

The Village at Laguna Hills

Attachment 7

Laguna Hills Municipal Code Chapter 8-06



Chapter 8-06 PARK DEDICATION AND IN-LIEU FEE REQUIREMENTS

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8-06.010 Declaration of purpose.

The purpose of this chapter is to establish the procedures for requiring the dedication of land, the payment of fees in-lieu thereof (or a combination of both) to serve new residential subdivisions that are approved by the City Council in accordance with the requirements of the City's General Plan. This chapter is enacted pursuant to the authority granted by Government Code Sections [66477](#) et seq. (the "Quimby Act"). The Quimby Act specifically authorizes the city to require dedication of parkland or the payment of fees in-lieu of such dedication in set amounts to meet the needs of the citizens of the community for parkland and to further the health, safety, and general welfare of the community. (Ord. 2000-6 § 1 (part))

8-06.020 Definitions.

For the purpose of this chapter, the words listed in this section shall have the following meanings assigned to them:

"Dwelling unit" means each single-family dwelling, each dwelling unit in a duplex, apartment house or dwelling, condominium, mobile home unit, and any other place designed, occupied or intended for occupancy as a separate living quarter by one or more persons for living, sleeping, cooking, and eating.

"Fair market value" means the fair market value of undeveloped residential real property as applicable for the density classifications established by resolution of the City Council for the implementation of this chapter.

"Park" means a parcel or contiguous parcels of land, which provide recreational land and facilities for the benefit, and enjoyment of the residents and visitors of the city.

"Recreational facilities" means those improvements to parks, which provide a recreational opportunity for the user, including, but not limited to, ball fields, lighting, swimming pools, tennis courts, picnic shelters, trails, play/tot lots, and community buildings.

"Residential density classification" means a density range identifying a number of dwelling units per acre. For purposes of this chapter, the residential density classifications are as follows: Low density = 0 - 3.5

dwelling units/acre, Medium density = >3.5 - 18 dwelling units per acre, and High density = >18 dwelling units per acre.

“Subdivider” means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others.

“Subdivision” means that definition contained in California Government Code Section [66424](#) and shall include any division of land governed by the provisions of the Subdivision Map Act (commencing with California Government Code Section [66410](#)). (Ord. 2000-6 § 1 (part))

8-06.030 Applicability.

Every subdivider who subdivides land for residential purposes shall dedicate a portion of such land, pay a fee in lieu of, or a combination of both, at the option of the city as set forth in this chapter, at the time and according to the standards and formula contained in this chapter. For the purpose of implementing Government Code Section [66477](#), an application for a tentative map shall be deemed filed when it is determined by city staff to be complete. (Ord. 2000-6 § 1 (part))

8-06.040 Park acreage standard.

It is found and determined that the public interest, convenience, health, welfare, and safety require that 5.0 net acres of useable parkland for each one thousand (1,000) persons residing within the city shall be devoted to public parks. (Ord. 2000-6 § 1 (part))

8-06.050 Standards and formula for park dedication.

A. The amount of land to be dedicated by a subdivider pursuant to the provisions of this chapter shall be determined as follows:

1. The city shall determine the number of dwelling units per gross acre to be constructed. The city shall apply the number of dwelling units per gross acre to one or more of the following three residential density classifications:

Density Classification

(Dwelling Units/Gross Acre)

≤3.5

>3.5 - ≤18

>18

The city shall determine the average number of persons per dwelling unit, as disclosed by the most recent available federal census or a census taken by the city and validated by the population research unit of the State Department of Finance, pursuant to Government Code Sections [40200](#) et seq., unless there is substantial evidence to support a finding by the city that a different person per dwelling unit size is appropriate for some, or all of the dwelling units proposed to be constructed. When a proposed subdivision contains different types of dwelling units, the formula shall be used for each type of dwelling unit and the results shall be totaled. The average number of persons per dwelling unit shall be adopted by a resolution of the City Council.

2. The amount of land to be dedicated shall be computed by multiplying the product of (a) the number of proposed dwelling units, and (b) the average number of persons per dwelling unit within the density classification appropriate for the subdivision in question, by the park acreage standard (5.0) and dividing that number by one thousand (1,000).

The amount of land to be dedicated shall be determined pursuant to the following formula:

$$A = \frac{5.0(DU \times PPD)}{1,000}$$

Definition of terms:

A = The area in acres required to be dedicated as parkland.

5.0 = The park acreage standard for the city; number of acres of parkland to be dedicated per one thousand (1,000) persons.

DU = The number of proposed dwelling units.

PPD = The number of persons per dwelling unit as applicable for the subdivision and type of dwelling units to be constructed.

