



TRUCKEE-DONNER RECREATION AND PARK DISTRICT

QUIMBY DEDICATION REQUIREMENT AND IN-LIEU FEE STUDY

NOVEMBER 2007
FINAL REPORT

PREPARED FOR:

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

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ACKNOWLEDGMENTS

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EXECUTIVE SUMMARY

INTRODUCTION

The California Government Code contains specific enabling legislation for the acquisition and development of community and neighborhood parks by a city, county or special district. This legislation, codified as Section 66477 of the Government Code and known commonly as the "Quimby Act," establishes criteria for charging new development for park land acquisition based on specific park standards.

The Quimby Act gives authority for passage of land dedication ordinances only to cities and counties. A local agency which seeks to take advantage of this authorization must enact an ordinance or resolution specifying how the Quimby Act will be implemented in its jurisdiction. Special districts must work with cities, and/or counties to receive parkland dedication and/or in-lieu fees. The fees must be paid and land conveyed directly to the local public agencies that provide park and recreation services community-wide.

The Town of Truckee ("Town") and on behalf of the Truckee-Donner Recreation and Park District ("District") implements the Quimby Act pursuant to Section 18.92.095 of the Town of Truckee Municipal Code. Adopted March 15, 2001, Town Council Resolution 2001-10 provides the method for calculating the parkland dedication requirement and established the District's current fee in-lieu of land dedication.

There are two factors that determined how much land is required to be dedicated for a new subdivision. These factors are multiplied by the number of respective dwelling units for the proposed subdivision to determine acreage to be dedicated for neighborhood and community parks. In some instances, the payment of fees in lieu of land may be considered. In this case, a third factor is considered.

This Quimby Dedication Requirement and In-Lieu Fee Study ("Study") presents a recalculation of the three factors that determine District's Quimby parkland dedication requirement and In-Lieu Fees. Additionally, this Study makes specific recommendations for change of the Quimby Policy by the Town of Truckee for the District.

SUMMARY OF KEY FINDINGS

Based on a review of the Quimby Act, recent vacant land sales within the Town, the 2000 U.S. Census, and the Town's Quimby Policy, the following key findings are presented:

1. The Town's current Quimby in-lieu fee for the District, adopted March 15, 2001, is \$2,623 per residential lot.¹
2. The Town's current park dedication requirement and in-lieu fees for the District are based 5 acres per 1,000 population; an average household size of 2.6; a parkland acquisition cost of \$25,000 per acre and development cost per acre of \$176,748.
3. Typically, park and recreational facility costs are recovered through a park impact fee pursuant to the Mitigation Fee Act rather than under the Quimby Act. The District's current Quimby in-lieu fee with the Town of Truckee includes both parkland acquisition costs and park development costs. It is recommended that the Town and District's Quimby policy be changed to include only parkland acquisition costs in determining the in-lieu fee and that park and recreational facility costs be recovered through a park impact fee. Under this approach, a residential subdivision would dedicate land or pay fees in lieu of land at the time of tentative map approval and pay park impact fee at the time of building permit issuance.
4. Based on the District's current park inventory and population, the District existing neighborhood and community park area exceeds five acres per 1,000 residents. Therefore, the District's maximum dedication requirement and/or fee allowed under the Quimby Act is five acres of parkland for every 1,000 persons.
5. Based on 2000 U.S. Census information, the average household size single-family homes and multi-family units are 2.787 and 1.916 person per dwelling unit respectively for the area of the District within the boundaries of the Town of Truckee.
6. Based on recent residential vacant land sales, land value in the Town of Truckee is estimated to be \$275,000 per acre for the purpose of determining the Quimby in-lieu fee.

¹ Source: Town of Truckee, Resolution 2001-10.

SUMMARY OF GENERAL RECOMMENDATIONS

Based on the findings presented in this Study, the following general recommendations are presented:

1. On behalf of the District, the Town of Truckee should establish a Quimby park land dedication requirement (or similar formula) based on 5 acres per 1,000 population and average household sizes based on the 2000 U.S. Census for the two residential land use categories shown below.

FIGURE 1 – PROPOSED QUIMBY DEDICATION REQUIREMENT

Residential Land Use ¹	Proposed TDRPD Quimby Parkland Dedication Requirement
<i>Square Feet per Unit</i>	
Single-Family Housing ¹	607
Multi-Family Housing	417

Notes:

¹ Single family housing includes includes townhomes and mobile homes.

