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Parks rule not looking pretty to developers

Draft ordinance would require them to provide space or pay a fee

By **MIKE SNYDER**
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As details emerged Monday of new requirements for developers to provide land or pay fees for park acquisition and improvements, leaders of development groups said the city was on the verge of imposing an unfair burden on their industry.

A draft ordinance reviewed by a City Council committee Monday would require a developer who built 100 houses to provide 2.6 acres for park space or pay an \$80,000 fee.

The ordinance, which city officials hope to have in place by Oct. 1, would be one of the most significant new regulatory requirements in years for Houston's politically powerful development industry. Leaders of single-family home and apartment development organizations said they supported the measure in principle but were concerned about some details.

"We feel parks are both a public and a private responsibility. The majority of that burden is being shifted to the private sector" under the proposed ordinance, said Brian P. Austin, a board member of the Houston Apartment Association. The city uses tax dollars mostly for operations and maintenance rather than land for parks.

Edward E. Taravella, chairman of the Greater Houston Builders Association's development council, said the city should consider counting yards attached to single-family homes toward the parks and open space requirements. Otherwise, he said, the measure would discourage development of single-family houses with yards.

Andy Icken, a deputy public works director assigned by Mayor Bill White to help develop the measure, said its formula for determining land or fees required is consistent with those in other Houston-area cities that have park set-aside laws.

Its intent, Icken said, is to ensure that as Houston's population grows, it provides 10 acres of parks for each 1,000 additional residents, which is far short of the 25.5 acres per 1,000 residents recommended by the National Parks and Recreation Association.

The ordinance would apply to single-family residential, multi-family residential or mixed-use developments, but not to strictly commercial projects.

While the formula for calculating required acreage or fees is still subject to change before the City Council votes on the ordinance, Icken said it was developed in a series of meetings that included developers, park advocates and others interested in the issue.

The ordinance would divide Houston into 17 geographic sectors. Developers of new residential projects would be required to give the city land within the same sector, with the amount based on the acreage of the project, the number of units and Houston's average household size of 2.6 people.

Diane Schenke, executive director of The Park People, a nonprofit advocacy group, said the use of geographic sectors would help correct inequities in access to parks in various areas of Houston.

As an alternative to providing land, developers could pay a fee of \$800 per unit.

Icken provided examples of comparable requirements imposed in Austin, Fort Worth and several Houston suburbs. Fees in those cities, he said, range from \$500 to \$1,000 per unit, while land dedication requirements support goals ranging from 2.5 acres to 10 acres per 1,000 residents.

The money raised by the fee in Houston would go into a fund that would pay for acquiring parkland or adding new facilities, such as sports fields or playground equipment, to existing

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LAW'S HIGHLIGHTS

- **The requirement:** Developers of single-family or multi-family residential developments would have to provide land for park space or pay a fee.
- **Park formula:** 10 acres times number of housing units times 2.6 average household size, divided by 1,000. That means a developer building a project with 100 units would have to set aside 2.6 acres of space.
- **Fee formula:** \$800 per housing unit.
- **Goal:** 10 acres of parks per 1,000 new residents as Houston grows.
- **Not affected:** Commercial development projects; areas in Houston's extraterritorial jurisdiction.

parks.

The money could not be used for routine maintenance. Joe Turner, Houston's parks and recreation director, acknowledged that maintaining the new parks the city acquired through the ordinance would require increased maintenance staffing funded by taxpayers.

Two members of the council's Regulation, Development and Neighborhood Protection Committee, which plans to vote on the ordinance Aug. 29, expressed concern that the option to pay a fee in lieu of providing land was too generous.

Since land prices tend to be higher in rapidly developing parts of the city, they said, paying the fee would cost developers less than buying the required acreage in the same part of town and giving it to the city.

"Because of the way the ordinance is drafted, I suspect that most everybody will buy their way out of the dedication requirement, and that could open us up to charges of creating a hidden tax," said Councilman Peter Brown.

Councilwoman Pam Holm agreed, saying this outcome could defeat the ordinance's intent since money from fees would not be sufficient to buy comparable amounts of land in areas where prices are high.

Councilwoman Ada Edwards asked Austin, the apartment developer, if the proposed ordinance would benefit developers in any way.

"Ultimately," Austin said, "the benefit would be that there are more parks in the city, and that would improve the quality of life."

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GoneToTexas wrote:

Msimpxon wrote:

"And GoneToTexas, counting some huge parks scattered around the outskirts of the city where they are only accessible by most people by driving in a car just skews the numbers you are quoting."

Those are not my numbers – they are the Mayors numbers. It just appears to me that you can't claim to be second in the nation one week and pass a "HIDDEN TAX" to improve the standing the next week. Seems like someone is talking out of both sides of his mouth.

bbbrown wrote:

"Excellent idea.

The article states:

"As an alternative to providing land, developers could pay a fee of \$800 per unit."

"Since land prices tend to be higher in rapidly developing parts of the city, they said, paying the fee would cost developers less than buying the required acreage"

So how much of that \$800 per unit do you expect the city to spend acquiring new park land?

8/14/2007 1:13:59 PM

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katiemac wrote:

Lately what I see are developers who build 'parks' in their retention ponds. There are



always loopholes for friends of the local politicians and the developers in Houston milk it for all it is worth. Thick as thieves you might say, and Houston the worse for it.

8/14/2007 10:53:08 AM

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Kuki wrote:

"that would improve the quality of life." = less fat people

8/14/2007 10:16:44 AM

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bbrown3186 wrote:

Excellent idea. I only wish it could have been in place YEARS ago. Uncontrolled and over-development has been a major source of many of the woes of this city/county - flooding being the most significant, followed by traffic problems.

8/14/2007 10:09:46 AM

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t_d wrote:

arbhouston...Areas in Houston's ETJ are not effected by the law... unfortunately.

I think developers WILL decide to donate land rather than money in many cases because they will realize having a park right next to their development is an amenity they can utilize to create a better and ultimately more desirable project. If they give money the park may end up somewhere close by, in their "geographic sector" but not adjacent to them. Rather the park may end up near a competing project and increase their competition's value.

And just for the record Mr. Taravella, include individuals' yards as park of the required park land?? That's the most absurd thing I've heard in quite some time. Sounds to me like you're all about the money, not the people and their quality of life...

8/14/2007 9:50:49 AM

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