

**NOTICE OF RULE ADOPTION**

**R161-16.15**

**Parkland Dedication Operating Procedures**

**September 19, 2016**



**RULE NO.: R161-16.15**

**NOTICE OF RULE ADOPTION**

**ADOPTION DATE: September 19, 2016**

By: Sara L. Hensley, Director  
Austin Parks and Recreation Department

The Director of the Austin Parks and Recreation Department has adopted the following rule. Notice of the proposed rule was posted on July 1, 2016. Public comment on the proposed rule was solicited in the July 1, 2016 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

The Austin Parks and Recreation Department located at 919 W. 28 ½ Street, Austin, Texas 78705, see D'Anne Williams; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

Internet copies are available at <https://austintexas.gov/department/parkland-dedication>

**EFFECTIVE DATE OF ADOPTED RULE**

A rule adopted by this notice is effective on September 19, 2016.

**TEXT OF ADOPTED RULE**

**R161-16.15: Parkland Dedication Operating Procedure Rules**

Changes to the text of the rule have been made in response to public comment for clarification purposes. A brief explanation of changes made are:

14.3.1 Purpose – Clarification that terms are defined in the City's Comprehensive Plan, Land Development Code and Parks and Recreation Long Range Plan.

14.3.2 Applicability – No changes made.

14.3.3 Deficient Park Area Map – Clarification of how park deficient areas are determined.

AUSTIN CITY CLERK  
RECEIVED  
2016 SEP 19 AM 8 30



14.3.4 Parkland Dedication Review and Submittal Requirements – Clarification that data to determine whether land meets standards for parkland dedication will only be required if needed to make a determination.

14.3.5 Binding Parkland Determination Prior to Submittal of Development Application – Grammar change and clarification that binding parkland determinations could list a determination for total land dedication, payment of a fee-in-lieu of land or a combination of land and fees.

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests – Change for clarification that the term “usable” green infrastructure means green infrastructure with recreation amenities.

14.3.7 Supplemental Standards for Dedicated Parkland – Grammar changes for clarification.

14.3.8 Partial Credit for Dedication of Easement Acreage – Grammar changes for clarification and removal of unnecessary adjectives.

14.3.9 Determining Superiority – Clarified that the 15% cap does not apply to PUDs or PIDs for gaining a superiority determination.

14.3.10 Standards for Private Parkland – Added requirement that Private Parks must post signage that includes park hours and contact information; that easement documents will contain operations specifications; and that parkland dedication will be owed again if an easement that satisfied parkland dedication is released.

14.3.11 Use and Expenditure of Parkland Fees – The number 27 has been removed from “zones established as “Park Planning Areas” ” in case future changes to the zone system are made. Other grammar changes were made for clarification.

14.3.12 Methodology for Determining Fees – No changes made.

## **SUMMARY OF COMMENTS**

Written comments and comments submitted on line to the Parks and Recreation Department’s parkland dedication web page (spreadsheet attached) were received regarding Rule R161-16.15. The Parks and Recreation Department has reviewed the comments and determined that clarification both in grammar or additional wording was warranted and made the applicable changes. A summary of the responses to comments is attached.

A copy of the comments and responses is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:



The Austin Parks and Recreation Department located at 919 W. 28 ½ Street, Austin, Texas 78705, see D'Anne Williams; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

Internet copies are available at <https://austintexas.gov/department/parkland-dedication>

## **AUTHORITY FOR ADOPTION OF RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code.

## **APPEAL OF ADOPTED RULE TO CITY MANAGER**

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the city clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

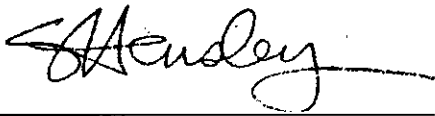
On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City Manager shall make a decision.



## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption R161-16.15, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

## **REVIEWED AND APPROVED**



Sara L. Hensley, Director  
Austin Parks and Recreation Department

Date: 9-16-16



Anne L. Morgan  
City Attorney

Date: 9/16/16



**TEXT OF ADOPTED RULE**

**R161-16.15**

**Parkland Dedication Operating Procedures**



## **SECTION 14 - PARKS AND RECREATION DEPARTMENT (PARD)**

### **14.3.0 – PARKLAND DEDICATION OPERATING PROCEDURE RULES**

#### **§ 14.3.1 Purpose**

- (A) These rules constitute the Parkland Dedication Operating Procedures (hereafter “PDOP”) required under City Code § 25-1-609 (*Administrative Authority*). The PDOP is used by the director in administering the Parkland Dedication Ordinance, codified in Chapter 25-1, Article 14 (*Parkland Dedication*), or its successor Code.
- (B) The criteria and standards adopted in the PDOP:
  - (1) guide the director’s determination on whether to require parkland dedication or allow payment of a fee in-lieu of parkland dedication, consistent with criteria established under the Parkland Dedication Ordinance;
  - (2) specify standards for dedicated parkland;
  - (3) establish application requirements for parkland dedication, including requests for payment of a fee in-lieu; and
  - (4) provide general policy direction, for the benefit of applicants, neighborhoods, and other City departments, regarding the administration and enforcement of the Parkland Dedication Ordinance.
- (C) Terms in this document are as defined in the City’s Comprehensive Plan Imagine Austin; the Land Development Code, 25-1 Article 14; and the Parks and Recreation Department Long Range Plan.

#### **§ 14.3.2 Applicability**

These rules apply to any development for which parkland dedication is required under Chapter 25-1, Article 14.

#### **§ 14.3.3 Deficient Park Area Map**



- (A) Except as provided in Subsection (C), PDOP-Exhibit A is the Deficient Park Area Map required under the Parkland Dedication Ordinance and depicts areas in which land dedication may be required rather than payment of a fee in-lieu of dedication.
- (B) The deficient areas depicted on the map meet at least one of the following locational criteria:
  - (1) Areas that have no parkland within:
    - (a) ¼-mile, for areas within the Parkland Dedication Urban Core established by City Code § 25-1-601(8); and
    - (b) ½-mile, for areas outside of the Parkland Dedication Urban Core; or
    - (c) areas within 1/4-mile or half-mile of a park that do not have adequate crossings over a major roadway , a railroad track, or a water body."
  - (2) Potential greenways; and
  - (3) Corridors that would provide increased connectivity with existing or planned parks or recreational amenities and proposed trails designated by the City's Urban Trails Master Plan.
- (C) Updates to the Deficient Park Area Map may be made administratively, without amending PDOP-Exhibit A, if necessary to reflect changes in deficient area boundaries under Subsection (B) and expansions of the city limits or extraterritorial jurisdiction due to annexation. However, the PARD director shall formally amend PDOP-Exhibit A on a regular basis to reflect administrative updates to the Deficient Area Map, and shall make a current copy of the updated map available on the department's website.

#### **§ 14.3.4 Parkland Dedication Review and Submittal Requirements.**

- (A) PARD shall review applications for preliminary plans, final plats, site plans, and building permits, as required, in order to:
  - (1) determine whether to allow or require payment of a fee in-lieu of parkland dedication under the Parkland Dedication Ordinance, City Code § 25-1-605 (*Fee In-Lieu of Parkland Dedication*); and



- (2) evaluate land for dedication to meet the standards for dedication under Parkland Dedication Ordinance, City Code § 25-1-603 (*Standards for Dedicated Parkland*) and PDOP § 14.3.6 and § 14.3.7.
- (B) As part of its review, PARD may meet with applicants before or after a development application is filed and may request a site visit to evaluate the suitability of land for dedication.
- (C) As part of the application process, PARD may require information, including spatial data, that it deems necessary to determine the amount of land available for dedication that meets the standards referenced in Subsection (A)(2). These items may include the following:
  - (1) the total number of residential units proposed as part of the preliminary plan, final plat, or site plan application;
  - (2) lot dimensions or metes and bounds acreage of parkland to be dedicated;
  - (3) site acreage amounts for land within the 25- and 100-year floodplain, as well as land located outside the floodplain;
  - (4) the location, size, and general description of any Critical Environmental Features (CEFs) and CEF setbacks existing on the site;
  - (5) a tree survey if applicable to cite proposed trails and other amenities; utility easements that run through the park, and/or to better understand the inventory of proposed public trees.
  - (6) a slope analysis, , to aid in determining the percentage of dedicated land that may be developed with park amenities including the indication of any erosion hazard areas;
  - (7) an erosion hazard zone analysis if requested for areas where dedicated parkland includes a creek or lake;
  - (8) the location of all existing and proposed: (a) structures; (b) above and in-ground utilities; and (c) public and private easements.
- (D) An application filed in connection with a Municipal Utility District (MUD), development Public Improvement Districts (PID), Municipal Management District (MMD), or a Planned Unit Developments (PUDs) must include the following additional elements if a park superiority determination is being



evaluated or if a park plan is being approved to meet all of the parkland dedication requirements for the PUD.

- (1) A Land Use Plan that shows the location and acreage amounts of proposed public parkland, private parkland and greenways in different colors. Additionally:
  - (a) for a MUD or a PID, the acreage amounts shown on the plan should match any acreage amounts delineated in an agreement for creation of the MUD or PID; and
  - (b) for a PUD, the acreage amounts shown on the plan should indicate amount of parkland required to meet the “superior development” standard.
- (2) A Park Plan, with a map and corresponding tables that delineate how credited acreage for parks was determined and how it will be distributed within the development. This may include an exhibit that shows buffers around proposed parkland by ¼-mile in the Parkland Dedication Urban Core and ½-mile outside that urban core, to ensure that all residents are located near a park.
- (3) For a PUD, provisions in the PUD ordinance that establish timing requirements for the dedication of parkland.

**§ 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application.**

- (A) As authorized by the Parkland Dedication Ordinance, City Code § 25-1-605, an applicant may request a binding determination from PARD regarding whether total land dedication; payment of a fee in-lieu in land or a combination of fee and land will be required. An application for a binding determination may include any the information required under PDOP § 14.3.4.
- (B) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination



expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued.

**§ 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests.**

- (A) PARD shall evaluate requests to pay a fee in-lieu of dedication under the criteria specified under City Code § 25-1-605 (*Fee In-Lieu of Parkland Dedication*). If land available for dedication generally meets those criteria, and satisfies the standards for dedication under PDOP § 14.3.7, PARD shall consider the overall value of the land to the City's park system based on whether:
- (1) the site provides a connection to existing or future parkland;
  - (2) the land available for dedication provides an opportunity to expand an existing park; and
  - (3) onsite parkland would further goals of the Imagine Austin Comprehensive Plan by providing:
    - (a) gathering areas and outdoor play in corridors and centers;
    - (b) opportunities for health-enhancing activities for residents;
    - (c) green infrastructure with recreation amenities, or
    - (d) increased connectivity for pedestrian and bicycle traffic.
- (B) PARD may, as authorized by City Code § 25-1-605(E) (*Fee In-Lieu of Parkland Dedication*), accept a reduced land dedication in combination with payment of a fee in-lieu of land and/or amenities of equal value where doing so best furthers the goal of maintaining a viable City park system. PARD will calculate a combination of land, amenities and/or fees with the following methodology:
- (1) Determine the percentage of credited acres being dedicated from the total amount of acres owed according to City Code § 25-1-602. (For example, 30% of the land owed is being dedicated).
  - (2) Calculate the fee in-lieu of land owed as if no land were being dedicated (For example, \$100,000 in fees is owed per the number of residential units or hotel/motel rooms).



- (3) Multiply (1) by (2) above to determine the amount to be subtracted from the fee owed. (For example,  $.30 * \$100,000 = \$30,000$ )
- (4) Subtract (3) from (2) to determine the remaining fee in-lieu owed. (For example,  $\$100,000 - \$30,000 = \$70,000$ )
- (5) The remainder (For example, \$70,000) shall be paid by:
  - a. the construction of amenities of a value equal to or more than the remainder;
  - b. a fee in-lieu of parkland; or
  - c. a combination of a. and b.

#### **§ 14.3.7 Supplemental Standards for Dedicated Parkland**

- (A) PARD shall evaluate the suitability of land available for dedication under the standards established in City Code § 25-1-603 (*Standards for Dedicated Parkland*) and on the additional standards described in this section.
  - (1) The interior of a park should be visible from an existing or proposed public right-of-way. In order to achieve this visibility, a park of two or more acres in size should include at least 200 feet of right-of-way frontage for every two acres of credited parkland. For a park smaller than two acres, the right-of-way frontage should be no less than half of the width of the park at its widest point. Right-of-way frontage on at least two sides of a park is recommended. Exceptions to the recommended frontage may be acceptable to accommodate environmental, historical, topographic, or other constraints; a park that serves mainly as a greenbelt; or a critical park need.
  - (2) At least 50 percent of dedicated parkland site should be less than 10% grade, well drained, and suitable for active play, unless the Parks Department's only intent is to provide a connection or to preserve an environmental or cultural resource.
  - (3) The proposed land shall not be encumbered by recorded easements, or easements proposed to be recorded, such that it prevents construction of recreation amenities desired on the parkland.



- (4) In order to accept land for dedication, PARD must be able to connect it to potable water on all park sites and to sewer on sites of two acres or larger. Site plans and subdivision applications must demonstrate sufficient water and wastewater capacity to serve the park.
- (5) Parkland should be accessible to those in the neighborhood, either by walking or by the provision of parking.
- (6) Locating parkland in a central location within the development is preferred, except where:
  - (a) the park is adjacent to an existing or proposed school site, other parkland, or a greenway;
  - (b) a 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. (To this end, applicants are encouraged to contact adjoining landowners and present a schematic plan proposing joint dedication); or
  - (c) a central location would not be accessible to the public.
- (7) If the Parks Department finds it necessary for optimum park placement, tracts to be dedicated may be split into two (2) or more separate park sites as long as:
  - (a) No site is less than ¼-acre in size;
  - (b) Each site meets parkland standards; and
  - (c) Splitting the tract will not adversely affect ecological connectivity for wildlife habitat, vegetative species diversity and protection of steep slopes, or interfere with other City Comprehensive Plan goals and city policies.
- (B) If doing so would achieve greater consistency with the standards in Subsection (A), PARD may allow an applicant to dedicate parkland required for a subdivision at another site owned by the same applicant within:
  - (1) ¼-mile, for areas within the Parkland Dedication Urban Core established by City Code § 25-1-601(8); or



- (2) ½-mile, for areas outside of the Parkland Dedication Urban Core.

#### **§ 14.3.8 Partial Credit for Dedication and Easement Acreage**

- (A) This subsection describes the circumstances in which PARD will count an acre of land at 50% credit for purposes of meeting the parkland dedication requirement under City Code § 25-1-602 (*Dedication of Parkland*).
  - (1) If land is located within a Critical Environmental Feature (CEF) buffer or within a Critical Water Quality Zone, as established under City Code Chapter 25-8 or a successor Code, PARD may credit the acreage at 50% per acre if recreational amenities are allowed under applicable Land Development Code requirements. If recreational amenities are not allowed, the acreage may be included but will not receive credits toward acreage owed.
  - (2) Land containing a water quality or detention pond may be accepted at 50% per acre credit if the pond is designed and developed with PARD-approved recreational amenities.
  - (3) A fire lane may be accepted at 50% per acre credit if it is also designed to function as a trail that connects to a larger trail system.
  - (4) Land within the 100-year floodplain may be accepted at 50% per acre credit if:
    - (a) PARD determines that the land meets the criteria described in Subsection (B); and
    - (b) the dedication also includes any adjacent land on the same site that is located within the 25-year floodplain, which shall receive no credit towards meeting the required parkland dedication.
- (B) In evaluating what to accept for land dedication within the 100-year and 25-year floodplain, or within a critical environmental feature area, PARD shall consider:
  - (1) whether the floodplain area would be accessible to pedestrians and maintenance vehicles;
  - (2) the extent to which the natural character of the waterway and the floodplain area has been or will be altered;



- (3) whether the configuration and topography is suitable for the placement of recreational amenities, in compliance with applicable watershed requirements; and
- (4) whether the floodplain
  - (a) would function as linear parkland by providing neighborhood access;
  - (b) is visible to the public and easily identified as a public recreation area; and
  - (c) would provide suitable passive recreation, scenic views, wildlife habitat protection, water quality protection, tree protection, or trail connectivity to the more intensive uses in non-flood plain areas.

