

ORDINANCE NO. 13-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 22.40, PARK AND RECREATION DEDICATION AND FEES

WHEREAS, certain amendments to the Elk Grove Municipal Code have been identified to support the Parks and Recreation Master Plan and for consistency with the State Subdivision Map Act; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 16, 2016 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 5-0 to recommend approval to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on July 13, 2016, as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend Chapter 22.40 of the Elk Grove Municipal Code to implement the goals, policies, and action items of the General Plan. Additionally, the proposed amendments clarify various development standards and permitting procedures for the public.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15162.

Evidence: A Negative Declaration was prepared for the Parks and Recreation Master Plan pursuant to CEQA in 2009. The Negative Declaration found that the Parks and Recreation Master Plan would not result in any potential impacts on the environment. The proposed changes to Title 22 of the Municipal Code implement the Master Plan by codifying the parkland dedication requirement and procedures for dedication, in lieu fee acceptance, and allowance for privately owned and maintained park facilities. Therefore, pursuant to State CEQA Guidelines Section 15162, there are no substantial changes in the proposed project, nor are there any substantial changes with respect to the circumstances under which the Project is being undertaken, nor is there new information of substantial importance. Therefore, the prior analysis is adequate and no further environmental review is required.

General Plan Consistency

Finding: The proposed amendments to Chapter 22.40 Municipal Code are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments are consistent with the General Plan as they implement Policy PTO-4, which calls for development of new parkland at a rate of five (5) acres per 1,000 population. The proposed changes implement this policy and the provisions of the Parks and Recreation Master Plan. Specifically, the Parks Master Plan documents the amount of park land within the City as of the date of adoption of these regulations and demonstrates that the ratio of existing parkland to members of the population of the City exceeds five (5) acres per one thousand (1,000) persons.

Section 3: Action

Elk Grove Municipal Code Chapter 22.40 is hereby amended as provided in Exhibit A.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication


This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **13-2016**
INTRODUCED: July 13, 2016
ADOPTED: July 27, 2016
EFFECTIVE: August 26, 2016




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JENNIFER A. ALVES,
ASSISTANT CITY ATTORNEY

Date signed: August 17, 2016

EXHIBIT A

Title 22. Land Development

Chapter 40, Park and Recreation Dedication and Fees

This chapter shall be amended as follows:

Section 22.40.000 shall be deleted

22.40.000 Application

~~This chapter and the Quimby Act shall only apply to approvals of development projects, as defined in the Mitigation Fee Act, in the areas in the City in which this chapter applies. This chapter and the Quimby Act shall not apply to that area in the City known as Vintara Park on the northeast corner of Bond Road and Waterman Road consisting of Assessor Parcel Numbers 127-0010-002, 127-0010017, 127-0010-018, 127-0010-019, 127-0010-020 and 127-0010-040.~~

Section 22.40.025 shall be modified as follows:

22.40.025 Determining the local agency.

A. Prior to the time of tentative subdivision or tentative parcel map approval, the City Council shall have determined whether the City or another public agency is the appropriate local public agency providing park and recreation services on a community-wide level and to the area within which the proposed development will be located. Pursuant to such determination, land or fees required under this chapter shall be conveyed or paid directly to the designated agency, if such agency elects to accept the land or fee.

B. In the event park and recreation services and facilities are provided by a public agency other than the City, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the City Council and the Board of Directors of such public agency.

Section 22.40.032 shall be added to identify the required ratio of parkland in new developments.

22.40.032 Parkland Required

All new residential subdivisions or development projects shall provide real property for recreation and park purposes at a ratio of no less than five (5) acres of property for each one thousand (1,000) members of the population of the City (or other ratio as may be provided through an adopted community plan, specific plan, or similar master or strategic plan) as provided in this chapter.

Section 22.40.035 shall be modified to clarify the process for determining the calculation of land dedication for parks.

22.40.035 Calculating area of land dedication

~~A. If the advisory agency or City Council requires the dedication of land, the subdivider or owner shall dedicate land for neighborhood and community parks according to the formula $D \times F = A$ in which: D equals the number of dwelling units, F equals a "factor" herein described, A equals the amount of land, in acres, to be dedicated. The amount of land to be dedicated shall be determined according to the following formula:~~

$D \times F = A$, where:

D = the number of dwelling units

F = a "park factor" herein described in section C

A = the buildable acres to be dedicated

B. Definitions. The following terms, as used in this section, shall have the following meaning:

"Dwelling unit" means one (1) or more rooms in a building or structure or portion thereof designed exclusively for residential occupancy by one (1) family for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.

