

Attachment “A”

VOLUME: 2

ARTICLE 15: DEVELOPMENT

CHAPTER 17: PARKLAND DEDICATION

SECTION 1. ENACTMENT PROVISIONS

1.1. Popular Name

This Chapter shall be commonly cited as the “Parkland Dedication Ordinance.”

1.2. Purpose

This Chapter is enacted to enable the City of Dripping Springs to gain and maintain the following attributes of parkland:

- (a) Enhancement of the community’s quality of life, which embraces its livability, aesthetic integrity, and sense of community; and
- (b) Ecological and environmental preservation, biodiversity, improving water quality, air cleansing, aquifer recharge, and flood control; and
- (c) Scenic vistas unique to the Texas Hill Country; and
- (d) Facilities for active recreation and sporting events; and
- (e) Places for engaging in passive recreation; and
- (f) Economic contribution of parks to the vitality of the Dripping Springs business setting; and
- (g) Promote cultural, artistic and sporting endeavors.

1.3. Application

This Chapter applies to all property within the city limits and the ETJ. This Chapter applies to subdivision applications and requests for plat approvals submitted after the effective date of this Chapter. This Chapter applies to applications for which City approval is sought under the City’s Subdivision Ordinance, Volume 2, Article 15, Chapter 20, of the Code of Ordinances, as may be amended.

1.4. Exemptions:

1.4.1. **Statutory:** Properties that are subdivided for residential use where the lots parts

are greater than five (5) acres, and no public improvements are being made are not subject to the dedication of parkland or open space.

- 1.4.2. **Small Project:** Subdivisions generating five (5) LUEs or less is exempt from the dedication requirements in this Chapter. Applicants may not attempt to utilize this exemption by separating the project into a series of smaller projects. The exemption authorized by this Section may only be utilized once, and may not applied to subsequent divisions of the property. This exception applies to replats that do not increase the LUEs for the subdivision by 5 or more.

SECTION 2. DEFINITIONS

2.1. General

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2. Specific

All-terrain Bike Trails: All terrain bike trails are off-road trails that provide a single purpose and are usually located in larger parks and natural resource areas.

Applicant: A person or entity who submits to the City an application for an approval required by this Chapter. To be qualified as an Applicant under this Chapter, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Chapter. The term shall be restricted to include only the Property Owner(s), or a duly authorized agent and representative of the Property Owner. In other jurisdictions, the term is sometimes referred to as the “developer”, “subdivider”, “builder,” or other similar title.

City: The City of Dripping Springs, an incorporated municipality located in Hays County, Texas. Unless otherwise stated, the term includes both the city limits and the ETJ.

Community Park: The community park usually serves a broader purpose than other types of parks. The main focus is on meeting community-based recreation needs, as well as preserving unique landscapes and open spaces. The location of such parks is determined by the quality and suitability of the site. The community park usually serves

two or more neighborhoods and serves an area within one-half to three (½ - 3) miles of its location. The community park is sized to meet its needs and is normally between thirty to fifty (30-50) acres.

Connector Trails: Connector trails are multi-purpose and emphasize safe travel for pedestrians to and from parks and around the community. The focus of the trail is as much on transportation as it is on recreation. They are typically hard surfaced trails for pedestrians or bicyclist located in independent right-of-ways.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure on land. The term also includes any mining, excavation, landfill, or land disturbance.

Effective Date: The date upon which the City Council adopted the ordinance enacting this Chapter.

Elements within Dedicated Parkland: For purposes of designating sufficient land for park and recreational elements, the City recognizes the following minimum amount of open space for particular types of uses:

Elements	Acres
Children’s play apparatus area	.5 to .75
Landscape park-like quiet areas	.5 to 1.0
Family picnic areas	.25 to .75
Game court areas	.50 to 1.0
Turf playfield	1.50 to 3.0
Swimming pool with deck/lawn	1.00 to 2.00
Recreational center building	.15 to .50
Golf course	50 to 60

Any elements or improvements that are included in the dedicated parkland shall include any utilities that are necessary to safely operate and maintain the elements. Such utilities and their projected costs must be included in the preliminary and final plats and the proposed homeowners association documentation, or similar documentation, as presented to the City. Elements to be included in the dedicated parkland must be made clear to all prospective citizens of the land being subdivided.

ETJ: The Extraterritorial Jurisdiction of the City of Dripping Springs.

