



# **CITY OF PLACERVILLE**

## **QUIMBY LAND DEDICATION REQUIREMENT AND IN-LIEU FEE STUDY**

NOVEMBER 2017  
FINAL REPORT V1.1

PREPARED FOR:

**CITY COUNCIL  
CITY OF PLACERVILLE**

PREPARED BY:

  
**SCIConsultingGroup**

4745 MANGELS BOULEVARD  
FAIRFIELD, CALIFORNIA 94534  
PHONE 707.430.4300  
FAX 707-430-4319  
[www.sci-cg.com](http://www.sci-cg.com)

(THIS PAGE INTENTIONALLY LEFT BLANK)

**CITY OF PLACERVILLE**

---

**CITY COUNCIL**

John Clerici, Mayor  
Wendy Thomas, Vice-Mayor  
Mark Acuna, Councilmember  
Patty Borelli, Councilmember  
Trisha Wilkins, Councilmember

**PLANNING COMMISSION**

Peter Wolfe, Chairperson  
Daniel Robey, Vice-Chairperson  
Michael Frenn, Commissioner  
John List, Commissioner  
George Lowry, Commissioner

**RECREATION AND PARKS COMMISSION**

Jack Neau, Chairperson  
Peter Nolan, Vice-Chairperson  
Jerry Barton, Commissioner  
Andrew Mathews, Commissioner  
Richard Zito, Commissioner

**CITY MANAGER**

Cleve Morris

**DIRECTOR OF COMMUNITY SERVICES**

Steve Youel

**DIRECTOR OF COMMUNITY DEVELOPMENT**

Pierre Rivas

**DIRECTOR OF FINANCE**

Dave Warren

## ACKNOWLEDGMENTS

---

This Park Impact Fee Nexus Study was prepared by SCI Consulting Group in conjunction with the Parks and Recreation Master Plan Update 2017 prepared by Foothill Associates. The work was accomplished under the general direction of Steve Youel, Director of Community Services for the City of Placerville.

We would like to acknowledge the special efforts made by individuals and organizations to this project:

Kate Kirsh, Foothill Associates

Paul Weller, Foothill Associates

Andrew Painter, City of Placerville

## TABLE OF CONTENTS

---

<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
INTRODUCTION .....	1
SUMMARY OF KEY FINDINGS.....	1
SUMMARY OF GENERAL RECOMMENDATIONS.....	2
<b>DETERMINATION OF QUIMBY LAND DEDICATION REQUIREMENT</b> .....	<b>4</b>
QUIMBY LAND STANDARD.....	4
DWELLING UNIT OCCUPANCY FACTOR .....	4
QUIMBY DEDICATION REQUIREMENT .....	6
<b>DETERMINATION OF THE QUIMBY IN-LIEU FEE</b> .....	<b>7</b>
FAIR MARKET LAND VALUE FOR PARKS .....	8
<b>IMPLEMENTATION</b> .....	<b>9</b>
ADOPTION REQUIREMENTS.....	9
USE OF QUIMBY IN-LIEU FEES .....	9
ACCOUNTING REQUIREMENTS .....	10
<b>APPENDIX A – CALIFORNIA GOVT. CODE § 66477 (“THE QUIMBY ACT”)</b> .....	<b>11</b>

## LIST OF FIGURES

---

FIGURE 1 – QUIMBY DEDICATION REQUIREMENT .....	2
FIGURE 2 – QUIMBY IN-LIEU FEE .....	2
FIGURE 3 – DWELLING UNIT OCCUPANCY FACTOR (CITY OF PLACERVILLE).....	5
FIGURE 4 – JUSTIFIED QUIMBY LAND DEDICATION REQUIREMENT .....	6
FIGURE 5 – JUSTIFIED QUIMBY IN-LIEU FEE .....	8

## EXECUTIVE SUMMARY

---

### INTRODUCTION

The California Government Code contains specific enabling legislation for the dedication of land or fee in lieu of land dedication for neighborhood and community parks by a city, county or special district. This legislation, codified as Section 66477 of the Government Code and known commonly as the “Quimby Act,” also establishes the criteria for determining the land dedication requirement and in-lieu fee based on specific park standards.