2. On behalf of the District, the Town of Truckee should amend the District's Quimby park in-lieu fees to reflect the new Quimby park land dedication requirement and land values of \$275,000 per acre. The recommended in-lieu fees are presented in the following table.

FIGURE 2 – PROPOSED QUIMBY IN-LIEU FEES

Residential Land Use ¹	Proposed TDRPD Quimby Park In-Lieu Fees with the Town of Truckee
<i>\$ per Dwelling Unit</i>	
Single-Family Housing	\$3,832
Multi-Family Housing	\$2,633

Notes:

¹ Single family housing includes includes townhomes and mobile homes.

3. Since the need for / demand for park and recreational services is inherently driven by population and since different residential land uses have varying household sizes, it's recommended that the parkland dedication requirement and in-lieu fees be expressed on a per unit based for single-family housing and multi-family housing.
4. If the District and Town require a developer, as a condition of project approval, to construct park facilities or improvements in lieu, the Quimby in-lieu fees imposed on that development project should be adjusted to reflect a credit for the cost of the park facilities or improvements constructed.
5. The District and Town should periodically conduct a review of land costs in the District. If land values change significantly in either direction, the Quimby in-lieu fees should be adjusted accordingly.
6. The Quimby park dedication requirement and in-lieu fees should be adopted and implemented in accordance with the applicable provisions of the Quimby Act (California Govt. Code § 66477). Proceeds from Quimby in-lieu fees should be collected separately and accounted for independent of park impact fee proceeds.
7. The Quimby park dedication requirement and/or in-lieu fees should be collected from new residential subdivisions in addition to park impact fees pursuant to the Mitigation Fee Act (Govt. Code § 66000 et. seq.).²
8. The Town should place a condition on the approval of any parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the Quimby in-lieu may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.
9. If a subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon should be a credit against the payment of fees or dedication of land required by the ordinance.
10. Any land or fees received by the District under the Quimby Act should be conveyed or paid directly to the District, if the District elects to accept the land or fee.

² This Study was prepared parallel to a Park Impact Fee Nexus Study to establish the legal and policy basis for the imposition of park impact fees on new residential development.

11. Common interest developments, as defined in Section 1351 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses. Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

QUIMBY PARKLAND DEDICATION REQUIREMENT

QUIMBY PARKLAND STANDARD

Based on the District's current park inventory, the District currently owns approximately 106.8 acres of developed parkland. With a current population of approximately 18,000, this represents a ratio of 5.9 acres of District owned and developed parkland for every 1,000 people in the District.

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

Since the District's existing developed parkland exceeds 5 acres per 1,000 residents, the District's maximum dedication requirement and/or fee allowed under the Quimby Act is five acres of parkland for every 1,000 persons. This parkland standard is consistent with the District's Master Plan and the Town of Truckee General Plan.

AVERAGE HOUSEHOLD SIZE

Pursuant to Govt. Code § 64477(a)(2), the amount of land dedicated or fees paid shall be based upon a project's population density, which shall be in part determined based on the average number of persons per household according to the most recent federal census. Based on 2000 U.S. Census information, figure 3 on the following page presents the average household size calculation for two residential land use categories: single-family housing and multi-family housing.

FIGURE 3 – AVERAGE HOUSEHOLD SIZE (TOWN OF TRUCKEE)

Residential Land Use	Total Housing Units	Vacant Housing Units	Occupied Housing Units	Total Number of Occupants	Average Household Size
Single-Family Housing ¹	8,944	4,338	4,606	12,835	2.787
Multi-Family Housing	902	295	607	1,163	1.916
Average (2000 Census)	9,846	4,633	5,213	13,998	2.685

Source: U.S. Census Bureau, 2000 U.S. Census, Census Tracts 12.01, 12.02

Notes:

¹ Single family housing includes includes townhomes and mobile homes.

QUIMBY PARKLAND DEDICATION REQUIREMENT

Based on the maximum per capita standard of 5 acres per 1,000 residents allowed under the Quimby Act, the formula for calculating the dedication of land for the District within the Town of Truckee is as follows:

$$\begin{matrix} \textit{Proposed} \\ \textit{Number of} \\ \textit{Units by} \\ \textit{Housing Type} \end{matrix} \times \begin{matrix} \textit{Average} \\ \textit{Household Size} \\ \textit{by Housing} \\ \textit{Type} \end{matrix} \times \begin{matrix} .005 \\ \textit{(5 Acres per} \\ \textit{1,000} \\ \textit{Population)} \end{matrix}$$

Figure 4 presents the parkland dedication requirement on a square footage for two housing categories. As detailed in figure 3, the average number of persons per dwelling unit is determined on the basis of the housing type and the average household size as of the 2000 U.S. Census.

