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- c. Easements for “cross-access” through and between platted lots of a non-residential subdivision shall be required in order to minimize the proliferation of curb cuts along collector and/or arterial streets.

8. Planned Unit Development

- a. Whenever a subdivision is developed as a Planned Unit Development, and meets the standards and criteria established by this LDC for a Planned Unit Development, the Planning Commission and Board of County Commissioners may vary the requirements of the subdivision standards in this Section 4-2.4.
- b. In no case will development be allowed or building permits issued until a Planned Unit Development Plan is approved by the Board of County Commissioners where required.

4-2.5. Land Dedication Standards

A. INTENT

Public land dedication shall be provided by the Owner/Subdivider of land which is subdivided to permit residential uses, for use of public parks, public schools and other public purposes to serve the future residents of the subdivision. As used in this Section, the term “other public purposes” would include, but not be limited to, libraries, fire stations, public buildings and other similar facilities.

B. LAND SUITABILITY AND IMPROVEMENTS

The agency or department eligible for the land dedication must evaluate land suitable for dedication and provide written comments to the Board of County Commissioners prior to the final plat hearing before the Board. Land may also be excluded when determined by the Board of County Commissioners that the land is unsuitable for the development purposes and does not meet County requirements. A determination of land suitability will include the following:

1. Land for Public Schools

- a. Land without geologic hazards or contaminated waste;
- b. Land exclusively outside of the floodplain with slopes no greater than five percent;
- c. Land agreed upon by the school district, and
- d. Land with access to a public street of suitable classification.

2. Land or Public Parks

- a. Land without geologic hazards or contaminated waste.
- b. Land with appropriate access for pedestrian use with limited parking.
- c. Land strategically located as a link between other open space areas and parklands.
- d. The owner/subdivider shall be required to install street, sidewalk and drainage improvements serving the dedicated site and sewer and water lines to the site. The site shall be preserved in its natural physical condition, unless otherwise approved by the Board of County Commissioners. Public improvements and sewer and water line extensions shall be provided at the time when adjacent improvements are installed, or upon request of the Arapahoe County Board of County Commissioners, and shall be included within the subdivision improvement agreement for the development.
- e. Once these improvements have been installed, the school district, park district or other public entity shall be responsible for the repair of any damage to such improvements caused during construction on such dedicated sites.

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3. Land for Other Public Purposes

- a. Land without geologic hazards or contaminated waste; and
- b. Land that includes floodplain area may use no more than five percent of the floodplain for credit towards the dedication requirement.

C. FORMULA FOR CALCULATING LAND DEDICATION REQUIREMENT

The method to determine the amount of land to be dedicated by any Owner/Subdivider of residential land shall be based upon the population and students expected to be generated at the time of completion of the project, determined in accordance with the standards set forth in these regulations. The following standards shall be used to calculate the amount of land to be dedicated in connection with final plat approval.

1. Acreage Required for Parks and Other Public Purposes

- a. Public Parks: Six acres of dedicated land/1,000 population
- b. Other Public Purposes: One quarter acre of dedicated land/1,000 population

2. Acreage Required for Suburban and Rural Public Schools

a. Classification of Schools

Although average household size and student population per household is generally similar throughout Arapahoe County, the regulations should recognize differences between suburban and rural school facilities. The following is a breakdown of the school districts within Arapahoe County that are considered suburban and rural, respectively:

TABLE 4-2.5.1 CLASSIFICATION of SCHOOLS for LAND DEDICATION CALCULATION	
Suburban School Districts	Rural School Districts
Aurora School District No. 28j	Bennett School District No. 29j
Cherry Creek School District No. 5	Byers School District No. 32j
Englewood School District No. 1	Deer Trail School District No. 26j
Littleton School District No. 6	Strasburg School District No. 31j
Sheridan School District No. 2	

b. Land Required for Public Schools per Student

The following figures shall be used to determine the land area per student that is required to be dedicated for subdivisions creating new residential units:

i. SUBURBAN SCHOOL DISTRICTS

The land area required is 0.0260 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It is assumed that elementary schools require 11 and one half acres for 650 students, middle schools require 21 and three fourths acres for 675 students, and high schools require 48 acres for 1,800 students.

ii. RURAL SCHOOL DISTRICTS

The land area required is 0.0597 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 60.06 acres divided by 1,006 students. It is assumed that elementary schools require 8.7 acres for 370 students, middle schools require

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17.12 acres for 212 students, and high schools require 34.24 acres for 424 students.

c. **Population and Student Generation Calculations**

Calculations for determining population have been broken down into three residential land use densities in dwelling units per acre (du/ac) and with the following persons per dwelling unit and students per dwelling unit:

TABLE 4-2.5.2 POPULATION AND STUDENT GENERATION		
Residential Density	Population Generated	Students Generated
0.00 – 7.49 du/ac	2.96 persons/du	0.775 students/du
7.50 - 14.99 du/ac	2.39 persons/du	0.364 students/du
15.00 du/ac and above	1.76 persons/du	0.195 students/du

D. LAND VALUE CALCULATION

1. Determination to Dedicate or Pay Equivalent

If the Board of County Commissioners determines that the acreage required within a development for schools, parks or other public purposes is too small to be viable or desirable or cannot be integrated into the development, the owner/subdivider shall be required to pay a sum of money to Arapahoe County, Colorado, in lieu of the land dedication requirement set forth in Sections 4-2.5.C and 4-2.5.C.2 above.

