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Impact fee war continues: City drops bomb

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Oroville City Council will review a staff proposal to increase city park development impact fees and give council control over how much the park district would get and how the district could use the money.

The impact fee issue has been a point of contention between the city of Oroville and the Feather River Recreation and Park District since early 2007, and looking at the city's latest proposal and a resolution passed by FRRPD, it appears a solution is nowhere in sight.

Tuesday, council will review a proposed ordinance to increase city park development impact fees from \$860 per new single-family residence to \$1,106. The city would collect the fees, divide the fees into categories for regional parks and neighborhood parks, decide what the fees would be used for, and decide how much would be given to the city or FRRPD.

This discussion will begin at a 6 p.m. meeting before the regular council meeting in City Council Chambers, 1735 Montgomery St.

Last spring, the FRRPD began asking council to pass a resolution requiring developers to pay impact fees directly to the district before the city issued building permits.

The city already collects an impact fee for city-owned parks, but FRRPD owns and maintains more than 200 acres of park lands inside the city limits, including Riverbend Park, Play Town USA, Bedrock Park, the Bedrock Skate and Bike Park, Martin Luther

King Jr. Park, the Bedrock Tennis Courts and the Gary Nolan Complex.

Butte County approved a mechanism requiring developers to pay park impact fees directly to FRRPD on new subdivisions and housing in the county a few years ago.

In early 2007, the district asked the city to do the same before the city approved new subdivisions and annexed more land into the city limits. The park district collects fees on subdivisions built in the county, but when subdivisions are annexed into the city, only the city collects impact fees.

A resolution for a means for FRRPD to collect fees in the city failed several times at City Council because of objections posed by councilmen Jack Berry, Art Hatley and Jim Prouty.

The city was supposed to schedule meetings to discuss the impact fees each time the resolution failed. However, the two agencies didn't meet until the Butte County Local Agency Formation Commission said just do it, as the commission wouldn't approve more city annexations until the impact issue was resolved.

LAFCO mediated the meeting between the two agencies. The agreement that came out of that meeting was that the city and park district would develop a joint parks masterplan, and the city would pass a resolution for FRRPD to collect fees.

Again at the June 5 council meeting, however, City Council locked up on the issue. Once again, meetings were to be scheduled, but the two agencies didn't meet.

Instead, city management said they were working toward a resolution that would be the most beneficial for the community, and that resolution

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would be reviewed at a special meeting Tuesday, which is open to the public.

The resolution would allow the city to collect an increased fee for parks and decide how it would be dispersed. City Council would choose the projects they think would best serve the city and the community, what projects FRRPD could build and how much money would be dispersed to the district.

Forty percent of the fees would go into the neighborhood parks fund, which the city would use, and 60 percent of the fees would go into community and sports facilities, some of which FRRPD could use with City Council's approval.

The resolution states the following about fees for community and sports parks facilities.

"All fees collected pursuant to the provisions of this chapter and deposited in the fund shall, at the sole discretion of the city council, be appropriated by the city council for the acquisition and/or development of community and sports park facilities, which are determined by the council to be of benefit to all persons residing within the incorporated territory of the city. In making such determination, the city council may seek the recommendations of both the City of Oroville Parks Commission and the Feather River Recreation and Parks District as to the benefits to City residents."

The resolution indicates council "may" seek recommendations from FRRPD on what the park district can use impact fees for, but they don't have to. City Council could only take recommendations from its own parks commission about what FRRPD can do. The resolution would give the city complete control over how the city would use the fees and how the district could use the fees.

The resolution does not define what portion of the fees would go to FRRPD - only stating "All or any part" at council's discretion.

"All or any part of the revenues from the park facility fees collected and deposited into the Community and Sports Park Acquisition and Development Fund assessed and levied pursuant to the provisions of this chapter may, at the sole discretion of the city council, be appropriated in the manner hereinbefore provided by this chapter for the purpose of acquiring and/or developing community or sports park facilities which are or will be developed and operated by the Feather River Recreation and Park District if, at the time of making such appropriation, the council has determined that the use of such revenues for such purpose will serve the best interests of the city and its residents."

In order to use park impact fees, FRRPD would have to ask council for an allowance, give a detailed description of a proposed project, and a budget for maintenance. Then, council would decide if it's good for the city and the community.

"To request such funds, the Feather River Recreation and Park District shall submit a request to the City Council accompanied by detailed cost estimates for the acquisition and/or development of the facility and an operations and maintenance budget."

FRRPD is a now special district independent from the city. The district board has fiduciary responsibility for approving and funding projects. With the city's proposal, fiduciary responsibility for FRRPD impact fees and the associated projects would be passed to City Council.

The changes to city code needed to implement this plan would be interim until the city's park masterplan is completed and the nexus study

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updated, according to the city. Then, a new fee schedule would come before council for approval. There is no timeline for when that would happen, and no proposal to include FRRPD in the master plan development.

In the meantime, the ordinance would give "guidance" to FRRPD on using impact fees to fund community/sports parks, according to a city staff report.

The Mercury-Register didn't receive the city's resolution until after 5 p.m. on Friday, so no one was available at the city for comment.

Meanwhile, FRRPD also passed a resolution that indicates the board would not agree to the city's proposal. That resolution states the district wants park impact fees collected as the park district originally proposed and paid directly to FRRPD before the city issues building permits.

Included in that resolution, "...the district feels collection of impact fees is essential in its future plans for parks in the Oroville area, and as such will pursue collection by all means necessary, including litigation, if and when such a step is appropriate..."

A similar agreement exists between the town of Paradise and the Paradise park district, which was drafted by Oroville City Attorney Dwight Moore, who is also city attorney for Paradise.

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