

**Table of Contents**

10.6.3 - Parks, Open Space, and Trails

- A) PURPOSE
  - 1) Pocket Parks, Neighborhood Parks, and Community Parks
  - 2) Open Space
  - 3) Trails
- B) AREA REQUIREMENTS
  - 1) Parks, Open Space and Trails Dwelling Unit Calculation
  - 2) Park Land Dedication Requirements
    - i. Acres per Dwelling Unit Formula
    - ii. Park Distribution
  - 3) Open Space and Trails Dedication Requirements
    - i. Acres per Dwelling Unit Formula
    - ii. Partial Credit Chart
- C) PARK LAND DEDICATIONS
  - 1) Characteristics
    - i. Pocket Parks
    - ii. Neighborhood Parks
  - 2) Planning and Design
    - i. Neighborhood Park Development Options
  - 3) Construction
  - 4) Ownership and Maintenance
  - 5) Community Parks
- D) OPEN SPACE AND TRAIL DEDICATIONS
  - 1) Characteristics
  - 2) Permissible Functions/Use
  - 3) Resource Preservation
  - 4) Water Rights
  - 5) Areas Not Eligible
- E) DEDICATION PROCEDURE
  - 1) Park Land Dedication
  - 2) Open Space and Trails Land Dedication
    - a. Open Space and Trails Approval Process
- F) FEES-IN-LIEU OF LAND DEDICATION
  - 1) Park Land Fees-in-Lieu and Development Construction Fee
  - 2) Parks Capital Fund
  - 3) Open Space Fees-in-Lieu
  - 4) Trails & Natural Areas Fund

**A) PURPOSE**

This Section is intended to regulate the planning, development, construction, preservation, and maintenance, and public accessibility of parks, open space, and trails. Emphasis should be placed on providing a diversity of parks, trails, and open space opportunities that serve residents of all ages and abilities and that are accessible from a variety of locations within the neighborhood, community, and Town. All parks, open space, and trails shall be provided in accordance with Standards and Specifications for Design and Construction of Public Improvements, Section Improvements, Section 1000 - Parks and Recreation Construction.

Any person filing a subdivision or site plan for development of any area zoned and to be used for residential purposes in the Town shall be required to:

- 1) Dedicate a portion of land toward a community goal -OR-
- 2) Pay an in-lieu fee pursuant to the Uniform Development Code.

Parks help to provide opportunities for health and wellness, social engagement, and community building. They reinforce a sense of community by offering places for residents of the community to gather and interact and contribute to the community's quality of life.

Parks, open space, and trails regulations are intended to enhance the quality of life for all residents and visitors, provide the opportunity for recreation, and preserve natural areas and scenic views. They should link and connect the neighborhoods throughout the Town, provide separation and buffering between land uses, and create overall public health benefits.

- 1) Pocket Parks, Neighborhood Parks, and Community Parks
  - i. Intended to provide the opportunity for active and passive recreation
- 2) Open Space
  - i. Intended to preserve natural and sensitive areas and physical separation between developments
  - ii. Provide contiguous open space corridors throughout and along the perimeter of the Town with the opportunity for a cohesive trails network throughout the Town
  - iii. Provide opportunities for education, wildlife protection/observation, agricultural opportunities and other passive and active recreational activities
- 3) Trails
  - i. Provide recreational opportunities while creating connectivity within neighborhoods and linkages throughout the entire Town
  - ii. The combination of Trails and Open space connects neighborhoods to parks, commercial centers, and regional trails to provide a cohesive network of park, trails, and open space throughout the Town and region.