"Single-family area" means an area of land used for or proposed for detached buildings designed for occupancy by one (1) family.

"Multiple-family area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for two (2) to four (4) families for living or sleeping purposes and having a kitchen and bath facilities for each family, including two-family, group and row dwelling units.

"Apartment area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for five (5) or more families for living or sleeping purposes and having kitchen and bath facilities for each family. Included are condominiums and cluster developments.

"Mobile home development" means an area of land used for or proposed for residential occupancy in vehicles which require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.

"Park factor" means the factor, or ratio, that describes the amount of park land required per dwelling unit based upon the average household size for the applicable dwelling unit type. See section C.

~~C. The factors 0.0083, 0.006, 0.0046 and 0.0052 are constants determined from the 2000 Federal Census Analysis of the population trends and studies of Sacramento County which, when multiplied by the number of dwelling units permitted in the subject area, will produce three (3) acres per one thousand (1,000) population to be devoted to neighborhood or community park facilities. This limit is specified in Section 66477 of the Government Code, and limits the objective in the recreation element of the General Plan, unless a higher standard is adopted pursuant to EGMC Section 22.40.045. The Planning Director shall re-establish such factors annually.~~

- ~~(Fs = 0.0083 relating to single-family dwelling units)~~
- ~~(Fm = 0.006 relating to multiple-family dwelling units)~~
- ~~(Fa = 0.0046 relating to apartment, cluster and condominium dwelling units)~~
- ~~(Fmh = 0.0052 relating to mobile-home development dwelling units)~~

C. Park Factors

1. The Development Services Director shall establish, and update from time to time, the park factors necessary to determine the acreage of parkland required. The data source for these park factors shall be data for the City of Elk Grove as reported by the US Census Bureau for the City of Elk Grove. The park factors shall be calculated based upon the following equation and shall be specific for each of the four types of dwelling units defined above (single family area, multiple family area, apartment area, and mobile home area). The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.

$$\frac{\text{Parkland Requirement (e.g., 5 acres)}}{(1,000 \div \text{Household Size})} = \text{Park Factor}$$

2. In the case of a specific plan, special planning area, or similar master or strategic plan for a geographic area, the park factors shall be established at the time of adoption of the plan as provided in subsection (1) above.

D. In multiple-family and apartment areas, the number of dwelling units shall be calculated from the maximum density permitted in the proposed zone, as determined from the Zoning Code, including any density bonus, unless the subdivider can demonstrate that the development will contain a lesser number of dwelling units. For tentative parcel maps in multifamily zones which require development plan review pursuant to the Zoning Code, a condition may be added to the tentative parcel map stating that the number of dwelling units may be calculated using the density tentatively approved pursuant to development plan review, and such review shall not become final until the required land or improvements are dedicated (or fees in lieu thereof are paid by the subdivider) to the satisfaction of the City.

E. Unless a specific written request is made by the applicant, fees shall be payable at the time of the recording of the final map or parcel map. Upon the written request of the applicant, the Planning Commission may recommend and the City Council may add a condition to any map contemplated by subsection (D) of this section for multifamily development, whether submitted as a parcel map or subdivision map, stating that required land or dedication or improvements or the payment of an in lieu fee may occur after the recordation of the final or parcel map and that required land or dedication or improvements or the payment of an in lieu fee shall occur at some later time but not later than prior to the issuance of building permits.

Section 22.40.040 shall be modified

22.40.040 Calculation of in-lieu fees.

A. Calculations. Where the advisory agency or Council requires the payment of in-lieu fees, the amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

where,

A = the amount of land required for dedication as determined by EGMC Section 22.40.035 ~~or 22.40.045~~;

V = fair market value (per acre) of the property to be subdivided, as determined by this section; and established by an appraisal based on the following criteria listed below at the time of payment, by the office of the Sacramento County Assessor, based on the proposed land use

M = the number of dollars to be paid in lieu of dedication of land.