#### **§ 14.3.9 Determining Superiority.**

- (A) This section specifies the criteria that PARD applies in determining if land proposed for dedication would result in “superior development” for purposes of evaluating an application for a Municipal Utility District (MUD), Public Improvement District (PID), or Planned Unit Development zoning district (PUD).
- (B) To be considered “superior development,” land proposed for dedication must:
  - (1) include at least 10.4 credited acres per 1,000 residents, which reflects the combined citywide level-of-service for neighborhood, greenway, and district parks (This amount exceeds by one acre the parkland dedication required under City Code § 25-1-602(E) that is based on a lower citywide level-of-service and includes only neighborhood parks and greenbelts.);
  - (2) be developed in accordance with a plan approved by PARD; and
  - (3) be dedicated to a governmental entity.
- (C) The 15% cap on parkland dedication in the urban core delineated in City Code § 25-1-602 (J) does not apply to PUDs or PIDs for determining superiority.



#### **14.3.10 Standards for Private Parkland.**

- (A) As authorized by City Code § 25-1-604 (Private Parkland), PARD may allow an applicant to satisfy up to 100% of the parkland dedication required for a development by providing a recreational easement to the public rather than deeding the land to the City in fee simple.
- (B) In order to earn credit for private parkland, it must be encumbered with a recreational easement that provides for full public access and must:
  - (1) be visible from a right-of-way frontage or provide a connection to a trail system and
  - (2) provide signage visible from a right of way frontage and, approved by PARD, which:
    - (a) states that the area, including any recreational amenities, is open and available for public use;
    - (b) is posted at the park entrance or in a location visible to the public; and
    - (c) states the park hours and contact for park manager if it is not the City Park's Department
  - (3) provide language in the easement document that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, and penalties and arrangements for lack of compliance; and
  - (4) provide language in the easement document that specifies that repayment of the credits will be required via alternate land or compensation for release of the easement.
- (C) The credited acreage is calculated as in PDOP § 14.3.6 through 14.3.8. PARD then evaluates the amount of parkland dedication credit to be given using the following weighted factors:
  - (1) (40%) The presence of active recreational amenities including, but not limited to, playscapes, sport courts, table game recreation, and climbing or exercise structures or trails.



- (2) (30%) The ability of the public to access and use the land for recreation purposes in perpetuity by including within the Park Recreation Easement a provision declaring the land to be parkland “within the meaning of Article II, Section 7, Paragraph (A) of the Austin City Charter.”
  - (3) (10%) The presence of group gathering spaces, such as open lawns, picnic areas, plazas or pavilions
  - (4) (10%) Landscaping that enhances the park recreation features by providing shade, educational opportunities, fruit and nut trees, or wildlife habitat.
  - (5) (10%) The ability of PARD to provide programming in the space.
- (D) If private amenities are credited, recreational amenities must be constructed onsite and approved by PARD during site plan or subdivision review. Amenities must be shown on the site plan or construction plan, unless PARD authorizes another method of approval.
  - (E) An applicant must post fiscal surety for amenities included on private parkland during site plan or subdivision review. PARD will notify the Applicant and the Development Services Fiscal Office in writing, stating the amenities to be constructed and the amount of Fiscal Surety to be held until the items are constructed.
  - (F) If credited acreage does not satisfy the entire parkland requirement, PARD will calculate the remaining fee using the same process described in PDOP § 14.3.6 (B).
  - (G) If a recreation easement recorded for parkland dedication credit is released, subsequent applications for subdivisions and site plans will require parkland dedication for all units constructed.

#### **§ 14.3.11 Use and Expenditure of Parkland Fees.**

- (A) The guidelines in this section specify how PARD uses fees in-lieu of parkland dedication and parkland development fees consistent with the requirements in City Code § 25-1-607 (*Fee Payment and Expenditure*). Zones established as “Park Planning Areas” under the PARD Long Range Plan are designated as



“Parkland Service Areas” for purposes of using fees collected in-lieu of parkland dedication and fees for park development.

(B) . A fee in-lieu of dedication collected under City Code § 25-1-605 must be used within the service area where it was assessed and should be used to address the following priorities:

- (1) PARD will attempt to acquire land or easements that meets the standards in City Code § 25-1-603 (*Standards for Dedicated Parkland*) and is located within a ½ mile radius if the development is located within a Parkland Deficient Area or if the land would serve a critical parkland need or provide increased connectivity.
- (2) If no land that meets the requirements for dedicated parkland is available for acquisition within a Parkland Deficient Area, PARD may use funds to acquire parkland or easements within a two-mile radius.
- (3) If no additional land that meets the requirements for dedicated parkland is available for acquisition within a two-mile radius, PARD may use funds to acquire parkland at any location within the Parkland Service Area that will benefit the development for which the fees were assessed.
- (4) If no land that meets the standards in Paragraphs (B)(1)-(3), above, is available for acquisition within one year from the date that a fee in-lieu of dedication was paid, PARD may spend the fees to construct recreational amenities or improvements at an existing park within the applicable Parkland Service Area.

(C) A parkland development fee collected under City Code § 25-1-606 (*Parkland Development Fees*) shall be spent to develop recreational amenities at neighborhood parks that meet the locational guidelines for use of a fee in-lieu of dedication under Subsection (B). However, if no neighborhood park that meets the locational guidelines is appropriate for development of recreational amenities, a parkland development fee may be spent to develop recreational amenities at:

- (1) the nearest district park within the parkland service area where the site plan or subdivision project that paid the fee is located; or
- (2) A metro park, if no district park within the applicable service area is appropriate for development of recreational amenities.



#### § 14.3.12. – Methodology for Determining Fees

(A) Fee in Lieu of Land (City Code § 25-1-605)

PARD shall submit annually a fee derived from a Land Cost Per Person. The Land Cost per person will be calculated from the variables in the table below. PARD will update the variables annually to establish the fee and present the fee for adoption by City Council with the City's annual Fee Schedule.

<b>Variables</b>	<b>Description</b>
Parkland Level of Service	Population/Park Acres expressed as 1 acre per X people OR X acres per 1,000 people
Park Acres	Park Acres (excludes Metro and District Parks)
City Population	Current city population
Parkland Cost Factor	Average land cost of acres purchased over the last five years

(1) The formula to calculate the fee is as follows:

Step 1: Parkland Cost Factor/Parkland Level of Service = Land Cost Per Person

Step 2: Density (2.8, 2.2 or 1.7) X Land Cost Per Person = Fee In-Lieu of Land by Density

(B) Fee for parkland development (City Code § 25-1-606)

PARD shall submit annually a fee derived from a Park Development Cost per person. The Park Development Cost per person will be calculated from the variables in the table below. PARD will update the variables annually to establish the fee and present the fee for adoption by City Council with the City's annual Fee Schedule.

<b>Variables</b>	<b>Description</b>
Facilities Level of Service	Population / Number of Developed



	Parks expressed as 1 park per X people
Number of Developed Parks	Count of all developed parks
City Population	Current city population
Park Development Cost Factor	Average cost of last 5 neighborhood parks

The formula to calculate the fee is as follows:

Step 1:  $\text{Parkland Cost Factor} / \text{Parkland Level of Service} = \text{Land Cost Per Person}$

Step 2:  $\text{Density (2.8, 2.2 or 1.7)} \times \text{Park Development Cost Per Person} = \text{Parkland Development Fee by Density.}$



**TEXT OF ADOPTED RULE**

**R161-16.15**

**Parkland Dedication Operating Procedures**

**REDLINED CHANGES FROM THE TEXT OF THE PROPOSED RULE**

**THAT WAS NOTICED ON JULY 1, 2016**



## **SECTION 14 - PARKS AND RECREATION DEPARTMENT (PARD)**

### **14.3.0 – PARKLAND DEDICATION OPERATING PROCEDURE RULES**

#### **§ 14.3.1 Purpose**

- (A) These rules constitute the Parkland Dedication Operating Procedures (hereafter “PDOP”) required under City Code § 25-1-609 (*Administrative Authority*). The PDOP is used by the director in administering the Parkland Dedication Ordinance, codified in Chapter 25-1, Article 14 (*Parkland Dedication*), or its successor Code.
- (B) The criteria and standards adopted in the PDOP:
  - (1) guide the director’s determination on whether to require parkland dedication or allow payment of a fee in-lieu of parkland dedication, consistent with criteria established under the Parkland Dedication Ordinance;
  - (2) specify standards for dedicated parkland;
  - (3) establish application requirements for parkland dedication, including requests for payment of a fee in-lieu; and
  - (4) provide general policy direction, for the benefit of applicants, neighborhoods, and other City departments, regarding the administration and enforcement of the Parkland Dedication Ordinance.

(C) Terms in this document are as defined in the City's Comprehensive Plan Imagine Austin; the Land Development Code, 25-1 Article 14; and the Parks and Recreation Department Long Range Plan.

#### **§ 14.3.2 Applicability**

These rules apply to any development for which parkland dedication is required under Chapter 25-1, Article 14.

#### **§ 14.3.3 Deficient Park Area Map**



- (A) Except as provided in Subsection (C), PDOP-Exhibit A is the Deficient Park Area Map required under the Parkland Dedication Ordinance and depicts areas in which land dedication may be required rather than payment of a fee in-lieu of dedication~~may not be allowed~~.
- (B) The deficient areas depicted on the map meet at least one of the following locational criteria:
  - (1) Areas that have no parkland within:
    - (a) ¼-mile, for areas within the Parkland Dedication Urban Core established by City Code § 25-1-601(8); and
    - (b) ½-mile, for areas outside of the Parkland Dedication Urban Core;  
or
    - (c) areas within 1/4-mile or half-mile of a park that do not have adequate crossings over a major roadway, a railroad track, or a water body."
  - (2) Potential ~~creek~~ greenways; and
  - (3) Corridors that would provide increased connectivity with existing or planned parks or recreational amenities and proposed trails designated by the City's Urban Trails Master Plan.
- (C) Updates to the Deficient Park Area Map may be made administratively, without amending PDOP-Exhibit A, if necessary to reflect changes in deficient area boundaries under Subsection (B) and expansions of the city limits or extraterritorial jurisdiction due to annexation. However, the PARD director shall formally amend PDOP-Exhibit A on a regular basis to reflect administrative updates to the Deficient Area Map, and shall make a current copy of the updated map available on the department's website~~at all times~~.

#### **§ 14.3.4 Parkland Dedication Review and Submittal Requirements.**

- (A) PARD shall review applications for preliminary plans, final plats, site plans, and building permits, as required, in order to:
  - (1) determine whether to allow or require payment of a fee in-lieu of parkland dedication under the Parkland Dedication Ordinance, City Code § 25-1-605 (*Fee In-Lieu of Parkland Dedication*); and



- (2) evaluate ~~the amount of land available for dedication that~~ meets the standards for dedication under Parkland Dedication Ordinance, City Code § 25-1-603 (*Standards for Dedicated Parkland*) and PDOP § 14.3.6 and § 14.3.7.
- (B) As part of its review, PARD may meet with applicants before or after a development application is filed and may request a site visit to evaluate the suitability of land for dedication.
- (C) As part of the application process, PARD may require information, including spatial data, that it deems necessary to determine the amount of land available for dedication that meets the standards referenced in Subsection (A)(2). ~~At a minimum, an application must include~~ These items may include the following:
- (1) the total number of residential units proposed as part of the preliminary plan, final plat, or site plan application;
  - (2) lot dimensions or metes and bounds acreage of parkland to be dedicated;
  - (3) site acreage amounts for land within the 25- and 100-year floodplain, as well as land located outside the floodplain;
  - (4) the location, size, and general description of any Critical Environmental Features (CEFs) and CEF setbacks existing on the site;
  - (5) a tree survey if applicable to cite proposed trails and other amenities; utility easements that run through the park, and/or to better understand the inventory of proposed public trees.
  - ~~(6)~~ a slope analysis, including the location of erosion hazard zones, to aid in determining the percentage of dedicated land that may be developed with park amenities including the indication of any erosion hazard areas;
  - ~~(6)(7)~~ an erosion hazard zone analysis if requested for areas where dedicated parkland includes a creek or lake; and
  - ~~(7)(8)~~ the location of all existing and proposed: (a) structures; (b) above and in-ground utilities; and (c) public and private easements.
- (D) An application filed in connection with a Municipal Utility District (MUD), development Public Improvement Districts (PID), Municipal Management



District (MMD), or a Planned Unit Developments (PUDs) must include the following additional elements if a park superiority determination is being evaluated or if a park plan is being approved to meet all of the parkland dedication requirements for the PUD.

- (1) A Land Use Plan that shows the location and acreage amounts of proposed public parkland, private parkland and ~~greenbelts~~ greenways in different colors. Additionally:
  - (a) for a MUD or a PID, the acreage amounts shown on the plan should match any acreage amounts delineated in an agreement for creation of the MUD or PID; and
  - (b) for a PUD, the acreage amounts shown on the plan should indicate amount of parkland required to meet the “superior development” standard.
- (2) A Park Plan, with a map and corresponding tables that delineate how credited acreage for parks was determined and how it will be distributed within the development. This may include an exhibit that shows buffers around proposed parkland by ¼-mile in the Parkland Dedication Urban Core and ½-mile outside that urban core, to ensure that all residents are located near a park.
- (3) For a PUD, provisions in the PUD ordinance that establish timing requirements for the dedication of parkland.

#### **§ 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application.**

- (A) As authorized by the Parkland Dedication Ordinance, City Code § 25-1-605, an applicant may request a binding determination from PARD regarding whether total land dedication; payment of a fee in-lieu in land or a combination of fee and land will be required. ~~is allowed and/or the amount of land that is required for dedication.~~ An application for a binding determination may ~~must~~ include, ~~at a minimum, any~~ the information required under PDOP § 14.3.4.
- (B) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by



more than 10% from the number of units originally provided by the applicant and relied ~~on~~upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit development application is submitted within one-year from the date the determination was issued.

#### **§ 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests.**

- (A) PARD shall evaluate requests to pay a fee in-lieu of dedication under the criteria specified under City Code § 25-1-605 (*Fee In-Lieu of Parkland Dedication*). If land available for dedication generally meets those criteria, and satisfies the standards for dedication under PDOP § 14.3.7, PARD shall consider the overall value of the land to the City's park system based on whether:
- (1) the site provides a connection to existing or future parkland;
  - (2) the land available for dedication provides an opportunity to expand an existing park; and
  - (3) onsite parkland would further goals of the Imagine Austin Comprehensive Plan by providing:
    - (a) gathering areas and outdoor play in corridors and centers;
    - (b) opportunities for health-enhancing activities for residents;
    - (c) ~~useable~~ green infrastructure with recreation amenities, or
    - (d) increased connectivity for pedestrian and bicycle traffic.
- (B) PARD may, as authorized by City Code § 25-1-605(E) (*Fee In-Lieu of Parkland Dedication*), accept a reduced land dedication in combination with payment of a fee in-lieu of land and/or amenities of equal value where doing so best furthers the goal of maintaining a viable City park system. PARD will calculate a combination of land, amenities and/or fees with the following methodology:
- (1) Determine the percentage of credited acres being dedicated from the total amount of acres owed according to City Code § 25-1-602. (For example, 30% of the land owed is being dedicated).



- (2) Calculate the fee in-lieu of land owed as if no land were being dedicated (For example, \$100,000 in fees is owed per the number of residential units or hotel/motel rooms).
- (3) Multiply (1) by (2) above to determine the amount to be subtracted from the fee owed. (For example,  $.30 * \$100,000 = \$30,000$ )
- (4) Subtract (3) from (2) to determine the remaining fee in-lieu owed. (For example,  $\$100,000 - \$30,000 = \$70,000$ )
- (5) The remainder (For example, \$70,000) shall be paid by:
  - a. the construction of amenities of a value equal to or more than the remainder;
  - b. a fee in-lieu of parkland; or
  - c. a combination of a. and b.

#### **§ 14.3.7 Supplemental Standards for Dedicated Parkland**

(A) PARD shall evaluate the suitability of land available for dedication under the standards established in City Code § 25-1-603 (*Standards for Dedicated Parkland*) and on the additional standards described in this section.

