

# THE DAILY TIMES

FARMINGTON NEW MEXICO

## Illegal park fee fix won't meet earlier deadline

By Lindsay Whitehurst The Daily Times

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FARMINGTON — Farmington city staff are still months away from a solution as a self-imposed deadline to fix illegal park fees looms.

"We're looking at several months if we want to keep it in-house," Community Development Director Mike Sullivan said. "We're contemplating January as a date."

When the issue surfaced in July, Sullivan said he'd have it before the council by the end of this month. The developer-paid fees were not set according to a New Mexico state law, but Farmington home builders are in no hurry to see the low, \$193-a-lot fee changed.

"What I'm hearing is a goal of the park fees by end of year, and some additional work and feedback on the other categories to the council by end of the first quarter," said Jason Sandel, who brought up the issue.

Short-staffing and some confusion about which fees to consider have contributed to the delay, Sullivan said.

"We're going to accelerate this process, move it along and get the documents up there," Sullivan said. "Since we were challenged (on park fees) I don't want to take shortcuts."

At the Tuesday meeting "we got clarity that we are

first to address the park impact fee," Sullivan said. Officials also had thought they were supposed to consider developing other impact fees, which governments charge to offset the cost of new houses on city infrastructure. Unlike most cities, Farmington charges no citywide impact fees other than the park fee.

It was established before the New Mexico law regulating impact fees, but the city should have come into compliance by holding public hearings on the fees and completing other requirements. One of those, the land use assumption plan, was tabled at the Capital Improvement Advisory Committee meeting last week. That committee, made up partly of home building professionals, will recommend changes to the council.

Officials argued that the fee is very low, and Roswell officials confirmed in July their impact fees are much higher — up to \$1,400 for a single-family home to offset the cost of water, sewer, and public protection.

Most Farmington home builders, therefore, haven't made the illegal fees an issue.

But in July Paul Martin, a former city engineer working for Sakura Engineering, which represented a 34-lot development located on Wildflower Mesa Drive, pointed out the noncompliance through an attorney.

Farmington's fees were instituted in 1977, based on the cost of providing 3.75 acres of park space per 1,000 residents, Sullivan said. They were supposed to be reassessed every year, but the City Council stopped that process less than five years later to encourage building.

The fees have remained the same ever since.

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Since 1998, the earliest date officials provided, the city has collected more than \$200,000 in impact fees, a small amount of the city's overall parks budget for the nearly 10-year period. They could not provide details on how the money was spent.

If a developer took the city to court, the most the government could be fined is double the fee, or about \$400.

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