There are two factors that determine the amount of land that may be required to be dedicated for a new subdivision. These factors are multiplied by the number of respective dwelling units for the proposed subdivision to determine acreage to be dedicated for neighborhood and community parks. In some instances, the payment of a fee in lieu of land may be considered. In this case, the Quimby dedication requirement is multiplied by the fair-market of the land which would otherwise be required to be dedicated for parks to establish the Quimby in-lieu fee.

This Quimby Dedication Requirement and In-Lieu Fee Study (“Quimby Study”) was prepared in conjunction with the Park and Recreation Master Plan Update (“Master Plan”) of the City of Placerville (“City”) prepared by Foothill Associates. The Quimby Study presents the calculation of the three factors that determine City’s Quimby land dedication requirement and in-lieu fee.

Based on the findings presented in this Study, the City may adopt and implement a Quimby Ordinance in accordance with the applicable provisions of the Quimby Act (California Govt. Code § 66477). Proceeds from Quimby in-lieu fees should be collected separately and accounted for independent of park impact fee proceeds.

### SUMMARY OF KEY FINDINGS

Based on a review of the Quimby Act, the 2010 U.S. Census, and the City’s Park and Recreation Master Plan Update 2017, the following key findings are presented:

1. Based on the City’s current park inventory and population, the City has 5.12 acres per 1,000 residents. Therefore, the City’s maximum dedication requirement allowed under the Quimby Act is 5.0 acres of land for every new 1,000 residents.
2. Based on 2010 U.S. Census information, the average household size for single-family detached homes, single-family attached homes, multi-family units, mobile

homes, and accessory dwelling units is 2.54, 2.18, 2.47, 2.44 and 1.00 persons per dwelling unit, respectively, for the City.

3. For the purpose of determining the Quimby in-lieu fee, the fair market value of land in the City is estimated to be \$100,000 per acre.

#### SUMMARY OF GENERAL RECOMMENDATIONS

Based on the findings presented in this Study, the following general recommendations are presented:

1. The City may establish a Quimby land dedication requirement based on 5 acres per 1,000 residents and average dwelling unit occupancy based on figures from the 2010 U.S. Census for the five residential land use categories shown below.

**FIGURE 1 – QUIMBY DEDICATION REQUIREMENT**

<b>Land Use Category</b>	<b>Unit</b>	<b>Justified Quimby Land Dedication Requirement</b>
Single-Family Detached Housing	LSQFT Per DU	553
Single-Family Attached Housing	LSQFT Per DU	475
Multi-Family Residential Housing	LSQFT Per DU	538
Mobile Homes	LSQFT Per DU	531
Accessory Dwelling Units	LSQFT Per DU	218

2. The City may establish Quimby in-lieu fee to reflect the new Quimby land dedication requirement. The in-lieu fee, presented in the following table, is based on an estimated fair market value of land for parks of \$100,000 per acre.

**FIGURE 2 – QUIMBY IN-LIEU FEE**

<b>Residential Land Use</b>	<b>Unit</b>	<b>Justified Quimby In-Lieu Fee</b>
Single-Family Detached Housing	DU	\$1,270
Single-Family Attached Housing	DU	\$1,090
Multi-Family Residential Housing	DU	\$1,235
Mobile Homes	DU	\$1,219
Accessory Dwelling Units	DU	\$500

3. The City should periodically conduct a review of the fair market value of land in the City. If land values change significantly in either direction, the Quimby in-lieu fee should be adjusted accordingly.
4. If a subdivider disputes the fair market land value used to determine the in-lieu fee, the City should consider allowing the value to be determined by a qualified real estate appraiser retained by the City with all cost to obtain such appraisal borne by the subdivider.
5. The Quimby land dedication requirement and in-lieu fee should be adopted and implemented in accordance with the applicable provisions of the Quimby Act (California Govt. Code § 66477).
6. The Quimby land dedication requirement and/or in-lieu fee only mitigate the cost of land to provide new parks. The City's park impact fee includes only the cost of required improvements to parkland and are not duplicated with the City's Quimby program.<sup>1</sup>

---

<sup>1</sup> This Study was prepared parallel to a Park Impact Fee Nexus Study to establish the legal and policy basis for the imposition of park impact fees to fund the development of parks and trails.