B. City Dedications. In determining in-lieu fees for City park and recreation land dedications, the subdivider shall request that the City cause an appraisal be conducted, consistent with this section, and the subdivider shall pay the in-lieu fee based upon the fair market value established by the appraisal consistent with the standards set forth herein.

Upon request by the subdivider to calculate the in-lieu fee, the City shall request that an appraisal be conducted by a qualified licensed Real Estate Appraiser from the City's list of approved appraisers. The appraiser shall hold a Certified General Appraisal license issued by the California Bureau of Real Estate Appraisers (BREA) or equivalent certification, as determined in the sole discretion of the City. The cost of the appraisal and the City's review of the appraisal shall be borne by the subdivider. A deposit for such fees, established by the City's Development Services Department Services Fees schedule as approved by resolution of the City Council, shall be deposited with the City at least 120 days prior to the recording

of the final map. If the deposit is nearing depletion, the City may request an additional deposit. If an unbilled balance remains at the end of the appraisal process, a refund will be issued to subdivider.

The appraisal shall render a value based upon an approved tentative subdivision or parcel map assuming a land use and zoning designation in accordance with the project application, utilizing the following market value: The most probable price, as of a specific date, in cash, or terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self interest, and assuming that neither is under undue duress.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal report shall be subject to approval by the Development Services Director.

C. Other Agency Dedications. If another public agency, including, without limitation the Cosumnes Community Services District, provides park and recreation services to the area within which the proposed development will be located, and if such other public agency will be the recipient of the in-lieu fees for park and recreation dedications, then the other public agency may, in its sole discretion, either: (1) conduct the appraisal through the Office of the Sacramento County Assessor to determine fair market value, which shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later; (2) utilize the appraisal method described in subsection "B" above; or (3) conduct the appraisal through another procedure acceptable to that public agency in a manner that determines the fair market value consistent with the standards set forth in this section. The subdivider shall pay the actual costs incurred by the other public agency in obtaining an appraisal and shall pay such estimated costs in advance of commencing the appraisal.

D. Alternative Appraisal Method. Nothing here shall preclude the City or any other public agency from determining fair market value by an appraisal procedure that is alternative to the procedures set forth above, as long as the alternative appraisal method is reasonably likely to determine the substantially same fair market value as if conducted by the appraisal method above, all as determined by the City or the other public agency in their sole discretion.

Section 22.40.041 shall be deleted as East Franklin is near buildout

~~22.40.041 Calculation of in-lieu parkland fees — East Franklin Specific Plan Area.~~

~~A. In the formula "A x V = M" set forth in EGMC Section 22.40.040, "V" (value) will not be established by an appraisal the Office of the Sacramento County Assessor, but is initially established at One Hundred~~

~~Twenty-Five Thousand and no/100th (\$125,000.00) Dollars per acre as part of the public facilities financing plan for the East Franklin Specific Plan Area. This is the value that all property owners in the East Franklin Specific Plan Area must accept as total compensation from the Cosumnes Community Services District ("the District") for the transfer of title to parkland in excess of the acreage otherwise required to be dedicated by this chapter.~~

~~B. The dollar value of "V" is subject to adjustment any time the East Franklin public facilities financing plan is being reviewed by the City and must be reviewed at least every three (3) years at the written request of the District or any property owner whose property is located within the boundaries of the East Franklin Specific Plan Area. At each review a new appraised or agreed-upon fair market value will be established for "V" by resolution adopted by the City Council following a noticed public hearing. If at the time the adjustment is being considered there are twenty-five (25%) percent or less of the Equivalent Dwelling Units (EDUs) approved for the East Franklin Specific Plan, the City Council in establishing a new value for "V" may deviate from the appraised or agreed-upon value if the City Council finds that the resulting in-lieu park dedication fee would be prohibitively high and thereby jeopardize the build-out of the planning area.~~

~~C. When a property owner in the East Franklin Specific Plan Area has been required to convey title to parkland acreage in excess of the acreage required to be dedicated by this chapter, the property owner must accept and shall be compensated for such over-dedicated parkland at the per acre value established pursuant to subsections (A) and (B) of this section. If the district has insufficient in-lieu parkland dedication fees collected from within the boundaries of the East Franklin Specific Plan Area to pay the full purchase price, or should those funds already be committed as hereinafter defined in subsection (F) of this section, the property owner must accept a noninterest-bearing promissory note from the district. Subject to the definition of "priorities" described in subsection (F) of this section, payments would be due semi-annually, but only from the uncommitted funds available in the in-lieu parkland dedication fee account established for the East Franklin Specific Plan Area.~~

