

RESOLUTION NO. 21-21

A RESOLUTION ADOPTING THE CITY OF COLORADO
SPRINGS PARK LAND DEDICATION ORDINANCE
CRITERIA MANUAL

WHEREAS, on February 9th, 2021, City Council approved Ordinance No. 21-24, thus adopting a City of Colorado Springs Park Land Dedication Criteria Manual;

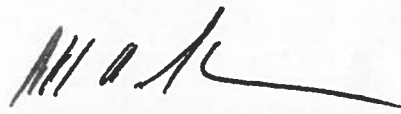
WHEREAS, under section 7.7.1209 of the Park Land Dedication Ordinance City Council shall review and adopt by resolution the Park Land Dedication Ordinance Criteria Manual which provides for the policies and standard procedures for administering the Park Land Dedication Ordinance; and

WHEREAS, the policies and standards of the Park Land Dedication Ordinance Criteria Manual will be implemented in all new residential development.

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

Section 1. The Park Land Dedication Criteria Manual is hereby adopted by the City Council as attached hereto and incorporated herein as "Exhibit A."

Dated at Colorado Springs, Colorado this 9th day of February, 2021.



Council President

ATTEST:


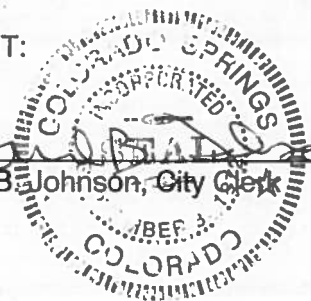

Sarah B. Johnson, City Clerk




EXHIBIT A

DRAFT FOR REVIEW:
February 3, 2021



PARK LAND DEDICATION

CRITERIA MANUAL

PARKS • RECREATION • CULTURAL SERVICES
February 2021

Thank you to all the community members who provided their time over two years to bring this Ordinance and Criteria Manual to completion.

PLDO TASK FORCE MEMBERS:

- Melissa Andrews
- Sarah Bryarly
- Kyle Campbell
- Tiffany Colvert
- Susan Davies
- Susan Edmonson
- Gary Feifer
- Tammy Fields
- Jill Gaehler
- Reggie Grisham
- Rebecca Jewett
- Bill Koerner
- Diane Loechen
- Barney Nicklason
- Cathy Poir
- Hank Scavaglia
- Tim Seibert
- Amber Shanklin
- David Siegel
- Richard Skorman
- Carl Smith
- Doug Stimpie
- Amanda Vigil

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This Manual is an administrative document that integrates policies relevant to the provision of neighborhood and community parks within the City of Colorado Springs. It is an up-to-date, comprehensive compilation of applicable dedication criteria. For purposes of this Manual, all references to Residential Developer or Developer are intended to mean Subdivider as this term is used in the revised City Code.

[insert RES. Number]. Section XXXX of the City Code of Colorado Springs 2001, as amended provides as follows:

[insert block quote]

This Manual was approved on [insert date] pursuant to City Code § 7.1211. It may be revised and updated in the future upon approval by the Parks, Recreation and Cultural Services Advisory Board and by City Council. The most up-to-date version of this document is available online at the Parks, Recreation and Cultural Services Department website: <https://coloradosprings.gov/parks>

The first edition of dedication and park development plan criteria for the Parks, Recreation and Cultural Services Department was formally adopted by City Council on [insert date] by Resolution

SECTION 1: OVERVIEW

SECTION 1-1. INTRODUCTION AND HISTORY

A. General William Jackson Palmer founded the City of Colorado Springs (hereinafter referred to as "City" or "Colorado Springs") upon a vision featuring ample park land that would set it apart from other cities. Nearly 150 years later, that vision remains the foundation of the City's park land philosophy. The City has prospered and grown in size and reputation as one of the best places to live in the United States. Much of the attraction of Colorado Springs is its robust park land, trails, and open space offerings located at the base of Pikes Peak - America's Mountain. The Park System serves to enhance the economic vitality of the City and to foster community and neighborhood pride and stability. In general, our parks make Colorado Springs a great place to live, work and visit.

B. The City has endeavored to provide a first class park system through our level of service and our goal of providing a park within a 10 minute walk for all citizens. Our efforts are readily apparent when one looks at how extensive and comprehensive the system is today. This success is due to the efforts of the public and private sectors, as well as many dedicated citizens, volunteers and "friends" groups.

C. The Parks, Recreation and Cultural Services Department (hereinafter referred to as "Department" or "Parks Department") serves as the steward of a diverse park system that enriches the community through healthy, active opportunities that engage and inspire. The Department and the development community have a history of working together to make the park system grow as the City grows. Providing park land for new residents is a key strategy for serving the growing population through new areas of development and infill projects. This will enable the City to carry into the future and to strengthen its already successful park legacy and to enrich the community and provide park land for tomorrow's neighborhoods.

D. City policies require Subdividers to address the impacts of their developments by providing the park land necessary to meet the Neighborhood and Community Park needs of new residents introduced into the City. In our experience, the development community embraces the opportunity to play an active role in providing quality enhancements to the Neighborhood and Community Park systems which in turn makes their projects successful. Neighborhood and Community Parks serve as assets to new development, thereby making neighborhoods more attractive, livable and marketable. Subdividers recognize that protecting and developing land for Neighborhood and Community Parks helps to build a quality community.

SECTION 1-2. GENERAL AUTHORITY

A. Under the authority granted by the City Council in City Code §§ 4.1.101 et seq., the Department and the Parks, Recreation and Cultural Services Advisory Board ("Parks Board") are responsible for the planning and development of public parks, and the approval of the design and facilities proposed for public parks. The Department strives for excellence in providing quality parks and park facilities throughout the City.

