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## FRRPD impact fee forum has positive feedback

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Participants at the Feather River Recreation and Park District forum on impact fees showed more positive attitudes, but FRRPD and the city still appeared to have different ideas about how the park impact fees should be collected.

The city of Oroville and FRRPD both had nexus studies to collect impact fees prepared by the same consultant in 2003. The city has collected impact fees for the city since then but has not collected fees for FRRPD, and the park district has been requesting fees since spring of 2007.

Wednesday at 6 p.m., FRRPD hosted an informational forum on impact fees at the Southside Community Center on Lower Wyandotte Road. Blair Aas of SCI Consulting gave a presentation about impact fees and how the fees can be used.

The two agencies have been at odds over FRRPD park impact fees and how they can be collected. The city wants to collect the park district's fee and give City Council "sole discretion" over how much the park district gets, and how the district can use the fee. The park district wants the city to approve a mechanism so developers pay park impact fees directly to FRRPD.

Those attending the forum seemed to agree FRRPD should get an impact fee, the city should pass an interim resolution to collect the fees and the two agencies should work on updated parks masterplans and nexus studies to collect fees. Still, there were different opinions about how these goals could be accomplished.

Aas said although there are two general ways to calculate fees, impact fees can be calculated by having each agency inventory its existing parks and facilities.

"The way to inventory that is to base it on the existing level of service, and it's advisable to do a combined park masterplan," Aas said.

After determining the existing level of service for each agency, they determine how much of an impact fee would be needed to provide that level of service to new residents.

After costing out the fee, there would need to be some agreement between FRRPD about how much of a fee they want to charge and how it's collected.

"If you do that, you have to have some conversations between both parties," Aas said.

So far, conversation between the agencies has been difficult. First, meetings weren't scheduled, then when a joint meeting was mediated by the Local Agency Formation Commission, the agreement between the agency representatives was nixed at the next City Council meeting.

Council members have raised questions that FRRPD might use the impact fee inappropriately, and the city would be responsible. Councilman Jim Prouty questioned that the agencies are duplicating fees.

Even though both the city and FRRPD have some similar parks, each agency's fee would be based on an inventory of parks or facilities owned by that agency and upon that agency's existing level of service.

"There's been some confusion about the duplication of these fees," Aas said. "Effectively,

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it's not a duplication because if you did a nexus study," that accounted for each agency's existing park services.

The nexus study draws off each agency's existing services and extrapolates that to serving new residents.

Nonetheless, Prouty said nothing short of a legal opinion from an attorney would satisfy him. He also said city residents would be paying a double fee, one to the city and one to the park district, when county residents would only pay a fee to FRRPD.

Impact fees are one-time fees paid by developers to accommodate new development. The fees are exactions not taxes. Aas said impact fees can only be used to pay for parks, facilities and improvements to serve new development. The fees can't be used for maintenance or to replace capital improvements.

Additionally, impact fees have to benefit the new development that paid the fees, Aas said. A park fee collected in Oroville can't fund a facility or park in Forbestown, for example.

Vice Mayor Jamie Johansson said if FRRPD (as a special district) collected an impact fee it would be under the city (the city's police power to collect fees). Therefore, he asked if the city would be responsible.

Aas said he hadn't known that to ever happen. However, he said AB-1600 (Fee Mitigation Act) sets strict rules for annual and five-year reporting and accounting for impact fees on the part of the agency using the fee.

Aas said nothing in AB-1600 prevents the fee from being paid directly to the park district. In fact, Aas said, frequently impact fees are paid to special

districts. Still, the city has claimed the park fee has to be paid to the city because of AB-1600.

During the presentation, FRRPD's attorneys said the city has been collecting impact fees for the city without collecting fees for FRRPD. The city has also been collecting under the Quimby Act for the city but not for FRRPD. The FRRPD attorneys said the city does not share its Quimby Act land dedications (i.e. set asides for neighborhood parks) on large subdivisions or in-lieu fees with FRRPD.

Audience member D.C. Jones said in his opinion the solution would be as simple as the city letting FRRPD collect its impact fee without the city being involved.

Another audience member agreed, saying if the city was worried about duplication of fees, they should be worried about duplication of services. She said it would be expensive and time consuming for both agencies to require FRRPD to prepare detailed engineering and maintenance reports to submit to City Council for each impact fee project. Then council and FRRPD would have to spend time arguing over each project.

"But maybe I'm thinking too clearly and not enough like a politician," the woman said.

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