B. If it is determined that a subdivider is to dedicate land in accordance with the provisions of subsection A of this section, the subdivider, at the time the final tract map or final parcel map is approved by the City Council, shall obligate itself, by a condition to such map, to provide such land acceptable for dedication purposes to the city. The decision to accept a sum equal to the per acre cost to provide land dedicated in accordance with the provisions of subsection A of this section shall be at the discretion of the City Council.

(Ord. 2000-6 § 1 (part))

8-06.060 Formula for fees in-lieu of dedication.

A. General Formula. If the proposed subdivision contains fifty (50) parcels or less, or if there is no site suitable for the city for a park or recreation facility in the subdivision, or if it is otherwise determined that a fee shall be paid in-lieu of dedication of land, the subdivider shall, in-lieu of dedication of land, pay a fee equal to the fair market value of the amount of land prescribed for dedication pursuant to Section [8-06.050](#) to the city. When a condominium project, stock cooperative, or community apartment project exceeds fifty (50) dwelling units, the city may require dedication of land notwithstanding that the number of parcels may be less than fifty (50).

B. When a fee is required to be paid in-lieu of land dedication, the amount of the fee shall be based upon the residential density classification of the proposed subdivision and the fair market value of undeveloped residential real property as applicable to the density classification of the proposed subdivision.

C. The in-lieu fee shall be calculated by multiplying the acreage amount of land, which would otherwise have been required for dedication using the formula from Section 8-06.050A by the fair market value of undeveloped residential real property as applicable to the density classification of the proposed subdivision. The fee shall be determined pursuant to the following formula:

In-lieu fee = A x (FMV)

Definition of terms:

A = The area in acres required to be dedicated as parkland using the formula from Section 8-06.050A.

FMV = The fair market value of undeveloped residential real property as applicable to the density classification of the proposed subdivision.

A per dwelling unit in-lieu fee shall be adopted by a resolution of the City Council.

D. Use of Money. The money collected hereunder shall be used only for the purpose of developing new, or rehabilitating existing park or recreational facilities reasonably related to serving the citizens living in the proposed subdivision, either by way of the purchase of land as necessary for park purposes or, if the City Council determines that there is sufficient land available, for the improvement of such land for park and recreational purposes. Any fees collected pursuant to this chapter shall be committed within five years after the payment of such fees, or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the 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.

E. The fair market value of undeveloped residential real property shall be determined and revised by the City Council using the following method:

1. Fair market values shall be established by a survey of undeveloped residential real property for each of the three residential density classifications. This survey may be prepared through various means including, but not limited to, the selection of one or several real estate professionals or appraisers to provide current estimates of such undeveloped residential real property fair market values. The fair market value shall be adopted by a resolution of the City Council.
2. When deemed necessary, the City Manager may choose to annually survey the fair market value of undeveloped real property for each of the three residential density classifications in accordance with the process identified in Section [8-06.060\(E\)\(1\)](#).
3. When deemed necessary, the City Council may revise the fair market values and fees established by resolution of the City Council. All revisions made by the City Council shall be adopted by a resolution establishing the fair market values for one acre of parkland after considering the results of the aforementioned surveys and any other relevant information.

(Ord. 2000-6 § 1 (part))

8-06.070 Dedication of land, payment of fees, a combination of both, or dedication negotiated.

A. Procedure. The procedure for determining whether the subdivider shall dedicate land, pay a fee in lieu thereof, or a combination of both shall be as follows:

1. Determination by the Subdivider. At the time of filing for approval of a tentative tract or parcel map, the subdivider of the property, as a part of the filing, shall indicate whether he or she desires to dedicate property for park and recreational purposes or whether he or she desires to pay a fee in lieu thereof. If he or she desires to dedicate land for such purposes, he or she shall designate the area thereof on the tentative tract or parcel map as submitted. On subdivisions involving fifty (50) parcels or less, only the payment of fees shall be required, except that when a condominium project, stock cooperative, or community apartment project (as those terms are defined in Section [1351](#) of the California Civil Code) exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50).
2. Action of the City. At the time of the tentative tract or parcel map approval, the city staff shall recommend to the City Council, as a part of such approval, whether to require a dedication of land within the subdivision, the payment of a fee in lieu thereof, or a combination of both.
3. Prerequisites for acceptance of final maps and payment of fees. Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act and conveyed to the city. Real property dedicated pursuant to the provisions of this chapter shall be (a) conveyed by

grant deed in fee simple to the city by the subdivider free and clear of all encumbrances, except those which will not interfere with the use of the property for park and recreational purposes and which the city agrees to accept; (b) restricted to park and recreational purposes; and (c) permanently devoted or dedicated to use by the general public, unless a satisfactory substitute is approved by the City Council. Where fees are required, they shall be deposited with the city at the time prescribed by Section [8-06.100](#).

