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# Quimby Act Ordinance

City Council Meeting  
August 1, 2023



# BACKGROUND

- Government Code Section 66477 (also known as the "Quimby Act") authorizes the legislative body of a city to, by ordinance, require the dedication of land or payment of fees in lieu thereof ("Quimby Fees"), or a combination of both, for park and recreational purposes as a condition to the approval of any tentative map.
- On October 7, 2014, the Tulare City Council adopted a comprehensive General Plan for the City which includes an Open Space and Conservation Element. The City's Open Space and Conservation Element contemplates the City will adopt an ordinance pursuant to the Quimby Act (Implementation Measure COS-13) and provides policies and standards for parks and recreational facilities the dedication and fee requirements will ultimately provide.
- The City of Tulare Open Space and Conservation Element of the City's General Plan and the Parks Master Plan, set forth a recommended level of service and goal of the City to provide four acres of developed park area per 1,000 City residents.

# BACKGROUND

- As the City's population and subdivision development grew over the past several years, the City's Parks level of service (LOS) first declined from five to four acres per 1,000 residents. Now the current LOS is below four acres per 1,000 residents at approximately 3.29 acres per 1,000.
- Due to the existing LOS deficiency and continued inadequate park space provided with new development, there is a current and immediate need to create a new Chapter 8.26 to the Tulare Municipal Code.
- The enactment of this Chapter prevents new residential development from significantly further reducing the quality and availability of public services provided to residents of the City, by requiring new residential development to contribute to the cost of expanding the availability of park and recreational facilities and amenities in the City.

# PROPOSED QUIMBY ACT ORDINANCE

- The Quimby Act authorizes the City to require developers to provide up to five acres of park area (and/or Quimby Fees) per 1,000 residents if the current existing level of service for developed parkland exceeds four acres per 1,000 residents, or no more than three acres per 1,000 residents if the current existing service level of developed park area is less than four acres per 1,000 residents.
- Staff is recommending in the proposed Quimby Act Ordinance to require either three or four acres per 1,000 residents in a subdivision, with the amount determined based on the existing LOS in the City at the time a complete application for a subdivision is filed with the Planning Division.

# FORMULA TO CALCULATE AMOUNT OF PARKLAND DEDICATION

$$\begin{array}{l} \text{Number of} \\ \text{Dwelling Units} \end{array} \times \begin{array}{l} \text{Average Number} \\ \text{of Persons per} \\ \text{Dwelling Unit} \end{array} \times \begin{array}{l} .003 \\ (3 \text{ Acres per} \\ 1,000 \text{ Residents}) \end{array} = \underline{\text{Number of Acres to Dedicated}}$$

$$\begin{array}{l} \text{Number of} \\ \text{Dwelling Units} \end{array} \times \begin{array}{l} \text{Average Number} \\ \text{of Persons per} \\ \text{Dwelling Unit} \end{array} \times \begin{array}{l} .004 \\ (4 \text{ Acres per} \\ 1,000 \text{ Residents}) \end{array} = \underline{\text{Number of Acres to Dedicated}}$$

## EXAMPLE CALCULATION FOR PARKLAND DEDICATION

$$\begin{array}{l} 200 \\ \text{Dwelling Units} \end{array} \times \begin{array}{l} 3.52 \text{ Average Number} \\ \text{of Persons per} \\ \text{Dwelling Unit} \end{array} \times .003 \begin{array}{l} (3 \text{ Acres per} \\ 1,000 \text{ Residents)} = \\ \underline{2.1 \text{ Acres to Dedicated}} \end{array}$$

$$\begin{array}{l} 200 \\ \text{Dwelling Units} \end{array} \times \begin{array}{l} 3.52 \text{ Average Number} \\ \text{of Persons per} \\ \text{Dwelling Unit} \end{array} \times .004 \begin{array}{l} (4 \text{ Acres per} \\ 1,000 \text{ Residents)} = \\ \underline{2.8 \text{ Acres to Dedicated}} \end{array}$$

