

## SECTION 18

### **LAND DEDICATIONS AND PAYMENTS FOR SCHOOL PURPOSES**

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#### **18.1 PURPOSE, AUTHORITY AND APPLICABILITY:**

The purpose of this Section is to ensure availability of sites and land areas for school purposes that are reasonably necessary to serve a proposed subdivision and the future residents thereof.

Authority to enact the provisions of this Section is provided at C.R.S. Section 30-28-133(4).

The provisions of this Section shall apply to all residential land development applications for developments located within any School District within Ouray County, submitted following January 8, 2001. In the case of a Planned Unit Development, a sketch plan shall not constitute a residential land development application.

#### **18.2 DEFINITIONS:**

- A. “Fair Contribution for Public School Sites” shall mean the requirement, as stated herein, for land dedication or conveyance for public school sites or payments in lieu of land dedication or conveyance for public school sites or a combination thereof.
- B. “Fair Contribution for Public School Sites Methodology” or “Methodology” shall mean that methodology that has been adopted by the Ouray County School Districts and the County to determine the per acre and cash in lieu of amount of a Fair Contribution for Public School Sites. The methodology fairly apportions the cost of acquiring public school sites made necessary by new residential development.
- C. “Residential land development application” shall mean an application, submitted to Ouray County, for approval of a Planned Unit Development, approval of an Exemption, and all other subdivisions that contain a residential use component and that may be approved pursuant to this Code.

#### **18.3 REFERRAL TO SCHOOL DISTRICT:**

- A. The County shall refer to the appropriate School District all residential land development applications for developments located within that School District.
- B. The subject School District shall provide its written comments, if any, to the County within 35 days of mailing or delivery of the referral.

(18.3)

- C. The County will consider the School District's timely comments in conjunction with the review and processing of each residential land development application.

**18.4 FAIR CONTRIBUTION FOR PUBLIC SCHOOL SITES:**

- A. All applicants, as a condition of approval of a residential land development application located within the School District, and pursuant to the provisions of C.R.S. Section 30-28-133(4), shall dedicate or convey land for a public school site to the School District, or in the event the dedication of land is not deemed feasible or in the best interests of the School District as determined jointly by, and in the joint discretion of, the County and the School District, the County may require a payment in lieu of land dedication or conveyance to the School District or a combination of land and cash payment.
- B. The manner and amount of the dedication or payment or combination thereof shall be determined by the Methodology adopted by the County and incorporated herein. The Methodology shall be updated periodically as conditions warrant by joint agreement of the County and the School Districts.
- C. If the Fair Contribution For Public School Sites requirement includes a payment in lieu of land dedication or portion thereof, the Superintendent of the School District or his/her designee shall sign a statement acknowledging that payment for all residential units identified on the plat has been received by the School District. A member of the Land Use Department Staff may act as designee. The final plat shall not be recorded until such signed statement has been received by the Land Use Department.
- D. If the Fair Contribution for Public School Sites includes the dedication of land, the applicant shall dedicate the required land and shall provide proof that the dedication has been made in accordance with the following requirements:
  - 1) The person or entity has conveyed to the School District by general warranty deed, title to the land required to be dedicated, which title is to be free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication.
  - 2) At the time of dedication or conveyance, the applicant shall provide a title insurance commitment followed by delivery of a title insurance policy in an amount equal to the fair market value of the dedicated property which shows the state of title to the land as necessary to comply with Section 18.4.D (1).

(18.4)

- E. All lands dedicated, when required as Fair Contribution For Public School Sites, shall be conveyed directly to the School District. Any sums, when required, or moneys to be paid as Fair Contribution For Public School Sites shall be paid directly to the School District. The School District shall comply with the provisions of Section 30-28-133, C.R.S. in its accounting and disposition of lands conveyed or moneys paid pursuant to this Section 18.
  
- F. In conjunction with the implementation of this regulation, the County and the School Districts shall enter into an Inter-Governmental Agreement which shall, consistent with this Section, facilitate and supplement the terms hereof. Said Inter-Governmental Agreement shall provide, *inter alia*, that the School District shall comply with all requirements of the Ouray County Land Use Code, Building Code and zoning regulations in the School District's location and construction of school buildings within the unincorporated portions of the County.

**18.5 METHODOLOGY:**

**A. General**

The following methodology has been developed based upon the requirements of Section 30-28-133, C.R.S. to provide a means by which dedications of land, or the payment of cash in lieu of such dedications, may be made in connection with proposed developments containing residential uses.

It is based on certain assumptions derived from data regarding local land use and student generation, a prototype acreage for school sites, and the use of market data to determine cash in lieu equivalencies.

If there is a conflict between this Section and CRS 30-28-133 then the provisions of CRS 30-28-133 shall control.

**B. Assumptions**

1) Average student generation (ASG) per residential unit (RU)	.33
2) Prototypical school site in terms of total acres (AC) acres	20
3) Number of Students per school site	300
4) Number of Students per acre of school site (300/20)	15
5) Per-acre allocation of school site per student (PAA)(1/15) acre	.067

(18.5)

**C. Calculation of Land Dedication Requirement (DR)**

$$\text{ASG} \times (\# \text{ of RUs}) \times \text{PAA} = (\text{DR})$$

**D. Calculation of Cash In Lieu Payment**

- 1) Where cash in lieu payment is to be made, determine value of land in subdivision being dedicated, based on zoned and platted residential land, using comparables to result in a Per Acre Value (PAV).
- 2)  $\text{DR} \times \text{PAV} = \text{Cash in Lieu Fee}$