



TRUCKEE-DONNER RECREATION AND PARK DISTRICT

QUIMBY LAND DEDICATION AND IN-LIEU FEE STUDY UPDATE

APRIL 2023
FINAL REPORT

PREPARED FOR:

**BOARD OF DIRECTORS
TRUCKEE-DONNER RECREATION AND PARK DISTRICT**

PREPARED BY:



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TRUCKEE-DONNER RECREATION AND PARK DISTRICT

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ACKNOWLEDGMENTS

This Quimby Land Dedication and In-Lieu Fee Study was prepared by SCI Consulting Group ("SCI") under contract with the Truckee-Donner Recreation and Park District. The work was accomplished under the general direction of Sven Leff, District General Manager.

We want to acknowledge the special efforts made by individuals and organizations to this project:

Teresa McNamara, Truckee-Donner Recreation and Park District

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EXECUTIVE SUMMARY

INTRODUCTION

The California Government Code contains specific enabling legislation for the dedication of land or fees in lieu of land dedication for neighborhood and community parks by a city, county, or special district. This legislation, codified as Government Section 66477 and known commonly as the “Quimby Act,” also establishes the criteria for determining the land dedication requirement and in-lieu fee based on specific park standards.

The Town of Truckee (“Town”) and on behalf of the Truckee-Donner Recreation and Park District (“District”) implements the Quimby Act pursuant to Section 18.92.095 of the Town of Truckee Municipal Code. The District’s current Quimby Parkland Dedication Requirement and In-Lieu Fee were approved by the District Board of Directors on October 24, 2013, and adopted by the Truckee Town Council on December 10, 2013. The current Quimby in-lieu fee was adopted on October 10, 2017.

Also, the County of Nevada (“County”), on behalf of the District, implements the Quimby Act pursuant to Section L-IX 1.1 of the County Land Use and Development Code. The County Board approved the District’s current Quimby Parkland Dedication Requirement of Supervisors on March 25, 2014. The County adopted the current Quimby In-lieu fee on June 27, 2017.

Two factors determine the amount of land that may be required to be dedicated for a new subdivision. These factors are multiplied by the number of respective dwelling units for the proposed subdivision to determine the acreage to be dedicated for neighborhood and community parks. The formula for calculating the District’s Quimby land dedication requirement is as follows:

$$\text{Quimby Standard} \times \text{Quimby Dwelling Unit Occupancy Factor} = \text{Quimby Land Dedication Requirement}$$

In some instances, the payment of a fee in lieu of land may be considered. In this case, the Quimby dedication requirement is multiplied by the fair market value of the land, which would otherwise be required to be dedicated for parks to establish a fee in lieu of land dedication. The formula for calculating the District’s Quimby in-lieu fee is shown below.

$$\text{Quimby Land Dedication Requirement} \times \text{Quimby Land Value} = \text{Quimby In-Lieu Fee}$$

This Quimby Land Dedication Requirement and In-Lieu Fee Study (“Quimby Study”) presents a recalculation of the factors that determine the District’s Quimby Dedication Requirement and In-Lieu Fee. Also, the Quimby Act contains specific requirements for program administration. These statutory requirements and other important information regarding the collection, accounting, and expenditure of the Quimby in-lieu fee are provided in the last section.

SUMMARY OF KEY FINDINGS

The following key findings are presented:

1. According to the 2020 U.S. Census, the average dwelling unit occupancy in the District is 3.02 for single-family housing and 2.63 for multi-family housing. (“Quimby Dwelling Unit Occupancy Factor”). See Figure 3 calculation.
2. Based on the District’s current park inventory and resident population, the District has 5.4 acres per 1,000 residents. Therefore, the District’s maximum dedication requirement allowed under the Quimby Act is 5.0 acres of land for every new 1,000 residents (“Quimby Standard”).
3. For subdivisions of 50 dwelling units or more, the District may require land for parks for the four residential land use categories in the amounts shown below (“Quimby Land Dedication Requirement”). See Figure 4 calculation.

