

An aerial night photograph of a park. A multi-lane road runs vertically through the center. To the right of the road is a large green soccer field, a running track with a red and orange border, and several tennis courts. To the left of the road is a large parking lot with many cars. The surrounding area is filled with trees showing autumn foliage in shades of orange, yellow, and green. The scene is illuminated by streetlights and lights from the park facilities.

Parkland Dedication

City Council- July 5, 2022

Staff Presenter: Jen Basham, Director- Parks and Recreation

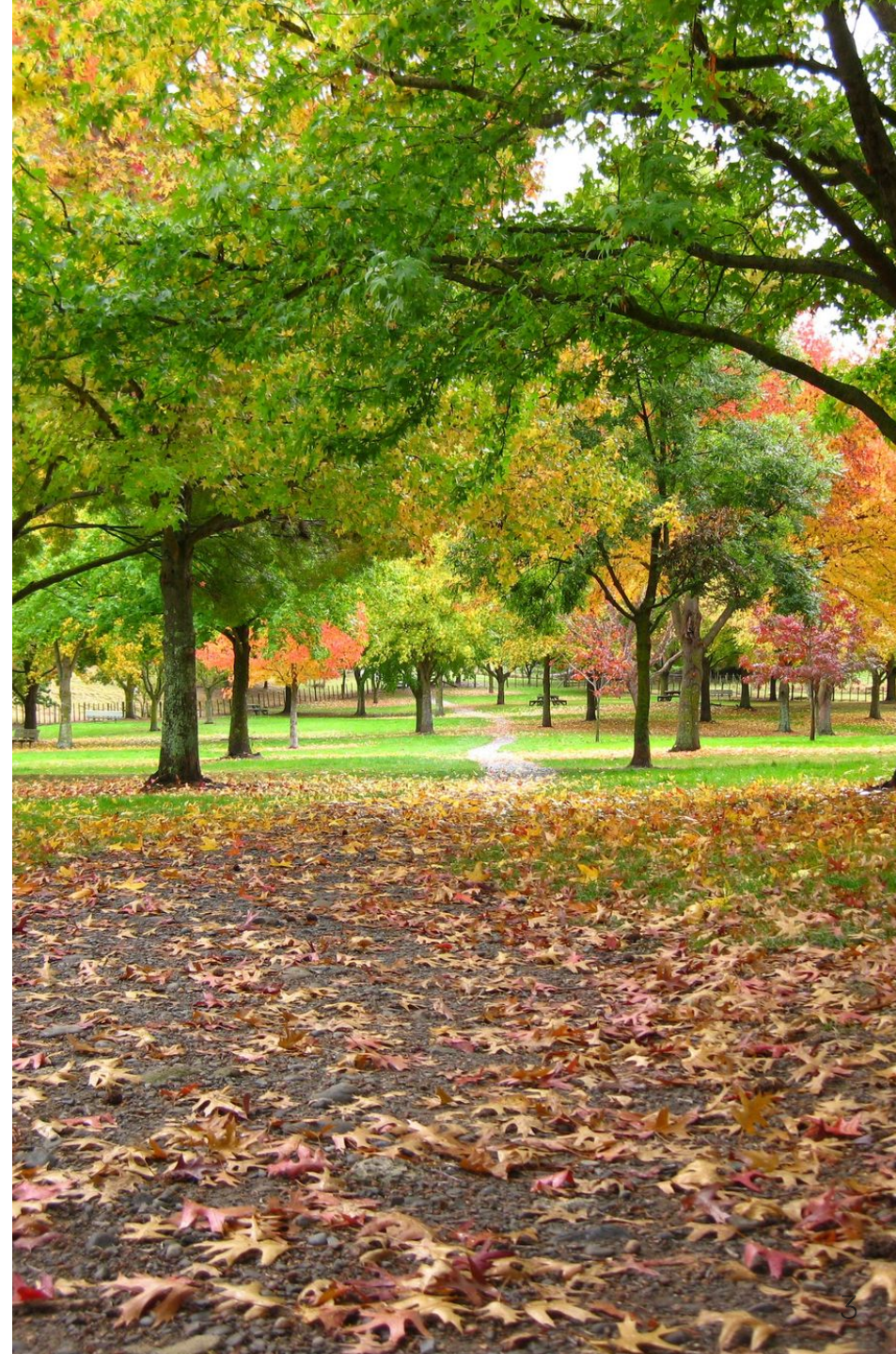


Parkland Dedication and Development Fees?

