

## Mandatory Dedication of Parkland

### A White Paper for the Lebanon County Comprehensive Plan

#### Purpose

Lebanon County has not completed an inventory of parks since its 1974 Open Space and Recreation Plan. The County is now updating its comprehensive plan and incorporating a new plan for open space, greenways, and recreation. During the initial phase of the planning process, interviews with local officials, municipal managers, and recreation advocates revealed that the municipalities of Lebanon County are not taking full advantage of their authority to require the dedication of land during the land development process. As a result, municipalities are not accumulating parkland through this no-cost-to-acquire method. This white paper cites the authority and requirements for municipal mandatory dedication and analyses the recreational parkland requirement based on population projections developed for the comprehensive plan, and makes recommendations that all municipalities adopt or revise their mandatory dedication provisions in order to preserve and develop land for recreation. The attachment provides information on adopted mandatory dedication ordinances in Pennsylvania.

#### Authority

The Mandatory Dedication of Parkland provision in the Pennsylvania Municipalities Planning Code (MPC) is a powerful planning tool that enables communities to acquire parkland or develop recreation facilities at no cost through the land development process.

#### **Municipalities Planning Code Article V Section 503 (11)**

(11) Provisions requiring the public dedication of land suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval, provided that:

(i) The provisions of this paragraph shall not apply to any plan application, whether preliminary or final, pending at the time of enactment of such provisions.

(ii) The ordinance includes definite standards for determining the proportion of a development to be dedicated and the amount of any fee to be paid in lieu thereof.

(iii) The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities accessible to the development.

(iv) The governing body has a formally adopted recreation plan, and the park and recreational facilities are in accordance with definite principles and standards contained in the subdivision and land development ordinance.

(v) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.

(vi) A fee authorized under this subsection shall, upon its receipt by a municipality, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

(vii) Upon request of any person who paid any fee under this subsection, the municipality shall refund such fee, plus interest accumulated thereon from the date of payment, if the municipality had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.

(viii) No municipality shall have the power to require the construction of recreational facilities or the dedication of land, or fees in lieu thereof or private reservation except as may be provided by statute.

# ***Mandatory Dedication of Parkland***

## **Parkland Dedication**

The Pennsylvania Municipalities Planning Code allows a municipality to enact language in the subdivision/land development ordinance requiring the dedication of land for recreational purposes. As an alternative, and if the municipality and the developer agree, the development may accomplish one or more of the following in place of public land dedication:

1. Construct recreational facilities,
2. Pay fees in place of land dedication, or
3. Reserve land in private ownership.

## **Standards**

In 1983, the National Recreation and Park Association (NRPA) published standards and guidelines for parks and recreation services. In its classification system, NRPA outlines a range of traditional parks and recreation areas, as well as special purpose facilities, such as historic parks, waterfront parks, riverwalk parks, athletic parks, cultural parks, aquatic parks, etc. It notes that the diversity of park types offers a wide range of recreation environments, but that the provision of basic park and recreation areas is most important; other types supplement and enhance recreational opportunities for special interests. In addition, "geographic location, demographics, economic base, and history are important variables that influence the availability of resource patterns" to meet recreation needs. Yet, these should not outweigh the primary need to provide basic recreation opportunities. Furthermore, a community should have a number of different types of parks - not a single large park - that together meet standards for acreage and diversity of recreational opportunities.

With this background, NRPA recommended that "a park system, at a minimum, be composed of a core system of parklands, with a total of 6.25 to 10.5 acres of developed open space per 1,000 population." This core system would be comprised of traditional mini-parks, neighborhood parks, community parks, regional parks, and regional park reserves. "The size and amount (number) of "adjunct" (or special use) parks would vary from community to community" but must be considered when accounting for the total of all park and recreation areas. Since its publication, this standard has been widely interpreted by community and recreation planners as 10 acres per 1,000 population.

In 1996, NRPA updated its standards and guidelines. It attempted to present a more community-based approach to determining the appropriate acreage for parkland and diversity of recreational opportunities. While many communities recognized the flexibility in this approach, others longed for a simple standard. Reluctantly, the editors published a standard of 10 acres per 1,000 population, noting that this should be the starting point for community discussion of parkland needs. Some communities rich in resources (natural and historic, as well as staff and volunteer) may find that a much higher acreage meets their needs for parkland and open space. Other communities with fewer resources may determine that a lower figure is suitable. Due to Lebanon County's abundant, high quality natural and cultural resources, the higher end of the original parkland standard, 10.5 acres per population, is noted here as the minimum parkland standard for the purposes of this analysis. Further consideration of the parkland standard will be given in the recreation profile and plan.

## **Requirements**

In order to impose mandatory dedication requirements in Pennsylvania, the municipality must meet the following standards:

1. The ordinance must include "definitive standards" for amounts of land or fees to be dedicated. The generally accepted standards are those set forth through the recreation planning process identified by the National Recreation and Park Association. For over 30 years, these standards equated to a minimum of 10.5 acres per 1,000 population. Since then, many trends in parks and recreation occurred that merit consideration of raising this standard including new sports emerging such as soccer, lacrosse and field hockey; sports moving from one traditional season to year round play; more girls playing; people playing at younger and older ages, and a healthy aging population who are more involved in active lifestyles. In 1996, the NRPA updated the recreation planning process to encourage municipalities to plan for a standard that meets the true community need. In other words, recreation planning should respond to the local needs for specific types of recreation facilities based on the interest and well-being of residents, not just the land required for "all-purpose" play. Therefore, fees and other alternatives to land dedication should respond to these local needs.
2. The land or fees shall only be used to provide facilities "accessible" to the development.
3. There must be an adopted recreation plan.