~~D. When "V" is re-examined pursuant to subsection (B) of this section and there is an outstanding balance owed on a promissory note or notes after disbursement of all the funds in the in-lieu parkland dedication fee account established for the East Franklin Specific Plan Area and:~~

- ~~1. The new per acre dollar value of "V" is less than the dollar value of "V" when the note or notes were issued, then a "supplemental in-lieu parkland dedication fee" will be established at the same time the new dollar value of "V" is adopted; said fee to be paid at the time a final subdivision map or a development plan for a multifamily project is presented to the City for approval. The supplemental in-lieu parkland dedication fee will equal the total amount of the "shortfall," as defined in subsection (F) of this section, allocated to all unmapped lots and zoned multifamily property located within the boundaries of the East Franklin Specific Plan Area as they exist at the time the new dollar value of~~

~~"V" is established and will be paid on each future lot or multifamily unit in addition to the in-lieu parkland dedication fee or parkland dedication otherwise due in accordance with this chapter; or 2. The new per acre dollar value of "V" is more than the dollar value of "V" when the existing note or notes were issued, then an "in-lieu parkland dedication fee credit" will be established at the same time the new dollar value of "V" is adopted by allocating the "surplus," as defined in subsection (F) of this section, to all unmapped lots and zoned multifamily property located within the boundaries of the East Franklin Specific Plan Area as they exist at the time the new dollar value is established for "V." This credit will be applied or reimbursed at the time a final subdivision map or a development plan for a multifamily project is presented to the City for approval. A property owner dedicating parkland would receive the credit as a cash payment. If at the time of the parkland dedication there is insufficient or otherwise committed funds available in the in-lieu park dedication fee account for the East Franklin Specific Plan, the property owner must accept a noninterest-bearing promissory note from the district. Subject to the priorities described in subsection (F) of this section, payments would be due semi-annually, but only from the uncommitted funds available in the in-lieu parkland dedication fee established for the East Franklin Specific Plan Area.~~

~~E. When "V" is re-evaluated pursuant to subsection (B) of this section and designated parkland within the East Franklin Specific Plan has not been available for acquisition resulting in the accumulation of funds in the in-lieu parkland dedication fee account:~~

- ~~1. Based upon a dollar value of "V" which is less than the new established dollar value of "V," a "shortfall," as defined in subsection (F) of this section, will result, requiring a "supplemental in-lieu parkland dedication fee" be established at the same time the new dollar value of "V" is adopted; said fee to be paid at the time a final subdivision map or a development plan for a multifamily project is presented to the City for approval. The supplemental in-lieu parkland dedication fees will equal the total amount of the "shortfall" allocated to all unmapped lots and zoned multifamily property located within the boundaries of the East Franklin Specific Plan Area as they exist at the time the new dollar value of "V" is established, and will be paid on each future lot or multifamily unit in addition to the in-lieu parkland dedication fee or parkland dedication otherwise due in accordance with this chapter; or~~
- ~~2. Based upon a dollar value of "V" which is more than the new established dollar value of "V," then an "in-lieu parkland dedications fee credit" will be established at the same time the new dollar value of "V" is adopted by allocating the "surplus," as defined in subsection (F) of this section, to all unmapped lots and zoned multifamily property located within the boundaries of the East Franklin Specific Plan Area as they exist at the time the new dollar value is established for "V." This credit will be applied or reimbursed at the time a final subdivision map or a development plan for a multifamily project is presented to the City for approval. A property owner dedicating parkland would receive the credit as a cash payment. If at the time of the parkland dedication there are insufficient or otherwise committed funds available in the in-lieu park dedication fee account for the East Franklin Specific Plan, the property owner must accept a noninterest-bearing promissory note from the district. Subject to the priorities described in subsection (F) of this section, payments would be due semi-annually, but~~

only from the uncommitted funds available in the in-lieu parkland dedication fee account established for the East Franklin Specific Plan Area.

