

Park and Recreation Impact Fees: Describing the Attitudes and Current Practices of Texas Cities

By

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Abstract

The purpose of this research is to describe the current uses of parkland impact fees that support parks and recreation activities in Texas cities. It is important for parks and recreation professionals to learn and understand the tools they have available to finance new parks and repair old infrastructure. This research uses existing literature to develop a conceptual framework based on four categories: Collection of Impact Fees and Land Dedication, Attributes of Impact Fees, Management of Impact Fee Revenues, and Managing Unintended Consequences.

The method of this study is an electronic survey that was sent to city managers and parks and recreation professionals in Texas with the support and endorsement of the Texas Recreation and Parks Society (TRAPS) and the Texas City Management Association (TCMA). These organizations provided contact lists of appropriate professionals to respond to the electronic questionnaire. The results were analyzed using descriptive statistics.

The findings provided critical information on “best practices” in finance and insight on how Texas cities use impact fees as a tool in the parks and recreation field. Attitudes of citizens, elected officials and professionals help shape the criteria used for the collection of parkland impact fees, and the study found that cities in different areas of the state use this tool differently. The study also confirmed some of the basic attributes of impact fees and the steps used to most effectively use these fees, such as leveraging them with other revenues, master planning and citizen engagement.

About the Author

Troy Houtman is currently employed by the City of Austin Parks and Recreation Department where he plays a role in the planning, maintenance and operations of the City's park system. His passion for parks can be seen in the work he has completed throughout his career which includes working on several high profile construction projects of parks and recreation centers. He has presented in several conferences on the need for urban parks and the importance of a strong parks and recreation system in every community. Troy is finishing his Master's degree in Public Administration from Texas State University at San Marcos. It is Troy's conviction that every great city has a great park system and great parks provide space for learning, fitness, relaxation and reflection whether in an urban setting or in the country.

Photo 1.0



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CHAPTER 1: INTRODUCTION

In the past ten years, the major topic and issue of public parks and recreation practitioners has been the concerns and challenges of the lack of financial support to accomplish the given tasks needed and expected in each and every community. The old adage of ‘do more with less’ is the norm for all municipal endeavors and tasks, but none have been more adversely impacted than the public park and recreation professionals of this country. It underlies many other sources of concern, such as deteriorating infrastructure; facility renovations; and the need to acquire and develop new land, facilities and services. In many jurisdictions, the tax funds that have been made available to deliver services have not been commensurate with either the demands of citizens for the expansion of parks and recreation services and for improvements in their quality to meet safety standards that are with national standards or with the expectation that elected officials place on agencies. Most cities are still experiencing growth, and those that are not still have major infrastructure to replace and maintain. The safety of the children and others that visit our parks is at jeopardy as well as the concern of preservation of natural lands and outdoor activities. Studies have shown that quality recreation and activities within a community are one of the best ways to educate children and reduce crime. However, the question that is always asked is how do we pay for these services and added infrastructure?

The demand for park and recreation services has grown at a much faster rate than anticipated (Malizia 2006). There is abundant evidence attesting to the need for additional services and facilities. During the past 20 years, voters in most jurisdictions have consistently approved bond issues resulting in the acquisition of substantially more park acreage and recreation facilities. As an example, the City of Austin has repeatedly passed park improvement bonds that include one of the largest in the county. In 2007, Austin passed a bond for \$86 million, and in 2012 the request has been presented to the voters to pass a \$55 million bond to increase parkland and facilities. Another example is in the fall of 1996, voters cast ballots on 150 measures related to parks, recreation and conservation, and 70% of these measures passed, authorizing a stream of more than \$4 billion of new state and local money of these purposes (Kramer 2003). By 1997, the aggregate value of long term bonds that municipalities issued annually for park and recreation projects has reached \$1.37 billion, up from \$270 million in 1987 (Kramer 2003). Nevertheless, a widespread perception that facilities are inadequate to meet the demands of citizens still remains.

An enhanced understanding of ecology has accentuated the focus on protecting more land because it has led to the realization that ecosystems involving larger areas of land, rather than only isolated park areas, need to be protected. Examples include national, state and local preserves set aside for natural enjoyment and habitat such as Yellowstone National Park in a national setting, and the Balcones Conservation Preserve in Austin, Texas, which boasts over 15,000 acres set aside to be left undeveloped. Each

were financed and paid with tax payer dollars. The sheer scale of purchasing land combined with the added complexities of their being multiple ownerships and different political jurisdictions makes the outright acquisition of ecosystems by public agency difficult and expensive. The funding difficulties are further exacerbated by the greater variety of land types that agencies now seek to conserve, which now extend beyond scenic areas and athletic fields. Two decades ago, these were often the sole interests. Now they must embrace landscapes such as endangered species' habitats, wetlands, greenways, river corridors, aquifer recharges zones, working urban farms, trails and shore lines. Examples include the famous Riverwalk in San Antonio and the Mississippi River shoreline in Minneapolis.

While acquisition of recreational facilities and parkland has been expanding substantially, the cost of maintaining them has become disproportionately more onerous due to the lack of expanding maintenance and operations budgets as well as replacement funds as these facilities depreciate. Proper maintenance requires intensive human labor, so the increased maintenance cost cannot be offset fully by improvements in equipment and mechanization that requires substantial investment and funding. Many of the park systems today still don't employ GIS software, asset management or accounting software that are the current standard due to the lack of capital investments. Park and recreation agencies at all levels of government typically provide many more services, maintain substantially larger acreages of land, and experience more vandalism and crime problems than 30 years ago (Crompton 2010). Despite these major increases in responsibilities,

which in some jurisdictions have more than doubled in the past 30 years, the number of full-time staff that park and recreation agencies employ has either been reduced or remained flat. This ability to ‘do more with less’ is attributable partially to the major changes that have evolved in the way park and recreation agencies finance their operations. Impact fees are one of those mechanisms that have taken center stage in recent years, and have provided many parks and recreation agencies with a new tool that, in the right hands, can be a powerful revenue generator.

The financial challenges many park and recreation managers have faced in the past 20 years is perhaps the most severe challenge in the field’s history. The situation confronting the National Park Service is in no way typical (see Table 1.1). In constant dollars, the National Park Service’s budget declined by \$635 million from 1978 to 1996 (representing a budget decrease of almost 50%), while at the same time, annual visits increased by 40 million. In addition, Congress created 79 new park units which further strained the budget. The Park Service was also required to accept numerous new responsibilities during the 1980’s and 1990’s related to environmental protection, including the identification and removal of hazardous waste, as well as issues related to employee and visitor health and safety (Crompton 2010). For example, Yosemite National Park received no additional funds in 1994 to cover the \$122,000 it had to pay to correct violations of Occupational Safety and Health Administration regulations and to clean up hazardous waste.

Figure 1.1

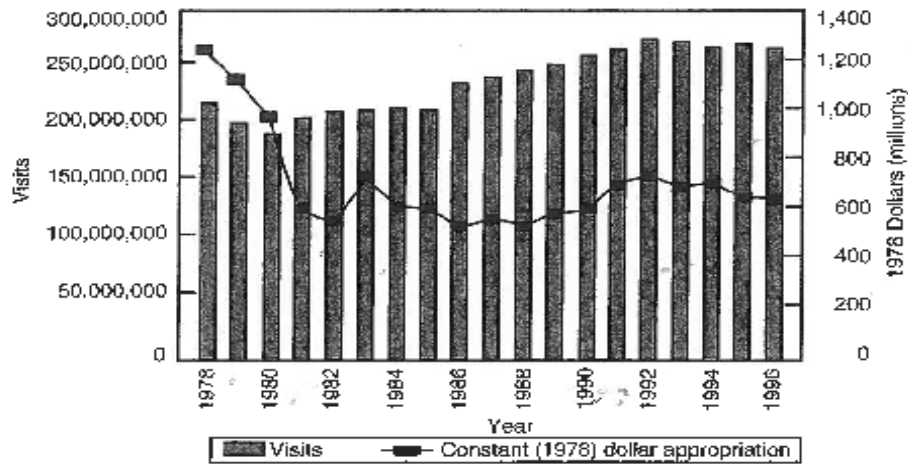


Figure 1.1 Trends in National Park Service annual visitation and annual funding.
The National Resources Defense Council. *Reclaiming our heritage*. National Resources Defense Council: New York. 1997.

In addition, the cost of more detailed background checks now required for law enforcement officers rose from less than \$100 in 1991 to more than \$3,000 in 1994. As a result, Yosemite spent approximately \$200,000 on background checks in 1994, accounting for about 6% of the previous year's operating budget available after salaries and benefits (Natural Resources Defense Council 1997).

At the local level, the draconian plight of some agencies was illustrated by the parks department in New York City. After experiencing waves of cuts throughout the 1980's, the department absorbed a 45% staff reduction between 1990 and 1994. This caused the executive director of the Parks Council to state "The city has in effect announced that it is not going to take care of the City's parks" and the Park Commissioner to observe that further budget cuts would amount to "giving liposuction to

a skeleton” (Martin 1994). The City of New York then turned to its businesses and residents to rescue its parks by creating new taxing districts, collecting new impact fees and developing a new conservancy to operate the famous Central Park. Parks and recreation professionals are now far more than masters in their craft of creating quality parks and developing young minds through sports and recreational programming. They now have to have the entrepreneurial skill of raising funds and creating cash flow to meet the demands of their services, and meet the obligations of a more litigious and bureaucratic business environment.

Throughout the country, there has been a growing realization that the property tax revenues generated through growth may not be sufficient to finance the full cost of providing services and infrastructure to residents of new residential developments. In California, these issues became particularly acute because of Proposition 13, which limited the basic local property tax rate to 1% (Dresch 1997). Other sources of revenues became necessary to support parks and recreation activities. These sources include development fees and “exactions,” also called impact fees. “Exactions” are payments or dedications made by a developer for the right to proceed with a project requiring governmental approval. They can be in the form of a fee, dedication of public land, construction or maintenance of public infrastructure, or the provision of public services.

Despite the growing importance of development fees and exactions in state and local finance, there has been relatively little research devoted to their economic effects as compared — for example — to traditional property taxation, nor the mechanisms of

collecting, operating and maintaining an impact fees program for the support of parks and recreations activities. Developers have expressed concerns that the burdens imposed by exactions and development fees have become excessive and curtail economic growth.

This project will not fully address the concerns of the developers. However, data from the survey will provide current trends and attitudes of impact fees for parks and recreation activities and will educate parks and recreation professionals on the current issues and tools related to impact fees for parks and recreation. Local government officials often argue that, in a most basic sense, development fees and exactions are pro-growth; the provision of infrastructure necessary for development simply could not take place without them (Dresch 1997). With that in mind, it is the responsibility of savvy parks and recreation professionals to learn and understand the tools in the ongoing push to ‘do more with less.’

“Too many community leaders feel they must choose between economic growth and open space protection. But no such choice is necessary. Open space protection is good for a community’s health, stability, beauty, and quality of life. It is also good for the bottom line,” stated Mr. Will Rogers, from the Trust for Public Land.

Parks and open spaces are equally as productive contributors to local economy as roads, utilities and other infrastructure elements. The cost of investing in these elements is justified by the economic value that derives from their availability. Unfortunately, many communities that are experiencing growth, lack the foresight to set aside land for inclusion in a parks system in the same way as they do for other infrastructure elements.

They have also not explored other funding methods, which can leverage grants, bonds and other funds to meet the needs of new and old residents. However, parks and recreation professionals have more tools at hand to make purchases of land, address infrastructure needs, and meet the needs of the community by using and understanding financial mechanisms such as impact fees.

This project is intended to describe the attributes of parkland impact fees and what others are doing to help their bottom line. In the next few chapters, process and best practices will be described and gaged through a survey of parks and recreation professionals, city planners and city managers who use the tool of impact fees.



Photo 1.2

The picture above is an example of parkland dedication funds collected in the downtown area of Austin. These funds were leveraged with bond funds to build and create a new park with an interactive water feature. The cost of this park (built and opened in 2008) was approximately \$8 million for 25 acres in the heart of downtown Austin. The water feature draws crowds all summer long and provides a cooling spot for Austin families to enjoy the downtown backdrop. Every great city has great parks. This destination park is the type of infrastructure that is created with growth and foresight of using several funding mechanisms to leverage the funds needed to complete this project.

CHAPTER: 2 LITERATURE REVIEW

The purpose of this research is to describe the use of impact fees for park improvements in Texas cities and counties. Specifically, this study describes reasons why cities choose to use park impact fees, how fees are collected or developed, how fees are managed and spent, and unintended consequences of using park impact fees.

The Conceptual Framework is presented in Table 2.1. The framework consists of four categories that represent the topics of the research.

1. *Collection of impact fees and land dedication* is an overview of the use of these fees, the general concept of why these fees are collected, and how they are applied in different settings. The overview also includes detailed descriptions several options in collection of these fees.
2. *Attributes of impact fees* provides the literature research results of some of the characteristics of impact fees and a description of those characteristics. This section provides common standards of impact fees and how they are applied.
3. *Management of impact fees* describes how fees are managed and “best practices” in developing a quality fee collection program. Also included in this section is the transition collection of fees to factors that will influence spending these fees.

4. *Managing unintended consequences* provides information on legal issues and perceived downfall of parkland impact fees. These are items that jurisdictions need to be aware of when using parkland impact fees and how to manage other aspects of collecting parkland impact fees.

Table 2.1: Conceptual Framework Table	
Descriptive Category	Supporting Literature
Collection of Impact Fees and Land Dedication Land donations/dedication Payment of fees in lieu Exactions fees Negotiated Planning Gains: Developer provides park and recreation amenities for public use Incentive zoning	Boyne 1998 Campbell 2005 Carroll & Eger 2006 Crompton 2010 Downing & Frank 1999 Dresch 1997 Fletcher, Kaiser and Groger 1992 Gambone, Datt & Sackin 2010 Gladwell, Anderson & Sellers 2003 Jeong 2006 Kassekert, Feiock, Lee 2009 Kolo & Dicker 1993 Kozlowski 2003 Kramer & Mertes 1999 Leroux & Carr 2007 Malizia 2006 Mathur, Waddell & Blanco 2004 Mullin 2005 Mulvaney 2009 Porter 1997 Snyder 1996 Townsend 1996 Woodson 2005
Attributes of Impact Fees Concept of Linkage	Boyne 1998 Campbell 2005 Carroll & Eger 2006

Criteria for acceptance of parkland Extra Territorial Jurisdictions School-Parkland partnerships Rational Nexus Recoupment of impact fees	Crompton 2010 Downing & Frank 1999 Dresch 1997 Fletcher, Kaiser and Groger 1992 Gambone, Datt & Sackin 2010 Gladwell, Anderson & Sellers 2003 Jeong 2006 Kassekert, Feiock, Lee 2009 Kolo & Dicker 1993 Kozlowski 2003 Kramer & Mertes 1999 Leroux & Carr 2007 Malizia 2006 Mathur, Waddell & Blanco 2004 Mullin 2005 Mulvaney 2009 Porter 1997 Snyder 1996 Townsend 1996 Woodson 2005
Management of Impact Fee Revenues Needs assessment and project identification process Master plan implementation Citizen participation Leverage of impact fees revenues	Betancur & Gills Burge & Ihlanfeldt 2006 Car & Zwick 2007 Crompton 1999 Crompton 2001 Dougherty & Easton 2011 Downing & Frank 1999 Dresch 1997 Fletcher, Kaiser & Groger 1992 Franklin & Ebdon 2005 Hager 2003 Jenning 2004 Jeong & Felock 2006 Kassekert, Feiock and Lee 2009 Malizia 2006 Nelson 2008 Nunn 1991 Roberts 2004 Rogers & Weber 2010 Snyder 1996 Townsend 1996

	Waller 2009 Wheeland 2003 Woodson 2005 Warren, Rea & Payne 2007
Managing Unintended Consequences Development Consequences/Impact fees Stifle Development Dependence on impact fees Legal challenges	Boyne 1998 Campbell 2005 Carroll & Eger 2006 Crompton 2010 Downing & Frank 1999 Dresch 1997 Fletcher, Kaiser and Groger 1992 Gambone, Datt & Sackin 2010 Gladwell, Anderson & Sellers 2003 Jeong 2006 Kassekert, Feiock & Lee 2009 Kolo & Dicker 1993 Kozlowski 2003 Kramer & Mertes 1999 Leroux & Carr 2007 Malizia 2006 Mathur, Waddell & Blanco 2004 Mullin 2005 Mulvaney 2009 Porter 1997 Snyder and Stegman 1996 Townsend 1996 Woodson 2005

Collection of Impact Fees and Land Dedication

Impact fees are not a new concept for infrastructure development and repairs for parks and other infrastructure improvements. The tool of impact fees or exactions is rooted in many municipal policies and ordinances since the turn of the century. Many of

these policies and ordinances have been tailored to fit the individual situations for each organization. The first type of exaction that governments used was mandatory dedication. The earliest records of mandatory dedication are found in the colonial legislatures and state legislatures for the establishment of new towns and villages. These charters required a common green or central plaza be set aside for the use of all (Dresch 1997). The earliest enabling bill was passed by the legislature of the state of Washington in 1907 (Crompton 2009). However, despite this early beginning, it's only since the 1970's that exactions have emerged as a primary tool for acquiring park and recreational resources. The spur of tax revolt inhibiting the use of property taxes for acquisition and development contributed to widespread adoption of impact fees (Fletcher, Kaiser & Groger 1992).

In a modern day situation, residents in downtown Los Angeles are leaping for joy because a brand new park is coming to the revitalized historic core. Spring Street Park, which broke ground in October 2011, will be the first public park in the neighborhood. According to the 2010 U.S. Census, 15,000 residents moved into the downtown area between 2000 and 2010, with no addition of new public green space. The city purchased the property from Council District 9 in 2009 with \$5.1 million in Quimby funds. California state law requires the dedication of land or in lieu fees for park or recreational purposes as a condition of a new residential subdivision. These fees are known as "Quimby fees." The 1965 Quimby Act authorized the Los Angeles Department of

Recreation and Parks to spend Quimby funds within one to two miles of a new subdivision.

California is not the only state that uses developer impact fees to purchase or maintain parkland. According to the Center for City Park Excellence, 36 of the main park and recreation agencies within the 100 most populous U.S. cities have some variation of a developer impact fee and received \$55.5 million and over 200 acres of parkland in FY 2010. Even more impressive, cities spent \$64.5 million from their developer impact fee accounts in that same fiscal year (fees collected do not have to be spent in the same year received). At the top of the list was the Los Angeles Department of Recreation and Parks (spending \$15.7 million), followed by the San Jose Department of Parks, Recreation and Neighborhood Services (\$9.1 million), the Phoenix Parks and Recreation Department (\$9 million), the Riverside Parks, Recreation and Community Services Department (\$8.4 million), and Portland Parks and Recreation (\$4.5 million).

Developer exaction programs have been adopted by many communities to help offset a variety of costs associated with new development. A sizable percentage of these localities recognize that public parks, trails, open space and recreational facilities are critical to ensuring residents' health and quality of life, and they have specifically set fees and/or required land dedication for parks. The formulas used to assess the fees or generate acreage vary. Some are based on the number of new residents, others on the number of units, and others on the square footage of construction. In addition, the

ordinances differ in allowing a developer to substitute land or facilities for paying a fee; in setting the size of the geographical “nexus” within which the funds or land can be applied; in permitting uses for the funds (i.e. land acquisition, facility development, maintenance and even administration); in being flexible as to the types of facilities for which funds can be used; and in setting a time limit within which the funds must be spent or committed.

The majority of these ordinances apply only to residential plats or subdivisions that create additional dwelling units. A few ordinances also apply fees to office construction, hotels, schools, churches, nursing homes and other types of commercial or industrial development.

There is no nationally agreed-upon standard for land (or dollar) donations by developers, and different city or state ordinances use substantially different formulas to determine the exactions. In some cases, the ratio is based upon population, in others on dwelling units. Some cities prefer outright land gifts while others prefer money to buy land or provide improvements.

Chicago requires about 1.7 acres per 1,000 new residents, Austin mandates 5 acres per 1,000, and San Diego asks about 20 acres. (The average of the formulas comes to just over 4.3 acres per 1,000 new residents, although the outcome doesn’t come close to matching the intention.) Alternatively, based on cash payments in lieu of land, the

standard ranges from about \$313,000 per 1,000 new residents in Chicago to \$1 million per 1,000 in Long Beach, California, to nearly \$2 million in certain neighborhoods of San Diego. (The average comes to just over \$530,000 per 1000 residents, although, again, that is not particularly meaningful as a benchmark.) Austin, which has data on its program from 1986 to 2000, was successful in amassing 867 acres of parkland through exactions. However, as a fast-growing city, Austin gained enough people and houses to merit 1,120 acres.

The three principle forms of exactions are: land dedication; payment of fees in lieu of deeding land; and impact fees, as explained by (Kramer & Mertes 1999). They have evolved in sequence due to changing public demands, court rulings, and challenges from developers and citizen's perceptions of taxes (Townsend 1996). These tools provide the majority of all exactions and are the most common in Texas and the U.S. for dealing with growth and needed new infrastructure.

Chart 2.2 is a visual example of the types and flow of impact fees that are commonly used in Texas and across the United States. Those jurisdictions able to modify their collection methods to use all three methods (or a combination of the methods), have the flexibility to meet the needs of the residents, provide better planning and collaborate with developers in finding the best options for providing new or improved parkland. Each jurisdiction has specific ordinances or processes to accomplish this task; however some jurisdictions do not collect fees at all.

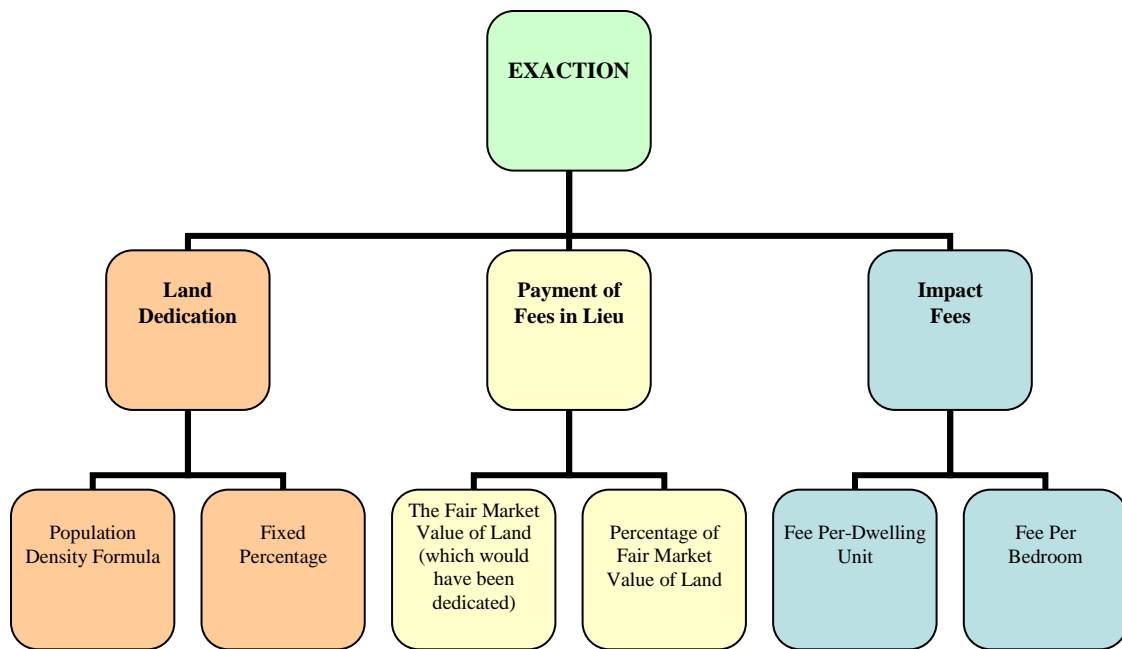


Chart 2.2

Land Dedication

For public parks and recreational purposes, mandatory dedication of land from developer may be required through the subdivision platting ordinance, which allows the community to require the developer to dedicate an amount of land as determined by the community. This tool is often developed and created into an ordinance within municipal governments. There are several factors to analyze when determining how much land to dedicate within a neighborhood, which includes the geographical size of the development, projected population density, the proximity of other public parks, and the size of the standards of what constitutes a pocket park, neighborhood park or a regional park (Kramer & Mertes 1999). Planning standards for park planning and residential land

development become major factors and any master plan accepted by a municipality requires detailed planning. These standards will provide the formulas needed to calculate the amount of land required to be dedicated.

If an ordinance requires dedication of land, the amount to be dedicated may be determined in two different ways. First, a fixed percentage of the total land area to be dedicated may be used, assuming the need is justified. The major advantages of this are simplicity and ease of computation (Malizia 2006). A typical ordinance might state a minimum of 5% of the gross land area of subdivision of more than 50 lots or 25 acres shall be dedicated of public parks or playgrounds (Crompton 2009). The actual percentage required varies widely and may range from as low as 3% to as high as 10%. The major disadvantage of the fixed-percentage approach is that, although the park needs generated obviously will vary, the standard remains the same whether the subdivision is a single-family development or a multiple family complex. The situation may not fit due to lack of land, value of the homes, or size of the development (Townsend 1996).

The courts increasingly have rejected ordinances based on a percentage dedication of land. Because subdivisions may be of very different densities, percentage dedication places burdens on developers that are not necessarily commensurate with the park needs that their homes will create (Kramer & Mertes 1999). For this reason, an alternate approach called the population-density formula emerged, creating the second method to calculate the size of dedicated land that must be created (Fletcher, Kaiser, and Groger 1992). This approach requires the developer to deed a specified acreage per 1,000 people

in the area or to deed land according to the number of residents who live there. Density is usually expressed as the number of dwelling units per acre. (See Chart 2.3 - COA Example.)

Chart 2.3

Density (dwelling units per acre)	Parkland (% of subdivision area)
1-5	8
6-10	13
11-15	15
16-20	20

This approach has the important advantage of relating park needs directly to the number of people in a given geographical area and where the impact will be directly involved in that neighborhood.

The dedication of land has three major weaknesses. First, the size of the acquired land is limited by the size of the developer's project assuming that no other funds will be used or that no adjust land is available. However, a savvy public administrator can find other resources to address this issue and these will be discussed further in later sections. Because most projects involve a relatively small acreage and because most ordinances require only a fraction of that acreage to be dedicated, only small fragments spaces are

provided (Gladwell, Anderson & Sellers). Such spaces offer limited potential for recreation and are relatively expensive to maintain (Kramer & Mertes 1999).

Second, the location of dedicated land is determined by the location of the development not through a needs assessment or public input forums, which may not conform to the location designated in a city's parks and recreation master plan (Gladwell, Anderson & Sellers).

Third, the dedicated land may not be suitable for park development. The best residential land and the best park land frequently are characterized by well drained soils, moderate slopes, and large tree vegetation cover. The developer will often seek to dedicate the land least suitable for building upon, which is likely to be unsuitable for park use (Gladwell, Anderson & Sellers).

Payment of Fees in Lieu of Dedicated Parkland

In light of the issues and concerns of dedicated parkland requirements for developers, fees in lieu of dedicated parkland has become the more common ordinance to authorize a community to require developers to contribute cash instead of dedicated land and a tool that is common in many municipalities. These cash payments are termed fees in lieu. There are two methods of assessing these fees which fall in line with calculation for dedicated parkland with the addition of placing a fair market value on the land and calculating into dollar amounts (Gladwell, Anderson & Sellers). First, the fee may be a percentage of the total fair market value of the land being developed (Kramer & Mertes

1999). For example, the ordinance might state: “The fee in lieu shall be equal to 5% of the average fair market value of the land in the subdivision.” Therefore if the development is 100 acres then 5 acres of the land’s value at fair market value must be paid by the developer. Using an example of \$25,000 an acre, the total amount would be \$125,000.

Second, the fee assessed may be substantially equal to the fair market value of the land that otherwise would have been dedicated using the population approach (Kramer & Mertes 1999). For example, the ordinance might state: “The developer shall pay to the municipality for the parks fund a sum based on the fair market value of the land that otherwise would have been dedicated and in proportion to the density of population in that development.”

In some cities where the dedication requirements are based on a fixed percentage rather than on density, developers are charged an additional exaction fee whenever they receive an upgrade in zoning. A typical fee in Texas would be \$2 per square foot (Crompton 2009). The fee typically goes into a trust fund for park improvements. The additional fee is imposed because a change to denser zoning or commercial zoning brings more people into the area, requiring extra services.

There are several concerns public administrators need to be aware of regarding fees. Most municipalities have placed time limits in their ordinance to expend the deposit of these fees and must follow city or neighborhood planning guidelines as well as geographical boundaries of where the funds originated and spent (Kassekert, Feiock &

Lee 2009). According to Crompton the time limitation for expending fees in lieu is a critical. “The courts have made it clear that when fees in lieu are paid, there is an expectation that the homes generating them will benefit from the new park amenities within a reasonable time frame.” The most common time limitation is between 5 and 10 years. However, in some cases, no time limit is developed in an ordinance. The likelihood of refunds being requested is minimal even if the timeframe is not met, because the developer responsible for paying the fee in lieu is unlikely to be to be sufficiently concerned to monitor how the money was spent five years later, and there is only a one year window of opportunity in which to claim a refund in Texas (Crompton 2010). In today’s economy, this will change as developers are searching for any way to recoup costs. It has been documented that fees have been repaid to developer and builders when the obligations of the municipality has not been met (Kramer & Mertes 1999).

Options of payment may require the developer to pay all fees prior to the development or upon completion of the project. In most cases the fees is required before the start of development as part of the plat review by city planners (Nelson 2008). In rare cases when a project is in collaboration with a municipality or low income housing organization, other type of incentive fees may be collected at the end of the project or if the developer will be providing and building the park with required amenities (Nelson 2008).

Exaction Fees

Exaction fees or impact fees are tools that differ from land dedication and fees in lieu because they are collected at the building permit stage rather than at the time of subdivision platting (Crompton 2010). Hence, they are paid by the builder rather than by the developer. The courts' acceptance of fees in lieu opened the door to the emergence of impact fees. They are adopted most commonly in cities that are growing rapidly, have expanding tax bases, and have a strong local economy. In areas of rapid growth, impact fees can generate substantial funds. For example, in the mid 1990's, Metropolitan Dade County, Florida, was generating between \$500,000 and \$1 million each month from impact fees for park and open space acquisition and development (Crompton 2009, Trust for Public Lands). The impact fee may be imposed on a per-bedroom or a per-dwelling basis, and when the fee is imposed on commercial property, a per-square-foot approach may be used (Kramer & Mertes 1999). Most municipalities use the per-dwelling basis because it is easier than keeping track of the number of bedrooms, particularly in large agencies monitoring multiple developments simultaneously.

