

RESOLUTION NO. 20220407-042

WHEREAS, the City Charter, Article V stresses the importance of the provision of parks and recreational facilities; and

WHEREAS, provision of adequate parks and recreation facilities plays a major role in achieving the six key City goals established in the Imagine Austin Comprehensive Plan: 1) Preserving Livability; 2) Expanding Transportation Choices; 3) Tackling the Ethnic Divide; 4) Protecting our Natural Resources; 5) Promoting Prosperity for All; and 6) Collaborating Regionally; and

WHEREAS, parks provide recreational opportunities, create community, preserve the City's character and natural resources, increase transportation opportunities, and keep Austin beautiful; and

WHEREAS, park trails and greenbelts expand multi-modal access to transportation across the city; and

WHEREAS, parkland provides relief from urban life, green space to those who do not have access to a yard, opportunities to gather and recreate, and numerous physical and mental health benefits; and

WHEREAS, investing in parkland in historically underserved areas is investing in the physical and mental wellbeing of those residents; and

WHEREAS, Austinites have a strong connection to nature and consider the trails, greenways and parks 'a core part of what makes Austin special'; and

WHEREAS, Austin's parks help Austin attract high-tech industries, creative professionals, and local entrepreneurs alike; and

WHEREAS, parks are key to addressing regional challenges such as transportation, water resources, growth and development, climate change, environmental protection and economic prosperity; and

WHEREAS, the St. David's Healthy Parks Plan for Travis, Bastrop and Caldwell counties confirms that parks are essential to public health for the Central Texas region and provides recommendations for expanding park service; and

WHEREAS, the Parkland Dedication Ordinance helps the Parks and Recreation Department (PARC) provide critical park service to the people of Austin in accordance with goals and mandates set forth in the City Charter, Imagine Austin Comprehensive Plan, the PARC Long Range Plan, and various Council resolutions; and

WHEREAS, the City passed its first Parkland Dedication Ordinance in 1985, updated it in 2007 and again in 2016; and

WHEREAS, in 1984, the Texas Supreme Court ruled parkland dedication to be constitutionally legal and regulating laws stipulate that parkland dedication requirements imposed on a developer should be "roughly proportional" to the increased demands of the proposed development on a city's park system; and

WHEREAS, parkland dedication helps PARC to comply with Resolution No. 20091119-068 to provide parks within a walking distance of all of the people of Austin, defined by a park service area of ¼ mile in the urban core and ½ mile outside the urban core along a street network; and

WHEREAS, Resolution No. 20120301-051 establishes that families and children are critical to the growth, diversity, vibrancy and economic vitality of the City and directs PARC to adopt the Urban Infill Park Initiative Implementation

Plan developed by the Urban Parks Stakeholder Workgroup, of which Parkland Dedication is an essential contributor; and

WHEREAS, accessibility to parks, trails, and recreational opportunities is identified as a key Council Priority within the Strategic Direction 2023 and the City continues to underperform our goals; and

WHEREAS, currently PARD is able to expand access to parks and increase its service area through parkland dedication requirements on residential and hotel/motel uses in the city which recognize the stress these new developments place on our parks system; and

WHEREAS, currently office, industrial and commercial developments located in park deficient areas, along greenbelts or adjacent to parks are not subject to parkland dedication requirements; and

WHEREAS, parkland dedication provides an opportunity to ensure that Austin stays competitive in attracting jobs nationwide by providing high-quality parks, trails, natural spaces and recreational opportunities that are critical for physical and mental well-being as well as maintaining a healthy work-life balance; and

WHEREAS, there are long-term economic and health benefits of providing active and passive recreational opportunities adjacent to places of employment and retail space; and

WHEREAS, in the PARD Long Range Plan, community stakeholders identified trails as a number one priority for park planning and development initiatives and highlighted the Parkland Dedication Ordinance as an essential tool to expand the parks system; and

WHEREAS, some, but not all, critical gaps in Austin’s recreational and transportation trail networks can be addressed through the Parkland Dedication Ordinance on residential and hotel/motel site development permits; and

WHEREAS, many new commercial projects may be located along greenbelts and planned trails where the City seeks to expand and complete Austin’s trail infrastructure; and

WHEREAS, many critical connections trails and greenbelts are adjacent to or located on private land hampering the City’s ability to provide valuable bike and pedestrian opportunities across the city; and

WHEREAS, currently PARD is not able to close critical gaps in park and trail infrastructure without negotiating for land on new commercial development sites from willing sellers, even in undevelopable sections of the commercial properties; and

WHEREAS, expanding the parkland dedication ordinance to include office, industrial and commercial would have the dual benefit of closing critical gaps to expand park service in accordance with Council direction as well as address the legitimate impact of the commercial occupants on the adjacent park system; and

WHEREAS, over the last 20 years, nearly 80% of PARD’s investment through land acquisition and parkland development has been in the Eastern Crescent; and

WHEREAS, parkland dedication funds can be leveraged with bond funding to be invested in historically park deficient neighborhoods; and

WHEREAS, providing a park or trail through parkland dedication ensures the preservation of that natural recreation space for generations into the future, which in turn preserves critical green infrastructure such as trees and pervious surface so that the natural environment can continue to provide clean air and water; and

WHEREAS, the current Parkland Dedication Ordinance recognizes the nexus of the demand placed on our parks system by new residential development and hotel visitors, but does not capture the impact from new commercial development, thereby placing a disproportionate burden on residential and hotel development costs; and

WHEREAS, on February 25, 2020, the Parks and Recreation Board passed Recommendation 20200225-B3, which included the provision that commercial developments be subject to parkland dedication requirements; and

WHEREAS, the Parks and Recreation Department conducted a study outlining the applicability of said provision to expand the Parkland Dedication Ordinance to commercial developments, as well as a methodology by which it may be adopted; and

WHEREAS, the methodology involves quantifying the demand for public parkland based on workforce growth, and calculates requirement levels based on the cost of satisfying that increased demand; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

City Council initiates code amendments to the Parkland Dedication Ordinance in City Code Chapter 25-1 (*General Requirements and Procedures*) to require parkland dedication for office, industrial, and commercial developments.

The City Council directs the City Manager to engage with stakeholders as part of developing this code amendment and to place the code amendment on an upcoming Council agenda that provides Council with sufficient time to adopt the ordinance and place the fee into the Fiscal Year 2023 budget.

BE IT FURTHER RESOLVED:

The City Manager is directed to establish the legally required nexus, or to come back to City Council, if necessary, to get the required resources to be able to establish the legally required nexus between office, industrial and commercial developments and increased demand for parkland.

The City Manager is further directed, as a part of the code amendment and stakeholder process, to gather input from (without limitation) parks advocates and entities anticipated to pay to the city the proposed exactions or fees on issues such as:

- Potential formula for fees or exactions for office, industrial and commercial developments;
- How and at what amount any such initial fees or exactions might be set;
- The timing of when fee and exactment schedules are to be updated or reviewed, development projects are assessed, and when those fees or exactions are due;
- Whether, and in what ways and levels, any fee or exaction on office, industrial and commercial developments would allow the City to maintain existing levels of park service; and

- How any proposals interact with our existing residential parkland ordinance requirements, including within mixed use scenarios.

ADOPTED: April 7, 2022

ATTEST:



Myrna Rios
City Clerk