- (1) The interior of a park should be visible from an existing or proposed public right-of-way. In order to achieve this visibility, a park of two or more acres in size should include at least 200 feet of right-of-way frontage for every two acres of credited parkland. For a park smaller than two acres, the right-of-way frontage should be no less than half of the width of the park at its widest point. Right-of-way frontage on at least two sides of a park is recommended. Exceptions to the recommended frontage may be acceptable to accommodate environmental, historical, topographic, or other constraints; a park that serves mainly as a greenbelt; or a critical park need.
- (2) At least 50 percent of dedicated parkland site should be less than 10% grade, well drained, and suitable for active play, unless the Parks Department's intent is to provide a trail-connections or to preserve an environmental or cultural resource. ~~connections to open space with preservation features.~~



- (3) The proposed land shall not be encumbered by recorded easements, or easements proposed to be recorded, such that it prevents construction of recreation amenities desired on the parkland.
- (4) In order to accept land for dedication, PARD must be able to connect it to potable water on all park sites and to sewer on sites of two acres or larger. Site plans and subdivision applications must demonstrate sufficient water and wastewater capacity to serve the park.
- (5) Parkland should be accessible to those in the neighborhood, either by walking or by the provision of parking.
- (6) Locating parkland in a central location within the development is preferred, except where:
  - (a) the park is adjacent to an existing or proposed school site, other parkland, or a greenway; ~~or natural resource area~~;
  - (b) a 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. (To this end, applicants are encouraged to contact adjoining landowners and present a schematic plan proposing joint dedication); or
  - (c) a central location would not be accessible to the public.
- (7) If the Parks Department finds it necessary for optimum park placement, ~~larger tracts~~ to be dedicated may be split into two (2) or more separate park sites as long as:
  - (a) ~~Each No site is a minimum less than of~~  $\frac{1}{4}$ -acre in size;
  - (b) Each site meets parkland standards; and
  - (c) Splitting the tract will not adversely affect ecological connectivity for wildlife habitat, vegetative species diversity and protection of steep slopes, or interfere with other City Comprehensive Plan goals and city policies.
- (B) If doing so would achieve greater consistency with the standards in Subsection (A), PARD may allow an applicant to dedicate parkland required for a subdivision at another site owned by the same applicant within:



- (1) ¼-mile, for areas within the Parkland Dedication Urban Core established by City Code § 25-1-601(8); or
- (2) ½-mile, for areas outside of the Parkland Dedication Urban Core.

#### **§ 14.3.8 Partial Credit for Dedication and Easement Acreage**

(A) This subsection describes the circumstances in which PARD will count an acre of land at 50% credit for purposes of meeting the parkland dedication requirement under City Code § 25-1-602 (*Dedication of Parkland*).

- (1) If land is located within a Critical Environmental Feature (CEF) buffer or within a Critical Water Quality Zone, as established under City Code Chapter 25-8 or a successor Code, PARD may credit the acreage at 50% per acre if recreational amenities are allowed under applicable Land Development Code requirements. If recreational amenities are not allowed, the acreage may be included but will not receive credits toward acreage owed.
- (2) Land containing a water quality or detention pond may be accepted at 50% per acre credit if the pond is designed and developed with PARD-approved recreational amenities.
- (3) A fire lane may be accepted at 50% per acre credit if it is also designed to function as a trail that connects to a larger trail system.
- (4) Land within the 100-year floodplain may be accepted at 50% per acre credit if:
  - (a) PARD determines that the land meets the criteria described in Subsection (B); and
  - (b) the dedication also includes any adjacent land on the same site that is located within the 25-year floodplain, which shall receive no credit towards meeting the required parkland dedication.

(B) In evaluating ~~the acceptance of land for~~what to accept for land dedication within the 100-year and 25-year floodplain, or within a critical environmental feature area, PARD shall consider:

- (1) whether the floodplain area would be ~~easily~~ accessible to pedestrians and maintenance vehicles;



- (2) the extent to which the natural character of the waterway and the floodplain area has been or will be altered;
- (3) whether the configuration and topography is suitable for the placement of ~~low-intensity~~ recreational amenities, in compliance with applicable watershed requirements; and
- (4) whether the floodplain
  - (a) would function as linear parkland by providing neighborhood access ~~between private residential lots~~;
  - (b) is visible to the public and easily identified as a public recreation area; and
  - (c) would provide suitable passive recreation, scenic views, wildlife habitat protection, water quality protection, tree protection, or trail connectivity to the more intensive uses in non-flood plain areas.

#### **§ 14.3.9 Determining Superiority.**

- (A) This section specifies the criteria that PARD applies in determining if land proposed for dedication would result in “superior development” for purposes of evaluating an application for a Municipal Utility District (MUD), Public Improvement District (PID), or Planned Unit Development zoning district (PUD).
- (B) To be considered “superior development,” land proposed for dedication must:
  - (1) include at least 10.4 credited acres per 1,000 residents, which reflects the combined citywide level-of-service for neighborhood, ~~greenbelt~~greenway, and district parks (This amount exceeds by one acre the parkland dedication required under City Code § 25-1-602(E) that is based on a lower citywide level-of-service and includes only neighborhood parks and greenbelts.);
  - (2) be developed in accordance with a plan approved by PARD; and
  - (3) be dedicated to a governmental entity.



- (C) The 15% cap on parkland dedication in the urban core delineated in City Code § 25-1-602 (J) does not apply to PUDs or PIDs for determining superiority.

#### **14.3.10 Standards for Private Parkland.**

- (A) As authorized by City Code § 25-1-604 (Private Parkland), PARD may allow an applicant to satisfy up to 100% of the parkland dedication required for a development by providing a recreational easement to the public rather than deeding the land to the City in fee simple.
- (B) In order to earn credit for private parkland, it must be encumbered with a recreational easement that provides for full public access and must:
- (1) be visible from a right-of-way frontage or provide a connection to a trail system and
  - (2) provide signage visible from a right of way frontage and, approved by PARD, which:
    - (a) states that the area, including any recreational amenities, is open and available for public use; and
    - (b) is posted at the park entrance or in a location visible to the public; and
    - (c) states the park hours and contact for park manager if it is not the City Park's Department.
  - (3) provide language in the easement document that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, and penalties and arrangements for lack of compliance; and
  - ~~(3)~~(4) provide language in the easement document that specifies that re-payment of the credits will be required via alternate land or compensation for release of the easement.
- (C) The credited acreage is calculated as in PDOP § 14.3.6 through 14.3.8. PARD then evaluates the amount of parkland dedication credit to be given using the following weighted factors:



- (1) (40%) The presence of active recreational amenities including, but not limited to, playscapes, sport courts, table game recreation, and climbing or exercise structures or trails.
  - (2) (30%) The ability of the public to access and use the land for recreation purposes in perpetuity by including within the Park Recreation Easement a provision declaring the land to be parkland “within the meaning of Article II, Section 7, Paragraph (A) of the Austin City Charter.”
  - (3) (10%) The presence of group gathering spaces, such as open lawns, picnic areas, plazas or pavilions
  - (4) (10%) Landscaping that enhances the park recreation features by providing shade, educational opportunities, fruit and nut trees, or wildlife habitat.
  - (5) (10%) The ability of PARD to provide programming in the space.
- (D) If private ~~parkland amenities~~ is are credited, recreational amenities must be constructed onsite and approved by PARD during site plan or subdivision review. Amenities must be shown on the site plan or construction plan, unless PARD authorizes another method of approval.
- (E) An applicant must post fiscal surety for amenities included on private parkland during site plan or subdivision review. PARD will notify the Applicant and the Development Services Fiscal Office in writing, stating the amenities to be constructed and the amount of Fiscal Surety to be held until the items are constructed.
- (F) If credited acreage does not satisfy the entire parkland requirement, PARD will calculate the remaining fee using the same process described in PDOP § 14.3.6 (B).
- ~~(F)~~(G) If a recreation easement recorded for parkland dedication credit is released, subsequent applications for subdivisions and site plans will require parkland dedication for all units constructed.

#### **§ 14.3.11 Use and Expenditure of Parkland Fees.**



- (A) The guidelines in this section specify how PARD uses fees in-lieu of parkland dedication and parkland development fees consistent with the requirements in City Code § 25-1-607 (*Fee Payment and Expenditure*). Zones established as “Park Planning Areas” under the PARD Long Range Plan are designated as “Parkland Service Areas” for purposes of using fees collected in-lieu of parkland dedication and fees for park development.
- (B) ~~The 27 zones established as “Park Planning Areas” under the PARD Long Range Plan are designated as Parkland Service Areas for purposes of using fees collected in lieu of parkland dedication.~~ A fee in-lieu of dedication collected under City Code § 25-1-605 must be used within the service area where it was assessed and, ~~to the greatest extent possible,~~ should be used to address the following priorities:
- (1) PARD will attempt to acquire land or easements ~~which that~~ meets the standards in City Code § 25-1-603 (*Standards for Dedicated Parkland*) and is located within a ½ mile radius if the development is located within a Parkland Deficient Area or if the land would serve a critical parkland need or provide increased connectivity.
  - (2) If no land that meets the requirements for dedicated parkland is available for acquisition within a Parkland Deficient Area, PARD may use funds to acquire parkland or easements within a two-mile radius.
  - (3) If no additional land that meets the requirements for dedicated parkland is available for acquisition within a two-mile radius, PARD may use funds to acquire parkland at any location within the Parkland Service Area that will benefit the development for which the fees were assessed.
  - (4) If no land that meets the standards in Paragraphs (B)(1)-(3), above, is available for acquisition within one year from the date that a fee in-lieu of dedication was paid, PARD may spend the fees to construct recreational amenities or improvements ~~that enhance capacity of~~ at an existing park within the applicable Parkland Service Area.
- (C) A parkland development fee collected under City Code § 25-1-606 (*Parkland Development Fees*) shall be spent to develop recreational amenities at neighborhood parks that meet the locational guidelines for use of a fee in-lieu of dedication under Subsection (B). However, if no neighborhood park that meets the locational guidelines is appropriate for development of recreational



amenities, a parkland development fee may be spent to develop recreational amenities at:

- (1) ~~a~~ the nearest district park within the parkland service area where the site plan or subdivision project that paid the fee is located; or
- (2) A metro park, if no district park within the applicable service area is appropriate for development of recreational amenities.

#### **§ 14.3.12. – Methodology for Determining Fees**

(A) Fee in Lieu of Land (City Code § 25-1-605)

PARD shall submit annually a fee derived from a Land Cost Per Person. The Land Cost per person will be calculated from the variables in the table below. PARD will update the variables annually to establish the fee and present the fee for adoption by City Council with the City's annual Fee Schedule.

<b>Variables</b>	<b>Description</b>
Parkland Level of Service	Population/Park Acres expressed as 1 acre per X people OR X acres per 1,000 people
Park Acres	Park Acres (excludes Metro and District Parks)
City Population	Current city population
Parkland Cost Factor	Average land cost of acres purchased over the last five years

- (1) The formula to calculate the fee is as follows:

Step 1: Parkland Cost Factor/Parkland Level of Service = Land Cost Per Person

Step 2: Density (2.8, 2.2 or 1.7) X Land Cost Per Person = Fee In-Lieu of Land by Density

(B) Fee for parkland development (City Code § 25-1-606)



PARD shall submit annually a fee derived from a Park Development Cost per person. The Park Development Cost per person will be calculated from the variables in the table below. PARD will update the variables annually to establish the fee and present the fee for adoption by City Council with the City's annual Fee Schedule.

<b>Variables</b>	<b>Description</b>
Facilities Level of Service	Population / Number of Developed Parks expressed as 1 park per X people
Number of Developed Parks	Count of all developed parks
City Population	Current city population
Park Development Cost Factor	Average cost of last 5 neighborhood parks

The formula to calculate the fee is as follows:

Step 1: Parkland Cost Factor/Parkland Level of Service = Land Cost Per Person

Step 2: Density (2.8, 2.2 or 1.7) X Park Development Cost Per Person = Parkland Development Fee by Density.



**PUBLIC COMMENTS RECEIVED FOR**

**R161-16.15**

**Parkland Dedication Operating Procedures**

**ON THE PROPOSED RULE**

**THAT WAS NOTICED ON JULY 1, 2016**



**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Thursday, July 07, 2016 2:00 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 07, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Rick  
Last Name: Blakely  
E-mail Address: RBinAustin@gmail.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose:

A preamble surely would have been helpful. I read through 3/4 or the rules before it seemed to make any sense at all. It apparently deals with developers needing to either set up some parkland on their own or pay the city a fee in lieu of setting up their own parks. It seems to be written so that you need 1 or more attorneys and a CPA to determine what is needed. I have a MBA and a pretty good understanding of contract law. It would take a few days and some real life examples to give you a credible opinion of the proposed rule.

I think this is one of those situations that developers bemoan--a costly rule with lots of details that takes considerable time and effort to interpret and lots of money and effort in order to comply.

Is it good that the ratio of people to parkland be maintained as the city grows and more land is developed, but isn't there an easier way to do this?

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

14.3.4 Parkland Dedication Review and Submittal Requirements:

14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

14.3.7 Supplemental Standards for Dedicated Parkland:

14.3.8 Partial Credit for Dedication and Easement Acreage:

14.3.9 Determining Superiority:

14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees:

14.3.12 Methodology for Determining Fees:

ORIGINAL  
Comments  
as received.



**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Thursday, July 07, 2016 1:28 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 07, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Michael  
Last Name: Tracy  
E-mail Address: michaeltracy45@gmail.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose:

WHEN ARE YOU GOING TO REPAIR THE VELOWAY?

I KEEP HEARING THE SAME THING FROM ROBERT BRENNES, WHO  
IS THE "PROJECT MANAGER".

HE SHOULD RUN FOR OFFICE. "TELL ME WHAT YOU WANT TO HEAR  
AND I'LL SAY IT".

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

14.3.4 Parkland Dedication Review and Submittal Requirements:

14.3.5 Binding Parkland Determination Prior to Submittal of  
Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

14.3.7 Supplemental Standards for Dedicated Parkland:

14.3.8 Partial Credit for Dedication and Easement Acreage:

14.3.9 Determining Superiority:

14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees:

14.3.12 Methodology for Determining Fees:



**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Friday, July 15, 2016 4:25 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 15, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Malcolm  
Last Name: Yeatts  
E-mail Address: myeatts@austin.rr.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose:

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

14.3.4 Parkland Dedication Review and Submittal Requirements:

14.3.5 Binding Parkland Determination Prior to Submittal of

Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

14.3.7 Supplemental Standards for Dedicated Parkland:

14.3.8 Partial Credit for Dedication and Easement Acreage:

14.3.9 Determining Superiority:

14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees: Parkland Dedication

fees should be used to develop parks in the area where they are

generated. If there is no suitable land for sale, the fees should

be used to develop facilities in existing undeveloped parks in

the area before being used to buy land in other areas.

Neighborhoods should be notified, and allowed to comment, before  
the fees are used in other areas.

14.3.12 Methodology for Determining Fees:



**Ruiz, Diane**

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Saturday, July 16, 2016 8:27 AM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 16, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Larry  
Last Name: Sunderland  
E-mail Address: lsunderland@me.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:
- Larry
- 14.3.7 Supplemental Standards for Dedicated Parkland: Larry
- 14.3.8 Partial Credit for Dedication and Easement Acreage: Larry
- 14.3.9 Determining Superiority:
- 14.3.10 Standards for Private Parkland: Larry
- 14.3.11 Use and Expenditure of Parkland Fees:

To keep parkland fees in the area they were generated make paragraph 14.3.11 (B) 4 the second option (in the situation where no suitable land is available for purchase), rather than the last option. The funds will be spent on improvements to existing area parks instead of purchasing land in other areas.