What are they and why
do we charge them?

WHAT ARE PARKLAND DEDICATION FEES AND REQUIREMENTS?

- Parkland Dedication: Offset the impact residential development has on the city's level of service for parks
- Fee-in-lieu of dedication: Allow home builders to provide a cash payment for the value of required parkland dedication in lieu of dedicating land
 - Developer will choose to dedicate land or pay fee in lieu**
- Park development fee: Contributes to the cost of building a standard neighborhood park
 - Developer will always be required to pay development fee**
 - Current dedication and fees adopted in 2008



Helps Burleson Parks Keep up with Growth



- The parkland fees and dedication requirements ensure that as the City grows the parks system is maintained and expanded to maintain the current level of service
- As developers bring in new residents, they are responsible for the impact on the park system and the growing demand

Rough Proportionality

NOLLAN v. CALIFORNIA COASTAL COMMISSION (1987)

PRIVATE PROPERTY

DIRECTIONS

Read the Case Background and Key Question. Then analyze the Documents provided. Finally, answer the Key Question in a well-organized essay that incorporates your interpretations

Case Background

Concerned about increasing development along the California shoreline, the California Coastal Commission sought to protect public views of the beaches. James and Marilyn Nollan wished to replace a small (521-square-foot) beachfront bungalow with a 1,674-square-foot home. The much larger house would block public view of the beach from the street. Property use restrictions required that, before a property owner could receive a permit for new construction, s/he must agree to allow the public permanent use of the beach through an easement on the property. The easement would have allowed beach-goers to pass over a strip of land on Nollan's private beach in

- Requires that land donation/fee must be proportionate to the toll of the development
- Nollan-Dolan Limits
Two supreme court cases that set limits on governments' ability to impair property interests with land use regulations
- Parkland dedication cannot be used to make up for former oversight, must be made based on current service level



Current Level of Service and Fees



Current Fees

- Current Dedication: 1 acre per 100 dwelling unit
- Current Fee In Lieu: \$300 per dwelling unit.
- Development Fee: \$300 per dwelling unit

Proposed Changes



Dedication and Fee's

• Single Family

- Dedication Requirement- 1 acre per 95 dwelling units
- Fee in Lieu- \$458 fee in lieu per du
- Development Fee- \$818 per du

• Multi-Family

- Dedication Requirement- 1 acre per 109 dwelling units
- Fee in Lieu- \$399 fee in lieu per du
- Development Fee- \$711 per du

* Fee in lieu is only paid if land is not dedicated, or in the instance that not enough land is identified, a combination of dedication and fee in lieu will be enforced

Total Fee Recommendation

- Add fee components together
 - Fee in lieu + park development fee = total fee per development type
- Single Family
 - \$458 (fee in lieu)+ \$818 (development fee)=\$1,276 per du
- Multi-Family
 - \$399 (fee in lieu) + \$711 (development fee) =\$1,110 per du

