

Chapter 17.62 PUBLIC FACILITIES IMPACT FEES

17.62.010 Purpose.

In order to implement the goals and objectives of the City of Merced's ("city") General Plan and to mitigate the impacts caused by future development in Merced, certain public facilities must be or have been required to be constructed, and/or compensation measures must be or have been required to be taken to offset resources lost due to the future development. The city council has determined that public facilities impact fees are needed in order to finance these public facilities, and/or compensation measures, and to pay for each development's fair share of the construction costs of these improvements, and/or the costs of the compensation measures. In establishing the fees, the city council has found the fees to be consistent with its General Plan and pursuant to Government Code Section 65913.2 has considered the effects of the fee with respect to the city's housing needs as established in the Housing Element of the General Plan.

(Ord. 2130 § 1 (part), 2003; Ord. 1989 § 1 (part), 1998).

17.62.020 Periodic review.

The City of Merced shall review the public facilities impact fees on an annual basis to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed. The city engineer shall be responsible for preparation of an annual report stating the amount of fees collected, the purposes for which the fees were collected, and the status of all projects proposed to be funded under this chapter.

(Ord. 2130 § 1 (part), 2003; Ord. 1989 § 1 (part), 1998).

17.62.030 Impact fee calculation.

The City of Merced has conducted a needs assessment for capital improvements within the city's specific urban development plan area for which fees are to be levied. The needs assessment, known as the public facilities financing plan (the "plan"), adopted in May 1998, revised in July 2003, and further revised in January 2006 and October 2012, has identified level of service standards, public facilities capital improvement needs, and has distinguished existing from future needs, and is approved.

The data sources and methodology upon which fees are based are available for public inspection at the city clerk's office during regular business hours. The amount of the fees imposed have been based upon reasonable estimates of capital costs of public facilities expansions that will in probability be incurred by local government as the result of new development.

The city council further finds:

- A. The provision of new, expanded, or otherwise enhanced public facilities, for which a fee is charged, are reasonably related to the needs created by new development;
- B. The fees imposed do not exceed the proportionate share of the costs incurred, or to be incurred, by the City of Merced in accommodating new development. The following factors have been considered in determining proportion share:

1. The need for public facilities capital improvements required to serve new development, based on a capital improvement program that shows deficiencies in capital facilities serving existing development, and the means, other than impact fees, by which any existing deficiencies will be eliminated within a reasonable period of time, and that shows additional demands anticipated to be placed on specified capital facilities by new development,
2. The cost of existing public facilities capital improvements.

(Ord. 2232 § 1, 2006: Ord. 2130 § 1 (part), 2003: Ord. 1989 § 1 (part), 1998).

(Ord. No. 2400, § 1, 12-3-2012)

17.62.040 Public facilities fee established.

1. A public facilities impact fee is hereby established on issuance of building permits for development in the City of Merced to pay for municipally owned public facilities, including, but not limited to, fire stations, police stations, community recreation facilities, traffic related improvements, and bikeways facilities.
2. The benefit and impact area on which the public facilities impact fee is imposed, the municipally owned public facilities to be financed, the estimated cost of these facilities, and the reasonable relationship between the fee and the various types of new developments are as set forth in the plan.
3. Effective as of January 19, 2013, the amount of the public facilities impact fee shall be as set forth in Table I below:

TABLE I

Per Dwelling Residential		Per 1,000 Square Feet of Space Retail/Commercial			Office/ Commercial	Industrial
Single-Family	Multi-family	Institutional	Retail Under 50,000 sf	Retail Over 50,000 sf		
\$4,469.00	\$3,088.00	\$3,069.00	\$8,974.00	\$6,771.00	\$5,876.00	\$1,681.00

4. Effective as of January 19, 2013, the amount of the public facilities impact fee shall be as set forth in Table I and shall thereafter be adjusted annually beginning January 1, 2014, in accordance with the Engineering Construction Cost Index as published by the Engineering News Record.

(Ord. 2232 § 2, 2006: Ord. 2130 § 1 (part), 2003: Ord. 2000 § 1, 1998: Ord. 1989 § 1 (part), 1998).

(Ord. No. 2340, § 2, 9-8-2009; Ord. No. 2377, § 1, 9-19-2011; Ord. No. 2400, § 2, 12-3-2012)

17.62.045 Reserved.

Editor's note(s)—Ord. No. 2400, § 3, adopted Dec. 3, 2012, repealed § 17.62.045, which pertained to temporary reduction n public facilities impact fees for specific residential properties and derived from Ord. No. 2360, § 2, adopted Oct. 4, 2010.