14.3.12 Methodology for Determining Fees: Larry





**Ruiz, Diane**

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Saturday, July 16, 2016 7:14 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 16, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Wynne  
Last Name: Hexamer  
E-mail Address: wynne.hexamer@gmail.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:
- 14.3.7 Supplemental Standards for Dedicated Parkland:
- 14.3.8 Partial Credit for Dedication and Easement Acreage:
- 14.3.9 Determining Superiority:
- 14.3.10 Standards for Private Parkland:
- 14.3.11 Use and Expenditure of Parkland Fees: Don't siphon funds from our neighborhood just because you claim that you can't buy new parkland in my neighborhood. Those funds should be used to improve and upgrade existing parks in the area from which they are collected at the very least.
- 14.3.12 Methodology for Determining Fees:



## Ruiz, Diane

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Wednesday, July 20, 2016 11:41 AM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 20, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Jeff  
Last Name: Howard  
E-mail Address: jhoward@mcleanhowardlaw.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
  - 14.3.2 Applicability:
  - 14.3.3 Deficient Park Area Map:
  - 14.3.4 Parkland Dedication Review and Submittal Requirements:
- All,

First, I want to thank staff for all of their hard work on this issue and the cooperative way in which staff has worked with stakeholders on this important issue. Please consider this email my comments to the proposed PDOP rules being considered by the City of Austin in Proposed Rule R161-16.15. Unfortunately I am unable to attend today's stakeholders meeting on this issue due to a prior commitment. Please share these comments with other stakeholders. My comments are generally as follows:

1. The Proposed PDOP Exceeds the Rulemaking Authority in Section 1-2-1(B) of the Austin City Code.

The Code only allows a department to make rules that "implement, administer, enforce, or comply with the Code" and a department may not legislate through rule making per Section 1-2-1 of the Austin City Code. If these comments are not addressed, I will likely appeal the rule as provided in the Code. The proposed PDOP does this in several particular ways:



- Section 25-1-609(B) prescribes the items that may be covered in the PDOP. Sections 14.3.4(D) and 14.3.9 exceed the items authorized by City Council to be included in the PDOP. These sections deal with PUD Superiority. PUD Superiority is addressed in Section 25-1-602(I). Section 2-1-609(B) only gives rule making authority with respect to (i) Deficient Park Area Map, and (ii) subsections 603, 605, 606 and 607.
- Section 25-1-602(I) clearly leaves PUD superiority to the discretion of Council (and not staff) as it provides that a PUD may be subject to additional parkland requirements (without



specifying how much) "if required by the ordinance adopting the PUD" which ordinance is adopted by Council.

- PUD Superiority is determined by Council applying the rules in another Chapter of the Land Development Code administered by the Planning and Zoning Department (PZD) – Chapter 25-2, Subchapter B, Division 5. The proposed PDOP proposed by the Parks Department intrudes on both the authority of the PZD to make rules to enforce PUD Superiority, but also amounts to legislation and not rule making intruding on Council legislative authority to decide what constitutes PUD Superiority.
- If Council had intended for 10.4 acres per 1000 residents to constitute PUD Superiority for parks, it should post that Code amendment for adoption and adopt it after meeting due process requirements of notice, public hearing and public vote.
- The proposed rules that the 15% cap on parkland does not apply to PUDs directly conflicts Section 25-1-602(J). Nothing in that section provides that the cap does not apply to PUDs. PUDs are not required to meet parkland superiority. PUDs are allowed to simply meet Code requirements. As a result a PUD could still be approved by Council even if it only meets the 15% cap. The proposed rule alters City Code by essentially removing the ability of a PUD to simply comply with Code requirements on Parkland and meet superiority in other ways. While the ordinance adopted by City Council adopting may require additional parkland, the proposed rule essentially requires that it do so and states and extremely high amount that Council was clearly concerned about. Adopting a rule that provides this exception clearly conflicts with the Code and exceeds rule making authority.
- The provisions of Ex. A attached to Ordinance 20160128-086 do not appear to be fully adopted in the PDOP as directed by Council. Council intended Exhibit A to be a starting point for a PDOP in Part 4 of that ordinance. Specifically, the standard of impact on affordable housing and several other items do not appear to be included.

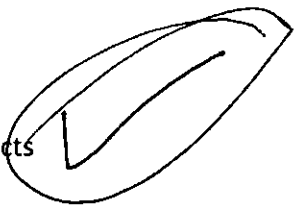
## 2. The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core

PUDs are one of the only ways that the City can require mandatory affordable housing and other community benefits in excess of City Code. Imagine Austin calls for higher density in the urban core to encourage compact and connected development of "complete communities" which greater housing supply and diversity. Council recognized this concern and adopted a 15% land area cap within the urban core. A 10.4 acre per 1000 residents requirements only for PUDs, will greatly exceed the 15% cap adopted by Council and severely reduce the density that can be obtained on an urban core site. As a result, no developer in their right mind would pursue a PUD if this is required. If developer's don't pursue PUDs in the Urban Core, we will miss great opportunities for affordable housing and other community benefits. This is exactly the reason why the City



Council created urban core rules in the first place!

3. The Proposed PDOP Includes Items Not Discussed with Stakeholders and Conflict with Intent of Discussions or Conflicts with the City Code



- Section 14.3.6(A) fails to include a requirement that evaluation of fee in lieu of dedication also consider criteria in subsection 603 (in addition to 605) as required in Section 25-1-605(A)(2)(B)

- The frontage requirements in Section 14.3.7(A)(1) were not discussed or addressed in the Code and could restrict the ability of developments to deliver much needed parkland. In addition 200 feet per 2 acres is too high of a standard.

- Section 14.3.8 should recognize that areas of steep slopes and significant environmental benefits may be fully credited for parkland as originally proposed in Paragraph 5 of the draft PDOP considered at the time of City Council.

- Section 14.3.10(C) was not discussed with stakeholders and should be discussed further in detail. These requirements place too much emphasis on play spaces over other types of recreation. In addition, the 30% credit tied to declaring the land to be parkland, was not what was discussed. What was discussed was that amending easements or restrictive covenants making private parkland open to the public would require a  $\frac{3}{4}$  vote of Council. Requiring a vote of public to amend is unwise and unnecessary and 30% is too high of a value to place on this item.

Thank you for consideration of these comments and I look forward to continuing the dialogue on this important matter.

14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:  
All,

First, I want to thank staff for all of their hard work on this issue and the cooperative way in which staff has worked with stakeholders on this important issue. Please consider this email my comments to the proposed PDOP rules being considered by the City of Austin in Proposed Rule R161-16.15. Unfortunately I am unable to attend today's stakeholders meeting on this issue due to a prior commitment. Please share these comments with other stakeholders. My comments are generally as follows:

1. The Proposed PDOP Exceeds the Rulemaking Authority in Section 1-2-1(B) of the Austin City Code.

The Code only allows a department to make rules that "implement, administer, enforce, or comply with the Code" and a department may not legislate through rule making per Section

A handwritten signature, which appears to be "DOWIE", is written in dark ink. A long, wavy horizontal line extends from the signature to the left, crossing over the text of the previous paragraph.



1-2-1 of the Austin City Code. If these comments are not addressed, I will likely appeal the rule as provided in the Code. The proposed PDOP does this in several particular ways:

- Section 25-1-609(B) prescribes the items that may be covered in the PDOP. Sections 14.3.4(D) and 14.3.9 exceed the items authorized by City Council to be included in the PDOP. These sections deal with PUD Superiority. PUD Superiority is addressed in Section 25-1-602(I). Section 2-1-609(B) only gives rule making authority with respect to (i) Deficient Park Area Map, and (ii) subsections 603, 605, 606 and 607.
- Section 25-1-602(I) clearly leaves PUD superiority to the discretion of Council (and not staff) as it provides that a PUD may be subject to additional parkland requirements (without specifying how much) "if required by the ordinance adopting the PUD" which ordinance is adopted by Council.
- PUD Superiority is determined by Council applying the rules in another Chapter of the Land Development Code administered by the Planning and Zoning Department (PZD) – Chapter 25-2, Subchapter B, Division 5. The proposed PDOP proposed by the Parks Department intrudes on both the authority of the PZD to make rules to enforce PUD Superiority, but also amounts to legislation and not rule making intruding on Council legislative authority to decide what constitutes PUD Superiority.
- If Council had intended for 10.4 acres per 1000 residents to constitute PUD Superiority for parks, it should post that Code amendment for adoption and adopt it after meeting due process requirements of notice, public hearing and public vote.
- The proposed rules that the 15% cap on parkland does not apply to PUDs directly conflicts Section 25-1-602(J). Nothing in that section provides that the cap does not apply to PUDs. PUDs are not required to meet parkland superiority. PUDs are allowed to simply meet Code requirements. As a result a PUD could still be approved by Council even if it only meets the 15% cap. The proposed rule alters City Code by essentially removing the ability of a PUD to simply comply with Code requirements on Parkland and meet superiority in other ways. While the ordinance adopted by City Council adopting may require additional parkland, the proposed rule essentially requires that it do so and states and extremely high amount that Council was clearly concerned about. Adopting a rule that provides this exception clearly conflicts with the Code and exceeds rule making authority.
- The provisions of Ex. A attached to Ordinance 20160128-086 do not appear to be fully adopted in the PDOP as directed by Council. Council intended Exhibit A to be a starting point for a PDOP in Part 4 of that ordinance. Specifically, the standard of impact on affordable housing and several other items do not appear to be included.

## 2. The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core



Ruiz, Diane

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Saturday, July 23, 2016 6:02 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 23, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Donna  
Last Name: Morrow  
E-mail Address: dmorrow61@gmail.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose:

Please reserve & retain allocated funds for EROC to be used within that area & not dispersed elsewhere. It could be used to keep a pool open, maintain trees, etc.

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

14.3.4 Parkland Dedication Review and Submittal Requirements:

14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

14.3.7 Supplemental Standards for Dedicated Parkland:

14.3.8 Partial Credit for Dedication and Easement Acreage:

14.3.9 Determining Superiority:

14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees:

14.3.12 Methodology for Determining Fees:





**Ruiz, Diane**

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Monday, July 25, 2016 8:07 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 25, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Toni  
Last Name: House  
E-mail Address: latoniahouse@hotmail.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

- 14.3.7 Supplemental Standards for Dedicated Parkland:
- 14.3.8 Partial Credit for Dedication and Easement Acreage:
- 14.3.9 Determining Superiority:
- 14.3.10 Standards for Private Parkland:
- 14.3.11 Use and Expenditure of Parkland Fees:

Please do not shift the Parkland Development Fees collected from new developments located in neighborhoods identified as "Parkland Deficient Areas" to neighborhoods outside the affected parkland deficient neighborhood planning area. Transferring the development-generated funds will ensure that underserved neighborhoods will continue to lag far behind in the provision of recreational amenities enjoyed by the majority of Austin neighborhoods. Most of the E. Riverside/Oltorf Combined Neighborhood Planning Area ("EROC") falls within a "Parkland Deficient Area."

This proposal conflicts with what we were told during the EROC NP and E. Riverside Corridor Master and Regulating Plan ("ERC") planning processes. If this proposal is approved, it is a clear indication that the neighborhoods that have to suffer the adverse effects of the increased density will never reap the benefits we were told to expect.

I also ask that the appropriate neighborhood plan contact team be notified whenever Paragraph 4.3.1.11(B) and/or (C) are utilized and advise the team of how and where the funds will be spent. Thank you for your time and consideration.



#### 14.3.12 Methodology for Determining Fees:





**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Tuesday, July 26, 2016 10:27 AM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 26, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Greg  
Last Name: Steinberg  
E-mail Address: gregsteinberg2@gmail.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:
  
- 14.3.7 Supplemental Standards for Dedicated Parkland:
- 14.3.8 Partial Credit for Dedication and Easement Acreage:
- 14.3.9 Determining Superiority:
- 14.3.10 Standards for Private Parkland:
- 14.3.11 Use and Expenditure of Parkland Fees: Please adjust rules to allow the use of fees to upgrade parks in areas where land is not available for purchase. For example in the Williamson Creek Watershed where the residents would greatly benefit from the development of trails/park areas within the land on each side of Williamson Creek.
- 14.3.12 Methodology for Determining Fees:



D'Anne Williams

July 26, 2016

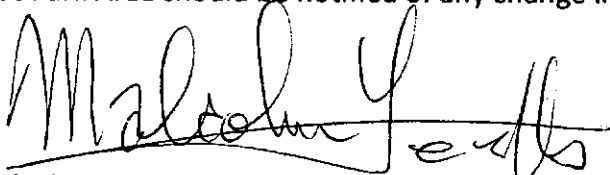
Parks and Recreation Department

919 W. 281/2 Street

Austin TX 78705

Ms. Williams;

The East Riverside/Oltorf Combined Neighborhood Planning Area Contact Team has voted to request that the proposed new rules for the Parkland Dedication Fees be revised. Paragraph 14.3.11 should be revised so that if suitable parkland cannot be found within the Park Planning Area where the fee was generated, the next priority would be to spend the money on improvements to existing parks in that Park Area. Allowing these fees to be spent in other areas defeats the entire purpose of providing parks in Parkland Deficient Areas where the new developments are being built. In addition, the Neighborhood Planning Area Contact Teams in that Park Area should be notified of any change in how and where the money would be spent.

A handwritten signature in black ink, appearing to read "Malcolm Yeatts". The signature is fluid and cursive, with a horizontal line drawn across the middle of the name.

Malcolm Yeatts Chair, EROC Contact Team



  
**Ruiz, Diane**

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Wednesday, July 27, 2016 1:20 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 27, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Richard  
Last Name: Maness  
E-mail Address: richardamaness@yahoo.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:
  
- 14.3.7 Supplemental Standards for Dedicated Parkland:
- 14.3.8 Partial Credit for Dedication and Easement Acreage:
- 14.3.9 Determining Superiority:
- 14.3.10 Standards for Private Parkland:
- 14.3.11 Use and Expenditure of Parkland Fees: I would like the fees generated to be dedicted to areas it was generated and The solution to this transfer of park funds out of this area is to make paragraph 14.3.11 (B) 4 the second option (in the situation where no suitable land is available for purchase), rather than the last option. The funds should be spent on improvements to existing area parks that are not yet developed
- 14.3.12 Methodology for Determining Fees:





**Ruiz, Diane**

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Thursday, July 28, 2016 4:45 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 28, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Caitlin  
Last Name: Admire  
E-mail Address: caitlinadmire@gmail.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose: NA
- 14.3.2 Applicability: NA
- 14.3.3 Deficient Park Area Map: NA
- 14.3.4 Parkland Dedication Review and Submittal Requirements: NA
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application: NA
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests: NA
- 14.3.7 Supplemental Standards for Dedicated Parkland: NA
- 14.3.8 Partial Credit for Dedication and Easement Acreage: NA
- 14.3.9 Determining Superiority: NA
- 14.3.10 Standards for Private Parkland: NA

14.3.11 Use and Expenditure of Parkland Fees:

I am not understanding the order of priorities in Paragraph

4.3.11(B). The following makes more sense to me:

- (1) Attempt to buy land within ½ mile (for parkland or to increase connectivity to existing parks)
- (2) Make upgrades to existing parks within ½ mile
- (3) Attempt to buy land or make upgrades to parks within 2 miles

(4) Attempt to buy land anywhere in the Parkland Service Area

(5) Make upgrades to existing parks anywhere in the Parkland Service Area

In addition, I would like for PARD to consider broadening their definition of what they deem suitable parkland. While open, flat lawns with playgrounds are great recreational amenities, there are many other land features that are just as valuable and should also be preserved as parkland. Greenbelts along streams comes to mind. So when going through this process I urge PARD to keep an open mind, assess each case via its unique situation, and be a bit more creative about what is or could be a "park".

---

14.3.12 Methodology for Determining Fees: NA



Ruiz, Diane

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Thursday, July 28, 2016 2:02 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 28, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Gloria  
Last Name: Guzman  
E-mail Address: guzman\_glo@hotmail.com

==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

- 14.3.7 Supplemental Standards for Dedicated Parkland:
- 14.3.8 Partial Credit for Dedication and Easement Acreage:
- 14.3.9 Determining Superiority:
- 14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees: Make paragraph 14.3.11 (B) 4 the second option (in the situation where no suitable land is available for purchase), rather than the last option. I believe that if no flat land is found to make a new park....then those funds should be used to improve the existing parklands in those areas instead of being transferred out. Thank you.

- 14.3.12 Methodology for Determining Fees:



Ruiz, Diane

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Sunday, July 31, 2016 7:08 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 31, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: linda  
Last Name: guerrero  
E-mail Address: lhguerrero9@gmail.com


==Please type in your comment on one or more of the rules sections below.==

- 14.3.1 Purpose:
- 14.3.2 Applicability:
- 14.3.3 Deficient Park Area Map:
- 14.3.4 Parkland Dedication Review and Submittal Requirements:
- 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:
- 14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:
- 14.3.7 Supplemental Standards for Dedicated Parkland:
- 14.3.8 Partial Credit for Dedication and Easement Acreage:
- 14.3.9 Determining Superiority:  
REMOVE THE CAP LIMIT/INCLUDE PDF TO INCLUDE PUDs/RE-EVALUATE THE URBAN CORE MAP

The 15% cap on parkland dedication in the urban core deUneated in City Code § 25-1-602 (J) does not apply to PUDs or PIDs.

