

Chapter 16.08 - Land Dedication

16.08.010 - Generally.

The subdivider shall convey and plat all land and/or easements to the Town as are necessary in order for urban services to be proved to the platted property. In addition, all subdivisions shall accommodate the public land dedication requirements of this Chapter. Dedicated land shall be free of all liens and encumbrances, including any restrictive covenants.

(Ord. 2012-17 §1)

16.08.020 - Purpose and applicability.

The purpose of the Town's land dedication requirements is to ensure that adequate sites are provided to the Town to enable the development of a variety of public facilities necessary to accommodate new growth. This Chapter contains the standards adopted by the Town for determining the land dedication needs for schools, parks, water facilities, fire stations, police stations and Town administrative office facilities. Where an "Open Space and Public Land Dedication Plan," including land dedication conveyance schedule, has been adopted for a Planned Development (PD) Plan in accordance with Subsection 17.34.040.E, CRMC, or a previously approved Preliminary PD Site Plan, the provisions of that document shall replace and supersede the requirements herein for individual subdivision requests. For all other subdivision proposals, the requirements spelled out in the following sections regarding public land dedication and/or cash-in-lieu of land dedication shall apply. These dedication requirements shall apply to all new plat, replat, plat modifications or lot line vacation applications that lead to new density and are based on the incremental increase in density.

(Ord. No. 2019-027, § 11, 9-17-2019; Ord. 2012-17 §1)

16.08.030 - Park land dedication requirements.

- A. Whenever land is proposed for residential, commercial, office or industrial use, the subdivider shall provide land or cash-in-lieu of land to meet the active recreational demands generated by the proposed development. These lands must be suitable for neighborhood and/or community parks and typical facilities in terms of topography, size and location. Where a subdivision is of such a residential density or commercial/office/industrial acreage as to not require the dedication of a full park site (based upon the minimum acreage requirements indicated in Subsections B and C below), the Town shall require a cash fee-in-lieu of on-site, or an appropriate off-site, park land dedication, in accordance with Section 16.08.110 of this Chapter. Other factors may also trigger the requirement for cash-in-lieu of land dedication as provided in Section 16.08.110.

- B. The following formula shall be used to calculate the minimum amount of land dedication required in residential developments as deemed necessary to provide adequate park areas. This formula is based on 8 acres/1,000 population: 2 acres/1,000 population for neighborhood parks and 6 acres/1,000 population for community parks:

Single-Family Residential:	
Neighborhood Park =	Dedication or cash-in-lieu requirement: .002 acres/person or .006 ac/du (based on 3.0 persons/household)
	Minimum on-site dedication: 8-acre site up to 25-acre site (if combined with elementary school), 10-12 acre site is optimum.
Community Park =	Dedication or cash-in-lieu requirement: .006 acres/person or .018 ac/du (based on 3.0 persons/household)
	Minimum on-site dedication: 25-acre site up to 100-acre site (if combined with secondary school), 60-80 acre site is optimum.
TOTAL	Dedication or cash-in-lieu requirement: .008 acres/person or .024 acres/dwelling unit (du)
Multifamily Residential (eight [8] or greater du/acre gross residential density):	
Neighborhood Park =	Dedication or cash-in-lieu requirement: .002 acres/person or .0039 ac/du (based on 1.9 persons/household).
	Minimum on-site dedication: 8-acre site up to 25-acre site (if combined with elementary school), 10-12 acre site is optimum.

Community Park =	Dedication or cash-in-lieu requirement: .006 acres/person or .0117 ac/du (based on 1.9 persons/household).
	Minimum on-site dedication: 25-acre site up to 100-acre site (if combined with secondary school), 60-80 acre site is optimum.
TOTAL	Dedication or cash-in-lieu requirement: .008 acres/person or .015 ac/du.

* Where a subdivision does not generate the demand for a full neighborhood or community park, the Town shall require cash in lieu of park land dedication. Other factors may trigger the requirements for cash in lieu of land dedication as provided in Section 16.08.110 of this Chapter.

- C. In order to meet the active recreational demands generated by commercial, office and industrial uses, the subdivider shall provide land dedication per platted acre in accordance with the following schedule. Where the general land use is not specified or known at the time of platting, the most restrictive dedication requirement shall apply:

Retail/Shopping Center	Dedication or cash-in-lieu requirement: (including restaurant) .0056 acres/acre.
	Minimum on-site dedication requirement: 8 acre site.
Offices/services	Dedication or cash-in-lieu requirement: .0420 acres/acre.
	Minimum on-site dedication requirement: 8-acre site
Industrial and other	Dedication or cash-in-lieu requirement: commercial .0200 acres/acre.
	Minimum on-site dedication requirement: 8 acre site

* Lands to be dedicated must be suitable for employee serving parks and facilities in terms of size (minimum acreage), topography and location. Where any or all of the required land dedication is deemed by the Town to be inappropriate or unsuitable within the proposed subdivision, the subdivider shall be required to provide cash in lieu of land to the Town in accordance with Section 16.08.110 of this Chapter.