17.62.050 Collection and expenditure of fees.

- A. The revenues raised by payment of the public facilities impact fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used for the following purposes:
1. To pay for design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;
 2. To reimburse the city for designated public facilities constructed by the city with funds (other than grants or gifts) from other sources;
 3. To reimburse developers who have designed and constructed designated public facilities which are oversized with supplemental size, length or capacity; and
 4. To pay for and/or reimburse costs of program development and ongoing administration of the public facilities fees program.
- B. Within five (5) years of the date of collection, fees provided for under this chapter shall be expended, encumbered or committed for the construction of public facilities capital improvements.
- C. A developer of any project subject to the fee described in this chapter may apply to the city council for a reduction or adjustment to the fee, or waiver of all or a portion of the fee, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the city clerk not later than: (1) ten (10) days prior to the date set for city council consideration of the first development approval for the project, or (2) if no development approval by the city council is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The city council shall consider the application at the same time as the development approval or at a separate hearing held within sixty (60) days after the filing of the fee adjustment application. The decision of the city council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fees.

(Ord. 2130 § 1 (part), 2003; Ord. 2000 § 2, 1998; Ord. 1989 § 1 (part), 1998).

17.62.060 Developer construction of facilities.

Except as may otherwise be provided by development agreement, whenever a developer is required to construct a public facility described in the plan, which facility is determined by the city to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fees, which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the new development. The timing and amount of the reimbursement or credit shall be determined in accordance with the administrative guidelines adopted pursuant to Section 17.62.080, and shall in no event be owed until sufficient public facilities impact fees have been collected for such purpose.

(Ord. 1989 § 1 (part), 1998).

17.62.070 Refund of impact fees.

Any fees that are not expended or encumbered within the period established in Section 17.62.050 shall be refunded to the fee payer or successor in title. The amount repaid shall include principal and accrued interest. Application for refund must be submitted to the city within one (1) year of the date on which the light to claim a refund arises. All refunds due and not claimed within one (1) year shall be retained in the trust fund and expended per Section 17.62.050.

(Ord. 2130 § 1 (part), 2003: Ord. 1989 § 1 (part), 1998).

17.62.080 Administrative guidelines.

The city council shall, by resolution, adopt administrative guidelines to provide procedures for the calculation, reimbursement, credit or deferred payment of the public facilities impact fees.

(Ord. 2130 § 1 (part), 2003: Ord. 1989 § 1 (part), 1998).

17.62.090 Severability.

In the event that any provision or application of this chapter is held to be invalid, the other provisions and applications hereof shall not be thereby affected.

(Ord. 2130 § 1 (part), 2003: Ord. 1989 § 1 (part), 1998).

17.62.100 Calculation—Special determination.

- A. The department of development services may determine that any use, whether or not set forth in Section 17.62.040, based upon a reasonable relationship or nexus between the impacts of the proposed development and the type of facilities proposed, should pay a public facilities impact fee in lieu of the fee established in Section 17.62.040.
- B. Upon such a determination, the department of development services shall, based upon criteria set forth in the plan, calculate a public facilities impact fee for the development.
- C. In the event the developer does not agree with the determination, the developer may apply to the city council for a reduction or adjustment of the fee calculated by the department of development services. The application shall be made in writing and shall comply with the requirements of Section 17.62.050.

(Ord. 2130 § 1 (part), 2003: Ord. 2007 § 1, 1998).

Chapter 17.38 PARK AND RECREATION FACILITIES FEE

17.38.010 Established.

For the purpose of providing additional revenues with which to finance the acquisition, improvement and expansion of public parks, playgrounds and recreational facilities, each applicant for a building permit for residential development shall pay, in addition to any other fees or charges provided elsewhere in this code, a park and recreation facilities fee.

(Ord. 1237 § 4, 1979: prior code § 18.11).

17.38.020 Definitions.

For purposes of construing the park and recreation facilities fee, the following definitions shall apply:

- A. The term "dwelling unit" means and includes each single-family dwelling and each unit of an apartment, duplex or multiple dwelling structure designed as a separate habitation for one (1) or more persons.
- B. The term "mobile home space" means and includes each space in a mobile home park designed to be used for parking a mobile home on a temporary, semipermanent or permanent basis.

(Ord. 1237 § 5, 1979: prior code § 18.12).

17.38.030 Amount.

The park and recreation facilities fee required by Section 17.38.010 shall be determined in accordance with Chapter 18.40 of this code.

(Ord. 1643 § 6, 1987: Ord. 1237 § 6, 1979: prior code § 18.13).

17.38.040 Payment.

The park and recreation facilities fee is payable prior to issuance of building permit. Upon posting surety bond or other security acceptable to the city, the applicant for building permit may elect to defer payment of the fee until the time of issuance of acceptance notice (green tag) by the division of building and safety, department of public works.

(Ord. 1237 § 7, 1979: prior code § 18.14).

17.38.050 Coordination with subdivision ordinance.

The park and recreation facilities fee imposed by Section 17.38.010 is intended to coordinate with the provisions of Chapter 18.40 of this code, requiring the dedication of land, or payment of fees in lieu of such dedication, for park and recreation purposes upon the subdivision of land. The dedication of land, or the payment of fees in lieu of dedication of land, or the payment of reduced fees for low-cost housing, pursuant to Chapter 18.40 of this code, in amounts sufficient to satisfy the provisions of Chapter 18.40, shall be deemed the equivalent of payment of park and recreation facilities fee pursuant to Section 17.38.010, so that no person shall be required,

with respect to any one (1) dwelling unit, to pay both the park and recreation facilities fee required by Section 17.38.010 and the fee in lieu of dedication of land, or the dedication of such land pursuant to Chapter 18.40.