Fee in lieu is only applicable if land is not dedicated

Credits towards fees



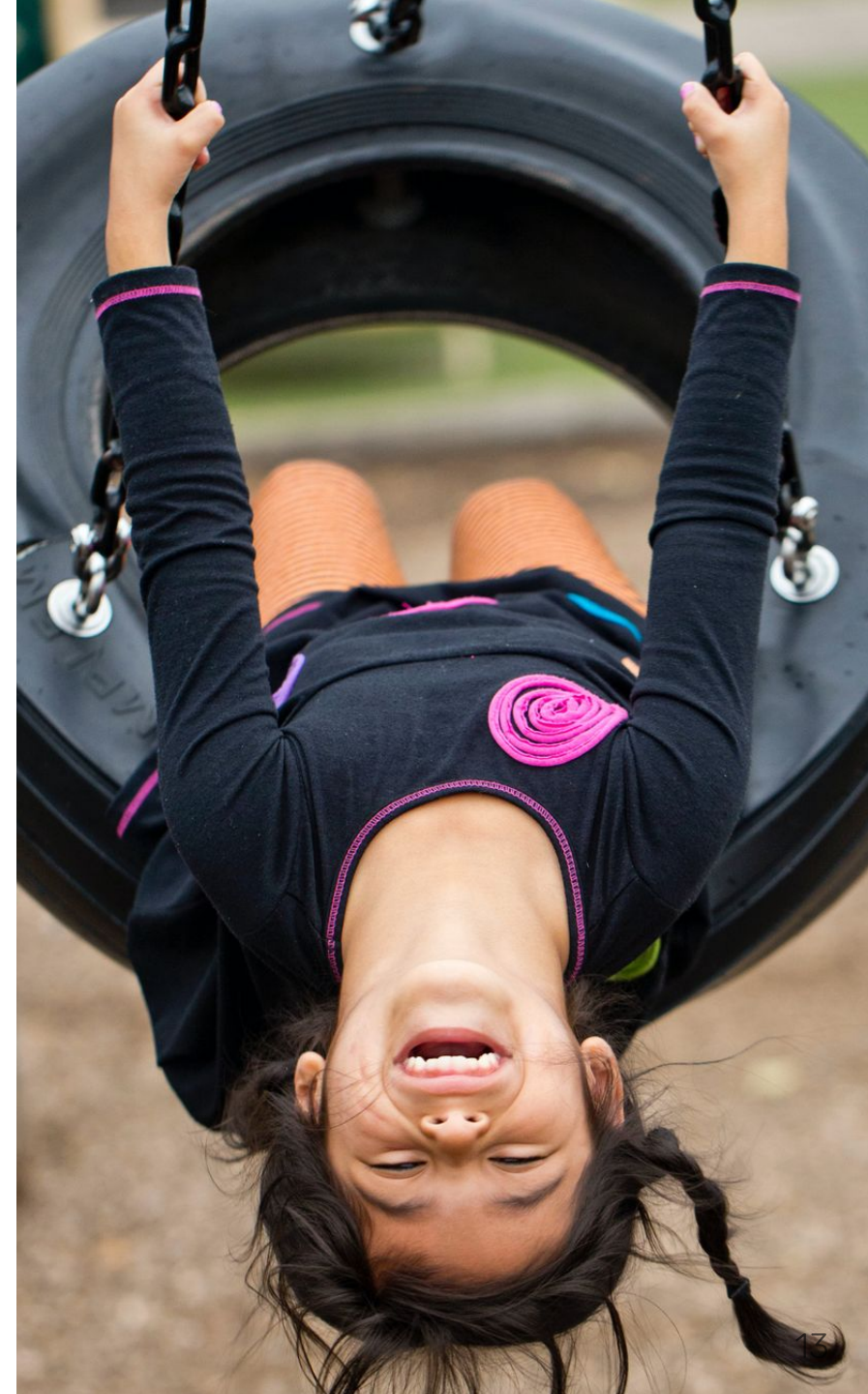
Additional information regarding credits



- HOA Maintained Parks
 - Park would be required to be open to the public
 - Park improvements approved, inspected and accepted by Director or designee
 - Would receive a credit of 50% towards dedication and development fees
- Reduction in fee if preserve 2 trees per DU
 - Trees 6-12 caliber inches - 2 trees required per du
 - If larger than 12 inches- 1 tree required per du
 - Approved tree type
 - Tree survey with preserved trees identified
 - Would receive a credit of 50% towards dedication and development fees
- Parkland dedication
 - If a developer elects to donate additional property above the required amount a reduction in the development fee will be added proportionate to the donation

Action History

- Park Board met on March 31, 2022 and unanimously recommended approval
- Staff briefed the City Council on May 2, 2022
 - Council recommended the proposed fees and credits, as presented, but requested staff consider options for tree preservation credits based on varying size
- Staff presented the draft Park Land Dedication ordinance to the Park Board on June 9th, who recommended approval unanimously
- Staff presented the first reading of the new ordinance to City Council on June 20, 2022, who recommended approval unanimously





Options

- Approve ordinance as presented
- Deny