The impact fee has four major advantages over the fees in lieu approach. First, because it is collected when a building permit is issued rather than when the land is platted, the impact fee can be applied to developments that were platted before an impact fee ordinance was passed. This is important in a state such as Texas where thousands of vacant lots were platted before the passing of dedication ordinances by local governments

(Juergensmeyer, 1988). Without impact fees, these developments would not pay their fair share for parks, infrastructure or development.

A second advantage to impact fees is that they “can be applied to condominium, apartment, and commercial developments which create the need for extra-developmental capital expenditures, but which generally escape dedication or in lieu fee requirements because of the small land area involved” (Nelson 2007). This can be a huge impact to both the municipality that is collecting the fees and the developer. In most major cities where high-rise development occurs, there is a lack of available land, therefore impact fees to these types of developments is critical to acquire land in other areas. In addition, the amount of development can be measured and spent more effectively with impact fee calculation as well as the ability to follow master planning.

Third, the intent of land dedication and fees in lieu was for developers to provide parkland within or close to their developments, which met the close-to-home needs of their new home owners. However, impact fees offer a broader vision, including paying for needs such as regional parks that are external to a subdivision or high-rise condominium (Nelson 2007). In the past, these types of facilities were most likely to have been financed by general obligation bonds, but the public’s resistance to tax increases has provided a tool for expanding impact fees.

Fourth, impact fees may be assessed for development, improvements, major repairs, and ground-up renovations, as well as acquisitions, which frequently are not authorized by land dedication or fees-in-lieu. This feature makes them an attractive

alternative to bonds or general fund dollars for financing new park development, repairs or major renovations (Nelson 2007). This provides the collectors of the fees the flexibility to use funds for more than just acquisition of land, but to use the funding to meet need and new expectations within the community. Also this provides the ability to move the funding to near locations, to fit a community need (COA ordinance).

Negotiated Planning Gains - Developer Provides Park and Recreation Amenities for Public Use

In some cases the developer may provide the land for park use with recreational amenities as a master planned community that is reviewed by city planners in as a result of forgoing payments or providing land that is undeveloped. The key is that the developers agree to provide desired public benefits as part of their application for obtaining regulatory approval for projects (Crompton 2010) and that all amenities and land have public access (Kramer & Mertes 1999). Thus, the benefits that developers offer are voluntary donations rather than mandatory requirements. However, if sufficient gain in amenities to the community is not forthcoming, then planning permission of a project may not be granted.

Acquisition through these agreements depends on the aggressiveness and skill of the municipality's planning staff, room for negotiation for the developer, a needs assessment, and latitude given to staff for brokering agreements. Some local governments, especially those that historically have enjoyed good relationships with

developers, view formal impact fee ordinances as being unnecessary and counterproductive and rely on negotiation (Gladwell 2003). However, this may create inequities as the players change or other factors are put in place that changes priorities.

Incentive Zoning

Urban planners have used incentive, or bonus zoning to encourage private developers to make cities more attractive and to provide increased public amenities (Rohan 1994). Thus, some communities offer bonuses to developers in the form of increased building heights or square footage beyond what is permitted by a site's zoning in return for a developer providing public plazas, open space, or public recreational facilities on the site (Rohan 1994). Again these areas must be accessible by the public.

There are several draw backs to incentive zoning in that there is no guarantee that public amenities will emerge, because — unlike exactions — participation in the program is at the developer's discretion and not based on a needs assessment or public input. In addition, in most cases the value of the bonuses granted to developers far exceeds the value of the public amenities provide (Rohan 1994).

Attributes of Impact Fees

Local government in the U.S. possess the most direct powers to regulate development, and although most of the 19,000 municipalities and 3,100 counties existing throughout the nation are too small or lack authority to enact development regulations,

many local jurisdictions actively guide development through adoption of official policies and regulations (Porter 1997). Most cities over 25,000 in population guide community development with planning documents and ordinances. In some states, townships and counties also regulate development, and several cities and counties have even combined to jointly regulate development (Porter 1997)

Consequently, thousands of local governments are engaged in governing the development process. Thus, regulation of development is a multilayered and complex process that can create substantial obstacles to development. With each ordinance, several attributes, concepts and distinctions are needed to provide the desired outcome.

Concept of Linkage

Exactions are becoming more substantial in magnitude, and more creative and broader in purpose. Hence the concept of linkage is an example of creativity and innovation. While exactions require developers to supply or finance public facilities or amenities made necessary by their development, the concept of linkage extends this responsibility to provide for other public needs, such as social services (Crompton 2010). In the broad context of parks and recreation, linkage ordinances have required developers to construct child-care facilities in or near their development sites or to pay an impact fee into a community fund for public child-care centers. A successful linkage requirement must pass the rational nexus test and demonstrate that the need for the child-care space is created by the residents or workers who will occupy the property being built and that the

developer has a sustainable plan to ensure that the program will continue and that the program is open to the public.

Criteria for Acceptance of Parkland

Many cities have criteria for acceptance of parkland built into their ordinance, such as the City of Austin. They follow a common theme of ensuring that the developer is not passing on land that is unbuildable or unsuitable for construction or improvements that are found in a basic park (Townsend 1996). Most ordinances include guidelines to assist in determining whether or not to accept parkland or to require a fee in lieu. Typically, they include multiple items relating to such factors as location, accessibility, and characteristics of the land (Crompton 2010). Two elements that are common to most ordinances are minimum size and acceptability of floodplain and/or detention ponds. As outlined in the City of Austin Parkland Dedication ordinance, the following are critical points that are laid out in most municipalities.

1. Larger tracts to be dedicated may be split into two or more separate park sites as long as each site meets minimum size and other standards.
2. Improved parks shall be centrally located to better serve the development unless:
 - a. The park is adjacent to an existing or proposed school site

- b. The location at the edge of a subdivision will facilitate the combination of dedicated park areas to form a single park to serve two or more subdivisions
- 3. The dedicated parkland shall provide a maximum of exposure and public areas. A minimum of 200 feet of frontage on a dedicated public street is required, but the Parks and Recreation Department may consider providing or credit for street frontage beyond the minimum requirement. Street frontage shall be contiguous and front on a street with 70 feet or less of dedicated right-of-way.
- 4. At least 50% of the dedicated park site shall be level, have positive drainage and be suitable for multi-recreational use.
- 5. If potable water and sewage connections will serve the subdivision, such connections shall be readily available at the park site, with water and wastewater lines located along the street frontage. The applicant must demonstrate that sufficient public utility easements to serve the park are available within these water and wastewater lines. Subdivisions which will utilize individual septic systems are not required to provide dedicated parkland with an individual septic system.
- 6. The restoration of any area or part of an area to be dedicated as parkland which is disturbed during any phase of the development must be restored in accordance to terms specified by the Parks and Recreation Department. The

exact restoration requirements will be determined on a case-specific basis according to the pre- and post-construction condition of the parkland to be dedicated.

7. Any detention ponds and/or other drainage facilities to be placed in areas which are to be dedicated as parkland must be designed and constructed to allow for dual recreational use. Construction plans may be required to demonstrate that the design, placement, and construction of such ponds meet the requirements of the Parks and Recreation Department.

Some cities recognize the limitations of floodplain land, but emphasize the positive potential of such sites rather than their limitations. For example, the City of Bryan ordinance states: Consideration will be given to land that is in the floodplain as long as it is suitable for park improvements (Crompton 2010).

Many of these municipal ordinances are flexible and often drafted vaguely, open for interpretation. In some cases the interpretation falls on the City Planner or the Parks and Recreation Director, as is the case with the City of New Braunfels which was examined for review.

School-Parkland Partnerships

A critical strategy is for governmental partnerships seeking joint use of dedicated land, such as school districts or state and county agencies. Numerous opportunities exist for municipalities and school district to cooperate in land acquisition activities, facility development and neighborhood planning (Kramer & Mertes 1999). This is an indication

of quality neighborhood planning and meets the needs of the public in addition to addressing future growth and the interests of both partners. The combination provides for larger block of open space with increased recreational opportunities as stated by (Porter 1997). If these types of polices or arrangements are created in a community, the land selection can be made at the review of the preliminary plat application (Kramer & Mertes 1999). Many times the developer will find it easier to meet the needs of both organization and their obligation in one single transaction and provides the planning needed to layout the subdivision plat.

Extra Territorial Jurisdictions

Cities in most states have legislative authority to regulate subdivisions constructed in the Extra Territorial Jurisdictions (ETJs). This means that park dedication ordinances can be extended to include subdivisions outside the city's boundaries, but within the ETJ. A challenge in extending dedication to fees to ETJ is the cost of maintaining dedicated parks located far outside the city's existing boundaries. In an attempt to encourage developments to carry those costs until they are annexed by the city, some city ordinance's increase its limit of credit for developer created amenities (Crompton 2010).

Many of these types of ETJ properties are areas of future growth and are currently being serviced by a municipality either by utilities or other type of infrastructure. Planners need to work with developers to create amenities that match both in standards and appealing style for the future growth of the municipality. It is important for

municipalities to recognize that not only do amenities need to be designed and created but maintained as well, so annexation plans need to include service levels and funding to support these service and using dedication funding for improvements.

Rational Nexus

The biggest issue for most cities is how the ordinance defines “nexus,” and how close the new parkland or spending of the impact fee must be to the new development. The tighter the nexus, the harder it is to aggregate small land donation into worthwhile size parks or to lump together many smaller payments into enough money to buy a useful piece of land or to pay for improvements and upgrades in an area of need. For instance in Austin, Butch Smith, senior planner with Austin Parks and Recreation Department, explained, “Since dedicated fees must benefit the subdivision that gave the fee, the expenditure of the fees has been highly localized. It has been difficult to aggregate enough funding for substantial land acquisition. Furthermore, subdivisions rarely dedicate land in sufficient acreage to meet our 5 acre minimum park size. Therefore, the greatest impact of Parkland Dedication ordinance has been for park improvements, enhancements or upgrades, not land acquisition. Most of our significant land acquisition comes from bond money” (Harnik 2005).

In a 1980 Texas case (titled the Turtle Rock case), the Texas Supreme Court referred to Berg Development Company vs. City of Missouri City, in which the courts ruled the Missouri City parkland dedication ordinance to be unconstitutional because a subdivision’s fees in lieu could be spent on parkland anywhere in the city instead of parks

near to the subdivision (Crompton 2010). This means that a municipality needs to create a plan in tandem with the ordinance that divides the jurisdiction into geographical districts with empirical studies measuring how far people in the community travel to parks. Each district should have a separate fund in which to credit all fees from dedication fees in lieu and park dedication fees originating from that district (COA ordinance). A balance of the right size for the spending obligations and a realistic service area are critical for a dedication fee to be successful.

Recoupment of Impact Fees

It is often cost efficient for a community or municipality to require and in some cases develop, parkland or hike-and-bike trails in advance of its residents' needs. Negotiation with landowners at times when activity in the real-estate market is slow, when a bargain sale opportunity becomes available, or when the land is beyond the community's existing developed areas may result in quality Park and recreational land being purchased at a relatively low price (Nelson 2007). Therefore, recoupment fees are emerging as an extension of the basic impact fee. Recoupment means: "the proportionate share of the capital improvement costs of excess capacity in existing park and recreation areas where such capacity has been provided in anticipation of needs of new development" (Crompton 2010). This means that municipalities can and should take advantage of economic trends and knowledge of future growth with quality planning by purchasing land in areas of future growth and either reimbursing funds from park impact

fees, use impact fees to leverage larger acquisitions or use the impact fees to park development or enhancements. A municipality would still calculate the impact fees in a similar fashion, however the infrastructure will already be in place and the fees would replenish the fund that was used to create that park or infrastructure. Providing this excess capacity is likely to be supported by developers because it makes new developments more attractive to homeowners.

Management of Impact Fee Revenues

The single most important factor for management and service deliverer of parks and recreation programs at the local level is funding (Gladwell, Anderson & Sellers). McDonald and Cordell (1988) studied the financial status of 1,254 local park and recreation departments in 49 states and reported that respondents identified funding to maintain existing outdoor resources and funding to acquire additional outdoor recreation resources are the two most critical issues confronting local government parks and recreation departments. It is still the case today and the process of managing dedication impact fees and the process of using them are just as significant as the collection of these fees.

Needs Assessment and Project Identification Process

Any program of land acquisition and facilities development should be based on the listing of needed facilities (a follow up to your inventory) and, more importantly, the particular priorities and needs of a given neighborhood or community. Also, by examining currently available facilities and the nature of the present and anticipated

population, it is possible to project recreation needs in specific detail, geared to the unique needs of the people served. This is first accomplished by utilizing information done through the current review of conditions identified in an inventory of amenities, facilities and properties and entering into a strategic planning phase. Strategic Planning is a set of concepts, procedures and tools, and requires a more comprehensive view of what may be important than that which normally guides decision making. It is important that Strategic Planning is constituted as a vital component of long range planning.

Forecasting the needs of an area is an important step using population, employment and other growth forecasts over the next 5 or 10 year horizon are translated into forecasts of development using dwelling units, square footage of commercial space and zoning of plates (Malizia 2006). These forecasts analyses are accumulated into land use categories to develop the appropriate impact fees. The most appropriate demand indicator is determined by population, number of school-aged children, square footage of commercial space and property values of nearby homes and the development to connect the demand generated by new development to the needed public facilities (Malizia 2006).

The analysis also involves a careful assessment of the comprehensive plan; the capital improvement plan (CIP) for the next 5 or 10 years, and the fiscal capacity of the local jurisdiction to assume debt such as bonds or other financing instruments (Dresch & Sheffrin 1997). The results should indicate which public facilities are needed and their financial feasibility within the planning horizon that corresponds with developed planning standards to match needs. The costs of these new facilities that match the new

demand are determined by current building costs, but should take into consideration inflation. The analysis would not refer explicitly to the comprehensive plan or CIP; rather the analysis would assert that new development generates the need for public facilities (Dresch & Sheffrin 1997). With the costs of new facilities in place and the demand analysis in place per planning standards, planners can determine the cost per acre or per household that is expected to be charged to the developer.

An additional factor to the needs assessment and project identification process is to understand the established current level of service (LOS). Current LOS must be compared to adopted LOS standards created in newly planned developments to ensure equity. The rationale for this LOS analysis follows this model: “If the adopted community standard is greater than the existing LOS, the latter should be used because impact fees cannot be used to raise the existing LOS. If the existing LOS is greater than the adopted standard, excess capacity exists; charging impact fees at the adopted standard would generate sufficient fees to pay for planned facilities with generating excess fees” (Malizia 2006). This concept is critical in that LOS that exists throughout the jurisdiction for the category of public facility to be developed is considered the current LOS, which must be maintained. Therefore, any new development is expected to lower LOS through increased usage and therefore should pay an impact fee.

Master Plan Implementation

The master plan — also known as a long range plan or a strategic plan — defines the vision and the mission of the organization and sets priorities for the future that will have the best impact on the community need's with resources at hand or expected resources from future endeavors. It explains the organization's multi-faceted responsibilities and provides policies and guidelines for achieving the highest standards of service in resource conservation, management, interpretation, public access and recreation. The master plan is designed to maintain a careful balance between the need to protect and conserve resources and the recreational use of parklands for all to enjoy now and in the future. It is typically prepared with the active participation of a citizen-based Park Advisory Committee and with extensive review and comment from the community. A master plan should be revised and updated periodically to reflect new circumstances to which the organization must respond.

To be successful in acquiring and managing collected impact fees or dedicated parkland, a master plan should be created and used to provide guidance and a framework for the standards that will be required for the developer to follow and serve the needs of the community.

By providing a master plan to the developers, they will clearly understand the responsibilities they are obligated to as a new member of the community. The master plan will spell out what the standards for park development are, including size, amenities, service level and needs (Antonelli 2010). In addition, the master plan needs to provide

clear language to provide the City Planner a guide line of what is expected in the use of impact fees. As an example the City of Gastonia, Georgia provides details in the master plan that refers to the City's ordinance. Below is an excerpt from their master plan.

In some cases policies may be in place, but are not being applied. The City should proceed to implement section 18-37 of the City of Gastonia subdivision code pursuant to G.S. 160A-372.

Sec.8-37. Areas for schools, parks, playgrounds (Gastonia Code)

The Planning Commission may consider the allocation of suitable areas for schools, parks, and playgrounds. In the interest of the public welfare, a minimum amount of land in the ration of three acres per 100 families, exclusive of streets, should be set aside for recreational or park purposes. Where a tract contains less than 40 acres, such reservation for open space should be combined, whenever possible, with similar reservations in adjoining tracts. Such parks or playgrounds may be dedicated for public use or reserved for the common use of all property owners within the proposed subdivision by covenant in instruments conveying lands in such subdivision.

Note: G.S. 160A-372 also provides that developers may provide money in lieu of land for the purpose of purchase for parks and recreation, or combination of land dedication and money payment.

The true test of a successful plan is measured by its results. The long range plan is aimed at this — it is a strategic plan that will guide the organization's park system over the next 10 to 20 years. Recovering the system will not happen overnight. It will take many years of concerted effort to accomplish specific goals and strategies that will

produce the desired results. In order for success to be achieved, each management decision must be grounded in the bigger vision for the organization's park system. This is the purpose of the strategic plan. Strategic planning must be an ever-changing and improving process. The goal is always the same; to meet the needs of the community and to match it with resources such as impact fees. The master plan becomes the back-bone of the improvement and acquisitions process which highlights the tools used for funding.

Citizen Participation

One of the standing traditions of our government is citizen participation in public planning processes, which is a hallmark of American democracy (Waller 2009). How best to involve citizens in government decision processes has been a concern since the creation of the nation, when the founding fathers struggled with questions of representation of citizens interests (Franklin & Ebdon 2005). Transparency and inclusiveness are buzz words that all civic-minded residents implore. Therefore these concepts are essential to effective planning today, whether planning efforts relate to energy, transportation, health, education, law enforcement, economic development, or environmental initiatives. All of these issues are found in the scope of parks and recreation operations (Waller 2009). At the heart of every public administrator is the belief that local governments, community organizations and public agencies make better decisions and have greater positive impact on their communities when they increase the frequency, diversity, and level of engagement of community residents.

The old or traditional ways of dealing with the public problems no longer work, such as creating new taxes or spending more money to fix a problem. They don't work because they do not account for the new political conditions facing leaders and manager and the new expectations and capacitation of ordinary people (Leighniger 2012). Citizen participation offers a potential solution because it has many instrumental benefits for citizens, communities, and policy/governance creation. Participation creates and foster better citizens because it promotes education about government policy and improves basic civic skills; it helps build healthy communities because it raises awareness about problems; develops motivation, leadership, and the capacity to address problems; as well as building social capital (Bassler, Brasier, Fogle, and Taverno 2008). Public engagement creates better policy decisions and improves governance because it generates more information, builds consensus, and increases agreement and support of potentially unpopular decisions, which are often found in citizens asking for a project but not in my backyard (NIMBY). Given these beneficial outcomes, participation should be a regular feature in the work of administrative agencies (Nabatchi, 2012)

In the battle for scarce fiscal resources and mandates for effectiveness and efficiency in municipal operations, and given the increased demands on local governments to address all the issues of local citizens, comprehensive planning efforts that include engaging citizens is necessary and critical (Waller 2009). Cities have tried different ways to gather input but report weaknesses with each, such as being non-representative, too costly, and time consuming (Franklin & Ebdon 2005). Significant

gaps and barriers exist to effective citizen engagement. In many rural communities across Texas and the U.S., most citizens do not participate in the decisions that affect their daily lives, and there is often a lack of trust between citizens and local officials. A crucial bridge over this gap is the use of appropriate strategies and tools to encourage citizens and local officials to interact regularly, increase their knowledge of each other, and develop trust. However, Franklin & Ebdon's research stated that the cost and effort does not outweigh the outcome of quality efforts to engage public participation in public planning (Franklin & Ebdon 2005). The focus of energy in the public participation process is to inform and educate citizens of options and issues, then providing a more integrated view of the local issues and concerns in the planning process (Franklin & Ebdon 2005).



Photo 2.4

As this topic relates to impact fees, no good plan is successful without public engagement and trust. To put it simply, citizens of a community are “engaged” when they play an effective role in decision-making. Photo 2.4 is an example of a public engagement meeting held in Austin on September 5, 2012. The meeting was called to discuss and share information on the next bond election proposals for 2013. Over 150 citizens attended, and they are actively involved in defining the issues, identifying solutions, and developing priorities for action and resources.

Local leaders need to broaden their list of responsibilities to include roles as facilitator, supporter, collaborator, and empower of local community members. This change requires letting go of some of the traditional reins of power and trusting that citizens can and will effectively engage in the issues (Bassler, Brasier, Fogle & Taverno 2008). The result is a partnership that is nearly always healthy for a community, as demonstrated in some impact fee ordinances.

Leverage of Impact Fee Revenues

The best use of impact fees is increasing them with other funds to maximize purchasing ability or to combine them with other projects, such as park improvements, to reach the needed funding to realize a project. Good city planners understand the use of leveraging other funds to and in some municipal ordinances and master plans it is required (Dresch 1997).

Lawrence, Massachusetts is an example of using impact fees as a catalyst of creating a new park with the leveraging of additional funds. Manchester Street Park is five acres in size and was originally used as a rail yard. Later, the park was home to a large incinerator that was considered an eyesore. Today, the park boasts ample green space, permeable pavement, playground equipment and a community garden. The park is part of the Spicket River Greenway, a linear green space linking low-income neighborhoods and several other preexisting parks, making Manchester Street Park a vital anchor for the greenway and a catalyst for redevelopment (Lindburg 2010).

Funding for the project came from a variety of sources. The Massachusetts Executive Office of Elder Affairs gave the program a \$500,000 grant, Urban River Visions provided a \$75,000 grant, the EPA provided a Brownfields cleanup grant of \$200,000 and the City of Lawrence contributed \$340,000 from impact fees and Community Development Block Grants. In addition, the parkland was sold to the City of Lawrence by Convanta Energy Corporation for the fee of \$1.00 in lieu of future fees for development prospects in the area (Lindberg 2010). The entire project cost \$1.1 million and the EPA described the project as “a model for urban planning” (Lindberg 2010).

A second example is with the City of Ann Arbor, Michigan. The City's Greenbelt Program has preserved about 3,200 acres of land surrounding Ann Arbor, the goal being to counter urban sprawl and preserve sustainable farming.

The City of Ann Arbor pays for Greenbelt purchases using proceeds from the Open Space and Parkland Preservation millage, which brings in more than \$1 million

annually from city taxpayers and an adopted ordinance for impact fees dedicated to purchase parkland from developers of commercial and residential activities; which over seven years collected \$1.2 million (Stanton 2011). The Greenbelt Program was approved by Ann Arbor voters in November 2003, at a time when a significant amount of development activity was occurring around Washtenaw County and farmland was being sold for development. Ann Arbor voters authorized a parkland dedication impact fee, which provides funds for parkland acquisition within the city and the preservation of open space, agricultural land, and other natural habitats outside the city in a designated Greenbelt District (Stanton 2011).

The purchase of development rights keeps the property in the hands of the owner but ensures the land can't be developed and will remain preserved as open space. Ezekiel, the Greenbelt Advisory Commission chair, said the Greenbelt Program has exceeded all expectations and the expansion of the district is another positive step forward. "I really believe the Ann Arbor Greenbelt will be a treasured asset 100 years from now and real legacy from today's Ann Arborites, together, we have preserved 27 properties around the near periphery of the city. We've currently preserved 3,200 acres, which is 5 square miles. The amount of city funds spent so far is approximately \$18 million." (Stanton 2011).

With the combined funding of Parkland Preservation millage and an adopted ordinance for impact fees dedicated to purchase parkland from developers of commercial and residential activities, the City of Ann Arbor has leveraged another \$19 million in

matching funds from various sources, including the federal government, Washtenaw County, several townships, nonprofit land conservancies, land owners and private organizations (Stanton 2011).

These types of partnerships can be found across the nation, but in most cases an ordinance that is developed for the acquisition of land is the spark of the interest, funding and commitment of community and other resources to join the effort. Savvy public administrators, parks and recreation directors and community activists plan for these opportunities using the tools at hand, which include master planning and impact fees.

Managing Unintended Consequences

Most states enacted enabling legislation in the 1920s and 1930s that gave local government the authority to regulate real estate development through use of police power (Porter 1997). Since then, local officials have become accustomed to thinking of these regulatory powers as theirs by right. They believe that regulations affecting the growth and character of their community should be determined and administered by local governments that are closest to the people and the land most affected.

Public opinion and voices from the developers in recent years have provided more challenges of the legislation and ordinances. Expressed through political means, the “brakes on governments use and role of police power in development planning and impacts fees are being spoken and calls for impact fees are to be reexamined are just as loud” (Porter 1997). Some have concluded that impact fees are no longer the form of

taxation and revenue that is needed and could be a detriment to the economy and to development by passing on the cost to home buyers. It is important to examine these claims and the unintended consequences of impact fees to further justify the fees or provide the change needed for the next generation of funding to provide the needed services to the local communities.

Development Consequences / Impact Fees Stifle Development

As a twist of reality, antigrowth coalitions may support impact fees even though it would seem in contradiction of their beliefs on anti-government. Antigrowth regimes typically consist of local neighborhood groups and environments groups that emphasize public costs of growth such as traffic congestion and environmental deterioration (Schneider and Teske 1993). Most antigrowth regimes are reactive to urban growth and also less organized and powerful than growth coalitions. However, the main body of antigrowth politics literature suggests that wealthy and educated residents are active in mobilizing antigrowth movements with great success as found in Austin, Texas (Logan & Molotch 1987). This provides a greater challenge in both the public process and the support for impact fees from elected officials. The impact of the antigrowth regimes can delay, change or even halt the projects for the greater good of the public. This backlash is an unintended outcome of many development projects, by placing environmental needs as the premise of non-development.

Dependence on Impact Fees

Because many types of public facilities are expensive to construct but will have a lengthy useful life, they are usually funded by bonds that spread costs over 15 to 20 years. General obligation bonds, backed by the full faith and credit of a municipality, are repaid through general revenues, including sales tax and property tax and have a fairly low interest rate that is based on the municipality's bond rating. However in recent years, tax revenues are shrinking due to the devaluation of land values and anxious buyers which mean fewer products are sold and that in turn means less sales tax (Porter 1997). For many years, the basic source of revenue was property taxes, but by the 1990s, property taxes had dropped to less than half (47%) of all revenues from local sources. This slowdown has had an impact on municipal bond sales and the search for other revenues, such as sales and income taxes, and various types of excise taxes, fees, and charges have increased usage and in importance in an overall municipal budget (Woodson 2005).

Public sentiment in recent years has favored wider use of impact fees and charges to relieve the tax burden on the general public. It is not surprising that funding for public facilities required to support new development is increasingly drawn from developers and consumers. "Development should pay for itself" is a phrase heard across the nation. Use of alternative funding sources for infrastructure investments — particularly exactions, impact fees and special taxing districts — is an important element of many growth management programs (Woodson 2005).

As general obligation bonds and general revenue funds are impacted by the economy, so are impact fees. The devaluation of homes and land also has an effect on the amount of fees collected, but more importantly, impact fees are dependent on growth (Kassekert, Feiock & Lee 2009). Simply stated, if there is no growth in a community, no fees are available to rebuild infrastructure for municipalities. It is interesting to note that, due to the current economic situation, impact fees are actually a declining source of revenue. In FY 2008, 28 of the major park and recreation agencies in Texas received \$101.6 million and almost 600 acres of parkland; and of the \$101.6 million received from developer impact fees, \$71.6 million was spent in that same fiscal year (Harnik 2005). In addition, impact fees are a onetime charge and don't provide for rebuilding or retooling for the future. Many communities believe that impact fees are the "silver bullet," but in reality they are a way to push the issues of maintaining and rebuilding public infrastructure into the future by "kicking the can" down the road.

There are many technical details in calculating and administering impact fees. The point is that impact fees basically serve a regulatory function in ensuring provision of adequate public facilities when needed, but don't provide for the future needs. As such, they (impact fees) are one component of a growth management program and should not be considered as a lasting or long term fix in funding for a municipal budget.

Legal Challenges

Many developers resent being required to pay exactions for parks and have challenged the legality of impact fees in state courts as it has an influence on bottom line revenues. They have claimed that exactions are unconstitutional because they violate the Fifth Amendment to the U.S. Constitution. State courts generally have upheld the legality of exactions. A typical finding was issued in *Hollywood Inc. vs. Broward County* in which the court declared: “Open space, green parks and adequate recreational areas are vital to a community’s mental and physical well-being” and as such an ordinance ensuring park and recreational facilities “falls squarely within the state’s police powers” (Crompton 2010).

Given the court’s general approval of the principle of impact fees for parks, the focus of most legal challenges has now shifted to questions relating to what constitutes reasonable dedication requirements. Several tests of reasonableness have been advocated by the courts, but the prevailing stand throughout the country is now the rational nexus or rational test.

1. A connection between demands enacted by a development and the park facilities being developed with exaction resources from it.
2. Identification of the cost of the park facilities needed to accommodate the demand. This establishes the burden to the public of providing the new facilities and the rational basis on which to hold new development accountable for such costs.

3. Appropriate apportionment of that cost to the new development in relation to benefits it receives. This establishes the nexus between the fees being paid to finance new parks to accommodate the new demand and the benefits that the new development receives from the new facilities.

Using this test, the courts have required that dedications bear a reasonable relationship to the park needs that can be attributed to the development, and they have required that what is dedicated be used to provide facilities to benefit the development and the community as a whole (Crompton 2010). These guidelines do not prevent using impact fees to finance park facilities that benefit several developments as long as the relative financial participation of each development is in proportion to its attributed needs. Therefore leveraging these fees can provide a greater impact.

The investigations undertaken to disprove or confirm this reasonable relationship are becoming increasingly sophisticated. The less sophisticated forms of dedication, such as ordinance using the fixed percentage formula, may fail to convince a court that the development is only paying its fair share of facility costs, developers have argued that such a formula does not relate needs to benefits and, as such, is not a reasonable measure to determining the dedication requirements (Crompton 2010). In contrast, challenges to the population-density formula, which is based on the number of people, generally have been refuted in the courts, suggesting that this approach is superior in the eyes of the courts over the flat percentage approach (Crompton 2010).

