

Chapter 16.32 DEDICATIONS*

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* Prior ordinance history: Ord. 13-2000.

16.32.010 Intent.

It is the intent of this chapter to preserve natural and scenic areas and provide for the public health, recreational, and educational needs by ensuring that school, recreational, and open space land and trails are available to the residents and/or employees of developments in conformance with the Town of Monument Comprehensive Plan, the Town of Monument Parks, Trails, and Open Space Master Plan and Title 16 and 17 of the Town of Monument Code as may be updated from time to time. This shall include that parks, trails, and open space will conform to the goals and policies and meet the adopted standards of the Plan, including park sizes, facilities, and service radii. Trails shall serve the recreational and transportation needs of the subdivision and provide links to schools, the local and regional trail system, parks and open space areas, commercial and employment areas, public transit and other destinations. Open space shall be designated to preserve natural and scenic features including native vegetation, wildlife habitat, and scenic areas. School land shall meet the adopted standards of this Chapter and the School District.

16.32.020 Land for public uses.

In addition to dedication of lands for roads and easements for drainage and utilities, every subdivider shall convey to the Town land for the purpose of providing parks, open space, trails, school sites, and/or other public purposes as pursuant to the provisions of this chapter. The standards herein are minimum standards and the Board may require dedications and improvements greater than the minimum to meet the needs of the development.

16.32.030 Park land dedication or cash in-lieu thereof.

A. Land Dedication Standards.

1. Parks, Open Space, and Trails shall be dedicated to the Town in conformance to the requirements herein and the adopted standards of the Town of Monument Parks, Trails, and Open Space Master Plan, as may be updated from time to time. Any land to be dedicated as a requirement of this chapter shall be dedicated at the time of subdivision recordation and improved by the subdivider per the timetable specified at time of subdivision approval for use as park, open space and/or trails. Land dedication shall be made to the Town by the subdivision plat for use as park, open space and/or trails unless another method of dedication or conveyance is specifically approved. The Town may grant 100 percent credit toward the requirements herein for the dedication of parks, open space, and/or trails to a metropolitan or special district or other entity provided that the park(s), and trail(s), shall be open for use by the public for the life of the subdivision and the Town has determined that the entity has adequate

funding and the ability to maintain the same. Land dedication shall include the real property together with all tributary, nontributary and not nontributary water rights owned by the subdivider as a consequence of ownership of the dedicated property, well rights, ditches and ditch rights appurtenant to the property, mineral rights and all improvements thereon.

2. The Board of Trustees, in consideration of the recommendations of the Planning Commission, will determine the suitability of the land and improvements proposed for dedication in providing for the intended purpose of the dedication, in accordance with the standards and criteria set forth in this chapter and the Parks, Trails and Open Space Master Plan. If the Board, in its sole discretion, determines that such land is not suitable for dedication, or that the public interest would be better served by requiring cash-in-lieu of such dedicated lands, the subdivider shall be required to provide cash-in-lieu of such dedicated lands pursuant to the provisions of Subsection C of this section. Further, nothing contained herein shall be construed to prevent the Board from requiring that part of the park land dedication requirement be made in the form of dedicated land and that part of such requirement be made in the form of cash in lieu of the remaining requirements for such land.

3. Dedication of land for park, open space, trail and/or other public purposes shall be based upon the following subdivision category standards:

B. Park Requirements.

1. Commercial/Industrial Use. The standard for park dedication shall be 0.05 acre for each gross acre of commercial/industrial use land. Such land shall be developed for active and/or passive recreational use by employees or patrons of the development such as picnic areas, plazas or pavilions and shall not include detention ponds unless the pond is specifically improved for recreational and/or open space use. Areas which satisfy the minimum landscape requirements of the development shall not be counted as open space.

2. Residential Use. The park standard for dedication shall be five acres per one thousand projected population in conformance with the Town of Monument Parks, Trails, and Open Space Master Plan. The projected population shall be based upon the average of the population yield per dwelling unit of all types of residential dwelling units. Based upon the US Census Count, the average yield is 2.69 persons per dwelling unit. Parks should, if feasible, be located adjacent to schools and conform to the Service Area/Location Criteria in the Town of Monument Parks, Trails, and Open Space Master Plan.

3. Factors to be used in evaluating the adequacy of proposed park areas shall include, but are not limited to, the suitability of the land for active and passive recreational facilities, based on size, shape, topography, soils and geology, vegetation, access, location, and the needs of the population to be served. No such park land dedication for the satisfaction of the minimum acreage of 5 acres per thousand population shall be located within the [100-year](#) flood plain boundary, wetlands, or Prebles Meadow Jumping Mouse Habitat, unless this requirement is expressly waived by the Board of Trustees. Any park land to be dedicated that is located within a detention pond must be specifically designed to function as recreational, open space, or trail use under normal environmental conditions.

