual relief from development;
- (2) To buffer or provide transitions between different land uses;
- (3) To preserve or protect:
 - Scenic areas including vistas along highway corridors
 - Fish and wildlife habitats
 - Prominent landforms and landmarks
 - Outdoor recreation areas
 - Cultural, historic and archaeological areas
 - Unique vegetative areas
 - Critical ecosystems
 - Floodplains and riparian areas (land adjacent to water ways)
 - Aquifer recharge area
 - Surface water
 - Watershed areas
- (4) To provide for county-wide or regional trails and linkages; public access to lakes, streams, and other public lands; passive recreation opportunities; or outdoor and nature studies areas; and
- (5) Land will not be considered for open land dedication acceptance if it is an exclusive utility or other easement, public street right-of-way, or pedestrian walkway required under other regulations.

1003.12 Definitions

- 1003.12.1 Local Parks - may be classified as either neighborhood parks or community parks. In many instances, special districts have been created to provide local parks. These districts have established local guidelines and standards for park facilities.

- (1) Neighborhood Park - A walk-in park with a suggested minimum size of 5 acres having a service radius of 1/4 to 1/2 mile. A typical neighborhood park may include: landscaped picnic areas, multi-purpose field, play area with apparatus, hard court area, tennis courts, and comfort station.
 - (2) Community Park - A drive-in park with a suggested minimum size of 20 acres having a service radius of 2 miles. A typical community park may include all or some of the following: two or more multi-purpose fields, one or more hard courts, play apparatus area, two or more tennis courts, recreation activity building, gymnasium, swimming pool, and landscaped family or group picnic areas.
- 1003.12.2 Regional Parks - a major park that offers recreational opportunities of a nature or of such wide variety that it attracts people of the widest possible range of age and interest. The suggested minimum size for a regional park is 50 acres having a service area of 5 to 7 miles. A typical regional park may include all or some of the following: irrigated, multi-purpose turf play fields, individual picnic units, group picnic pavilions, restroom facilities/drinking fountains, playgrounds, on-site parking, landscaping, security/accent lighting, nature center/naturalist activities, non-motorized multi-purpose trail system including interpretive trails, wildlife habitat overlooks/observation areas, historic sites/buildings, regional trail connections, water-oriented facilities, streams, ponds, lakes, marshes, and wetlands, and natural open space areas.
- 1003.12.3 Local Trails - a local trail is located within the development or immediate community and serves the purpose of providing the residents of the community with a link to local parks, schools and other activity areas, regional parks, regional trails, regional open land, and historical sites. Like local parks, generally a local trail is built and maintained by a special district or homeowner's association.
- 1003.12.4 Regional Trails
- (1) Regional trails are those required to provide a major spine to connect the following:
 - Other regional trails
 - State parks or County regional parks
 - Towns or large population centers
 - Connections with regional trails in other counties
 - Access to Pike National Forest trails
 - (2) Multi-use, paved trails will be constructed to form an urban, regional off-street recreation and transportation right-of-way system for non-motorized uses such as hiking, jogging, bicycling, and roller skating.

- (3) Multi-use, non-paved trails are generally located in more remote areas and include such uses as walking, hiking, jogging, horseback riding, mountain biking, and cross-country skiing.
- (4) The required right-of-way or easement width is 30 to 50 feet; in some situations, slope and soil considerations may require additional right-of-way or easement width.
- (5) The County shall be responsible for maintenance on all regional trails unless otherwise indicated.

1003.12.5 Open Land - open lands are vast areas of land without visible evidence of residential, commercial, or industrial development. These areas are generally left in a natural state. Generally, the benefit of open land extends beyond the immediate area or parcel of land. (Refer to Section 1003.11.5 of these regulations for specific detail.)

1003.12.6 Open Space - open space refers to land area within a subdivision, generally smaller in scale than open lands, which have been left free from structures, parking lots, and roads. These areas generally benefit the residents or employees of the particular subdivision and usually remain in private ownership.

1003.12.7 Private Recreation Facilities - for the purposes of these regulations for allowing credit against park land dedication requirements, private facilities are those that are:

- (1) privately owned and maintained
- (2) available to the general public
- (3) replace or supplement facilities that would generally be provided by the County

Examples of private facilities include, but are not limited to, golf courses, driving ranges, swimming pools, non-commercial indoor recreation centers, and other specialized recreational facilities. In order to be considered for credit, private facilities must meet the requirements as outlined in Section 1003.10.1 of these regulations.

1004 Schools

Land dedicated to the County must be suitable for development and the intended use to meet the need generated by the proposed development. All of the dedicated school land must be suitable for construction of school facilities. Dedicated sites shall be a single parcel and shall meet minimum size requirements sufficiently square or round to be usable for the intended use. The dedicated school land shall be centrally located and within the service radius with public access to adjacent street frontage and free from hazards that would threaten the safety of those using the land.

1004.01 The following formula is used to calculate the minimum amount of required school land dedication to meet the needs of the proposed subdivision:

Elementary School	=	0.017 acre per student generated
Junior High School	=	0.021 acre per student generated
Senior High School	=	0.027 acre per student generated

1004.02 The following is the minimum acreage required per school:

Elementary School	=	10 acres
Junior High School	=	25 acres
Senior High School	=	40 acres

1004.03 Existing dwelling units shall be excluded from the calculation of the school land dedication requirement if they have previously been included in the calculation for school land dedication. If the existing units have not previously been included in the calculation for school land dedication, then they will be included in the calculation.

1004.04 Dedicated school land shall be clearly identified on the submitted plat/plan by a legal description. The plat/plan shall also indicate the number of acres for each site and the total acreage proposed for school land dedication within the project.

1004.05 Cash-in-lieu of land dedication shall be required when deemed, by the Board, to be more appropriate in satisfying the needs of the proposed development and concerned agencies. Such cases include, but are not limited to, small developments not able to meet the minimum lot requirements, developments which are served by adjacent facilities that could be expanded to satisfy the need created by the proposed development.

1004.05.1 The School District shall review the applicant's request to dedicate land or pay cash-in-lieu of land dedication.

1004.05.2 The Board shall make the final determination of the method in which the dedication requirement shall be satisfied.

1004.05.3 The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for school land dedication. Value shall be based on anticipated market value after completion of platting. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Board to evaluate the adequacy of the proposal. This information shall include at least one appraisal of the property by a qualified appraiser.

1004.05.4 For residential minor development final plat or replats creating 10 or fewer residential lots, the minimum cash-in-lieu fee shall be \$500 per each new residential lot.

- 1004.06 The conveyance of land or payment of fees obtained through the County's dedication requirement shall be required prior to the recordation of the first final plat for the subdivision. The conveyance of dedicated school land to Douglas County shall be by warranty deed and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The applicant shall provide a title insurance policy in the County's name and a certified survey at the time of conveyance.
- 1004.07 The conveyance of lands or transfer of fees obtained through the County's dedication requirement shall be pursuant to petition to the Board.

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