2. Appraisal Method

a. Equivalent Value

The amount of said sum of money shall be the equivalent value of the area calculated to be dedicated. This shall mean the current fair market value of the total zoned and platted lands, improved with access and utility improvements as required for dedicated sites.

b. Methods to Determine Fair Market Value

There are two methods available to the applicant to determine the fair market value of the land: the Appraisal Method and the Assumed Value Method. Under both methods, the value shall be current to within six months of the Board of County Commissioners hearing on the final plat.

i. APPRAISAL METHOD

The Appraisal Method shall be followed to determine the fair market value of the property unless the applicant elects to determine the value under the Assumed Value Method described below as Option 2. Under the Appraisal Method, the fair market value of the property is determined by the Board of County Commissioners after consideration of qualifying appraisals submitted to the Board of County Commissioners.

- (a) After acceptance of a final plat submittal, the Planning Division shall determine whether cash-in-lieu of land dedication will be required for the plat, and shall mail such determination to the applicant and the public agencies eligible to receive dedicated sites from the development. The

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determination shall also set forth the estimated cash-in-lieu amounts using the Assumed Value Method.

- (b) Unless the applicant notifies the Planning Division of the applicant's decision to accept the valuation determined by the Assumed Value Method (on a form approved by the Planning Division), the applicant shall submit, prior to the scheduling of a Board of County Commissioners hearing, a complying M.A.I. appraisal of the developable portion of the property which is the subject of the final plat application. The appraisal shall state the fair market value of such property assuming that the final plat is approved, and assuming that the school site is improved with the public improvements and water and sewer facilities required for dedicated sites. The appraisal shall otherwise comply with all form and content requirements for appraisals established by the County Attorney's Office, if any.
- (c) Upon receipt of the applicant's appraisal, the Planning Division shall mail copies to the public agencies eligible to receive dedicated sites from the development, and shall notify such agencies that they may submit qualifying appraisals for consideration by the Board. The County shall allow sufficient time for submittal of appraisals prior to scheduling the final plat for Board of County Commissioners hearing.
- (d) Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat.

ii. ASSUMED VALUE METHOD

The applicant may waive its right to submit an appraisal, in which case the fair market value shall be determined pursuant to the values set forth in this paragraph.

- (a) For proposed subdivisions located within the boundaries of one or more rural school districts, the land value to be used in the cash-in-lieu formula shall be established at \$20,000 per acre.
- (b) For proposed subdivisions located within the boundaries of one or more suburban school districts, the land value to be used in the cash-in-lieu formula shall be established at \$40,000 per acre.
- (c) These assumed values shall be periodically updated by the Board of County Commissioners, and these regulations amended accordingly, to reflect changing land values and improvement costs.
- (d) In the event an applicant believes that the Assumed Value Method would result in a cash-in-lieu amount greater than the fair market value of the site to be dedicated, the applicant shall have the right, prior to the Board of County Commissioners hearing, to follow the procedures for valuation pursuant to the Appraisal Method outlined above.
- (e) In the event an affected public agency believes that the Assumed Value Method would result in a cash-in-lieu amount less than the fair market value of the site to be dedicated, the agency shall have the right to submit an appraisal meeting the requirements of the Appraisal Method. Upon

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receipt of the agency's appraisal, the Planning Division shall mail copies to the applicant and other public agencies eligible to receive dedicated sites from the development, and shall notify such parties that they may submit qualifying appraisals for consideration by the Board. The Planning Division shall establish a reasonable deadline for the submission of agency appraisals to allow sufficient time for submittal of all appraisals prior to scheduling the final plat for Board of County Commissioners hearing.

- (f) Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat. The Board of County Commissioners shall be entitled to determine the correct property value, and shall base its decision upon the evidence presented to it.

E. CASH-IN-LIEU OF LAND FORMULA

1. Formula

The following formulae shall be used to calculate the dollar amount of the cash-in-lieu of land dedication required for subdivisions, which create lots for dwelling units.

a. Land for Public Schools

- i. Number of dwelling units (du) times the number of students generated per du = total students generated.
- ii. Total students times 0.026 acres/student (suburban) or 0.0597 acres/student (rural) = dedicated acres.
- iii. Dedicated acres times value of land/acre = the total number of dollars for cash-in-lieu for public school land.

b. Land for Public Parks

- i. Number of dwelling units (du) times the number of persons generated per du = total persons generated.
- ii. Total persons generated divided by 1,000 = number of persons per 1000.
- iii. Number of persons per 1000 times six acres = dedicated acres.
- iv. Dedicated acres times the value of land/acre = the total number of dollars for cash-in-lieu for public parks.

c. Land for Other Public Purposes

- i. Number of dwelling units (du) times the number of persons generated per du = total persons generated.
- ii. Total persons generated divided by 1,000 = number of persons per 1000.
- iii. Number of persons per 1000 times 0.25 acres = dedicated acres.
- iv. Dedicated acres times value of land/acre = the total number of dollars for cash-in-lieu for other public purposes.