Greenways: Also referred to as greenbelts, a greenway is a series of connected natural areas where recreation and an appreciation of nature are among the primary values. The objective of greenways is to surround the proposed land development with a buffer of

trees and shrubs to shield the rear of one house from the rear of another and to shield the development from major streets. For the City to approve a greenway area for parkland, the land must also provide a substantial public use and one or more of the following:

- (a) contiguity to existing parks or open space areas;
- (b) major linkage between parks or other open spaces, greenways;
- (c) major off-street trail or pathway system which connects, or has the reasonable possibility of connecting to other such trails;
- (d) valuable pedestrian experience on its own; and/or
- (e) access to creeks or other natural protected areas for public benefit.

Greenways can consist of a combination of natural vegetation and man-made linkages that provide connections to many areas of the neighborhood that are not in close proximity to natural linkages. Greenways could be used to provide access to schools, parks, neighborhood shops and employment centers, as well as provide connections between neighborhood parks and other open space areas. Perimeter roads along one or both sides of a greenway are encouraged to provide easy access; public observation into the greenway for security; and to provide motorists with an aesthetic contrast to the built area it surrounds. The City encourages applicants to include trails within the greenways whenever possible. Such trails may include hard or soft nature trails for pedestrians; multipurpose hard-surfaced trails for pedestrians and bicyclists/in-line skaters; separate/single purpose hard-surface trails for pedestrians or bicyclist/in-line skaters. Trails in greenbelts should ideally connect to a larger park area within the green space to allow for a broader number of informal active and passive recreational activities.

LUE: Living Unit Equivalent, which for purposes of compliance with this Chapter, the average number of persons per dwelling unit in Dripping Springs and the Dripping Springs ETJ is hereby determined to be 3.5 persons per unit. This measure is consistent with those utilized by the Dripping Springs Independent School District. The City Engineer shall be the final arbiter of the amount of LUEs a project generates for purposes of this Chapter.

Mini-Park: Mini-parks are small areas typically an acre or less that are used to address limited, isolated or unique recreational uses or as adjuncts to other areas. They are typically less than one-quarter ($\frac{1}{4}$) mile in distance from a residential or commercial area.

Natural Resource Area: Certain lands within the City and its ETJ may be significant natural resources, remnant landscapes, open space and visual aesthetics. Such areas should become natural open space areas. The location and size are dependent upon the relative land and its location.

Neighborhood Park: The neighborhood park remains the basic unit of the park system and serves as the recreational and social focus of the neighborhood. Focus is on informal active and passive recreation. It is typically one-quarter to one-half ($\frac{1}{4}$ - $\frac{1}{2}$) mile distance

from all areas it serves and uninterrupted by non-residential roads and other difficult barriers. The site should be accessible from throughout its service area by way of interconnecting sidewalks. The minimum size is five (5) acres with five to ten (5-10) being optimal. “Left-over” parcels of land that are undesirable for development are generally undesirable for neighborhood parks as well and should be avoided. The shape of the parkland shall be conducive to meeting its purpose as a neighborhood park. There should be sufficient off-street parking, lighting for night safety and appropriate utilities to serve its users. Desirable views into and out of the park should have a unique character or experience and provide visibility of all recreational elements and facilities for security purposes.

Open Space: Open space is parkland that is to be kept essentially unimproved and dedicated for the public or private use. The primary functions of this type of parkland are the protection of hill country of scenic vistas, protection of quiet rural lifestyle, and conservation of native wildlife. Open space may feature but is not limited to minimal improvements such as walking trails, picnic sites and/or benches. Open space may include, but is not necessarily required to include land restricted by conservation easements.

P&Z: The Planning and Zoning Commission, a citizens advisory board appointed by the Dripping Springs City Council

PRC: The Parks and Recreation Commission, a citizens advisory board appointed by the Dripping Springs City Council.

Park Trail: Multiple purpose trails are typically located within greenways, parks and natural resource areas. The focus of the trail is on recreational value and harmony with surrounding natural environment. Trails may accommodate a variety of activities including, pedestrians, bicyclists and/or in-line skaters. The surfaces may be hard or soft depending upon their ultimate use. The size and location are dependent upon the ultimate use and available land within an area.

Parkland: Parkland is a platted tract of land designated and used for recreation or open space.

Plazas: A plaza is a form of open space that is typically urban in nature and occupies a smaller portion of a block than a square. Plazas are typically located at the intersection of major streets. They are bordered by civic uses, commercial activities, private buildings, and may include parking. These spaces may range from highly interactive areas with adjacent commercial uses such as retail shops and sidewalk cafes, to passive areas for sitting, reading and relaxation.

