



Park impact fees disagreement continues

By Mary Weston/Staff Writer

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The city of Oroville and the Feather River Recreation and Park District remain deadlocked over the park development impact fees for the park district, Tuesday.

City Council reviewed a staff proposal to increase city park development impact fees and give council control over dispersing fees to the district and over approving which projects FRRPD could build.

The impact fees issue has been a point of contention between the city of Oroville and the Feather River Recreation and Park District since about March of 2007, and judging from the heated discussion at Tuesday's meeting, the agencies seem to be even more divided.

A developer attended the meeting and said he met with the Local Agency Formation Commission on Monday, and they told him his subdivision was 'dead in the water.' LAFCO has said the commission won't approve any more of the city's annexations for subdivisions until the impact fee issue is resolved between the two agencies.

The developer had plans for building in the Oroville area, but said he was discouraged by the meeting Tuesday.

"This isn't very nice to see two agencies battling it out," the developer said.

The discussion was about 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 and retain sole control of what projects the park district could build using fees.

However, the park district wants the city to approve the districts' original proposal that would require developers to pay impact fees directly to the park district, as the city of Paradise does.

Jan Hill, and other FRRPD board members said the city's proposal isn't acceptable to the district. Hill said the park district had asked for a means to collect its fee almost a year ago, but the district's request for meetings have been ignored, meetings have been canceled and correspondence not returned.

"I feel like we have been taken down the primrose path," Hill said.

Hill said the district has letters from its attorneys. The letters state that the attorneys have contacted City Administrator Sharon Atteberry several times to schedule meetings and to get a list of issues the city wants to discuss relating to the impact fees with no response. Additionally the attorneys say Atteberry has canceled two meetings that were never rescheduled.

But the majority of City Council appeared to want to retain control over the fees. FRRPD would have to submit a detailed project description and plan for operations and maintenance and the city would decide if it could be funded with impact fees.

"If the city of Oroville collects fees, the city wants to say how those fees are spent," said City Councilman Jim Prouty. Vice-Mayor Jamie Johansson also said he would vote for the city's resolution. Mayor Steve Jernigan said the resolution might not be

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perfect, but it was a first step toward a solution, and the discussion was taking place at a public meeting

Only City Councilwoman Sue Corkin said the city should not have made the proposal to maintain control over FRRPD's portion of the impact fees.

In March 2007, the district began asking for the city to approve a mechanism for the park district to collect fees. The park district had a nexus study prepared in 2003 by the same consultant that prepared the city's nexus study to collect impact fees. 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.

The park district's proposal failed several times at City Council because of objections posed by councilmen Jack Berry, Art Hatley and Jim Prouty.

However, the two agencies have only met once to discuss the fee issue prior to Tuesday—after the Butte County Local Agency Formation Commission said 'resolve the issue or we won't approve more city annexations.'

At Tuesday's meeting, Aaron Hill, a retired teacher, said it is important to teach students values about justice, fairness and concern for the community, so they become community minded adults.

"Recently, when I look at the council's discussions, I wonder if you have reached that stage of development yet. I don't see it," Hill said.

Atteberry said city staff had worked diligently to resolve the impact fee issue, and the proposal was a first step toward bringing council and FRRPD to an agreement, but it took a lot of time to collect

information.

Atteberry and the city's planning staff said the park district doesn't have the power to collect fees so the fees couldn't go directly to FRRPD. They say the city had to collect fees for the district, and it was therefore responsible for overseeing how the fees were spent.

They were also concerned that the district didn't have enough operations and maintenance revenue to maintain district parks. However, FRRPD General Manager Bob Sharkey said revenue from property taxes would increase as new houses are built.

They referred to the language in AB-1600 regulations for fees. AB-1600 states, "Special districts lack direct land use authority. For this reason they must seek out city or county governments and request a share of revenue stream generated by approval of new developments."

However, the regulation doesn't state that special districts can't collect their portion of the fee directly if the city or county agency approves a mechanism, as Butte County has done for park districts for county areas outside the jurisdictions of cities and Paradise has done for its park district.

City Attorney Dwight Moore has said at City Council meetings the city could pass a resolution to require developers to pay fees directly to the district.

The regulation only states, "It can be helpful for a district to have an arrangement in place with a city or county to be the designated provider of recreation and park services in an area to be served by new development, and the park district should convince the city that the district was a benefit to the community." Additionally, the regulation states the relationship between the district and the land use

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authority needs to be developed first.

Steve Visconti, general manager for Chico Area Recreation and Park District, said the city of Chico collects fees and disperses them to CARD. CARD sends a letter of request when it wants to use fees. Chico has always approved CARD's requests, Visconti said, but the city could deny a project.

"We have a good working relationship with the city," Visconti said. "We keep each other apprised of what's going on in each agency." Visconti said they have some landscape and lighting districts the city attached to two neighborhood parks, but CARD receives a good revenue stream from property taxes to maintain its parks.

City Council postponed the decision until the agencies could meet and sort out the information. Meanwhile, Atteberry said they would have the consultant that prepared the city's impact fee nexus study give a presentation on impact fees at the next council meeting to clear up some misconceptions.

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