FIGURE 4 – PARKLAND DEDICATION REQUIREMENT

Residential Land Use ¹	Average Household Size ²	Quimby Park Standard (5 acres per 1,000 persons) ³	Allowable Square Footage per Dwelling Unit ⁴
Single-Family Housing ¹	2.787	0.005	607
Multi-Family Housing	1.916	0.005	417

Notes:

¹ Single family housing includes includes townhomes and mobile homes.

² Based on census tract figures from the U.S. Census Bureau, 2000 U.S. Census.

³ The District's maximum allowable park standard under the Quimby Act and consistent with the District's Master Plan.

⁴ Average household size multiplied by the Quimby Park Standard divided by 43,560 square feet per acre, rounded.

For example, a 250 single-family home subdivision would require a 3.48 acre land dedication for park and recreational facilities.

$$\begin{matrix} 250 \\ \textit{Single-Family Lots} \end{matrix} \times \begin{matrix} 607 \\ \textit{Allowable Sq. Ft} \\ \textit{per Single-Family} \\ \textit{Lot} \end{matrix} = \begin{matrix} 151,750 \textit{ Sq. Ft or} \\ 3.48 \textit{ Acres of} \\ \textit{Dedication Parkland} \\ \textit{for the Subdivision} \end{matrix}$$

QUIMBY IN-LIEU FEES

For proposed subdivisions containing fewer than 50 parcels, the Quimby Act allows for the payment of fees (“Quimby in-lieu fees”) in lieu of land dedication.³ The purpose of in-lieu fees is to accumulate enough funding from several developers to purchase neighborhood and community parks within the District where the fees are collected. Moreover, while parkland dedication may be required for larger subdivisions, the District may require in-lieu fees only, or a combination of parkland dedication and in-lieu fees, to meet the park goals of the District.

The following table presents the calculation of the Quimby in-lieu fees based on the District’s parkland dedication requirement for single family and multifamily housing and parkland acquisition costs per acre. As shown, land value in the Town of Truckee is estimated to be \$275,000 per acre. Arguments for higher land costs can be made; however, the presented amounts per acre appear to be the most appropriate and conservative figures for the purposes of this Study.⁴

It is important to note that although the in lieu fee includes parkland acquisition costs only, the Quimby Act allows for in-lieu fees to be used for parkland acquisition, new park development and the construction of new or rehabilitation of existing park and recreational facilities.

FIGURE 5 – QUIMBY IN-LIEU FEES

Residential Land Use ¹	Allowable Square Footage Per Dwelling Unit	Parkland Acquisition Cost Per Capita	Quimby In-Lieu Fees (Per Unit) ¹
Single-Family Housing	607	\$275,000	\$3,832
Multi-Family Housing	417	\$275,000	\$2,633

Notes:

¹ Allowable square footage per dwelling unit times parkland acquisition cost per acre divided by 43,560 sq. ft. per acre. Fees are rounded to the nearest dollar.

³ However, when a multi-family development or stock cooperative exceeds 50 dwelling units, a dedication of land may be required, even though the number of parcels may be less than 50. *Govt. Code § 66477(a)(7)*

⁴ Land value is based on recent vacant residential land sales in the Town of Truckee as presented in Appendix A to this Study.

PROPOSED QUIMBY POLICY CHANGES

The following table compares the Town and District's current Quimby Policy with the amended policy proposed by this Study.

FIGURE 5 – COMPARISON OF CURRENT AND PROPOSED QUIMBY POLICY

Factors	Current Quimby Policy ¹	Proposed Quimby Policy	Change
Effective year	2001	2008	7 years
Park acreage standard	5 acres per 1,000	5 acres per 1,000	None
Average household size (Single-family housing)	2.6 per unit	2.787 per unit	0.126
Average household size (Multi-family housing)	2.6 per unit	1.916 per unit	-0.116
Parkland dedication requirement (Single-family housing)	566 sq. ft. per unit	607 sq. ft. per unit	28
Parkland dedication requirement (Multi-family housing)	566 sq. ft. per unit	417 sq. ft. per unit	-25
Parkland acquisition cost per acre	\$25,000	\$275,000	1000.0%
Park development cost per acre	\$176,748	\$0	Cost recovered by park impact fee
Quimby In-Lieu Fee (Single-family housing)	\$2,623	\$3,832	46.1%
Quimby In-Lieu Fee (Multi-family housing)	\$2,623	\$2,633	0.4%

Notes:

¹ Pursuant to Town of Truckee Resolution No. 2001-10 and Truckee Development Code 18.92.095.