- 14.3.10 Standards for Private Parkland:  
increase percentages for landscaping to 12%  
increase PUD percentages for parkland depending on amount of land
- 14.3.11 Use and Expenditure of Parkland Fees:
- 14.3.12 Methodology for Determining Fees: increase amount 5%  
every year as growth continue to add more population for Parkland use.





## **PDOP Comments from PARB members Alison Alter and Alesha Larkins**

The following comments on the proposed PDOP were prepared by Alison Alter and Alesha Larkins, July 31, 2016.

### **14.3.0:**

It may be beneficial to develop a definitions section that could be referenced throughout the document, or refer to the definitions in the original ordinance where necessary.

### **14.3.3:**

(A) May want to replace "may not be allowed" with clarifying language to the effect of "will not be allowed except at the discretion of the director" or whatever terminology will more clearly convey the intent.

(B) Should read "The deficient areas depicted on the map meet at least one of the following locational criteria:" This wording would more accurately reflect the fact that to be considered parkland deficient an area does not need to satisfy the criteria in 14.3.3 1, 2, and 3, but rather just one of these criteria.

(B)1) May want to add "accessible" to say "Areas that have no accessible parkland" and clarify that even if parkland is located within  $\frac{1}{4}$  or  $\frac{1}{2}$  mile of the project, if it is separated by a barrier such as I-35 that prevents pedestrian access, it is not accessible.

(B)2) We recommend deleting "creek" and saying instead "Potential greenways or portions thereof."

### **14.3.5:**

(A) The ordinance's intent was to provide some degree of certainty as to whether land would be required or whether a fee in lieu would be allowed in any given case. We suggest clarifying that neither the exact fee itself nor the exact amount of land required is determined at that time, simply whether and to what extent fee-in-lieu would be allowed to satisfy the requirements of the PLD ordinance. We need to be clear that the exact amount of land required for dedication, fee-in-lieu, or combination thereof in a particular case is ultimately determined by the specific factors entering the relevant formulas. We want to make sure we avoid creating an incentive to submit plans that are 10% below the ultimate goal so that a developer is bound to pay fees for the lower amount even though they fully intend and in fact do build a development at the outer end of that scale.

(B) May want to clarify that "development application" does not include zoning (i.e. PUDs).

### **14.3.6:**

(C)3)c) Define "usable," if a definition exists

### **14.3.7:**



(A)2) Define "preservation features" if possible

✓ 14.3.9 B: We support the goal of clarifying what might constitute parkland superiority for PUDs and for providing guidance on how the ordinance is to be applied to PUDs.

✓ 14.3.10: The ordinance clearly intended to allow the director to credit private parkland up to 100 percent toward fulfilling the requirements of the PLD ordinance and for the PDOP to clarify the standards under which that might be possible. As currently drafted, however, we do not believe that section 14.3.10 of the PDOP adequately addresses contingencies that may limit the safety, access, quality, and longevity of public use of private parkland so credited.

In particular we believe we need to see:

✓ 14.3.10(A) Clarification of the easement restrictions, process and determination for release should it be requested in the future, as well as language referencing cost recovery in the case of the latter. A major benefit of publicly dedicated parkland over private parkland is that procedures for overriding the park designation are onerous enough that the parkland can't simply be developed shortly thereafter. If private parkland is going to be allowed, we need to make sure that it will serve its purpose long into the future. As currently drafted the PDOP does not do enough in this regard.

✓ 14.3.10(B)1. This section should be edited to require similar frontage visibility as for public parkland dedication. Private parkland with very limited access nor frontage is not functionally equivalent to publicly dedicated parkland. As written these requirements are not clear.

✓ 14.3.10(C) We would recommend stronger language regarding the fee recovery for release of easements in (A) rather than only credit for providing the easement "in perpetuity" as referenced in (C)2. There should be an understanding that easements referenced in (A) are in perpetuity, and the fee for release should provide enough motivation to dissuade release except in rare circumstances. We would also like to see some reference to the easement limiting reservation of the space for private events without park staff approval. For instance, what is to prevent this private parkland for being used for private events 5 nights a week and thus effectively not being open to public use. Generally, we are nervous about the implications of the possibility of limited or no PARD control over what is or is not allowed to happen in the private parkland. We would like to see more oversight provisions.

(E) As currently drafted the PDOP does not adequately spell out the private land owner's responsibilities with respect to maintaining and renovating amenities and parkland over time. We believe more detailed language on responsibilities are necessary, as well as the consequences of not fulfilling these responsibilities. This matters for the safety and security of the private parkland for public park users as well as to make sure we don't end up with a bunch of derelict parks around the city for which no one is responsible for renovations, safety updates, and/or compliance



with state and federal laws that may apply. What happens, for instance, when an HOA or future owners end up taking over responsibilities from the original developer? What are they required to do?

As written, PARD's oversight role with respect to safety etc over private parkland and how that would be funded is not spelled out. This section is very important as from the city stand point the big advantage of the private parkland is to have others responsible for maintenance and ongoing renovations. This section needs to spell out what happens once the amenities are built.

Some further thoughts on this: We would like to see a plan in place for private parkland oversight and penalties for private parkland not fulfilling obligations. This plan may or may not include reporting to the Parks and Recreation Board on a regular basis. There may need to be a default clause of some sort included. If PARD decides that these clarifications belong in the easement language or in other agreements governing the crediting of parkland rather than in the PDOP, the PDOP at least should provide clear guidelines on the issues that need to be covered in any given agreement on private parkland credit so that the city can be assured that over time the private parkland will be safe, accessible, and well maintained for public use.

#### 14.3.11

14.3. 11 B This section deals with situations where fee-in-lieu has been permitted instead of dedicated parkland. When no land in the immediate vicinity of a development is available for purchase we heard many neighborhoods were concerned that the PLD fees would be used to acquire land for parks that would not benefit those most affected by the development or living in the new development. To the extent that operable PLD case law allows, we would like this section to grant PARD the discretion to determine that improvements to amenities in existing parkland near the development would best serve the residents (existing and new) most impacted by the development. This discretion should allow PARD to invest in nearby amenities before being required to acquire land outside of a 1/2 mile radius. In other words, this section should be written so PARD has discretion to deploy the fees for amenities in the immediate vicinity should PARD determine that will better meet the park needs of those impacted by the specific development generating fee in lieu than the purchase of land outside of the 1/2 mile radius. Given the size of these fees is often inadequate to purchase land we think this discretion would allow PARD to more quickly meet the local needs for recreational opportunities when fee-in-lieu is allowed. We also would like PARD to incorporate a public input process so that stakeholders have a voice and clear mechanism to share their views on how the PLD fees might be spent. This would be consistent with efforts already in place to provide greater transparency to the PLD process.

Below are some additional thoughts and/or options for achieving the above.

(B)1) May want to add "or easements" after "PARD will attempt to acquire land"

(B)2) It may be more satisfactory to the public to first attempt to acquire parkland within a 2-mile radius OR within the boundaries of the Parkland Service Area



(adding a reference to the map and definition for this term), whichever is smaller. If no land is found, then expand the area to the 2-mile radius or the boundaries of the Parkland Service Area, whichever is larger.

(C) It might also be a good idea to invite input from neighborhood stakeholders on how to spend funds that fall into this category, or if that's not possible, then reference that they will be spent on items identified in the long-range plan first before being spent on other requests. Oftentimes there are needs that are identified by the community but are unknown to park staff.



102

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Sunday, July 31, 2016 11:58 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on July 31, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Richard  
Last Name: DePalma  
E-mail Address: rdepalma@outlook.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose:

In section (A) include the content from Part 1. of Ordinance No. 20160128-086 in order to provide greater clarity to the reader of the PDOP of the entire purpose and actions relating to the Parkland Dedication Ordinance and its Procedures.

Add a sub section to include definitions of terms used in the PDO and PDOP. These include, but may not be limited to: Annual Occupancy Rate, Deficient Park Area Map, Director, Development Application, District Park, Greenways (also provides clarification that it is also known as a greenbelt), Metro Park, Neighborhood Park, Open Space, Parkland Dedication Urban Core, Parkland Superiority (citing purpose of the 2008 PUD Ordinance and criteria relating to parks), Pocket Park, Preservation Features, Site Plan, and Usable Green Infrastructure.

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

If able, I would add Blueways which to my understanding would include a primary creeks and their tributaries.

Also include "Would provide increased connectivity with existing or planned parks or recreational amenities" as listed in the ordinance.

14.3.4 Parkland Dedication Review and Submittal Requirements:

C) (6) modify to so that a slope analysis is conducted if needed.

Overall I think this section addresses the PUD ordinance by "providing the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a



greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.”

In addition, it addresses the following policies promoted within Imagine Austin:

LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types, affords realistic opportunities for transit, bicycle, and pedestrian travel, and provides community gathering spaces, neighborhood gardens and family farms, parks, and safe outdoor play areas for children.

LUT P23. Integrate citywide and regional green infrastructure, to including such elements as preserves and parks, trails, stream corridors, green streets, greenways, agricultural lands, and the trail system, into the urban environment and the transportation network.

LUT P29. Develop accessible community gathering places such as plazas, parks, farmers’ markets, sidewalks, and streets in all parts of Austin, especially within activity centers and along activity corridors including Downtown, future Transit Oriented Developments, in denser, mixed use communities, and other redevelopment areas, that encourage interaction and provide places for people of all ages to visit and relax.

LUT P30. Protect and enhance the unique qualities of Austin’s treasured public spaces and places such as parks, plazas, and streetscapes; and, where needed, enrich those areas lacking distinctive visual character or where the character has faded.

HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

HN P13. Strengthen Austin’s neighborhoods by connecting to other neighborhoods, quality schools, parks, environmental features, and other community-serving uses that are accessible by transit, walking, and bicycling.

CE P3. Expand the city’s green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways, and agricultural lands.

CFS P40. Serve Austin’s diverse, growing population and provide family-friendly amenities throughout the city by developing new parks and maintaining and upgrading existing parks.

CFS P43. Maximize the role of parks and recreation in promoting healthy communities and lifestyles.

CFS P44. Feature superior design in parks and recreational facilities and include opportunities for public art and sustainable design solutions.

#### 14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:



**14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:**

**(B) (2) change residential units to residential dwelling units**

**14.3.7 Supplemental Standards for Dedicated Parkland:**

**14.3.8 Partial Credit for Dedication and Easement Acreage:**

**14.3.9 Determining Superiority:**

**14.3.10 Standards for Private Parkland: (B) (2) (a) change to "includes the names the area, states that it is a Private Park Open to the Public, presents the park amenities, hours of operation, and the contact for the park management.**

**14.3.11 Use and Expenditure of Parkland Fees:**

**Subsection (B) – Provide greater flexibility to PARD for the changing of Zones and tying the zones to future LRPs. Change sentence "[t]he 27 zones established as "Park Planning Areas" under the PARD Long Range Plan are designated as Parkland Service Areas for purposes of using fees collected in-lieu of parkland dedication" to "[t]he zones established as "Park Planning Areas" under the latest PARD Long Range Plan are designed to Parkland Service Areas for purposes of using fees collected in-lieu of parkland dedication."**

**In addition, create a transparent process in which projects are prioritized and stakeholder input is obtained.**

**14.3.12 Methodology for Determining Fees:**



**Ruiz, Diane**

---

**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Monday, August 01, 2016 9:04 AM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on August 01, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Carol  
Last Name: Martin  
E-mail Address: cjmm1901@gmail.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose: Request that City Council respect the current rules for applying Parkland Fees to the specific area in which developments have reduced open areas.

14.3.2 Applicability: Parkland and open areas in the EROC and SRCC neighborhood districts have been drastically reduced by intensive development in and around Riverside Drive, Lakeshore blvd.

14.3.3 Deficient Park Area Map:

14.3.4 Parkland Dedication Review and Submittal Requirements:

14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

14.3.7 Supplemental Standards for Dedicated Parkland:

14.3.8 Partial Credit for Dedication and Easement Acreage:

14.3.9 Determining Superiority:

14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees: If land is not available for purchase by city to create parks, the fees should be spent on existing pocket parks, trails.

14.3.12 Methodology for Determining Fees:





**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Monday, August 01, 2016 10:19 AM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on August 01, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Ron  
Last Name: Thrower  
E-mail Address: ront@throwerdesign.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose: This first comment is not applicable to this section but is applicable to the overall process. This form did not offer general comments. There is another code amendment underway regarding transfers of development from parkland to private development. That code amendment should be finalized prior to this rule making process being completed.

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

1) Subsection C- How often will the map be updated? How much time between an applications approval and an actual update?

2) Subsection C - The rule states that a current map will be available on the "department's website" - how often will GIS site be updated? That tool is far more accessible and used by everyone versus having to go to the specific department website to get information.

14.3.4 Parkland Dedication Review and Submittal Requirements:

1) Subsection D1 - The rule asks for PUD submittals to reflect the superior development standard. This is a code modification to then request a Tier 1 mandatory requirement that all PUD's must meet superiority development standards to even be considered. Parkland Superiority is not an option for superiority elements for PUD's. The requirement to show superior development standards for just parkland is not and should not be mandatory. The items in PUD Code Tier 2 are optional and not all superior standards must be met. In order to count parkland as an optional superiority item, a code modification must be made. Further, if this were to be a new submittal requirement, then a rule posting related to applications must be initiated to modify the submittal requirements for the applications.

2) Subsection C5 - Tree survey associated with the specific application? In other words, 8: and greater for commercial? and 19" and greater for SF?

3) Parkland dedications are in contrast to many other goals of Austin and are not appropriate along activity corridors and most urban areas.



14.3.5 Binding Parkland Determination Prior to Submittal of Development Application: 1) Subsection A - surely a project can be discussed with a binding outcome without having to submit the plethora of data associated with 14.3.4? Some areas may be easily determined to not require any parkland dedications because of their frontage on an activity corridor. It is not cost effective to provide a mountain of data for the outcome to be binding "no onsite dedication" for many projects.

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

1) Not all land is created equal and does not have equal value. There should be a valuation of land determination through the process of land dedications.

14.3.7 Supplemental Standards for Dedicated Parkland:

1) Subsection a1 - Not all parkland can have as much frontage as requested and not all parkland needs to have as much street frontage as requested. Other factors can and will show that visibility is not just from streets. Other properties, trails, sidewalks (not on streets) can also provide visibility as well as visitability to a park. While some frontage is necessary for maintenance, the 200' for every two acres is excessive. Not all parkland is as linear as this equation.

2) Subsection A2 - What is "active play"? And you are "taking" the most developable portions of land in some instances. Perhaps a clause that states that the 50% requested area cannot constitute more than 25% of the land that is 10% grade to provide options for suitable development on the property. If you take 50% or more of all land at 10% grade or less then construction costs go up for the remainder of the development and affordable housing is impacted for projects that contain a portion of the development with AH.

3) Subsection A7 - Define "larger" tracts that can be divided into multiple park sites.

14.3.8 Partial Credit for Dedication and Easement Acreage: 1) Subsection A4 - A possible outcome of this language is that a developer may choose to not dedicate FP as parkland for any credit and choose to keep the land out of the City. The rule assume FP cannot have much use by the public which is an underestimation of the use of land by park visitors.

14.3.9 Determining Superiority: 1) PUD superiority is reflected in other sections of the code. The PDOP is not the appropriate process to make that determination.

14.3.10 Standards for Private Parkland: 1) Subsection D - is every parkland to have recreational amenities? The rule states that if private parkland is to be credited, the recreational amenities must be provided. To what degree?

