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MEMORANDUM

To: ACOS Master Plan Working Group
From: Design Workshop: Anna Laybourn, Jessica Garrow, Areti Athanasopoulos
Date: March 23, 2020
Project Name: Arapahoe County Open Spaces Master Plan
Project #: 6243
Subject: Comparable Communities Summary
Copy To: file

This memo outlines high-level information regarding the Comparable counties Policy Deep-Dive included in Task 2.52 of the Arapahoe County Open Space Master Plan Scope of Work. This memo is intended to guide conversations with the County on the next steps and direction for regulations related to Open Space and Parks dedications and requirements. Based on direction from County staff, the Design Workshop team will create a full summary report as part of Task 8, outlining the varying options the County has in updating regulations and addressing issues related to exactions from development.

Overview:

For this stage of analysis, the Design Workshop team evaluated regulations in Adams, Larimer, and Douglas Counties. Adams County's regulations related to land dedication requirements were last updated in 2017, Douglas County's in 2015, and Larimer County's in 2009.

These counties were selected based on their similarities to Arapahoe County. These counties include both urban and rural areas – with rapidly expanding cities as well as large areas continuing in historic agricultural or natural resource uses. Each County has a different approach to development exactions and regulations. While their approaches can and should inform Arapahoe County, it is a reminder that there is not a one-size-fits-all approach and that regulations and requirements should be tailored to meet the needs specific to Arapahoe County.

Attached to this memo is a brief summary of the highlights from each County related specifically to parks and open space dedications. A spreadsheet outlining the specific land dedication and fee-in-lieu requirements is also included. Because the County has expressed interest in School Lands requirements, this information has been included in the spreadsheet.

Common Themes:

Overall, there are a number of key themes that arose from the research outlined below. We have outlined how these themes are addressed in Arapahoe County's development requirements in the summary that follows.

- **Land Dedication Requirements are typically triggered when land is subdivided.** Both Adams and Douglas Counties use this structure. Larimer County requires land dedication whenever there is a subdivision, planned land division, or conservation development.

Arapahoe County requires dedication for any subdivision, rural cluster development, and PUD. The triggers for dedications and fees-in-lieu are generally consistent with neighboring counties, and likely do not need to be adjusted.

- **Consistency with a Master Plan.** Each County links the provision of parks and open spaces to an adopted Master Plan. This helps each County guide the types and locations of preferred land dedication or cash-in-

lieu payments. Additionally, Larimer County includes requirements for drainage and stormwater facilities if the land is part of an adopted Drainage Master Plan.

Arapahoe County loosely references the Open Space Master Plan and Bicycle Pedestrian Master Plan in the development code as a component of the Comprehensive Plan. This is an area that could be strengthened in the development regulations in the longer term. The adoption process is addressed in Task 8 to ensure the Open Space Master Plan can be used when consistency with the Comprehensive Plan is required.

- **Preference is given to actual land.** Each County's code states that cash-in-lieu is allowed at the BOCC's discretion when it is deemed to be more appropriate to satisfy the needs of the County and development. Adams County's code states that cash-in-lieu is only appropriate for up to 2-acres of land that would otherwise be required. Douglas County's code provides guidance that cash-in-lieu is typically only appropriate for small developments not able to meet minimum size requirements or developments that have access to adjacent facilities.

Based on conversations with Arapahoe County staff, there may be circumstances where payment of a fee-in-lieu is more appropriate than a land dedication. This is an area for further discussion to determine how recommendations should be finalized.

- **Allow independent study / calculation.** Each County has provisions for a developer to request and complete their own study and calculation when cash-in-lieu is an option. This typically requires the use of an independent appraiser.

This is currently accommodated in the Arapahoe County code for both developers and public agencies concerned that calculations in the code are higher or lower than they should be. As the fee is updated, adjustments to the language may be appropriate.

- **Fee-in-Lieu Reviews and Annual Adjustments.** Both Larimer and Adams Counties include language about when and how an update to the land dedication and fee-in-lieu standards is completed. In Larimer County, this is required to be completed every two years. In Adams County, fair-market value is identified in the school land dedication requirements and is to be updated every December by the Planning and Zoning Commission based on transactions over the previous year. In Douglas County there are no adopted provisions for updating the cash-in-lieu amount, as it is based on fair-market value anticipated at the time of platting from an appraiser.

Arapahoe County has both an Appraisal Method and an Assumed Value Method. Arapahoe County has adopted code language stating that the assumed property values for land dedications would be updated periodically, but no specific timeline is stated. Updates to require these numbers be reviewed and adjusted on a more regular basis could assist the County in ensuring the fee-in-lieu tracks with changing land values.