B. Parks, trails and open spaces greatly contribute to the quality of life of citizens of Colorado Springs. This is highlighted in PLAN COS, the City's comprehensive plan and is a premise of the Park System Master Plan. Therefore, it is critical that expansion of the park trails and open space system keeps pace with the rate of development, particularly residential growth. It is equally important that existing parks and open spaces be protected, preserved and enhanced and that future additions to the system be planned and constructed to high quality standards.

1. This Manual is the guide to assist Subdividers in understanding their requirements and meeting the expectations of the public who are served by the parks, trails and open spaces. The Department shall use this manual to implement the requirements of Park Land Dedication Ordinance. Overall, its purpose is to establish the criteria for provision of park land associated with residential development within the City of Colorado Springs.

SECTION 1-3. PARK LAND DEDICATION REQUIREMENTS

Additional residential development within the City requires the dedication of park land or the payment of equivalent fees in lieu of park land to provide for sufficient neighborhood and community parks for the new residential development. Because the purpose of the park land dedication ordinance is to provide park sites to serve the additional residents that a development application will generate on the park system, the department prefers to require land dedication in cases where the applicant has acceptable property to dedicate for the future park locations. When a level of service is met or when land dedication is not feasible, staff may recommend that fees in lieu of land dedication meet the requirements of the ordinance with the objective to purchase parkland within that neighborhood park geographic service area to serve the park land needs generated by the development application. When required by ordinance, park land dedication must be met in one of the following ways, or a combination thereof:

A. Land Dedication: A park land dedication requirement may be met by dedication of land for park needs which is within the development area. Parks Department prefers this method of compliance because it provides the land required within the new development that generated the dedication requirement.

B. Payment of Fees in Lieu of Park Land Dedication: Parks Department may permit a Subdivider to make a payment of fees in lieu of land dedication ("Park Fees") to the City.

SECTION 1-4. ALTERNATIVE COMPLIANCE

if a proposed residential development involves a unique circumstance or opportunity related to park land dedication, Department staff and Subdivider may work together, early in the design process, toward a mutually beneficial resolution for the developer and the City's residents. The Subdivider may propose Alternative Compliance, pursuant to City Code § 7.7.1205 in conformity with this Manual. Alternative Compliance must be voluntarily requested by the Subdivider as part of a land use application.

The Department's objective when conducting a park land dedication review of any proposal for new residential development will be to ensure that applicable park land requirements are successfully met and the community is effectively served. In some cases, the Department will need to adhere to certain standards of practice, but in others where the Park System Master Plan goals can be better achieved through Alternative Compliance, it may be able to implement innovative approaches that will achieve a better end result for park users and the City. While the standard method for compliance is the dedication of park land within the development, compliance for park land dedication can vary from project to project based on each development's unique characteristics. The Department wishes to be open to new ideas and will work with Subdividers to explore different scenarios for effective results provided park land dedication standards are satisfied and the applicable level of service to the community is able to be maintained.

SECTION 2: ADMINISTRATION

SECTION 2-1. INTERPRETATION

The interpretation and application of this Manual is governed by the following:

- A. These criteria shall be regarded as the minimum requirements for the protection of the public health, safety and welfare of the residents of the City as it relates to the provision of sufficient park land associated with residential development, and shall be liberally construed to further this purpose.
- B. Wherever a provision of this Manual is inconsistent with the City Code, the City Code shall control.
- C. These requirements shall not revoke any previously approved permits.
- D. Manual criteria in effect at the time a Development Application is initially filed with the Planning Department shall apply. Subsequent submittals of Development Applications prior to their approval by the City shall not be required to comply with later changes to any criteria, except that applications deemed to be inactive or expired shall comply with the Manual in effect at the time of their reactivation/extension. Amendments to approved plans shall also adhere to the Manual in effect at the time of application for the amendment
- E. Fee Schedule in effect at the time that a building permit application is complete will apply.

SECTION 2-2. ADDITIONAL AUTHORITY

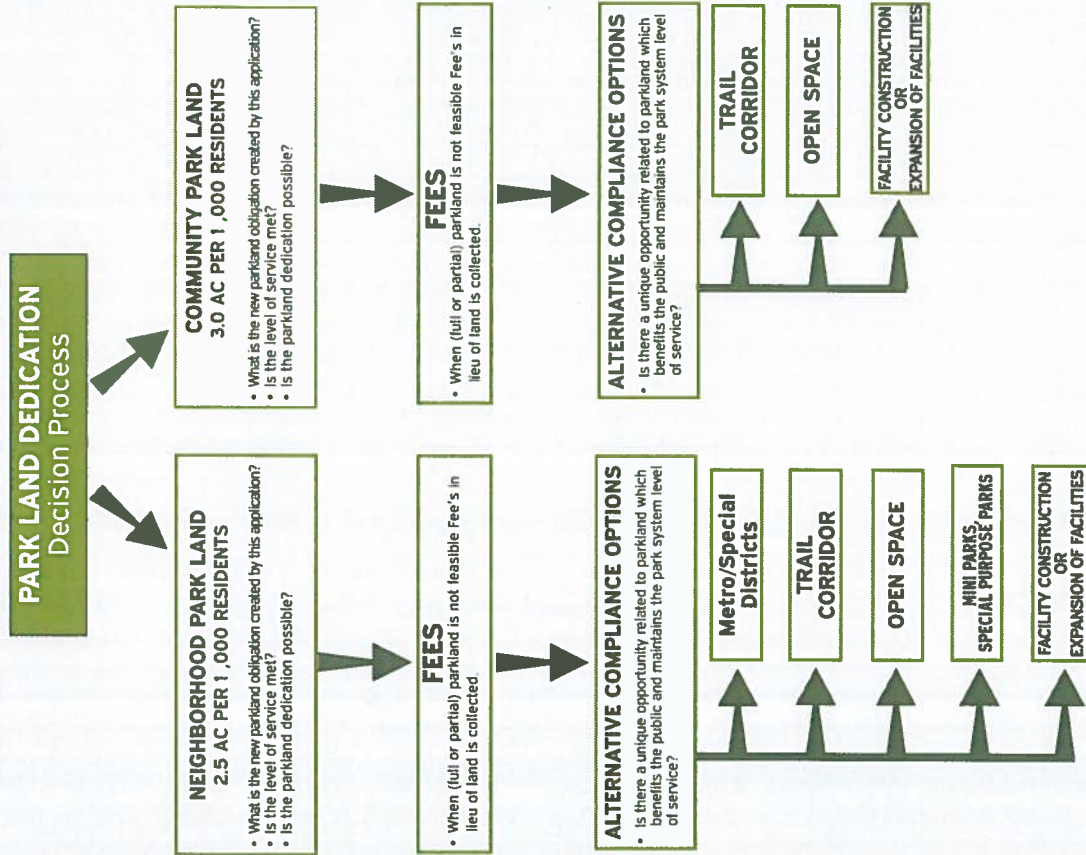
The criteria, standards, specifications, and subject matter of this Manual are regulated in a variety of sections of the City Code. Policies and technical criteria not specifically addressed in this Manual shall follow applicable sections of the City Code. It is incumbent on the Subdivider to understand and initiate the appropriate processes for their project.

