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ARTICLE VIII

LAND DEDICATIONS AND FEES

DIVISION 1 SCHOOL LAND DEDICATION AND CASH IN LIEU

Section 8-100 Purpose.

The purpose of this Division is to insure that adequate land areas and/or funds for the acquisition and development of public school sites are made available through the development process to meet the needs of future residents of the County. Since the need for public school sites is directly proportional to general and school age population, and since the County has adopted a policy that new development should "pay its own way," it is reasonable that those who facilitate population increase through the development of land should provide for the additional need for public school sites that such development will create. Public school sites should be sufficient in terms of size and location to properly accommodate the demand and need generated by new development.

Section 8-101 Requirement for Land Dedication.

Whenever land is subdivided, through a major or minor subdivision process, the owner of the land shall dedicate land to support new or expanded public schools sites in order to serve the future residents of the proposed subdivision. As an alternative to land dedication, the Board of County Commissioners may require the payment of cash in lieu of dedication, or a combination of land and cash in lieu, not to exceed the fair market value of such land at the time of approval of the subdivision.

Section 8-102 Maximum Percentage of School Land Dedication.

Requirements for public school land dedication shall not exceed ten (10) percent of the total gross area of the land within the proposed subdivision except as otherwise provided for by these standards and regulations. If the proposed subdivision is part of a larger phased subdivision or is one filing in a related series of subdivision filings, the total land dedication shall not exceed ten (10) percent of the total subdivision area except, however, that the land dedication may exceed ten (10) percent for the specific subdivision phase or filing.

Section 8-103 Basis of Dedication for Residential Development.

A. School Aged Children Estimation For Household. Land dedication for public schools is based on a projection or reasonable estimation of the number of school aged children generated by new residential development. Such projection or estimation is based upon the following data U.S. Census data:

1. Average Household Size.

Single Family:	<u>2.45</u>	persons per household
Two to Four Family Attached:	<u>7.35</u>	persons per household
Townhouse:	<u>2.45</u>	persons per household
Apartment (5 or more attached units):	<u>12.25</u>	persons per household
Mobile Home:	<u>2.45</u>	persons per household

2. Student Population Per Household:

Single Family:	<u>0.10</u>	students per household
Two to Four Family Attached:	<u>0.20</u>	students per household
Townhouse:	<u>0.10</u>	students per household
Apartment (5 or more attached units):	<u>0.50</u>	students per household
Mobile Home:	<u>0.10</u>	students per household

Section 8-104 Land Area Required for Schools Per Student.

A. Platte Canyon School District RE-1 Standards.

1. The Platte Canyon School District RE-1 policy establishes the following school site size as the minimum necessary for the type of listed facility:

a. Elementary School	<u>10</u>	acres
b. Junior High School	<u>15</u>	acres
c. Senior High School	<u>20</u>	acres

2. The land area required for public school sites within the Platte Canyon School District RE-1 is 0.04 acres per student. This land area is based on the total aggregate land area required for all elementary, junior, and senior high schools as reported by the Platte Canyon School District RE-1 divided by the total number of students attending such schools.

B. [Park County] School District RE-2 Standards.

1. The Park County School District RE-2 policy establishes the following school site size as the minimum necessary for the type of listed facility:

a. Elementary School	<u>10</u>	acres
b. Junior High School	<u>15</u>	acres
c. Senior High School	<u>20</u>	acres

2. The land area required for public school sites within the Park County School District RE-2 is 0.04 acres per student. This land area is based on the total aggregate land area required for all elementary, junior, and senior high schools as reported by the Park County School District RE-2 divided by the total number of students attending such schools.

Section 8-105 Land Dedication Per Dwelling Unit.

Except as otherwise provided by this Division, each new dwelling unit constructed within Park County shall provide a land dedication as follows:

A. Within the Platte Canyon School District RE-1:

Single Family:	0.5__ acres per dwelling unit
Two to Four Family Attached:	0.5__ acres per dwelling unit
Townhouse:	0.5__ acres per dwelling unit
Apartment (5 or more attached units):	0.5__ acres per dwelling unit
Mobile Home:	0.5__ acres per dwelling unit

B. Within the Park County School District RE-2:

Single Family:	0.5__ acres per dwelling unit
Two to Four Family Attached:	0.5__ acres per dwelling unit
Townhouse:	0.5__ acres per dwelling unit
Apartment (5 or more attached units):	0.5__ acres per dwelling unit
Mobile Home:	0.5__ acres per dwelling unit

Section 8-106 Existing Dwellings.

Existing dwellings shall be excluded from the calculation of the school land dedication requirement unless the lot allows for greater density of residential development in which case the dedication requirements shall be calculated based on the maximum potential use of the lot.

Section 8-107 Action Concerning Lands Dedicated.

All lands dedicated for schools shall be conveyed to Park County both by warranty deed and by clear identification as dedicated on the face of the plat accompanied by a legal description. The conveyance of land or the payment of cash-in-lieu shall be required prior to the recording the plat for the subdivision.

