

CHAPTER 3.68

PARK IMPACT FEES

§ 3.68.010. Purpose.

The city council finds that the purpose of the Park Impact Fees hereby enacted is to prevent new residential development from reducing the quality and availability of public services provided to residents of the city by requiring new residential to contribute to the cost of expanding the availability of park and recreation assets in the city. The city finds:

- A. The need for two types of development fees for parks: Fees for park land acquisition and fees for park improvement.
- B. The need for fees to serve future development in the city without placing a burden on existing resources.
- C. The general plan has been adopted containing specific policies and standards for parks and recreation facilities.
- D. The demand factor for each type of residential development is the average population per unit for that type because the need for parks in a community is almost always based on population.
- E. The total acreage of improved city-owned park land will be used to determine the existing level of service for purposes of calculating impact fees for park land acquisition and park improvements.
- F. Impact fees for other specialized development types should be calculated in the same way, if the need arises.
- G. The period of greater than ten days prior to adoption of this chapter, data has been available to the public, and to developers and their representative, indicating the cost or estimated cost of the infrastructure to be funded, the revenue sources anticipated and means of spending these costs.

§ 3.68.020. Definitions.

"City/service area" means the entire city.

"Dwelling unit" includes each single-family dwelling, each unit of an apartment, duplex dwelling group or multiple dwelling structure or condominium or planned residential development as a separate habitat for one or more persons or each mobilehome space designed to contain a mobilehome trailer on a semi-permanent or permanent basis.

"Facilities" means those park and recreation facilities, land, improvements, or infrastructure located in the city.

"Person" includes every person, firm or corporation constructing a dwelling unit directly or through the services of any employee, agent or independent contractor.

"Residential development" includes all dwelling units constructed for the first time on open land or when existing structures are remodeled and added to or otherwise altered to increase the number of dwelling units.

"Study" means the current development impact fee study on file in the city's engineering services department that supports the fee resolution adopted pursuant to section 3.68.050.

§ 3.68.030. Establishment and administration of Park Impact Fees.

The city council finds that there is a reasonable relationship between the use of the fees and the need for facilities of development projects on which they are imposed.

- A. The finance director shall establish park improvement impact fee and park land acquisition impact fee funds, (collectively "Park Impact Fees"). All fees collected pursuant to this chapter shall be deposited in this fund and shall be expended to provide additional parks to mitigate the impacts of new development in the City.
- B. A fee is imposed in the amounts set forth in this chapter and shall be applicable to every dwelling unit as defined in section 3.68.020 constructed in the city after the effective date of the ordinance codified in this chapter and shall be known as the Park Impact Fee.

§ 3.68.040. Payment.

The fee imposed by this chapter shall be due and payable no sooner than issuance of building permits and no later than issuance of a certificate of occupancy for the dwelling unit(s) subject to the fee. No certificate of occupancy or temporary certificate of occupancy may be issued until the development fee has been paid in full. The amount of the fee shall be calculated at the time the fee is paid, based upon the rate then in effect.

§ 3.68.050. Fees.

The fees imposed by this chapter shall be set by resolution of the city council.

§ 3.68.060. Fee exemptions.

In the event that a development project is found to have no impact on facilities for which impact fees are charged, such project must be exempted from the fees.

§ 3.68.070. Use of fees.

The city council finds that there is established a Park Fund where all sums collected pursuant to this chapter shall be deposited and shall be used to provide additional parks to mitigate the impacts of new development in the City as set forth in the Study Those public facilities and other assets are identified in the Study.

§ 3.68.080. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall affect the other provisions of this chapter which can be given effect without the invalid provisions or its application, and to this end, the provisions of this chapter are severable.