



Orange County Park Code Compliance



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Orange County Local Park Code

This report addresses the current OC Public Works practice/model to ensure developer compliance to the Local Park Code (LPC) requirement and proposes an alternative review and administrative model to streamline this process and organize this activity within PDS. This memo also describes the existing authority of the County to require development compliance with Local Park Code, compliance options (land or in-lieu fees), fee structure, fee update, fee collection and administration.

Authority

Local Park requirement has its origin in State legislation/Quimby Act. The Board of Supervisors adopted the Local Park Code by Ordinance No 3518, pursuant to Section 66477 of the Government Code of the State of California, to implement the Recreation Element of the Orange County General Plan. This Code describes, among other things, the purpose, authority, objectives, responsibilities and enforcement guidelines of the LPC. In addition OC Public Works/P&P No. 7.2.205 and Board of Supervisor Resolution 81-291 provide additional guidelines pertaining to site criteria, size, and types of parks and exemption provisions.

Application

The Local Park Code applies only to residential development, including second dwelling units on the same lot.

Compliance Options

Compliance with the Local Park (LPC) code can be satisfied by dedication of 'useable' land, payment of fees or a combination of land and fees. Residential development under 50 dwelling units typically complies with the Local Park Code requirement by payment of in-lieu fees. Residential development over 50 dwelling units is required to prepare a Local Park Modification Plan and or a Local Park Implementation Plan (LPIP), per guidelines contained in the Recreation Element of the General Plan and/or otherwise required by the Director of Planning and Development Services. When compliance with the Park Code is intended to be satisfied on the basis of only in lieu fees, the amount of fees to be provided is computed pursuant to Section 7-9-522 of the LPC. When compliance with the Park Code is intended to be satisfied on the basis of providing park land the amount of parkland is computed pursuant to Section 7-9-523 of the LPC, with a minimum of two (2) acres. The Director/OC Public Works may waive the 2 acre park land minimum requirement if it is determined that structural or non-structural improvements will be provided on the park land and will be maintained by entities other than the County of Orange.

In-lieu fees are updated annually consistent with the Consumer Price Index (CPI) applicable to the Orange County area. These fees are further reconciled every 5 years consistent with land value changes in the applicable Community Analysis Area (CAA) as published by the Department of Real Estate based on approved MIA appraisal. Fee updates are required to be approved by the Board of Supervisors in coordination with the OC/BIA. Fees are required to be paid prior to issuance of building permits. These fees are paid to the DPC/cashier and deposited in a trust account established by OC Public Works/Accounting/Administration

A Local Park Modification Plan or LPIP is prepared pursuant to guidelines contained in the Recreation Element of the County General Plan. The LPMP or LPIP includes information on the park location, size, amenities and maintenance responsibilities among other things.

Administration of LPC fees and LPIP

Park fees are administered by HBP and can be used to provide for acquisition and developing new local parks or rehabilitation of existing local parks or recreational facilities pursuant to Section 7-9-508 of the LPC. Generally the Director HBP may identify in the Department 5 year/CIP regional park project that may be funded from the local park fees. Board of Supervisors may also request use of these fees for park projects in their district.