

Parkland Dedication Ordinance FAQs Based on Questions from Stakeholders

1. What are the criteria used in determining whether staff wants land or fees?

Residential units trigger land dedication. That is the default in the current code and the proposed changes. The Director may allow a fee in lieu of land if land is not suitable for dedication. It is difficult to make an absolute checklist that would provide an answer as to whether the Parks Department would allow a fee-in-lieu of land. Every case is different due to topology, park system layout and park needs in an area. The parks department has created at least two tools intended to provide earlier notification that land may be desired.

1. A Parkland Deficient Area map developed after a citywide analysis has been placed on the City's Development Viewer at <http://www.austintexas.gov/department/planning/development-web-map>. The layer is located under Development Resources. The map will change over time as parkland and greenbelt connections are acquired. (Microsoft Silverlight 4.0 may be needed on your computer for the map to load properly.)

The Parkland Deficient Area Map was created based on Council actions and Imagine Austin. Guiding principles are the following:

- Council Resolution 20091119-068 established a goal that public accessible and child-friendly parks or green space be provided within ¼-mile of all urban core residents and 1.2 mile walking distance outside the urban core.*
- Imagine Austin Healthy and Green Infrastructure priorities demand public active spaces accessible to residents of all ages; expanding parks as the population grows; protecting environmentally sensitive lands; and being a City within a Park.*
- The Code discusses land requirements for areas in a Critical Areas Map maintained by the Watershed Department. This map has been changed to the Deficient Parkland Area map and incorporates environmentally sensitive lands, critical greenbelt connections and the Council's desire for ¼ and 1/2-mile Park service areas.*

2. Code changes include more specifics in 25-1-603, Standards For Dedicated Parkland about what type of land would satisfy parkland dedication requirements. For example, land needs to have public access and provide reasonable access from residences.

2. Did staff incorporate any of the feedback from stakeholders into the plan?

Feedback from stakeholders led to the following proposed code changes:

- Earlier notification of whether land or fee-in-lieu would be required. PARD has addressed this concern by developing the Parkland Deficient Map that will let the applicants know early on if they are in an area where parkland is desired.*
- Allowing credit for amenities constructed. The code already allows credit for amenities constructed on public parkland. The code does not allow credit for amenities constructed on private parkland as it says in 25-1-604 (A) that only up to 50 percent credit is allowed for private facilities open to the public. In other words, credit is only given for private parkland if it has facilities on it. PARD proposes to change (A) so that 50% credit is given for the private land open to the public and 50% credit also is given for the cost of the recreational facilities built on that land.*

- *Allowing private parkland to count toward both open space and parkland requirements. 25-1-604 is proposed to be changed to allow private common open spaces designed for active uses and open to the public to count as both parkland dedication and open spaces. It also clarifies that public parkland may also count toward open space requirements in Planned Unit Developments.*
- *Dedicated parkland counts against Impervious Cover limits. This can deter applicants from dedication because if they dedicate a lot as parkland, then they would have less impervious cover percentage allowed across the remaining site. The current practice is for the parkland to be dedicated by metes and bounds so that impervious cover limits are not lessened for the development site and the applicant and the Parks Department come to an agreement over how much of the remaining Impervious Cover rights will go to the parkland. The Parks and Watershed Departments have been discussing this issue and intend to determine a solution through the CodeNEXT process.*

3. Can land be dedicated outside the development’s boundary?

Yes, the Parks Department will consider the dedication of lots outside the development within the Parks service area to satisfy parkland dedication.

4. Why can’t maintenance count toward parkland dedication?

Case law in Texas and throughout the country related to the collection and expenditure of parkland dedication prevents parkland dedication funding from being expended on operation and maintenance. Maintenance has not been shown to be “roughly proportionate” to the needs for a park created by new development.

5. Will affordable units still be exempt from PLD fees?

Yes. All affordable units that are “certified affordable” by the City of Austin Neighborhood Housing Department will continue to be exempt from PLD fees.

6. Are there any incentives that can be enacted that will encourage development near parkland?

The existence of parkland in an area draws development. The revised ordinance adds a park development fee to be used to improve nearby parks. Those locating nearest to parks will be the most immediate beneficiary of park improvements.

7. Why is park acreage per resident the right metric, as opposed to one that is more geographically focused?

Focusing the metric geographically will perpetuate inequities in the City because areas that are deficient or low in parkland would have a metric that would continue that disparity. For example, a deficient area would have a low amount of acres per residents, and if a metric was used that reflected that lower level of service in that geography, that poor level of service would be perpetuated. That is why the Parks Department prefers a citywide park metric.