FIGURE 1 – QUIMBY LAND DEDICATION REQUIREMENT

Land Use Category	Quimby Land Dedication Requirement
	<i>Land Sq. Ft. per Dwelling Unit</i>
Single-Family Housing	577
Multi-Family Housing	505

4. A survey of recent vacant residential land sales in the District over the last twelve months shows the fair market value of land suitable for parks to be \$653,000 per acre (“Quimby Land Value”).

5. The District may require a fee in lieu of land dedication for the following two residential land use categories shown below ("Quimby In-Lieu Fee").

FIGURE 2 – QUIMBY IN-LIEU FEE

Residential Land Use Category	Quimby In-Lieu Fee (Maximum)
	<i>Per Dwelling Unit</i>
Single-Family Housing	\$8,650
Multi-Family Housing	\$7,570

QUIMBY LAND DEDICATION REQUIREMENT DETERMINATION

QUIMBY STANDARD

Under the Quimby Act, the dedication of land, or payment of fees, or both, cannot exceed the proportionate amount necessary to provide three (3) acres of park area per 1,000 persons residing within the subdivision unless the amount of existing neighborhood and community park area exceeds that limit, in which case the calculated amount may be adopted as a higher standard not to exceed five (5) acres per 1,000 persons residing within a subdivision.

Based on the District's current parkland inventory, the District has 118.85 acres of neighborhood and community parks. With an estimated current resident population of 21,883, this represents a ratio of 5.4 acres of neighborhood and community parkland for every 1,000 residents. Since the District's existing park area exceeds the maximum of five acres per 1,000 residents, the District's standard under the Quimby Act is 5.0 acres of parkland for every 1,000 residents.

QUIMBY DWELLING UNIT OCCUPANCY FACTOR

Pursuant to Govt. Code § 64477(a)(2), the amount of land dedicated or fees paid shall be based upon residential population density, which shall be in part determined based on the average number of persons per household according to the most recent available federal census. Moreover, since different residential land uses have varying household sizes, it is reasonable that the land dedication requirement and associated in-lieu fee be expressed per dwelling unit based on their respective average household size. For this Quimby program, the following residential land uses have been selected:

- “Single-Family Housing” means detached or attached one-family dwelling unit with an assessor's parcel number for each dwelling unit and mobile homes.
- “Multi-Family Residential Housing” means buildings or structures designed for two or more families for living or sleeping purposes and having kitchen and bath facilities for each family.

A “dwelling unit” generally means one or more rooms in a building or structure, or a portion thereof designed exclusively for residential occupancy by one or more persons for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.

Based on figures from the 2020 U.S. Census, figure 3 below presents the determination of the Quimby dwelling unit occupancy factor for two residential land use categories.

FIGURE 3 – QUIMBY DWELLING UNIT OCCUPANCY FACTOR

Land Use Categories	Occupied Dwelling Units	Total Number of Occupants	Dwelling Unit Occupancy Factor
Calc	a	b	c = b / a
Single-Family Housing	7,615	20,195	2.65
Multi-Family Housing	729	1,688	2.32
Average (2020 Census)	8,344	21,883	2.62

Source: 2020 U.S. Census for the ACS 2020 Five-Year Estimate for the Truckee CDP and census tracts generally covering the unincorporated areas of the District.

QUIMBY DEDICATION REQUIREMENT

Figure 4 below presents the District's Quimby land dedication requirement for two residential land use categories on a land square footage basis.

$$\text{Quimby Standard} \times \text{Quimby Dwelling Unit Occupancy Factor} = \text{Quimby Land Dedication Requirement}$$

FIGURE 4 – QUIMBY LAND DEDICATION REQUIREMENT

Land Use Category	Quimby Dwelling Unit Occupancy Factor ¹	Quimby Standard ²	Quimby Dedication Requirement ³
Calc	a	b	c = (a * b) / 1,000 *
	Per Dwelling Unit	Acres per 1,000 Residents	Land Sq. Ft. per Dwelling Unit
Single-Family Housing	2.65	5.00	577
Multi-Family Housing	2.32	5.00	505

Notes:

¹ Determination of the Quimby Dwelling Unit Occupancy Factor is shown Figure 3.