Section 8-108 Cash-in-Lieu of Dedication.

A cash-in-lieu of land dedication shall be required when deemed, by the Board of County Commissioners, to be more appropriate in satisfying the needs of the school district and proposed subdivision. Such cases include small developments not able to meet the minimum school site requirements, developments that are served by adjacent facilities that could be expanded to meet the needs of the proposed subdivision or where due to access and other issues the site is inappropriately located to provide long-term service. The cash-in-lieu shall be equivalent to the full market value of the acreage required for school land dedication.

Section 8-109 Determination of Fair Market Value.

The fair market value of the zoned and platted, but unimproved, land at the time of approval of the plat shall be presumed to be as set forth below:

A. Within the Platte Canyon School District RE-1:

Zone District Category	Market Value per Acre
A, CR	\$ <u>1500.00</u>
A-35, R-35	\$ <u>2000.00</u>
R-20, MR,	\$ <u>2000.00</u>
R	\$ <u>2000.00</u>
M (Residential Use)	\$ <u>3000.00</u>
PUD (Residential Use)	Use comparable Zone District above

B. Within the Park County School District RE-2:

Zone District Category	Market Value per Acre
A, CR	\$ <u>1500.00</u>
A-35, R-35	\$ <u>2000.00</u>
R-20, MR,	\$ <u>2000.00</u>
R	\$ <u>2000.00</u>
M (Residential Use)	\$ <u>3000.00</u>
PUD (Residential Use)	Use comparable Zone District above

The foregoing tables of market values shall be based upon land sales statistics from the immediately previous two (2) year period, and shall be obtained from recognized published sources. The table shall be annually scheduled for review and any necessary revisions reviewed by the Planning Commission and adopted by the Board of County Commissioners pursuant to the process for amending the text of these Land Use Regulations.

Section 8-110 Use And Distribution Of Lands And Cash-in-Lieu.

A. The land and cash-in-lieu received under this section shall be used only for the purpose of providing public school sites within Park County, Colorado. All cash-in-lieu or proceeds from the sale of dedicated land collected by the County shall be kept in separate accounts categorized by individual school district.

B. All cash-in-lieu or proceeds from the sale of dedicated land collected by the County shall be used by the County exclusively for the acquisition and development of public schools to serve the needs of present and future residents of the County. The eligible uses of cash-in-lieu or proceeds from the sale of dedicated land shall be for site acquisition for new school facilities only.

Section 8-111 Distribution Of Lands And Cash-In-Lieu.

The County may distribute cash-in-lieu or proceeds from the sale of dedicated land to the school district in which the source of the cash-in-lieu or proceeds are derived when the County determines that the following criteria are met:

- A. The project for which funds are requested is authorized by the school district through a formally adopted plan or a formal resolution.
- B. The project for which funds are requested is specific in terms of size, use, location, timing, and cost. A means of funding the entire project is outlined and is reasonable although not all funding is available or allocated at the time of request.
- C. The project is in conformance with the Park County Strategic Master Plan and, when applicable, any master or comprehensive plan for the municipality within which the project is located.
- D. The project for which funding is requested is needed to support new development as reasonably justified by: (1) demand projections based on existing school enrollment; (2) County population projections for the area; or (3) approved zoning within the projected enrollment area demonstrating that densities and uses will create future demand for the school district improvement.
- E. The need for planning funds has been demonstrated by submittal of a scope of services request or contract describing a specific, growth-related development study with an estimated cost addressing needs outlined by the local school board.

Section 8-112 Sale of Dedicated School Land.

- A. County Authorized. The Board of County Commissioners may elect to sell all or any portion of lands dedicated to and held by the County pursuant to this Division where the Board determines, after consultation with the appropriate school district, that such specific land is not necessary or desired in order to advance policies of the school district and/or the County.
- B. Right of Refusal. In accordance with C.R.S. §30-28-133, the subdivider shall have a right of first refusal to purchase all or a portion of any land dedicated by the subdivider to a county or school district pursuant to this Division before the land is sold, transferred, or conveyed to any party other than a school district. Prior to selling or otherwise transferring ownership of the land, the county or the school district selling the land shall provide written notice to the subdivider of its intention to sell or transfer ownership of all or any portion of the land. The subdivider shall then have sixty (60) days to provide written notice to the County and school district of the subdivider's interest in purchasing all or a portion of the land to be sold. The purchase of the land by the subdivider shall be upon such terms and conditions and for such consideration as the parties may mutually agree; however, in no event shall the purchase price exceed the fair market value of the land at the time the subdivider dedicated the land to the County or school district. Any right of first refusal created pursuant to this Section shall expire twenty (20) years from the date the land was dedicated by the subdivider to the County or to the school district.

DIVISION 2 FIRE DISTRICT IMPACT FEES

Section 8-200 Authority to Impose Impact Fees

The County may impose impact fees in accordance with C.R.S. §29-20-104.5 when the proposed development is determined to impact fire and emergency services provided by an applicable special district.