14.3.11 Use and Expenditure of Parkland Fees:

14.3.12 Methodology for Determining Fees: Fees should include land valuation for onsite dedication.





**From:** AustinGO Production Site <drupaladmin@austintexas.gov>  
**Sent:** Monday, August 01, 2016 1:36 PM  
**To:** PARD PLD  
**Subject:** Form submission: Parkland Dedication Rules Review

Submitted on August 01, 2016  
Submitted by user: Anonymous  
Submitted values are:

First Name: Julie  
Last Name: Fitch  
E-mail Address: jfitch@downtownaustin.com

==Please type in your comment on one or more of the rules sections below.==

14.3.1 Purpose:

14.3.2 Applicability:

14.3.3 Deficient Park Area Map:

(A) "...depicts areas in which payments of a fee in-lieu of dedication may not be allowed." – Please clarify that "may not" still gives the Director discretion to accept a fee in-lieu.

(B) Mapping an area as "deficient" even if it is within ¼ or ½ mile of parkland applies the term too broadly.

(B)(2) and (3) are vague. For example, the Deficient Park Area Map includes a swath of land on either side of all creeks and greenways in the City, whether or not there is a deficiency or a need for a connection.

14.3.4 Parkland Dedication Review and Submittal Requirements: D) Ensure that this only applies to Capital Improvement and Debt PIDs (administered by Financial Services Department), and NOT to Operating/Maintenance PIDs (administered by Economic Development Department).

14.3.5 Binding Parkland Determination Prior to Submittal of Development Application:

14.3.6 Supplemental Criteria for Evaluating Fee In-Lieu Requests:

(A)(1) Can this be more specific? It might be necessary if there are no existing connections, but not if adequate connections to a park or trail exist. Consider "missing connection."

14.3.7 Supplemental Standards for Dedicated Parkland: (A)(1) and (6) Might be in conflict with each other in certain situations. (1) seems too prescriptive.

14.3.8 Partial Credit for Dedication and Easement Acreage:

14.3.9 Determining Superiority:

14.3.10 Standards for Private Parkland:

14.3.11 Use and Expenditure of Parkland Fees: (B) Though the introductory paragraph says "to the greatest extent possible," the sequencing and prioritizing of items (1)-(4)



provides no flexibility to construct recreational amenities or improvements in an existing park that actually serves the immediate area. Priority is given to purchasing new parkland in the Park Planning Area, which is quite large in some cases.

#### 14.3.12 Methodology for Determining Fees:



**SUMMARY OF PUBLIC COMMENTS RECEIVED FOR R161-16.15  
AND PARK AND RECREATION DEPARTMENT STAFF COMMENTS  
Parkland Dedication Operating Procedures  
ON THE PROPOSED RULE  
THAT WAS NOTICED ON JULY 1, 2016**



Comments to Proposed Rule R161-16.15 and Responses from the Parks and Recreation Department

Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.0:	Alison Alter & Alesha Larkins	It may be beneficial to develop a definitions section that could be referenced throughout the documents, or the definitions in the original ordinance where necessary.	For	Thanks for your comment. The rule is not intended to be a stand-alone document but as an implementation guide for the Parkland Dedication provisions of the City Code in Section 25-1, Article 14. For this reason, it is not advisable to repeat the same content. The following terms are already defined in the City Code: Annual Occupancy Rate, Deficient Park Area Map, Director, District Park, Greenways, Metro Park, Neighborhood Park, Parkland Dedication Urban Core, Pocket Park, Open Space, and Site Plan. The rule itself explains what constitutes parkland superiority. Green infrastructure is defined on page 151 of Imagine Austin.
14.3.1 (Purpose):	Michael Tracy	When are you going to repair the Velloway? I keep hearing the same thing from Robert Brennes, who is the "Project Manager." He should run for office. "Tell me what you want to hear and I'll say it."	Clarification	Thanks for your comment. To clarify we will add the following: 14.3.1 ( C ) Terms in this document are as defined in the City's Comprehensive Plan Imagine Austin; the Land Development
	Rick Blakely	A preamble surely would have been helpful. I read through 3/4 of the rules before it seemed to make any sense at all. It apparently deals with developers needing to either set up some parkland on their own or pay the city a fee in lieu of setting up their own parks. It seems to be written so that you need 1 or more attorneys and a CPA to determine what is needed. I have a MBA and a pretty good understanding of contract law. It would take a few days and some real life examples to give you a credible opinion of the proposed rule. I think this is one of those situations that developers bemoan-- a costly rule with lots of details that takes considerable time and effort to interpret and lots of money and effort in order to comply. Is it good that the ratio of people to parkland be maintained as the city grows and more land is developed, but isn't there an easier way to do this?	Against	Thanks for your comment. Section 14.3.1 serves as a preamble. However, the rule is not intended to be a stand-alone document. It provides more specific procedures for implementing the Parkland Dedication provisions of the City Code contained in Section 25-1, Article 14, which contains its own statement of purpose. The requirements for parkland dedication are already set out in the City Code. The rule merely provides more detail about the day-to-day administration and application of the code. The rules are intended to specify details to make the parkland dedication process more predictable.
	Donna Morrow	Please reserve & retain allocated funds for EROC to be used within that area & not dispersed elsewhere. It could be used to keep a pool open, maintain trees, etc.	Clarification	Thanks for your comment. Funds will be used in the local area as described in the proposed rule, Section 14.3.11, to acquire land or construct amenities or improvements. Parkland dedication funds may not be used for operation and maintenance, per case law.



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.1 (Purpose):	Richard Depalma	In section (A) include the content from Part I. of Ordinance No. 20160128-086 in order to provide greater clarity to the reader of the PDOP of the entire purpose and actions relating to the Parkland Dedication Ordinance and its Procedures. Add a sub section to include definitions of terms used in the PDO and PDOP. These include, but may not be limited to: Annual Occupancy Rate, Deficient Park Area Map, Director, Development Application, District Park, Greenways (also provides clarification that it is also known as a greenbelt), Metro Park, Neighborhood Park, Open Space, Parkland Dedication Urban Core, Parkland Superiority (citing purpose of the 2008 PUD Ordinance and criteria relating to parks), Pocket Park, <u>Preservation Features</u> , Site Plan, and Usable Green Infrastructure.	Clarification	<p>Thanks for your comment. The rule is not intended to be a stand-alone document but as an implementation guide for the Parkland Dedication provisions of the City Code in Section 25-1, Article 14. For this reason, it is not advisable to repeat the same content. The following terms are already defined in the City Code: Annual Occupancy Rate, Deficient Park Area Map, Director, District Park, Greenways, Metro Park, Neighborhood Park, Parkland Dedication Urban Core, Pocket Park, Open Space, and Site Plan. Section 14.3.9 explains what constitutes parkland superiority. Green infrastructure is defined on page 151 of Imagine Austin.</p> <p>To clarify we will add the following: 14.3.1 ( C) Terms in this document are as defined in the City's Comprehensive Plan Imagine Austin; the Land Development Code, 25-1 Article 14; and the Parks and Recreation Department Long Range Plan.</p> <p>We will change the word greenbelt throughout the document to greenway as that is the name used in the PARD Long Range Plan, and re-word vague phrases like preservation features and natural resource area to be more clear or take the phrases out if they are not adding meaning.</p>
	Carol Martin	Request that City Council respect the current rules for applying Parkland Fees to the specific area in which developments have reduced open areas.	For	Thanks for your comment. Yes, the proposed rule will ensure that this continues to happen.
	Ron Thrower	This first comment is not applicable to this section but is applicable to the overall process. This form did not offer general comments. There is another code amendment underway regarding transfers of development from parkland to private development. That code amendment should be finalized prior to this rule making process being completed.	Against	Thank you for your comment. Meetings are underway between stakeholders and staff to evaluate the feasibility of transfers between properties. There may be changes needed to the PDOP later which may or may not require a posting after these rules are adopted.



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.2 (Applicability):	Carol Martin	Parkland and open areas in the EROC and SRCC neighborhood districts have been drastically reduced by intensive development in and around Riverside Drive, Lakeshore blvd.	Clarification	Thank you for your comment. No reductions to public parkland have occurred as dedicated parkland is protected by state law and the city charter. PARD staff are working with applicants for new residential development to acquire new parkland and build amenities where possible and collect fees where new parkland and amenities are not feasible. In recent years, parkland dedication fees have been used to acquire land for the Country Club Creek greenbelt and construct improvements at Heritage Oaks Park in EROC. Upcoming improvements at Little Stacy Park in SRCC are being funded by parkland dedication fees.
14.3.3 (Deficient Park Area Map):	Richard Depalma	If able, I would add Blueways which to my understanding would include a primary creeks and their tributaries. Also include "Would provide increased connectivity with existing or planned parks or recreational amenities" as listed in the ordinance.	Clarification	Thank you for your comment. Blueways are included in the layer used to create the potential greenway layer as are other trail connection needs. We will take out the word creek and add your suggested change to (3) to say the following: Corridors that would provide increased connectivity with existing or planed parks or recreational amenities and proposed trails designated by the City's Urban Trails Master Plan.
	Ron Thrower	1)Subsection C- How often will the map be updated? How much time between an applications approval and an actual update? 2) Subsection C - The rule states that a current map will be available on the "department's website" - how often will GIS site be updated? That tool is far more accessible and used by everyone versus having to go to the specific department website to get information.	Clarification	Thank you for your comment. 14.3.3 (C) addresses 25-1-609 (1) which requires the director to adopt a Parkland Deficient Map by administrative rules. (Exhibit A of the PDOP). Because replacing Exhibit A with an updated version requires a posted rules change, 14.3.3 (C) allows for GIS updates to be made as parkland is deeded or easements recorded (administratively). The updates will be seen automatically on the GIS layer on the GIS Development website and as a pdf on PARD's parkland dedication website. The timing of the formal amendment of the Exhibit A map will depend on the amount of parkland and easements that have been acquired in a given period. If staff has knowledge of pending land to be dedicated and it is not contributing to the deficient map, staff will advise the applicant that the area is no longer deficient.



Rules	First & Last Name	Comment	For/Against The Section	Response
	Julie Fitch	(A) "...depicts areas in which payments of a fee in-lieu of dedication may not be allowed." - Please clarify that "may not" still give the Director discretion to accept a fee in-lieu. (B) Mapping an area as "deficient" even if it is within 1/4 or 1/2 mile of parkland applies the term too broadly. (B)(2) and (3) are vague. For example, the Deficient Park Area Map includes a swath of land on either side of all creeks and greenways in the City, whether or not there is a deficiency or a need for a connection.	Clarification	Thank you for your comment and sorry for the confusion. In 14.3.3 (A) "may" is not meant to be "shall." The sentence will be re-written to end in: in which land dedication may be required rather than payment of a fee in-lieu of dedication. The 1/4 and 1/2- mile deficiency designation refers to Council resolutions and Imagine Austin goals that parkland is within those distances from every residence. That is not meant to be broad, rather it is very specific. (2) Potential creek greenways will be changed to: "Potential greenways" to capture areas that are greenways that don't include a creek; Also the GIS layer is updated as easements are recorded so that the deficiency around creeks will become less over time; the layer that forms the potential greenways considers areas along creeks where connections are desired, this does not include all creeks; (3) will be changed to: "Corridors that would provide increased connectivity with existing or planed parks or recreational amenities and proposed trails designated by the City's Urban Trails Master Plan."



Rules	First & Last Name	Comment	For/Against The Section	Response
	Alison Alter & Alesha Larkins	(A) May want to replace "may not be allowed" with clarifying language to the effect of "will not be allowed except at the discretion of the director" or whatever terminology will more clearly convey the intent. (B) should read "The deficient areas depicted on the map meet at least one of the following locational criteria:" This wording would more accurately reflect the fact that to be considered parkland deficient and area does not need to satisfy the criteria in 14.3.1, 2, and 3, but rather just one of these criteria. (B)1) May want to add "accessible" to say "Areas that have no accessible parkland" and clarify that even if parkland is located within 1/4 or 1/2 mile of the project, if it is separated by a barrier such as 1-35 that prevents pedestrian access, it is not accessible. (B)2) We recommend deleting "creek" and saying instead "Potential greenways or portions thereof."	Clarification	<p>Thank you for your comment.</p> <p>The "May not" terminology appears to be causing problems even though it's meaning is may and not shall. We will change the wording to end in: in which land dedication may be required rather than payment of a fee in-lieu of dedication.</p> <p>On (B) thanks for the suggestion, we will change the sentence to: "The deficient areas depicted on the map meet at least one of the following locational criteria:"</p> <p>On (B) (1) the current methodology for developing the Deficient Park Area Map deletes areas where there are features that create barriers to getting to the park: namely: roads over 40 MPH (except where Pedestrian Hybrid Beacons are located), railroads, and water bodies. To reflect accessibility, a (B) (1) (c) will be added: "Or, areas within 1/4-mile or half-mile of a park that do not have adequate crossings over a major roadway , a railroad track, or a water body."</p> <p>We will change potential creek greenways to: Potential greenways.</p>



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.4 (Parkland Dedication Review and Submittal Requirement):	Richard Depalma	C) (6) modify to so that a slope analysis is conducted if needed. Overall I think this section addresses the PUD ordinance by "providing the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations" In addition, it addresses the following policies promoted within Imagine Austin: LUT P5. create healthy and family-friendly communities through development that includes a mix of land uses and housing types, affords realistic opportunities for transit, bicycle, and pedestrian travel, and provides community gathering spaces, neighborhood gardens and family farms, parks, and safe outdoor play areas for children. LUT P23. Integrate citywide and regional green infrastructure, to including such elements as preserves and parks, trail, stream corridors, green streets, greenways, agricultural lands, and the trail system, into the urban environment and the transportation network. LUT 29. Develop accessible community gathering places such as plaza's parks, farmers' markets, sidewalks, and street in all parts of Austin, especially within activity centers and along activity corridors including downtown, future Transit Oriented Developments, in denser, mixed use communities, and other redevelopment areas, that encourage interaction and provide places for people of all ages to visit and relax. LUT30. Protect and enhance the unique qualities of Austin's treasured public spaces and places such as parks, plazas, and streetscapes; and, where needed, enrich those areas lacking distinctive visual character or where the character has faded. HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to health food, schools, retail, employment, community services, and parks and recreation options. HN P13. Strengthen Austin's neighborhoods by connecting to other neighborhoods, quality schools, parks, environmental features, and other community-serving uses that are accessible by transit, walking and bicycling. CE P3. Expand the city's green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways and agricultural lands.	For	Thank you for your comment and pointing out the sections of Imagine Austin that the 2016 Parkland Dedication Ordinance and this PDOP are seeking to implement. We will change "At a miniumum" to "These items may include the following:"
	Richard DePalma (contd)	CFS P40. Serve Austin's diverse, growing population and provide family-friendly amenities throughout the city by developing new parks and maintaining and upgrading existing parks. CFS P43. Maximize the role of parks and recreation in promoting health communities and lifestyles. CFS P44. Feature superior design in parks and recreational facilities and include opportunities for public art and sustainable design solutions.		



Rules	First & Last Name	Comment	For/Against The Section	Response
	Ron Thrower	1) Subsection D1 - The rule asks for PUD submittals to reflect the superior development standard. This is a code modification to then request a Tier 1 mandatory requirement that all PUD's must meet superiority development standards to even be considered. Parkland Superiority is not an option for superiority elements for PUD's. The requirement to show superior development standards for just parkland is not and should not be mandatory. The items in PUD Code Tier 2 are optional and not all superior standards must be met. In order to count parkland as an optional superiority item, a code modification must be made. Further, if this were to be a new submittal requirement, then a rule posting related to applications must be initiated to modify the submittal requirements for the applications. 2) Subsection C5 - Tree survey associated with the specific application? In other words, 8: and greater for commercial? And 19" and greater for SF? 3) Parkland dedications are in contrast to many other goals of Austin and are not appropriate along activity corridors and most urban areas.	Against	<p>Thank you for your comment.</p> <p>1) The rule is not intended to amend City Code. It answers the question posed by many applicants for PUD zoning who choose the Tier Two option of a public facility that is a park. It is correct that Tier Two items are optional, but so the rule would only apply if a park is being provided as one of those options. It is not mandatory Tier One. The rule merely states existing practices of evaluating the park component, if there is going to be one. If an applicant does not wish to demonstrate superiority in the area of parks, then the information is not required. For clarity the following will be added to (D): the following additional elements "if a parks superiority determination is being made."</p> <p>2) For the tree survey, we clarified that it is only needed if applicable to cite proposed trails and other amenities; utility easements that run through the park, and/or to better understand the inventory of proposed public trees. The type of tree survey would depend on the issue in question.</p> <p>3) While it is always a challenge to balance the many needs of Austin residents, provision of parkland in all areas of the City, including urban areas, is a priority in Imagine Austin and by City Council directive.</p>
	Julie Fitch	D) Ensure that this only applies to Capital Improvement and Debt PIDs (administered by Financial Services Department), and NOT to Operating/Maintenance PIDs (administered by Economic Development Department).	Clarification	Thank you for your comment. For clarity we will add the word "development" in front of the words Public Improvement Districts (PID) in (D).
	Ron Thrower	1) Subsection A - surely a project can be discussed with a binding outcome without having to submit the plethora of data associated with 14.3.4? Some areas may be easily determined to not require any parkland dedications because of their frontage on an activity corridor. it is not cost effective to provide a mountain of data for the outcome to be binding "no onsite dedication" for many projects.	Against	Thank you for your comment. We will change "At a miniumum" in 14.3.4 (D) to "These items may include the following:" and change the last sentence in 14.3.5 (A) to: An application for a binding determination may include any information required under PDOP 14.3.4.



