



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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Fifth District

DATE: December 11, 2024

02

TO: Board of Supervisors

SUBJECT

RECEIVE FIVE-YEAR REPORT OF PARK LAND DEDICATION ORDINANCE FEES FOR FISCAL YEAR 2023-2024 AND RELATED CEQA EXEMPTION (DISTRICTS: ALL)

OVERVIEW

The Park Land Dedication Ordinance (PLDO) is one of the ways the County of San Diego (County) provides parks to support community growth and outdoor recreational needs, by requiring new residential development projects in the unincorporated county to dedicate park land for its new residents and/or pay park impact fees to the County so that parks can be developed. Park impact fees are used within the Local Park Planning Area they are collected in so that each new residential unit contributes its share to the development of parks. The PLDO was adopted by the County Board of Supervisors (Board) on December 19, 1972 (33) and comprehensively updated on July 25, 2018 (4). The update took effect on January 1, 2019, pursuant to both the State of California's Quimby Act and Mitigation Fee Act (MFA).

The annual report and five-year findings, received by the Board, are required by the MFA to be consolidated into a single report made available to the public within 180 days after the start of the fiscal year in which they are due. The Department of Parks and Recreation (DPR) prepares the annual report and the five-year findings on PLDO fees. The MFA also requires that the agency find that fees collected more than five years ago are still needed for the improvements for which the fees were initially collected. The attached report contains the information required to be included by Government Code Section 66006(b). The report also includes amounts collected, the projects for which the money has been collected, and how the funds will be spent. Projects are prioritized for this funding through DPR executive management review of various resources including (but not limited to) the Parks Master Plan, Park Capital Improvement Plan, One Time Only Funds, Capital Improvement Needs Assessment, Grant Funding Priorities, and priority lists from each Community Planning and Sponsor Group.

Today's requested action is for the Board to receive the Annual Report of PLDO Fees for Fiscal Year 2023-24 (Attachment A). The total amount of PLDO funds collected in Fiscal Year 2023-24 was \$5,739,314. Funds totaling \$96,741 were allocated to expenses related to the administration of PLDO funds including collection and reporting. The list of projects and approximate dates of when funding is expected are included in the attached report.

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RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the receipt of this report is exempt from the California Environmental Quality Act (CEQA), as specified under 15061(b)(3) of the CEQA guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Receive the Annual Report of Park Land Dedication Ordinance Fees for Fiscal Year 2023-24.

EQUITY IMPACT STATEMENT

Fees collected in accordance with the Park Land Dedication Ordinance contribute to the continuation and development of current and new opportunities for residents to gather and recreate outdoors.

SUSTAINABILITY IMPACT STATEMENT

The Park Land Dedication Ordinance supports County of San Diego (County) Sustainability Goal No. 4 by expanding opportunities for community members to access outdoor recreation and nature by requiring new residential development projects to dedicate park land for its residents and/or pay park impact fees to the County so that the Department of Parks and Recreation can develop parks.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

Community Planning and Sponsor Groups across the 24 Local Park Planning Areas provide priority lists to the Department of Parks and Recreation (DPR) annually. DPR staff attend planning and sponsor group meetings to review the PLDO process, eligible amenities, and answer questions to assist in the development of the priority lists. These priority lists, along with DPR executive management review of various resources, including the Parks Master Plan, Park Capital Improvement Plan, One Time Only Funds, Capital Improvement Needs Assessment, and Grant Funding Priorities, help guide the prioritization of project funding using Park Land Dedication Ordinance funds.

BACKGROUND

The County of San Diego's (County) Park Land Dedication Ordinance (PLDO) requires new residential development projects to dedicate park land for its new residents and/or pay park impact fees to the County so that parks can be developed. The PLDO was adopted by the County Board of Supervisors (Board) on December 19, 1972 (33) and was comprehensively updated on July 25,

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2018 (4) pursuant to updates to both the State of California's Quimby Act and Mitigation Fee Act (MFA). The comprehensive update took effect on January 1, 2019. The Quimby Act provides authority for local jurisdictions to require developers to dedicate land for park or recreation facilities at a rate of three acres per 1,000 residents, payment of a fee in lieu of dedicating land, or a combination of both as a condition of approval for tentative maps or parcel maps which are privately developed residential subdivisions. The MFA provides authority to impose fees on permit applicants, as a condition of approval for a development project, with the purpose of covering all or a portion of the cost of public facilities related to the development project.