² The District's maximum allowable land per 1,000 residents standard under the Quimby Act.

³ Quimby dedication requirement expressed in terms of park land square feet required per dwelling unit.

For example, the Quimby land dedication required for a 350 single-family attached subdivision would be acres of land for park and recreational facilities.

$$\begin{array}{ccccc}
 \textit{Single-Family} & & 577 \textit{ Land Sq. Ft.} & & \textit{Sq. Ft or Acres of} \\
 \textit{Detached} & \times & \textit{per Single Family} & = & \textit{Land Dedication for} \\
 \textit{Lots/Units} & & \textit{Detached Lot/Unit} & & \textit{the Subdivision}
 \end{array}$$

QUIMBY IN-LIEU FEE DETERMINATION

For proposed subdivisions containing fewer than 50 parcels, the Quimby Act allows for the payment of a fee in lieu of land dedication (“Quimby in-lieu fee”).¹ The purpose of the Quimby in-lieu fee is to accumulate enough funding from several smaller subdivisions to acquire land for developing neighborhood and community parks within the District. Moreover, while land dedication may be required for larger subdivisions, the District may require in-lieu fees only, or a combination of land dedication and in-lieu fees, to meet the park and recreation goals and objectives of the District.

QUIMBY LAND VALUE

The Quimby Act has no specific requirements relating to the land valuation of dedicated parkland. However, the Act does require that the “amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.”

In February 2023, SCI used vacant land sales in the District provided by the Tahoe Sierra Board of Realtors over the twelve months for the land type normally acquired for District parks. Only the residential land sales were considered to establish a fair market value of land for parks for calculating the District’s Quimby in-lieu fee. Parcels adjacent to a street were used (“street setting”), while parcels with a “river, creek, lakefront, greenbelt or golf setting” were excluded. The exclusions were based on the assumption that future district parks would likely not be sited near these locations and that the cost of these types of parcels would be higher than land suitable for parks. Other criteria included exclusions for high/low price outliers, remote parcels, parcels in a high elevated area, and parcels located away from subdivisions. In order to adjust older land sales to approximate current land value reasonably, a commonly used approach was used, which is to adjust the land sale by the percentage change in the median home sales price since the effective date of each land sale. For purposes of this Quimby Study, median home sales price within the District as reported by the Zillow Real Estate Network was used.

Appendix C shows that the baseline average sales price for 23 residential land sales is \$709,000 per acre. After adjusting for disinflation since June 2022, the adjusted fair market value to February 2023 based on the 19 residential land sales is \$653,000. Arguments for higher land values can be made; however, the presented land value per acre appears to be a fair and conservative value for this Study.

¹ However, when a multi-family development or stock cooperative exceeds 50 dwelling units, a dedication of land may be required, even though the number of parcels may be less than 50. Govt. Code § 66477(a)(7)

QUIMBY IN-LIEU FEE DETERMINATION

Figure 5 below presents the formula and the calculation of the Quimby in-lieu fee based on the District's Quimby land dedication requirement and the established fair market land value of residential land at \$653,000 per acre. The Quimby in-lieu fee is expressed on a dwelling unit basis for four residential land use categories. Nonresidential subdivisions are not subject to the Quimby program.

$$\begin{array}{c} \text{Quimby} \\ \text{Land} \\ \text{Dedication} \\ \text{Requirement} \end{array} \times \begin{array}{c} \text{Quimby Land} \\ \text{Value} \end{array} = \begin{array}{c} \text{Quimby In-} \\ \text{Lieu Fee} \end{array}$$

FIGURE 5 – QUIMBY IN-LIEU FEE

Residential Land Use C	Quimby Land Dedication Requirement	Quimby Land Value	Quimby In-Lieu Fee
Calc	a	b	c = a * b / 43,560
	<i>Land Sq. Ft. Per Dwelling Unit</i>	<i>Per Acre</i>	<i>Per Dwelling Unit</i>
Single-Family Housing	577	\$653,000	\$8,650
Multi-Family Housing	505	\$653,000	\$7,570

It is important to note that the District should periodically review the fair market value of land in the District. If land values change significantly in either direction, the Quimby in-lieu fee should be adjusted accordingly.