PRC: The Parks & Recreation Commission, a citizens advisory board appointed by the

Dripping Springs City Council.

Private Park Recreation Facility: Private park areas are privately owned yet contribute to the overall park and recreation system. The private park will vary in size and location and is typically built by a residential developer of land to be used by its homeowners.

Recreational Space: Recreational space is parkland that is intended for organized sporting events individual athletic exercise, playgrounds and leisure activities. Recreational space typically has improvements designed to accommodate these types of activities. Examples of uses of recreational space include but are not limited to ball fields, swimming pools, playgrounds, ball courts, picnic tables, cabanas, shelters, jogging tracks and other “Elements” as described above.

School Park: Depending upon the particular circumstances, the school park may serve to fulfill the space requirements for other classes of parks, such as neighborhood, community, sports complex and special use. The location of the school park is determined by the school district property and its size and shape. The school district and the City may share such areas, with public use after school hours.

Special Use: The special use park covers a variety of park and recreational facilities oriented toward a single-purpose use. The location and size depends upon the type of special use facility.

Sports Complex: A sports park consolidates heavily programmed athletic fields and associated facilities and is strategically located to serve a large community. Typically such an area is a minimum of twenty-five (25) acres, with forty to eighty (40-80) being optimal.

Squares: A square is a type of open space that may encompass an entire block. It is located at the intersection of important streets within the City or ETJ and is intended for civic purposes. The square is typically developed in a formal manner consisting of paved walks, lawns, trees, fountains, and may include civic buildings. The square is intended as a central gathering place for the community and should be designed to accommodate a wide variety of gatherings.

SECTION 3. DEDICATION

3.1.Required Dedications

3.1.1.An applicant who subdivides, or plats land under the City’s Subdivision Ordinance, Volume 2, Article 15, Chapter 20 of the Code of Ordinances, (excluding re-plats that do not increase the subdivision’s LUEs by 5 or more, or plat amendments) as may be amended, shall provide for the dedication or designation of land suitable for parkland and recreation purposes as defined in this Chapter. Prior to dedication by the applicant and acceptance by the City, the dedication must be deemed acceptable by

the City Council. Prior to determination by the City Council, a recommendation shall be sought from the City's Parks and Recreation Commission (PRC). With the approval of the City Council and PRC, required recreational areas and usable open space shall be dedicated either to the City, other governmental agency, non-profit organization or to a homeowners association or similar organization that has the right of ownership and control over such dedicated land. The parkland must be legally and practically accessible to the residents of the development out of which the required open space is taken or to the public if dedication of the parkland to the City is required, unless the City determines that public street access is unnecessary. The dedication of parkland shall apply to any applicants, except to those exempt under this Chapter, including those presenting re-plats.

- 3.1.2. The amount of land to be dedicated for parkland shall be calculated at a ratio shall of one (1) acre per twenty-five (25) LUEs for both residential and non-residential developments. which can be satisfied by either cash or land. If the City Engineer concludes that the amount of LUEs is not reasonably determinable at the platting stage, the exaction may be assessed at the Site Development stage of the permitting process.
- 3.1.3. The public parkland must have a dedicate a cleared access of at least twenty (20) feet in width from a publicly dedicated road.
- 3.1.4. All properties that are subdivided for residential use (excluding re-plats that do not increase the subdivision's LUEs by 5 or more, or plat amendments) including but not limited to single family residences, multifamily, condominiums, town homes and mobile home communities are subject to either a parkland dedication plan acceptable to the City or a payment of cash in lieu of designated parkland. Properties that are subdivided for commercial or mixed use shall be subject to parkland dedication or a payment of cash in lieu of designated parkland if the City determines that parkland or open space is needed in the commercial or mixed-use area pursuant to the goals of the Parks and Recreation Master Park Plan. The City shall consider the need for parkland within a commercial or mixed use area under the following circumstances:
 - (a) to protect a historic or environmentally sensitive area;
 - (b) to provide quiet space in an area that is congested and noisy or to buffer the commercial space from a quiet area;
 - (c) to provide pedestrian access to quiet space;
 - (d) to increase safety and deter a potential hazardous area;
 - (e) to enhance the aging conditions of a downtown or commercial area;
 - (f) to link the commercial area to a residential area;
 - (g) to beautify an area and/or limit the amount of impervious cover; and/or
 - (h) to facilitate drainage and/or to ease traffic congestion.