Legal challenges to fees in lieu and impact fee provisions generally have turned on the question of where the fees were to be spent (Crompton 2010). An ordinance that allows cash to be spent anywhere in a jurisdiction for any type of park is likely to be challenged. A municipality should have a parks master plan that divides the jurisdiction into geographical districts. Each district should have a separate fund in which to credit all dedication fees in lieu or recreation impact fee payments originating from that district. This fund will enable it to meet the courts' general requirement that expenditure of funds is directed to the acquisition and development of park and recreational facilities that serve the people who occupy the land being subdivided and developed.

The size of these districts is determined by the distance that residents are likely to travel to visit a park. The rational nexus test requires that there must be a reasonable relationship between a development and the park and recreational sites that impact fees will fund. Thus, as the distance between the development and the amenities becomes greater, it is more likely that an ordinance will lose a legal challenge based on rational nexus. On the other hand, if the geographical districts are made relatively small so that they are more defensible to legal challenge, then it will take much longer for sufficient funds to accrue to enable park and recreation amenities to be developed. The size of the district should be based on information from empirical studies measuring how far people in a community travel to parks.

In addition to geographic districts, there also should be a documented capital improvement plan showing where and when future park improvements are planned. The

plan will demonstrate to those paying the fee that they can expect to see the park and recreation benefits for which they are paying within a reasonable time frame.

The monies received from fees in lieu payments or impact fees must be expended with a reasonable time after the contributions and development have taken place. Impact fee ordinances must make stipulations for refunding the developer the payments with interest if the expected park and recreation amenities are not developed with a specified time frame. Typically, the time period is five to six years, which is based on normal five year capital improvement cycle plus one year, to integrate the revenues into the capital improvement program.

Photo 2.5 is an example of parkland impact fees used for the construction of the Mexican American Cultural Center in Austin, Texas. The impact fees were collected from 2003 through 2007 while a condominium explosion occurred in downtown Austin. With the five year window closing on the required encumbrance of the fees collected it was decided to use the \$1.1 million to leverage the total cost of \$7.5 million of construction for the Mexican American Cultural Center.



Photo 2.5

Chapter Overview:

The literature review provided an abundance of information on the topic of parkland impact fees. The research of the topic offered detailed description of how impact fees are created, collected and spent. The literature review also presented “best practices” that can be used to compare jurisdiction’s operations with common standards in the industry which will be a useful tool for parks and recreation professionals. In addition the literature stipulated issues that may arise from the collection of parkland impact fees and the unintended outcomes that occur when collection parkland impact

fees. Attitudes and perceptions vary in the awareness and the use of parkland impact fees, therefore understanding the basic principles of why and how fees are collected and the concepts of the management of the fees collected and spent will be a tool for parks and recreation professionals in managing their jurisdictions, obligations and infrastructure.

CHAPTER: 3 RESEARCH METHODOLOGIES

The purpose of this chapter is to present methodology used to gather information and describe methods that Texas cities collect impact fees for parks and recreation use, what attributes are used in developing and executing impact fees for parks and recreation use, the management of fees and revenues of impact fees, and what unintended outcomes arise from the use of impact fees. Therefore, restating the research purpose is to describe use of impact fees for park improvements in Texas cities and counties. Specifically, this study will describe reasons why cities choose to use park impact fees, how fees are collected or developed, how fees are managed and spent, and the unintended consequences of using park impact fees will be clearly managed in the questions developed in this chapter. This survey has a total of 46 questions, which were used to describe the role of park impact fees in each of the surveyed communities.

Several descriptive statistics will be developed to measure the degree of the use of impact fees by percentage of population (fees spent and collected per resident). Therefore one of the critical and qualifying questions will be an estimate of population rounded to the nearest thousand. For the purpose of this research, Texas cities are defined as a legally incorporated Texas municipality that resides in the state of Texas, categorized as:

- Larger: over 100,000 residents
- Medium: over 25,000 residents but under 100,000 residents

- Small: Under 25,000 residents.

Larger size cities often have more complex and integrated budgets, therefore the categories listed above will be used to section several statistics and an overall rating and ranking will also be calculated.

Table 3.1 operationalizes the conceptual framework. This chapter also addresses the strengths and weaknesses of survey research, sampling issues, human subject protection, and statistics. The conceptual framework is comprised of descriptive categories, which in turn can contain several subcategories. These subcategories are then explored through the use of survey question directly pertaining to the framework's subcategories.

Table 3.1: Operationalization of Conceptual Framework	
CATEGORY	SURVEY QUESTIONS
Collection of Impact Fees or Land Dedication Land donations/dedication Payment of fees in lieu Exactions fees Negotiated Planning Gains-Developer provides park and recreation amenities for public use Incentive zoning	<ol style="list-style-type: none"> 1. Organization/ Agency Name 2. Size of population served: Estimate to the nearest thousand 3. In dollars, on an annual basis how much does your organization collect in impact fees/ parkland dedication fees from developers for parks & recreation activities? 4. Please insert zip code 5. Does your jurisdiction collect parkland impact fees/ parkland dedication fees from developers to support Parks & Recreation activities? Yes or No. 6. Does your jurisdiction have an

	<p>ordinance for collection of impact fees/ parkland dedication for Parks & Recreation activities? Yes or No.</p> <p>7. Are all new developments (residential, commercial, industrial) required to pay park land impact fees? Yes or No.</p> <p>8. Are land donations accepted as an alternative to cash payment of fee? Yes or No.</p> <p>9. Are cash payments of fees used in lieu of land donations? Yes or No.</p> <p>10. Are fees waived in lieu of designed parks implemented in the development and paid by the developer? Yes or No.</p> <p>11. Are parks available to the public when designed and built by the developer to satisfy impact fees/ parkland dedication? Yes or No.</p> <p>12. Are cash based fees negotiated with developers? Yes or No.</p> <p>13. On an annual basis how much do you collect in fees? To the nearest thousand.</p> <p>14. What percentage are impact fees/ parkland dedication fees compared to your total non-general fund finances? Under 5%; 5% to 10%; 10% to 20%; 30% to 50%; Over 50%</p> <p>15. Are impact fees/ parkland dedication fees waived to promote additional development? Yes or No.</p>
<p>Attributes of Impact Fees</p> <p>Concept of Linkage</p> <p>Criteria for acceptance of parkland</p> <p>Extra Territorial Jurisdictions</p>	<p>16. Does your jurisdiction follow specific criteria of acceptance of parkland, such as location or</p>

<p>School-Park land partnerships</p> <p>Rational Nexus</p> <p>Recoupment of Impact Fees</p>	<p>amenities on the land? Yes or No.</p> <p>17. Does your jurisdiction accept land in the 100 year floodplain? Yes or No.</p> <p>18. Are you able to use impact fees for repairs to infrastructure? Yes or No.</p> <p>19. Are parkland impact fees only used for purchase of land? Yes or No.</p> <p>20. Does your jurisdiction define maintenance in regards to how impact fees can be spent? Yes or No.</p> <p>21. Does your jurisdiction define renovation in regards to how fees can be spent? Yes or No.</p> <p>22. Does your jurisdiction also collect fees in the ETJ? Yes or No.</p> <p>23. Does your jurisdiction collaborate with local school districts in the collection, planning and spending of Park Impact fees? Yes or No.</p> <p>24. Does your jurisdiction require fees must be spent within a certain location or distance from the development fees were collected? Example: the fees collected can only be spent within a five mile radius of the development? Yes, what is the distance in miles, No.</p> <p>An example is the fees collected can only be spent within a five mile radius of the development?</p>
<p>Management of Impact Fee Revenues</p> <p>Needs assessment and project identification process</p> <p>Master plan implementation</p> <p>Citizen participation</p> <p>Leverage of impact fees revenues</p> <p>Process management</p>	<p>25. Does the spending of your funds require a needs assessment prior to using funds for land purchase? Yes or No</p> <p>26. Are project identified and assigned within an overall plan before fees are collected? Yes or No</p> <p>27. Is a master plan used to guide</p>

	<p>spending of collected funds? Yes or No</p> <p>28. Does the public have a role in spending impact fees through a public process in prioritizing projects or prioritizing land purchases? Yes or No</p> <p>29. Does your jurisdiction leverage impact fees with other funding sources (CIP, General Fund, etc.)? Yes or No</p> <p>30. Are parkland impact fees appropriated into the budget on an annual basis? Yes or No.</p> <p>31. As fees are received throughout the year are they available for spending? Yes or No.</p> <p>32. In your jurisdiction, are parkland impact fees a unique funding source or part of the overall Capital Improvement Program? A unique funding source; Consider part of the CIP program.</p> <p>33. In your jurisdiction are fees tracked in a GIS system? Yes or No.</p> <p>34. Does your jurisdiction use a database for tracking fee revenue and fund expenditures? Yes or No.</p>
<p>Managing Unintended Consequences</p> <p>Development Consequences/Impact fees</p> <p>Stifle Development</p> <p>Dependence on impact fees</p> <p>Legal challenges</p>	<p>35. Does your jurisdiction have a self-imposed time limit or ordinance in spending fees collected within a specific time frame? Within 1 year, within 2 years, within 5 years, within 10 years, no time limit.</p> <p>36. Has the nation's recession had any impact on the amount of fees collected? Yes or No.</p> <p>37. Has the nation's recession created</p>

	<p>any changes for future projects using impact fees? Yes or No.</p> <p>38. Has your jurisdiction become dependent on parkland impact fees for park projects? Meaning, if parkland impact fees are not available, no new infrastructure is developed? Very dependent, Dependent, Neutral, Not dependent, Do not use at all.</p> <p>39. If impact fees are not available are other funds used to complete projects? Yes or No.</p> <p>40. Has your jurisdiction collected enough fees to replace park infrastructure as it depreciates? Yes or No.</p> <p>41. Has your jurisdiction returned any fees to a developer within the last 10 years? Yes or No.</p> <p>42. Within the last 10 years has a developer challenged your jurisdiction's impact fees/ parkland development fees? Yes or No.</p> <p>43. Local government should make sure that growth pay's its own way. Strongly agree; Agree; Neutral; Disagree; Strongly disagree</p> <p>44. In general, elected officials believe that parkland impact fees stifle development. Yes or No.</p> <p>45. In general, the community believes that parkland impact fees stifle development? Yes or No.</p> <p>46. Parkland impact fees increase housing costs. Strongly agree; Agree; Neutral; Disagree; Strongly disagree.</p> <p>47. Parkland impact fees increase the value of neighborhoods where projects have been completed.</p>
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	<p>Strongly agree; Agree; Neutral; Disagree; Strongly disagree</p> <p>48. Parkland impact fees reduce the need for tax increases. Strongly agree; Agree; Neutral; Disagree; Strongly disagree</p> <p>49. Parkland impact fees have the support of City Council. Strongly agree; Agree; Neutral; Disagree; Strongly disagree</p> <p>50. Citizens support parkland impact fees. Strongly agree; Agree; Neutral; Disagree; Strongly disagree</p> <p>51. Developers support parkland impact fees. Strongly agree; Agree; Neutral; Disagree; Strongly disagree</p>

Collection of Impact Fees or Land Dedication

Question 1. Please write in your Organization/ Agency Name. This request will be used for tracking which municipalities respond and geographic location.

Question 2. Size of population served. Estimate to the nearest thousand. This request will be used to calculate impact fees per resident and to classify by size those municipalities that responded.

Question 3. In dollars, on an annual basis how much does your organization collect in impact fees/ parkland dedication fees from developers for parks & recreation activities?

Question 4. Please insert zip code. This request is used to geographically track response and identify trends in different locations in the State of Texas.

Question 5. Does your organization collect parkland impact fees from developers to support Parks & Recreation activities? Yes or No: will answer if each of the survey respondents uses impact fees for park and recreation development or operations. This will give an accurate portrayal how many cities in Texas use impact fees for park and recreation development or operations. It is expected that the majority of larger Texas cities use these types of fees and where medium size cities will be split and the use of these types of fees and smaller cities will rarely use these types of fees.

Question 6. Does your jurisdiction have an ordinance for collection of impact fees/ parkland dedication for Parks & Recreation activities? Yes or No: will answer if all developers are required to pay park land impact fees. This will be important to find out how constant the fees are levied and if all developers pay park land impact fees. It is expected that the majority of those that collect fees required all new developments to pay fees.

Question 7. Are all new developments (residential, commercial, industrial) required to pay park land impact fees? Yes or No: will answer if developers are required to pay fees under each of the items listed above. This will provide information as to what options are available for developers in each county or municipality that is answering the survey. It is expected that the majority of Texas cities provide this option to developers, which is supported by the literature review.

Question 8. Are land donation accepted as an alternative to cash payment of fee?

Yes or No: will answer if developers can use cash payments for impact fees or if land donations can be accepted. This will provide information as to what options are available for developers in each county or municipality that is answering the survey. It is expected that the majority of Texas cities provide this option to developers, which is supported by the literature review.

Question 9. Are cash payments of fees used in lieu of land donations? Yes or

No: will answer if developers are able to have the option of paying cash rather than land donations. This will provide information as to what options are available for developers in each county or municipality that is answering the survey. It is expected that the majority of Texas cities provide the option to developers, which is supported by the literature review.

Question 10. Are fees waived in lieu of designed parks implemented in the

development and paid by the developer? Yes or No: will answer the question if developer pay to create a park or other designated park space will suffice for the impact fees of that specific development and whether this is an option for the county or municipality that is answering the survey. It is expected that the majority of Texas cities provide this option to developers, although the literature review finds that this trend is changing.

Question 11. Are parks available to the public when designed and built by the

developer to satisfy impact fees/ parkland dedication? Yes or No: will answer if the property provided by the developer is open to the public for public recreation. This is

important to the public to have access to these areas and to developers that are interested in developing within certain jurisdiction. It is expected that the majority of Texas cities expect that these area are open for public access and following local ordinances or policies.

Question 12. Are cash based fees negotiated with developers? Yes or No: will provide information as to the flexibility each jurisdiction has in regards to collecting fees, enticing developers, directing development or finding other options for developers. This is important due to the need for development and those options for attracting and controlling development. It is expected that the majority of Texas cities don't negotiate with developers, rather they follow standing practice or an ordinance.

Question 13. On an annual basis how much do you collect in fees? To the nearest thousand. This question will be used to provide several calculation per capita and leveraged fees. This is important to determine what Texas cities collect the most per capita and how fees are leveraged with other funds.

Question 14. What percentage are impact fees/ parkland dedication fees compared to your total non-general fund finances? Under 5%; 5% to 10%; 10% to 20%; 30% to 50%; Over 50%. This question will be used to gage how much each jurisdiction uses and depends on impact fees for capital improvements, purchasing of land and infrastructure upgrades. It is expected that most jurisdiction will be number 10% of the non-general fund finances.

Question 15. Are impact fees/ parkland dedication fees waived to promote additional development? Yes or No: will answer if jurisdictions have options in waving fees and if it is a higher priority to collect fees or promote additional development. It is expected that most jurisdictions will not wave fees set in an ordinance or used in policy.

Attributes of Impact Fees

Question 16. Does your jurisdiction follow specific criteria of acceptance of parkland, such as location or amenities on the land? Yes or No: will answer if jurisdictions have specific criteria for accepting land or amenities. This is important to know if these jurisdictions have control of the land or have critical points to provide the proper decisions on accepting land. It is expected that most jurisdictions have specific criteria in their ordinances.

Question 17. Does your jurisdiction accept land in the 100 year floodplain? Yes or No: will answer if a jurisdiction allows developers to donate land in the 100 year floodplain to meet the requirements of the parkland impact fees. This is important to learn how critical jurisdictions view floodplains for parkland and how much infrastructure is allowed to be built in the floodplain. Since floodplain land is less valuable it is important to see if jurisdictions view this land as possible parkland. It is expected that not many jurisdictions will accept floodplain land to be used as land to suffice as the required property that a developer must provide to meet the impact fees and land donation.

Question 18. Are you able to use impact fees for repairs to infrastructure? Yes or No: will answer to what extent funds can be used in their jurisdiction for repairs to infrastructure. This is important due to the issue that different jurisdictions use the funding in different ways and some are more restrictive than others. It is expected that most jurisdictions have restrictive processes that preclude the funds to be used for infrastructure repairs.

Question 19. Are parkland impact fees only used for purchase of land? Yes or No: will answer if funds collected can only be used for purchase of land and no other activities. This is important to learn how other jurisdictions use this tool and what options and flexibility they may have. It is expected that most jurisdictions have the ability to use fees for other items other than the purchase of land; however this is expected to be a strong tool in purchasing land.

Question 20. Does your jurisdiction define maintenance in regards to how impact fees can be spent? Yes or No: will answer if maintenance is defined in the criteria for spending impact fees on these tasks. It is important to learn to what extent fees can be used and if some jurisdictions can use these collected fees for maintenance. It is expected that most jurisdictions don't have a definition on maintenance and that they don't use these collected fees for maintenance.

Question 21. Does your jurisdiction define renovation in regards to how fees can be spent? Yes or No: will answer if renovation is defined in the criteria for spending impact fees on these tasks. It is important to learn to what extent fees can be used and if

jurisdictions can use these collected fees for renovation in park infrastructure. It is expected that most jurisdictions don't have a definition on renovation of park infrastructure even though these fees are can used for renovation projects.

Question 22. Does your jurisdiction also collect fees in the ETJ (extra territorial jurisdiction)? Yes or No: will answer the question if fees are collected outside the city limits and from other areas of responsibility of the jurisdiction. This is important to understand if the jurisdictions are collecting fees outside the city limits and to what extent they can collect from developers in their area. It is expected that most jurisdictions don't collect outside of the city limits.

Question 23. Does your jurisdiction collaborate with local school districts in the collection, planning and spending of Park Impact fees? Yes or No: will answer the question if jurisdictions collaborate with local school districts in the collection, planning and spending of Park Impact fees. This is important in that planning activities and leveraging funds can be an asset it they do collaborate. It is expected that most jurisdictions do collaborate with local school districts in sharing plans of how Park Impact fees will be used within the jurisdiction.

Question 24. Does your jurisdiction require fees must be spent within a certain location or distance from the development fees were collected? Example: the fees collected can only be spent within a five mile radius of the development? Yes, what is the distance in miles, No. An example is the fees collected can only be spent within a five mile radius of the development? This question will answer if jurisdiction can spend fees

collected throughout their area of responsibility or if it must be spent within a certain specific location in conjunction with where the fees were collected. This is important to learn if jurisdictions have the flexibility to spend the fees where needed or if a restriction is imposed which reduces their flexibility. It is expected that a restriction is imposed to ensure that the fees collected are spent near the development where it was collected.

Management of Impact Fee Revenues

Question 25. Does the spending of your funds require a needs assessment prior to using funds for land purchase? Yes or No: will answer how well a jurisdiction plans and uses “best practices” when collecting fees for land purchase. This is important to citizens and to developers to see if needs match the use of funds. It is expected that most Texas cities do not require a needs assessment prior to purchasing land using park impact fees or land dedication fees; however flexibility is can be compromised if it is required to provide needs assessment for each purchase of land.

Question 26. Are project identified and assigned within an overall plan before fees are collected? Yes or No: will answer the question if long term plans are developed prior to builder’s development. This is important to learn due to the opportunities of leveraging and long term master planning options. It is expected that most Texas cities do not plan this far in advance.

Question 27. Is a master plan used to guide spending of collected funds? Yes or No: will answer if spending collected fees are guided and managed by a master plan

within a geographic area. This is important to learn if Texas cities are using collected funds within a master plan that provides opportunities for prior planning and leveraging. It is expected that most Texas cities don't master plan the funding they receive and don't plan that are into the future.

Question 28. Does the public have a role in spending impact fees through a public process in prioritizing projects or prioritizing land purchases? Yes or No: will answer the question if the public will provide input into how collected fees are spent and provide the public with a chance to assist with the prioritizing of projects and needs. This is important to learn how Texas cities work with the public in spending these specific funds. It is expected that most Texas cities don't spend the time and effort to work with the public in spending these particular fees due to the fact that it is not a constant or continuous fund source.

Question 29. Does your jurisdiction leverage impact fees with other funding sources (CIP, General Fund, etc.)? Yes or No: will answer the question if leveraging fees collected from impact fees can or will be used with other funding to increase the usability of the both the impact fee funding and other funds. This is important due to the fact that most projects are underfunded and that each of the funding sources don't generate enough revenue on its own; therefore leveraging is an option that is critical to the success of completing needed projects. It is expected that most Texas cities do leverage impact fee funds with other funding sources.

Question 30. Are parkland impact fees appropriated into the budget on an annual basis? Yes or No: will answer if impact fees are infused into the budget on an annual basis or if they are recorded in another method. This is important to learn how each Texas City records and manages these funds. It is expected that most Texas cities record and appropriate these funds into the annual budget, even though it is not perpetual revenue and could be held for several years.

Question 31. As fees are received throughout the year are they available for spending? Yes or No: will answer the question if the fees collected are available within the year they are collected and if these fees can be spent quickly or if there is another process that is required. It is important to learn what Texas cities do with the funds once received and how quickly they are spent. It is expected that most Texas cities will have a large interval or delay in the time the fees are collected and spent.

Question 32. In your jurisdiction, are parkland impact fees a unique funding source or part of the overall Capital Improvement Program? A unique funding source; Consider part of the CIP program. This question will answer as to how fees are classified. This is important to learn how Texas cities classify these funds as to how they could be spent and managed. It is expected that most Texas cities classify the impact fees collected in a unique funding source to track and manage separately for other funding sources.

Question 33. In your jurisdiction are fees tracked in a GIS system? Yes or No: will answer if GIS systems are used to track where fees have been spent. This is

important for reporting and data analyses and to learn if other Texas cities are considering these reporting and data scrutinizing options. It is expected that most Texas cities don't track how fees are spent or collected on a GIS system due to the fact that it would be labor intensive.

Question 34. Does your jurisdiction use a database for tracking fee revenue and fund expenditures? Yes or No: will answer if a database is used to track where fees are collected and spent. This is important for reporting and data analyses and to learn if other Texas cities are considering these reporting and data scrutinizing options. It is expected that most Texas cities don't track how fees are spent or collected on a database system due to the fact that it would be labor intensive.

Managing Unintended Consequences

Question 35. Does your jurisdiction have a self-imposed time limit or ordinance in spending fees collected within a specific time frame? Within 1 year, within 2 years, within 5 years, within 10 years, no time limit. This question will answer if there is a time threshold that fees collected must be spent. It is important to learn what other jurisdictions use as tools to manage the collected fees and what flexibility they have to spend the fees. It is expected that most jurisdictions have a threshold with in time to spend the collected fees. This ensures that the fees are being used as designed.

Questions 36. Has the nation's recession had any impact on the amount of fees collected? Yes or No: will answer if the amount of impact fees has changed during the

nation's recession. It is important to learn if these collected fees changed as it could have an influence on projects developed in the future. It is expected that the nation's recession has had an impact on the amount of fees collected; although some area of Texas have not been affected by the recession.

Question 37. Has the nation's recession created any changes for future projects using impact fees? Yes or No: will answer the question if any changes in future projects were influenced by the nation's recession. It is important to learn if the change of funding has a strong cause and effect influence on a jurisdiction. It is expected that the nation's recession has had an impact on the amount of fees collected' although some area of Texas have not been affected by the recession.

Question 38. Has your jurisdiction become dependent on parkland impact fees for park projects? Meaning, if parkland impact fees are not available, no new infrastructure is developed? Very dependent, Dependent, Neutral, Not dependent, Do not use at all. This question will answer if impact fees have a strong influence on infrastructure development. It is important to learn if these fees were not available, could the jurisdiction still provide needed improvements. It is expected that most jurisdiction don't depend on the fees since that don't collect a large amount.

Question 39. If impact fees are not available are other funds used to complete projects? Yes or No: will answer if other funding is used to make park improvements. It is important to learn how reliant jurisdictions are on impact fees. It is expected that most

jurisdiction don't have a reliance on impact fees since most jurisdictions don't collect many fees or large amount of fees.

Question 40. Has your jurisdiction collected enough impact fees to replace park infrastructure as it depreciates? Yes or No: will answer as infrastructure ages and needs repairs has jurisdictions collected fees to replace or improve infrastructure that it is responsible for. It is important to learn if impact fees are providing the needed resources to keep parks safe and operational. It is expected that most jurisdictions do not have enough funding to keep all infrastructure safe and operational even with added impact fees and other funding sources.

Question 41. Has your jurisdiction returned any fees to a developer within the last 10 years? Yes or No: will answer if developers received a return of their fees from a jurisdiction that either did not spend the funds or were required to return the funds. It is important to learn if any jurisdictions were required to return fees or did not spend the fees collected, this will gage how important these fees are to the jurisdiction, the developer or if a jurisdiction could not spend the fees collected. It is expected that none of the jurisdictions returned any fees, as most developers have built in the fees into the cost of doing business and rarely spend the time and effort to request refunds on small amounts of fees.

Question 42. Within the last 10 years has a developer challenged your jurisdiction's impact fees/ parkland development fees? Yes or No: will answer if developers in that jurisdiction have disputed or contested the fees related to parkland

impact fees. It is important to learn if developers believe the amount or the formula used to calculate fees is reasonable or even if the impact fee is legitimate or legal. It is expected that most jurisdiction have not been challenged by developers due to the fact that most developers build the cost of the fees into their sales and understand that they need to share the burden of growth with each jurisdiction.

Question 43. Local government should make sure that growth pay's its own way. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: This question will answer if the attitudes of local government is to ensure development pay's its share of the costs for growth and have processes in place to receive funding to make needed improvements. It is important to learn if other jurisdictions have this view and position and what are they doing to receive those funds. It is expected that most jurisdiction agree that local government should make sure that growth/ developers pay's its own way for the added costs of infrastructure and cost of added dwellings.

Question 44. In general, elected officials believe that parkland impact fees stifle development. Yes or No: will answer the question if in the interpretation of elected officials that development is suppressed by impact fees. It is important to learn if elected official have this view, as it will have an influence on the amount of impact fees collected and the use of impact fees in a jurisdiction. It is expected that most elected officials support impact fees.

Question 45. In general, the community believes that parkland impact fees stifle development? Yes or No: will answer the question if in the interpretation of the

community development is suppressed by impact fees. It is important to learn if the community has this view, as it will have an influence on the amount of impact fees collected and the use of impact fees in a jurisdiction. It is expected that most communities support impact fees?

Question 46. Parkland impact fees increase housing costs. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: will answer the opinion of whether housing costs increase due to parkland impact fees, or if it is the opinion that developers pass on the cost of impact fees to home buyers. It is important to learn the views of those completing the survey if impact fees increase housing costs because it could have an effect on the amount of fees collected and the management of collecting impact fees. It is expected that most completing the survey will agree that parkland impact fees increase the cost of housing.

Question 47. Parkland impact fees increase the value of neighborhoods where projects have been completed. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: will answer the question of how significant are impact fees in increasing the value of homes and neighborhoods. It is important to learn the perceptions of those completing the survey as to whether impact fees increase the value of homes and neighborhoods as this could have an impact on how fees are collected and managed. It is expected that most respondents filling out the survey will agree that impact fees will increase the value of homes and neighborhoods which have other corresponding benefits and outcomes.

Question 48. Parkland impact fees reduce the need for tax increases. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: will answer the question if the need for raising taxes can be deflected by collecting parkland impact fees. It is important to learn if the respondents believe the parkland impact fees have an influence of the need for additional taxes. This will gage the importance of the parkland impact fees and could suggest a need. It is expected that the respondents will disagree that parkland impact fees reduce the need for tax increases.

Question 49. Parkland impact fees have the support of City Council. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: will answer the question is there support from City Council in that jurisdiction for parkland impact fees. It is important to learn if there is support for impact fees from City Council as this will have an influence on how fees are collected, managed and spent. It is expected that most respondents will indicate a neutral stance as most elected officials are not in support of taxes that are placed on development, due to fear of lost development.

Question 50. Citizens support parkland impact fees. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: will answer the question is there support from the community in that jurisdiction for parkland impact fees. It is important to learn if there is support for impact fees from the community as this will have an influence on how fees are collected, manage and spent. It is expected that most respondents will agree that citizens support parkland impact fees.

Question 51. Developers support parkland impact fees. Strongly agree; Agree; Neutral; Disagree; Strongly disagree: will answer the question is there support from the developers in that jurisdiction for parkland impact fees. It is important to learn if there is support for impact fees from the developers as this will have an influence on how fees are collected, manage and spent. It is expected that most respondents will disagree that developers support parkland impact fees.

Research Technique

The research technique used is survey research via electronic survey (conducted through Survey Monkey). Survey research was chosen for its strengths and was deemed appropriate for this study because it is an effective way of measuring the perceptions of large populations (Babbie 2004). Survey research is a flexible methodology and allows the researcher to ask many questions on a focused topic, while also allowing for flexible analysis (Babbie 2004). Survey research is anonymous allowing respondents to deliver more candid answers. In addition, surveys are less time consuming for the subject to fill out and provide quick feedback in the collection data (Babbie 2004).

Although surveys are appropriate for this type of research it must be noted that there are some weaknesses associated with survey methodology. Poor participation and low response rate can decrease the effectiveness of any survey, resulting in responses that are unrepresentative of the population (Babbie 2004). It is important that questions not be too broad or overly general. Survey research can sometimes be inflexible. This is due

to surveys not being able to change to issues raised by the respondents, or adapt to points that may have surfaced after the development of the survey (Babbie 2004).

Another drawback of survey research is that data may become skewed from lack of responses. Response bias occurs when the views of the non-responders differs from those of respondents, making generalizations about the population difficult (Berman 2007). Response bias is controlled by encouraging survey participation. A cover letter was distributed with the survey explaining the research purpose and to encourage participation. Follow-up letters and phone calls were also used to remind individuals to complete the survey. Babbie states that follow-up letters “provide an effective method for increasing return rates” (Babbie 2004). The survey and letters were distributed electronically using a web-based survey and e-mailed to decrease research cost, speed up response time, provide efficiency with simplicity of the survey and encourage participation. Finally, misleading or loaded questions can solicit confused or misunderstood responses. Pre-testing the survey instrument is an important part of reducing ambiguous, misleading, or poorly worded questions. The questionnaire was pre-tested by a group of professionals associated with the parks and recreation industry.