# FORMULA TO CALCULATE AMOUNT OF QUIMBY FEES IN-LIEU OF LAND DEDICATION

$$\begin{array}{rclclcl} \text{Number of} & & \text{Average Number} & & .003 & & \text{Land Acquisition} \\ \text{Dwelling Units} & \times & \text{of Persons per} & \times & \text{(3 Acres per} & \times & \text{Cost Per Acre} \\ & & \text{Dwelling Unit} & & \text{1,000 Residents)} & & = \\ & & & & & & \text{Total Quimby Fee} \end{array}$$

$$\begin{array}{rclclcl} \text{Number of} & & \text{Average Number} & & .004 & & \text{Land Acquisition} \\ \text{Dwelling Units} & \times & \text{of Persons per} & \times & \text{(4 Acres per} & \times & \text{Cost Per Acre} \\ & & \text{Dwelling Unit} & & \text{1,000 Residents)} & & = \\ & & & & & & \text{Total Quimby Fee} \end{array}$$

# EXAMPLE CALCULATION FOR QUIMBY FEES IN-LIEU OF LAND DEDICATION

$$\begin{array}{rclclcl} 200 & & 3.52 \text{ Average Number} & & .003 & & \$150,000^1 \text{ Land Acquisition} \\ \text{Dwelling Units} & \times & \text{of Persons per} & \times & \text{(3 Acres per} & \times & \text{Cost Per Acre} \\ & & \text{Dwelling Unit} & & \text{1,000 Residents)} & & = \\ & & & & & & \underline{\$316,800 \text{ Total Quimby Fee}} \\ & & & & & & \text{or } \underline{\$1,584 \text{ per dwelling unit}} \end{array}$$

$$\begin{array}{rclclcl} 200 & & 3.52 \text{ Average Number} & & .004 & & \$150,000^1 \text{ Land Acquisition} \\ \text{Dwelling Units} & \times & \text{of Persons per} & \times & \text{(4 Acres per} & \times & \text{Cost Per Acre} \\ & & \text{Dwelling Unit} & & \text{1,000 Residents)} & & = \\ & & & & & & \underline{\$422,400 \text{ Total Quimby Fee}} \\ & & & & & & \text{or } \underline{\$2,112 \text{ per dwelling unit}} \end{array}$$

<sup>1</sup> EXAMPLE ONLY. Based on recent sales & current listed prices for vacant land in Tulare developed or being considered for development of residential subdivisions.



# FORMULA TO CALCULATE COMBINATION OF LAND DEDICATION & QUIMBY FEES

$$\begin{array}{l} \text{Required Number of} \\ \text{Parkland Acres Per} \\ \text{TMC 8.26.060(A)} \end{array} - \begin{array}{l} \text{Parkland Acres} \\ \text{Actually Provided} \end{array} = \begin{array}{l} \text{Remaining Acres of} \\ \text{Parkland Needed} \\ \text{with Fees Calculated per} \\ \text{TMC 8.26.060(B)} \end{array}$$

# EXAMPLE CALCULATION FOR LAND DEDICATION & QUIMBY FEES

**2.1 Required  
Parkland Acres  
Per TMC 8.26.060(A)**

**- 1.0 Parkland Acre  
Actually Provided**

**= 1.1 Remaining Acres of Parkland  
Needed with Fees Calculated  
Per TMC 8.26.060(B)**

**Calculates to \$116,160 Total Quimby Fee  
or \$580.80 per dwelling unit @ 3.0 acres/1,000**

**2.8 Required  
Parkland Acres  
Per TMC 8.26.060(A)**

**- 1.0 Parkland Acre  
Actually Provided**

**= 1.8 Remaining Acres of Parkland  
Needed with Fees Calculated  
Per TMC 8.26.060(B)**

**Calculates to \$190,080 Total Quimby Fee  
or \$950.40 per dwelling unit @ 4.0 acres/1,000**

# RELATED ACTIONS & NEXT STEPS

- Parks Master Plan Update also being presented to City Council for adoption
- Development Impact Fees (DIFs) will have to be updated and ensure consistency with Quimby Act Ordinance regarding Parks DIFs

# ENVIRONMENTAL

- The proposed Quimby Act Ordinance is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Sections 15162 (Subsequent EIRs and Negative Declarations) and 15168(c)(2) (Program EIR Use with Later Activities).



# RECOMMENDED ACTION

- Pass-to-print Ordinance 2023-\_\_\_\_\_ providing for adoption and implementation of the proposed Quimby Act Ordinance, to be added as Chapter 8.26 of the Tulare Municipal Code.