APPENDICES

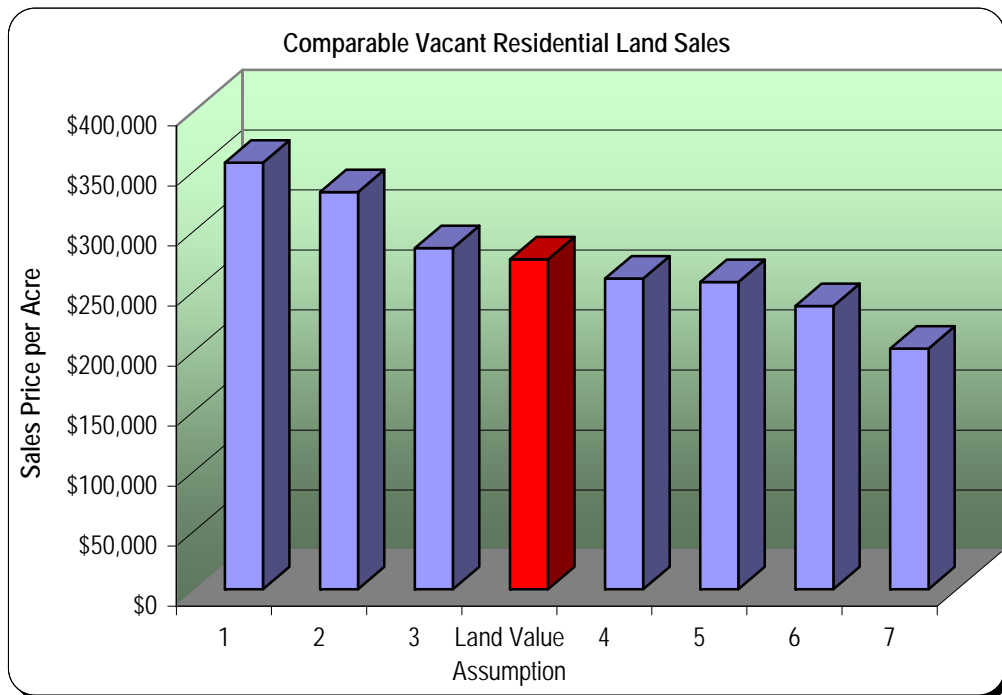
Appendix A – Recent Vacant Land Sales

Appendix B – California Govt. Code § 66477 ("The Quimby Act")

APPENDIX A – RECENT VACANT LAND SALES

FIGURE 5 – RECENT VACANT LAND SALES

Sale	Assessor's Parcel Number	Location	Sales Date	Sales Price	Size (Acres)	Price per Acre	Average Price per Sq. Ft.
1	19-710-39-000	Truckee	Aug-05	\$405,000	1.14	\$355,263	\$8.16
2	19-620-05-000	Truckee	Jan-06	\$2,300,000	6.95	\$330,935	\$7.60
3	40-040-19-000	Truckee	Jul-05	\$290,000	1.02	\$284,314	\$6.53
4	19-410-35-000	Truckee	Jan-06	\$2,800,000	10.81	\$259,019	\$5.95
5	19-300-78-000	Truckee	Jul-06	\$427,500	1.67	\$255,988	\$5.88
6	40-030-18-000	Truckee	Dec-06	\$245,500	1.04	\$236,058	\$5.42
7	49-240-46-000	Truckee	Dec-05	\$335,000	1.67	\$200,599	\$4.61



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

66477. (a) The legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, if all of the following requirements are met:

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

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

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

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

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

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

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

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

(7) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Section 1351 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

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

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

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

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

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

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

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

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

Truckee-Donner Recreation and Park District

QUIMBY DEDICATION REQUIREMENT AND IN-LIEU FEE STUDY

Final Report

Version 1

As of December 3, 2007

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