F. Definitions:

1. ~~The "priority" of all payments to be made by the district shall be established by the date of the promissory note. Notes first issued shall be paid in full before any payments are due to subsequent note holders. The district is obligated to make payments on any notes issued pursuant to this section only from the proceeds in the in-lieu parkland dedication fee account established for the East Franklin Specific Plan Area and from no other funds of the district.~~
2. ~~The "shortfall" is defined as either:
 - a. ~~The difference between the value of the number of acres represented by the unpaid balance owed on the promissory note or notes and the value of these acres at the new lower dollar value for "V"; or~~
 - b. ~~The difference between the value of the number of acres represented by the accumulated in-lieu parkland dedication fee and the value of these acres at the new higher dollar value for "V."~~~~
3. ~~The "surplus" is defined as either:
 - a. ~~The difference between the value of the number of acres represented by the unpaid balance owed on the promissory note or notes and the value of these acres at the new lower dollar value for "V"; or~~
 - b. ~~The difference between the value of the number of acres represented by the accumulated in-lieu parkland dedication fee and the value of these acres at the new higher dollar value for "V."~~~~

Section 22.40.045 shall be deleted.

~~22.40.045 Alternative calculation method.~~

~~A. This section specifies the alternative method to that specified in EGMC Section 22.40.035 for determining the factors used in calculating the area of land to be dedicated.~~

~~B. The City Parks and Recreation Department or any other local public agency providing parks may apply to the City Council for a determination of the standard for existing neighborhood and community park acreage. In its application, the agency shall present its calculations, reports and other evidence showing that the amount of existing neighborhood and community park area exceeds three (3) acres of park area per one thousand (1,000) members of the population of the City or applicable local agency providing parks. The calculation shall be derived pursuant to Section 66477(b)(1) of the Government Code.~~

~~C. If the City Council determines after a noticed public hearing that the standard for existing neighborhood and community park acreage exceeds three (3) acres of parks for one thousand (1,000) members of the population of the City or local public agency, it shall adopt a resolution setting such standard as~~

applicable as of that date to dedication or fees for maps in that jurisdiction. The resolution shall be transmitted to the Secretary of the Planning Commission, the Development Review Committee, and the requesting agency. Procedures shall then be initiated to include such standards into this chapter.

D. ~~The amount of land dedicated or fees paid in lieu thereof as a condition to the approval of a tentative map or parcel map in the jurisdiction of the local public agencies specified in this section shall be calculated using the following factors instead of those specified in EGMC Section 22.40.035.~~

Acreage Dedication Requirement	Fs (Single- Family)	Fm (Multiple- Family)	Fa (Apartment Cluster Condominium)	Fmh (Mobile Home)
5.00	0.0138	0.0104	0.0077	0.0086

Section 22.40.065 shall be modified as follows to clarify the allowance for privately owned and maintained park facilities.

22.40.065 Credit for privately owned facilities.

A. ~~The Council City may grant credit for privately owned and maintained open space or local recreation facilities, or both, in planned unit developments or residential townhouse units, or mobile home developments, or special planning areas; (as defined in the Zoning Code EGMC Title 23), and other forms of planned developments, provided that, for such property located within the Cosumnes Community Services District's jurisdiction, such credit determination shall be made in the joint discretion of the City and Cosumnes Community Services District. Such credit shall be subtracted from the dedication or fees, or both; subject to joint approval of the City and Cosumnes Community Services District, if such property is located within the Cosumnes Community Services District's jurisdiction, provided:~~

1. ~~Yards, patio court areas, setbacks, and other open space areas required by this title and the Zoning Code shall be maintained;~~
2. ~~Provision is made by written agreement or recorded covenants that the private areas be adequately maintained, consistent with City and Cosumnes Community Services District standards;~~
3. ~~The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the written consent of the Council City.~~

In the event park and recreation services and facilities serving the subdivision are provided by a public agency other than the City, such agency shall have the joint discretion to grant credit in accordance with this section. Any recorded covenant effectuating the terms of this section shall be enforceable by the City and the public agency that provides park and recreation services and facilities to the subdivision.