Moreover, if a subdivider disputes the land value used to determine the in-lieu fee, the District's Quimby ordinance should allow for value to be reevaluated based upon a qualified real estate appraisal approved by the District, with all costs for such appraisal to be borne by the subdivider.

QUIMBY PROGRAM ADMINISTRATION REQUIREMENTS

This section summarizes the statutory requirements and provides some recommendations for the annual administration of the Quimby program. The specific statutory requirements for the administration of the Quimby program may be found in California Government Code § 66477 et seq.

ACCOUNTING REQUIREMENTS

Proceeds from the Quimby in-lieu fee should be deposited into a separate fund or account to avoid commingling with other revenue. Any interest earned by such account should be deposited in that account and expended solely for the purpose for which originally collected.

ALLOWABLE QUIMBY IN-LIEU EXPENDITURES

Quimby in-lieu fees should be expended solely for the purpose of land acquisition and developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision, except as provided in Government Code § 66477(3)(b). It is important to note that the Quimby Act does not define the term “park or recreational purposes.” However, in 1998, the Attorney General opined that the term “recreational purposes” should be broadly construed to include cultural activities, relying on part on the following definition of “recreation” found in Education Code, § 10901(c).

TRANSPARENCY REQUIREMENTS

The District must post the current Quimby Land Dedication Requirement and the Quimby In-Lieu Fee on the District’s website and update within 30 days of any change.

QUIMBY IN-LIEU FEE EXEMPTIONS

The following construction projects are exempt from the Quimby in-lieu fee.

- A structure owned by a governmental agency.
- Commercial or industrial subdivisions.
- Condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.

QUIMBY CREDITS

The following circumstances must receive a fee credit.

- If a developer dedicates land or builds specific park facilities under a turn-key agreement, the Quimby in-lieu fee imposed on that development project may be adjusted to reflect a credit for the parks and recreational facilities constructed.
- Common interest developments, as defined in Civil Code § 1351, shall be eligible to receive a credit, as determined by the District Council, against the amount of land required to be dedicated or the amount of the fee imposed, for the value of private open space within the development which is usable for active recreational uses.

APPENDICES

Appendix A – Comparison of Current and Updated Quimby Program

Appendix B – Estimate of Fair Market Value of Residential Land

Appendix C – California Govt. Code § 66477 (“The Quimby Act”)

APPENDIX A – COMPARISON OF CURRENT AND UPDATED QUIMBY PROGRAM

FIGURE 6 – COMPARISON OF CURRENT AND UPDATED QUIMBY PROGRAM

	Current	Updated
Quimby Standard	5 acres per 1,000 residents	5 acres per 1,000 residents
Quimby Dwelling Unit Occupancy Factor	2.56 persons per SFR unit 1.89 persons per MFR unit	2.65 persons per SFR unit 2.32 persons per MFR unit
Quimby Land Dedication Requirement	558 land sq. ft. per SFR unit 411 land sq. ft. per MFR unit	577 land sq. ft. per SFR unit 505 land sq. ft. per MFR unit
Quimby Land Value	\$420,000 per acre (Town) \$447,400 per acre (County)	\$653,000 per acre
Quimby In-Lieu Fee	\$5,380 per SFR unit (Town) \$3,963 per MFR unit (Town) \$5,731 per SFR unit (County) \$4,223 per MFR unit (County)	\$8,650 per SFR unit \$7,570 per MFR unit