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.5 (Binding Parkland Determination Prior to Submittal of Development Application):	Alison Alter & Alesha Larkins	(A) The ordinance's intent was to provide some degree of certainty as to whether land would be required or whether a fee in lieu would be allowed in any given case. We suggest clarifying that neither the exact fee itself nor the exact amount of land required is determined at that time, simply whether and to what extent fee-in-lieu would be allowed to satisfy the requirements of the PLD ordinance. We need to be clear that the exact amount of land required for dedication, fee-in lieu, or combination thereof in a particular case is ultimately determined by the specific factors entering the relevant formulas. We want to make sure we avoid creating an incentive to submit plans that are 10% below the ultimate goal so that a developer is bound to pay fees for her lower amount even though they fully intend and in fact do build a development at the outer end of that scale. (B) May want to clarify that "development application" does not include zoning (i.e. PUDs)	For	Thanks for your comment. We revised the language in (A) to take out the words "amount of land" to make it clearer that the binding determination is more general. We clarified (B) by striking the word development, and in its place specifying, subdivision, site plan or building permit application.
14.3.5 (Binding Parkland Determination Prior to Submittal of Development Application):	Jeff Howard	2. The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core. PUDs are one of the only ways that the City can require mandatory affordable housing and other community benefits in excess of City Code. Imagine Austin calls for higher density in the urban core to encourage compact and connected development of "complete communities" which greater housing supply and diversity. Council recognized this concern and adopted a 15% land area cap within the urban core. A 10.4 acre per 1000 residents requirements only for PUDs, will greatly exceed the 15% cap adopted by Council and severely reduce the density that can be obtained on an urban core site. As a result, no developer in their right mind would pursue a PUD if this is required. If developer's don't pursue PUDs in the Urban Core, we will miss great opportunities for affordable housing and other community benefits. This is exactly the reason why the City Council created urban core rules in the first place!	Against	Thanks for your comment. Imagine Austin does not specifically encourage PUDs in the Urban Core. It does endorse density in corridors and centers and it also endorses a Healthy Austin by providing parkland near residences. Density can be provided in many forms (for example, higher building heights) that would not affect an ability to provide adequate parkland on a very large site. PARD concurs with the submitted statement that PUDs are not required to meet parkland superiority and that they can meet Code requirements only and still be approved by City Council. However, the rule states that if they want to receive a superior recommendation on the Tier Two option of providing a public facility of a park, 10.4 acres per 1,000 population would gain that recognition. The City Council decides whether or not a PUD provides the right balance of community benefits.
14.3.6 (Supplemental Criteria for Evaluating Fee In-Lieu Requests):	Richard Depalma	(B) (2) change residential units to residential dwelling units	Clarification	Thank you for your comment. 25-1-601 (B) uses the term residential units to capture all types of dwellings. Legal advised PARD to use the term residential units to capture all dwellings with kitchens.



Rules	First & Last Name	Comment	For/Against The Section	Response
	Ron Thrower	1) Not all land is created equal and does not have equal value. There should be a valuation of land determination through the process of land dedications.	Clarification	Thank you for your comment. Changing the formulas for parkland dedication would require a code amendment. The parkland dedication ordinance was changed in 2007 from a land valuation system that was deemed unfair by land owners where property values were extremely high and would have to pay a disproportionate amount of their per-person impact on the park system. The adopted 2016 ordinance methodology calculates a per-person fee.
	Alison Alter & Alesha Larkins	(C)3)c) Define "usable" if a definition exist	Clarification	Thanks for the comment. We will clarify useable by changing (3) ( c ) to green infrastructure with recreation amenities.
	Julie Fitch	(A)(1) Can this be more specific? It might be necessary if there are no existing connections, but not if adequate connections to a park or trail exist. Consider "missing connection".	Clarification	Thanks for your comment. We believe the phrase captures your intent. Adding the word "missing" may be too limiting. For example, we could want an additional connection, and then missing would be too limiting.
	Jeff Howard	The frontage requirements in Section 14.3.7(A)(1) were not discussed or addressed in the Code and could restrict the ability of developments to deliver much needed parkland. In addition 200 feet per 2 acres is too high of a standard.	Against	Thank you for your comment. We have had a 200-foot frontage width rules standard since 1985. We reviewed current park frontages and developed this guideline based on existing frontages. The exception sentence at the end of the paragraph allows for shorter widths if needed.
14.3.7 (Supplemental Standards for Dedicated Parkland):	Ron Thrower	1) Subsection a1 - Not all parkland can have as much frontage as requested and not all parkland needs to have as much street frontage as requested. Other factors can and will show that visibility is not just from streets. Other properties, trails, sidewalks (not on streets) can also provide visibility as well as visit ability to a park. While some frontage is necessary for maintenance, the 200' for every two acres is excessive. Not all parkland is as linear as this equation. 2) Subsection A2 - What is "active play"? And you are "taking" the most developable portions of land in some instances. Perhaps a clause that states that the 50% requested area cannot constitute more than 25% of the land that is 10% grade to provide options for suitable development on the property. If you take 50% or more of all land at 10% grade or less then construction costs go up for the remainder of the development and affordable housing is impacted for projects that contain a portion of the development with AH. 3) Subsection A7 - Define "larger" tracts that can be divided into multiple park sites.	Against	Thanks for your comment. 1) The proposed standard was developed by evaluating existing City parks. Future parks should be at least as accessible as these parks. The proposed rule provides an exception for specific constraints or needs.2) This requirement is necessary to ensure that at least some of the parkland dedicated is suitable for uses that require flat ground such as sports fields and athletic courts. As you know, parkland dedications vary in type from cliffs to flat upland acreage. The 50% less than 10% rule provides a limit to developable property being taken. In addition, an affordability impact statement completed by the City's Neighborhood Housing Department found no adverse impact to affordable housing. Affordable units are not calculated in the acreage amount, thereby reducing the acreage for those units. 3) We agree the word "larger" is not clear and and not needed and we will take it out.



Rules	First & Last Name	Comment	For/Against The Section	Response
	Julie Fitch	(A)(1) and (6) Might be in conflict with each other in certain situations. (1) seems too prescriptive.	Against	Thanks for your comment. We respectfully disagree. The rules allows flexibility for unique constraints.
	Alison Alter & Alesha Larkins	(A)2) Define "preservation features" if possible	Clarification	Thanks for your comment. We agree on there not being a definition for this term. We will change (2) to say unless the Parks Department's only intent is to provide a connection or to preserve an enviroironmental or cultural resource.
14.3.8 (Partial Credit for Dedication and Easement Acreage):	Ron Thrower	1). Subsection A4 - A possible outcome of this language is that a developer may choose to not dedicate FP as parkland for any credit and choose to keep the land out of the City. The rule assume FP cannot have much use by the public which is an underestimation of the use of land by park visitors.	Clarification	Thanks for your comment. We disagree with the statement because 25-1-603 requires that any adjoining 25-year floodplain must be dedicated for the 100-year 50% credit.
	Jeff Howard	Section 14.3.8 should recognize that areas of steep slopes and significant environmental benefits may be fully credited for parkland as originally proposed in Paragraph 5 of the draft PDOP considered at the time of City Council.	Clarification	Thanks for your comment. Nothing in the PDOP prevents PARD from giving 100% credit for steep slopes as long as it is not a CEF or CEF buffer.



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.9 (Determining Superiority):	Jeff Howard	<p>My comments are generally as follows: The Proposed PDOP Exceeds the Rulemaking Authority in Section 1-2-1(B) of the Austin City Code. The Code only allows a department to make rules that "implement, administer, enforce, or comply with the Code" and a department may not legislate through rule making per Section 1-2-1 of the Austin City Code. If these comments are not addressed, I will likely appeal the rule as provided in the Code. The proposed PDOP does this in several particular ways:</p> <ul style="list-style-type: none"> <li>• Section 25-1-609(B) prescribes the items that may be covered in the PDOP. Sections 14.3.4(D) and 14.3.9 exceed the items authorized by City Council to be included in the PDOP. These sections deal with PUD Superiority. PUD Superiority is addressed in Section 25-1-602(I). Section 2-1-609(B) only gives rule making authority with respect to (i) Deficient Park Area Map, and (ii) subsections 603, 605, 606 and 607.</li> <li>• Section 25-1-602(I) clearly leaves PUD superiority to the discretion of Council (and not staff) as it provides that a PUD may be subject to additional parkland requirements (without specifying how much) "if required by the ordinance adopting the PUD" which ordinance is adopted by Council.</li> <li>• PUD Superiority is determined by Council applying the rules in another Chapter of the Land Development Code administered by the Planning and Zoning Department (PZD) – Chapter 25-2, Subchapter B, Division 5. The proposed PDOP proposed by the Parks Department intrudes on both the authority of the PZD to make rules to enforce PUD Superiority, but also amounts to legislation and not rule making intruding on Council legislative authority to decide what constitutes PUD Superiority.</li> <li>• If Council had intended for 10.4 acres per 1000 residents to constitute PUD Superiority for parks, it should post that Code amendment for adoption and adopt it after meeting due process requirements of notice, public hearing and public vote. • The proposed rules that the 15% cap on parkland does not apply to PUDs directly conflicts Section 25-1-602(J). Nothing in that section provides that the cap does not apply to PUDs. PUDs are not required to meet parkland superiority. PUDs are allowed to simply meet Code requirements. As a result a PUD could still be approved by Council even if it only meets the 15% cap. The proposed rule alters City Code by essentially removing the ability of a PUD to simply comply with Code requirements on Parkland and meet superiority in other ways. While the ordinance adopted by City Council adopting may require additional parkland, the proposed rule essentially requires that it do so and states and extremely high amount that Council was clearly concerned about. Adopting a rule that provides this exception clearly conflicts with the Code and exceeds rule making authority.</li> </ul>	Against	<p>Thank you for your comment. The PDOP does not purport to limit Council's authority to approve a PUD or make determinations regarding superiority. Rather, it seeks to provide criteria to guide PARD's recommendations on PUD superiority with respect to parkland and to implement provisions of the ordinance that impose duties or functions to PARD with respect to implementation of the ordinance. These sections of the PDOP seek to clarify that parkland dedication may be counted as open space, an ambiguity that had caused problems with parkland dedication calculations in PUDs in the past. As stated above, they do not seek to limit Council's authority to approve PUDs or to determine superiority.</p> <p>PARD concurs with the submitted statement that PUDs are not required to meet parkland superiority and that they can meet Code requirements only and still be approved. However, the rule states that if they want to receive a superior recommendation from PARD, 10.4 acres per 1,000 population would gain that recognition.</p> <p>Exhibit A was intended to be followed during the rules adoption process as a temporary guideline. Many of the items in Exhibit A are included in the PDOP. However, there was no mandate in the Ordinance that Exhibit A be followed. Imagine Austin does not encourage PUDs in the Urban Core. It does endorse density in corridors and centers and it also endorses a Healthy Austin by providing parkland near residences.</p>
	Jeff Howard (contd)	<ul style="list-style-type: none"> <li>• The provisions of Ex. A attached to Ordinance 20160128-086 do not appear to be fully adopted in the PDOP as directed by Council. Council intended Exhibit A to be a starting point for a PDOP in Part 4 of that ordinance. Specifically, the standard of impact on affordable housing and several other items do not appear to be included.</li> </ul>		<p>Density can be provided in many forms (for example, higher building heights) that would not affect an ability to provide adequate parkland on a very large site.</p>



Rules	First & Last Name	Comment	For/Against The Section	Response
	Ron Thrower	2. The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core PUDs are one of the only ways that the City can require mandatory affordable housing and other community benefits in excess of City Code. Imagine Austin calls for higher density in the urban core to encourage compact and connected development of "complete communities" which greater housing supply and diversity. Council recognized this concern and adopted a 15% land area cap within the urban core. A 10.4 acre per 1000 residents requirements only for PUDs, will greatly exceed the 15% cap adopted by Council and severely reduce the density that can be obtained on an urban core site. As a result, no developer in their right mind would pursue a PUD if this is required. If developer's don't pursue PUDs in the Urban Core, we will miss great opportunities for affordable housing and other community benefits. This is exactly the reason why the City Council created urban core rules in the first place! 3. The Proposed PDOP Includes Items Not Discussed with Stakeholders and Conflict with Intent of Discussions or Conflicts with the City Code	Against	To add clarity the following sentence will be added to 14.3.9 (A) "These rules provide criteria to guide PARD's recommendations on the parkland component of a PUD, but does not seek to limit Council's authority to approve a PUD or make superiority determinations."
	Alison Alter & Alesha Larkins	(B) We support the goal of clarifying what might constitute parkland superiority for PUDs and for providing guidance on how the ordinance is applied to PUDs.	For	Thanks for your comment.
	Linda Guerrero	REMOVE THE CAP LIMIT FOR PUDs/RE-EVALUATE THE URBAN CORE MAP. The 15% cap on parkland dedication in the urban core delineated in City Code § 25-1-602 (J), no matter of the size of the acreage, doesn't fit every situation. The Parks Departments should have more flexibility to negotiate a percentage and not be locked down.	N/A	Thanks for your comments. We will continue to evaluate the cap and Urban Core Map to determine if those provisions are detrimental to obtaining parkland in the urban core. However, any changes would require a code amendment.
14.3.9 (Determining Superiority):	Jeff Howard	<ul style="list-style-type: none"> <li>Section 25-1-609(B) prescribes the items that may be covered in the PDOP. Sections 14.3.4(D) and 14.3.9 exceed the items authorized by City Council to be included in the PDOP. These sections deal with PUD Superiority. PUD Superiority is addressed in Section 25-1-602(I). Section 2-1-609(B) only gives rule making authority with respect to (i) Deficient Park Area Map, and (ii) subsections 603, 605, 606 and 607.</li> </ul>	Against	Thanks for your comments. These sections of the PDOP seek to clarify that parkland dedication may be counted as open space, an ambiguity that had caused problems with parkland dedication calculations in PUDs in the past. As stated above, they do not seek to limit Council's authority to approve PUDs or to determine superiority.
14.3.10 (Standards for Private Parkland):	Linda Guerrero	Increase percentages for landscaping to 12% increase PUD percentages for parkland depending on amount of land (14.3.9)	For	Thanks for your comment. If we increase one category to 12% we would have to decrease another category and I am not sure which category we would take from. We acknowledge your support for concepts in 14.3.9.
	Richard Depalma	(B) (2) (a) change to "includes the names the area, states that it is a Private Park Open to the Public, presents the park amenities, hours of operation, and the contact for the park management.	Clarification	Thanks for your comments. We will add a (3) that says: states the park hours and contact for park management.