SECTION 2-3. REVISIONS

- A. Revisions to this Manual may be adopted from time to time by City Council with recommendation of the Parks Board.
- B. It is the Subdividers' responsibility to obtain the latest version of the Manual and to apply the latest requirements to their prospective projects.

SECTION 1-5. PARK LAND DEDICATION DECISION TREE

For purposes of reference, the following decision tree graphically depicts the park land dedication decision process.



Rev. 110-28-20



SECTION 3: PARK CLASSIFICATION SYSTEM

SECTION 3-1. PARK TYPES AND FEATURES.

- A. The functional difference between each park type is generally a reflection of its location, acreage, available facilities, and topography. Parks that serve large segments of the population tend to be proportionally large in size with a wide range of facilities. Smaller parks with fewer facilities typically serve smaller geographic areas and populations.
- B. Parks are considered to be "Developed Properties" which refers to those sites where the primary purpose is for active or passive recreational use. A large portion of the site is covered with irrigated landscaping or hardscape improvements (i.e. playgrounds, shelters, paths, courts, etc.). Each type of park is largely differentiated by its primary purpose, service area, level of development and type of user, as described below.
- C. While the following definitions are useful for providing additional information for implementation of the Park Land Dedication Ordinance, the Parks Department utilizes other documents, such as the Park System Master Plan, to guide the use, placement, and development of the various park types.

SECTION 3-2. COMMUNITY PARKS

Community Parks range in size and are intended to serve community-wide needs. Community Parks are considered to be a "drive-to" facility, and provide a much broader range of community-based facilities than Neighborhood Parks. In order to provide the types of amenities that would serve community-wide needs, Community Parks are larger facilities constructed in accordance with the Park System Master Plan. They provide active recreational facilities such as athletic fields, community recreation buildings and/or other special features that cannot be easily accommodated in Neighborhood Parks. In addition to highly developed sports facilities, Community Parks typically provide large areas for open play, walking or other non-programmed activities. Natural features of a Community Park are preserved and integrated into the overall site design. They typically contain larger playgrounds and picnic pavilions, sport fields that can be programmed, tennis courts and basketball courts and support facilities such as parking lots, as standard facilities. Community Parks are appropriate sites for community recreation centers, pools and aquatic playgrounds however, not every Community Park must contain these facilities.

SECTION 3-3. NEIGHBORHOOD PARKS

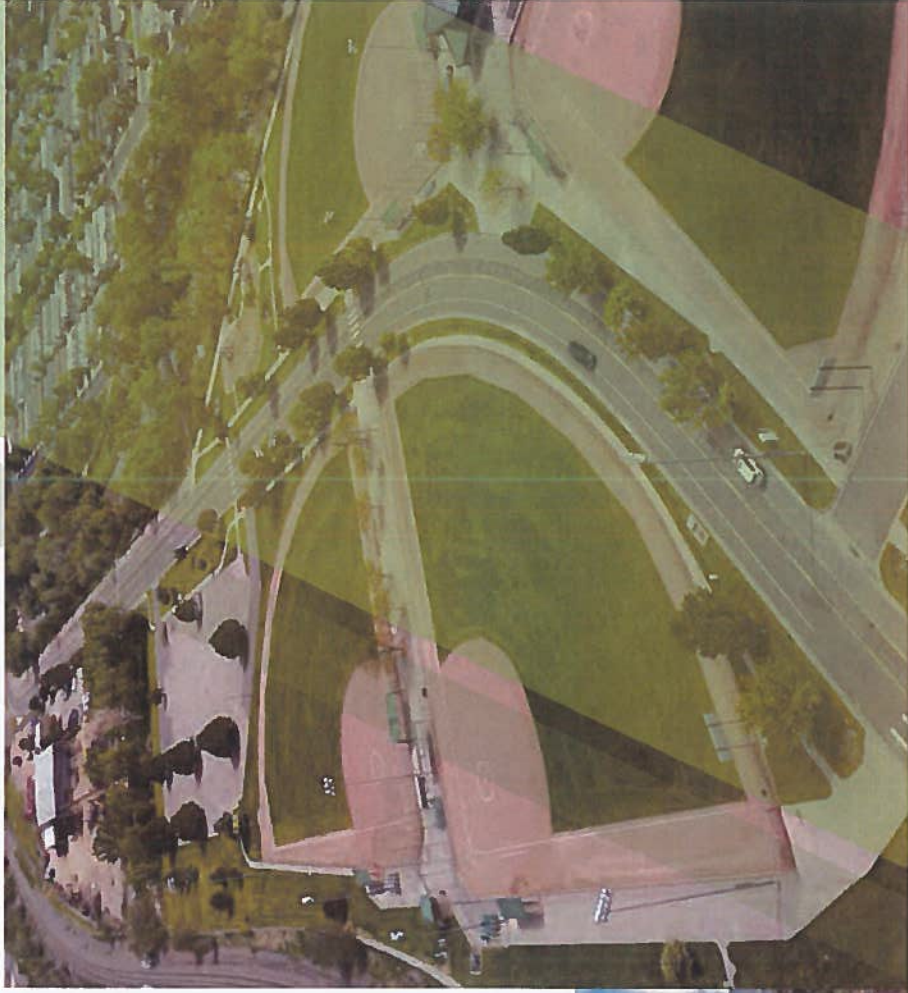
Neighborhood Parks range in size and serve residents within the Geographic Service Areas. The Neighborhood Park serves as a recreational and social focus of the neighborhood and is considered a "walk-to" facility. These parks typically provide playgrounds, an open grassed play/sport area and may include a picnic pavilion. Every residence should have reasonable access to a Neighborhood Park.