APPENDIX B – ESTIMATE OF FAIR MARKET VALUE OF RESIDENTIAL LAND

FIGURE 7 – ESTIMATE OF FAIR MARKET VALUE OF RESIDENTIAL LAND SUITABLE FOR PARKS

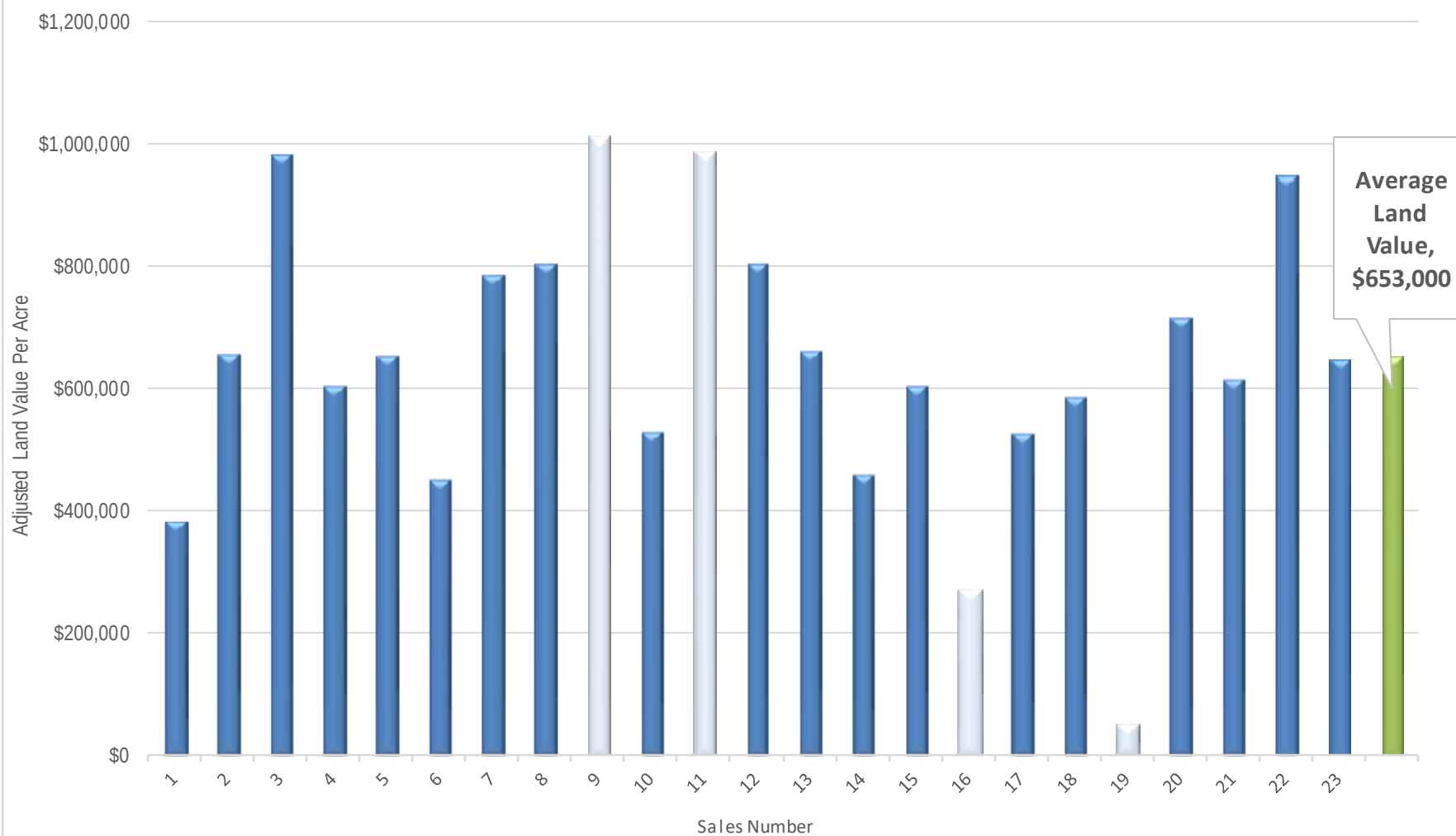
Sale #	APN	Situs Address	Sales Month	Sold Price	Land Acres	Average Sales Price Per Acre	Adjust Factor ¹	Current Land Value per Acre	Current Land Value per Sq. Ft.	% Rank	Outlier (Excl.)
			<i>Calc</i>	<i>a</i>	<i>b</i>	<i>c = a / b</i>	<i>d</i>	<i>e = c * d</i>	<i>f = e / 43,560</i>	<i>g</i>	
1	016-410-025	10711 Laurelwood Drive, Truckee	Mar-22	\$130,000	0.31	\$419,355	0.91	\$381,613	\$8.76	12%	
2	044-290-042	15582 Northwoods Boulevard, Tahoe Donner	Mar-22	\$230,000	0.32	\$718,750	0.91	\$654,063	\$15.02	58%	
3	046-530-003	12864 Peregrine Drive, Tahoe Donner	Mar-22	\$325,000	0.30	\$1,083,333	0.91	\$985,833	\$22.63	87%	
4	045-110-017	11901 Chamonix Road, Tahoe Donner	Mar-22	\$371,500	0.56	\$663,393	0.91	\$603,688	\$13.86	37%	
5	049-310-001	10536 Courtenay Lane, Truckee	Apr-22	\$300,000	0.41	\$731,707	0.89	\$651,220	\$14.95	54%	
6	019-660-067	11799 Saddleback Drive, Truckee	Apr-22	\$430,000	0.85	\$505,882	0.89	\$450,235	\$10.34	16%	
7	045-200-010	17249 Northwoods Boulevard, Tahoe Donner	Apr-22	\$335,000	0.38	\$881,579	0.89	\$784,605	\$18.01	70%	
8	049-320-014	16366 Lance Drive, Truckee	Apr-22	\$280,000	0.31	\$903,226	0.89	\$803,871	\$18.45	75%	
9	046-090-026	11831 Rhineland Avenue, Tahoe Donner	May-22	\$349,500	0.30	\$1,165,000	0.87	\$1,013,550	\$23.27	95%	x