**B) AREA REQUIREMENTS**1) Park Land Dedication Requirements

- i. Park land dedications shall not be less than 8.5 acres per 1,000 residents. The following formula shall be used for determining the amount of land to be dedicated:

$$\frac{8.5 \text{ acres} \times (\text{number of dwelling units}) \times (\text{person per dwelling unit})}{1,000}$$

- ii. Park distribution shall generally be as follows:
- Pocket Parks = 0.5 acres/1,000 residents
  - Neighborhood Parks = 3 acres/1,000 residents
  - Community Parks = 5 acres/1,000 residents
  - The Board of Trustees shall have the discretion to re-allocate acreage within the above categories for the benefit of the community

2) Open Space and Trails Dedication Requirements

- i. The amount of open space to be dedicated shall not be less than 17 acres of open space land per 1,000 ultimate residents of the development unless the Board of Trustees makes an individualized finding that supports an alternate dedication requirement. Any such alternate dedication requirement shall be reasonably related to the impacts upon the Town's parks and recreation system that will be generated by the residents and users of the subject development. The following formula shall be used for determining the amount of land to be dedicated:

$$\frac{17 \text{ acres} \times (\text{number of dwelling units}) \times (\text{person per dwelling unit})}{1,000}$$

- ii. Open space is characterized as undeveloped land that is permanently maintained in a natural or agricultural state or areas that are intended to be part of the dryland character of Colorado. Supplemental water may be provided for an establishment period but is not intended for long-term operations. Credit towards the overall open space dedication amount and long-term maintenance responsibilities are determined using the following:

**C) PARK LAND DEDICATIONS**1) Characteristics of Pocket and Neighborhood Parks

To the maximum extent reasonably practicable, park land to be dedicated shall be generally consistent with the standard characteristics of parks identified in the Town's Comprehensive Master Plan and the Parks, Recreation, Open Space, and Trails ("PROST") Master Plan.

- All parks shall be accessible from the surrounding neighborhood sidewalks
- Where possible, connect parks to a dedicated trail network
- Unaccepted for park land dedication: private yards, streets, open parking areas and driveways, streetscape or landscape buffers and median strips, easements over 30 feet

wide, oil and gas well sites and setbacks, storm water detention and water quality ponds, mine shafts and associated setbacks, and irrigation ditches and storm water channels

i. Pocket Parks

Pocket parks are to provide opportunities for active and passive outdoor recreation at a sub-neighborhood scale. Pocket parks shall be:

- a. 1/4 acre to 2 acres
- b. Centrally located within 1/4-mile radius of the dwelling units they are intended to serve
- c. Appropriate for the intended demographics of the proposed housing types and neighborhood
- d. Comprised of lawn areas, picnic shelters and tables, play equipment, artwork, or other amenities as prescribed in section 1074 – Pocket Park Design Standards of the Standards and Specifications for Design and Construction of Public Improvements.
- e. Bordered on at least 1 side by public streets (excluding major collector and arterial streets) to provide easy public access, visual surveillance, and on-street parking.
- f. Accessible from the surrounding neighborhoods using sidewalks and/or trails.
- g. Owned and maintained by an HOA or metropolitan district.
- h. Platted with a dedicated public access easement.

ii. Neighborhood Parks

Neighborhood parks are to provide opportunities for active recreation and larger gathering spaces. Neighborhood parks shall be:

- a. A minimum of 7 acres
- b. Centrally located within or adjacent to the neighborhood(s) served within approximately 1/2-mile radius from dwelling units being served
- c. Comprised of multi-use lawn areas, picnic areas, playground equipment, small court games, community gardens, playing fields and/or other facilities appropriate to the anticipated demographics of the surrounding neighborhoods.
- d. Bordered on at least 2 sides by a combined minimum of 600 feet of public street frontage (excluding major collectors and arterial streets) to provide easy public access, visual surveillance, and on-street parking.
- e. Accessible from surrounding neighborhoods by sidewalks and/or trails.
- f. Owned and maintained by the Town of Erie after acceptance of the completed park.
- g. Platted as a dedicated tract.
- h. Constructed to Town “Standards and Specifications for Design and Construction of Public Improvements.”

2) Planning and Design - Pocket Parks

- i. At the time of subdivision or site plan submission, the developer shall designate the location and estimated size of pocket parks.
- ii. All land use tabulations shall include line items for all pocket parks based on the proposed number of dwelling units and population
- iii. A pocket park master plan shall be provided as part of the landscape plan submittal with the subdivision or site plan.

- iv. Pocket parks shall be solely provided by the developer with a public access easement dedicated on the final plat.