- 3.1.5. Land to be designated or dedicated as parkland must be suitable, usable and acceptable, in the opinion of the PRC, for active and passive recreational uses as determined by the City. In making this determination, PRC shall consider the assessment of the City Engineer, who shall evaluate the land offered for dedication in light of this Chapter and the Master Park Plan and make a written recommendation to the PRC. All land offered for dedication for park or recreational purposes shall have access to at least one existing or proposed public street. The City may waive this requirement if it determines that public street access is unnecessary for maintenance of the park area or greenway or use by residents.
- 3.1.6 An applicant who seeks site plan approval under the City's Site Development Ordinance, Volume 2, Article 15, Chapter 19 of the Code of Ordinances, as may be amended, for a project of 5 (five) or more LUEs, shall provide for the dedication or designation of land suitable for parkland and recreation purposes, or cash in lieu as defined in this Chapter. This provision applies to:
- (a) Residential projects that are: (1) Multi-Family or Condominium; and (2) have five (5) or more LUEs; and
 - (b) Non-residential projects greater than five (5) acres.

SECTION 4. CASH IN LIEU

- 4.1. When the City deems park land to be unacceptable, unavailable, or unsuitable based on the standards established by this Chapter for park purposes, and subject to review by the City Council, money in lieu of land shall be paid into a "Park Fund" to be established by the City of Dripping Springs. Such money shall be in an amount equal to the value of the amount of parkland acreage corresponding to the anticipated LUEs (as calculated under section 3.1.2 above).
- 4.2. The value of the parkland dedication shall be determined five (5) times the average appraised value of all the territory within the proposed subdivision in accordance with the most recent appraisal by the Hays Central Appraisal District. The appraised value shall be determined at the time the City receives the application for preliminary plat approval. The City shall employ the services of the appraiser. The preliminary plat fees paid by the applicant shall include an amount calculated to reimburse the City for the expense of the appraisal. If the City deems it acceptable based on the circumstances, the applicant may dedicate or designate parkland acreage combined with cash. The cash contributions shall be paid at or prior to the final plat approval. Whether the City approves parkland dedication or elects to require cash in lieu thereof, or a combination of both, shall be determined by consideration of the following:
- (a) The natural features, access and location of land in the subdivision available for dedication;

- (b) The size and shape of the subdivision and land available for dedication;
- (c) The compatibility of dedication with the City's Master Park Plan; and
- (d) The location of existing and proposed park sites, trail ways and greenways.

4.3. Applicants who propose to dedicate only private parkland (i.e., no public access) shall pay to the City an amount equal to fifty percent (50%) of the amount of the mandatory dedication determined in accordance with Section 3.1.2 (above) for deposit in the City's Parkland Fund for purposes of defraying the financial burden private subdivisions impose on public parks elsewhere in Dripping Springs. Value of the dedication provided under this Section shall be calculated as specified in sections 4.1 and 4.2, above.

4 . 4 . Cash contributions paid in lieu of dedicated parkland shall be expended by the City solely for acquisition, development or rehabilitation of parkland or improvements to existing parklands. The City must apply such payments in lieu on parkland or parkland improvements that will be of reasonable benefit to residents of the subdivision where the parkland was not dedicated by the applicant.

4 . 5 . Contribution made in lieu of parkland dedication must be deposited in an account maintained by the City exclusively for the funding of parkland acquisition or parkland maintenance or improvements. Contributions must be expended within ten (10) years for the acquisition, maintenance or improvements of parkland that benefits the applicant's subdivision. This period may be extended by up to five (5) years if the applicant's subdivision is less than fifty percent (50%) constructed, as determined by the City Engineer. If the contributions have not been expended during this period of time, the applicant may request a refund of the unexpended balance (if any) on an annual pro rata basis. If during the period provided by this section the plat is vacated or replatted for a less-intense use, the applicant may request a partial refund of the unexpended balance (if any) on an annual pro rata basis. If during the period provided by this section the plat is replatted for a more-intense use, the City may require additional cash in lieu based on the revised anticipated number of LUEs (under Section 3 above). Such refund request must be submitted in writing to the City within six (6) months of eligibility for the refund.

SECTION 5. CRITERIA FOR DEDICATION

5.1. At least one parcel to be dedicated must be of acceptable shape and contain a minimum of twenty percent (20%) of the total parkland acreage to be designated. Acceptable shape shall mean the land or open space is sufficiently useable for recreational activities such as children's play areas, family picnic areas, game court areas, turf fields, swimming pools and other recreational facilities.

