

Chapter 17.43
PARKS, OPEN SPACE AND TRAILS

SECTIONS:

- 17.43.010 Purpose**
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- 17.43.040 Maintenance of Public Parks, Open Spaces, and Trails**

17.43.010 PURPOSE. The purpose of this Chapter is to guide the planning and design of public parks, trails, open spaces, and other public sites, where such facilities are required to be provided pursuant to this Title. Where a provision of this Chapter is preceded by the word “shall” or “must,” the provision is mandatory; absent the word “shall” or “must,” the provision is a guideline. However, the city decision-making body may invoke guidelines as requirements where the applicant has requested approval of a Density Bonus under Chapter 17.09.050, Planned Unit Development approval under Chapter 17.19, or where the applicant has requested one or more adjustments pursuant to Chapter 17.13 and/or other provisions of this Title. The intent of this Chapter is to implement the city’s Comprehensive Plan by providing for a comprehensive, integrated network of public parks, trails, recreation facilities and open spaces to be developed and preserved as the community grows.

17.43.020 GENERAL PROVISIONS.

- A. The city will typically require the payment of a fee in lieu of land dedication for the parks, open space, and trail impact fee/dedication requirement as outlined in Chapter 17.47 of this Title. As part of the dedication requirement set forth in Chapter 17.47, residential developments with 1,000 residents or more (based on the schedule in Section 17.47.090) shall provide at least six acres of land for a public neighborhood park and/or community park and at least one (1) mile of trail land. For residential developments with less than 1,000 residents, public parks, open space, and/or trails may be provided or a fee in lieu of this dedication requirement may be paid as determined by the city decision making body through the land development review process and based on the approval criteria of Title 17.
- B. Land to be dedicated for parks, open space, and/or trails must be contained in an out lot dedicated to either the City of Fruita or a Property Owners’ Association and the out lot must include an easement for public access/use on the same basis as the land in question is available to the residents of the development in which it is located. Private open space, parks, trails, or other private recreation areas in any development shall not be a substitute for the required public parks, open space, and trails impact fee/dedication.
- C. In all cases, land and improvements and/or a fee in lieu of land and improvements will

be required to meet the requirements set forth in Chapter 17.47.

- D. Ownership and maintenance of public parks, open space, and trails shall be determined by the City Council on a case-by-case basis through the development review process. The city reserves the right to reject any land which it deems unsuitable for park, open space, and/ or trail purposes.
- E. Landscape improvements to public parks, open space and trails must follow landscaping requirements of Appendix A of the Fruita Land Use Code.

17.43.030 PUBLIC PARKS, OPEN SPACE, AND TRAILS CRITERIA.

- A. In determining which land areas are appropriate and/or necessary for public parks and eligible for credit against the otherwise required park, open space, and trails impact fee/dedication, the following criteria must be considered:
 - 1. Land area to be dedicated should be at least two acres in size.
 - 2. The land area to be dedicated should be in an area underserved by existing public parks as identified by the Fruita Parks, Health, Recreation, Open Space, and Trails Master Plan.
 - 3. The land should be located adjacent to other open space or schools.
 - 4. The land area's proposed improvements must be designed, signed and stamped by a licensed landscape architect and must include at a minimum the following: water rights, irrigation system, appropriate groundcover, at least one large tree per every 5,000 square feet of landscape area, and at least one of the following:
 - a. Paved, multi-purpose area for court games (e.g. basketball, tennis);
 - b. A multi-purpose play field with backstop;
 - c. Playground equipment and a bench;
 - d. Shade structure for picnics and sitting within a landscaped setting.
 - 5. The land area to be dedicated should have at least twenty percent (20%) of the perimeter of the parkland area adjacent to a public right-of-way so that the park is visible to the public and to increase safety by allowing activities in the park to be easily seen from other public areas.
 - 6. The land to be dedicated should be relatively flat and lend itself to organized recreational activities without the need for substantial improvements to accommodate facilities for recreational activities.

7. The size and shape of the land to be dedicated must lend itself to recreational activities.
 8. The soil conditions and drainage must allow for development of park facilities.
 9. The parkland should be used to organize and focus lot, block, and circulation patterns in a development and enhance surrounding development. Street, block, lot and building patterns shall respond to the views, landscape and recreational opportunities provided by such parks, open space, and trail areas.
 10. Surrounding the site with the rear property lines of residential lots is strongly discouraged.
 11. Parks to be used for on-going organized recreational activities should include adequate access and parking areas (both motorized vehicles and bicycles) for the type and intensity of uses intended for the park.
 12. Uses designated within public parks shall be appropriate to the context and character of the site and the intensity of the proposed development.
 13. Notwithstanding the preceding criteria, a five-foot wide landscaped outlot abutting and parallel to public right-of-way for collector and arterial roads will be eligible for credit against the otherwise required parks, open space and trails impact fee/dedication. Both the land area and the improvement to the land are eligible for credit. The minimum required width is five feet and the minimum required landscaping must consist of one large tree for every forty linear feet along the public right-of-way and appropriate groundcover and irrigation. This outlot must be owned and maintained by a Homeowners Association and contain a public access easement in order to receive credit.
- B. The following public trails will be required to be provided in all developments to provide an adequate bicycle and pedestrian transportation system. The land area required for the public trail is not eligible for credit against the otherwise required public parks, open space, and trails impact fee/dedication. Construction of the public trail(s) may be required and the cost of trail construction of a primary trail or an off-site trail is eligible for credits against the public parks, open space, and trails impact fee/dedication. Internal links necessary to provide an adequate bicycle and transportation network internal to the development are not eligible for credits.
1. Land for primary trails as identified in the Parks, Health, Recreation, Open Space, and Trails Master Plan must be provided. Trail heads should be required for primary trails at all major access points and should include parking areas, restrooms, shaded

seating and picnic areas, regulatory, informational and entry signs, and drinking fountains where feasible.