- **Different standards are in place for different types of parks and open spaces.** Each County has identified a minimum amount of land to be dedicated for different types of facilities. Specific standards exist for neighborhood parks, regional parks, and open space. These apply based on the type and size of the development and are integrated into the individual subdivision review processes.

Arapahoe County does not include different dedication requirements or standards for parks or open space. There is a single 6 acres per 1,000 people standard. Adding different requirements and detail to the code would assist in ensuring that different needs are addressed in each development and appropriate to each area of the County.

Areas of Differences:

There are a number of specific nuances and differences between the three Counties studies that are worth discussion for potential inclusion in Arapahoe County's requirements. Some are relatively easy to implement as a standard code or policy amendment. Others may require additional study or coordination with neighboring jurisdictions.

- **Level of Service Standards.** Larimer County has adopted a Level of Service (LOS) Standard for their parks and open space dedications. The County completed a schools, transportation and parks service study to arrive at this methodology and it is based on the County's ability via State Statute to adopt Capital Expansion Fees. It differentiates between incorporated and unincorporated portions of the County when determining dedication requirements.
 - **Community Park Land.** These standards and fees-in-lieu apply to all development within designated Growth Management Areas (Ft. Collins, Loveland, Berthoud, and the Estes Valley). All fees collected are distributed directly to the towns and cities in Larimer County to be used for land acquisition.
 - **Regional Park Land.** These standards and fees-in-lieu apply to all areas in unincorporated Larimer County, and any municipal lands part of an intergovernmental agreement, to purchase land for Regional Parks. The County outlines a process and standards for intergovernmental agreements to support this portion of their dedication requirements.

This policy is one that would require a dedicated fee-in-lieu study and coordination with jurisdictions within Arapahoe County. However, the policy idea is one that could be incorporated into the ongoing Master Plan work. By identifying different goals and standards for development in different portions of the county, the Master Plan could identify different standards for development of parks and open spaces throughout the County. Different geographical boundaries could be established, demarcating where development is required to provide a neighborhood park or coordinate with an existing municipality or recreation district, and where a regional park or continuation of a trail system would be most appropriate.

- **Subdivision Improvements Agreement (SIA).** Each County has some version of a Subdivision Improvement Agreement that outlines requirements for a developer to complete public-facing improvements. Adams County goes the furthest in identifying procedures and requirements for all SIAs. The regulations outline requirements for the timeframe in which improvements must be completed, how the County will address situations when those improvements are not made, and requires a one (1) year guarantee of improvements. Douglas County includes example SIAs on their website, which help provide developers and the community an up-front understanding of what will be required at final platting.

This type of policy could be implemented through a relatively straightforward code amendment for all development agreements. Language specific to completing parks and open space improvements could be included. Inclusion of example agreements online, to be approved by the County Attorney, could improve overall transparency in the process.

- **Conveyance with Water Rights.** Douglas County's requirements related to the conveyance of land expressly require it come with water rights, or adequate water service to provide irrigation and drinking water.

Inclusion of this type of language could support the different types of land dedications desired. If land is acquired as part of a rural cluster subdivision that could remain in agricultural use, for instance, ensuring adequate water rights and resources would be important to ensure the land is able to function as intended in perpetuity. Some additional work could be required to properly incorporate these into the code.

Questions for ACOS Working Group:

Based on the research completed, we have some key questions that will help us complete this phase of work and begin to move into the analysis for Task 8, the Comprehensive Plan Analysis.

1. Are there any examples from the Counties studied that ACOS is interested in further pursuing? Any that should not be considered moving forward?
2. Are there any additional Policy Areas, such as the review processes or Oil and Gas Regulations, that ACOS would like included in this Task 2 analysis?
3. As we move into Task 8, are there any other communities or topics that should be included in that analysis? (That task calls for additional benchmarking and analysis of up to 8 communities.)

Next Steps:

Based on feedback from ACOS, Design Workshop will finalize this report. Using the mapping that has been completed, we will be able to identify specific policies that could be incorporated based on geography. As part of the outreach that is outlined in Task 2.4 and Task 6, we will complete interviews with staff from Community Development to further outline the processes needed to make some of the changes desired by ACOS, as well as community members to understand their desires and concerns. All this information will be used to move forward with Task 8, which will outline specific Land Use Policy Recommendations.