C. Trail Requirements

Trails shall be dedicated as needed to serve the recreational and transportation needs of the subdivision in conformance with the Parks, Trails, and Open Space Master Plan, and shall

provide links to schools, the local and regional trail system, parks and open space areas, commercial and employment areas, public transit, community facilities such as libraries, and other destinations. Trails should be provided adjacent to or within natural and scenic areas and open space areas when possible in a manner that provides a recreational corridor without degrading the natural or scenic resource. Safe routes shall be provided within the development to schools, parks, recreational and fitness centers, employment areas, public transit and links to other local and regional trails, sidewalks, and bike lanes for multi-modal commuting. Trails must be dedicated in corridors suitable for trail development and shall generally be outside 100-year floodplains, wetlands, and/or Prebles Meadow Jumping Mouse Habitat, unless written documentation is provided from the appropriate authority, such as the U.S. Fish and Wildlife Service, that a trail may be developed in such an area. Trails must be provided for the transportation and recreational needs of residents and serve a different function than parks and are therefore not credited toward the minimum park dedication requirements.

D. Open Space Requirements

Open space shall be dedicated by subdivisions as necessary to preserve significant natural areas such as buttes, bluffs, and other geologic formations, water bodies/resources, wildlife habitat areas, fragile ecosystems (wetlands) riparian areas, floodplains, native trees and shrubs and/or other significant native vegetation. Open space shall also be dedicated as necessary to preserve lands which preserve significant views, provide transitions between different densities and uses (buffers) and otherwise serve to give shape and form to the proposed development and surrounding community. Open space dedications may include land within the one hundred (100) year flood plain boundary, wetlands, detention areas, and/or Prebles Meadow Jumping Mouse Habitat and other undevelopable areas such as steep slopes, rock outcroppings, etc. Open space dedications shall not be counted toward the minimum active park land dedication requirements of this chapter as the function of open space is as outlined above. Park land is dedicated to provide for the recreational needs of the community. Factors to be used in evaluating the need for open space dedications shall include the preservation of significant natural features and resources in a development such as wildlife habitat, native vegetation and especially trees and shrubs, and scenic features such as rock formations and view corridors while allowing reasonable development of the land. Public access is not required for open space dedications. Land dedicated for open space shall be maintained by a metropolitan or special district or other entity approved by the Board of Trustees, and shall not be maintained by the Town unless the Board of Trustees specifically approves the maintenance of an open space area.

E. Maintenance Provisions.

1. Provisions for adequate maintenance for parks, open space, and trails must be made at the time of dedication. The subdivision plat or other dedication instrument shall indicate the entity that will own and be responsible for maintenance. Except for exceptional circumstances, maintenance must be performed by a metropolitan district or special district.

F. Fees in Lieu of Park Land.

In the rare event when the dedication of required park, open space, and trail lands is not deemed suitable or not in the public interest within the development, generally due to the small size or number of units in the development, the Board of Trustees shall require the

subdivider, in-lieu thereof, to pay the Town a fee-in-lieu-of- land based on the amount of required land dedication as calculated in Section B above and pro-rated using the average value of land in the Town at a rate of \$83,160 per acre plus the cost per acre of constructing the improvements for that type of facility. Such fee may be updated from time to time to reflect current market land values and costs of the improvements and said value of land per acre shall be adopted by Resolution and included in the Town's fee schedule. Alternatively, the developer may develop an off-site facility or contribute to improve an off-site facility if said facility conforms to the adopted standards in the Parks, Trails, and Open Space Master Plan.

2. Park Fee Fund. A fund shall be established for use in providing for the acquisition of park lands by the Town. Fees collected shall be deposited within the park fee fund and shall be used solely to finance the acquisition of park lands which will reasonably serve the needs of the Town. Interest earned on park fees and/or development thereof shall remain within the park fee fund and shall be used solely for the purposes set forth in the subsection; provided, however, that such earned interest may be used by the Town to provide for necessary and required minimum levels of annual public health and safety maintenance of the properties until their development as parks.

(Ord. 15-98 (part): Ord. 12-97 (part): prior code § 12.05.030)

16.32.040 Credits for park and recreational open space.

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, Homeowner's Association, or a special district, for the mutual use and benefit of the residents, a portion of the land area not to exceed fifty (50) percent of the land dedication requirements may be credited against the requirement set forth in Sections 16.32.030, provided the Board of Trustees finds that it is in the public interest to do so, and that the following standards are met and cited as findings of fact:

A. That such open space, park or recreational purpose is perpetually protected and maintained by enforceable instruments duly recorded in the public records of El Paso County and maintenance of the land is adequately provided for by written agreement;

B. That the proposed land area is reasonably usable 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 and are approved by the Board;

D. That the facilities proposed conform to and/or complement the Town Comprehensive Plan and Parks, Trails, and Open Space Master Plan.

(Ord. 15-98 (part): Ord. 12-97 (part): prior code § 12.05.050)