8. Land in the central core is very expensive. What impact will the increase land dedication requirement have on density and affordability in the central core? Are we going to require very low density high cost housing if a landowner has to give up a large piece of highly

valuable land for parks? How have you tried to balance the increased land dedication requirements with the high cost of land in the central core?

Administration of the parkland dedication ordinance in the central core will continue to be the same as it is now. The Parks Department works with applicants to meet parkland dedication. A portion may be dedicated land, fees or credit for amenities and/or private parkland arrangements.

With increased fees-in-lieu of land, PARD will be able to compete in the central core marketplace and actually purchase lots for parks. At the current fee level, PARD cannot compete for central core land. As more residents move to the central core they will continue to pressure existing parks and more land will be needed to accommodate the population.

9. Will the proposed ordinance amendment impact commercial projects?

The ordinance does not suggest any changes to non-residential projects. They do not pay PLD fees.

10. Where can the parkland dedication fees be expended?

The Parks Department has established the following priority order for expending fees-in-lieu land.

- ◆ Within a 1/2 mile radius of the development which generated the funds
- ◆ Beyond the preferred 1/2 mile radius up to 2 miles of the development which generated the funds
- ◆ Lacking the opportunity to acquire additional lands within the two-mile radius, expenditures may occur beyond the preferred two-mile radius but within the PARD Planning Area where the funds were generated. PARD Planning Areas are defined by major roads, natural features, and other criteria so that parks within them are accessible to the residents

11. Has the staff budgeted to maintain the parks that we will add through this program? How can we add parks when we have underfunded parks maintenance?

City of Austin annual surveys report that 9 out of 10 residents are neutral, satisfied or very satisfied with the appearance of park grounds and quality of parks in Austin. Parks receives a percent of the overall City budget annually. As the City of Austin grows, the City Council is tasked with providing all types of "more services" including more police officers, more EMS vehicles and more park maintenance in the annual budget. When a new park is scheduled to come on line, it is added to the annual budget request. The Parks Department has determined that the increase in tax revenue from newly constructed residences can cover the cost of maintaining new land as long as the percentage of funds going annually to the Parks Department is not decreased.

12. What is the typical throughput of this fund? How quickly after a donation of cash is a park purchased and developed? What developments have funds that are currently sitting that are past the 5-year deadline?

Funds collected must be spent within five years. The Parks Department cannot spend the funds until the money is appropriated, which may be more than a year after payment. The Parks Department makes every effort to spend the funds within five years. The Code says that if the

money has not been spent within five years and units paid are not built, the money can be refunded upon request. Currently, the Parks Department is holding money from 6 cases collected prior to 2011. The total amount of those funds is less than \$65,000. No case is greater than \$25,000 and the cases are spread throughout the City. Those funds will be spent as more money is collected and added to the total in an area.

13. How does this program help us achieve equity in terms of where parks are located, since this fund must be used near whether the donating development is located?

The purpose of the fund is not to achieve equity. The purpose is to have development pay for itself in providing parks at the same level of service as when the development is built. If development occurs in deficient areas, the parkland dedication tool may contribute to equity. Otherwise, bond funds, grants, donations or some other source would be needed to address equity problems.

14. We know that city parks are already used/visited in very disparate amounts- some are “loved to death,” and others are almost empty. Has there been any study of why the differences, and park maintenance and operation spending by geographic area, and what can be done to spread visitors more evenly? (This information seems pertinent before we nearly double fees and potentially “bite off more than we can chew.” The information would help us use parks more wisely, create better equity, and spend taxpayer dollars more smartly.

All parks are not the same. Some are intended for passive and less intense uses while others are intended for intense uses. The Parks Department can map parks by park type and knows which types of parks are in which areas. It would be a good goal to have several types of parks in a geographic area. Increasing the parkland dedication requirements may allow us to achieve such a goal. Requiring land in deficient areas, as a priority, will ensure that more parks of all sizes are included in a growing geographic area. Also, the proposed park development fee would give the Parks Department more funds to develop undeveloped pieces of property to spread visitors more evenly in some cases.

15. What is the affordability impact to renters and homebuyers from this fee increase?

The City’s Neighborhood Housing and Community Development department completed an impact affordability statement for the proposed ordinance changes and found no affordability impact. This impact statement was submitted to the Planning Commission and will be posted as a backup document to the City Council in advance of the Sept.17 public hearing.

Parkland dedication requirements will not necessarily be passed on to the renter or home owner. There are many costs involved. For example, the land seller may be the one who receives less income when developers know that parkland dedication may affect the total number of units and, therefore, the amount that the project can earn.