Attachments:

Attachment A: Brief County Summary

Attachment B: Spread Sheet of County Requirements

Exhibit A: Comparable County Summary

This document provides a high-level summary of Adams, Douglas, and Larimer Counties and how they address Land Dedication and Fee-in-Lieu requirements for parks and open space.

Adams County:

- Land dedications are calculated by household size and number of dwelling units per acre.
- A developer must dedicate no more than 10% of the gross land area for new or expanded parks and schools to serve future needs of the residents and employees of a subdivision.
- For Open Space Subdivisions, at least 30% of the property must be dedicated as open space and can be no less than 2 acres in size.
- Fee-in-lieu payments can be split up and paid over the course of a development. Different funds for each fee type are created to assist with tracking. These include a schools account, a neighborhood parks account, and a regional parks account
- Fee-in-lieu must be used only for land acquisition for parks
- Open space maintenance plans are required with enforcement mechanisms and penalties. Open space and landscaped/planted areas must be permanently maintained by an owner's association or public agency/district

Douglas County

- Open land requirements are in place to separate municipalities, act as a visual buffer, transition between land uses, and to protect and preserve habitats, sensitive areas, and cultural/historic assets, etc.
- The County has defined acreage minimums for each type of park (ranging from 5 acres to 50 acres), but acreage requirements can be adjusted to meet the needs of the new development as well as acreage minimums for school lands based on school type.
- The minimum fee-in-lieu requirement is \$250 for each residential subdivision lot.
- All fee-in-lieu payments are held by the County until a written request is submitted with a park plan and development schedule, including development and maintenance costs.
- The Douglas County Parks, Trails, and Building Grounds Division makes recommendations to the BOCC on how to spend any cash-in-lieu funds. Dispensing of land or the fee-in-lieu funds is through the BOCC at a public hearing.
- The County is open in how fee-in-lieu can be used, though it is recommended to be used for the benefit of residents within the service area of the type of park for which the fees were collected.
- All dedicated park land must include necessary water rights or water service for irrigation and drinking water.
- The County assumes all responsibility for development and maintenance of all regional parks, trails, and open lands. The developer or local governing entity is responsible for development and maintenance of local parks, trails, and open space.

Larimer County

- Larimer County is unique in the Counties reviewed in that they utilize Growth Management Areas (GMAs) as a planning tool. These areas are defined as being the larger towns in the County – Ft. Collins, Loveland, Berthoud, and the Estes Valley. The County has different land dedication and fees-in-lieu requirements for areas within a GMA and areas outside of GMAs. Each GMA has a different dedication requirement.
- The County has based their fee-in-lieu on a standard Level of Service (LOS). Their study covered Parks, Transportation, and Schools, and includes provisions for Inter-Governmental Agreements (IGAs) with municipalities.
- The County uses IGAs to address their region-wide regional park needs and has entered into IGAs with each municipality to maintain the existing regional park land LOS.
- When a fee-in-lieu is used for areas in a GMA, it is to be used to fund community parks. For areas outside a GMA, the funds are used to support regional parks.
- All fees collected are placed in a trust fund and invested in interest-bearing assets.
- Any fees not spent within seven years from the date the building permit was issued are required to be returned to the fee payer, along with any interest accrued.
- The regional park land dedication/in-lieu fee standards apply to all subdivisions, conservation developments, and planned land divisions
- The County allows a developer to request a credit against a new fee due for their development. Fee payers can apply for a credit against any in-lieu fee due up to an amount equal to the fair market value of the land dedication.