10	019-710-042	11889 Saddleback Drive, Truckee	May-22	\$450,000	0.74	\$608,108	0.87	\$529,054	\$12.15	29%	
11	043-020-006	10956 Ryley Court, Truckee	Jun-22	\$450,000	0.40	\$1,125,000	0.88	\$990,000	\$22.73	91%	x
12	040-230-036	14853 Cavalier Rise, Truckee	Jun-22	\$286,500	0.31	\$924,194	0.87	\$804,048	\$18.46	79%	
13	018-031-041	11950 Cavern Way, Truckee	Jul-22	\$300,000	0.40	\$750,000	0.88	\$660,000	\$15.15	62%	
14	018-400-034	12811 Sierra Drive, Truckee	Jul-22	\$135,000	0.26	\$519,231	0.88	\$456,923	\$10.49	20%	
15	046-150-017	13965 Skislope Way, Tahoe Donner	Aug-22	\$265,000	0.39	\$679,487	0.89	\$604,744	\$13.88	41%	
16	019-190-018	11408 Alder Drive, Truckee	Aug-22	\$250,000	0.82	\$304,878	0.89	\$271,341	\$6.23	8%	x
17	019-660-016	11097 Comstock Place, Truckee	Aug-22	\$325,000	0.55	\$590,909	0.89	\$525,909	\$12.07	25%	
18	019-480-017	10976 Jeffrey Pine Road, Truckee	Aug-22	\$289,000	0.44	\$656,818	0.89	\$584,568	\$13.42	33%	
19	046-550-022	12602 Saint Moritz Lane, Tahoe Donner	Sep-22	\$18,000	0.33	\$54,545	0.92	\$50,182	\$1.15	4%	x
20	045-280-029	11772 Nordic Lane, Tahoe Donner	Sep-22	\$225,000	0.29	\$775,862	0.92	\$713,793	\$16.39	66%	
21	019-710-054	12528 Granite Drive, Truckee	Nov-22	\$500,000	0.78	\$641,026	0.96	\$615,385	\$14.13	45%	
22	019-800-021	11881 Coburn Drive, Truckee	Feb-23	\$369,000	0.39	\$946,154	1.00	\$946,154	\$21.72	83%	
23	044-270-043	15179 Northwoods Boulevard, Tahoe Donner	Feb-23	\$195,000	0.30	\$650,000	1.00	\$646,992	\$14.85	50%	
Quimby Land Value (Rounded)						\$709,000		\$653,000	\$15.00		