- D. The park land acreages identified in Subsections B and C above reflect minimum standards only. Additional standards related to service area, size, location and typical facilities/programs to be accommodated are found within the current version of the Town Parks, Recreation, Trails and Open Space Master Plan and shall be considered in the planning and siting of all proposed park areas. The Town Manager shall provide the recommendation on any proposed park land dedication. All land which is dedicated shall be in a condition acceptable to the Town Manager, in terms of grading and vegetative cover, free from dirt stock piles, debris, weeds, environmental contamination or other hazards. Such land shall be required to be conveyed to the Town at the time of plat recordation.

(Ord. 2012-17 §1)

16.08.040 - Water facilities land dedication requirements.

- A. All plat applications shall provide land dedication, or cash-in-lieu of land, for water facilities (wells, storage tanks and water treatment plants) in accordance with the following schedule:

Single-family residential	.0041 acres/du
Multifamily residential (greater than 8 du's/acre gross density)	.0027 acres/du
Retail, office, light industrial and other commercial	.0123 acres/acre
Institutional, churches	.0082 acres/acre
Institutional, other	.0082 acres/acre
Schools: elementary junior high senior high	.1928 acres/school .4719 acres/school .7667 acres/school
Parks, irrigated acres	.0205 acres/irrigated acre

- B. Dedicated land must be suitable for specific water facilities in terms of elevation, topography, size and location as consistent with the Town's current water facilities master plan and facilities. Where land or any portion of the dedication requirement is deemed by the Town to be inappropriate or unsuitable within the proposed subdivision or at some acceptable off-site location, the subdivider shall be required to provide a cash fee-in-lieu of land to the Town in accordance with Section 16.08.110 of this Chapter.

(Ord. 2012-17 §1)

16.08.050 - Fire station land dedication requirements.

- A. All plat applications shall provide land dedication, or cash-in-lieu of land, for fire station sites in accordance with the following schedule:

Residential	.00012 acres/du
Retail, office, light industrial and other commercial	.00183 acres/acre

- B. Dedicated public land must be suitable for fire station facilities in terms of topography, size and location as consistent with the Town's current fire safety master plan and related policies. Where land or any portion of the dedication requirement is deemed by the Town to be inappropriate or unsuitable within the proposed subdivision or at some acceptable off-site location, the subdivider shall be required to provide a cash fee-in-lieu of land to the Town in accordance with Section 16.08.110 of this Chapter.

(Ord. 2012-17 §1)

16.08.060 - Police station land dedication requirements.

- A. All plat applications shall provide land dedication, or cash-in-lieu of land, for police station sites in accordance with the following schedule. Where the nonresidential land use cannot be determined at the time of platting, the most stringent standard shall apply:

Single-family residential	.000041 acres/du
Multifamily residential (8 du's/acre or greater gross density)	.000026 acres/du

Retail/shopping center (including restaurants)	.00049 acres/acre
Offices/services	.00035 acres/acre
Light industrial and other commercial	.00009 acres/acre

- B. Dedicated public land must be suitable for police station facilities in terms of topography, size and location as consistent with the Town's current plans and policies for public facilities. Where land or any portion of the dedication requirement is deemed by the Town to be inappropriate or unsuitable within the proposed subdivision or at some acceptable off-site location, the subdivider shall be required to provide a cash fee-in-lieu of land to the Town in accordance with Section 16.08.110 of this Chapter.

(Ord. 2012-17 §1)

16.08.070 - Town administrative facilities land dedication requirements.

- A. All plat applications shall provide land dedication, or cash-in-lieu of land, for Town administrative office sites in accordance with the following schedule. Where the nonresidential land use cannot be determined at the time of platting, the most stringent standard shall apply:

Single-family residential	.00015 acres/du
Multifamily residential (8 du's/acre or greater gross density)	.000093 acres/du
Retail/shopping center (including restaurants)	.001 acres/acre
Offices/services	.0018 acres/acre

Light industrial and other commercial	.0009 acres/acre
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- B. Dedicated public land must be suitable for Town administrative office sites in terms of topography, size and location as consistent with the Town's current plans and policies for public facilities. Where land or any portion of the dedication requirement is deemed by the Town to be inappropriate or unsuitable within the proposed subdivision or at some acceptable off-site location, the subdivider shall be required to provide a cash fee-in-lieu of land to the Town in accordance with Section 16.08.110 of this Chapter.

(Ord. 2012-17 §1)

16.08.080 - Trails.