## DETERMINATION OF QUIMBY LAND DEDICATION REQUIREMENT

---

### QUIMBY LAND STANDARD

Under the Quimby Act, the dedication of land, or payment of fees, or both, cannot exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within the subdivision, unless the amount of existing neighborhood and community park area exceeds that limit, in which case the calculated amount may be adopted as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision.

According to the City's Parks and Recreation Master Plan Update 2017, City residents are currently served by approximately 55.30 acres of developed City park area. With a current population of 10,808 residents, this represents a ratio of 5.12 acres of neighborhood and community parkland for every 1,000 residents of the City.

Since the City's existing park area exceeds 5 acres per 1,000 residents, the City's maximum dedication requirement and/or fee allowed under the Quimby Act is the City's current ratio – 5 acres of parkland for every 1,000 residents.

### DWELLING UNIT OCCUPANCY FACTOR

Pursuant to Govt. Code § 64477(a)(2), the amount of land dedicated or fees paid shall be based upon residential population density, which shall be in part determined based on the average number of persons per household according to the most recently available federal census. Moreover, since different residential land uses have varying household sizes, it is reasonable that the land dedication requirement and associated in-lieu fee be expressed per dwelling unit based on their respective average household size.

For the purposes of this Quimby program, the following five residential land uses categories have been selected:

- ***"Single-family detached"*** means free-standing one-family dwelling units.
- ***"Single-family attached"*** means one-family dwelling units on separate parcels that share a common wall, such as townhomes.
- ***"Multi-family residential"*** means buildings or structures designed for two or more families for living or sleeping purposes and having a kitchen and bath facilities for each family.
- ***"Mobile home"*** means a development area 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.

- ***“Additional residential unit”*** means an additional living unit, or granny flat, either a detached or attached dwelling unit, which provides complete, independent living facilities for one or more persons with provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.

A "dwelling unit" generally means one or more rooms in a building or structure or portion thereof designed exclusively for residential occupancy by one or more persons for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.

Based on figures from the 2010 U.S. Census, figure 3 below presents the determination of dwelling unit occupancy factors for five residential land use categories. Insufficient data exists to calculate the average occupancy of an accessory dwelling units in the City; therefore, a conservative estimate of 1.0 person per unit is utilized.

**FIGURE 3 – DWELLING UNIT OCCUPANCY FACTOR (CITY OF PLACERVILLE)**

Land Use Categories	Occupied		Total Number of Occupants	Dwelling Unit
	Calc	a		Occupancy Factor
			b	c = a / b
Single-Family Detached Housing		2,538	6,447	2.54
Single-Family Attached Housing		144	314	2.18
Multi-Family Residential Housing		1,105	2,733	2.47
Mobile Homes		152	371	2.44
Accessory Dwelling Units		NA	NA	1.00
Average (2010 Census)		3,939	9,865	2.50

Source: 2010 U.S. Census for the City of Placerville

**QUIMBY DEDICATION REQUIREMENT**

Based on the City's Quimby standard of 5.0 acres per 1,000 residents allowed under the Quimby Act, the formula for calculating the dedication of land (acres) for the City is as follows:

$$\begin{matrix} \textit{Proposed} \\ \textit{Number of} \\ \textit{Units by} \\ \textit{Housing Type} \end{matrix} \times \begin{matrix} \textit{Dwelling Unit} \\ \textit{Occupancy} \\ \textit{Factor} \end{matrix} \times \begin{matrix} \textit{Quimby} \\ \textit{Standard} \\ \textit{(0.005 acres} \\ \textit{per capita)} \end{matrix}$$

Figure 4 below presents the City's Quimby land dedication requirement expressed on a square footage of land basis for five residential land use categories. As shown, the average number of persons per dwelling unit is determined on the basis of the housing type, and the average household size for such land uses as of the 2010 U.S. Census.