Internet Distribution

Convenience and purposive sampling was used to reach municipalities that have a parks and recreation department in the state of Texas. The survey was directed to the Parks and Recreation Director and City Manager or person responsible for the financial

activities of these entities because they are the most informed individuals on the subject matter. The survey, containing a short explanation of the research purpose, was distributed to municipalities by e-mail request from mailing lists provided by the Texas Recreation and Parks Society (TRAPS) and the Texas City Managers Association (TCMA). Using trusted agencies such as TRAPS and TCMA provides confidence that the information being requested will be accurate and timely. Many of the professionals answering the questionnaire are extremely competent on the topic as well as a proficient representative of their community. In addition the each community will be receiving beneficial information from reviewing the outcome of the study. Respondents were allowed several weeks to complete the survey. Follow up letters and survey results were sent to each of the respondents.

Content Analysis Coding

A Likert scale was used in several questions to assess the inclusion and frequency of the respondent's answers regarding information and attitudes on impact fees for parks and recreation support. Babbie defines a Likert scale as a standardized research response that determines "the relative intensity of different items." (Babbie 2004). A Likert scale is appropriate for the content analysis because it allows frequency of information, provides description and attitudes characteristics to be noted. Each response was assigned a value of 5 - (Strongly agree), 4 - (Agree), 3 - (Neutral), 2- (Disagree), 1- (Strongly disagree). Indexing responses enables overall scores for particular categories to be determined. The

coding sheet used for the survey analysis is located in the Appendix. In addition several questions were open ended, requesting specific information as well as (YES) or (NO) responses.

Statistics

This study uses descriptive statistics such as mode, categorized averages and percentages of respondent's answers. Descriptive statistics are ideal for this study because of the descriptive nature of the research. The statistics used also demonstrate the range of attitudes and processes among Texas cities on impact fees, which can be used for several articles and as a base for further research. Descriptive statics proved for the reduction of large amounts of data into manageable summaries (Babbie 2004).

Human Subjects Protection

This Applied Research Project was submitted for review and declared exempt by the Institutional Review Board at Texas State University - San Marcos, Texas. To ensure anonymity of the respondents, no identifiable information was included in the survey. Anonymity improves the quality of the responses, as people typically feel more at ease expressing their opinions in an anonymous setting. Finally, all participants were notified that participation was completely voluntary and respondents were free to stop taking the survey at any time

CHAPTER 4: SURVEY RESULTS

The purpose of this chapter is to present the results of the research survey that was presented to park and recreation professionals and city managers in the state of Texas and analyze key points within each of the questions. The collection of data occurred from September 15, 2012 through October 8, 2012, and reflects the practices, policies and ordinances during those times. The data is specific to those dates. This chapter gives simple descriptive statistics for each of the close-ended questions. In addition, some of the comments the respondents provided are included to support the information provided. Simple descriptive statistics are ideal for this research because the process allows the researcher to summarize the main features of the data collection.

The survey was sent electronically to 205 cities across Texas with a total of 57 responses for a return rate of 27.8%. The response rate was favorable with the efforts of follow up e-mails and contracting professionals across the state to respond. The results will be available to all that are interested.

Table 4.1 shows a list of cities that participated, and each is designated as either they use and collect impact fees for parks and recreation activities or they do not. Of the 57 respondents, 26 indicated that they do collect impact fees and 27 indicated that they do not collect impact fees. Four respondents gave no indication whether they collect fees or not. Several cities indicated that for the year of 2011, no fees were collected; however they do collect fees from developers when active development is occurring.

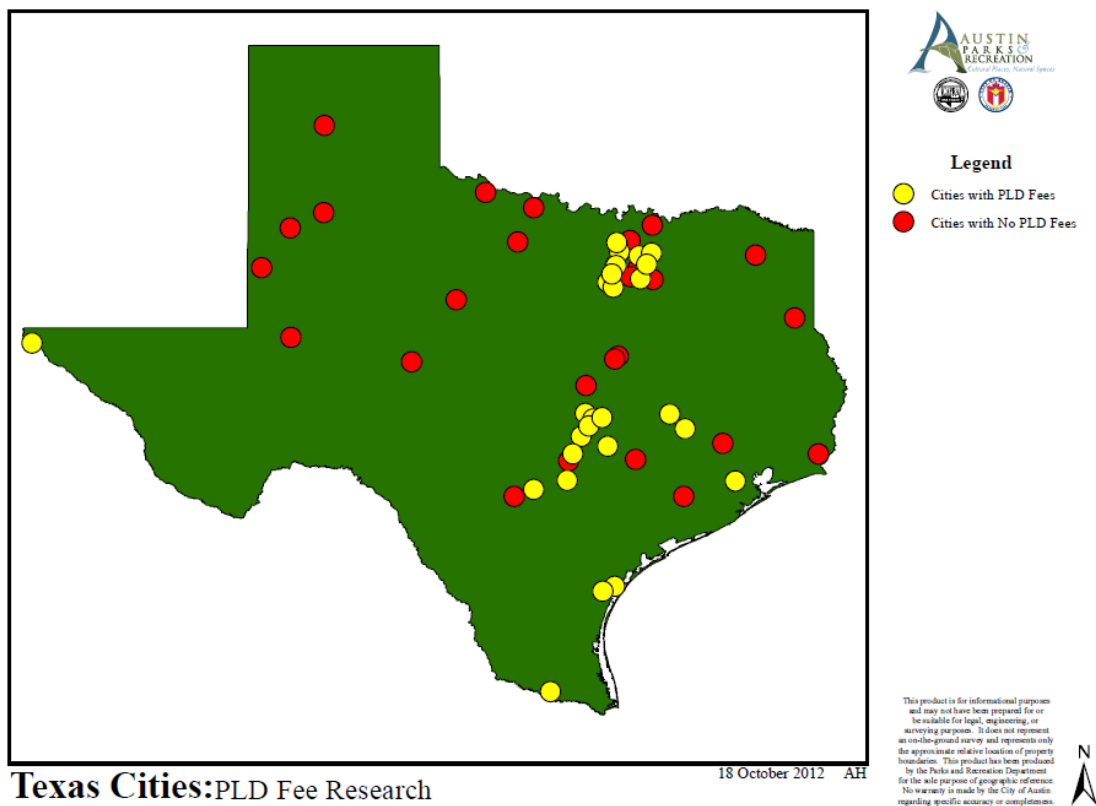
Table 4.1

Does Collect Impact Fees	Does NOT Collect Impact Fees
Austin Bastrop College Station Corpus Christi Dallas Denton El Paso Fort Worth Frisco Georgetown Hutto Ingleside Kennedale Kyle McAllen McKinney Navasota Pearland Pflugerville Plano San Antonio Sanger Texas Seguin Taylor Trophy Club Watauga	Abernathy Abilene Addison Amarillo Carthage Denver City Harker Heights Irving La Coste La Grange Levelland Mesquite Mount Pleasant Odessa Olney Pilot Point Port Neches San Angelo San Marcos Sherman Vernon Waco Westlake Wharton Wichita Falls Woodlands Woodway

A geographic location of the respondents is depicted in Table 4.2 to include which cities collect impact fees and which do not collect fees. The map demonstrates a widespread response rate, with a cluster in the Dallas Metro Area and in Central Texas which contains the highest amount of cities that collect fees. The map also demonstrates that

West Texas and the panhandle do not have any cities that collect fees. This can be attributed to the lack of growth in that area where the growth is static compared to central Texas, and the Dallas Metro Area where the growth rate has reached double digits over the past 5 years. In addition, the attitudes of those that live in the western area of the state are very conservative with malice toward taxes.

Table 4.2



To provide more comprehensive analyses of the respondent cities, Table 4.3 provides a list of cities by population and the amount of fees collected for each city. In addition, a ratio of impact fees collected per capita offers a better perspective of how much each city collects, rather than the total amount collected which can skew the perception that smaller cities do not collect much in total fees compared to larger cities. The formula is the total amount of fees collected divided by the population. Several cities reported that they did not collect fees in 2011 although they would if development occurred. It is noted that the City of Austin collected the largest amount of fees at \$1.4 million, and Bastrop collected the least in active collection at \$1,000, several cities report not collecting fees at all.

Table 4.3

List of Cities that responded	Population of Cities that responded	Impact fees collected in 2011	Impact fees per capita
Large cities over 100,000			
Abilene	117,000	\$0	\$0.00
Amarillo	191,000	\$0	\$0.00
Austin	790,000	\$1,400,000	\$1.77
College Station	100,000	\$500,000	\$5.00
Corpus Christi	305,000	\$250,000	\$0.82
Dallas	1,250,000	\$500,000	\$0.40
Denton	115,000	\$200,000	\$1.74
El Paso	750,000	\$500,000	\$0.67
Fort Worth	758,000	\$375,000	\$0.49
Frisco	129,000	\$280,000	\$2.17
Irving	200,000	\$0	\$0.00
McAllen	130,000	\$50,000	\$0.38

McKinney	140,000	\$0	\$0.00
Mesquite	136,000	\$0	\$0.00
Odessa	110,000	\$0	\$0.00
Pearland	130,000	\$80,000	\$0.62
Plano	270,000	\$200,000	\$0.74
San Antonio	1,360,000	\$274,000	\$0.20
Waco	125,000	\$0	\$0.00
Wichita Falls	104,000	\$0	\$0.00
Woodlands	102,000	\$0	\$0.00
Woodway	100,000	\$0	\$0.00
Medium cities 25,000 to 100,000			
San Angelo	95,000	\$0	\$0.00
Georgetown	50,000	\$30,000	\$0.60
Harker Heights	27,500	\$0	\$0.00
Kyle	30,000	\$30,000	\$1.00
Pflugerville	55,000	\$5,000	\$0.09
San Marcos	46,000	\$120,000	\$2.61
Seguin	25,175	\$4,000	\$0.16
Sherman	40,000	\$0	\$0.00
Small cities under 25,000			
Watauga	24,000	\$0	\$0.00
Abernathy	3,000	\$0	\$0.00
Addison	15,000	\$0	\$0.00
Bastrop	15,000	\$1,000	\$0.07
Carthage	6,700	\$0	\$0.00
Cedar Creek	10,000	\$0	\$0.00
Denver City	5,000	\$0	\$0.00
Hutto	18,000	\$50,000	\$2.78
Ingleside	9,000	\$0	\$0.00
Kennedale	7,000	\$0	\$0.00
La Coste	1,000	\$0	\$0.00
La Grange	4,500	\$20,000	\$4.44
Leveland	14,000	\$0	\$0.00
Mount Pleasant	16,000	\$0	\$0.00

Navasota	7,000	\$25,000	\$3.57
Olney	3,500	\$0	\$0.00
Park Neches	14,000	\$0	\$0.00
Pilot Point	5,000	\$0	\$0.00
Sanger	7,000	\$0	\$0.00
Taylor	15,190	\$5,500	\$0.36
Trophy Club	9,000	\$0	\$0.00
Vernon	11,000	\$0	\$0.00
Westlake	1,000	\$0	\$0.00
Wharton	9,000	\$0	\$0.00

The results of question #5 indicate that only 50% of Texas cities collect impact fees/parkland dedication fees from developers to support parks and recreation activities. It is noteworthy that most cities that collect impact fees are larger, however cities of all sizes collect fees when development is occurring in their jurisdiction. Since this fee is dependent on development, the amount of fees collected is not a perpetual stream of funds.

The results of question #6 indicate that 60% of the cities that responded to this question do have an active ordinance in place for collection of impact fees, although several cities did not collect fees in 2011 due to no development. The results show that most cities are capable of collecting fees even though fees are not always collected. As more development occurs, this trend will grow, which is supported by the comments of several of the respondents. In addition, several respondents indicated that their jurisdiction is in the process of creating an active ordinance to collect fees and several noted the desire to increase fees.

The results of question #7 indicates that not all new developments to include residential, commercial and industrial are required to pay fees. This may indicate that most impact fees are charged to developers that are exclusive to residential developments. Comments from the respondents confirm this statement. This suggests that many jurisdictions are not using impact fees to their full potential and growth of residential development is the priority, and has the most bearing on a community.

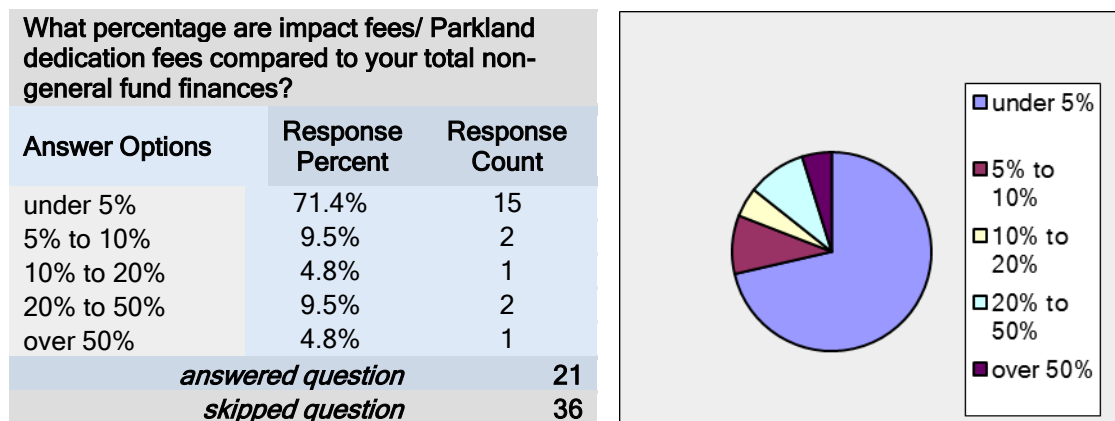
The results of question #8 and question #9 indicates that in most cases, land donations are accepted as an alternative to cash payment of fees and that cash payment of fees can be used in lieu of land donations. This provides the jurisdiction and the developer flexibility in meeting the needs of the required payment of fees. One respondent commented that they only accept cash fees to ensure equable fees. Several respondents specified this allows the jurisdiction more flexibility to purchase the land that they are interested in, rather than what is provided to them from the developer.

The results of question #10 indicate that if the option is available for a developer to provide the needed infrastructure that most Texas cities will accept parks designed and implemented by the developer. Several comments suggested that with approved designs this option is less costly, and serves the public better due to a quicker construction, design and permitting timeline, and the cost of construct is typically less expensive. However in most cases, the public is required to have access to the park and its amenities when built and designed by developers. In some cases, when the developer is building small gated

developments, the requirement may be waived; however, cash fees are then required which was commented in question #11.

The results of question #12 indicate that in most cases cash fees are not negotiated with developers. The explanations provided by the respondents, state that fees are generally set by Council and are not negotiable. Several respondents shared that many items in the master plan or during the permitting stage provide the developer opportunities to change the factors that might change the formula for the fees.

Table 4.4



The results of question #14 indicate that most Texas cities that collect parkland dedication fees/impact fees, these fees account for less than 5% of the non-general fund finances used for CIP activities. Several cities responded that they only have general fund dollars and no bonds to leverage impact fees with, so their funding is limited to only impact fees for CIP activities. One respondent indicated that parkland impact fees are the only revenues used for CIP activities; therefore impact fees comprise 100% of the non-

general fund revenues. It's key to note that not all cities spend CIP funds the same way, and in some years, impact fees are earned and collected in different amounts. The graph above demonstrates the wide range of fees compared to non-general fund revenues. This information also proves that impact fees are not a major revenue source and many jurisdictions are missing out on funding opportunities.

The results of question #15 indicate that in most Texas cities, impact fees are not waived to promote additional development. Only in certain situations is this allowed, such as in lieu of additional land or amenities. Several respondents did comment that due to the slow economy, it has been considered and there has been pressure to wave fees. In addition, the results further strengthen the argument that ordinance driven policies more accurately describe the fee calculations. The City of Irving and the City of Fort Worth do not collect any impact fees and rely strictly on negotiations.

As expected the results of question #16 indicate that most Texas cities require specific criteria of acceptance for parkland from a developer which could include location or amenities on that parkland. Several respondents clarified that in most cases they follow a comprehensive plan or a park master plan to accept amenities or land, which is a key factor from the literature review.

The results of question #17 indicate that most Texas cities accept land in the 100 year floodplain to meet the impact fees or land dedication requirements. Several respondents clarified that if they do accept land in the 100 year floodplain, they would require more land. In addition, they could ask for a combination of land and cash.

Several respondents also indicated that they do not accept land donation in the 100 year floodplain, but do purchase this type of land for park usage. Since there is a restriction of what can be built in the 100 year floodplain, this has a significant relevance on how the land can be used, such as a building of structures and use of land for open and active recreation. Therefore, planners need to consider the long term effects of having this land in their inventory.

The results of question #18 indicate that most Texas cities do not use impact fees for repairs to infrastructure, several commented that the primary use of the funding is for purchase of land and new amenities and are some cases, and this is by ordinance. However the results of question #19 indicate that most Texas cities are able to use impact fees for other items other than for the use of purchasing land. Respondents listed assessments, design studies, permitting, construction, and park development as examples. Due to the relative small amounts of fees collected, these fees are ideal for addressing smaller projects and unbudgeted needs.

The results of question #22 indicate that most Texas cities do not collect fees in the ETJ. Several specified that in most cases when the fees are collected in the ETJ, the land will be annexed by their jurisdiction or zoned for annexation. This points out that those planners do not evaluate growth outside of their jurisdiction, which is a concern because annexation of land in the ETJ is the most common tool to provide growth. Without addressing the growth prior to land development, most jurisdictions are missing

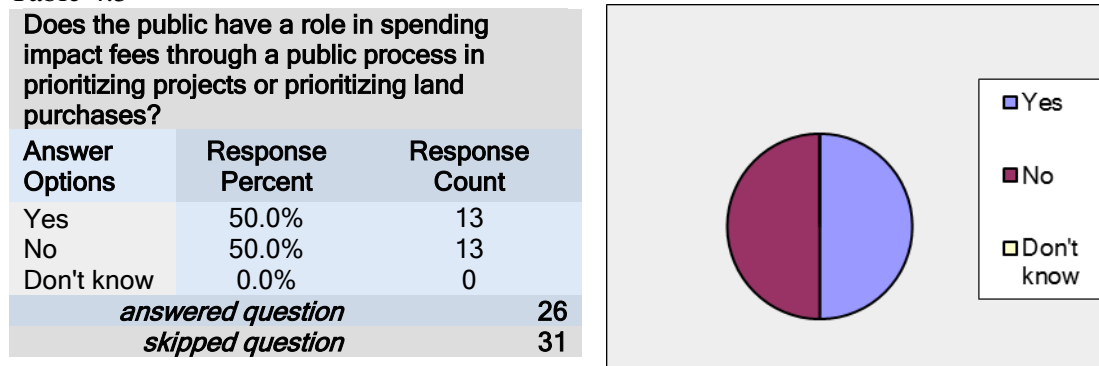
out on an opportunity to collect fees and master plan the community's parks and recreation needs.

As in questions #22, the results of question #23 indicate that most Texas cities do not collaborate with local school districts in collection, planning and spending of parkland impact fees, which signifies a missed opportunity of master planning and fees collection. Several respondents pointed out that there is a need to collaborate and in the past have sought input, but it is rare to have official documented collaboration. One respondent implied that they only purchase land that is adjacent to school districts and have had success collaborating.

Surprising results of question #24 indicate that only 50% of Texas cities do require fees be spent with a certain location of distance from where the development fees were collected. The range varied from one mile away to anywhere within city limits. Also, the size of the park was a factor in some jurisdictions, meaning the larger the park being developed the further away the fees could be spent. This provides more flexibility for the jurisdiction as to how to prioritize the funding. It is unexpected that stricter guidelines be placed on where these fees should be spent, in that developers that are providing the fee are not stipulating that the fees need to be spent within their development. In reviewing several city ordinances, it was clear that the size of the city is a factor, as well as the small amount of fees collected in each jurisdiction, but that many ordinances were written with staff and administrators providing direction on where to spend these fees.

As expected, the results of question #26 indicate that most Texas cities do identify projects within an overall plan before fees are collected. The respondents shared that the use of the master plan provides the guidance and direction for spending impact fees collected. In addition, respondents stated plans are ratified in the permitting stage of development. To provide further justification that planning is a key component of fees, the results of question #27 indicated that 85% of Texas cities do use a master plan to guide spending of collected funds. However, several stated that since this is not continuous revenue and is influenced by the amount of development, some plans have changed or been placed on hold. Overwhelmingly, most cities have crafted long range plans to ensure equity across the jurisdiction in the spending of collected fees.

Table 4.5



The results of question #28 (as seen in Table 4.5) indicate that for Texas cities, 50% do have some type of public process in prioritizing projects that use parkland impact fees. Several respondents shared that public input is requested once a project is identified or that the public provided input for a master plan that supports the spending priorities of

the collected funds. Others shared that the projects are reviewed by parks board and city council, and others shared that staff decisions are the major input in how fees are spent. The results were unforeseen and contradicting to the literature review. With the heightened awareness of transparency and struggle for public trust, this could be a concern for parks and recreation professionals and public administrators.

As expected, the results of question #29 indicate that for most Texas cities, impact fees are leveraged with other funds. Several comments stated that grants, bonds, general fund dollars are all used to leverage impact fees to fund projects. Due to the small amounts of fees collected signified by the data collection, there is not enough funding provided by the impact fees to provide significant projects without leveraging other funds. This does however strengthen other funding such as grants, bonds and mitigation revenues to provide for those core services.

In regards to tracking and managing fees, several questions were asked and the results are as follows. Question #30 indicates that for most Texas cities impact fees are appropriated into the budget on an annual basis, but not all cities use the same process. Several stated that the funds are accounted in other accounts, such as capital improvement funds, which allows for more flexibility of the funds. Question #31 indicates that for most Texas cities, impact fees are available for spending throughout the year and as collected. This provides access to the funds more quickly and with less bureaucracy. This allows for quicker decisions and the ability to act when opportunities arise. Question #32 indicates that for most Texas cities impact fees are a unique funding

source and is not consider as part of the CIP. However, several respondents specified that the funds can be used for upgrades and repairs, therefore these fees are unique and used as priorities are identified such as repairs that are not in the CIP plan. Question #33 indicates that for most Texas cities impact fees are not tracked in a GIS system. One respondent shared that the fees are tracked in their planning department and another stated that the fees are tracked in their public works department. Question #34 indicates that for most Texas cities, impact fees are not tracked in a database for the aspects of revenues and expenditures. Several stated that simple spreadsheets are used and other shared that financial systems need to be upgraded to allow this type of tracking. The results of these questions provide feedback that each jurisdiction has some controls on the operations and management of the fees collected, but do not use best practices to enhance and streamline the process.

The results of question #35 indicate that for most Texas cities, impact fees do have some type of self-imposed time limit or ordinance that fees must be spent under a certain time frame. However, there is a vast difference in what that time limit is for each jurisdiction. 41% of the jurisdictions do not have a time limit to spend the fees collected, which is surprising in that there are not more controls on these fees.

The next few question centered on the topic of the nation's recession and the influence the recession has had on the collection and management of parkland impact fees. Question #36 indicates that for most Texas cities, the nation's recession had an impact on the amount of fees collected. Several comments stated that development has

declined and has reduced that amount of fees collected and available. Question #37 indicates that for most Texas cities, the nation's recession has not changed any plans for future projects using parkland impact fees. Several commented that the focus of impact fees are not for future projects and that different funds are used for projects.

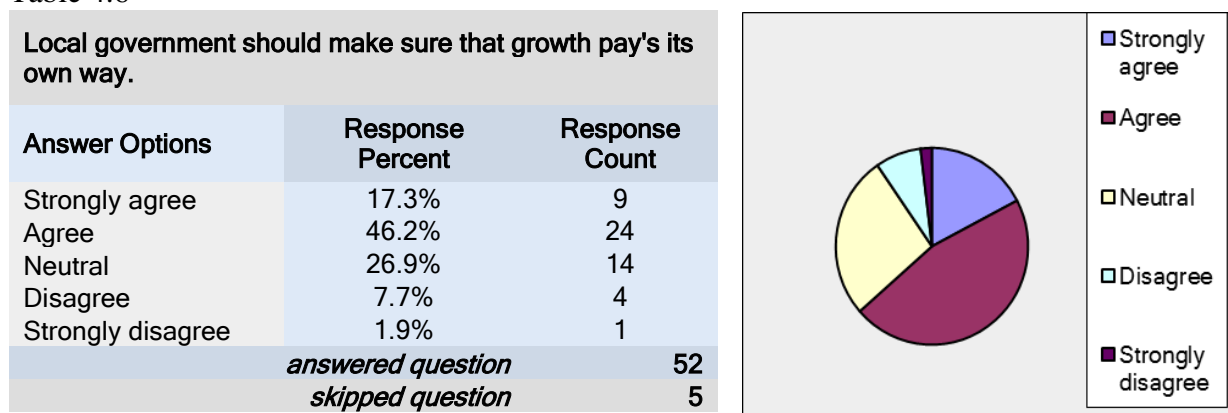
The results of question #38 indicate that for most Texas cities, dependence on impact fees is not prevalent, stating that parkland impact fees are not a primary funding source. If land is desirable or amenities are needed, than bonds are used more often as the primary funding mechanism. The results of question #39 indicate that for most Texas cities if impact fees are not available, than other funds are used to complete projects. This supports the results to question #38 that impact fees are not a primary funding source.

The results of question #40 indicate that for most Texas cities, impact fees collected are not enough to replace park infrastructure as it depreciates. Several respondents commented that the fees are not intended for replacement of infrastructure and that fees spent are a one-time expense, meaning that the general fund and all the citizens of that jurisdiction will need to pay for the long term maintenance and replacement of infrastructure. Therefore, replacement funding is needed in other funds to meet the future needs for the new infrastructure.

Several questions were asked about relationships with developers. Question #41 indicates that for most Texas cities, no fees have been returned to developers within the last 10 years. However, four respondents stated that fees have been returned and one

shared that due to a cancellation of a project, fees were returned to the developer. Results of question #42 indicate that most Texas cities have not been challenged by developers on the fees collected. Several respondents commented that the fees have been challenged to Council or other public forums, but since the fees are ordinance based, the developers do not have much to justify their challenges. No one stated that fees were legally challenged in court.

Table 4.6



The results of question #43 in Table 4.6 indicate that most Texas cities agree that growth should pay its own way. Several comments stated that, in general, growth should be controlled and developed with input from city leaders, city staff, and the community. To avoid pockets of under-served neighborhoods, master planning is key to properly resourcing community priorities.

The results of question #44 indicate that most Texas cities believe that elected officials do not believe impact fees stifle. However, there were many that answered

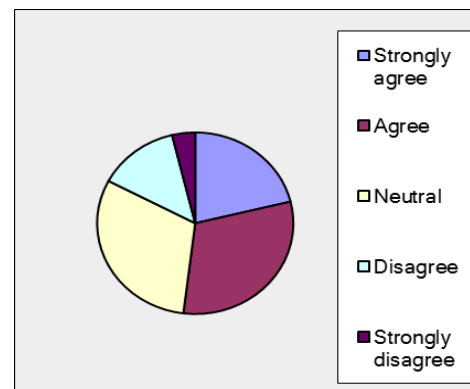
“Don’t know.” This may suggest that elected officials do not know or understand the pros and cons of impact fees and the issues that have faced parks and recreation departments.

The results of question #45 indicate that most communities in Texas cities believe that parkland impact fees do not stifle development. With 27% responding “Don’t know,” it is suggested that many communities in Texas do not understand the benefits of impact fees, how they are collected or what the negative aspect of impact fees are for their community.

The results of question #46 indicate that most Texas cities are neutral on the statement that impact fees increase housing costs. Several comments stated that the fees are passed on to the home buyer, but the advantage of having quality parks and recreation amenities available in their neighborhoods increase the value of the homes. The results of question #47 also indicate that most Texas cities agree that impact fees increase the value of the neighborhoods where projects have been completed. This in turn creates a stronger tax base that boosts the general fund revenues of municipalities. However, this is not a direct correlation to the fees collected and not all the increased general fund tax revenue goes to parks and recreation departments.

Table 4.7

Parkland impact fees have the support of City Council.		
Answer Options	Response Percent	Response Count
Strongly agree	21.2%	11
Agree	30.8%	16
Neutral	30.8%	16
Disagree	13.5%	7
Strongly disagree	3.8%	2
<i>answered question</i>		52
<i>skipped question</i>		5



The results of question #49 indicate that most Texas cities believe that city councils support parkland impact fees, but may have different levels of support. The results support several outcomes of prior questions and the amount of cities that have ordinances for these fees to be collected. Several respondents noted that some council members are not supportive of impact fees and it has been difficult for staff to use this tool.

The results of question #50 indicate that most Texas cities have citizen support of impact fees. Although difficult to understand, having an ordinance to collect fees demonstrates support for the fee. Since fees do not affect most citizens, only those buying newly constructed homes, it becomes more accepting to those that are long-time residents. Several comments stated that most home buyers are not critical of the fees and are willing to pay for the improvements to their neighborhood.

The results of question #51 indicate that most Texas developers are neutral or disagree that developers support parkland impact fees. Several comments stated that most developers see the advantage of impact fees for needed amenities in their development area, which make their development more desirable. On the other hand, developers already have a host of fees, costs and expenses such as permits and land surveys, so any extra cost will have them disagreeing on any impact fees.

The data supplied by the questions provide a clear trend or attitudes of the respondent's jurisdiction. The comments created by the respondents also add additional value and strengthen the results of each of the questions with more detail. The data can be viewed in the Appendix for a more detailed analysis. The amount of feedback and

comments from the respondents was critical in formulating explanations to each of the questions and the data.

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

The final chapter provides an overview of key findings in the research survey and literature review related to factors important to parkland impact fees and the collection and use of those fees. Within the state of Texas, park and recreation professionals and city managers were surveyed on the uses and attitudes of communities on the topic of parkland impact fees. The findings are based on an analysis of the survey questionnaire and a review of the literature. The chapter will also discuss suggestions for improvements and direction of possible future research.

Summary of Research

The purpose of the research is to describe use of impact fees for park improvements in Texas cities and counties. Specifically, this study will describe reasons why cities choose to use park impact fees, how fees are collected or developed, how fees are managed and spent, and unintended consequences of using park impact fees. The paper began with a history and general description of impact fees related to park and recreation activities, to provide a foundational overview of the topic. Using the literature to guide the research, critical sub-topics were developed. Using the literature review, survey results, and comments from the respondents, this paper will illustrate some on the conclusions and outcomes of the research and analyze several of the themes in the paper

to provide tools for parks and recreation professionals on how best to use impact fees and to better understand how other cities use impact fees.