SECTION 3-4. MINI PARKS

Mini Parks range in size and serve residents within a one-half (.5) mile radius. Facilities and improvements typically found in Mini Parks are limited due to the size of the park but may include playground equipment, landscaping, and picnic areas. The City has generally moved away from developing Mini Parks due to the difficulty in maintaining these areas and instead has a preference for providing more dynamic parks that can serve more diverse interests.

SECTION 3-5. SPECIAL PURPOSE PARKS

Special Purpose Parks are park lands that have historically served civic purposes and serve as the neighborhood park component for residents of downtown Colorado Springs. As additional residential development occurs downtown, these will increasingly serve as downtown neighborhood parks. Many of the parks classified as Special Purpose Parks are within the downtown area and have historic community significance. For example the City's first City-owned park, established in 1871 Acteia Park and has this classification. The City has one urban plaza, Alamo Square, which is also classified as a Special Purpose Park.



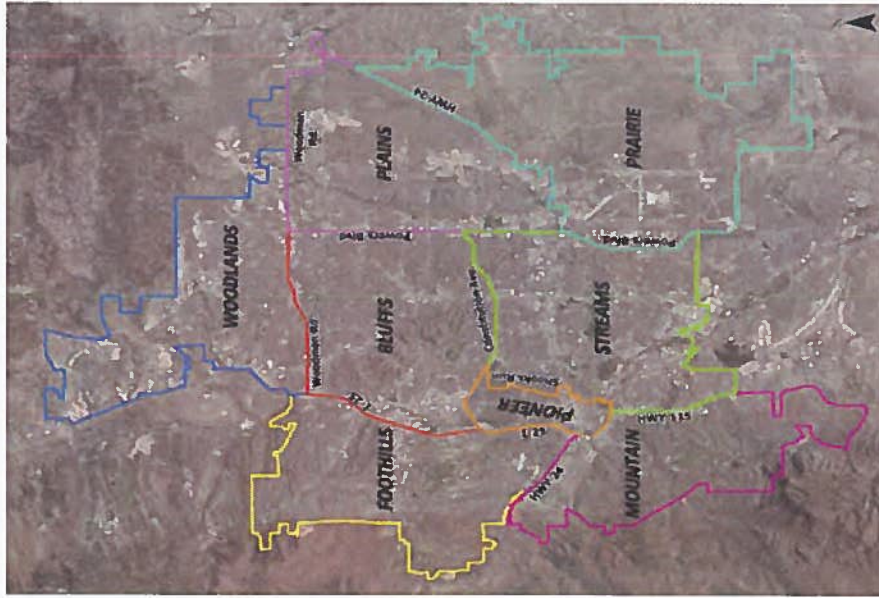
SECTION 4: PARK LAND DEDICATION AND FEES

SECTION 4-1. CRITERIA FOR PARK LAND DEDICATION

The City Code requires dedication of Neighborhood Parks and Community Parks. Each park type has its own characteristics. What follows are criteria for evaluating the appropriateness of proposed park land for dedication to the City.

A. Size and configuration of the proposed park site must be conducive to park development.

- (1) Access: Proposed park land must be reasonably accessible from the public street network.
- (2) Stormwater: Site configuration, topography and existing off-site infrastructure must be evaluated to ensure City Stormwater requirements can be reasonably met.
- (3) Street Classification: Adjacent street classification must be appropriate for park site.
- (4) Utilities: Utilities must be reasonably accessible to the proposed park land.
- (5) Encumbrances: The proposed park land shall be free of existing legal and financial encumbrances on the land such as utility easements, deed restrictions that may impede future park land development.
- (6) Environmental Conditions: The environmental conditions must be conducive to park development and must be safe for park users. Such as, existing structures or soils may need assessment and agreed upon mitigation prior to acceptance of a dedication.
- (7) Factors used to evaluate the adequacy of proposed park areas shall include, but not be limited to, size and shape, topography, geology, flora and fauna, access, location, and conformance with City's Parks System Master Plan.



B. Subdivider must construct adjacent streets, including paving, curb and gutter.

SECTION 4-2. PARK FEES IN LIEU OF LAND DEDICATION.