**FIGURE 4 – JUSTIFIED QUIMBY LAND DEDICATION REQUIREMENT**

Land Use Category	Unit	Dwelling Unit Occupancy Factor <sup>1</sup>	Quimby Standard (Acres Per 1,000 Population) <sup>2</sup>	Justified Quimby Land Dedication Requirement
	Calc	a	b	c = (a * b) / 1,000 * 43,560
Single-Family Detached Housing	LSQFT Per DU	2.54	5.00	553
Single-Family Attached Housing	LSQFT Per DU	2.18	5.00	475
Multi-Family Residential Housing	LSQFT Per DU	2.47	5.00	538
Mobile Homes	LSQFT Per DU	2.44	5.00	531
Accessory Dwelling Units	LSQFT Per DU	1.00	5.00	218

Notes:

<sup>1</sup> Based on figures from 2010 U.S. Census for the City of Placerville.

<sup>2</sup> The City's maximum allowable land per 1,000 residents standard under the Quimby Act.

For example, a 250-single-family home subdivision would require a 3.17-acre land dedication for park and recreational facilities.

$$\begin{matrix} 250 \\ \textit{Single-Family Lots} \end{matrix} \times \begin{matrix} 553 \\ \textit{Required Land} \\ \textit{Area (sq. ft.) per} \\ \textit{Single-Family} \\ \textit{Detached Lot} \end{matrix} = \begin{matrix} 138,250 \textit{ Sq. Ft or} \\ 3.17 \textit{ Acres of Land} \\ \textit{Dedication for the} \\ \textit{Subdivision} \end{matrix}$$

## DETERMINATION OF THE QUIMBY IN-LIEU FEE

---

For proposed subdivisions containing fewer than 50 parcels, the Quimby Act allows for the payment of a fee (“Quimby in-lieu fee”) in lieu of land dedication.<sup>2</sup> The purpose of the Quimby in-lieu fee is to accumulate enough funding from several developers to acquire land for the development of neighborhood and community parks within the City where the fees are collected. Moreover, while land dedication may be required for larger subdivisions, the City may require an in-lieu fee only, or a combination of land dedication and in-lieu fees, to meet the park and recreation goals of the City.

The Quimby Act specifies that the amount and location of land to be dedicated or the fee-in-lieu of dedication to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision. Therefore, the Quimby In-Lieu fee should be equal to the fair market value of the amount of land within the property to be subdivided that would otherwise be required to be dedicated.

Fair market value of the property to be subdivided may be determined by either 1) an appraisal of the property by a certified real estate appraiser or 2) by a set valuation and Quimby in-lieu fees which are periodically updated.

The appraisal would appraise the property at its unencumbered (free and clear) value as if it at the approved tentative map state of development and as if any assessments or other encumbrances to which the property is subject has been paid off in full prior to the date of the appraisal.

Alternatively, the City may, by resolution, approve a fixed market value per acre of land within a community plan, specific plan area, in some instances city-wide, or other boundaries as determined by the City as appropriate. The fair market value of land established for park and recreational purposes would be updated as necessary from time to time and once established may be used, at the option of the subdivider, in place of the appraisal process, to determine the Quimby In-Lieu fee.

---

<sup>2</sup> However, when a multi-family development or stock cooperative exceeds 50 dwelling units, a dedication of land may be required, even though the number of parcels may be less than 50. *Govt. Code § 66477(a)(7)*

## FAIR MARKET LAND VALUE FOR PARKS

Figure 5 presents the calculation of the Quimby in-lieu fee is based on the City's justified land dedication requirement for single-family detached housing; single family attached housing, multi-family housing, mobile home parks, and accessory dwelling units, and the estimated fair market land value of \$100,000 per acre for the land type normally acquired for City parks.

FIGURE 5 – JUSTIFIED QUIMBY IN-LIEU FEE

Residential Land Use	Quimby			
	Calc	Dedication Requirement (per sq. ft.)	Quimby Land Acquisition Cost per Acre	Quimby In-Lieu Fee (per unit)
		a	b	$c = a * b / 43,560$
Single-Family Detached Housing		553	\$100,000	\$1,270
Single-Family Attached Housing		475	\$100,000	\$1,090
Multi-Family Residential Housing		538	\$100,000	\$1,235
Mobile Homes		531	\$100,000	\$1,219
Accessory Dwelling Units		218	\$100,000	\$500

It is important to note that although the Quimby in lieu fee is calculated based on land value only, the Quimby Act allows in-lieu fee proceeds to be used for land acquisition, park development and the construction of new or rehabilitation of existing park and recreational facilities.