Local trail linkages are considered part of the subdivision's overall circulation system. Trails may be required in addition to sidewalks where such access is needed to connect the subdivision to nearby schools and other similar facilities in a more safe and convenient manner. The Town may choose to credit regional trail right-of-way dedication towards a plat's park land dedication requirement, if such is not otherwise an existing property obligation.

(Ord. 2012-17 §1)

16.08.090 - Credits for private park land and recreational facilities.

Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of the residents, a portion of the land area not to exceed 33% of the land dedication requirement may be credited against the requirements set forth in Section 16.08.030 of this Chapter, provided that the Town Manager finds that it is in the public interest to do so and that the following standards are met:

- A. That the private ownership and maintenance of the land is adequately provided for by written agreement;
- B. That the proposed land area is reasonably adaptable for the use for park and recreation purposes;
- C. That the facilities proposed for the land area are in substantial accordance with the provisions of this regulation;
- D. That the facilities proposed conform to and/or complement the Town's Parks Recreation, Trail and Open Space Plan and Comprehensive Master Plan;

- E. That any land dedicated under the provisions of this Section shall not be used to also satisfy the open space requirement of the PD zoning district; and
- F. That the private facilities be credited only against the neighborhood park component of the park land dedication requirement.

(Ord. 2012-17 §1)

16.08.100 - School land dedication requirements.

- A. The Town shall require all residential subdivision proposals to provide land or cash-in-lieu for school facility needs as generated by the proposed development. Dedicated sites shall be a single parcel of a size, configuration and location suitable for the intended school use.
- B. The following formulas, as adopted by the Douglas County School District and amended from time to time, are used to calculate the minimum amount of required school land dedication for a proposed residential subdivision:

1. Elementary =	0.018 acre per student generated * minimum site size: 12 acres
2. Junior high school =	0.030 acre per student generated * minimum site size: 30 acres
3. Senior high school =	0.030 acre per student generated * minimum site size: 50 acres combined secondary: minimum 90 acres

* Current student generation rates are available from the Douglas County School District and must be utilized to determine the number of students which will be generated by the proposed subdivision.

- C. The school site acreages identified above reflect minimum standards only. Additional standards related to size, topography, configuration, location and access for school facilities are found within the most recent version of the Town Parks, Recreational Trails and Open Space Master Plan and the Town's most recent version of the Comprehensive Master Plan and shall be considered in the planning and siting of all proposed school areas. A referral shall be made to the Douglas County School District for review and recommendation on any proposed residential subdivision. Such land shall be required to be conveyed to the Town at the time of plat recordation. Where a subdivision is of such a residential density as to not require the dedication

of a full school site (based upon the minimum acreages requirements indicated), the Town shall require a cash fee-in-lieu of on-site, school land dedication. Other factors may also trigger the requirement for cash-in-lieu of land dedication as provided in Section 16.08.110 below.

(Ord. 2012-17 §1)

16.08.110 - Cash fee-in-lieu of land dedication.

- A. The Town may, at its sole discretion, require a cash fee-in-lieu of land dedication. In making such a determination, the Town shall consider the following criteria for each subdivision application:
 - 1. The size of the development and its adequacy for accommodating a suitable public use site;
 - 2. The Town and School District's master plans for future development;
 - 3. Existing parks and other public facilities in the area;
 - 4. The topography, elevation, geology and location of land in the subdivision available for dedication;
 - 5. The needs of the people in the area; and other appropriate factors.
- B. In the event that the Town determines that the subject property does not contain a suitable site for land dedication, the subdivider shall pay cash-in-lieu of land dedication. The required payment shall be based on a valuation schedule maintained administratively and shall reflect the cost the Town may incur in acquiring on the open market property of equivalent acreage suitable for development for the public purposes described in Sections 16.08.030 through 16.08.070 and Section 16.08.100 of this Chapter.

(Ord. 2012-17 §1)

16.08.120 - Use of land and cash fees.

All land and cash fees dedicated or credited under the provisions of this Chapter shall be used for its intended public purpose (land for school, water, fire, police or administrative facilities) to the mutual benefit of the residents of the subdivision, Town and general public in accordance with the Town's adopted plans and policies for public uses and facilities. Cash will not be directly conveyed to the Douglas County School District, but rather will be utilized by the Town to purchase land for conveyance to the School District when requested to accommodate planned school construction. The Town may exchange land previously acquired under this provision for cash if in the opinion of the Town Council the public need for that specific public use would better be served at a different site. Only as provided in Section 16.08.090 above may land be restricted in use for specific area residents.

(Ord. 2012-17 §1)

16.08.130 - Cash fees; when payable.

All cash fees payable to the Town under this Chapter shall be due to the Town prior to the recording of the plat or as stipulated pursuant to separate agreement. Such fees shall be placed in the appropriate land dedication fund of the Town for future disbursal by the Town Council.

(Ord. 2012-17 §1)