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Item # 5

To: Lemoore City Council
From: JP Prichard, Administrative Analyst
Date: January 12, 2007
**Subject: Resolution 2007-01 - Impact Fees for
Community and Recreation Facilities**

STAFF REPORT

Background:

During the January 25, 2005 Council meeting, the City Manager and Public Works Director reported that current development impact fees collected by the City are insufficient to meet facility and equipment demands resulting from new development within the City. The discussion provided direction regarding the need to establish new Development Impact Fees. Additionally, on February 1, 2005 the Council adopted new goals and current objectives, and that one of those objectives is making sure that “new development pays its way”. The City contracted with Colgan Consulting Corporation in December 2005, to conduct a comprehensive study to determine the types and amounts of impact fees could collect from new development based on current levels of City services and the projected growth of the City.

The City adopted Resolution 2006-46 on December 5, 2006, which approved seven of the fees proposed in the development impact fee study that did not received significant public comment during the initial public notification period.

Staff met with interested parties from the development community on November 16 and December 13. Since the time the initial study was made available for public review, staff has reviewed public comment for the remainder of the fees, addressed concerns, and made revisions as appropriate, and submitted further fees for consideration by the Council at the December 19, 2006, Council meeting. At that time, a letter from Attorney James McKelvey called into question the validity of charging subdivisions the combined amounts of the Park Land Acquisition Quimby fee (previously approved), the Park land Improvement impact fee (previously approved), and the Community and Recreation Facilities impact fee (proposed that evening). The Community and Recreation Facilities impact fee was pulled from the Resolution 2006-49 pending review by the City Attorney.

City Attorney has issued the attached response to the McKelvey letter. The Community and Recreation Facilities impact fee is valid in itself, though the interaction of the previously adopted

Park Land Acquisition Quimby fee and the Park Improvement impact fee bears careful scrutiny in application.

Resolution 2007-01 would approve additional fees proposed in the revised development impact fee study, presented on December 19, for Community and Recreation Facilities.

Budget Impact:

If Resolution 2007-01 is approved, revenue collected from these development impact fees is estimated to be \$3,244,325 over the period of time it takes the City to develop fully based on the existing General Plan.

Recommendation:

It is recommended that the City Council adopt Resolution 2007-01 in accordance with the revised study provided by Colgan Consulting Corporation.