## IMPLEMENTATION

---

### ADOPTION REQUIREMENTS

In order to establish a Quimby Program, the City must adopt an ordinance that specifies their Quimby standard, their Quimby dedication requirement, and process for determination of the fair market value of land. The ordinance must be in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map for the subdivision or parcel map to be subject to the Quimby Program. Additionally, the City must have adopted a general plan or specific plan containing policies and standards for parks and recreational facilities, and the park and recreational facilities are in accordance with definite principles and standards.

### USE OF QUIMBY IN-LIEU FEES

The land, fees, or combination thereof may only be used to acquire land for parks or developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision. However, the fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:

- The neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the neighborhood population.
- The neighborhood in which the subdivision for which the fees were paid has a park area per 1,000 members of the neighborhood population ratio that meets or exceeds the City's Quimby standard, but in no event is less than three acres per 1,000 persons.
- The City Council holds a public hearing before using the fees.
- The City Council makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.
- The fees are used within a specified radius that complies with the City's ordinance and are consistent with the adopted general plan or specific plan of the City. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the City, that otherwise meets the requirements of the ordinance.

The City may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 members of the population.

#### **ACCOUNTING REQUIREMENTS**

The City shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision.

Quimby in-lieu fees must be committed within five years after the payment of the Quimby In-Lieu fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

## **APPENDIX A – CALIFORNIA GOVT. CODE § 66477 (“THE QUIMBY ACT”)**

---

(a) The legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, if all of the following requirements are met:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(2) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.

(A) The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census. The amount of neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.

(B) For cities incorporated after the date of the most recent available federal census, the park area per 1,000 members of the population of the city shall be derived from the ratio that the amount of neighborhood and community park acreage shown on the maps, records, or reports of the county in which the newly incorporated city is located bears to the total population of the new city as determined pursuant to Section 11005 of the Revenue and Taxation Code. In making any subsequent calculations pursuant to this section, the county in which the newly incorporated city is located shall not include the figures pertaining to the new city which were calculated pursuant to this paragraph. Fees shall be payable at the time of the recording of the final map or parcel map, or at a later time as may be prescribed by local ordinance.

(3) (A) The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision, except as provided in subparagraph (B).

(B) Notwithstanding subparagraph (A), fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:

(i) The neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the neighborhood population.

(ii) The neighborhood in which the subdivision for which the fees were paid has a park area per 1,000 members of the neighborhood population ratio that meets or exceeds the ratio calculated pursuant to subparagraph (A) of paragraph (2), but in no event is less than three acres per 1,000 persons.

(iii) The legislative body holds a public hearing before using the fees pursuant to this subparagraph.

(iv) The legislative body makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.

(v) The fees are used within a specified radius that complies with the city's or county's ordinance adopted pursuant to subdivision (a), and are consistent with the adopted general plan or specific plan of the city or county. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the city or county, that otherwise meets the requirements of this section.

(4) The legislative body has adopted a general plan or specific plan containing policies and standards for parks and recreational facilities, and the park and recreational facilities are in accordance with definite principles and standards.

(5) 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 the future inhabitants of the subdivision.

(6) (A) The city, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under the ordinance shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

(B) The city, county, or other local agency to which the land or fees are conveyed or paid may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 members of the population.

(7) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

(8) Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section. However, in that event, a condition may be placed on the approval of a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.

(9) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by the ordinance.

(b) Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if that agency elects to accept the land or fee. The local agency accepting the land or funds shall develop the land or use the funds in the manner provided in this section.

(c) If park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall, subject to paragraph (2) of subdivision (a), be jointly determined by the city or county having jurisdiction and that other public agency.

(d) This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.

(e) Common interest developments, as defined in Section 1351 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

(f) Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

(g) This section shall be known, and may be cited, as the Quimby Act.

(THIS PAGE INTENTIONALLY LEFT BLANK)