



# Arapahoe County

5334 South Prince Street  
Littleton, CO 80120  
303-795-4630  
Relay Colorado 711

## Board Summary Report

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**File #:** 26-410

**Agenda Date:** 8/10/2026

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**To:** Board of County Commissioners

**Through:** Gini Pingenot, Director, Open Spaces

**Prepared By:**  
Gini Pingenot, Director, Open Spaces

**Presenter:** Gini Pingenot, Director, Open Spaces; Matt Hader, Senior Assistant County Attorney, County Attorney's Office

**Subject:**  
2:30 PM \*Proposed Rewrite of Land Dedication/Cash-in-lieu Code Provisions (Land Development Code Section 4.2-5, Land Dedication Standards)

**Purpose and Request:**

Staff is seeking feedback on a proposed rewrite of the County's Land Dedication/Cash in Lieu Code. If the Board supports this proposed rewrite, staff will request approval to solicit public feedback on the proposed rewrite.

**Alignment with Strategic Plan:** Good Governance - Plan for future service, infrastructure, and fiscal needs.

**Background and Discussion:** On February 2, 2026, staff from the Open Spaces and Public Works & Development Departments joined the Board of County Commissioners for a study session on proposed changes to the County's Land Dedication Code. Updates to this code have been a long-standing goal of the Open Spaces Department and was specifically mentioned in the Department's 2021 Master Plan as an important deliverable. To help accomplish this work, Open Spaces selected Tischler Bise in the summer of 2025 as our consultant to acquire data, conduct a comparative analysis, make recommendations, conduct public and stakeholder outreach and formulate final recommendations for adoption. Tischler Bise's final report was accepted by the Open Spaces Department in June 2026.

Through the process of editing the County's Land Dedication Code to reflect Tischler Bise's findings and preliminary BOCC feedback, staff realized that enough had changed in practice, state statute and case law that a full rewrite (rather than amendments) was necessary. As such, new provisions have come to light that were not known in February 2026 and now need modification.

Recommended modifications include:

**Subdivision v. Zoning Changes :** Current code captures land dedication or cash in lieu at the point of subdivision. Changes are recommended to allow for a modification in land dedication or cash in lieu payments after a parcel has been subdivided and then experiences a zoning change. If, for example, a property is later zoned to accommodate more density, that change, under existing code, does not

trigger a reconsideration of park and school demands resulting from the density change.

**Land Suitability for Parks and Schools:** Current code attempts to capture specific land types that are or are not allowable for land dedication purposes (no land in the flood plain, no lands with geologic hazards, no lands with a certain slope, etc.). Rather than attempt to capture what's in and what's out, staff recommends listing standards for review and consideration (think, for parks, continuity with existing park land, protection of natural resources, designation in a county adopted plan, etc.) and then granting the Open Spaces Director the discretion to determine which standard to apply. A similar approach is recommended for school land. The standard to apply for this consideration would be made, however, by the Director of the Public Works & Development Department after consulting with school district leadership.

**Removal of 'Public Purpose' provision :** Current code allows for land dedication or cash in lieu for other 'public purposes' (defined as including, but not be limited to, libraries, fire stations, public buildings and other similar facilities). While this provision has not been used with much frequency or regularity, staff recommends removing it given recent legislative authority grants certain other public entities the ability to assess impact fees for these purposes. While less important, removal of this provision will also result in workload efficiencies from an administrative standpoint.

**Waivers:** Current code does not authorize applicants to deviate from the prescribed land dedication acreage or cash in lieu amounts listed. There are instances, such as a retirement home, when the development justifiably will not impact school capacity, for example. Staff recommends granting, with tight guardrails, discretion for the Open Spaces Director to make such a determination for park land and including a similar authority for the Director of the Public Works & Development Department (or their designee) after consulting with school district leadership.

Code changes that were discussed in February 2026 and are now recommended to be approached differently include:

**Commercial and industrial land dedication:** Upon further review and consultation with Tischler Bise, identifying a defensible park land contribution for commercial and industrial developments is challenging given the variety of commercial and industrial businesses that exist (hospital v. barber shop v. storage facility, etc.) and the number of employees (which is not known at the point of subdivision) generated by said business. While exchanges with regional business partners were supportive and reflective of current workplace trends and preferences, the variables associated with such a land dedication request proved too numerous and varied to craft effective code provisions to address this issue. Staff, accordingly, recommend not moving forward with such a land dedication request at this time.

**Market Appraisal and Assumed Value approach:** Both valuation approaches are allowed under current code. Staff recommends using solely the market appraisal method. Most developers secure appraisals for the purposes of securing bank loans and other forms of financing and will already possess a market appraisal. Removing the 'assumed value approach' limits the risk that it will become old and irrelevant. Furthermore, within the last decade, a market appraisal is what has been used and accepted for the purposes of this code.

Current provisions that are not changing include:

**1. Ability to dedicate land to another entity** (think metro district or park district) that is legally

responsible for providing the facility of service for which the land is to be used.

## **2. Timing of land dedication at the final plat stage**

The county has relied heavily on the Department of Local Affairs model land use code in rewriting its code. Edits were collaboratively developed by staff from the Open Spaces Department, the Public Works & Development Department and the County Attorney's Office.

**Alternatives:** The BOCC could choose different modifications to the Land Dedication Code or retain the current code without updates.

**Fiscal Impact:** Depending on the final content of County's Land Dedication Code and the future development trends within unincorporated Arapahoe County, it is possible that the Open Spaces Department (and other recreation districts serving unincorporated Arapahoe County) and School Districts may see an increase in dedicated lands or cash in lieu to help meet increased park and school demands from new residents.

**Alignment with Strategic Implementation Strategies:** N/A

**Staff Recommendation:** Approval of draft rewrite and permission to seek public feedback.

**Concurrence:** Public Works & Development and County Attorney's Office.