LAND DEDICATION & CASH-IN-LIEU REQUIREMENTS

	Conveyance of Land	Average Dedication Requirements	Formula	Site Requirements	Restrictions/ Limitations	Exemption
ADAMS COUNTY	Neighborhood Park	6 acres per 1,000 residents Park land not to exceed 10% of the total gross area of land within proposed subdivision	Single Family = .020 acres per HH (household) 2-4 Family Attached = .015 acres per HH Townhome = .013 acres per HH Garden Apartment = .012 acres per HH Mobile Home = .017 acres per HH High Rise = .0075 acres per HH	Site minimum 3 acres in size Accessible to residents within 1/2 mile radius Co-located with school property	No more than 2 acres of dedication requirement fulfilled by cash-in-lieu Private land may be credited toward the land dedication requirement	When density of proposed development is < 1 DU per 10 acres , development is exempt from dedication requirement
	Regional Park	4 acres per 1,000 residents Commercial and industrial subdivisions required to dedicate 5% of total area to regional parks	Single Family = .013 acres per HH 2-4 Family Attached = .010 acres per HH Townhouse = .009 acres per HH Garden Apartment = .008 acres per HH Mobile Home = .011 acres per HH High Rise = .0050 acres per HH	Site minimum 50 acres in size Accessible to residents within 5-mile radius Co-located with other regional parkland Protect natural/historical features and wildlife; natural & scenic quality	Lakes, ponds, or reservoirs considered if: Area doesn't exceed 50% of the required dedication Area is contiguous to other acceptable parkland	Regional park dedications or cash-in-lieu for subdivisions east of Yulle Mile Road must be disbursed to the local park and recreation district encompassing the subdivision
	Open Space	Minimum of 30% of the property to open space or conservation Minimum 2 acres for open space/ conservation	N/A	Location, size, and character of open space/conservation area suitable for residential development or agricultural use For preservation of natural flora and fauna, amenity or rec purposes, or agricultural use	No more than 25% of the open space shall be designated for active recreation purposes	All Open Space Subdivisions shall also meet the parkland dedication requirements of the Adams County Subdivision Regulations
	School Land	Land dedicated at a rate equal to the average number of students per acre Steps to determine the public land dedication, or fees in lieu of, for residential development: 1. Max DUs x HH type = school acreage need 2. Max DUs x HH type = neighborhood park acreage need 3. Max DUs x HH type = regional park acreage need 4. #1+2+3 = total public land dedication	LAND AREA REQUIRED <u>Urban Districts</u> .0260 acres per student <u>Rural Districts</u> .0597 acres per student Single Family = .021 acres per HH 2-4 Family Attached = .010 acres per HH Townhouse = .008 acres per HH Garden Apartment = .005 acres per HH Mobile Home = .014 acres per HH High Rise = .0003 acres per HH	A single parcel and minimum: 10 acres for elementary school 25 acres for junior high school 40 acres for senior high school	Requirements for land suitability	Commercial and industrial subdivision lots exempt from the school land dedication requirement Existing dwellings excluded from the calculation of the school land dedication requirement unless lot allows for greater density of residential development
	Payment of Cash-in-Lieu	Required prior to the recording the of first plat document for the subdivision Cash-in-lieu shall be equivalent to the full market value of the acreage required for parkland dedication	total payment > \$100,000 fee may be split into 2 payments 1st payment due prior to recording the plat Prior to the issuance of a Building Permit 2nd payment due > 50% of development total payment > \$200,000 fee may be split into 3 payments 1st payment due prior to recording the plat Prior to the issuance of a Building Permit 2nd payment > 33% of the development 3rd payment > 66% of the development total payment > \$300,000 fee may be split into 4 payments 1st payment due prior to recording the plat Prior to the issuance of a Building Permit 2nd payment >25% of the development 3rd payment >50% of the development 4th payment > 75% of the development	Market value of the zoned and platted, but unimproved, land at the time of approval of the plat: Zone District Market Value per Acre A-2: \$3,543.00 A-1, RE: \$13,662.00 R-1-A, R-1-C, R-2, MH: \$36,888.00 R-3, R-4: \$53,840.00 C-0, C-1, C-2, C-3: \$54,147.00 C-4, C-5, I-1: \$58,313.00 I-2, I-3: \$49,715.00 Based on land sales statistics from previous 2 year period	All cash-in-lieu or proceeds from the sale of dedicated land will be kept in three separate accounts: a schools account, a neighborhood parks account, and a regional parks account. SCHOOL LANDS: Cash-in-lieu required when: * Small developments don't meet the minimum school site requirements * Adjacent facilities could be expanded * The site is inappropriate The County may distribute lands or fees-in-lieu to: School Districts; Metropolitan Districts providing park and recreation services, or Park/Recreation Districts; or the Adams Co Dept of Parks and Community Resources.	N/A