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.10	Ron Thrower	1) Subsection D – is every parkland to have recreational amenities? The rule states that if private parkland is to be credited, the recreational amenities must be provided. To what degree?	Clarification	Thanks for your comment. Good catch. That is a typo. (D) will be changed to say: If private park amenities are credited, .....
	Alison Alter & Alesha Larkins	The ordinance clearly intended to allow the director to credit private parkland up to 100 percent toward fulfilling the requirements of the PLD ordinance and for the PDOP to clarify the standards under which that might be possible. As currently drafted, however, we do not believe that section 14.3.10 of the PDOP adequately addresses contingencies that may limit the safety, access, quality, and longevity of public use of private parkland so credited. In particular we believe we need to see: 14.3.10(A) Clarification of the easement restrictions, process and determination for release should it be requested in the future, as well as language referencing cost recovery in the case of the latter. A major benefit of publicly dedicated parkland over private parkland is that procedures for overriding the park designation are onerous enough that the parkland can't simply be developed shortly thereafter. If private parkland is going to be allowed, we need to make sure that it will serve its purpose long into the future. As currently drafted the PDOP does not do enough in this regard. 14.3.10(B)1. This section should be edited to require similar frontages visibility as for public parkland dedication. Private parkland with very limited access nor frontage is not functionally equivalent to publicly dedicated parkland. As written these requirements are not clear. 14.3.10(C) We would recommend stronger language regarding the fee recovery for release of easements in (A) rather than only credit for providing the easement "in perpetuity" as referenced in (C)2. There should be an understanding that easements referenced (A) are in perpetuity, and the fee for release should provide enough motivation to dissuade release except in rare circumstances. We would also like to see some reference to the easement limiting reservation of the space for private events without park staff approval. For instance, what is to prevent this private parkland for being used for private events 5 nights a week and thus effectively not being open to public use. Generally, we are nervous about the implications of the possibility of limited or no PARD control over what is or is not allowed to happen in the private parkland. We would like to see more oversight provisions. (E) As currently drafted the PDOP does not adequately spell out the private land owner's responsibilities with respect to maintaining and renovating amenities and parkland over time. We believe more detailed language on responsibilities are necessary, as well as the consequences of not fulfilling these responsibilities. This matters for the safety and security of the private parkland for public park users as well as to make sure we don't end up with a bunch of derelict parks around the city for which no one is responsible for renovations, safety updates,	Against	Thank you for your comments. 14.3.10 (A) We believe we need to address termination of the easement in the recorded easement document such that it applies to the specific situation/type of park; However, we have added a 14.3.10 (G) If a recreation easement recorded for parkland dedication credit is released, subsequent applications for subdivisions and site plans will require parkland dedication for all units constructed. 14.3.10 (B) 1: PARD believes that these private parks will take various forms and there may be some acceptable uses without as much frontage; for that reason we would like to allow some flexibility as stated in (B) (1) and provide signage along the ROW as stated in (B) 2. 14.3.10 (C ): We believe we need to address termination of the easement in the recorded easement document such that it applies to the specific situation/type of park. We also need to address limiting reservation in the recorded easement document if it is a type of park use that can accommodate private events. Easement documents and or other legal mechanisms spell out maintenance responsibility and levels and penalties for failure to maintain. During the easement negotiation it is decided and language is written that determines, who will maintain the park; gives permission for the City to conduct safety inspections; delineates penalties for not doing so and states who will replace capital items.



Rules	First & Last Name	Comment	For/Against The Section	Response
		and /or compliance with state and federal laws that may apply. What happens, for instance, when and HIOA or future owners end up talking over responsibilities from the original developer? What are they required to do? As written, PARD's oversight role with respect to safety etc. over private parkland and how that would be funded is not spelled out. This section is very important as from the city stand point the big advantage of the private parkland is to have others responsible for maintenance and ongoing renovations. This section needs to spell out what happens once the amenities are built. Some further though on this: We would like to see a plan in place for private parkland oversight and penalties for private parkland not fulfilling obligations. This plan may or may not include reporting to the Parks and Recreation Board on a regular basis. There may need to be a default clause of some sort included. If PARD decides that these clarifications belong in the easement language or in other agreements governing the crediting of parkland rather than in the PDOP, the PDOP at least should provide clear guidelines ion the issues that need to be covered in any given agreement on private parkland credit so that the city can be assured that over time the private will be safe, accessible, and well maintained for public use.		PARD will add an item to 14.3.10 (B) that states the following shall be included in the easement document: (3) provide language in the easement document that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, and penalties and arrangements for lack of compliance.
14.3.11 (Use and Expenditure of Parkland Fees):	Toni House	Please do not shift the Parkland Development Fees collected from new developments located in neighborhoods identified as "Parkland Deficient Areas" to neighborhoods outside the affected parkland deficient neighborhood planning area. Transferring the development-generated funds will ensure that underserved neighborhoods will continue to lag far behind in the provision of recreational amenities enjoyed by the majority of Austin neighborhoods. Most of the E. Riverside/Oltorf Combined Neighborhood Planning Area ("EROC") falls within a "Parkland Deficient Area." This proposal conflicts with what we were told during the EROC NP and E. Riverside Corridor Master and Regulating Plan ("ERC") planning processes. If this proposal is approved, it is a clear indication that the neighborhoods that have to suffer the adverse effects of the increased density will never reap the benefits we were told to expect. I also ask that the appropriate neighborhood plan contact team be notified whenever Paragraph 4.3.1.11(B) and/or (C) are utilized and advise the team of how and where the funds will be spent. Thank you for your time and consideration.	Against	City Code 25-1-607 (B) requires the City to spend the funds to benefit the residents of the development where the fees were assessed AND within the PARD service area. This rule has been in place since 1986, and the proposed rule does not change that. The 2016 Ordinance requires more parkland to be given, creating more (not less) opportunity to reap land and improved park benefits. The Ordinance also allows for land funding to be spent on park improvements if no land can be found within one year of the money being appropriated. As far as notification, PARD posts a quarterly report detailing available funds and expenditure priorities. See <a href="http://austintexas.gov/page/parkland-dedication-expenditures">http://austintexas.gov/page/parkland-dedication-expenditures</a> "Parkland Dedication Cases and Project Information" online map viewer for details about funds received and the projects to which the funds are assigned..



Rules	First & Last Name	Comment	For/Against The Section	Response
	Wynne Hexamer	Don't siphon funds from our neighborhood just because you claim that you can't buy new parkland in my neighborhood. Those funds should be used to improve and upgrade existing parks in the area from which they are collected at the very least.	Clarification	Thanks for your comment. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. City Code 25-1-607 already allows in the Ordinance for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks.
	Greg Steinburg	Please adjust rules to allow the use of fees to upgrade parks in areas where land is not available for purchase. For example in the Williamson Creek Watershed where the residents would greatly benefit from the development of trails/park areas within the land on each side of Williamson Creek.	Clarification	Thanks for your comment. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. City Code 25-1-607 already allows in the Ordinance for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks.
	The East Riverside/Oltorf Combined Neighborhood Planning Area Contact Team - Malcolm Yeatts	The East Riverside/Oltorf Combined Neighborhood Planning Area Contact Team has voted to request that the proposed new rules for the Parkland Dedication Fees be revised. Paragraph 14.3.11 should be revised so that if suitable parkland cannot be found within the Park Planning Area where the fees was generated, the next priority would be to spend the money on improvements to existing parks in the park area. Allowing these fees to be spent in other areas defeats the entire purpose of providing parks in the Parkland Deficient Areas where the new developments are being built. In Addition, the Neighborhood Planning Area Contact Teams in that Park Area should be notified of any change in how and where the money would be spent.	Clarification	Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas. City Code 25-1-607 already allows in the Ordinance for fees in lieu of land to be spent on park improvements within the service area within one year if no land can be found. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks. As far as notification, PARD posts a quarterly report detailing available funds and expenditure priorities. See <a href="http://austintexas.gov/page/parkland-dedication-expenditures">http://austintexas.gov/page/parkland-dedication-expenditures</a> "Parkland Dedication Cases and Project Information" online map viewer for details about funds received and the projects to which the funds are assigned..



Rules	First & Last Name	Comment	For/Against The Section	Response
14.3.11 (Use and Expenditure of Parkland Fees):	Richard Maness	I would like the fees generated to be dedicated to areas it was generated. The solution to this transfer of park funds out of this area is to make paragraph 14.3.11 (B) the second option (in the situation where no suitable land is available for purchase), rather than the last option. The funds should be spent on improvements to existing area parks that are not yet developed.	Against	Thank you for your comments. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas. City Code 25-1-607 already allows in the Ordinance for fees in lieu of land to be spent on park improvements within the service area within one year if no land can be found. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks
	Gloria Guzman	Make paragraph 14.3.11 (B) 4 the second option (in the situation where no suitable land is available for purchase), rather than the last option. I believe that if no flat land is found to make a new park... then those funds should be used to improve the existing parklands in those areas instead of being transferred out. Thank You.	Clarification	Thank you for your comments. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. City Code 25-1-607 already allows for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks.
	Caitlin Admire	I am not understanding the order of priorities in Paragraph 4.3.11(B). The following makes more sense to me: (1) Attempt to buy land within ½ mile (for parkland or to increase connectivity to existing parks) (2) Make upgrades to existing parks within ½ mile (3) Attempt to buy land or make upgrades to parks within 2 miles (4) Attempt to buy land anywhere in the Parkland Service Area (5) Make upgrades to existing parks anywhere in the Parkland Service Area. In addition, I would like for PARD to consider broadening their definition of what they deem suitable parkland. While open, flat lawns with playgrounds are great recreational amenities, there are many other land features that are just as valuable and should also be preserved as parkland. Greenbelts along streams comes to mind. So when going through this process I urge PARD to keep an open mind, assess each case via its unique situation, and be a bit more creative about what is or could be a "park".	Clarification	Thank you for your comments. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. City Code 25-1-607 already allows in the Ordinance for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks. PARD often selects greenbelts for acquisition, especially where there is an opportunity to connect a trail system. The standards listed in the Code and the PDOP are written to ensure that the City receives a variety of land types (floodplain, non-floodplain, scenic, flat, etc.)



Rules	First & Last Name	Comment	For/Against The Section	Response
	Richard Depalma	Subsection (B) – Provide greater flexibility to PARD for the changing of Zones and tying the zones to future LRPs. Change sentence “[t]he 27 zones established as “Park Planning Areas” under the PARD Long Range Plan are designated as Parkland Service Areas for purposes of using fees collected in-lieu of parkland dedication” to “[t]he zones established as “Park Planning Areas” under the latest PARD Long Range Plan are designed to Parkland Service Areas for purposes of using fees collected in-lieu of parkland dedication.” In addition, create a transparent process in which projects are prioritized and stakeholder input is obtained.	Clarification	Thank your for your comment. We have taken out the reference to 27 zones to provide flexibility as service areas change as the city grows or changes. See revised 14.3.11 (A) The funds are prioritized for spending according to the priorities listed in the Long Range Plan, neighborhood plans and master park plans. These plans were developed with extensive stakeholder input and adoption by the City Council. The priorities for each service area, along with the money available to be spent by service area, is available and updated quarterly on the Parks Department website. This quarterly report was added to the website in 2015 to address transparency of the spending process.
	Carol Martin	If land is not available for purchase by city to create parks, the fees should be spent on existing pocket parks, trails.	Clarification	Thank you for your comment. The Parkland Dedication section of the code(25-1-607) allows for funds to be spent on nearby park improvements after one year if no land can be found to purchase.
14.3.11 (Use and Expenditure of Parkland Fees):	Julie Fitch	(B) Though the introductory paragraph says "to the greatest extent possible," the sequencing and prioritizing of items (1)-(4) provides no flexibility to construct recreational amenities or improvements in an existing park that actually serves the immediate area. Priority is given to purchasing new parkland in the Park Planning Area, which is quite large in some cases.	Clarification	Thank you for your comments. We will take out "to the greatest extent possible" to avoid this confusion. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because that is what it was collected for, and practically speaking land is difficult to acquire in urbanized areas and so should be first priority before it is developed for other uses. City Code 25-1-607 already allows in the Ordinance for fees in lieu of land to be spent on park improvements within the service area within one year if no land can be found. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks.



Rules	First & Last Name	Comment	For/Against The Section	Response
	Alison Alter & Alesha Larkins	<p>14.3.11 B This section deals with situations where fee-in-lieu has been permitted instead of dedicated parkland. When no land in the immediate vicinity of a development is available for purchase we heard many neighborhoods were concerned that the PLD fees would be used to acquire land for parks that would not benefit those most affected by the development or living in the new development. To the extent that operable PLD case law allows, we would like this section to grant PARD the discretion to determine that improvements to amenities in existing parkland near the development would best serve the residents (existing and new) most impacted by the development. This discretion should allow PARD to invest in nearby amenities before being required to acquire land outside of a 1/2 mile radius. In other words, this section should be written so PARD has discretion to deploy the fees for amenities in the immediate vicinity should PARD determine that will better meet the park needs of those impacted by the specific development generating fee in lieu than the purchase land outside the 1/2 mile radius. Given the size of these fees is often inadequate to purchase land we think this discretion would allow PARD to more quickly meet the local needs for recreational opportunities when fee-in-lieu is allowed. We also would like PARD to incorporate a public input process so that stakeholders have a voice and clear mechanism to share their views on how the PLD fees might be spent. This would be consistent with efforts already in place to provide greater transparency to the PLD process. Below are some additional thoughts and/or options for achieving the above. (B)1) May want to add "or easements" after "PARD will attempt to acquire land" (B)2) It may be more satisfactory to the public to first attempt to acquire parkland within a 2-mile radius OR within the boundaries of the Parkland Service Area (adding a reference to the map and definition for this term), whichever is smaller. If no land is found, then expand the area to the 2-mile radius or the boundaries of the Parkland Service Area, whichever is larger. (C) It might also be a good idea to invite input from neighborhood stakeholders on how to spend funds that fall into this category, or if that's not possible, then reference that they will be spent on items identified in the long-range plan first before being spent on other requests. Oftentimes there are needs that are identified by the community but are unknown to park staff.</p>	Against	<p>Thank you for your comments. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks. City Code 25-1-607 already allows for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year.</p> <p>The funds are prioritized for spending according to the priorities listed in the Parks Long Range Plan, neighborhood plans and master park plans. These plans were developed with extensive stakeholder input and adoption by the City Council. The priorities for each service area, along with the money available to be spent by service area, is available and updated quarterly on the Parks Department website. This quarterly report was added to the website in 2015 to address transparency of the spending process.</p> <p>We added the words "or easements" to (B) (1) and (2) PARD does form 5-year plans for expenditure of funds based on items already vetted in public input processes or within public Department reports/assessments. Because new reports and plans are being developed and adopted all the time, we don't want to limit the plans we use and so don't want to create a list that may leave out future types of adopted input processes.</p>



Rules	First & Last Name	Comment	For/Against The Section	Response
	Malcolm Yeatts	Parkland Dedication fees should be used to develop parks in the area where they are generated. If there is no suitable land for sale, the fees should be used to develop facilities in existing undeveloped parks in the area before being used to buy land in other areas. Neighborhoods should be notified, and allowed to comment, before the fees are used in other areas.	Against	<p>Thank you for your comments. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks. City Code 25-1-607 already allows for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year.</p> <p>The funds are prioritized for spending according to the priorities listed in the Parks Long Range Plan, neighborhood plans and Park Master Plans. These plans were developed with extensive stakeholder input and adoption by the City Council. The priorities for each service area, along with the money available to be spent by service area, is available and updated quarterly on the Parks Department website. This quarterly report was added to the website in 2015 to address transparency of the spending process.</p>
	Larry Sunderland	To keep parkland fees in the area they were generated make paragraph 14.3.11 (B) 4 the second options (in the situation where no suitable land is available for purchase), rather than the last option. The funds will be spent on improvements to existing area parks instead of purchasing land in other areas.	Clarification	<p>Thank you for your comments. Note that each residential development project pays both a parkland dedication fee and a park development fee. PARD must attempt to use the parkland fee for land purchases because land is so difficult to acquire in urbanized areas and because the money was collected as a fee in lieu of land. City Code 25-1-607 already allows for fees in lieu of land to be spent on park improvements within the service area if no land can be found within one year. Park development fees, according to the PDOP, are limited for spending for improvements to existing area parks.</p>
14.3.12 (Methodology for Determining Fees):	Ron Thrower	Fees should include land valuation for onsite dedication.	Against	<p>Thanks for your comment. The fee calculation method is prescribed by the City Code, not by the PDOP. The adopted code uses an average market value paid for parkland. Adopting a different methodology, such as completing a third-party appraisal on each parkland case, would require an ordinance amendment.</p>



Rules	First & Last Name	Comment	For/Against The Section	Response
	Linda Guerrero	Increase amount 5% every year as growth continue to add more population for Parkland use.	Clarification	Thanks for your comment. The City Code allows for annual re-calculation of fees based on population and actual costs to purchase land and develop facilities. Fees could increase or decrease annually based on the formulas of actual costs.