Source: Tahoe Sierra Multiple Listing Service, Inc., Zillow Real Estate Network, and SCI Consulting Group

Notes:

¹ Based on the change in median sales price for single-family homes in Truckee, California from sales month to February 2023 as report by Zillow Real Estate Network.

Estimate of Fair Market Value of Residential Vacant Land Truckee, CA



APPENDIX C – CALIFORNIA GOVT. CODE § 66477 (“THE QUIMBY ACT”)

(a) The legislative body of a City or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, if all of the following requirements are met:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(2) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.

(A) The park area per 1,000 members of the population of the City, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the City, county, or local public agency as shown in the most recent available federal census. The amount of neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the City, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.

(B) For cities incorporated after the date of the most recent available federal census, the park area per 1,000 members of the population of the City shall be derived from the ratio that the amount of neighborhood and community park acreage shown on the maps, records, or reports of the county in which the newly incorporated City is located bears to the total population of the new City as determined pursuant to Section 11005 of the Revenue and Taxation Code. In making any subsequent calculations pursuant to this section, the county in which the newly incorporated City is located shall not include the figures pertaining to the new City which were calculated pursuant to this paragraph. Fees shall be payable at the time of the recording of the final map or parcel map, or at a later time as may be prescribed by local ordinance.

(3) (A) The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision, except as provided in subparagraph (B).

(B) Notwithstanding subparagraph (A), fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:

(i) The neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the neighborhood population.

(ii) The neighborhood in which the subdivision for which the fees were paid has a park area per 1,000 members of the neighborhood population ratio that meets or exceeds the ratio calculated pursuant to subparagraph (A) of paragraph (2), but in no event is less than three acres per 1,000 persons.

(iii) The legislative body holds a public hearing before using the fees pursuant to this subparagraph.

(iv) The legislative body makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.

(v) The fees are used within a specified radius that complies with the City's or county's ordinance adopted pursuant to subdivision (a), and are consistent with the adopted general plan or specific plan of the City or county. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the City or county, that otherwise meets the requirements of this section.

(4) The legislative body has adopted a general plan or specific plan containing policies and standards for parks and recreational facilities, and the park and recreational facilities are in accordance with definite principles and standards.

(5) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(6) (A) The City, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under the ordinance shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

(B) The City, county, or other local agency to which the land or fees are conveyed or paid may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 members of the population.

(7) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

(8) Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section. However, in that event, a condition may be placed on the approval of a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.

(9) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by the ordinance.

(b) Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if that agency elects to accept the land or fee. The local agency accepting the land or funds shall develop the land or use the funds in the manner provided in this section.

(c) If park and recreational services and facilities are provided by a public agency other than a City or county, the amount and location of land to be dedicated or fees to be paid shall, subject to paragraph (2) of subdivision (a), be jointly determined by the City or county having jurisdiction and that other public agency.

(d) This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.

(e) Common interest developments, as defined in Section 1351 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

(f) Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

(g) This section shall be known, and may be cited, as the Quimby Act.

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