B. Land or facilities which may qualify for credit will generally include the following:

1. Open spaces, which are generally defined as parks and parkway areas, ornamental parks, extensive areas with tree coverage, lowlands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, ~~golf courses~~, or open areas on the site in excess of twenty thousand (20,000 ft²) square feet;
2. Court areas for tennis, badminton, shuffleboard or similar hard-surfaced areas designed and used exclusively for court games;
3. Recreational swimming areas defined as fenced areas devoted primarily to swimming and diving, including decks, lawn area, ~~bathhouses~~ user facilities (e.g., changing rooms/locker rooms, showers), or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen (15 ft²) square feet of water surface area for each three (3%) percent of the population of the subdivision;
4. Recreation buildings designed and primarily used for the recreational needs of the residents of the development;
5. Special areas defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake site or river beaches, improved access or right-of-way in excess of the requirements of EGMC Section 22.40.035, and similar types of open space or recreational facilities.

C. Credit provided under this section shall be limited to the local portion of the required parkland under EGMC Section 22.40.032 and shall not apply to the community and regional park component.

Section 22.40.085 shall be modified as follows:

22.40.085 Credit for park and recreational improvements and equipment.

A. If the subdivider proposes to receive credit for providing park and recreational improvements to the land the subdivider has dedicated, or equipment located thereon, the following procedure shall be followed. At the time of filing for the tentative map, the subdivider shall notify the local agency providing park and recreational services to the area within which the proposed development will be located that he or she intends to receive credit for park and recreational services to the area within which the proposed development will be located, and that he or she intends to receive credit for park and recreational improvements to the dedicated land and equipment located on that land. At the time of approval of the

tentative map, the amount of land to be dedicated necessary to comply with this chapter shall be calculated pursuant to EGMC Section 22.40.035 or ~~22.40.045~~. As a condition of approval of such tentative map, the developer shall be required to dedicate the calculated amount of land or its equivalent in fees or credits at the time of filing the final map, and the developer shall sign an agreement with the local agency stating that land, and any equipment located thereon, shall be calculated and dedicated at the time of approval of the final map in an amount equivalent to the current value, pursuant to EGMC Section 22.40.040 as established by an appraisal of the amount of land required to be dedicated as a condition of the tentative map.

B. Such land, improvements and equipment may be accepted by the local agency if such land, improvements and equipment complies with its master plan for that park. Immediately upon the approval or conditioned approval of the tentative map to the subdivider, the local agency providing parks shall initiate preparation of a master plan for the park area proposed to receive the credits. Such master plan shall be completed within the duration of the tentative map and not later than thirty-six (36) months from approval of the tentative map.

C. At the time of approval of the final map, the subdivider shall dedicate land to the local agency providing parks if such dedication is consistent with the master plan. The subdivider and the local agency shall enter into a credit agreement whereby the subdivider agrees to pay a fee in lieu of dedication of land, and provide a bond or other security acceptable to the City guaranteeing the subdivider will pay the fee, in the amount of the remainder of the obligation calculated pursuant to subsection (A) of this section. The subdivider then shall specify the improvements to the dedicated land together with equipment located thereon he or she wishes to provide, consistent with the master plan. The public agency shall proceed with a standard competitive bid process to arrive at the lowest responsible bidder for providing such improvements and equipment. Upon completion of the competitive bid process, the subdivider shall pay the fee, which shall be used to pay for such improvements and equipment. If no fee is paid, the bond or other security shall be used for such payment. The remainder of the fee or security, if any, shall be retained by the local agency.

D. If the developer and local agency agree to allow installation of park and recreational improvements and equipment located on the dedicated land, rather than providing a fee, bond, or other security pursuant to subsection (C) of this section, the developer may do so; provided, that such improvements are consistent with the park master plan. The amount of credit to be given shall be determined jointly by the local agency providing parks, the City, and the developer, based on evidence presented by the developer showing that such improvements were obtained and installed at a reasonable, competitive rate for the community. Only reasonable charges shall be eligible for credit under this section. The developer may choose to construct and provide such improvements and equipment only upon a showing to the City and local agency providing parks that such a procedure will not result in costs in excess of that obtainable by using a competitive bidding process carried out by the public agency, pursuant to subsection (C) of this section.

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 13-2016

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 13, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 27, 2016 by the following vote:


AYES : **COUNCILMEMBERS:** *Davis, Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California