LAND DEDICATION & CASH-IN-LIEU REQUIREMENTS

	Conveyance of Land	Average Dedication Requirements	Formula	Site Requirements	Restrictions/ Limitations	Exemption
DOUGLAS COUNTY	Neighborhood Park (Local Park)	Special districts often created to provide local parks	Formula is based on 15 acres per 1000 people Local Park = Dwelling units x 0.015 acres/unit	Minimum 5 acres Accessible to residents within a ¼ - ½ mile radius Co-located with an elementary or middle school	Lakes, ponds, or reservoirs may be considered only if: *Area doesn't exceed 1/2 of the required dedication *Area is contiguous to other acceptable parkland	N/A
	Community Park (Local Park)		Local Park = Dwelling units x 0.015 acres/unit	Minimum 20 acres Accessible to residents within a 2-mile radius		
	Regional Park	Regional Park = Dwelling units x 0.030 acres/unit	Minimum 50 acres Accessible to residents within a 5-7 mile radius			
	Open Land	Additional land may be required to: * Identify or separate municipalities, communities or subdivisions * Provide visual relief from development * Transitions between different land uses * Preserve/protect habitats, ecosystems, natural areas, landmarks, historic/cultural areas, etc.	N/A	N/A		
	School Land	Minimum required school land dedication: Elementary School = 0.017 acre per student Junior High School = 0.021 acre per student Senior High School = 0.027 acre per student	Minimum acreage required per school: Elementary School = 10 acres Junior High School = 25 acres Senior High School = 40 acres			
	Payment of Cash-in-Lieu	Minimum cash-in-lieu fee for minor development final plats or replats which create ten or fewer residential lots = \$250 for each new residential lot	When a combination of land and cash-in-lieu of land is requested, use this formula: 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	In 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.		

LAND DEDICATION & CASH-IN-LIEU REQUIREMENTS

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Conveyance of Land	Average Dedication Requirements	Formula	Site Requirements	Restrictions/ Limitations	Exemption												
LARAMIE COUNTY	Community Park	<p>If the lands offered for dedication are accepted, the applicant must convey the title to the property to the county in fee simple</p>	<p>Acres/Unit by GMA District/GMA (Fort Collins, Loveland, Berthoud, Estes Valley Rec Dist)</p> <p>Single-Family Detached (range) .0121 – .0267 acres/unit Single-Family Attached (range) .0094 – .0208 acres/unit Duplex (range) .0091 – .02 acres/unit Multifamily (range) .0079 – .0174 acres/unit Mobile Home (range) .0093 - .0206 acres/unit</p>	<p>Park dedication accepted only if:</p> <p>*There is sufficient acreage for community park land purposes</p> <p>*It furthers the county's and participating local governments' general plan for neighborhood and community parks</p> <p>*Approved by the participating local government</p>	<p>The county will provide the same community park land LOS within the GMAs as the adjacent municipality provides</p> <p>Existing community park land LOS (acres per single-family equivalent): Fort Collins - .0223 acres per SFE Loveland - .0236 acres per SFE Berthoud - .0267 acres per SFE Estes Park - .0121 acres per SFE</p>	N/A											
	Regional Park	<p>Existing county-wide regional park land LOS = 0.167 acres per single-family equivalent (SFE)</p>	<p>Housing Type -- Acres Per Unit</p> <p>Single-Family Detached -- 0.158 acres/unit Single-Family Attached-- 0.123 acres/unit Duplex-- 0.119 acres/unit Multifamily-- 0.103 acres/unit Mobile Home-- 0.122 acres/unit</p>	<p>> 250 acres in size Provides recreation in natural environments May include unique historic, archaeological or paleontologic features.</p>													
	School Land			<p>Minimum school site dedications are those currently adopted by the school district involved</p>	<p>The land and fees received must be used only for providing school sites.</p>												
	Payment of Cash-in-Lieu	<p>The in-lieu fee must be paid prior to the issuance of a building permit</p> <p>Fee is based on the in-lieu fee schedule in effect at the time of building permit application</p> <p>Where a school site in-lieu fee is required, the fee will be collected for each dwelling unit at the time the building permit is issued</p>	<p>Fees-in-Lieu/ Unit by GMA District (Fort Collins, Loveland, Berthoud, Estes Valley Rec Dist)</p> <p>Single-Family Detached (range) \$303 - \$669 Single-Family Attached (range) \$235 - \$522 Duplex (range) \$228 - \$501 Multifamily (range) \$198 - \$435 Mobile Home (range) \$232 - \$516</p>	<p>In-Lieu Fee Schedule:</p> <table border="0"> <tr> <td>Housing Type</td> <td>Fee Per Unit</td> </tr> <tr> <td>Single-family Detached</td> <td>\$701.00</td> </tr> <tr> <td>Single-family Attached</td> <td>\$547.00</td> </tr> <tr> <td>Duplex</td> <td>\$526.00</td> </tr> <tr> <td>Multifamily</td> <td>\$456.00</td> </tr> <tr> <td>Mobile Home</td> <td>\$540.00</td> </tr> </table>	Housing Type		Fee Per Unit	Single-family Detached	\$701.00	Single-family Attached	\$547.00	Duplex	\$526.00	Multifamily	\$456.00	Mobile Home	\$540.00
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