Collection of Impact Fees and Land Dedication

The information provided by the survey determined that approximately 50% of Texas cities collect impact fees to support parks and recreation activities. It was expected that larger cities would take advantage of this tool. However, many larger cities such as Abilene, Amarillo, Irving, McKinney, Odessa, and Waco do not use the collection of parkland impact fees which brings apprehension to public managers due to the large amount of development and growth expected in Texas cities. The literature suggested that in most areas of high growth there is a utilization of impact fees, therefore the concern is that either no funding will be in place or there will be a lack of needed parks, amenities and infrastructure.

The amount of fees collected in dollars was also noted in the survey. Many of the cities collected insignificant amounts of fees that would not have a bearing on projects unless the fees were collected for years and spent in one large sum, or if the fees were leveraged with other funding sources. As an example, the City of La Grange collected \$20,000 in fees in 2011, which is \$4.44 per resident with city population of 4,500 residents. This is the highest fee collected per capita (see Table 4.3). However, the amount of fees collected is not enough to purchase more than an acre of land. To further explain the lack of funding generated by parkland impact fees, the City of San Antonio,

with a population of 1.4 million, collected \$274,000 in fees, which is \$.20 per resident (see Table 4.3). While \$274,000 is a large sum of money, it does not meet the needs of the community's growth and the need for more parkland, amenities or park upgrades.

Although most of the cities that collect fees use the fees for land purchases and park development, other uses include maintenance, repairs, studies, permitting and other uses. Several respondents stated that these fees were collected for specific use and they were unable to have the same flexibility as other cities in the use of the fees. It seems that the many uses across the state provides attitudes that are different among those that use the fees and what these fees are for, and most ordinances or policies are vague and indistinct. In the research, several ordinances were evaluated (see Appendix 1.1 & 1.2) and the interpretation of the ordinance was left open and was designed to be ambiguous. This provides inconsistency across the state and without a state statute or guideline each jurisdiction can interpret the ordinance differently.

From the results of the survey, it was clear that those jurisdictions that collect fees from developers or land donations are flexible in how they collect the fees. Most cities provided options in land donations, cash payments or other amenities that are of equal value. It was clear that if a developer was to provide the parkland or amenities that there would be particular criteria and those areas would need to be available to the public.

Results from the survey indicated that negotiations with the developers rarely transpire due to the local ordinance taking precedent. Several respondents explained that the need for negotiations might occur with the type of amenities that are going to be

provided or the location of these amenities. In those cases, a master plan is the document that public administrators typically use to define the needs of the park and/or its location.

Other results from the survey and comments from respondents reveal that other negotiations such as incentive zoning do not occur, which is in contrast to the literature and has an influence on the amount of fees collected. The comments suggested that the bond or relationship that jurisdictions and developers have is either strained or non-existent. This is a disadvantage for both parties, and creates a missed opportunity to address planning issues strengthen parkland infrastructure.

Attributes of Impact Fees

The survey noted that those jurisdictions that collect fees rely on a local ordinances or policy to dictate the amount and value of the fees or land donation. Other factors such as the quality of the land, location of the land and whether in the flood plain were all factors of how the fees and land donations were accepted. The criterion of the land is critical, so that the municipality does not receive land that is unusable or will require more resources to develop. None of the respondents commented on how the criteria are developed and what the determining factors are on standards for the land. However, in each question asked on this topic, there were some responses that did not follow the trend or the expected outcome, which means there are some jurisdictions that they follow different standards or are unaware of the best practices and opportunities they have in implementing the collection of parkland impact fees.

Survey results provided insight on the lack of partnerships with schools. Several respondents shared that there should be an improvement in this area in the future, but an absence of relationships with the developer and the school districts is the main element for the lack of a partnership and a missed opportunity to leverage funds, projects and objectives. The literature suggested that more partnerships and alliances occur with school districts and other larger land holding organizations.

Regarding Extra Territorial Jurisdictions (EJT), most survey respondents replied that collection of parkland impact fees are not major revenue or authorized to collect in the EJT. Only if annexation is occurring in the EJT were parkland impact fees collected. With present growth patterns occurring outside city limits, several Texas cities need to be aware of the strain these developments will place on their resources as developers take advantage of the short term gain of avoiding impact fees by simply developing in the ETJ where cities are not authorized to collect fees but still benefit from the proximity of the city and its services and resources.

In the literature research the theory of Concept Linkage, which requires developers to provide specific services such as child care, schools and recreational opportunities, was a major topic; but examples and comments in the survey did not expound on it. It seems that the major interest is land purchase for fees collected and not much interest or involvement with service or the resources to provide the services in new developments.

The concept of Rational Nexus was not explored or mentioned by the respondents in the survey results. The concept of collecting enough funds in a geographic area or to moving funding to different areas of the jurisdiction does not factor into the operations and collect of parkland impact fees by most cities. This may be due to the small amounts of land and fees collected and the limited uses of those resources and the minor outcome these fees have on the overall operating and CIP budgets of these jurisdictions.

Management of Impact Fee Revenues

The survey provided many comments on the use of master plans for the spending of impact fees and the use of anticipated land donations. This is contrary to the lack of a relationship with the developers which was expressed in other answers to the questionnaire. This means that the master planning is created internally and without the support or collaboration of developers. The respondents referred several times to master planning as the key of design for amenities and land donation from developers. The drive of what is needed in an area of a jurisdiction comes from the master plan. Those jurisdictions that do not have master plans or do not update those plans are at a disadvantage when accepting land donations or working with developers. Just as an ordinance provides a set of directions and instructions for a process for collection of fees, so does a master plan, which provides priorities and a set of rules or guidelines for upgrades in infrastructure, services that are required or highly expected, purchase of land or other highly significant projects that may be politically supported. When these

guidelines are in place, they become a fantastic tool for parks and recreation professionals or public administrators to use. It takes the politics out of the decision making and provides clear paths to follow for professionals and administrators. It is critical for jurisdictions to create, implement and execute master planning to fully use impact fee collection to its potential.

The survey provided information on how jurisdictions utilize citizen participation. Although most do use some process of public input, it was a 50% split on those that do use citizen participation and 50% that do not. It was stated by several respondents that most projects are small and the use of the master plan drives most decisions. In addition, most of these developments are built for new citizens that have not yet moved to that jurisdiction or do not have a stake in the issues of that neighborhood since they are not residents of that area yet. It is difficult to provide a forum to stakeholders if you do not know who the stakeholders are, when they will arrive or who they will be. This means that the majority of planning input is from city planners with historical data and past experience to make decision if not provided by a master plan.

Needs assessments was a topic that the literature review deemed as a best practice for city planners and parks and recreation professionals to use as a tool for maximizing impact fees. From the results of the survey and comments from the respondents not many jurisdictions use an individual needs assessment for a particular project supported by impact fees or land donation. They commented that most of this work is performed in the master plan. So again, it is demonstrated that having a master plan is critical.

According to the survey results the use of leveraging impact fee revenues is highly used and widely accepted, which matches the literature review. With the limited amount of funds collected and that other revenue sources are the primary tool for infrastructure repair and development it is expected that this would be the outcome. However, it is important to note that in most cases fees are accumulated over several years before spending. Since this is not a steady revenue stream, and amounts can be different and unpredictable each year, it is important not to solely rely on impact fees.

Within the concept of Rational Nexus is the timing used to spend fees. The question was asked if a time limit was used for spending collected impact fees. The responses were not consistent. Responses varied from less than one year to no time limit at all for spending impact fees. This, combined with the way fees are encumbered and recorded, varies in each jurisdiction, meaning that local ordinances and the interpretation of those policies differs from city to city with no consistency. No state regulation provides direction so it is up to the local jurisdiction to find what is best for their interests.

Recording how and where fees are collected and spent was of interest in the research and the survey results provided feedback that not many jurisdictions use GPS or database technology to perform this task. Several respondents stated that they used simple spreadsheets and most do not have a system as to where fees are spent. The literature review emphasized best practices to maximize the use of fees. To have basic information available on GPS systems and a database system could help avoid lawsuits

and provide transparency that is often requested by citizens. The use of technology is an important tool for jurisdictions to use and explore as they begin to use impact fees on a more frequent basis.

Managing Unintended Consequences

The survey provided questions on legal issues and challenges from developers and if collected fees were ever returned to developers. The respondents specified that no legal challenges had been taken to court, and only one example of fees being returned surfaced, and that was due to the development project not being completed. This means that, in general, impact fees are accepted and difficult to overturn in court or within the political landscape. With each of the jurisdictions having confidence in their ordinance or policies it is difficult to challenge. However, as noted before, most ordinances are vague and open for interpretation. With the fact that most developers pass on the costs to the home buyer or customer and that the amount of fees is relatively small, there has been no reason or incentive to challenge fees. If jurisdictions use fees more often or increase the fee amounts it is imperative that these ordinances become more specific and detailed.

The literature review provided several opinions that impact fees stifle development or increase the cost of home beyond the ability of most home buyers.

Improvements

Conclusions from the research indicated that several areas related to the use of parkland impact fees were in need of improvement. By learning from others, we get a better understanding of the issues and are able to self-reflect and evaluate policies and process that need improvement. In general, all jurisdictions use and collect parkland impact fees differently. Nevertheless, improvements can be made to improve service to the community which is what every jurisdiction strives to accomplish. Below is a list of items that were highlighted in the survey and the literature review.

- It was surprising that more jurisdictions do not use parkland impact fees despite growth and needed funds for infrastructure. Although parkland impact fees are not for everyone, it would be worthwhile for jurisdictions to implement ordinances to collect these fees, even if it is in small amounts.
- The amount of fees collected was another surprise, in that most jurisdictions do not collect enough fees to address major projects or address demand from new residents. Revising ordinances to collect more fees and land would be an important investment to address the new demands and interest in parkland and recreational activities.
- The language of the ordinance which enforces parkland impact fees and land dedication for most jurisdictions needs improvement. From the responses of the survey, most are vague in how funds are spent in relationship to maintenance, improvements and clear definitions of where the fees can be spent. This does

allow the jurisdiction the freedom to interpret the definition, but lacks transparency.

- Survey results and several respondents stated that their jurisdiction lacked collaboration with other agencies such as school districts. This is a missed opportunity for quality planning and leveraging of funds and land for parkland use. This is an area that all the jurisdictions can improve through better communication. It is important to plan far ahead and provide options for alternate scenarios when it comes to planning communities with growth and economic concerns.
- Most of the respondents stated that they do not collect parkland impact fees in the ETJ. As most cities grow the movement of growth is pushed outside the city limits where development is less expensive and land is available. This places a strain on cities not planning in the ETJ or not working on annexation plans. Without those plans and not collecting fees in the ETJ, the needs of those in the ETJ fall onto those in the city limits that pay for current services or have paid impact fees for infrastructure. An improvement for most jurisdictions is work with developers on collecting parkland impact fees in areas not in the city limits that use city resources. Annexation is one option, than the ordinance will apply to those new residents. Another option is to require land donations when working with developers and that the land resides in the city limits. The important issue to

learn is that by developers building outside the city limit still has an effect on the services, infrastructure and resources of that jurisdiction.

- Survey results provided feedback that most jurisdictions do not use technology such as GPS or database systems in recording how and where funds are collected and spent. Having this information available can help answer questions if the process or policy is ever challenged by a citizen or a developer. With transparency as a major concern for most jurisdictions, it is important to use tools such as technology to help document processes or policies. It was surprising that not many developers have challenged the collection of fees and where the fees are spent. As citizens are becoming more engaged and focused on how each and every dollar is spent, tools that can document where and how the funds are spent are critical. Jurisdictions need to prepare for these questions.
- The topic of master planning parks and prioritizing needs were a reoccurring statement in the responses in the questionnaire, and the results of the survey overwhelmingly shows that most jurisdictions use this tool. It is a great idea to use the tool of master planning in decision making, yet several of the jurisdictions stated that their master plan needs to be updated or that the master plan is only for current land and property, but not for future growth. It is critical that master plans include the use of parkland impact fees with the anticipated growth in that jurisdiction.

Further research

Several topics are worthy of more research within the topic of parkland impact fees. This research was limited to the state of Texas, therefore research and a survey of the whole country would provide interesting and different results. In the literature review, most of the articles referenced California and Florida, which have very different perspectives and attitudes than Texas. Each area of the country use impact fees differently, reflecting the attitudes of each area. Further study of the whole country would provide more data and a greater understanding of parkland impact fees.

The topic of technology and tracking fees would be beneficial to research. Due to the fact that most of the respondents do not use technology in tracking collected or spent fees, this tool would greatly enhance the ability of those that use impact fees to streamline process and speed spending, as well as document fees spent and collected. Any improvements in technology has an impact of how business is conducted, these improvement can be used in better record keeping and operations.

A study on the transparency aspects of parkland impact fees would be beneficial to research. Conclusions from the survey questions showed that most citizens are not aware of parkland impact fees nor are they involved in the development, collection and spending of the fees.

Final Word

Without the use of impact fees and the acceptance of land donations from developers, many neighborhoods would not have the needed infrastructure or amenities required to meet the needs of the community. Simple amenities, such as those shown in Photo 5.1, were provided by parkland impact fees in Austin (installed in April of 2012). These types of amenities have a significant influence on the children of the community and a lasting impression on their development and growth, and for the value of the neighborhood which will only boost the appeal and assessment of property values. It is essential that parks and recreational activities be a priority for citizens and the public administrators that help manage and guide these communities. Learning about the tools available and how others use these tools will only benefit parks and recreation professionals and public administrators to be better at the difficult job they have.



Photo 5.1

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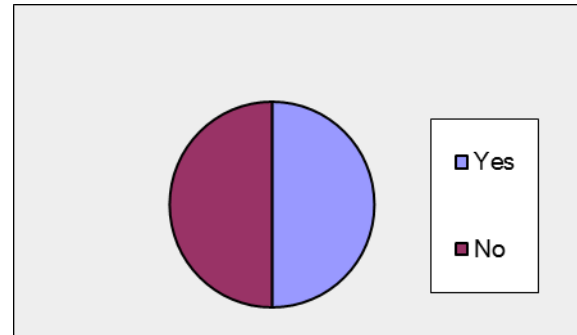
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Appendix A: Survey Questions and Results

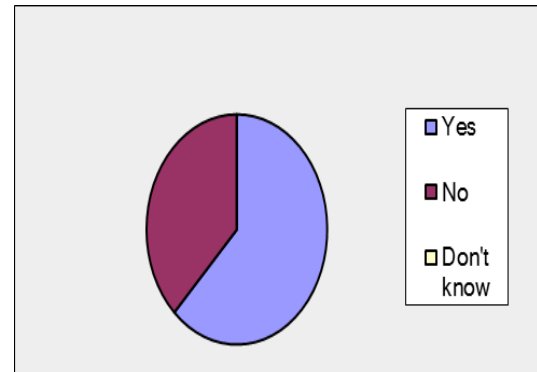
Question #5

Does your jurisdiction collect parkland impact fees/ parkland dedication fees from developers to support Parks & Recreation activities?		
Answer Options	Response Percent	Response Count
Yes	49.0%	26
No	51.0%	27
<i>answered question</i>		53
<i>skipped question</i>		4



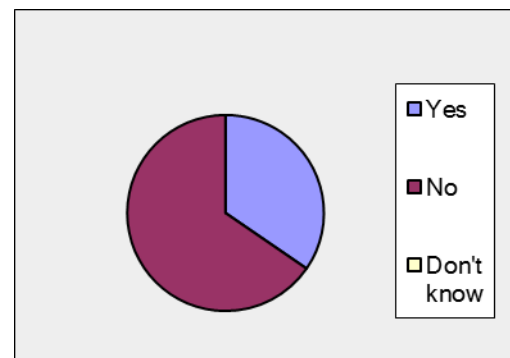
Question #6

Does your jurisdiction have an active ordinance for collection of impact fees/ parkland dedication for Parks & Recreation activities?		
Answer Options	Response Percent	Response Count
Yes	62.2%	28
No	37.8%	17
Don't know	0.0%	0
<i>answered question</i>		45
<i>skipped question</i>		12



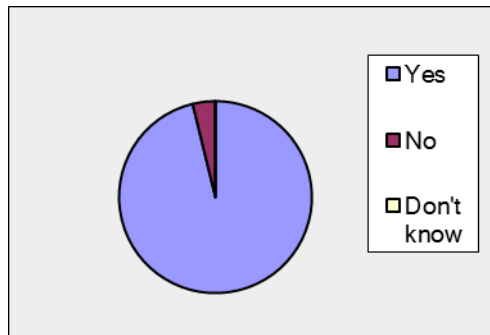
Question #7

Are all new developments (residential, commercial, industrial) required to pay parkland impact fees?		
Answer Options	Response Percent	Response Count
Yes	34.6%	9
No	65.4%	17
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



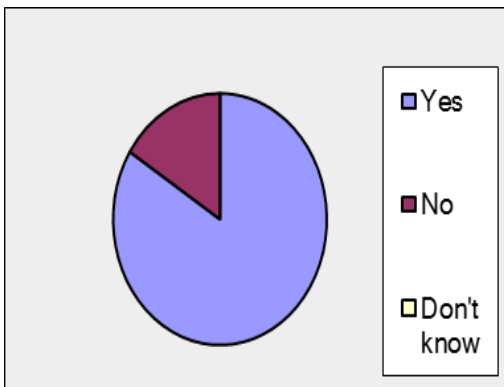
Question #8

Are land donations accepted as an alternative to cash payment of fees?		
Answer Options	Response Percent	Response Count
Yes	96.2%	25
No	3.8%	1
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



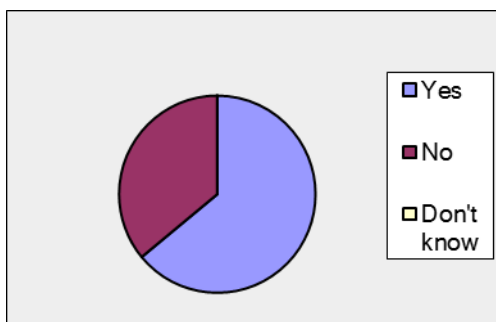
Question #9

Are cash payments of fees used in lieu of land donations?		
Answer Options	Response Percent	Response Count
Yes	84.0%	21
No	16.0%	4
Don't know	0.0%	0
<i>answered question</i>		25
<i>skipped question</i>		32



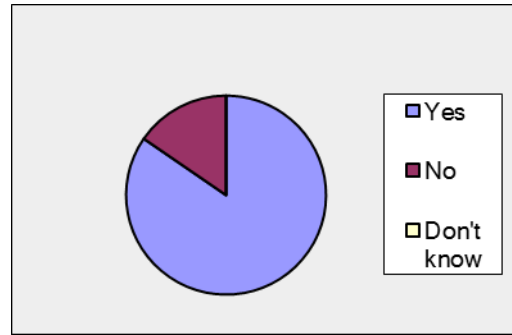
Question #10

Are fees waived in lieu of designed parks implemented in the development and paid by the developer?		
Answer Options	Response Percent	Response Count
Yes	64.0%	16
No	36.0%	9
Don't know	0.0%	0
<i>answered question</i>		25
<i>skipped question</i>		32



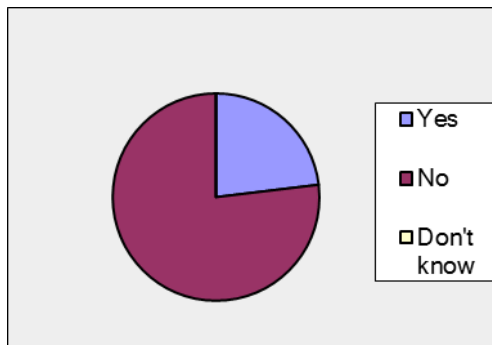
Question #11

Are parks available to the public when designed and built by the developer to satisfy impact fees/ parkland dedication?		
Answer Options	Response Percent	Response Count
Yes	84.6%	22
No	15.4%	4
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



Question #12

Are cash based fees negotiated with developers?		
Answer Options	Response Percent	Response Count
Yes	23.1%	6
No	76.9%	20
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



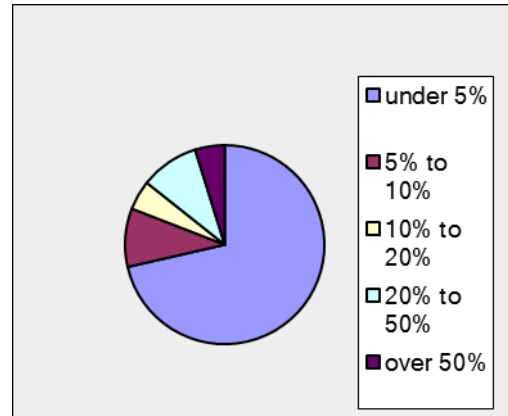
Question #13: Please see chart 4.3

On an annual basis how much does your organization collect in fees?			
Answer Options	Response Average	Response Total	Response Count
To the nearest thousand	199,228.63	3,785,344	19
<i>answered question</i>			19
<i>skipped question</i>			38

Question #14

What percentage are impact fees/ Parkland dedication fees compared to your total non-general fund finances?

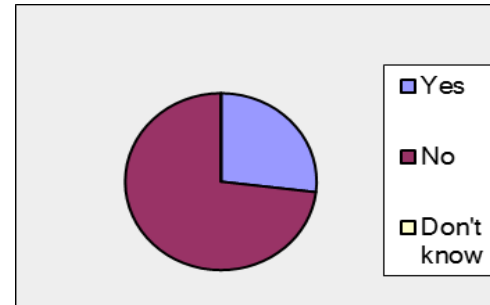
Answer Options	Response Percent	Response Count
under 5%	71.4%	15
5% to 10%	9.5%	2
10% to 20%	4.8%	1
20% to 50%	9.5%	2
over 50%	4.8%	1
<i>answered question</i>		21
<i>skipped question</i>		36



Question #15

Are impact fees/ parkland dedication fees waived to promote additional development?

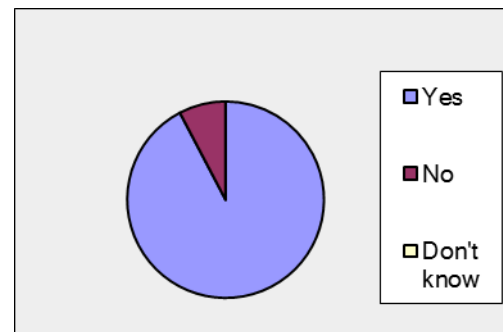
Answer Options	Response Percent	Response Count
Yes	26.9%	7
No	73.1%	19
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



Question #16

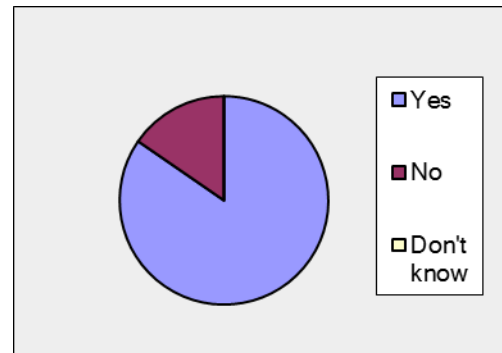
Does your jurisdiction follow specific criteria of acceptance for parkland, such as location or amenities on the land?

Answer Options	Response Percent	Response Count
Yes	92.3%	24
No	7.7%	2
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



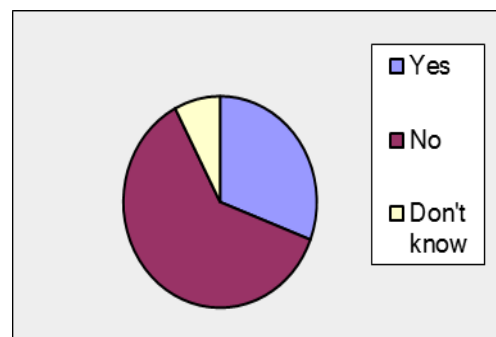
Question #17

Does your jurisdiction accept land in 100 year floodplain?		
Answer Options	Response Percent	Response Count
Yes	84.6%	22
No	15.4%	4
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



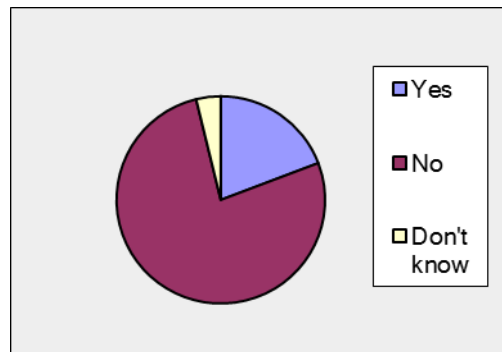
Question #18

Are you able to use parkland impact fees for repairs to infrastructure?		
Answer Options	Response Percent	Response Count
Yes	30.8%	8
No	61.5%	16
Don't know	7.7%	2
<i>answered question</i>		26
<i>skipped question</i>		31



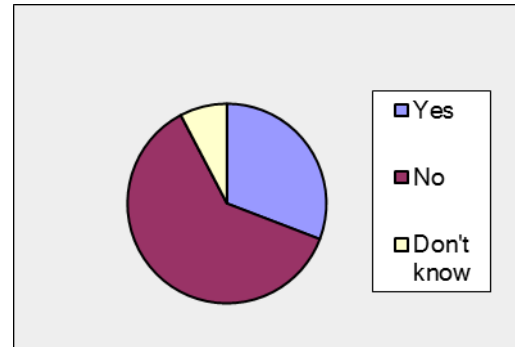
Question #19

Are parkland impact fees only used for purchase of land?		
Answer Options	Response Percent	Response Count
Yes	19.2%	5
No	76.9%	20
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



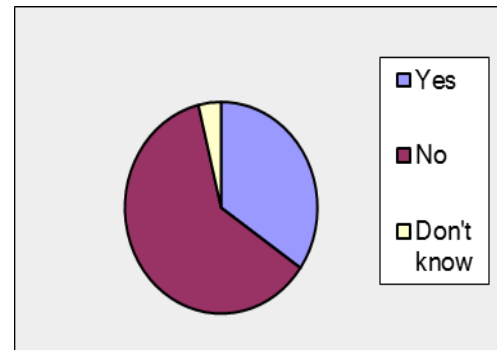
Question #20

Does your jurisdiction define maintenance in regards to how fees can be spent?		
Answer Options	Response Percent	Response Count
Yes	30.8%	8
No	61.5%	16
Don't know	7.7%	2
<i>answered question</i>		26
<i>skipped question</i>		31



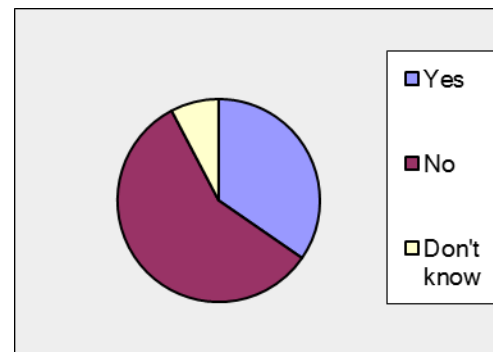
Question #21

Does your jurisdiction define renovation in regards to how fees can be spent?		
Answer Options	Response Percent	Response Count
Yes	34.6%	9
No	61.5%	16
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



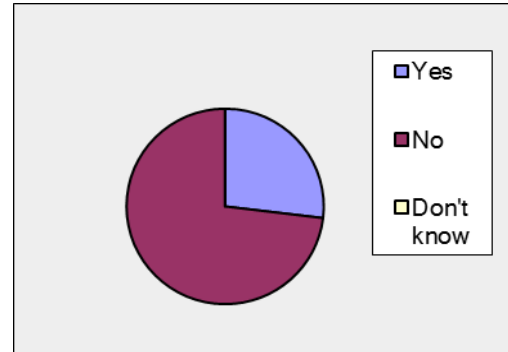
Question #22

Does your jurisdiction collect fees in the ETJ?		
Answer Options	Response Percent	Response Count
Yes	34.6%	9
No	57.7%	15
Don't know	7.7%	2
<i>answered question</i>		26
<i>skipped question</i>		31



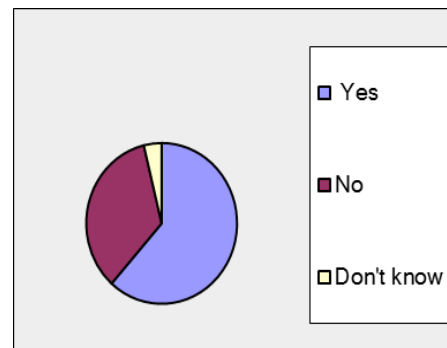
Question #23

Does your jurisdiction collaborate with local school districts in the collection, planning and spending of parkland impact fees?		
Answer Options	Response Percent	Response Count
Yes	26.9%	7
No	73.1%	19
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



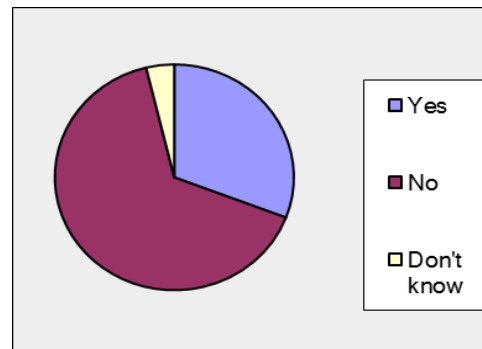
Question #24

Does your jurisdiction require fees must be spent within a certain location or distance from the development fees were collected?		
Answer Options	Response Percent	Response Count
Yes	61.5%	16
No	34.6%	9
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



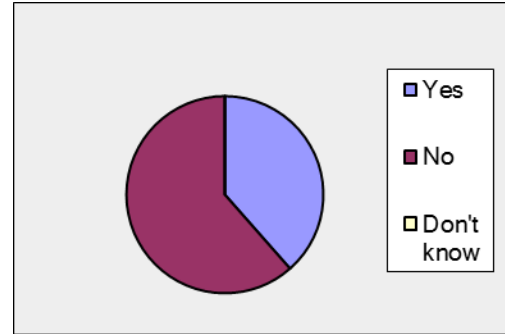
Question #25

Do the spending funds require a needs assessment prior to using funds for land purchase?		
Answer Options	Response Percent	Response Count
Yes	30.8%	8
No	65.4%	17
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



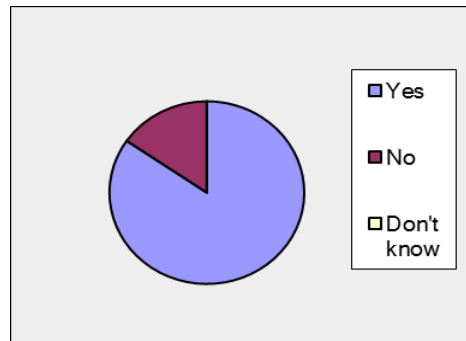
Question #26

Are projects identified and assigned within an overall plan before fees are collected?		
Answer Options	Response Percent	Response Count
Yes	38.5%	10
No	61.5%	16
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



