

APPENDIX C: PARK COUNTY PARKS POLICIES

I. Criteria for accepting land or cash-in-lieu of parkland

The governing body shall give first priority to accepting dedicated park land rather than cash. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation. Cash-in-lieu of park land will only be accepted in the following situations:

- a. Where sufficient publicly owned park and recreation areas exist in the area of the proposed Subdivision and can be readily used by the residents.
- b. Where land can be acquired and developed near the proposed Subdivision which is either more preferable as park land or will enhance or complement an existing park and will serve the residents of the proposed Subdivision.
- c. Where the dedicated park area would not provide a usable area for recreation and could not be feasibly maintained and operated as determined by the governing body.
- d. Where a portion of the park requirement is met through paying cash to initially develop that portion which was met through dedicating land.

II. Determination of cash to be paid in lieu of parkland

The governing body may determine the fair market value of the unsubdivided unimproved value of the park land by either the price paid for the property if purchased within one year of the preliminary plat submittal, or by an appraisal by a qualified appraiser accepted by the governing body. The cost of the appraisal will be borne by the subdivider.

III. Acceptance of dedicated parkland

The governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. Land donations shall be deeded to Park County. The governing body shall make the final decision on the location, design and size (within the statutory requirement) of park land dedicated within the Subdivision.

A. Location

1. The land to be dedicated shall be located:

- a. To conveniently serve all residents throughout the Subdivision, or to complement existing park facilities;
 - b. To allow easy access by vehicles, bicyclists and pedestrians.
2. Park Land may be located and designed to protect, enhance or provide public access to areas with unique natural, wildlife, scenic, aquatic or historic features in or near the proposed Subdivision.

B. Suitability of Site:

1. The park must be of size usable for recreation and economical to maintain and operate as determined by the governing body and/or the Park County Park Plan.
2. The subdivider(s) shall design and develop proposed park land to provide recreational opportunities to the anticipated residents of the Subdivision or the surrounding area (e.g. elderly, children, teenagers) and shall be approved by the governing body.

C. Topography:

1. The park land shall not contain marshy, excessively steep or other unsuitable land.
2. To be useable for recreation purposes the dedicated park land shall have an average gradient of less than 10 percent, or contain terrain features which serve recreation purposes.
3. Use of floodplain areas for park and recreation sites is encouraged provided the land is deemed suitable by the governing body and is in accordance with the Park County Subdivision Regulations, VI-D. G. 4

D. Public Health and Safety:

Park lands shall not be located in areas that create a risk to public health and safety. Examples include, but are not limited to, areas with high voltage power lines, areas with excessive slopes, areas with natural hazards, areas prone to flooding, etc.

IV. Use of Park Funds

The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed Subdivision; and the governing body has formally adopted a park plan that establishes the needs and

procedures for use of the money. The governing body shall use the dedicated money for development, acquisition, or maintenance of parks to serve the Subdivision.

- a. Park land acquisitions will be given priority in densely populated locations, where there is less than an average of 4,000 square feet (.11 acres) of park land per dwelling unit. First consideration in acquiring park land shall be given to providing adequate park land in the vicinity of those Subdivisions contributing cash-in-lieu of park land.
- b. Where development patterns indicate potential growth areas, county parkland should be acquired at the earliest possible date. Park land acquisition should be directed toward meeting the needs for additional park and recreation areas.
- c. Lands should be purchased to complement or enhance existing or planned parks.
- d. Where undeveloped county park land meets identified park and recreation needs, park funds may be used for the development or maintenance of that land. The governing body may not use more than 50% of the dedicated money for development or maintenance of that land.