Park fees in lieu of land dedication are adopted by City Council as provided for in City Code. The decision to collect Park fees may be approved administratively. Park fee payments shall be made prior to the issuance of any building permit for the lot. City Expenditure of Park Fees Collected are as follows, per (Ord. XX-XX 7.1204.B):

- a. Neighborhood Parks are intended to serve neighborhoods within a geographic service area. Park fees collected by the City in lieu of neighborhood park land dedication shall be applied within the same geographic service area or no farther than two (2) miles from the Geographic Service Area boundary nearest to the development for which the Park Fees are required.
- b. Community Parks are intended to serve as destination parks for all City residents. Park fees collected by the City in lieu of community park land dedication may be applied anywhere within the City.

SECTION 4-3. PARK LAND DEDICATION CALCULATION METHODOLOGY.

When an application for a new residential land use is submitted or an existing residential land use is amended to increase density, the increase in residential density that is proposed will generate a park land dedication requirement. The final park land dedication requirement is administratively calculated based upon the proposed residential unit type, the average number of people per structure, and the land dedication rate. One calculation is used to determine the requirement for Neighborhood Parks and another is used to determine the requirement for Community Parks. Please see examples in SECTION 4-4, flow chart on page 12 and tables below.

NEIGHBORHOOD PARK LAND DEDICATION REQUIREMENT

Based Upon Standard of 2.5 acres/1,000 population

NUMBER OF UNITS PER STRUCTURE	ACRES OF DEDICATION PER UNIT*	FEES IN LIEU PER UNIT*
1	0.0066	\$915
2-4	0.0053	\$735
5-19	0.0048	\$662
20-49	0.0044	\$602
50+	0.0041	\$563

A. LAND DEDICATION FORMULA FOR NEIGHBORHOOD PARKS

$$\text{Number of Units} \times \text{Acres of Dedication per Unit} = \text{Land Dedication Requirement Acres}$$

$$\text{Number of Units} \times \text{Fees In Lieu per Unit} = \text{Fees In Lieu Requirement}$$

*Note: Fees and dedication requirements are adjusted periodically. Please request updated fees.

COMMUNITY PARK LAND DEDICATION REQUIREMENT

Based Upon Standard of 3 acres/1,000 population

NUMBER OF UNITS PER STRUCTURE	ACRES OF DEDICATION PER UNIT*	FEES IN LIEU PER UNIT*
1	0.0080	\$781
2-4	0.0064	\$628
5-19	0.0058	\$566
20-49	0.0053	\$515
50+	0.0049	\$481

A. LAND DEDICATION FORMULA FOR COMMUNITY PARKS

$$\text{Number of Units} \times \text{Acres of Dedication per Unit} = \text{Land Dedication Requirement Acres}$$

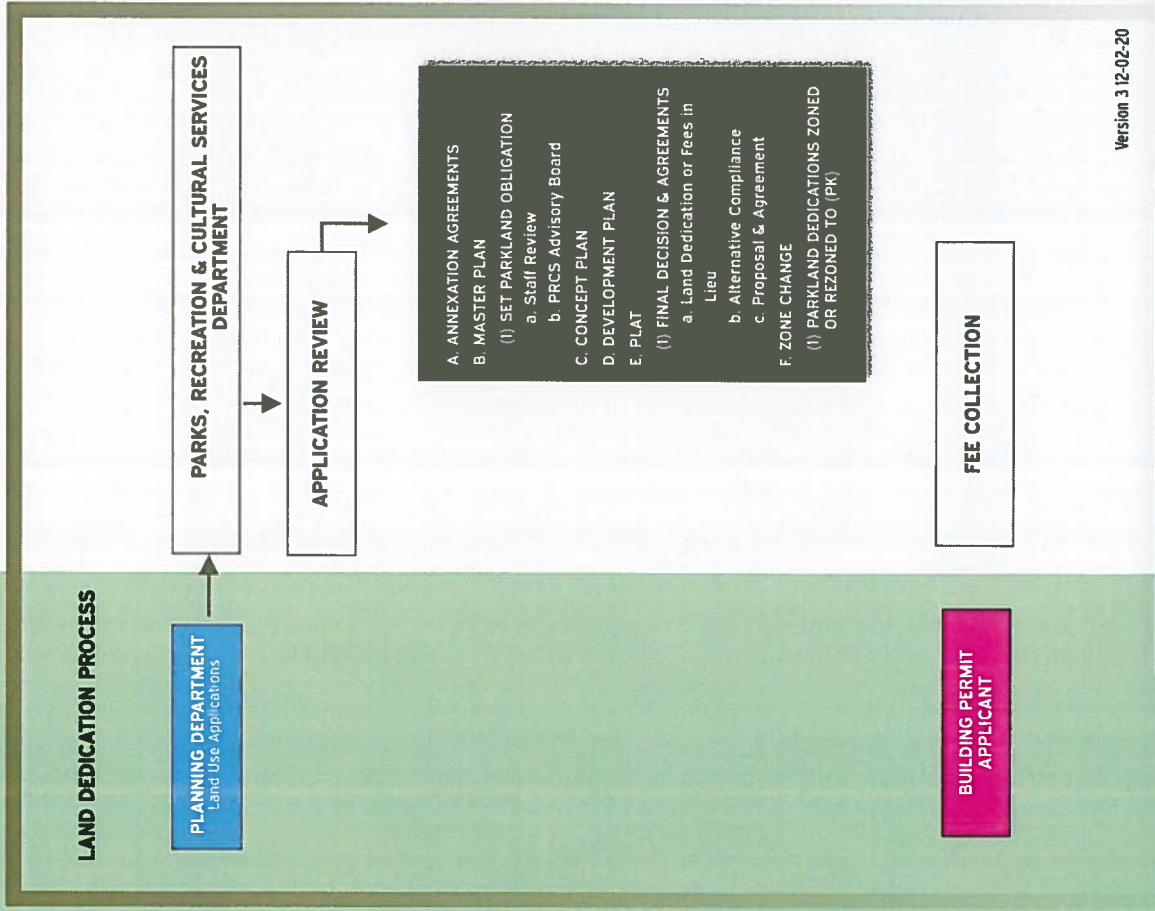
$$\text{Number of Units} \times \text{Fees In Lieu per Unit} = \text{Fees In Lieu Requirement}$$

*Note: Fees and dedication requirements are adjusted periodically. Please request updated fees.