The PLDO divides the County into 24 Local Park Planning Areas (LPPAs) that coincide with the Community and Subregional Plan boundaries in the County's General Plan. Each LPPA requires different rates of park impact fees or park land dedication per dwelling unit. PLDO park impact fees are based on land acquisition and park construction costs within each LPPA. Park land dedication rates are based on park acreage and population density. PLDO park impact fees are paid at issuance of a ministerial building permit for a dwelling unit unless previously paid or exempted by the PLDO.

The PLDO fees are collected from single family, multifamily, and accessory dwelling unit housing developments. Updates to County Ordinances and the General Plan undergo notification procedures directed by Board Policies I-32 and I-49 and pursuant to California Government Code Section 65350. The PLDO was updated again on January 9, 2024 (13) to waive park impact fees associated with the Accessory Dwelling Unit Fee Waiver Program for another five-year period (January 9, 2024 – January 9, 2029).

The MFA requires that the agency collecting the fee annually make available to the public a report accounting for the development fees held by the agency. The MFA also requires that the agency find that fees collected more than five years ago are still needed for the improvements for which the fees were collected. Should the five-year findings not be made as required by the MFA, the fees collected would have to be refunded. An annual report and five-year findings are required by the MFA to be consolidated into a single report made available to the public within 180 days after the start of the fiscal year in which they are due. The attached report contains the information required to be included by Government Code Section 66006(b). The report also includes amounts collected, the projects for which the money has been collected, and how the funds will be spent. Projects are prioritized for this funding through Department of Parks and Recreation (DPR) executive management review of various resources including (but not limited to) the Parks Master Plan, Park Capital Improvement Plan, One Time Only Funds, Capital Improvement Needs Assessment, Grant Funding Priorities, and priority lists from each Community Planning and Sponsor Group.

PLDO fees are deposited into LPPA funds that align with Community and Subregional Plan Boundaries. The amount collected in any region will vary depending on the scale and pace of development in that area. Fees collected are held by the County in the applicable LPPA trust fund accounts for future park acquisition and improvement projects until sufficient funding becomes available to fund a park capital improvement project. The total amount of PLDO funds collected in Fiscal Year 2023-24 was \$5,739,314. Funds totaling \$96,741 were allocated to expenses related

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to the administration of PLDO funds including collection and reporting. The list of projects and approximate dates of when funding is expected are included in the attached report. A copy of this report was made available on the DPR website within 180 days of the end of the fiscal year at: (<https://www.sdparks.org/content/sdparks/en/AboutUs/Plans/pldo.html#AnnualReport>)

Today's requested action is for the Board to receive the Annual Report of Park Land Dedication Ordinance Fees for Fiscal Year 2023-24 (Attachment A). The total amount of PLDO funds collected in Fiscal Year 2023-24 was \$5,739,314. Funds totaling \$96,741 were allocated to expenses related to the administration of PLDO funds including collection and reporting. The list of projects and approximate dates of when funding is expected are included in the attached report.

ENVIRONMENTAL STATEMENT

Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines provides a general exemption from CEQA review for a project where it can be seen with certainty there is no possibility that the project will have a significant effect on the environment. The proposed action includes the receipt of an annual report and five-year findings required by the Mitigation Fee Act. The action does not include approval of construction projects. Subsequent environmental review would be required pursuant to CEQA once Park Land Dedication Ordinance funded projects are proposed. Since it can be seen with certainty that the project will not have a significant effect on the environment, it is exempt from CEQA review by Section 15061(b)(3) of the CEQA Guidelines.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Sustainability and Community initiatives in the County of San Diego's 2024-2029 Strategic Plan by providing new and continued opportunities to experience parkland and improving the quality of life for all residents.

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Park Impact Fees Comprehensive Annual Mitigation Fees Report Fiscal Year 2023-2024