

RICHARD GORDON

Board of Supervisors
County of San Mateo

June 18, 1999

Paul Perkovic, Chair
Midcoast Community Council
P.O. Box 64
Moss Beach, CA 94038-0064

Dear Paul,

I am writing in response to two recent letters to the Board of Supervisors from the Midcoast Community Council. The first letter concerned a set of recommendations regarding parks and the second letter concerned the assignment of planning staff to assist with a community process on issues related to development.

Parks:

I am very intrigued by the concept of an in-lieu fee program for new construction on the midcoast under the terms of the Quimby Act. I have been advised by County Counsel (see the enclosed memo), that the first step in the establishment of development fees is the preparation of a plan which would detail the nexus between the development and the proposed fee and would identify the specific park facilities to be funded by the fees.

The Parks Department has indicated that they could complete a needs survey and a plan for approximately \$50,000. Their work would look at facility needs as related to recreational services desired by the community. The plan would identify potential facility sites and services to be provided. It is the present policy of the Board of Supervisors to contract out for recreational services in unincorporated communities (this is the model being used in North Fair Oaks), so the study would also involve working with the Half Moon Bay Parks and Recreation Department and local nonprofits. Once the staff had developed a plan there would be review by the Midcoast Community Council and the County Parks and Recreation Commission prior to any action by the Board of Supervisors.

The first step in this process is securing the funds necessary for the survey and plan. I will ask my colleagues on the Board of Supervisors to consider allocating funds for this purpose when we discuss the Park and Recreation Department budget on Friday, June 25th.

Development Issues

The Planning Department has decided to initiate a public process to update the Local Coastal Plan for the unincorporated area north of Highway 92. In order to expedite this work, the County will be requesting a grant from the California Coastal Commission. This grant will augment staff time that the County will provide and allow the process to be completed in a more timely manner. I believe that a public process to update the LCP for the midcoast will answer the questions and issues that the Midcoast Community Council has raised in your recent letter on



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development concerns. We will need your assistance in lobbying on our behalf this fall when the grant is submitted to the Coastal Commission.

County Planning staff are presently developing a proposal for the public process to be used for the LCP update. It is my understanding that staff will be in touch with you shortly to seek an opportunity for a presentation to and feedback from the Midcoast Community Council before the process is finalized.

My staff and I look forward to working with you, the other members of the Midcoast Community Council, and the public on both the issue of park and recreation services and the issue of the LCP update. If you have any questions or wish to discuss these matters at any time, please feel free to contact me.

Sincerely,



Richard Gordon

cc: Members, Board of Supervisors
Midcoast Community Council
Paul Koenig
Terry Burnes
Joe Caruso

COUNTY OF SAN MATEO

INTERDEPARTMENTAL CORRESPONDENCE

To: Supervisor Richard Gordon
From: County Counsel
Subject: Procedures for Parks and Recreation Development Fees
Date: May 24, 1999

This memorandum is in response to your request for information regarding procedures for adopting development fees for parks and recreation. There are a number of specific statutory procedures which must be followed in adopting development fees for parks and recreation facilities. These are summarized as follows:

1. Prior to adopting a development fee, the Board of Supervisors must hold a public hearing, at which oral and written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the fee, must be published at least twice, the first time at least ten days prior to the meeting and the second at least five days prior.

2. At the time the fee is established, increased or imposed, the county must make certain specific determinations regarding the relationship between the fee and the impacts of the development upon which the fee is to be imposed. First, the specific purpose and use for the fee must be identified. If the fee is to be used to finance public facilities, the specific facilities must be identified. This can be done through a capital improvement plan or other planning document which identifies the facilities for which the fee will be used.

3. Further, the County must be able to demonstrate that the development fees are reasonably related to the impacts caused by the development. Specifically, there must be a reasonable relationship or "nexus" between the type of impact caused by the development and the purpose of the fee. In addition, there must be a nexus between the amount of the fee and the degree of impact caused by the development. Fees are valid only to the extent that they are limited to the cost of increased services made necessary by the development.

Because these determinations must be made at the time the fee is adopted or imposed, it is necessary for staff to first gather and develop supporting information which will enable the Board to make the necessary findings as to the nexus between the impacts of the development and the fee as outlined, and to identify the specific park facilities to be funded by the fees.

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4. There are separate statutory provisions governing fees for park and recreational purposes imposed as a condition of approval of tentative and parcel maps under the Subdivision Map Act. There is a statutory exemption for subdivisions containing less than five parcels and not used for residential purposes. There are a number of statutory limitations on these fees as follows:

(a) The fees are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community facilities to serve the subdivision.

(b) The County must have adopted a general or specific plan for parks and recreation facilities and the facilities to be funded with the fees must be in accordance with definite standards contained in the plan.

(c) The fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(d) The County must develop a schedule specifying how, when and where it will use the fees to develop facilities to serve the residents of the subdivision. The fees are subject to refund if not used within a specified period of time (within five years after payment of the fees or issuance of building permits on one half of the lots created by the subdivision, whichever last occurs).

(e) The ordinance must contain definite standards for determining the amount of any fee to be paid. The amount of fees must be based on the residential density (average number of persons per household). The amount of fees cannot exceed the amount necessary to provide three acres of park area per 1,000 persons residing within the subdivision unless the amount of existing park area exceeds that standard, in which case the higher standard (not to exceed five acres per 1,000 persons) may be adopted.

Please contact this office if you would like further information regarding these statutory requirements.


THOMAS F. CASEY, III, COUNTY COUNSEL