2. Alternate for Combined Dedication and Payment

As an alternative to the above-noted requirements, the Board of County Commissioners may require a combination of dedication of land and payment of a sum of money, provided that such a combination shall be at a minimum of the amount equivalent to the value of the area calculated to be dedicated.

F. PRIVATELY OWNED PARKS

1. Standards to Approve Public Land Dedication Credit

Where parks are provided in a proposed subdivision and are to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of said residents, such land area and/or improvements may be credited against the park requirements set forth Section herein, provided the Board of County Commissioners 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 said land area is adequately provided for by written agreement;
- b. That the proposed land area is reasonably adaptable for use for park and recreation purposes. Reasonably adaptable may include but not be limited to, sufficient size, accessibility, location, topography, drainage and soil capacity;
- c. That the facilities proposed for said land areas are in substantial accordance with the provisions of this regulation, and are approved by the Board of County Commissioners. All park improvements shall comply with the Arapahoe County Landscape Regulations.
- d. The Planning Division is permitted to recommend to the Board of County Commissioners adoption of regulations as further guidelines in the analysis of land suitable for dedication.

2. Required Plat and Development Plan Notes

If the Board of County Commissioners approves such private parks the following notes shall be added to the Final Plat and to the Final Development Plan for the subdivision:

- a. The private park site as shown on this plat (plan), shall be maintained in perpetuity by the owner(s), homeowners association, and/or entity other than Arapahoe County.
- b. Building permits will be issued for only one-half of the lots in this subdivision until the park facilities have been installed in accordance with the approved plan.
- c. When a project consists of one lot, the private park shall be installed prior to the certificate of occupancy.

3. Calculation of Public Land Dedication Credit for Privately Owned Parks

If the Board of County Commissioners determines that privately owned park lands are appropriate to receive credit against the requirements of this section, the amount of credit to be allowed shall not exceed 35 percent of the requirement, and additional funds shall be paid to the County, or additional lands shall be dedicated to the County, or additional lands shall be dedicated to the County, or a combination of land and funds shall be provided to the County to fulfill the requirements of this Section based on the needs and recommendations of the affected park district and other affected government entities.

G. PAYMENT OF DEDICATION REQUIREMENTS

1. Public lands to be designated for use as school sites shall be negotiated directly between the Owner/Subdivider and the appropriate school district subject to the approval of the Board of County Commissioners. The amount of land to be dedicated for school purposes shall be in compliance with the requirements of these Regulations.
2. For property zoned for residential uses, the evidence shows that the school district can serve the student population expected to be generated from the development. The

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Board may deny a subdivision request for which the evidence shows that the school district cannot serve the student population generated from the development.

3. If required by the Board of County Commissioners, land areas to be designated for public land dedication should be determined at the time of the zoning hearing or final plat consideration. If required by the Board of County Commissioners, public land dedication or payment-in-lieu thereof should be given prior to or at the time of Final Platting.
4. Public land dedication will be negotiated by the school district, and, if approved by the Board of County Commissioners, may be provided directly to the school district or to the County. Proof of such dedication or payment shall be provided to the Board of County Commissioners.
5. Public land dedication for public parks shall be negotiated with the park district, and, if approved by the Board of County Commissioners, may be given directly to the County or parks district, as determined by the Board of County Commissioners.

H. PUBLIC LAND FUNDS

1. **The Board of County Commissioners shall hold the funds paid to the County until:**
 - a. The acquisition of reasonable sites and land area for parks, fire stations, libraries or other public purposes are determined necessary by the Board of County Commissioners:
 - b. Other capital outlay purposes for parks to serve the proposed subdivision and future residents thereof are determined necessary by the Board of County Commissioners;
 - c. The development of sites and land areas for park purposes or other purposes are determined necessary by the Board of County Commissioners.
2. **Public lands and cash-in-lieu funds shall be requested as follows:**
 - a. Arapahoe County Planning Division, shall give written notice to the appropriate local government entities. After receipt of such a notice, the local government entity (including park districts, fire districts and library districts) may request land or funds, and shall demonstrate in writing a need for land or funds for a use authorized this section. The entity requesting such lands and/or funds shall provide written justification setting forth the amount of land and/or funds sought, the proposed uses of said land and/or funds, and the benefits which the residents and future residents of the subdivision for which the land and/or funds were obtained will receive.
 - b. Requests for land and/or funds shall be made directly to the Arapahoe County Planning Division. The Arapahoe County Planning Division shall review the requests for funds and, on a quarterly basis, present these to the Board of County Commissioners along with the Division's recommendations. In addition, when the request is for land, the Arapahoe County Planning Division shall inform the Applicant whether a "Location and Extent" hearing is necessary, and, if such a hearing is required, no land shall be transferred until approval has been granted after the hearing process.
 - c. The Board of County Commissioners, at its discretion, may vote to allocate some of the lands and/or the funds for the subject project and, if approved, will transfer the land and/or funds to the appropriate local government entity.