### 3) Planning and Design - Neighborhood Parks

- i. At the time of the subdivision or site plan submission, the developer shall designate the location and estimated size of the neighborhood park.
- ii. All land use tabulations shall include line items for all neighborhood parks based on the proposed number of dwelling units and population
- iii. A neighborhood park master plan shall be provided as part of the landscape plan submittal with the subdivision or site plan.
- iv. The developer shall show on all subdivision plans the areas for neighborhood parks and dedicate the land to the Town with all final plats. Neighborhood Parks may be provided by the developer or by the Town using the development options outlined below:

#### **Option 1: Developer Designed and Constructed Park**

- a. Submit a design scope of services from a qualified landscape architect from the Town's list of pre-approved consulting firms or other qualifying firm for the design of the park
- b. Submit a timeline for the park coordinated with the proposed residential development timeline
- c. Identify community needs from the following agencies: PROST, citizen focus groups, and Staff projections
- d. Hold a minimum of three (3) Town of Erie staff meetings to discuss and refine the design program and development requirements. A minimum of one of the three meetings shall be with the Town's Development Review Team.
- e. Hold a minimum of two (2) public meetings to share concept plans
- f. Attend a minimum of two (2) Board of Trustee meetings to present concept plans
- g. Park plans shall include all the park's amenities. The amenities shall be selected by the developer from a list of approved amenities provided by the Town.
- h. The master design plan shall be part of all design review and approval documents and subject to, and contingent upon, approval and acceptance by the Town
- i. Upon approval of the master plan:
  - Identify the timeline for construction in coordination with the development of the adjacent residential neighborhood
  - Identify the process to engage an owner's representative
- j. Complete formal bidding process for construction
  - Obtain approval of the contractor
- k. Monitor construction process through to final acceptance

#### **Option 2: Cash in Lieu Payment to the Town**

- a. The developer may choose to make a cash-in-lieu payment equivalent to the cost of providing a completed neighborhood park.
- b. If land is not available within the proposed subdivision or the Town decides the Neighborhood Park is best located off-site, the developer shall pay to the Town a fair market value for the land that is required to meet Neighborhood Park requirement.

3) Construction

- i. The developer shall construct Pocket Parks in accordance with the Town approved and accepted Landscape Construction plan at subdivision or site plan. Construction of the park shall be at the sole expense of the developer as an obligation of, and as part of, the development of the residential subdivision.
- ii. The Neighborhood park shall be constructed to the "Standards and Specifications for Design and Construction of Public Improvements". Park improvements shall include grading, grass, irrigation, water taps and raw water fees for the Neighborhood park.
- iii. If the Neighborhood park is in Weld County, the developer shall connect the park's irrigation system to the Town's reuse water system and pay the fees and associated costs therewith.

4) Ownership and Maintenance of Pocket Parks and Neighborhood Parks

- i. Pocket Parks shall be owned and maintained by the developer, approved HOA, or metropolitan district.
- ii. Developer provided Neighborhood Parks shall be maintained by the developer, HOA, or metropolitan district until such time as Board of Trustees' acceptance of the Neighborhood Park improvements.
- iii. Long-term ownership and maintenance of Neighborhood Parks shall be by the Town.

5) Community Parks

Community parks serve multiple neighborhoods and focus on the recreational needs of the whole community to provide organized recreational activities as well as community events and gatherings.

- i. Characteristics of the community Park
  - a. A minimum size of 30 acres
  - b. Sited in an area level enough to accommodate play fields or recreational facilities as needed
  - c. Maintain a balance between programmed sports facilities and other community activity areas, such as performance areas, festival spaces, gardens, water features, etc. that have broad appeal to the community
  - d. Accessible from a collector or arterial street
  - e. Integrated into the Town's trail system.
- ii. Community Park Ownership and Maintenance
  - a. Shall be owned and maintained by the Town.
- iii. Cash-in-Lieu Payment for Community Parks
  - a. Cash-in-lieu of Community park shall be provided at the time of building permit for each residential unit.
  - b. The amount of payment is subject to change and are set by the Board of Trustees in December for the following calendar year.
  - c. Current payment schedule is available from the planning office or the Town's website.
- iv. Water Rights
  - a. Water rights sufficient to irrigate and serve the intended uses of the dedicated park land shall be transferred to the Town prior to the recordation of the Final Plat

**D) Open Space and Trail Dedications**

Included in the first final plat application, an open space restoration plan shall be provided. This plan shall be drafted by a qualified individual specializing in land restoration such as a restoration ecologist. The plan shall be reviewed and approved by the Town prior to approval of a final plat. The restoration plan must follow Section 1000 of the Town of Erie Standards and Specifications, including a temporary irrigation system/water at the cost of the Developer.