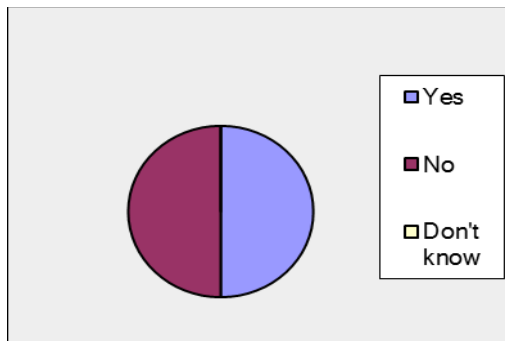
Question #27

Is a park master plan used to guide spending of collected funds?		
Answer Options	Response Percent	Response Count
Yes	84.6%	22
No	15.4%	4
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



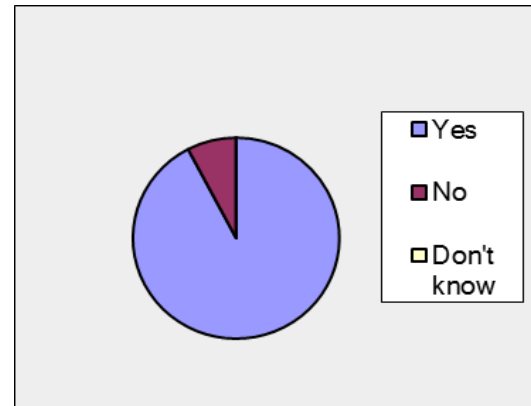
Question #28

Does the public have a role in spending impact fees through a public process in prioritizing projects or prioritizing land purchases?		
Answer Options	Response Percent	Response Count
Yes	50.0%	13
No	50.0%	13
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



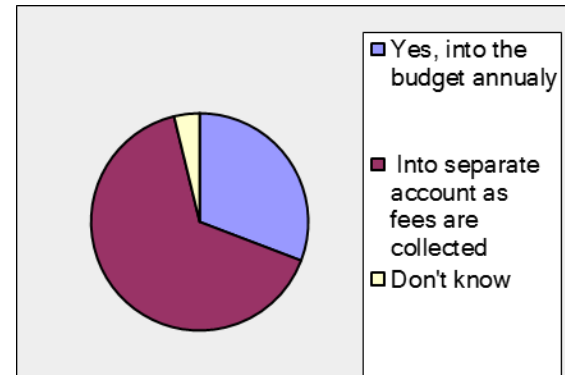
Question #29

Does your jurisdiction leverage impact fees with other funding sources (CIP, General Fund, etc.)?		
Answer Options	Response Percent	Response Count
Yes	92.3%	24
No	7.7%	2
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



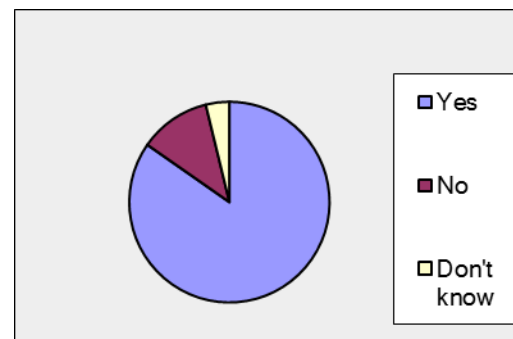
Question #30

Are parkland impact fees appropriated into the budget on an annual basis?		
Answer Options	Response Percent	Response Count
Yes, into the budget annually	30.8%	8
Into separate account as fees are collected	65.4%	17
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



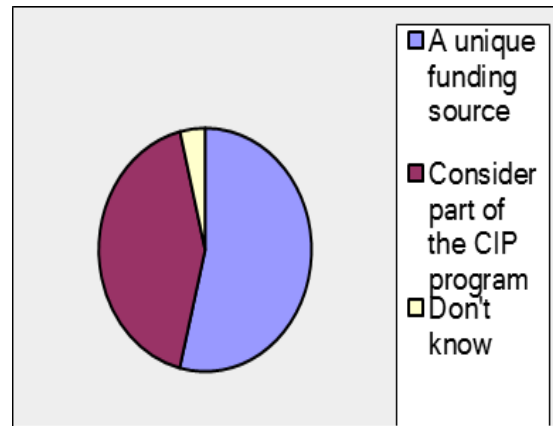
Question #31

As fees are received throughout the year are they available for spending?		
Answer Options	Response Percent	Response Count
Yes	84.6%	22
No	11.5%	3
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



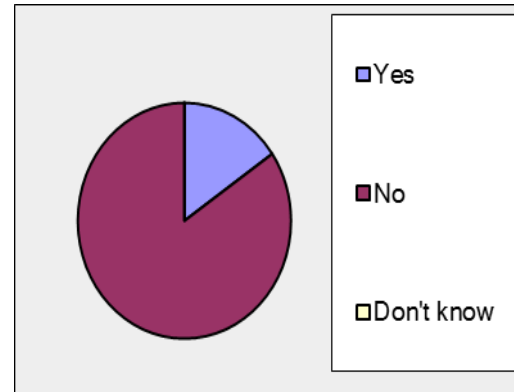
Question #32

In your jurisdiction are parkland impact fees a unique funding source or part of the overall Capital Improvement Program?		
Answer Options	Response Percent	Response Count
A unique funding source	53.8%	14
Consider part of the CIP program	42.3%	11
Don't know	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



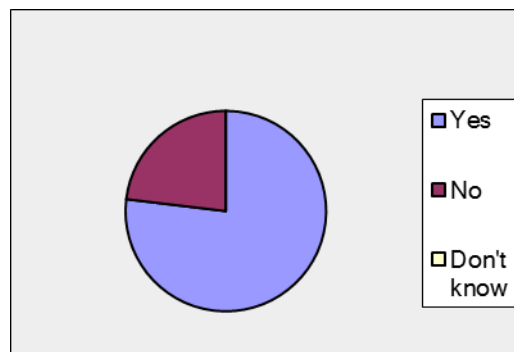
Question #33

In your jurisdiction are fees tracked in a GIS system?		
Answer Options	Response Percent	Response Count
Yes	15.4%	4
No	84.6%	22
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31

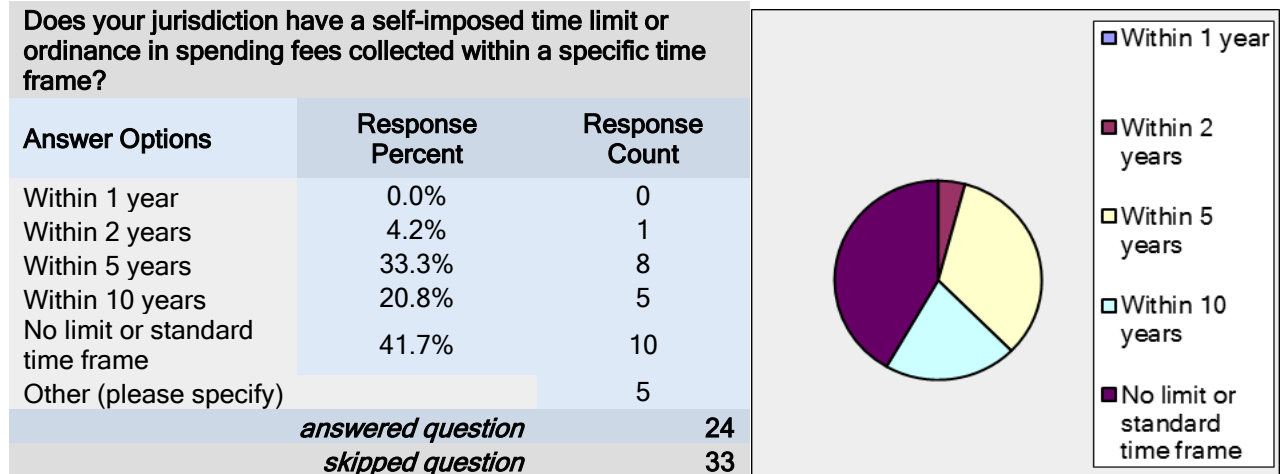


Question #34

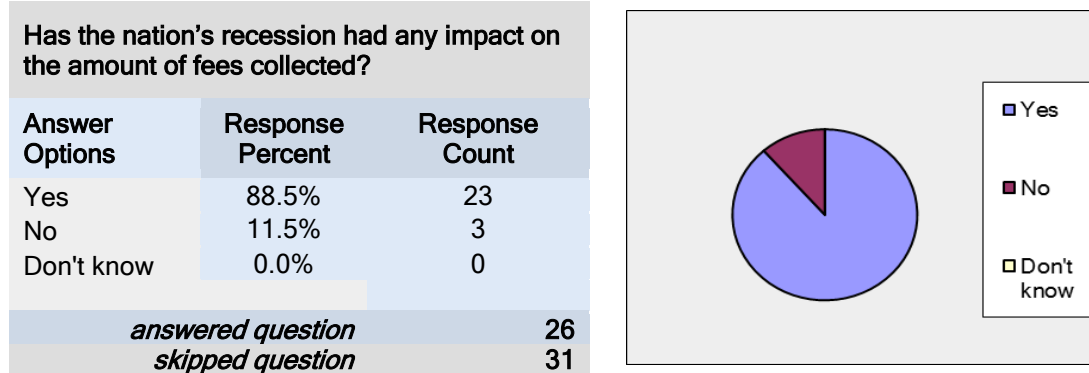
Does your jurisdiction use a database for tracking fee revenue and fund expenditures?		
Answer Options	Response Percent	Response Count
Yes	76.9%	20
No	23.1%	6
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



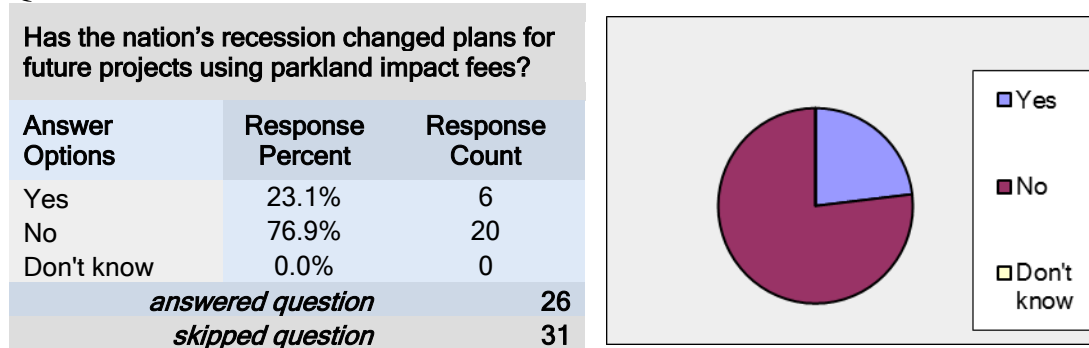
Question #35



Question #36



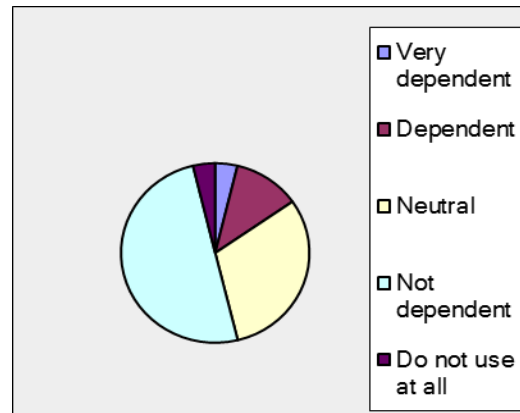
Question #37



Question #38

Has your jurisdiction become dependent on parkland impact fees for park projects?
Meaning, if parkland impact fees are not available, no new infrastructure is developed.

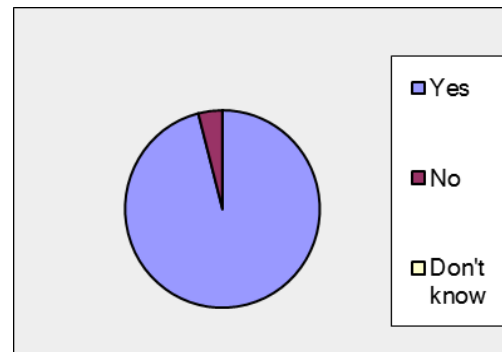
Answer Options	Response Percent	Response Count
Very dependent	3.8%	1
Dependent	11.5%	3
Neutral	30.8%	8
Not dependent	50.0%	13
Do not use at all	3.8%	1
<i>answered question</i>		26
<i>skipped question</i>		31



Question #39

If impact fees are not available are other funds used to complete projects?

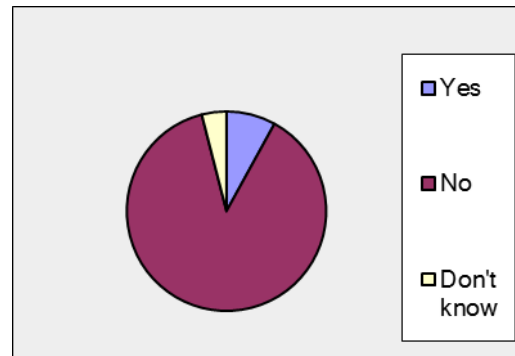
Answer Options	Response Percent	Response Count
Yes	96.0%	24
No	4.0%	1
Don't know	0.0%	0
<i>answered question</i>		25
<i>skipped question</i>		32



Question #40***

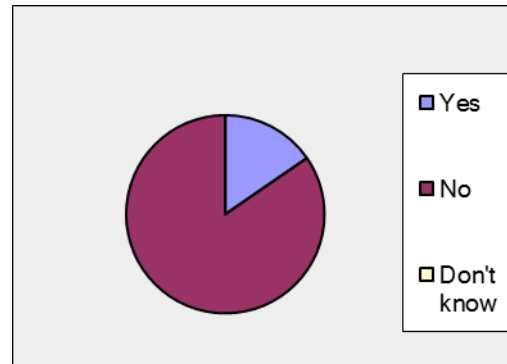
Has your jurisdiction collected enough fees to replace park infrastructure as it depreciates?

Answer Options	Response Percent	Response Count
Yes	8.0%	2
No	88.0%	22
Don't know	4.0%	1
<i>answered question</i>		25
<i>skipped question</i>		32



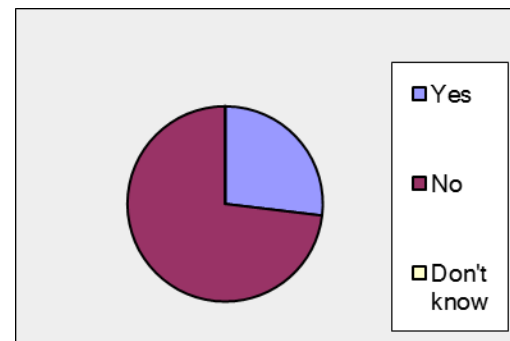
Question #41

Has your jurisdiction returned any fees to a developer within the last 10 years?		
Answer Options	Response Percent	Response Count
Yes	15.4%	4
No	84.6%	22
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



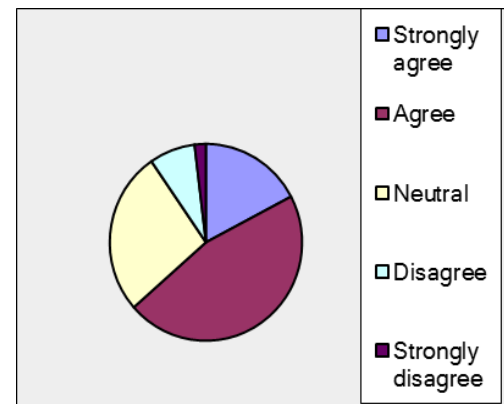
Question #42

Within the last 10 years has a developer challenged your jurisdiction's impact fees/ parkland development fees?		
Answer Options	Response Percent	Response Count
Yes	26.9%	7
No	73.1%	19
Don't know	0.0%	0
<i>answered question</i>		26
<i>skipped question</i>		31



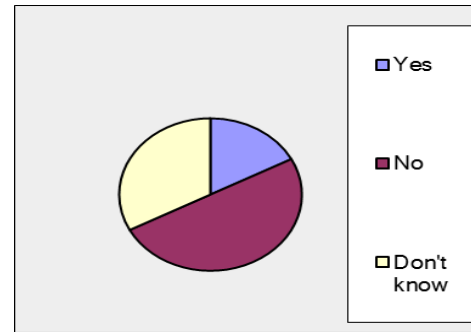
Question #43

Local government should make sure that growth pay's its own way.		
Answer Options	Response Percent	Response Count
Strongly agree	17.3%	9
Agree	46.2%	24
Neutral	26.9%	14
Disagree	7.7%	4
Strongly disagree	1.9%	1
<i>answered question</i>		52
<i>skipped question</i>		5



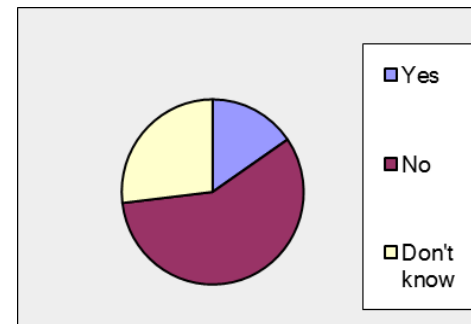
Question #44

In general, elected officials believe that parkland impact fees stifle development.		
Answer Options	Response Percent	Response Count
Yes	17.3%	9
No	50.0%	26
Don't know	32.7%	17
answered question		52
skipped question		5



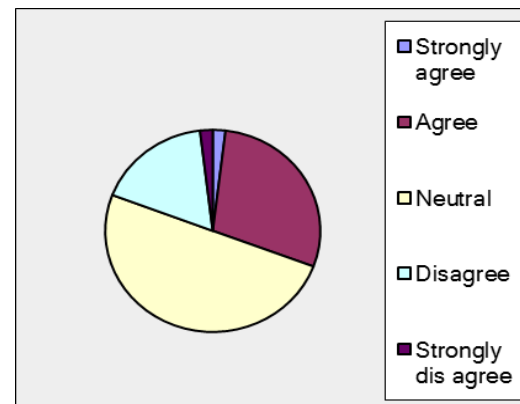
Question #45

In general, the community believes that parkland impact fees stifle development.		
Answer Options	Response Percent	Response Count
Yes	15.4%	8
No	57.7%	30
Don't know	26.9%	14
answered question		52
skipped question		5



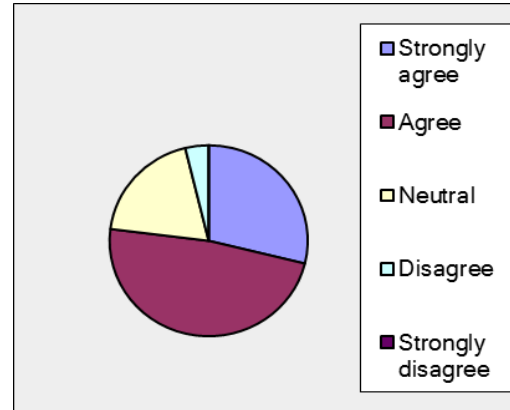
Question #46

Parkland impact fees increase housing costs.		
Answer Options	Response Percent	Response Count
Strongly agree	1.9%	1
Agree	28.8%	15
Neutral	50.0%	26
Disagree	17.3%	9
Strongly disagree	1.9%	1
answered question		52
skipped question		5



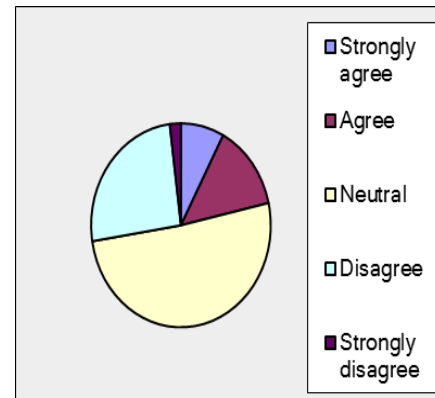
Question #47

Parkland impact fees increase the value of neighborhoods where projects have been completed.		
Answer Options	Response Percent	Response Count
Strongly agree	28.8%	15
Agree	48.1%	25
Neutral	19.2%	10
Disagree	3.8%	2
Strongly disagree	0.0%	0
<i>answered question</i>		52
<i>skipped question</i>		5



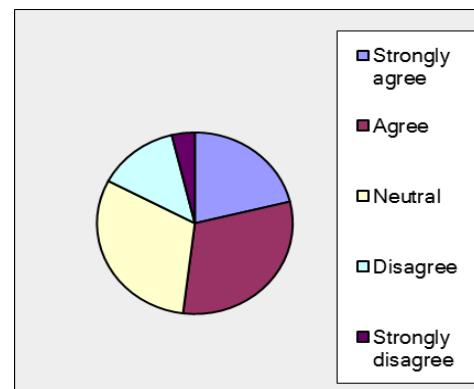
Question #48

Parkland impact fees reduce the need for tax increases.		
Answer Options	Response Percent	Response Count
Strongly agree	7.8%	4
Agree	13.7%	7
Neutral	51.0%	26
Disagree	25.5%	13
Strongly disagree	2.0%	1
<i>skipped question</i>		51
		6



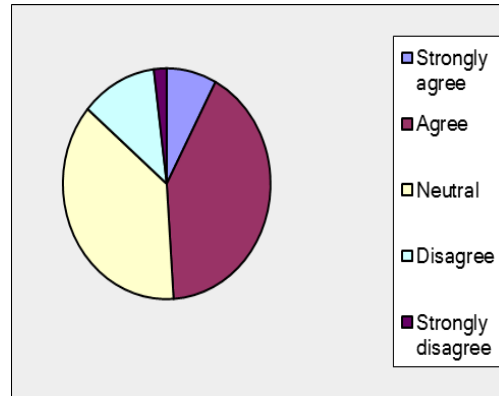
Question #49

Parkland impact fees have the support of City Council.		
Answer Options	Response Percent	Response Count
Strongly agree	21.2%	11
Agree	30.8%	16
Neutral	30.8%	16
Disagree	13.5%	7
Strongly disagree	3.8%	2
<i>answered question</i>		52
<i>skipped question</i>		5



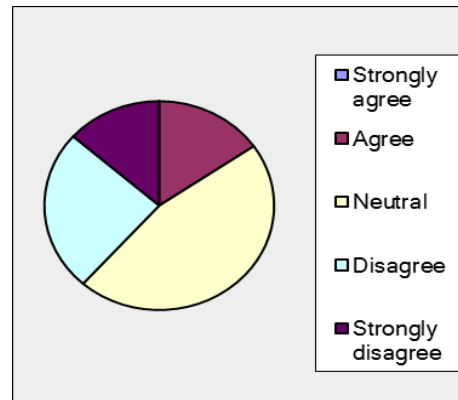
Question #50

Citizens support parkland impact fees.		
Answer Options	Response Percent	Response Count
Strongly agree	7.8%	4
Agree	41.2%	21
Neutral	37.3%	19
Disagree	11.8%	6
Strongly disagree	2.0%	1
<i>answered question</i>		51
<i>skipped question</i>		6



Question #51

Developers support parkland impact fees.		
Answer Options	Response Percent	Response Count
Strongly agree	0.0%	0
Agree	15.4%	8
Neutral	46.2%	24
Disagree	25.0%	13
Strongly disagree	13.5%	7
<i>answered question</i>		52
<i>skipped question</i>		5



Appendix B: Survey Results

Organization	Q2	Q3	Q5	Q6	Q7	Q8	Q9	Q10
Amarillo	191000	0	No	No				
Abernathy	3000	0	No					
Abilene	117000	0	No	No				
Addison	15000	0	No	No				
Austin	790000	1400000	Yes	Yes	No	Yes	Yes	Yes
Bastrop	15000	1000	Yes	Yes	Yes	Yes	Yes	Yes
Carthage	6700	0	No					
Cedar Creek	10000	0	Yes	Yes				
College Station	100000	500000	Yes	Yes	No	Yes	Yes	Yes
Corpus Christi	305000	250000	Yes	Yes	No	Yes	Yes	Yes
Dallas	1250000	500000	Yes	Yes	Yes	Yes	Yes	Yes
Denton	115000	200000	Yes	Yes	Yes	Yes	Yes	No
Denver City	5000	0	No					
El Paso	750000	400000	Yes	Yes	Yes	Yes	No	No
Fort Worth	758000	375000	Yes	Yes	Yes	Yes	Yes	No
Frisco	129000	280000	Yes	Yes	No	Yes	Yes	No
Georgetown	50000	30000	Yes	Yes	No	Yes	Yes	Yes
Harker Heights	27500	0	No	No				
Hutto	18000	0	Yes	Yes	Yes	Yes	Yes	No
Ingleside	9000	0	Yes	Yes	Yes	Yes	Yes	
Irving	200000	0	No	No				
Kennedale	7000	0	Yes	Yes	No	Yes	Yes	Yes
Kyle	30000	30000	Yes	Yes	No	Yes	No	No
La Coste	1000	0	No					
La Grange	4500	20000	No	No				
Levelland	14000	0	No	No				
McAllen	130000	50000	Yes	Yes				
McKinney	140000	0	Yes	Yes	No	Yes	Yes	No
Mesquite	136000	0	No					
Mount Pleasant	16000	0	No					
Navasota	7000	25000	Yes	Yes	No	Yes	Yes	Yes

Organization	Q2	Q3	Q5	Q6	Q7	Q8	Q9	Q10
Odessa	110000	0	No	No				
Olney	3500	0	No					
Pearland	130000	70000	Yes	Yes	Yes	Yes	Yes	Yes
Pflugerville	55000	5000	Yes	Yes	No	Yes	Yes	Yes
Pilot Point	5000	0	No	No				
Plano	270000	200000	Yes	Yes	No	No		No
Port Neches	14000	0	No	No				
San Angelo	95000	0	No	No				
San Antonio	1360000	274000	Yes	Yes	No	Yes	Yes	Yes
San Marcos	46000	120000	No					
Sanger	7000	0	Yes	Yes	No	Yes	Yes	Yes
Seguin	25175	4000	Yes	Yes	No	Yes	Yes	Yes
Sherman	40000	0	No					
Taylor	15190	5000	Yes	No	No	Yes	No	No
Trophy Club	9000	0	Yes	Yes	No	Yes	No	Yes
Vernon	11000	0	No	No				
Waco	125000	0	No					
Watauga	24000	0	Yes	Yes	Yes	Yes	Yes	Yes
Westlake	1000	0	No	Yes				
Wharton	9000	0	No	No				
Wichita Falls	104000	0	No					
Woodlands	102000	0	No	No				
Woodway	9000	0	No	No				

Organization	Q11	Q12	Q13	Q14	Q15	Q16	Q17	Q18	Q19	Q20
Amarillo			0							
Abernathy			0							
Abilene			0							
Addison			0							
Austin	Yes	No	140000	under 5%	Yes	Yes	Yes	No	No	No
Bastrop	Yes	No	1000	under 5%	Yes	Yes	Yes	Yes	No	No
Carthage			0							
Cedar Creek			0							
College Station	Yes	No	500000	over 50%	No	Yes	Yes	No	No	No
Corpus Christi	Yes	No	250000		No	Yes	Yes	No	No	Yes
Dallas	Yes	No	500000		Yes	Yes	Yes	No	No	Yes
Denton	Yes	No	200000	5% to 10%	No	Yes	Yes	No	No	No
Denver City			0							
El Paso	Yes	No	400000	5% to 10%	No	Yes	No	No	No	Yes
Fort Worth	Yes	No	375000		No	Yes	Yes	No	No	Yes
Frisco	No	Yes	280000		No	Yes	No	No	No	Yes
Georgetown	Yes	No	30000	10% to 20%	No	Yes	Yes	No	No	Yes
Harker Heights			0							
Hutto	Yes	Yes	0	under 5%	No	Yes	Yes	No	Yes	No
Ingleside	Yes	No	0	under 5%	No	Yes	Yes	No	Yes	No
Irving			0							
Kennedale	Yes	No	0	under 5%	No	Yes	Yes	No	No	Yes
Kyle	Yes	No	30000	20% to 50%	No	Yes	Yes	Yes	No	No
La Coste			0							
La Grange			20000							
Levelland			0							
McAllen			50000							
McKinney	Yes	Yes	0	20% to 50%	No	Yes	Yes	No	No	No
Mesquite			0							
Mount Pleasant			0							
Navasota	Yes	Yes	25000	under 5%	Yes	Yes	Yes	Yes	Yes	No

Organization	Q11	Q12	Q13	Q14	Q15	Q16	Q17	Q18	Q19	Q20
Odessa			0							
Olney			0							
Pearland	Yes	No	70000	under 5%	No	Yes	Yes	Yes	No	No
Pflugerville	Yes	No	5000	under 5%	No	Yes	Yes	No	No	No
Pilot Point			0							
Plano	No	No	200000	under 5%	No	No	Yes	No	No	No
Port Neches			0							
San Angelo			0							
San Antonio	No	No	274000	under 5%	Yes	Yes	Yes	Yes	No	No
San Marcos			120000							
Sanger	Yes	Yes	0	under 5%	No	Yes	No	Yes	No	No
Seguin	Yes	No	4000	under 5%	No	Yes	Yes	Don't know	No	Don't know
Sherman			0							
Taylor	Yes	No	5000	under 5%	No	Yes	No	Yes	Yes	No
Trophy Club	Yes	No	0		No	No	Yes	Don't know	Don't know	Don't know
Vernon			0							
Waco			0							
Watauga	Yes	Yes	0	under 5%	Yes	Yes	Yes	No	Yes	Yes
Westlake			0							
Wharton			0							
Wichita Falls			0							
Woodlands			0							
Woodway			0							

Organization	Q21	Q22	Q23	Q24	Q25	Q26	Q27	Q28	Q29	Q30	Q31
Amarillo											
Abernathy											
Abilene											
Addison											
Austin	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Bastrop	No	No	No	Yes	No	No	No	No	Yes	No	Yes
Carthage											
Cedar Creek											
College Station	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Corpus Christi	Yes	Don't know	No	Yes	Yes	No	Yes	No	No	No	Yes
Dallas	Yes	No	No	Yes	No	Yes	Yes	No	Yes	No	Yes
Denton	No	No	No	Yes	No	No	Yes	No	Yes	No	Yes
Denver City											
El Paso	Yes	Yes	No	Yes	No	No	No	No	Yes	No	Yes
Fort Worth	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes
Frisco	Yes	No	Yes		No	Yes	Yes	Yes	Yes	Yes	Yes
Georgetown	Yes	Yes	No	Yes	No	No	Yes	No	No	Yes	Yes
Harker Heights											
Hutto	No	No	No	Yes	No	No	Yes	Yes	Yes	No	Yes
Ingleside	No	No	No		No	No	Yes	Yes	Yes	No	No
Irving											
Kennedale	Yes	No	No		No	No	Yes	Yes	Yes	No	Yes
Kyle	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
La Coste											
La Grange											
Levelland											
McAllen											
McKinney	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mesquite											
Mount Pleasant											
Navasota	No	No	Yes		No	No	Yes	No	Yes	No	Yes