Data Source: Acres and fees based on 2019 American Community Survey 5-year estimates 2015-2019; Land Value based on A Real Property Appraisal Report prepared by East-West Economics, May 2020; Additional direct platting fees not included in this calculation.

SECTION 4-4. PARK LAND DEDICATION PROCESS FLOW CHARTS

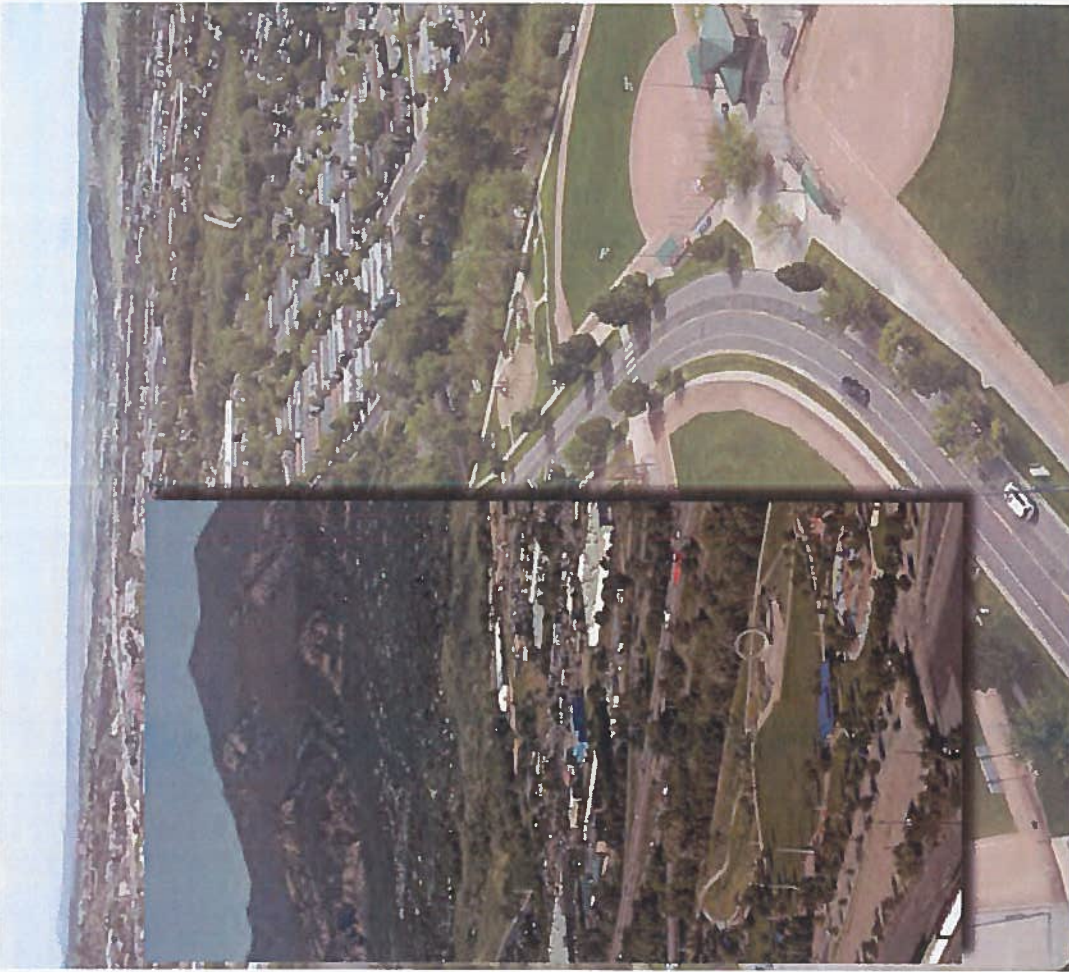
The below flow chart will guide the developer through the land dedication process



Version 3 12-02-20

SECTION 4-5. PARK FEE ACCOUNTING

Park Fees are expended to provide park facilities for the residents generating the need for such parks. Park Fees are reserved solely for use by the Department for park facilities. For Neighborhood parks, Park Fees are identified by Geographic Service Area from which the monies were received. In order to expend these funds, the Department requests approval from the Parks Board and City Council to appropriate the money to fund future park site acquisition and park facility construction or expansion for Neighborhood and Community Park projects.



SECTION 5: ALTERNATIVE COMPLIANCE

SECTION 5-1. GENERAL

- A. If a proposed residential development involves a unique circumstance or opportunity related to park land dedication, Department staff and the Subdivider may work together, early in the design process, toward a resolution which results in mutual benefit for the Subdivider and the City's residents.
- B. While City Code requires park land dedication or payment of Park Fees, Alternative Compliance is voluntary and mutually negotiated by the Subdivider and Parks Department based on a proposal made by the Subdivider.
- C. Alternative Compliance in every case shall provide park services that are equivalent to or greater than the park services that would be required to maintain the park system's level of service to the community.

