

EXHIBIT A

FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED
THEREON AND DETERMINING THE ESSENTIAL NEXUS AND
ROUGH PROPORTIONALITY FOR NEW RESIDENTIAL
DEVELOPMENT PARK LAND DEDICATION REQUIREMENTS

WHEREAS, the City Council of the City of Colorado Springs has conducted a hearing to consider a Park Land Dedication Ordinance (the "Ordinance"), requiring dedication of new parkland or payment of fees in lieu of dedication for new residential developments within the City;

WHEREAS, at the hearing, City Council considered facts and evidence regarding whether an essential nexus exists for the City to require developers of new residential developments to dedicate parkland or pay fees in lieu and whether the required level of dedication and amount of fees are roughly proportional to the need for new parkland generated by new residential developments;

WHEREAS, on November 12, 2020, the Parks Board of the City of Colorado Springs held a public hearing in order to consider the Park Land Dedication Ordinance and to provide advice to City Council;

WHEREAS, on December 17, 2020, the Planning Commission of the City of Colorado Springs held a public hearing to consider the Park Land Dedication Ordinance and provide advice to City Council;

WHEREAS, the facts and evidence presented to, and the recommendations made by, the Parks Board and the Planning Commission have been taken into consideration by the City Council;

WHEREAS, it is necessary for City Council to make findings of essential nexus and rough proportionality when setting requirements for land use exactions such as parkland dedication, and to make additional findings of fact and conclusions of law to support its findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council finds that essential nexus exists for the City to require developers of new residential developments to dedicate parkland or to pay fees in lieu of dedication based upon the finding that:

- (a) there is a legitimate governmental interest in providing parkland for City residents;
- (b) cities throughout Colorado and the United States provide parks for their residents, beginning with Boston Common in 1634;
- (c) parks promote public health and wellbeing by providing opportunities and resources for outdoor recreation and exercise;
- (d) the City currently provides approximately five and one-half (5.5) acres of combined neighborhood and community parks per one thousand (1,000) City residents (the “Level of Service”);
- (e) the population of the City is growing rapidly, adding approximately sixty-two thousand (62,000) new residents between 2010 and 2019, according to the US Census Bureau;
- (f) development of rural areas at urban and suburban density, together with infill development in existing neighborhoods, creates a need for new and expanded parks to serve new residents;
- (g) without new parks, existing parks will have to serve greater numbers of residents, which erodes the existing Level of Service and increases maintenance costs;
- (h) crowding in existing parks reduces the enjoyment of parks by residents;
- (i) areas of likely future development in Banning Lewis Ranch and other areas of likely annexation and development north and east of the City are distant from existing parks, and new parks will be required in order to provide parks near to new residents;
- (j) new neighborhood and community parks will be required for new residents in order to avoid issues of overcrowding and overuse of existing parks.

Section 2. City Council further finds that a requirement of dedication of five and one-

half (5.5) acres of parkland per one thousand (1,000) approximate new residents, or fees in lieu of dedication, is roughly proportional in nature and extent to the needs created by new residential development based upon the finding that:

- (a) the findings of Section 1 support the findings of fact and conclusions of law in Section 2;
- (b) in order to maintain the Level of Service for new and existing residents, it is reasonable and necessary to require developers of new residential developments to dedicate land or pay fees in lieu of dedication at a rate approximately equal to the Level of Service;
- (c) Colorado Springs has an average density per dwelling unit as shown by US Census Bureau data and as incorporated into the Ordinance;
- (d) dedication requirements as set forth in the Ordinance are roughly proportional to the Level of Service and to the need created by new development;
- (e) based on a real property appraisal report prepared by East West Econometrics, dated effective on May 1, 2020 and revised on July 29, 2020 (the "Appraisal"), which was commissioned by the City, the average value of a square foot of land that is reasonably susceptible to use as a neighborhood park is \$3.16;
- (f) based on the Appraisal, the average value of a square foot of land that is reasonably susceptible to use as a community park is \$2.25;
- (g) dedicated lands are by definition platted, and platting is required by City Code prior to development of neighborhood and community parks;
- (h) in order to maintain equality between dedication of land and payment fees in lieu, fees in lieu of dedication should include costs incidental to platting;
- (i) fees in lieu of dedication at the rate set forth in the resolution accompanying the Ordinance are roughly proportional to the Level of Service and to the need created by new development.

Section 3. Council further finds that the Ordinance reflects these findings of fact and conclusions of law and meets requirements of essential nexus and rough proportionality.