

Plymouth OKs facilities fee nexus study

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By Jim Reece (jreece@ledger-dispatch.com)

The Plymouth City Council in a special meeting Feb. 28 approved a comprehensive study for developer impact fees specifically for use on public facilities, with a 3-1 vote, with the priority of studies to be set later, after further public input.

Councilman Jon Colburn voted against it because it did not include study of the Arroyo Ditch and work needed to support fees on new development. He motioned for its inclusion in the scope of work, but the motion failed for lack of a second.

Councilman Greg Baldwin and Mayor Patricia Shackleton said they understood the importance of the ditch, but Shackleton pointed out that the state Regional Water Quality Control Board had advised the city to look for a more reliable and cost-effective route, through a Amador Water Agency pipeline.

Planning Commission Chairwoman Marla Moreno said the Arroyo Ditch was the most important thing that the city had and that omitting it was wrong.

"You're telling everybody to go to hell," she said, her voice cracking.

City Administrator Gene Albaugh said he did not expect Moreno to be so upset, noting a list of the nexus study included water but not the ditch. "I was a little remiss in not being that specific," Albaugh said.

He also urged the use of "developer agreements," made separately with developers, which could be used to earmark fees for things that facility fees could not pay for.

For instance, the developer agreement could be negotiated to pay service fees that could be used to pay firefighter salaries, while Assembly Bill 1600 facility fees require a nexus study and can be used only on facilities. Under Proposition 218, any other fee or tax must be approved by a popular vote.

Gardner said AB1600 is only for capital facilities related to future growth and future development, while Prop. 218 says you can't pass any assessments without a vote of the public.

He said a Bob Reed study, for a water fees related to a pipeline project with the AWA, is looking at existing fees and existing capacities. Then, if developments use it up, their fees will be set to pay to replace losses to that capacity.

The council's upcoming agenda, posted last Friday, will include discussion on all phases of the Arroyo Ditch with possible formation of a committee to review and make recommendations to the city council, as requested by Vice Mayor Pat Fordyce.

Other studies under way for Plymouth, or already completed, include KASL Consulting Engineers, which is doing the pipeline's engineering and environmental work; City Engineer Roark Weber, who finished a Capital Improvement Plan, including a water system update; and Matrix, which studied the impacts of an Indian casino on the city's water and wastewater systems and its police and fire services.

The council approved a list that the public works committee would prioritize, then bring back to the council for approval. The capital facilities impact fee nexus study's scope list included transportation, schools, water, sewer, storm drainage, parks and recreation, police, fire, city hall/municipal buildings, the city yard, the library and a general plan update and fee program.

Albaugh said the council would hold several public input sessions in the future to prioritize facility needs and priorities for the fee study by Goodwin Consulting.

Discussion included the need for a museum, which Moreno said could help house the Ahrens Fox fire truck, which is likely to be taken to San Francisco in April for the 100th anniversary of the 1906 earthquake.

The council also omitted school impacts from the studies. Victor Irzyk, owner of Goodwin Consulting Group Inc., said school studies should be left out because of specialized "student generation factors" that would be needed to justify fees. The study is not to exceed \$38,500 in cost. The study is to give justification to fees on new developments only, with the funds to go only to public facilities.

Barbara Murray, assistant superintendent of business services for the school district, said that ACUSD is currently studying student generation factors in the county. Last year, the district studied those affects of developments that were known around the county.

"We did not see immediate growth here, so we have been working in lone," she said, noting that she came to listen and report back to Superintendent Mike Carey and the Board of Trustees. She noted that the district cannot ask developers to build a school, and that the district would like to keep Plymouth students in Plymouth.

Colburn noted that in several years, the city's population could double, meaning the city likely would need more schoolrooms or a new facility.

Bob Reeder, a partner in Reeder-Sutherland, which has proposed two housing developments in Plymouth, with about 500 housing units, said the \$2.24 per square foot fee set by the school district would not address needs in Plymouth.

"The city could incorporate a separate fee to fund that," he said. He also noted that the city needs additional sewer capacity for the additional water brought with a new pipeline.

"In many cases, you do see the general plan fee included in the regulation," Reeder said. He also asked about the timing for the nexus study.

"By the time you kick off and get your first building in place, I guarantee we'll have that fee in place, Bob," Albaugh said.

Sandy Baracco, projects and facilities director for Amador County, said the county's new development fees were established through a nexus study. The fees were set in December to become the maximum allowable, effective March 1. Those rate schedules, based with a single-family fee, went from \$3,500 to \$7,200 on Wednesday.

Baracco urged the city to pass those fees, but Albaugh said they were not there to consider that approval.

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