5 . 2 . Not more than fifty percent (50%) of the total acres to be dedicated as parkland may

include usable, as determined by the City Engineer, greenways, drainage easements, conservation easements, and other unique natural features that are contiguous and form links and/or a network of greenbelts and trails and are accessible to users of the parkland.

- 5.3. Not more than fifty percent (50%) of the total acres to be dedicated as parkland shall be on land that is in the floodplains or critical water quality zones. No parcel within this area may be less than one acre. All land within this area must have less than a ten percent (10%) slope. Any land that is within a floodplain or critical water zone must be useable as determined by the City engineer.
- 5.4. None of the total acres to be dedicated shall be comprised of land that is platted solely as right-of-way easements or required setbacks. It shall be acceptable for utility lines to run underneath parkland.
- 5.5. Applicant for a plat shall provide the water, wastewater, and electric utilities to the dedicated parkland that is appropriate and suitable, as determined by the City, for the parkland and the recreational elements contained within such land.
- 5.6. Areas to be dedicated as parkland or open space to the City shall be graded by the developer to their design rough grade as a part of any over-lot grading of the divided land. Additionally, vegetative cover shall be provided to ensure stabilization and prevent erosion until finish grading and parkland development occurs. These requirements may be waived or modified by the City to accommodate timing of park improvements. The developer shall not disturb the topsoil or vegetation on the land during the development process unless approved in advance by the City. If the topsoil or vegetation is damaged or disturbed, the City may require the developer to restore such vegetation and topsoil unless the City Engineer determines that such damage or disturbance is consistent with the City's development plans for parkland and/or parkland maintenance.
- 5.7. The construction and final subdivision plat shall clearly show the area proposed to be dedicated as park land under the provisions of this Chapter.
- 5.8. The applicant has the duty to submit with the subdivision plat for a multi-family residential development information concerning the numbers of units, and should he or she fail to do so, the P&Z shall make an assumption of the highest density that would be allowed in such multi-family residential district for the purposes of calculating park land requirements.
- 5.9. The dedicated land required hereby shall be well-drained, relatively level in areas that are proposed for active park uses, and shall be suitable for appropriate recreational and leisure activities such as hiking, bicycling, picnicking and wildlife observance. All park land offered for dedication under this Section shall meet the requirements for location and for physical land characteristics outlined in the Park and Open Space Plan. Areas having environmentally sensitive ecosystems, attractive views, topographical interest or unique natural features shall

be preferred and encouraged for park land dedication. Areas which are relatively featureless, barren of natural trees and vegetative cover, and which are not physically attractive in some other way, may not be typically acceptable. Drainage areas may be accepted if the channel is to essentially remain in its natural state, and if any proposed pathways, landscaping, irrigation systems, and other improvements are constructed in accordance with City standards and in keeping with the character of the area.

- 5 . 10 . Public Park Access.** Public park land shall be easily accessible for the public and open to public view so as to benefit area residents, enhance the visual character of the City, protect public safety, and minimize conflicts with adjacent land uses. A proposed subdivision adjacent to a public park or open space area shall not be designed to restrict reasonable access or visibility into the park (for example, shall not have many lots backing to the park land). Street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas. Proposed access and public availability, both physical and visual, of park land shall be approved by the City Council.
- 5 . 11 .** In any instance where acreage is dedicated as a park or greenway under this Chapter to the City, the County or a homeowners association, the dedicating party must also dedicate a cleared access of at least twenty (20) feet in width from a publicly dedicated road to the park or greenway acreage. The City may waive this requirement if it determines that public street access is unnecessary for maintenance of the park area or greenway or use by residents.