2. Local trails must be provided to link to existing or planned future trails.
 3. Trails that provide a valuable link to destinations such as schools, parks, open space, other neighborhoods, and commercial areas must be provided.
 4. Trails are required to provide a connection to avoid out-of-direction travel by pedestrians and bicyclists. As an example, a trail is required at the end of all cul-de-sacs to connect to an existing road, other trail or future development connection if the property has development potential (regardless of future land use).
 5. Trails proposed adjacent to a roadway should be a last resort when no other options exist. Attached sidewalks are not considered trails. If a trail is proposed adjacent to a roadway, the trail must be detached from the roadway and trail user safety shall be a primary consideration.
 6. The width of land required for primary trails shall be at least 30 feet, but 50 feet or more is preferred. The width of the trail surface for a primary trail should be at least 10 feet and may be required to be wider in certain circumstances such as in areas of limited site distance. The width of land required for local trails must be at least 16 feet for short connections (such as between cul-de-sacs) and wider for longer connections (such as a trail behind rear property lines along a block). The width of the trail surface for local trails should be at least 8 feet and may be required to be wider in certain circumstances.
 7. Trails will be required to be paved in most circumstances and trails must be paved in order to receive credit.
 8. Vertical clearance on all trails must be at least eight (8) feet. Horizontal clearance must be at least 3 feet on both sides.
 9. Adequate lighting should be required at all trailheads, primary trail access points, underpasses and at intersections with other trails. Adjacent roadway lighting may be used where possible.
 10. Maximum grade should be no more than 5%.
- C. Open space that is not a park as defined in this Title is not eligible for credits against the otherwise required park, open space, and trails impact fee/dedication (with the exception of five foot wide landscape strips as described in Section 17.43.030.A.13). In open space areas,

the emphasis is on resource protection or preservation and public use should be balanced with the need for resource protection. Types of public use should be limited to trails, benches, picnic sites, environmental interpretation and educational areas. Easements for a public trail, protection of natural or historical features, watersheds, wildlife, and similar resources may be required and improvements to open space areas may be eligible for credits against the otherwise required public parks, open space, and trails impact fee/dedication and will be determined on a case-by-case basis by the city decision making body through the land development review process.

- D. Appropriate buffering and setbacks shall be used between environmental resources and proposed development to ensure that the proposed development does not degrade the existing habitat or interfere with other uses. At a minimum, the following buffer standards apply to the following environmental resources:

Canals and drains – fifty (50) feet on both sides of the canal or drain as measured from the centerline of the canal or drain.

Washes and creeks and wetlands – one hundred (100) feet on both sides of the wash, or creek as measured from the centerline of the wash or 100 feet from the edge of the wetland area.

Colorado River – three hundred (300) feet on both sides of the river as measured from the centerline of the river.

17.43.040 MAINTENANCE OF PUBLIC PARKS, OPEN SPACE, AND TRAILS.

- A. Any homeowners' association of other organization established to own and maintain public parks, open space, or trails shall maintain such lands and improvements in a reasonable order and condition in accordance with the approved land development.
- B. In the event a homeowners' association or other organization established to own and maintain public parks, open space, or trails fails at any time after approval of the development by the city to maintain the public parks, open space, or trails in a reasonable order and condition, the Community Development Department may serve written notice upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the public parks, open space, or trails, as applicable, in a reasonable order and condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon before the City Council which shall be held within twenty-one (21) days of the notice. At such hearing, the City Council may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modification thereof are not cured within said thirty (30) days, or any extension thereof, the City Council, in

order to preserve the taxable values of the properties within the development, and to prevent the public park, open space, or trails from becoming a public nuisance, may enter upon said public park, open space, or trails and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any right to use the park, open space, or trails, except when the same is voluntarily dedicated to the public by the developer. Before the expiration of said year, the City Council, upon its own initiative or upon the written request of the organization previously responsible for the maintenance of the public park, open space, or trails, shall call a public hearing upon notice to such organization or to the residents of the development, at which hearing such organization or the residents of the development shall show cause why such maintenance by the city should not, at the election of the city, continue for a succeeding year. If the City Council determines that such organization is ready and able to maintain the public park, open space, or trails in a reasonable condition, the city shall cease to maintain such area at the end of the one (1) year period. If the City Council determines that such organization is not ready and able to maintain said public park, open space, or trails in a reasonable condition, the city may, at its discretion, continue to maintain the public park, open space, or trails during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

- C. The cost of the maintenance of a public park, open space, or trails by the City of Fruita, including and administration fee equal to ten (10) percent of such cost, shall be paid by the organization established to own and maintain the park, open space, or trail, and any unpaid assessments shall become a tax lien on the properties within the development. The city shall file a notice of such lien in the office of the Mesa County Clerk and Recorder upon the properties affected by such lien within the development and shall certify such unpaid assessments to the Mesa County Board of County Commissioners and the Mesa County Treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement, and remittance of general property taxes.