1) Characteristics of Open Space and Trails

- i. Shall be continuous to adjacent or future open space tracts that can be physically and visually connected with the following features or sites that are identified in the Town of Erie Parks, Recreation, Open Space and Trails Master Plan:
  - a. Parks or greenways
  - b. School Sites
  - c. Historic, Cultural, or Archeological sites and features
- ii. The minimum acreage is 10 contiguous acres unless a smaller site is found to provide a community benefit. Criteria options for acceptance of a smaller site include:
  - a. Open space adding to an adjacent open space to create or enhance the character and quality of an overall open space corridor,
  - b. Be large enough as a stand-alone agricultural use
  - c. Include environmentally and historically significant features
  - d. Be of a size and character to provide the opportunity to continue the regional trails network
- iii. Is generally unencumbered by overhead utility lines, and paved surfaces
- iv. The property shall be generally free of weeds and other noxious plants and trees and have an attractive vegetative cover appropriate for the setting. In general terms, appropriate cover shall address at a minimum riparian, upland, and prairie conditions.
- v. To the maximum extent reasonably feasible, open space shall not be less than 30 feet in width at the point of connection to adjacent land. Trail corridors shall have a minimum corridor width of 30 feet.

2) Permissible Functions/Use

Open space shall serve one or more of the following functions:

- i. Preserving rural/agricultural land
- ii. Producing crops for revenue
- iii. Protecting significant archeological, historic, and cultural resources
- iv. Providing aquatic, wetland and riparian habitat and buffers
- v. Providing hedgerows, feeding, cover, breeding, foraging and nesting habitat
- vi. Preserving native wildlife habitat and their migration and travel corridors
- vii. Creating and preserving pastoral-scenic views to mountains, plains, and agricultural lands
- viii. Providing corridors and natural area destinations
- ix. Providing recreational experiences, trails, and s
- x. eating areas
- xi. Providing environmental education opportunities
- xii. Shaping growth; protecting landmark topographic features
- xiii. Protecting the public from natural and geologic hazards; providing visual and physical linkages between community resources

3) Resource Protection

To the maximum extent reasonably feasible, where significant natural and scenic resource assets exist on a property, the developer, or owner shall give priority to their preservation as open space. Proposed open space tracts shall be included on all submittal plans for review. The developer shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected. Priority shall be given to the following areas:

- i. Flood hazard areas
- ii. Lakes, rivers, creeks, wetlands, stream/riparian corridors, and similar features
- iii. Significant wildlife habitat and migration corridors
- iv. Native and specimen trees and plants

4) Water Rights

Water rights sufficient to irrigate and serve the intended uses of the dedicated open space shall be transferred to the Town prior to the recordation of the Final Plat.

5) Areas Not Eligible

Lands within the following areas shall not be counted towards required open space dedication:

- i. Undevelopable or "left-over" pieces of a development site
- ii. Private yards
- iii. Public or private streets or rights-of-way
- iv. Land with overhead utility lines and power poles
- v. Open parking areas and driveways not intended for park, open space, or trail-related purposes
- vi. Pocket, neighborhood, and community parks
- vii. Land covered by structures not intended solely for recreational, historical or agricultural uses
- viii. Streetscape and median strips
- ix. Active Oil and gas well sites and required buffers and setbacks
- x. Storm water channels, irrigation ditches, and detention/water quality ponds greater than 5 feet deep with slopes greater than 5:1

6) Open Space Ownership and Maintenance

Ownership and maintenance of open space and trails shall be determined at the time of final plat. Maintenance responsibilities will be outlined in a Maintenance Agreement between the Town and the HOA or Metropolitan District.