B. Determination. Whether the city staff recommends that the City Council accept the land dedication or elect to require the payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. The goals and objectives of the city of Laguna Hills general plan open space element;
2. The topography, geology, access, and location of the land in the subdivision available for dedication;
3. The size and shape of the subdivision and the land available for dedication;
4. The location of existing or proposed park sites and recreational facilities; and
5. The desirability of developing the land proposed for dedication for park and recreational purposes as determined by a schematic site plan submitted by the subdivider.

C. In subdivisions of more than fifty (50) parcels, in which the city determines that the subdivider shall both dedicate land and pay a fee in-lieu thereof, the subdivider shall both dedicate land and pay a fee in-lieu thereof, in accordance with the following formula:

1. When only a portion of the land needed to satisfy the dedication requirement is acceptable to the city as a park site and is located within the proposed subdivision, such portion shall be dedicated for park purposes and a fee, computed pursuant to the provisions of Section 8-06.060D, shall be paid for the additional land that would have been required to be dedicated pursuant to Section 8-06.050A.
2. When the city has already acquired a portion of a park site and only a portion of land is needed from a subdivision to complete the park site, the remaining portion needed to complete the park site shall be dedicated. Any additional land required to be dedicated shall be satisfied through the payment of in-lieu fees.

D. If both the city and the subdivider determine that it is in the benefit of the public, the city and the subdivider may enter into an agreement that would provide for the provision of alternative recreation facilities or compensation that would achieve the same objective to maintain and enhance public recreational facilities within the city.

E. The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

(Ord. 2000-6 § 1 (part))

8-06.080 Credits.

A. When park and recreational facilities, including equipment, are provided by the subdivider to dedicated land, the value of the recreational facilities or equipment as determined by the City Council, upon the recommendation of the city staff, shall be a credit against the fees to be paid or land to be dedicated pursuant to this chapter; provided that the recreational facilities or equipment have been made or installed with the prior approval and to the satisfaction of the Director of Public Services.

B. Credit shall not be allowed for single purpose commercial recreation facilities whether dedicated or in private ownership.

C. No credit shall be given for private park open space in any subdivision.

(Ord. 2000-6 § 1 (part))

8-06.090 Exemptions.

A. The provisions of this chapter do not apply to industrial and commercial subdivisions or to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building, which is more than five years old when no new dwelling units, are being added.

B. Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this chapter; provided, however, that a condition may be placed on the approval of such parcel map, that if a building permit is requested for the 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 such parcel as a condition to the issuance of the permit.

(Ord. 2000-6 § 1 (part))

8-06.100 Time for payment of fees and dedication of land.

At the time of approval of the tentative tract map or parcel map, the city shall determine the amount of land to be dedicated, and/or the amount of fees to be paid by the subdivider. At the time of the filing of the final tract or parcel map, the subdivider shall dedicate the land and/or pay required in-lieu fees. (Ord. 2000-6 § 1 (part))

8-06.110 Refunds.

Fees paid to the city and deposited into the park acquisition and development fund shall be committed within five years after payment of such 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 shall be distributed and paid without any deductions to the then record owners of the subdivision in the same proportion as the size of their lot bears to the total area of all lots within the subdivision. (Ord. 2000-6 § 1 (part))

8-06.120 Disposition of proceeds—Fund created.

A. All proceeds from the fees collected under this chapter shall be paid into a special fund of the city entitled "Park Acquisition and Development" which fund is created. The fund shall be used only for the purpose of rehabilitating, acquiring and/or developing city parks in accordance with the requirements of this chapter.

B. The Director of Finance shall maintain records specifically identifying the origin of the funds used for any project or improvement funded, in whole or in part, by the park acquisition and development fund. Such records shall enable the director of finance to trace the fees from new residential subdivisions to specific projects funded by each subdivision. Any interest accruing on account of time deposit of the fund, or otherwise, shall be deposited to the credit of the fund.

C. Upon receipt of a written application from the Director of Public Services for disbursement of moneys from the fund on account of expenditures made or proposed for the benefit or use of parks or recreational facilities, the Director of Finance shall immediately advise the City Manager (or his or her designee) and provide them with copies of any accompanying documents or papers that might have been submitted in support of the application. Within ten days after receipt of such notice, the City Manager shall advise the Director of Finance whether the disbursement made or proposed is consistent with this chapter. If the City Manager fails to so certify within ten days, it shall be presumed that he or she has made a positive finding

therein. Within five days thereafter, the Director of Finance shall, if a positive finding has been made or presumed, approve payment as requested.

(Ord. 2000-6 § 1 (part))

[Mobile Version](#)