SECTION 6. DOCUMENTATION REQUIREMENTS

- 6.1.** The land to be designated as parkland must be shown on the preliminary plat and final plat and if possible, on the concept plan. If the project is built in phases, designated parkland for the entire development shall be shown on the preliminary plat and final plat for all phases. The applicant shall show the area designated as parkland or in the narrative portion of the plat where the applicant dedicates the land, easements, right-of-ways, etc. to the property owners association, a non-profit trust for public lands, the homeowners association or to the City, if the City so requests to be the owner of the parkland. The developer of the land shall make a well defined presentation to the Parks and Recreation Commission showing all aspects of the parkland to be designated, including but not limited to the entire park site, materials to be used, use of the materials, park improvements, topographic contours, and metes and bounds described in measurements. Any playground equipment and all other site improvements must be approved by the City and must meet the safety standards set by the US Consumer Product Safety Commission and the National Playground Safety Institute. The applicant shall require such safety standards to be included in the homeowner's association agreement, if applicable. Adequate documentation shall also be provided in the presentation to the Parks and Recreation Commission.
- 6.2.** An applicant for a plat must provide the City with adequate documentation and assurances that land dedicated for parkland shall be so designated in perpetuity unless otherwise expressly authorized by the City. Documentation must be provided to the City demonstrating that any non-governmental entities accepting the dedication of land for parks or open space has adequate funding for the continued care and maintenance of the property for its dedicated purpose(s). A copy of the homeowners' association agreement or similar agreement must be delivered to the City at the time of the preliminary plat. Such association may be capable of dissolution only by a seventy- five (75%) affirmative vote of membership and approved by the City, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities. Use of the dedicated parkland or open space shall be restricted for park and recreation purposes by recorded covenant which runs with the land in favor of current and future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor. Covenants for park or recreation facilities shall be submitted to the City prior to approval of the final plat and shall be recorded contemporaneously with the final plat. Certain open space requirements found in other City ordinances may apply.

SECTION 7. AG FACILITY FEES

7.1. Purpose

The purpose of the Ag Facility Fee is to provide funding for the acquisition, development, improvement, and/or maintenance of community agricultural facilities. These facilities

are intended to support and further the educational objectives promoted by such programs as the Future Farmers of America (FFA) and 4-H Clubs. New development in and near the City generates a need for added facilities and an increased demand upon existing facilities. The imposition of an Ag Facility Fee upon such new development is necessary to provide funding for such new or improved facilities meeting established standards for such new development.

7.2. Definitions

Agricultural Facilities: Improved real property utilized for the containment or shelter of livestock and farm animals. The term includes pens, barns, arenas, pastures, ect.

7.3. Use of Ag Facility Fee

The Ag Facility Fee imposed pursuant to the provisions of this Chapter is limited to funding the acquisition, development, improvement and/or maintenance of community agricultural facilities as identified in the City's General Plan as adopted by the City Council and as may be amended from time to time. The City is authorized to make appropriations to one or more City funds to pay for agricultural facilities owned and operated by the City or a designated entity pursuant to an interlocal agreement.

7.4. Payment Required

An applicant who subdivides, or plats land under the City's Subdivision Ordinance, Volume 2, Article 15, Chapter 20 of the Code of Ordinances, (excluding re-plats that do not increase the subdivision's LUEs by 5 or more, or plat amendments) as may be amended, shall provide for community agricultural facilities by one or a combination of more than one of the following means:

- (a) Payment to the City of an Ag Facility Fee in accordance with the schedule of fees adopted by City Council;
- (b) Dedication of real property (in fee simple or through a perpetual public surface easement) to the City or an entity designated by the City for Ag Facility-related purposes.

7.5. Dedication and/or improvement in Lieu

In lieu of payment of all or a portion of the Ag Facility Fee or land dedication described in section 7.4 (above), the following may be accepted by City Council:

- A. Dedication of Improvements

In lieu of payment of all or a portion of the Ag Facility Fee, improvements to an

existing agricultural facility may be dedicated to the City for recreational purposes. Whenever a developer determines to dedicate improvements in lieu of payment of the Ag Facility Fee, a written application shall be made to the City Administrator describing the improvements to be made to receive credit for the Local Ag Facility Fee. The City Administrator shall prepare a report to the City Council regarding the proposed dedication of improvements.

B. Report to City Council

The report to the City Council from the City Administrator shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication of improvements:

1. The improvements to be dedicated are for a community agriculture facility identified in the City's General Plan.
2. The improvements to be dedicated are valued at the same or more than the Ag Facility Fee or portion thereof which would otherwise be imposed on the development.

7.6. Payment of Ag Facility Fees

Fees required by this section shall be paid prior to approval of final plat.

7.7. Exemptions

The following are exempt from the application of this Subchapter 7:

- (a) Applicants developing subdivisions that allow residents to keep livestock and farm animals on individually-owned, single-family residential lots in the subdivision.
- (b) Applicants developing subdivisions that include agricultural facilities located in the subdivision that shall be available to residents of the subdivision.
- (c) Applicants developing subdivisions that for solely non-residential uses.
- (d) Applicants that are city, county, state or federal government agencies.

7.8. Appeals

Any person aggrieved by the computation of fees pursuant to this section shall have the right to appeal to the City Council. The appeal shall be taken not later than thirty (30) days from the date the person is informed of the computation of the fees under this section. Failure to appeal within the thirty (30) day period shall be deemed a waiver of all rights of appeal under this section.