**E) Dedication Procedure**

1) Park Land Dedication

The dedication of park land shall be reviewed and approved as part of a subdivision. The developer shall designate on the subdivision plat the area or areas of land to be dedicated pursuant to this Section.

- i. Unless otherwise stipulated in a development agreement, the conveyance of dedicated land to the Town shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The owner shall provide the Town with title insurance for the property. The deed shall be submitted no later than 60 days after the recordation of a Final Plat, or as directed by the Town.
- ii. Neighborhood Park Transfer of Ownership to the Town shall Follow completion of the construction of the Neighborhood park improvements by the developer. At the end of the

2-year warranty period the Town shall recommend to the Board acceptance of the park and a formal resolution shall be passed by the Board of Trustees to specify the effective date for transfer of maintenance responsibility to the Town.

2) Open Space and Trails Land Dedication

The dedication of open space shall be reviewed and approved as part of the subdivision. The developer shall dedicate the open space pursuant to this Section.

- i. The conveyance of dedicated land to the Town shall be by warranty deed. The title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. The owner shall pay for and provide the Town with title insurance for the property. The deed shall be submitted no later than 60 days after the recordation of a Final Plat, or as directed by the Town.
- ii. Typically, open space shall be owned and maintained by the Town. The Town may consider a conservation easement. Justification and conditions of a conservation easement shall be submitted with the initial submittal of development plans.
- iii. Approval of a conservation easement shall be at the discretion of the Town Board of Trustees.

**F) Fees-in-Lieu of Land Dedication**

1) Park Land Fees-in-Lieu and Development Construction Cost Fee

- i. In the event a development would not be required to dedicate and construct a Neighborhood park pursuant to the terms of this Section, the Town in its discretion may instead require the developer to pay the Neighborhood Park Land and Construction Cost Fee pursuant to this Subsection.
- ii. When an area greater than 7 acres is required to be dedicated in a part of Town that already has sufficient park land (as specified in the Town of Erie Comprehensive Master Plan and the Town of Erie Parks, Recreation, Trails and Open Space Master Plan), the Town shall have the right to require payment of the Neighborhood Park Land and Construction Cost Fee rather than require a land dedication and construction of the park, in the interests of the public health, safety and welfare.

2) Parks Capital Fund

- i. In instances where payment of a Neighborhood Park Land and Construction Cost Fee is to be made in place of a required land dedication and park construction, the Neighborhood Park Land and Construction Cost Fee shall be paid into a Town Parks Capital Fund. The Neighborhood Park Land and Construction Cost Fee payment shall be set forth in Title 2, Chapter 10 of the Town Code, and may adjusted from time to time, as necessary. The Neighborhood Park Land and
- ii. Construction Cost Fee payment by the developer shall be made prior to the recordation of the Final Plat.

3) Open Space Fees-in-Lieu

- i. Development of an area smaller than 5 acres for open space purposes usually is impractical from the Town's perspective. If a development would be required under this Section to dedicate less than 5 acres as open space, the Town in its discretion may require the developer to pay cash-in- lieu of land pursuant to this Subsection.

- ii. When an area greater than 5 acres is required to be dedicated in a part of Town that already has sufficient open space (as specified in the Town of Erie Comprehensive Master Plan and the Town of Erie Parks, Recreation, Open Space and Trails Master Plan), the Board of Trustees shall have the right to require payment of cash in-lieu of land dedication in the interests of the public health, safety and welfare.
- iii. In the event a development includes land that is determined to be a significant benefit to the Town and is excess of the required dedications, the Developer or landowner may be required to dedicate the area to the Town for just compensation
  - a. Cash payment or waiver of fees or other dedications
  - b. Land Banking that can be traded or sold to another developer for open space dedication
- iv. In instances where payment of fee is to be made in-lieu of land dedication, the fee- in-lieu of land shall be paid into the Trails & Natural Areas Fund. The fee-in-lieu payment shall be set forth in Title 2, Chapter 10 of the Town Code, and may be adjusted from time to time, as necessary. The open space dedication payment by the developer shall be made prior to the recordation of the Final Plat. The Trails & Natural Areas Fund shall be administered by the Town to provide a demonstrable benefit to contributing developments, provided that the establishment of all public open space or trail systems shall be within the Town.