Organization	Q21	Q22	Q23	Q24	Q25	Q26	Q27	Q28	Q29	Q30	Q31
Odessa											
Olney											
Pearland	No	Yes	No	Yes	Yes	No	Yes	No	Yes	No	Yes
Pflugerville	No	Don't know	No		No	No	Yes	Yes	Yes	No	Yes
Pilot Point											
Plano	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Port Neches											
San Angelo											
San Antonio	No	Yes	No	Yes	Yes	No	No	No	Yes	Yes	Yes
San Marcos											
Sanger	Yes	No	No		No	Yes	Yes	No	Yes	No	Yes
Seguin	No	Yes	No		Don't know	No	Yes	Yes	Yes	No	Yes
Sherman											
Taylor	No	No	No		No	Yes	Yes	No	Yes	No	Yes
Trophy Club	Don't know	No	Yes		Yes	Yes	Yes	Yes	Yes	Don't know	Yes
Vernon											
Waco											
Watauga	No	No	No		Yes	No	Yes	No	Yes	No	No
Westlake											
Wharton											
Wichita Falls											
Woodlands											
Woodway											

Organization	Q32	Q33	Q34	Q35	Q36	Q37	Q38
Amarillo							
Abernathy							
Abilene							
Addison							
Austin	CIP	Yes	Yes	Within 5 years	Yes	No	Not dependent
Bastrop	UNIQUE	No	No	Within 5 years	No	No	Not dependent
Carthage							
Cedar Creek							
College Station	CIP	Yes	Yes	Within 5 years	No	Yes	Dependent
Corpus Christi	UNIQUE	No	Yes		Yes	Yes	Neutral
Dallas	UNIQUE	No	Yes	Within 5 years	Yes	No	Dependent
Denton	UNIQUE	Yes	Yes	Within 10 years	Yes	No	Not dependent
Denver City							
El Paso	UNIQUE	No	Yes	Within 2 years	No	No	Not dependent
Fort Worth	UNIQUE	No	Yes	Within 5 years	Yes	No	Very dependent
Frisco	CIP	No	Yes	Within 5 years	Yes	Yes	Not dependent
Georgetown	UNIQUE	No	Yes	Within 5 years	Yes	No	Not dependent
Harker Heights							
Hutto	CIP	No	No	No limit	Yes	Yes	Neutral
Ingleside	UNIQUE	No	Yes	No limit	Yes	No	Not dependent
Irving							
Kennedale	UNIQUE	No	No	Within 5 years	Yes	No	Not dependent
Kyle	UNIQUE	No	No	Within 10 years	Yes	Yes	Dependent
La Coste							
La Grange							
Levelland							
McAllen							
McKinney	CIP	No	Yes	No limit	Yes	No	Neutral
Mesquite							
Mount Pleasant							
Navasota	UNIQUE	No	No	No limit	Yes	No	Neutral

Organization	Q32	Q33	Q34	Q35	Q36	Q37	Q38
Odessa							
Olney							
Pearland	CIP	No	Yes	Within 10 years	Yes	No	Neutral
Pflugerville	UNIQUE	Yes	Yes	No limit	Yes	No	Neutral
Pilot Point							
Plano	CIP	No	Yes	No limit	Yes	No	Neutral
Port Neches							
San Angelo							
San Antonio	CIP	No	Yes	Within 10 years	Yes	No	Not dependent
San Marcos							
Sanger	CIP	No	Yes	No limit	Yes	No	Not dependent
Seguin	UNIQUE	No	Yes	No limit	Yes	No	Neutral
Sherman							
Taylor	CIP	No	Yes	No limit	Yes	No	Not dependent
Trophy Club	Don't know	No	Yes		Yes	Yes	Not dependent
Vernon							
Waco							
Watauga	UNIQUE	No	No	No limit	Yes	No	Do not use at all
Westlake							
Wharton							
Wichita Falls							
Woodlands							
Woodway							

Organization	Q39	Q40	Q41	Q42	Q43	Q44	Q45	Q46
Amarillo					Neutral	Don't know	Don't know	Neutral
Abernathy					Agree	Don't know	Yes	Neutral
Abilene					Agree	Don't know	Don't know	Agree
Addison					Agree	Don't know	Don't know	Agree
Austin	Yes	No	Yes	No	Strongly agree	No	No	Neutral
Bastrop	Yes	No	No	No	Agree	No	No	Neutral
Carthage					Agree	Yes	Yes	Neutral
Cedar Creek								
College Station	Yes	No	No	No	Agree	No	No	Agree
Corpus Christi		No	No	Yes	Neutral	Don't know	No	Neutral
Dallas	Yes	No	No	Yes	Agree	No	No	Agree
Denton	Yes		No	No	Strongly agree	No	No	Agree
Denver City					Neutral	Don't know	Don't know	Neutral
El Paso	Yes	No	No	No	Agree	No	No	Agree
Fort Worth	No	No	Yes	Yes	Neutral	No	No	Neutral
Frisco	Yes	Yes	No	No	Strongly agree	No	No	Neutral
Georgetown	Yes	No	No	No	Disagree	Don't know	No	Disagree
Harker Heights					Neutral	Don't know	Don't know	Disagree
Hutto	Yes	No	No	No	Strongly agree	Yes	Yes	Disagree
Ingleside	Yes	No	No	No	Agree	No	No	Disagree
Irving					Strongly disagree	Yes	Yes	Strongly agree
Kennedale	Yes	No	No	No	Disagree	No	No	Neutral
Kyle	Yes	No	No	Yes	Agree	No	No	Disagree
La Coste					Strongly agree	Don't know	Don't know	Agree
La Grange					Neutral	No	No	Neutral
Levelland					Agree	Don't know	Don't know	Agree
McAllen								
McKinney	Yes	No	No	Yes	Disagree	No	No	Disagree
Mesquite					Neutral	Don't know	Don't know	Agree
Mount Pleasant					Agree	Don't know	No	Agree
Navasota	Yes	No	No	Yes	Agree	No	No	Agree

Organization	Q39	Q40	Q41	Q42	Q43	Q44	Q45	Q46
Odessa					Neutral	Don't know	Don't know	Neutral
Olney					Agree	Don't know	Don't know	Neutral
Pearland	Yes	Yes	No	No	Agree	No	No	Neutral
Pflugerville	Yes	No	No	No	Disagree	No	No	Neutral
Pilot Point					Agree	No	No	Agree
Plano	Yes	No	No	No	Neutral	No	No	Neutral
Port Neches					Agree	Don't know	Don't know	Neutral
San Angelo					Agree	Yes	Yes	Agree
San Antonio	Yes	No	Yes	No	Neutral	Don't know	Don't know	Neutral
San Marcos					Neutral	No	No	Neutral
Sanger	Yes	No	No	No	Strongly agree	Yes	Yes	Neutral
Seguin	Yes	Don't know	No	No	Strongly agree	No	No	Agree
Sherman					Agree	Yes	Don't know	Neutral
Taylor	Yes	No	No	No	Agree	No	No	Disagree
Trophy Club	Yes	No	No	Yes	Agree	No	No	Disagree
Vernon					Neutral	Yes	Yes	Neutral
Waco					Agree	No	No	Neutral
Watauga	Yes	No	No	No	Agree	Yes	Yes	Agree
Westlake					Neutral	No	No	Disagree
Wharton					Strongly agree	No	No	Neutral
Wichita Falls								
Woodlands					Strongly agree	No	No	Neutral
Woodway					Agree	Yes	No	Disagree

Organization	Q47	Q48	Q49	Q50	Q51
Amarillo	Strongly agree	Agree	Neutral	Neutral	Neutral
Abernathy	Neutral	Neutral	Neutral	Disagree	Disagree
Abilene	Agree	Neutral	Disagree	Disagree	Disagree
Addison	Agree	Disagree	Disagree		Disagree
Austin	Agree	Neutral	Agree	Agree	Disagree
Bastrop	Strongly agree	Neutral	Agree	Agree	Agree
Carthage	Agree	Disagree	Disagree	Disagree	Neutral
Cedar Creek					
College Station	Strongly agree	Agree	Strongly agree	Agree	Neutral
Corpus Christi	Agree	Neutral	Agree	Agree	Neutral
Dallas	Agree	Neutral	Agree	Agree	Neutral
Denton	Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly disagree
Denver City	Neutral	Neutral	Strongly disagree	Neutral	Neutral
El Paso	Agree	Disagree	Agree	Agree	Disagree
Fort Worth	Strongly agree	Neutral	Agree	Agree	Agree
Frisco	Strongly agree	Neutral	Strongly agree	Strongly agree	Neutral
Georgetown	Strongly agree	Disagree	Neutral	Agree	Disagree
Harker Heights	Strongly agree	Neutral	Neutral	Neutral	Strongly disagree
Hutto	Strongly agree	Strongly agree	Neutral	Neutral	Disagree
Ingleside	Agree	Neutral	Agree	Neutral	Neutral
Irving	Disagree	Disagree	Strongly agree	Strongly disagree	Strongly disagree
Kennedale	Agree	Neutral	Agree	Agree	Agree
Kyle	Strongly agree	Strongly agree	Strongly agree	Strongly agree	Disagree
La Coste	Agree	Neutral	Neutral	Neutral	Disagree
La Grange	Neutral	Neutral	Neutral	Neutral	Neutral
Levelland	Agree	Disagree	Disagree	Disagree	Strongly disagree
McAllen					
McKinney	Strongly agree	Neutral	Agree	Agree	Neutral
Mesquite	Neutral	Disagree	Neutral	Neutral	Neutral
Mount Pleasant	Agree	Agree	Disagree	Disagree	Neutral
Navasota	Agree	Agree	Agree	Agree	Neutral

Organization	Q47	Q48	Q49	Q50	Q51
Odessa	Neutral	Neutral	Neutral	Neutral	Neutral
Olney	Agree	Neutral	Neutral	Neutral	Neutral
Pearland	Agree	Disagree	Strongly agree	Agree	Agree
Pflugerville	Disagree	Neutral	Strongly agree	Agree	Neutral
Pilot Point	Agree	Neutral	Agree	Agree	Disagree
Plano	Agree	Neutral	Strongly agree	Agree	Agree
Port Neches	Neutral	Neutral	Neutral	Neutral	Neutral
San Angelo	Strongly agree	Agree	Strongly disagree	Disagree	Strongly disagree
San Antonio	Neutral	Neutral	Strongly agree	Neutral	Neutral
San Marcos	Strongly agree	Neutral	Strongly agree	Strongly agree	Neutral
Sanger	Strongly agree	Neutral	Neutral	Neutral	Strongly disagree
Seguin	Agree	Disagree	Agree	Agree	Agree
Sherman	Neutral	Disagree	Disagree	Neutral	Neutral
Taylor	Agree	Disagree	Agree	Neutral	Agree
Trophy Club	Agree		Agree	Agree	Neutral
Vernon	Strongly agree	Agree	Neutral	Neutral	Disagree
Waco	Agree	Neutral	Neutral	Neutral	Disagree
Watauga	Agree	Disagree	Disagree	Neutral	Strongly disagree
Westlake	Neutral	Strongly disagree	Agree	Agree	Neutral
Wharton	Agree	Agree	Neutral	Agree	Neutral
Wichita Falls					
Woodlands	Agree	Disagree	Agree	Agree	Agree
Woodway	Agree	Strongly agree	Neutral	Agree	Disagree

Appendix C: Respondents Comments

Question #5

1	per UDC sec. 35-503
2	per UDC sec. 35-503
3	We do have a Neighborhood and Community Park Dedication Policy in place.
4	In the 5 years I have been the planner for the Town of Trophy Club, we have dedicated land rather than taking cash in lieu of land.
5	Park Dedication Fees
6	We collect fees in lieu of park land dedication.
7	Land and Park Development; NOT "Activities"
8	Not per ordinance however land donations/requests are and have been accepted from developer in the past however amounts are determined by one's ability to negotiate and sell them the benefits of park and open space in their development.
9	The City does have such a provision, but we have had no development is several years.
10	We require developers to donate parkland or pay a fee in lieu of dedication. We do not have impact fees for parks.
11	No, but we have received park land dedication.

Question #6

1	per UDC sec. 35-503
2	UDC sec. 35-503
3	Neighborhood and Community Park Dedication Policy within the Subdivision Ordinance of the City of Fort Worth.
4	We have a park land dedication requirement, where the sub divider may pay a fee in lieu of land.
5	Ordinance in place since 2011 but we have yet to collect any fees for this activity.
6	We have had two large lands for parks dedications in our Addison Circle and Vitruvian projects.

Question #7

1	residential developments only, this includes apartments
2	per UDC sec. 35-503 exclusions apply, but mainly impacts residential
3	per UDC sec. 35-503 exclusions apply, but mainly impacts residential
4	Our current policy only applies to residential development. It does not include commercial or industrial.
5	residential only
6	Only residential.
7	Residential are the only ones required

8	There are some exemptions related to Smart code and infill development in strategic areas of the City.
9	Only new residential is required to pay parkland fees.
10	Residential
11	Single-Family and Multi-Family are required by ordinance to either provide parkland or money in lieu of parkland.
12	Only new residential
13	Residential
14	Only residential development is subject to the fee.
15	Only residential developments
16	just residential
17	only residential

Question 8

1	The decision to take land is up to the Parks and Recreation Department and must fit a plan we have. Example would be additional land next to a current park to make the park a larger more usable size.
2	per UDC sec. 35-503(g)
3	per UDC sec. 35-503(g)
4	Land dedication is required depending on the size of the overall project. However, we do work closely with the developers to find a solution of land, fees or a combination of both.
5	Land is preferred as we are a small town (4 square miles) and we are landlocked.
6	We require 1 acre for every 50 dwelling units, but we will not accept less than 5 acres. If a development doesn't have the land or choose to pay cash instead, the fee is \$750 per dwelling unit.
7	Land and development fees first, in lieu of fees second.
8	Parkland Dedications are required - one acre for every 100 residential unit
9	But land donation is required; fee in lieu is the alternative.
10	Each residential development is unique and can be a combination of money in lieu and/or park dedication required.
11	The fee is not collected at the time of development. They are collected at the time a building permit is issued for each residential building.

Question 9

1	per UDC sec. 35-503
2	per UDC sec. 35-503
3	In the event that the development cannot, or does not have the ability to provide an acceptable land dedication we will require fees in lieu.
4	\$750 per dwelling unit

5	Subject to the consent of the City Council.
6	See note above
7	We do not accept land donations. We use the collected fees to purchase land in accordance with our Park Master Plan. This way we have more control of what land we acquire.
8	we require cash and will consider land in lieu

Question #10

1	per UDC sec. 35-503
2	per UDC sec. 35-503
3	We do not have any park fees. However, if the developer chooses to dedicate a portion of land as public open space and construct approved amenities we will inspect, review and give credit for a certain amount. In this type of situation the developer must work with us in advance so that they are aware of what the assessed fees are and what we are willing to consider giving credit for. Additionally, all dedicated parkland must be prior approved by our department and upon project completion meet our standards or we will not accept anything and will assess fee in lieu for the entire project.
4	Must be negotiated with Town Manager who asks on authority from the Town Council.
5	We are willing to lower fees if the developer goes above and beyond the requirements.
6	Case by case basis upon development review from staff.
7	Park Dedication fees may be reduced by up to 50% if the developer includes recreational amenities.
8	Subject to a negotiated agreement between the City and the developer.
9	We do have partnerships with various developers who might develop a neighborhood park at a discounted value in order for it to be developed ahead of the time that it would have been developed by the City. The developer can many times do this as his cost for various infrastructure improvements are reduced as a result of the volume of work that he would be doing within their overall development.
10	Private Parks 50% Credit somewhat applies to question 11
11	The developer may build park improvements. We re-reimburse the developer for actual cost. The fees collected pay for the improvements.
12	We have not had this request. It would probably be entertained by Council.
13	we encourage the developer to provide an HOA maintained neighborhood park

Question #11 no comments

Question #12

1	per UDC sec. 35-503 the fee is formula based
----------	--

2	per UDC sec. 35-503 the fee is formula based
3	Fees are set by our policy. We have a defined area that we charge a \$500.00 per residential unit fee. The larger remaining area, fees are based off of service areas and a fair market value appraisal of the land associated with that particular development. We do give developers additional options such as providing a current sales contract to compare with the appraisal to reach an agreement.
4	The only time we lower fees is if the developer goes above and beyond the requirements.
5	potentially
6	The structure for fee in lieu of park land dedication is fixed/established by ordinance.
7	The amount of money in lieu of dedicated parkland will vary from project to project, depending on whether parkland is needed or not or other potential elements that might be needed such as hike and bike trails within the development, etc.
8	Our fees are set by ordinance.
9	our fees are derived from a formula that comes from the Parks Master Plan and city ordinance

Question #13- no comments

Question #14

1	all of our funds are from the general fund
2	1%
3	1%
4	We do not track or collect fees in that manner.
5	We accept land dedication rather than cash in lieu of land.
6	I'm somewhat confused by your question. Are you asking what percent of revenues are the impact fees? If yes, our impact fees account for less than 5% of our total revenue received. If you're looking for something else, please let me know
7	ANSWER to #13: Only between \$2,000 - \$5,000 in last five years due to slow development
8	All other funding is general fund.

Question #15

1	generally not
2	Certain development zoning districts are exempt (IRZ, ICRIP, CRAG areas)
3	Certain development zoning districts are exempt (IRZ, ICRIP, Crag areas)
4	We do not have any park fees. However, we will incorporate park land and amenity development within some large scale economic development agreements the City makes, so that they still will provide needed land and amenities while limiting their upfront costs to aid in their project moving forward.
5	no new subdivision activity in the past eight years

6	Preferred not, but development has slowed.
7	For additional amenities
8	Fees are waived for certified affordable dwelling units only, on a one-for-one basis.

Question #16

1	per UDC sec. 35-503 & the parkland acquisition process
2	per UDC sec. 35-503 & the parkland Acquisition Process
3	Reference the Park land and open space master plan, as well as the Pflugerville Comprehensive Plan.
4	Guided by our Parks, Recreation and Open Space Master Plan
5	We do not accept land dedications. We purchase the land we have identified in the Park Master Plan. The park impact fees collected are used to purchase the land. Developers tend to dedicate parcels based on what is best for them not best for us. We do not accept dedications.

Question #17

1	per UDC sec. 35-503(d)(2)(c)(6)
2	per UDC sec. 35-503(d)(2)(c)(6)
3	Provided the land consists of the native floodplain that is unaltered by channelization or other man-made storm water control facilities.
4	with reduced credit
5	This is a case by case basis. As dedicated parkland, no we don't accept 100 year floodplain, but will get this land by separate negotiation.
6	With Stipulations
7	50% max area and 50% credit.
8	We will accept floodplain but it does not count toward the dedication requirement
9	Developers are required to dedicate flood plain property to the City either as park land or for floodway and drainage purposes. We do not allow private ownership of the flood plain.
10	At a higher land ratio. Pending CC approval next month the ratio will be 10 acs floodplain for every 1 ac out of floodplain.
11	yes, but it does not count toward the total amount due

Question #18

1	Our park dedication fees are for land acquisition and development of recreational amenities on the park. The fees are not to be redirected for existing infrastructure repairs.
2	Impact fees can only be used in the "zone" they were acquired from. They must be used in 10 years in one of the parks. It can be used to update bathrooms, splash pads, equipment, etc.

3	We don't have impact fees
4	our ordinance does allow these fees to be used to develop and maintain parks and open spaces

Question #19

1	Our fees are used for both land acquisition and park development.
2	It has not been used except to develop parks and trail. I can explain further detail if need to follow up.
3	Fees are also used for construction of new amenities.
4	Park dedication funds can be used for acquisition and/or the development of parks, facilities and other improvements to parks and recreation locations within the community.
5	Improvements also
6	Our fees are used for purchase of land and construction of improvements for neighborhood parks and linear parks. We do not use the fee for any other type of parks or recreation facilities.
7	We don't have impact fees
8	they may be used to develop, maintain, match grants as well as purchase land

Question #20

1	Park improvements only, no regular maintenance
2	Our maintenance costs are not paid for using park dedication fees. Those costs are built in to the department's annual budget as reviewed and approved by City Council.
3	new construction only
4	Maintenance is funded through the General Fund budget of the City
5	The fees cannot be used for maintenance.

Question #21

1	Our park development fees that are collected can be used in upgrading and expanding upon new and existing parks.
2	Renovation development is considered as a re-investment to our parks and recreation system and therefore is eligible for funding from these fees.
3	The fees cannot be used for renovation of any kind.

Question #22

1	per UDC sec. 35-503
2	per UDC sec. 35-503
3	We do not have any ETJ areas.
4	only if it is within the annexation path
5	Dedicated Land of 11 Acres

Question #23

1	rarely
2	We have sought input on some projects, but not all.
3	We have sought input on some, but not all projects
4	When the opportunity to work with the various ISD's presents itself, we do everything we can to maximize the parkland and amenities available to the public.
5	We collaborate with NISD on the planning and use of parkland.
6	But we need to.
7	We often acquire and develop joint sites with the Frisco Independent School District for neighborhood park sites, community parks, etc.
8	We do coordinate on the location of parks and schools but not on impact fees. We each have our own methods of paying for the land.

Question #23

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3	We have sought input on some, but not all projects
4	When the opportunity to work with the various ISD's presents itself, we do everything we can to maximize the parkland and amenities available to the public.
5	We collaborate with NISD on the planning and use of parkland.
6	But we need to.
7	We often acquire and develop joint sites with the Frisco Independent School District for neighborhood park sites, community parks, etc.
8	We do coordinate on the location of parks and schools but not on impact fees. We each have our own methods of paying for the land.

Question #24

1	1.5 mile radius of the development site
2	2
3	2
4	Yes. But not in miles. We break our service areas down into what we define as Neighborhood and Community Park Units.
5	no
6	no
7	We have zones and it has to be spent in that zone.
8	Our Growth Guidance Plan is in six planning sectors. We try to keep within the sector.
9	yes - with in the defined Park Zone
10	In the zone or an adjacent zone
11	1 mile

1	It is helps to identify the needs and gives us the direction of where we want our park system to be. We use that with the fees collected within the Neighborhood (NPU) and Community Park Units (CPU) to ensure we are providing an equal level of service throughout the City and providing the appropriate amount of recreational open space and amenities for our citizens.
2	Yes, but since development slowed, we haven't enacted a lot of this part of the plan.

Question #28

1	limited
2	Anytime a new undeveloped or reserve park is to be developed, we have a public process in place to inform them and collect their input. Land acquisitions are done either through new developments dedicating the land or we acquire the land by analyzing where and how much is needed and work with our real property division to purchase it.
3	Yes & No. We would use public input once a project is selected to complete.
4	Public input was used to develop the master plan park priorities.
5	The Parks and Recreation Board along with the Frisco Community Development Corporation regularly reviews and prioritizes all projects within our 5 Year Parks Development Plan
6	Parks Advisory Board and Public Hearings before Board and City Council
7	The public has a role in the annual CIP Budget Process as a whole and in the Park Master Plan process. The park fee program is part of those processes.
8	The public's role is not specific to impact fee expenditures but in context with establishing priorities in our parks master plan.
9	The Parks Committee and then City Council

Question #29

1	If we have the ability and additional funding from another source we will always try to maximize our dollar and provide to most land and recreation amenities we possibly can for our citizens to have available to them. CIP, HUD, General, donations and grants.
2	We have a variety of funding sources that are available for acquisition and/or development. This would include funding from GO Bonds, Grants, General Fund funding, Park Dedication Funding, 4B funding, etc.
3	Grants
4	Bond funds may be used to supplement project shortages.
5	Again we do not have impact fees but a parkland dedication ordinance

Question #30

1	Through the capital improvements program
2	Through the Capital Improvements program

3	It is placed in a Fund that is separate from the general fund.
---	--

Question #31 no comments

Question #32

1	We do use the fees in our capital improvement program; however the funds are also used when they are needed. For example, if we had a broken piece of playground equipment we could replace it with parkland fee money.
2	A portion of the fees could be used for CIP if identified, but our accounts are low in funds currently.

Question #33

1	Identified through the use of another technological tool utilized through Parks and Recreation, Development Services and Engineering Services.
---	--

Question #34

1	SAP
2	SAP
3	But needs improvement. We are updating our entire financial system
4	excel spreadsheet

Question #35

1	7 years
2	per UDC sec. 35-503
3	per UDC sec. 35-503
4	don't know
5	3 years

Question #36

1	lower development numbers			
2	Lower development numbers			
3	During the recession our developments started to decline, however they are starting to pick up again now.			
4	I believe slowed development has effected this the most.			
5	The rate of development declined.			
6	development has slowed, so fee collection has also slowed			

Question #37

1	not a primary funding source
2	same as last answer

Question #38

1	Some improvements are funded by Bond passage.			
2	not a primary funding source			
3	Some of our wants would not be done if it wasn't for the impact fees. For example we really needed our splash pad painted, but general fund dollars were not available. However, we did use impact fees.			

Question #39

1	If funds are not available then projects are not started as far as major improvements, like playgrounds, irrigation systems, shelters, etc.			
2	Sometimes that might be possible; however, we do not plan or begin projects without having the funding identified and available. When we begin recreation amenity construction the citizens are very aware and would be very upset if construction was halted and not completed for any reason.			
3	Yes and no - approved bond referendum fees may be available			
4	CO bonds			

Question #40

1	It depends on the "zone" the park is in. Some zones have more funds than others.			
2	Not allowed.			
3	Our park dedication/development fees were designed to build new parks, not renovate existing parks.			
4	The fee is a onetime fee collected for the purchase of land and one-time development of improvements due to the demand created by the new development. Replacement is handled through other funding sources.			

Question #41

1	Once, due to a project cancellation			
2	Not that I am aware of.			

Question #42

1	Fees are ordinance based in UDC and are not arbitrary (formula based)			
2	Not formally but often questioned informally.			
3	Only the Austin Home Builders Assc. has questioned the increase in fees.			
4	Legally challenged - no. Challenged in front of City Council - yes			

Question #43

1	Depends on type of growth and on who benefits from the growth.			
2	Sometimes there is a combined effort for positive growth.			

3	It takes some initial investment from the community to get the quality development you may desire, but eventually it should pay its own way.
4	I do not know as we have not surveyed anybody to justify this statement.
5	Speaking for the organization, I agree with this but the community, overall, hasn't thus we don't have a parkland dedication ordinance.
6	Communities should partner with development for open space and park dedications, but assessing a fee that may or may not impact that particular development might deter development.

Question #44

1	Many do/have previously. Currently unsure of feelings.
2	Approached this item w/ City Council 15 years ago and was denied an ordinance.

Question #45

1	Some in the business community do/have stated they do not believe we need fees.
----------	---

Question #46

1	The end user pays for it; developer gets reimbursed when he sells the land so it becomes a wash. That is why the developers have not fought our fees, only home builders.
2	slightly but increases value of home and community

Question #47

1	Parks do, fees don't
2	No projects completed.

Question #48

1	Difficult correlation to make.
2	Not in our case!

Question #49

1	Once was strong, now unsure of status.
2	As proven by adoption of Ordinance 668 which allows for such.

Question #50

1	Few understand the fees. When explained, they do support it.
2	As proven by non-contention of Ordinance 668 which allows for such.

3	I do not know as we have not surveyed the Citizens on this matter.
----------	--

Question #51

1	Some developers develop the park land in their subdivisions in lieu of paying the fee (by agreement) and spend more than would be required to improve the quality of their development. Others feel that any cost to them is too much.
2	I lean towards disagree because they ultimately do not want to pay any fees, however, it is a wash for them as they pass the impact to the buyer/seller of homes & lots.
3	As a note, fee in lieu of a dedication of land is not an impact fee. The survey lumps these together.

Appendix D: Letter to Jurisdictions for participation in the survey

September 10, 2012

Dear Parks and Recreation Professional,

My name is Troy Houtman and I would like to introduce myself as a fellow Parks and Recreation Professional in the State of Texas. I work for the City of Austin in the

Parks and Recreation Department as a Division Manager with over 23 years of experience.

I am perusing a Masters of Public Administration at Texas State University and for my capstone class I am working on an Applied Research Project (ARP) with the topic of *parkland impact fees*. In collaboration with TRAPS, I am collecting data to educate and support public administrators in the use and issues of parkland impact fees.

The questionnaire is 48 questions on several aspects of parkland impact fees and should not take more than 15 to 20 minutes. The questions are fairly general in nature and won't fit all organizations; however please answer to the best of your ability on the questions that pertain to your organization. If you have someone else in your organization that can best answer these questions, please pass it on to the experts in your organization. The data will be available after I complete my project and the project will be published on the Texas State-MPA web-site as well as a link from TRAPS. I will be collecting data until October 8th, 2012.

Below is the link to the survey: simply copy and place in your browser:

<https://www.surveymonkey.com/s/35N6C33>

If you have any questions, I can be reached on my cell phone 512-247-1057, work 512-974-9481 or e-mail at h20troy@yahoo.com. I thank you for taking the time to fill out the survey and I hope the outcome of the project will be useful to all Parks and Recreation Professionals.

Sincerely, Troy Houtman, CPRE, CPM

Appendix E: City of Austin Parkland Dedication Ordinance

ORDINANCE NO. 20070621-027

AN ORDINANCE AMENDING CHAPTERS 25-1 AND 25-4 OF THE CITY CODE AND REPEALING CHAPTER 25-2, SUBCHAPTER E, SUBSECTION 4.3.3.F, PARAGRAPH 5 OF THE CITY CODE RELATING TO PARKLAND DEDICATION; AND ESTABLISHING THE PARKLAND COST FOR EACH DWELLING UNIT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 25-1 (*General Requirements And Procedures*) of the City Code is amended to add Article 14 to read:

ARTICLE 14. PARKLAND DEDICATION.

§ 25-1-601 APPLICABILITY.