SECTION 5-2. ALTERNATIVE COMPLIANCE PROPOSAL CRITERIA

Alternative Compliance proposals may be considered if the following criteria are met:

- A. With the exception of Type I Alternative Compliance (See section 6.4 below), requests for Alternative Compliance are required to have an existing Neighborhood Park site within a .5 mile radius of the new residential development and an existing Community Park site within a 2 mile radius of the proposed residential development, as applicable. This requirement may not be applicable to infill development (as defined in the City Code § 7.2.201);
- B. Alternative Compliance proposal provides park services that are equivalent to or greater than the park services that would be required under the land dedication requirements;
- C. Subdivider and the Department are able to enter into an Alternative Compliance Agreement which articulates the details of the Alternative Compliance and makes clear the conditions to which the Agreement is subject; and
- D. Alternative Compliance is consistent with the Park System Master Plan or any other applicable planning document.
- E. The operation and maintenance of the land is adequately provided.
- F. The use of the land is designated for park purposes by "PK Zoning," or by using a recorded document such as an easement, covenant, or deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of City Council.

SECTION 5-3. PROCESS FOR ALTERNATIVE COMPLIANCE APPROVAL

- A. Whether or not to allow a Subdivider to fulfill their dedication requirements through Alternative Compliance is an administrative decision which is not subject to appeal. A Subdivider who is contemplating Alternative Compliance should contact the Parks Department early in the land use review process, preferably during the pre-application meeting with Parks staff or upon initial submittal of an application for land use review.
- B. If the Parks Department is willing to consider Alternative Compliance, then Department staff and Subdivider will negotiate the Alternative Compliance Agreement. The Alternative Compliance Agreement will include all material terms of the proposal, all terms that would be covenants which run with the land or which affect ownership of the land, and the number of acres of required dedication that the proposal satisfies. The Alternative Compliance Agreement shall be contingent on all other land use approvals. In all instances, the Alternative Compliance Agreement shall be executed prior to approval of all related land use applications.
- C. If the Parks Department is not interested in the proposal, or if the parties fail to reach an agreement, then the Subdivider shall be required to dedicate land or pay Park Fees as provided in City Code § 7.7.1.204.

SECTION 5-4. TYPES OF ALTERNATIVE COMPLIANCE AND CRITERIA.

A. Type I: Metropolitan Districts/Special Districts or Home Owners Associations that Construct, Operate and Maintain Public Parks

(1) In recent years, the public and the City have benefited from the use of districts or less commonly, home owners associations to finance the cost of public infrastructure, including the construction, operation and maintenance of public parks. This approach to providing new parks is supported by the Department because of the Department's limited operational funding. The Department sees several positive impacts to this option:

- a. Private maintenance by districts, homeowners associations or other private entities can ensure that the level of care given to the parks will be commensurate with the district's and the homeowners associations' standards. The Department is also supportive of this approach because it relieves the City of the initial capital expenditure to satisfy the needs of new residents.
 - b. If parks are not constructed by Subdividers as new neighborhoods are created, new residents may be not be adequately served by park facilities for a considerable period of time until funds become available for the City to undertake the park development project.
 - c. For marketability benefits, developers may prefer to assume the responsibility of improving the park lands within their proposed developments to coincide with planned phasing and sales schedules. Another potential benefit of developers constructing the parks is that they can be developed according to themes matching the private development, particularly if the sites will not be dedicated to the City for ownership and maintenance.
- (2) Where a special district, metropolitan district or homeowners association provides land for park purposes and the land is to be used and maintained by or for the future residents of the development, such areas may be credited against the requirement of land dedication for Neighborhood Park purposes up to a maximum of one hundred percent (100%) of the dedication requirement.
- a. Districts: A district service plan (or comparable document) is often initiated early, and must take into consideration whether appropriate park development, ownership and long-term maintenance costs are going to be included, often ahead of a Master Plan application; especially if parks are to be built and operable within the subdivision completion.
 - (3) Criteria: A proposal to meet land dedication requirements under this type of Alternative Compliance must meet the following standards.
 - a. Building and parking setbacks required to be maintained under the zoning and building regulations, shall not be included in the computation of such land;
 - b. The operation and maintenance of the land is adequately provided for by an Alternative Compliance Agreement with the City;
 - c. Reasonable rules and regulations are established for the land and that the land remains accessible to the general public for park related uses;
 - d. The use of the land is designated for park purposes by "PK Zoning", or by using a recorded document such as an easement, covenant, or deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of City Council;
 - e. The proposed land is reasonably adaptable for use for Neighborhood Park purposes, taking into consideration such factors including but not limited to size, shape, topography, geology, access and location; and
 - f. The Subdivider prepares a Park Development Plan, subject to approval of the Parks Board and/or City Council, as applicable, for the land depicting the proposed improvements.

B. Type II: Multiuse Trail Corridors and Trail Construction

- (1) As a policy matter, the City's requirements for trail corridors and trail construction should generally be obtained from sources other than park land dedication. However, the City Code does permit a proposal to include dedication of a trail corridor and construction of a trail as a component to satisfy a land dedication requirement.
- (2) For purposes of Neighborhood and Community Park land dedication requirements, where approved by the Parks Department, land for trails or construction of trails may be substituted for land dedication for either Neighborhood or Community Parks. No trail dedications will be accepted unless the proposed trail dedication is consistent with the multiuse trail system identified within the City's Park System Master Plan. Land for trail corridors shall be a minimum of fifty (50) feet wide and may be credited in whole or in part against the requirement of dedication for Neighborhood and Community Park purposes up to a maximum of one hundred percent (100%) of the dedication requirement. The entirety of the trail dedication or construction must be located within the same Geographic Service Area serving the proposed residential development if the trail is satisfying Neighborhood Park dedication requirements.
- (3) Subdivider may offer a proposal to include dedication of a trail corridor, construction of a trail, or both as Alternative Compliance to meet park land dedication needs.
- (4) Criteria: A proposal to meet land dedication requirements under this type of Alternative Compliance must meet the following standards.