4. The amount and location of land or fees must bear a “reasonable relationship” to the use of facilities by future inhabitants.
5. Fees from each development shall be designated for specific recreation facilities and shall only be spent for those facilities.
6. If the municipality does not use the fees within three years after they are paid, the person who paid the fees may, upon request, receive a refund including interest earned.
7. The municipality cannot require the dedication of land, fees, or facilities except in accordance with these standards.

**Land Suitability**

Land to be dedicated should meet the municipal or county standards to ensure that it is usable for recreation and accessible to the residents.

All land set aside for recreation should be suitable to serve the purpose of the recreation needs. The size, shape, location, and topography should be evaluated by the local parks and recreation board, elected officials, and if in conjunction with Lebanon County, with county planners.

Local communities could identify the major vacant parcels in their community and evaluate them according to criteria that the community develops for recreation land. The municipality could use these evaluations when the jurisdiction moves ahead with acquiring parkland through outright purchase, mandatory dedication of parkland, conservation by design land planning or other techniques.

**How Mandatory Dedication of Parkland Works**

A municipality’s future need for parkland and recreation facilities depends on future population growth. The formula for setting the requirements does not attempt to place the burden of meeting past recreational needs on new development.

Using the 10.5 acres per 1,000 residents as the standard and the population projections developed for the Lebanon County Comprehensive Plan, the following table shows the projected need for parkland. If every jurisdiction were to adopt a mandatory dedication ordinance with this standard, the jurisdictions of Lebanon County would be able to add a minimum of 207 acres of parkland by 2020 at virtually no cost. The value of this based upon an estimated \$50,000 per acre would be \$10,368,000.

Year	Population	Population Increase	Additional Amount of Parkland Needed Based on 10.5 Acres Per 1,000 Population
2000	120,327		
2010	130,682	10,355	108.73
2020	140,075	9,393	98.63
TOTAL		19,748	207.36

Source: Yost-Strodiski-Mears and Toole Recreation Planning

**Mandatory Dedication of Parkland for Commercial Development**

The PA MPC does not distinguish between residential development and other types of development with regard to mandatory dedication. While most municipalities enforce their mandatory dedication requirement only on residential land development submissions, many municipalities in Pennsylvania have been enacting mandatory dedication of parkland ordinances for commercial development as well. This has resulted in the generation of significant revenues for parkland and recreation facilities in these communities.

## Mandatory Dedication of Parkland

### Mandatory Dedication in Lebanon County Municipalities

There are ten municipalities in Lebanon County that have mandatory dedication provisions in their ordinances; the remaining 16 municipalities have no provisions for recreation or open space land dedication. The following are examples of the standards in the adopted provisions in Lebanon County.

Municipality	Land Area Requirement	Fee-In-Lieu Option
Annville	(Fee only)	\$175 per dwelling unit
Cornwall	0.029 acres/dwelling unit	Fee – equivalent to fair market values of equivalent land as developed or improved property
N. Cornwall	0.029 acres/dwelling unit	Fee – based on number and market value of lots in development for single family developments, and on number units and number of bedrooms per unit for multi-family development
N. Lebanon	(Fee only)	\$1,250 per residential lot
S. Lebanon	0.025 acres/dwelling unit	\$1,225 per residential lot
Bethel	0.06 acres/dwelling unit	Fee – equivalent to the value of the lots or land being developed
Jackson	0.029 acres/dwelling unit	Fee – equivalent to fair market values of equivalent land as developed or improved property
Swatara	0.054 acres/dwelling unit	\$750 per residential lot
Union	0.051 acres/dwelling unit	Fee – based on proportional fair market value of land; or \$750 per residential lot if not appraisal is available; 3% for non-residential development
S. Londonderry	Sliding scale based on units in subdivision	\$1,200 per single family attached or detached dwelling unit to be adjusted annually; multi-family developments to contain and maintain their own recreation facility

Source: Lebanon County Planning Department; Municipalities

### Recommendations

1. The municipalities of Lebanon County should consider enacting a mandatory dedication of parkland ordinance as soon as they can. Since a park and recreation plan needs to be in place in order to set the standard for parkland, municipalities should move ahead in developing at least a “mini plan.” A mini plan is a brief assessment of available facilities and needed improvements or acquisitions, documented in a comprehensive plan or in a separate study. Alternatively, municipalities should consider adopting the county park, recreation and open space plan as their own.
2. Consider establishing a parkland standard of at least 10.5 acres per 1,000 population and preferably higher to meet the true need of active engaged citizens.
3. Set the fee-in-lieu of dedication in accordance with market value rather than as a set fee. Since land values change, the fee should be adapted as land values change. This approach has been used in the Pocono Mountain area, where development activity has been rapid and market values have been increasing.