- (A) Except as provided in Subsections (B) and (C), the parkland dedication requirements of this article apply to:
 - (1) residential subdivisions; and
 - (2) site plans with three or more dwelling units.
- (B) This article does not apply in the portion of the City's extraterritorial jurisdiction that is within Travis County. Parkland dedication for that area is governed by Title 30 (*Austin / Travis County Subdivision Regulations*).
- (C) The following are exempt from the requirements of this article:
 - (1) a plat with not more than four lots designated for a single-family residential use that may be approved without a preliminary plan;
 - (2) a resubdivision of land that does not increase the number of dwelling units or lots by more than three;
 - (3) a subdivision for which a preliminary plan was approved after June 30, 1984 and before July 8, 1985;
 - (4) a subdivision or site plan within a municipal utility district that has a consent agreement and land use plan approved by the City that provides for the dedication of parkland or recreational facilities or the payment of fees instead of dedication of the parkland or facilities; and

- 5) a subdivision or site plan for which parkland was previously dedicated or payment made under this title, except for the dwelling units or lots that exceed the number for which dedication or payment was made.

§ 25-1-602 DEDICATION OF PARKLAND REQUIRED.

- (A) A subdivider or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article.
- (B) For a subdivision, the area to be dedicated must be shown on the preliminary plan and the plat and included in the dedication statement. The subdivider shall dedicate to the City all parkland required by this article when a plat is approved.
- (C) For a site plan, the area to be dedicated must be shown on the site plan and in a deed to the City. The applicant shall dedicate to the City all parkland required by this article before the site plan is approved.
- (D) The amount of parkland required to be dedicated to the City is five acres for every 1,000 residents, as determined by the following formula:

$$\frac{5 \times (\text{Number Of Units}) \times (\text{Residents Per Unit})}{1000} = \text{Acres of parkland}$$

- (E) In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unit is based on density as follows:

<u>Dwelling Units Per Acre</u>	<u>Residents In Each Dwelling Unit</u>
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

- (F) If the density of a development is not known:
- (1) the density is assumed to be the highest permitted in the zoning district, or if the property is not zoned, 24 dwelling units per acre; or
 - (2) the developer may reduce the assumed density by restricting density in a restrictive covenant enforceable by the City and approved by the city attorney.
- (G) The subdivider or site plan applicant shall pay all costs of transferring the parkland to the City, including the costs of:

- (1) an environmental site assessment without any further recommendations for clean-up, certified to the City not earlier than the 120th day before the closing date;
- (2) a Category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date;
- (3) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;
- (4) a fee simple deed;
- (5) taxes prorated to the closing date;
- (6) recording fees; and
- (7) charges or fees collected by the title company.

§ 25-1-603 STANDARDS FOR DEDICATED PARKLAND.

- (A) Land to be dedicated as parkland must comply with the standards in the Comprehensive Plan, the Park and Recreation Action Plan, the Administrative Criteria Manual, and this section.
- (B) The director of the Parks and Recreation Department shall determine whether land offered for dedication complies with the standards for dedication.
- (C) Fifty percent of acreage in the 100 year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this article if the adjoining land within the 25 year floodplain, if any, is also dedicated as parkland. The land within the 25 year floodplain may not be credited toward fulfilling the requirements of this article.
- (D) Land identified on the Critical Areas Map maintained by the Watershed Protection and Development Review Department that does not otherwise comply with the standards for parkland dedication may be accepted as dedicated parkland if the director of the Parks and Recreation Department determines that the land will provide recreational or educational opportunities for the surrounding community. In this event, 50 percent of the acreage may be credited toward fulfilling the requirements of this article.

§ 25-1-604 PRIVATE PARKLAND.

- (A) The director of the Parks and Recreation Department may allow up to a 50 percent credit toward fulfilling the requirements of this article for privately

owned and maintained park and recreational facilities that are for use by the public.

- (B) The director of the Parks and Recreation Department may allow up to a 100 percent credit toward fulfilling the requirements of this article for private parkland in a subdivision or site plan located outside the city limits, if:
 - (1) the director of the Parks and Recreation Department determines that the private parkland meets City parkland standards; and
 - (2) the land owner agrees to dedicate the private parkland to the City when the City annexes the land for all purposes.
- (C) Private parkland excludes yards, setback areas, and open spaces required by this title.

§ 25-1-605 PAYMENT INSTEAD OF LAND.

- (A) The director of the Parks and Recreation Department may require a subdivider or site plan applicant to deposit with the City a cash payment or fiscal security instead of the dedication of parkland if:
 - (1) less than six acres is required to be dedicated; or
 - (2) the land available for dedication does not comply with the standards for dedication.
- (B) A subdivider must make the deposit before the subdivision may be approved, except that for the portion, if any, of the subdivision that requires a site plan, the subdivider may defer the deposit until after a site plan is filed.
- (C) A site plan applicant must make the deposit before the site plan may be approved.
- (D) The amount of the deposit is determined by multiplying the number of dwelling units by the parkland cost for each dwelling unit, excluding the affordable dwelling units. The determination is made on the date of the deposit using the most recent parkland cost for each dwelling unit. In this subsection:
 - (1) The number of dwelling units is:
 - (a) for a deposit made at the time of subdivision, calculated in accordance with Section 25-1-602 (*Dedication Of Parkland Required*); or

- (b) for a deposit made at the time of site plan, the number shown on the site plan.
- (2) The parkland cost for each dwelling unit is:
 - (a) based on a report by the city manager that analyzes of the costs of acquiring and developing parkland and determines the proportionate share of those costs attributable to new residential development;
 - (b) approved by council; and
 - (c) periodically reviewed by the city manager and council.
- (3) Affordable dwelling unit means a dwelling unit that is certified by the director of the Neighborhood Housing and Community Development Department as being reasonably priced under the S.M.A.R.T. Housing Program standards adopted by council resolution for rental or purchase by a household earning not more than 80 percent of the median family income for the Austin statistical metropolitan area.
- (E) A deposit must be placed in the City's Neighborhood Park and Recreation Improvement Fund. The deposit must be used for the acquisition or improvement of neighborhood parks that will benefit the residents of the subdivision or site plan and that are located in the service area defined by the Parks and Recreation Department.
- (F) The City shall expend a deposit within five years from the date it is received. This period is extended by five years if, at the expiration of the initial five year period, less than 50 percent of the residential units in the subdivision or on the site plan have been constructed.
- (G) If the City does not expend a deposit by the deadline described in Subsection (F), and the actual number of residential units constructed is less than the number assumed at the time the deposit was calculated, the owner may request a refund. The request must be in writing and filed with the director of the Parks and Recreation Department not later than 180 days after the expiration of the time period described in Subsection (F). A refund is calculated by multiplying the percentage of the reduction in the number of residential units times the amount of the deposit. A refund may not exceed the unexpended amount of a deposit.

§ 25-1-606 SUBMITTAL REQUIREMENTS.

- (A) The director of the Parks and Recreation Department may request that the subdivider or site plan applicant provide information relating to proposed parkland to determine whether the proposed parkland complies with this article.
- (B) A subdivider or site plan applicant shall provide the information requested under this section.

PART 2. Chapter 25-2, Subchapter E, Subsection 4.3.3.F, Paragraph 5 of the City Code is repealed, and the remaining paragraph renumbered accordingly.

PART 3. Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*) of the City Code is repealed and replaced with a new Division 5 to read:

Division 5. Parkland Dedication.

§ 25-4-211 PARKLAND DEDICATION.

The platting requirement for parkland dedication is governed by Chapter 25-1, Article 14 (*Parkland Dedication*).

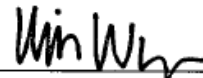
PART 4. In calculating a deposit under Section 25-1-605(B) (*Payment Instead Of Land*), the parkland cost for each dwelling unit is \$650. This dollar amount is based on a report by the city manager that analyzes the cost of parkland acquisition and development and determines the proportionate share of those costs attributable to new residential development. The city manager is instructed to prepare a similar report every three years that includes a recommendation for adjusting the dollar amount.

PART 5. This ordinance takes effect on July 2, 2007.

PASSED AND APPROVED

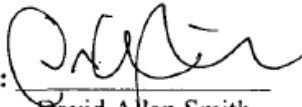
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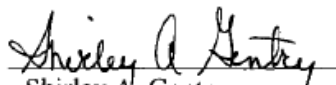
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

Appendix F: City of College Station Parkland Dedication Ordinance

August 9, 2012

Regular Agenda

UDO Amendment for Park Land Dedication Land and Development Fees

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Director of Planning & Development Services

Agenda Caption: Presentation, public hearing, possible action, and discussion regarding an ordinance amending Chapter 12, “Unified Development Ordinance”, Section 8.7, Appendix I “Park Land Dedication and Development Fees” of the Code of Ordinance of the City of College Station, Texas.

Relationship to Strategic Goals: Financially Sustainable City, Core Services and Infrastructure, and Neighborhood Integrity

Recommendation(s): The Parks & Recreation Advisory Board considered these revisions at their July 10th meeting and recommended approval of the revisions as proposed by staff. The Planning and Zoning Commission considered this item at their July 19, 2012 meeting and voted 5-1 to recommend approval of the Unified Development Ordinance amendment request.

Summary: Compared to previous revisions to the Parkland Dedication Ordinance park calculations differ due to the census bureau only conducting a short form census and not being able to provide independent single family and multi-family person per household numbers. An overall person per household number was provided. Thus the calculations for single family and multifamily are the same in each; Neighborhood Park Land (fee in lieu), Community Park Land (fee in lieu) and Neighborhood Park Development.

The proposed Community Park Development fees were derived from giving developers a 75% discount on the single family community park development cost. The multi-family community park development fee was calculated using 50% of the community park development cost. The calculations reflect the new neighborhood and community park standards. Within the standards Neighborhood Parks have less intense development and Community Parks support more intense activity.

Overall fees went down, with single family seeing the most significant decrease.

Budget & Financial Summary: N/A

Attachments:

1. Summary of Park Land Dedication Proposed Land and Fee Calculations

2. Red-line of UDO Section 8.7 Appendix I Park Land Dedication and Development Fees Ordinance

**City of College Station
Park Land Dedication Ordinance
Proposed Neighborhood Park Calculations**

Starting Point:

2012 population; 96,603

346.26 acres of neighborhood parks

$96,603 / 346.26 = 1$ acre of neighborhood park per 279 people

Land Donation:

Single Family- 279 people/ 2.38/PPH = 117 Dwelling Units per acre of donated land for neighborhood park

Multi Family- 279 people/2.38 PPH = 117 Dwelling Units per acre of donated land for neighborhood park

Land Acquisition:

$\$32,000/\text{acre}/117 \text{ Dwelling Units} = \274 Single Family Land Acquisition Cost/Dwelling Unit

$\$32,000/\text{acre}/117 \text{ Dwelling Units} = \274 Multi Family Land Acquisition Cost/Dwelling Unit

Park Development:

One neighborhood park serves 2,300 people (96,603 pop. / 42 neighborhood parks = 2,300 people)

Single Family Neighborhood Park Development Cost

$\$350,000/2,300 = \152.00 per person neighborhood park development cost

$\$152.00 \times 2.38 \text{ PPH} = \$361.76 = \$362.00$ per Dwelling Unit

Multi Family Neighborhood Park Development Cost

$\$350,000/2,300 = \152.00 per person neighborhood park development cost

$\$152.00 \times 2.38 \text{ PPH} = \$361.76 = \$362.00$ per Dwelling Unit

Total Neighborhood Park Parkland Dedication Fees per Dwelling Unit:

Single Family Neighborhood Park Fee=

$\$274 \text{ (Land Acquisition)} + \$362.00 \text{ (Park Development)} = \636.00 per Dwelling Unit

Multi Family Neighborhood Park Fee=

$\$274 \text{ (Land Acquisition)} + \$362.00 \text{ (Park Development)} = \636.00 per Dwelling Unit

**City of College Station
Park Land Dedication Ordinance
Proposed Community Park Calculations**

Starting Point:

2012 population; 96,603

316.31 acres of community parks (8 total parks)

$96,603 / 316.31 = 1$ acre of community park per 305 people

Land Donation:

Single Family- 305 people / 2.38/PPH = 128 Dwelling Units per acre of donated land for community park

Multi Family- 305 people / 2.38 PPH = 128 Dwelling Units per acre of donated land for community park

Land Acquisition:

$\$32,000 / \text{acre} / 128 \text{ Dwelling Units} = \250 Single Family Land Acquisition Cost/Dwelling Unit

$\$32,000 / \text{acre} / 128 \text{ Dwelling Units} = \250 Multi Family Land Acquisition Cost/Dwelling Unit

Park Development:

One community park serves people 12,075 ($96,603 \text{ pop.} / 8 \text{ community parks} = 12,075$ people)

Single Family Community Park Development Cost

$\$1,900,000 / 12,075 = \157.35 per person community park development cost

($\$7,600,000$ Community Park development cost average X 75% discount)

$\$157.35.00 \times 2.38 \text{ PPH} = \$374.49 = \$375.00$ per Dwelling Unit

Multi Family Community Park Development Cost

$\$3,800,000 / 12,075 = \314.70 per person community park development cost

($\$7,600,000$ Community Park development cost average X 50%)

$\$314.70 \times 2.38 \text{ PPH} = \$748.99 = \$750.00$ per Dwelling Unit

Total Community Park Parkland Dedication Fees per Dwelling Unit:

Single Family Community Park Fee=

$\$250 \text{ (Land Acquisition)} + \$375 \text{ (Park Development)} = \625.00 per Dwelling Unit

Multi Family Community Park Fee= \$250 (Land Acquisition) + \$750 (Park Development) =\$1,000.00 per Dwelling Unit

Comparison: Current Ordinance (2009) VS Proposed Ordinance (2012)

	<u>Current</u>	<u>Proposed</u>
Neighborhood Park Land (fee in lieu)		
Single Family (SF)	\$ 314	\$ 274
Multi-Family (MF)	\$ 256	\$ 274
Community Park Land (fee in lieu)		
Single Family (SF)	\$ 305	\$ 250
Multi-Family (MF)	\$ 248	\$ 250
Neighborhood Park Development		
Single Family (SF)	\$ 764	\$ 362
Multi-Family (MF)	\$ 622	\$ 362
Community Park Development		
Single Family (SF)	\$ 638	\$ 375
Multi-Family (MF)	\$ 520	\$ 750

SUMMARY

Single Family Neighborhood Park Fee

\$274 (Land Acquisition) + \$362.00 (Park Development) =\$636.00 per Dwelling Unit

Single Family Community Park Fee=

\$250 (Land Acquisition) + \$375 (Park Development) =\$ 625.00 per Dwelling Unit

Multi Family Neighborhood Park Fee

\$274 (Land Acquisition) + \$362.00 (Park Development) =\$636.00 per Dwelling Unit

Multi Family Community Park Fee=

\$250 (Land Acquisition) + \$750 (Park Development) =\$1,000.00 per Dwelling Unit

	<u>Current</u>	<u>Proposed</u>
<u>Total</u> Single Family (SF)	\$2,021	\$1,261
Multi-Family (MF)	\$1,646	\$1,636

PARKLAND TOTAL

	<u>#Parks</u>	<u>#acres</u>	<u>#acres/1000 pop.</u>
Neighborhood Parks	42	346.26	3.58
Community Parks	8	316.31	3.27
Regional Parks	2	665.54	6.89
(Veteran's Park, Lick Creek Park)			
TOTAL	52	1,328.11	13.7

ORDINANCE NO. 3139

AN ORDINANCE AMENDING CHAPTER 9, "SUBDIVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 10, "PARK LAND DEDICATION", BY AMENDING AND ADDING NEIGHBORHOOD AND COMMUNITY PARK LAND DEDICATION AND DEVELOPMENT FEE REQUIREMENTS, BY CHANGING FLOODPLAIN DEDICATION RATIOS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 9, "Subdivisions", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective January 1, 2009.

PASSED, ADOPTED and APPROVED this 11th day of December, 2008.

ATTEST:

APPROVED:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

That Chapter 9, "Subdivisions", of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

1. By amending SECTION 10: "Requirements for Park Land Dedication" by deleting the entire section and substituting the following:

SECTION 10: Requirements For Park Land Dedication and Development.

10-A. Purpose.

This section is adopted to provide recreational areas in the form of neighborhood park facilities as well as community park facilities as a function of subdivision and site development in the City of College Station and its Extra-Territorial Jurisdiction (ETJ). This section is enacted in accordance with the home rule powers of the City of College Station granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

It is hereby declared by the City Council that recreational areas in the form of neighborhood parks and community parks are necessary and in the public welfare, and that the only adequate procedure to provide for neighborhood parks and community parks is by integrating such requirements into the procedure for planning and developing property or subdivisions in the City and its ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing residential property.

Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and located within convenient distances from a majority of the residences to be served thereby located within park zones established by the City. The park zones established by the College Station Parks and Recreation Department and shown on the official Parks and Recreation map for the City of College Station shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Typically, the landowner of a proposed residential development is the developer.

A typical community park in College Station is designed to serve the needs of residents from several neighborhoods located within a one-half to three mile radius. Community parks provide amenities that should complement neighborhood parks. Together, neighborhood parks and community parks can meet more of the recreational needs of residents.

Community parks are generally 25 to 70 acres in size. However, larger and smaller community parks may be developed to meet specific requirements of a particular area of town.

Community parks, by their nature, serve both active and passive leisure needs of residents, and use by organizations and individuals from surrounding areas larger than for neighborhood parks.

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The acquisition and development of the "basic" infrastructure and facilities for the usage of these community parks should be based upon the demand from the area residents it is intended to serve.

Therefore, the following requirements are adopted to effect the purposes stated above.

10-B Applicability. This section applies to a landowner who develops land for residential use located within the City or within its extraterritorial jurisdiction.

10-C Requirements.

1. General. The City Manager or his designee shall administer this Section with certain review, recommendation and approval authorities being assigned to the Planning and Zoning Commission, the Parks and Recreation Advisory Board and various city departments as specified herein.

Generally, the developer of residential property must address the following requirements pursuant to this section: dedication of land for neighborhood park use or payment of a fee in lieu thereof, dedication of land for community parks or payment of a fee in lieu thereof, payment of a development fee for neighborhood parks or construction of the neighborhood park improvements to which such fee relates, and payment of a development fee for community parks or construction of the community park improvements to which such fee relates. Requirements herein are based on actual dwelling units for an entire development. Increases or decreases in final unit count may require an adjustment in fees paid or land dedicated. If the actual number of dwelling units exceeds the original estimate, additional park land and additional park development fees may be required in accordance with the requirements in this Section.

The schedule of fees and required land dedications is attached hereto as Appendix I and incorporated and made a part of this Section for all purposes. The identification of park zones for neighborhood parks is as shown City's Recreation, Park and Open Space Master Plan referenced herein and incorporated by reference.

2. Land Dedication.

- a. The amount of land to be dedicated for neighborhood park land purposes and for community park purposes shall be as set forth in Appendix I.

The total amount of land dedicated for the development shall be dedicated to the City in fee simple:

- 1) Prior to the issuance of any building permits for multi-family development,
- 2) Concurrently with the final plat for a single phase development,
- 3) For a phased development the entire park shall be either platted concurrently with the plat of the first phase of the development or
- 4) The developer may provide the City with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative

financial guarantee such as a cash deposit in the amount equal to the number of acres park land required and in a form acceptable to the City. The amount of the financial guarantee shall be the amount of fee in lieu of land dedication as set forth in Appendix I. The financial guarantee will be released to the developer, without interest, upon the filing of the final plat for the subsequent phase that dedicates the required park land.

- b. For development located within the extraterritorial jurisdiction of the City, the dedication requirements of this Section may be met through the creation of private park land in the same amount required as set forth in Appendix I provided the developer enters into a written agreement that all such private park land be dedicated to the City at the time of full purpose annexation into the City and provided that any plat related to such development, is inscribed with a notation regarding same.

- 3. Fee in Lieu of Land. In lieu of dedicating park land for neighborhood parks and for community parks, a developer may request to meet some or all of the neighborhood park land dedication requirements, and some or all of the community park land dedication requirements through payment of a fee in lieu thereof in amounts as set forth in Appendix I. Such fees shall be due at the same time as fees are due for final platting or for issuance of a building permit, whichever occurs first.

- 4. City Final Approval. The City shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required land dedication. The City may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix I for either, both, some or all of neighborhood park land or community park land dedication. Likewise, the City may, from time to time, require that land be dedicated in amounts as set for in Appendix I and that no fee in lieu of land will be accepted.

5. Approval Process for park land dedication.

- a. Land Dedications equal or exceeding five acres, and Dedications of Floodplains and Greenways.

For any proposed required neighborhood park land dedication equaling or exceeding five (5) acres of land or equaling or exceeding payment of a fee in lieu thereof, for any proposed required community park land dedication equaling or exceeding five (5) acres of land or equaling or exceeding the payment of a fee in lieu thereof, or for any proposed land dedication containing floodplain or greenway, the landowner must:

- 1) Obtain a recommendation from the Parks and Recreation Advisory Board, and
- 2) Obtain approval from the Planning & Zoning Commission pursuant to the plat approval procedures as set forth elsewhere in the City Code of Ordinances.
 - i. The Planning and Zoning Commission shall consider the recommendation from the Parks and Recreation Advisory Board but may make a decision contrary to its recommendation by majority vote.

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b. Dedications of less than five acres not including floodplains or greenways.

For any proposed neighborhood park land dedication less than five (5) acres of land or the payment of a fee in lieu thereof, for any proposed required community park land dedication less than five (5) acres of land or the payment of a fee in lieu thereof, or for any proposed land dedication containing floodplain or greenway, the City Manager or his designee is authorized to accept and approve same if the following criteria are met:

- 1) The proposed dedication or fee provides a sufficient amount of neighborhood park land existing in the park zone of the proposed development for required neighborhood park land dedication, or the proposal provides a sufficient amount of community park land existing for the proposed development for required community park land dedication, whichever applies;
- 2) Where the proposed dedication is insufficient for a neighborhood park site or for a community park site under existing park design standards, some or all of the dedication requirements may be in the form of a fee in amounts as set forth in Appendix I;
- 3) Determination of acceptability of a proposed neighborhood park land dedication and for a proposed community park land dedication is based upon the City of College Station's Recreation, Park and Open Space Master Plan, as may be amended from time to time; and
- 4) The proposed development of the neighborhood park or community park is consistent with College Station's Recreation, Park and Open Space Master Plan, as may be amended from time to time.

In making his decision, the City Manager or his designee may choose to submit such application to the Parks and Recreation Advisory Board for its recommendation. In such event, the City Manager shall consider such recommendation but may make a decision contrary in accordance with the criteria set forth herein.

6. Park Development Fee.

In addition to the land dedication requirements for neighborhood parks and for community parks, there are also park development fees established herein sufficient to develop neighborhood parks and community parks in ways that meet the City of College Station's Manual of Park Improvements Standards. The amount of development fees assessed to a developer subject to this section for neighborhood and community parks is as shown in Appendix I. The process for the approval and collection of development fees shall be the same as for the park land dedication requirements to which the development relates, and shall be processed simultaneously with the park land dedication requirements.

7. Construction of Park Improvements in Lieu of Development Fee.

A developer may elect to construct required neighborhood park improvements and/or required community park improvements in lieu of paying the associated development fee as set forth herein. In such event:

- a. A park site plan, developed in cooperation with the Parks and Recreation

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Department staff, is submitted and approved by the Director of the Parks and Recreation Department or his designee and the Parks and Recreation Advisory Board upon submission of final plat or upon application for a building permit, whichever is applicable.

- b. Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, whichever is applicable.
- c. All plans and specifications shall meet or exceed the City's Manual of Park Improvement Standards in effect at the time of the submission.
- d. If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer must post payment and performance bonds to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws.
- e. The construction of all improvements must be completed in accordance with the requirements relating to the construction of public improvements for final plats and issuance of building permits, whichever is applicable. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements should be completed within two years from the date of approval.
- f. Completion and Acceptance – Park development will be considered complete and a Certificate of Completion will be issued after the following requirements are met:
 - i. Improvements have been constructed in accordance with the Approved Plans;
 - ii. All park land upon which the improvements have been constructed has been dedicated as required under this section; and
 - iii. All manufacturers' warranties have been provided for any equipment installed in the park as part of these improvements.
- g. Upon issuance of a Certificate of Completion, the developer warrants the improvements for a period of one (1) year as set forth in the requirements in the City of College Station's Manual of Park Improvements Standards.
- h. The developer shall be liable for any costs required to complete park development if:
 - i. Developer fails to complete the improvements in accordance with the approved plans; or
 - ii. Developer fails to complete any warranty work.

8. Submitting fee. Any fees required to be paid pursuant to this section shall be remitted:

- a. Prior to the issuance of any building permits for multi-family development; or
- b. Upon submission of each final plat for single family, duplex or townhouse development.

9. Use of fees. Fees may be used only for the acquisition or development of park facilities to which they relate. For fees in lieu of neighborhood park land dedication, fees may only be used for purchase and/or development of neighborhood parks located within the same zone as the development. For fees in lieu of community park land dedication, fees may only be used for the purchase and/or development of community parks.

10. Reimbursement for City Acquired Park Land.

The City may from time to time acquire land for parks in or near an area of actual or potential development. If the City does acquire park land in a park zone for a neighborhood park or acquires parkland for a community park, the City may require subsequent dedications to be in fee-in lieu-of-land only. This will be to reimburse the City for the cost(s) of acquisition.

10-D Prior Dedication or Absence of Prior Dedication.

If a dedication requirement arose prior to enactment or amendment of this Section 10, subsequent development for the subject tract to which the dedication requirement applies may be subject to vesting as set forth in Chapter 245 Texas Local Government Code. Depending on the circumstances, additional dedication may be required for the increase in dwelling units from what was originally proposed.

10-E Comprehensive Plan Considerations.

The City's Recreation, Park and Open Space Master Plan is intended to provide the Parks and Recreation Advisory Board with a guide upon which to base its recommendations. Because of the need to consider specific characteristics in the site selection process, the park locations indicated in the Plan are general. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the City, including by donations.

Park zones for neighborhood parks are established in the City's Recreation, Park and Open Space Master Plan as a component of the City's Comprehensive Plan, and indicate service areas for neighborhood parks. Zone boundaries typically follow key topographic features such as major thoroughfares, streams, city limit and ETJ boundary lines. New park zones may be created or existing zones amended pursuant to procedures for amending the City's Recreation, Park and Open Space Master Plan as land acquisitions or other circumstances dictate.

10-F Special Fund; Right to Refund.

1. All neighborhood park land dedication fees will be deposited in a fund referenced to the park zone to which it relates. Community park land dedication fees will be deposited in a fund referenced to community parks.
2. The City shall account for all fees in lieu of land and all development fees paid under this

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Section with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within five (5) years from the date received by the City for acquisition and/or development of a neighborhood park or a community park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

10-G Park Land Guidelines and Requirements.

Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses. The following guidelines and requirements shall be used in designing parks and adjacent development.

1. Any land dedicated to the City under this section must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager or his designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the Brazos County Tax Assessor shall be submitted with the dedication or plat.
2. Consideration will be given to land that is in the floodplain or may be considered "floodable" even though not in a federally regulated floodplain as long as, due to its elevation, it is suitable for park improvements. Sites should not be severely sloping or have unusual topography which would render the land unusable for recreational activities.
3. Land in floodplains or designated greenways will be considered on a three for one basis. Three acres of floodplain or greenway will be equal to one acre of park land.
4. Where feasible, park sites should be located adjacent to greenways and/or schools in order to encourage shared facilities and joint development of new sites.
5. Neighborhood park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them.
6. Where appropriate, sites with existing trees or other scenic elements is preferred.
7. Detention / retention areas may not be used to meet dedication requirements, but may be accepted in addition to the required dedication. If accepted as part of the park, the detention / retention area design must meet specific parks specifications in the City's Manual of Park Improvements Standards.
8. Where park sites are adjacent to greenways, schools, or existing or proposed

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subdivisions, access ways may be required to facilitate public access to provide public access to parks.

9. It is desirable that fifty percent (50%) of the perimeter of a park abut a public street.
10. Community Parks should be accessible from major arterial streets so as to be accessible by large groups of people from large surrounding areas.

10-H Warranty Required.

1. All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Manager or his designee and that all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
2. All work by the developer or landowner not conforming to these requirements, including but not limited to unapproved substitutions, may be considered defective.
3. This warranty is in addition to any rights or warranties expressed or implied by law.
4. Where more than a one (1) year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
5. This warranty obligation may be covered by any performance or payment bonds tendered in compliance with this Ordinance.
6. If any of the work performed by developer or landowner is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this ordinance, the designs, plans, drawings or specifications within one (1) year after the date of the issuance of a certificate of Final Completion of the work or a designated portion thereof, whichever is longer, or within one (1) year after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, developer shall promptly correct the defective work at no cost to the City.
7. During the applicable warranty period and after receipt of written notice from the City to begin corrective work, developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
8. If within twenty (20) calendar days after the City has notified developer of a defect, failure, or abnormality in the work, developer has not started to make the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by developer.
9. The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.

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10. The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be one (1) year after the installation or completion. The one (1) year warranty shall cover all work, equipment, and materials that are part of the improvements made under this section of the ordinance.

APPENDIX I

PARK LAND DEDICATION AND DEVELOPMENT FEES

I. NEIGHBORHOOD AND COMMUNITY PARKS

A. Dedication Requirements for Neighborhood Parks

1. Land dedication per Dwelling Unit (DU)
Single Family: One (1) Acre per 102 DUs
Multi-Family: One (1) Acre per 125 DUs
2. Fee in lieu of land dedication per Dwelling Unit (DU)
Single Family: \$314 per DU
Multi-Family: \$256 per DU
3. Park development fee per Dwelling Unit (DU)
Single Family: \$764 per DU
Multi-Family: \$622 per DU
4. Total neighborhood park fees per Dwelling Unit (DU)
Single Family: \$1,078 per DU
Multi-Family: \$878 per DU

B. Dedication Requirements for Community Parks

1. Land dedication per Dwelling Unit (DU)
Single Family: One (1) Acre per 105 DUs
Multi-Family: One (1) Acre per 129 DUs
2. Fee in lieu of land dedication per Dwelling Unit (DU)
Single Family: \$305 per DU
Multi-Family: \$248 per DU
3. Park development fee per Dwelling Unit (DU)
Single Family: \$638 per DU
Multi-Family: \$520 per DU
4. Total community park fees per Dwelling Unit (DU)

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Single Family: \$943 per DU
Multi-Family: \$768 per DU