- a. The proposed trail dedication must be for a multiuse trail identified within the City's Park System Master Plan, sometimes referred to by staff as the Park System Trail Master Plan;
- b. The entirety of the trail corridor dedication is located within the same Geographic Service Area as the proposed residential development, if the trail is satisfying Neighborhood Park dedication requirements;
- c. The dedication of land for the trail and any other conditions pertinent to recognition of the dedication, and construction, maintenance and operation of the trail, if applicable, is adequately provided for by an Alternative Compliance Agreement with the City;
- d. The trail corridor or dedication is a minimum of fifty (50) feet wide and remains accessible to the general public for trail related uses;
- e. If the trail corridor is not dedicated to the city, the use of the land is designated for park purposes by "PK Zoning", or by using a recorded document such as an easement, covenant, or deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of City Council; and
- f. The proposed land is reasonably adaptable for use for trail purposes, taking into consideration such factors including but not limited to size, shape, topography, geology, access and location.

C. Type III: Open Space

- (1) As a policy matter, the City's requirements for open spaces and special facilities should generally be obtained from sources other than park land dedication. However, the City Code does permit a proposal to include open space as a component to satisfy a land dedication requirement.
- (2) For purposes of park land dedication requirements, land for open space may be substituted for land for Neighborhood and Community Parks as long as it is consistent with the Candidate Open Space Areas identified within the City's Park System Master Plan and exhibit significant natural resources and open space values. Open Space dedication may be partially credited against the requirement of dedication for Neighborhood and Community Park purposes up to a maximum of fifty percent (50%) of the total park land dedication requirement for a residential development proposal. A decision to accept open space will be governed by the Open Space Credit Policy adopted by the Parks Board.
- (3) Any proposal to substitute dedication of open space for park land may only be considered by the Department if the Parks Manager determines that existing Neighborhood and Community Parks will be sufficiently augmented by the proposed open space to serve the new development.
- (4) Criteria: A proposal to meet land dedication requirements under this type of Alternative Compliance must meet the following standards.

- a. The proposed open space dedication must be located within a Candidate Open Space Area identified by the City's Park System Master Plan;
- b. The proposed open space dedication must feature significant natural resources and open space values, taking into consideration such factors, including but not limited to size, shape, topography, habitat, geology, access and location;
- c. A determination of the natural resource and open space values has been conducted by Department staff using the existing Open Space Credit Policy, up to a value of fifty percent (50%) to credit toward the land dedication requirement for the development, to value the open space attributes of the proposed open space dedication;
- d. The dedication of land for open space shall be adequately provided for by an Alternative Compliance Agreement with the City; and
- e. The use of the land is designated for park purposes by "PK Zoning", or by using a recorded document such as an easement, covenant, or deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of City Council.

D. Type IV: Mini-Parks, Special Purpose Parks and Other Alternative Forms of Park Lands.

(1) Where Mini Parks, Special Purpose Parks, or other alternative forms of park related lands to be appropriate to meet park needs, these park elements may be substituted for land for Neighborhood Parks, but not for Community Parks. Such areas may be credited in whole or in part against the requirement of dedication for park purposes up to a maximum of one hundred percent (100%) of the dedication requirement.

(2) Criteria: A proposal to meet land dedication requirements under this type of Alternative Compliance must meet the following standards.

- a. Building and parking setbacks required to be maintained under the zoning and building regulations, shall not be included in the computation of such land;
- b. The operation and maintenance of the land is adequately provided for by an Alternative Compliance Agreement with the City;
- c. The Alternative Compliance Agreement recognizes the dedication as satisfying up to one hundred (100%) of the Neighborhood Park component of the associated dedication requirement;
- d. The Alternative Compliance Agreement includes provisions for how to unwind the dedication in the event of redevelopment;
- e. Reasonable rules and regulations are established for the land and the land remains accessible to the general public for park related uses;
- f. The use of the land is designated for park purposes by "PK Zoning", or by using a recorded document such as an easement, covenant, or deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of City Council;
- g. The proposed land is reasonably adaptable for use for park purposes, taking into consideration such factors including but not limited to size, shape, topography, access and location; and
- h. The Subdivider prepares a Park Development Plan, subject to approval of the Parks Board and/or City Council, as applicable, for the land depicting the proposed Mini Park, Special Purpose Park or alternative form of park related land.

E. Type V: Acceptance of Park Facility Construction or Expansion of Existing Park Facilities in Lieu of Park Land Dedication.

(1) For purposes of Neighborhood Park land dedication requirements, when the Department determines that park facility construction or expansion of an existing park facility is needed to serve the new residential development, construction of park facilities may be substituted for park land dedication. Such areas may be credited in whole or in part against the requirement of dedication for park purposes up to a maximum of one hundred percent (100%) of the park land dedication requirement.

(2) A proposal to meet land dedication requirements under this type of Alternative Compliance must meet the following standards:

- a. The Subdivider and the Department must enter into a written agreement that identifies the specific terms and condition for construction or expansion;
- b. The agreement specifies how much of the Subdivider's land dedication requirements are being satisfied by the Type V Alternative Compliance, up to one-hundred percent (100%);
- c. The new park facility construction and expansion otherwise required by zoning and building regulations shall not be included in the computation of the park land dedication requirement;
- d. A Park Development Plan for the land must be prepared depicting the proposed park facility construction or expansion and the Park Development Plan must be approved by the Parks Board and/or City Council, if required;
- e. The proposed park facility construction or expansion to be substituted for Neighborhood Park land dedication requirements is located within the same Geographic Service Area serving the proposed residential development; and
- f. The proposed park facility construction or expansion is in conformance with and supports the City's Park System Master Plan.

SECTION 6: RESOURCES

City of Colorado Springs: Park System Master Plan

US Census Bureau: American Community Survey (2015 - 2019)