(Ord. 1237 § 8, 1979: prior code § 18.15).

17.38.060 Disposition of funds.

All sums paid as park and recreation facilities fees may be deposited in the same fund as fees paid in lieu of dedication of land pursuant to Chapter 18.40 of this code, and may be used for any of the purposes for which the in lieu fees may be used, or, at the discretion of the city council, may be used for any purpose reasonably related to the acquisition, improvement, expansion, operation, or maintenance of public parks, playgrounds, and recreational facilities.

(Ord. 1237 § 9, 1979: prior code § 18.16).

Chapter 18.40 PARK DEDICATION

Sections:

18.40.010 Purpose.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of the state. The park and recreation facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreation element of the general plan of the city and as such recreational element may hereafter be amended.

(Ord. 1526 § 1 (part), 1984).

18.40.020 Requirements.

At the time of approval of a tentative map or parcel map, the director of recreation and parks shall determine pursuant to this chapter the land required for dedication or in-lieu fee payment. As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for neighborhood and community park or recreational purposes at the time and according to the standards and formula contained in this chapter.

(Ord. 1643 § 1, 1987; Ord. 1526 § 1 (part), 1984).

18.40.030 General standard.

It is found and determined that the public interest, convenience, health, welfare, and safety require that five acres of property for each one thousand persons residing within this city be devoted to neighborhood and community park and recreation purposes.

(Ord. 1526 § 1 (part), 1984).

18.40.040 Formula for dedication of land.

Where a park or recreation facility has been designated in the parks and open space master plan, an element of the general plan of the city, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formulas:

The formula for determining acreage to be dedicated has been established pursuant to Section 66477(b) of the Government Code:

Dwelling Type	Zoning District	Assumed Density	Standard: Acres/DU's
Single-family	R-1	3.15 persons/DU	5 acres/317 DU's
Duplex, low density apts.	R-2	2.51 persons/DU	5 acres/398 DU's
Mobile homes	R & R-MH	1.97 persons/DU	5 acres/508 DU's

Medium and high density R-3 & R-4
apts.

1.88 persons/DU

5 acres/532 DU's
5 acres/1,000

Dedication of the land shall be made in accordance with the procedures contained in Section 18.40.110.

For the purposes of this section, the number of new dwelling units shall be based upon the number of parcels indicated on the map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of new dwelling units in the area so zoned shall be the number proposed or the actual number for which building permits are issued, whichever is greater. In the case of a condominium project, the number of new dwelling units shall be the number of condominium units. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

The subdivider shall, without credit, (1) provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic-control devices, street trees, and sidewalks to dedicated land which is dedicated pursuant to this section, (2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land, (3) provide improved drainage through the site, and (4) provide other minimal improvements which the city council determines to be essential to the acceptance of the land for recreational purposes.

The land to be dedicated and the improvements to be made pursuant to this section shall be approved by the director of recreation and parks.

(Ord. 1643 § 2, 1987; Ord. 1526 § 1 (part), 1984).

18.40.050 Formula for fees in lieu of land dedication.

A. General Formula. If there is no park or recreation facility designated in the parks and open space master plan, to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land, plus twenty percent toward costs of off-site improvements, prescribed for dedication in Section 18.40.040, and in an amount determined in accordance with the provisions of Section 18.40.070, such fee to be used for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided.

For the purposes of this chapter, "off-site improvements" are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 18.40.040.

B. Fees in Lieu of Land—Fifty Parcels or Less. If the proposed subdivision contains fifty parcels or less, the subdivider shall pay a fee equal to the land value, plus twenty percent toward costs of off-site improvements, of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 18.40.040, and in an amount determined in accordance with the provisions of Section 18.40.070.

However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty parcels or less, where the subdivider proposes such dedication voluntarily and the land is acceptable to the city council.

C. Use of Money. The money collected hereunder shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities reasonably related to serving the subdivision.

(Ord. 1526 § 1(part), 1984).

18.40.060 Criteria for requiring both dedication and fee.

In subdivisions of over fifty parcels, the subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

- A. When only a portion of the land to be subdivided is proposed on the parks and open space master plan as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provision of Section 18.40.070 shall be paid for the value of any additional land, plus twenty percent toward costs of off-site improvements, that would have been required to be dedicated pursuant to Section 18.40.040.
- B. When a major part of the local park or recreation site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the provision of Section 18.40.070 shall be paid in an amount equal to the value of the land, plus twenty percent toward costs of off-street improvements, which would otherwise have been required to be dedicated pursuant to Section 18.40.040, such fees to be used for the improvement of the existing park and recreation facility or for the improvement of other local parks and recreation facilities in the area serving the subdivision.

(Ord. 1526 § 1 (part), 1984).

18.40.070 Amount of fee in lieu of land dedication.

When a fee is to be paid in lieu of land dedication, value of the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required for dedication pursuant to Section 18.40.040, plus twenty percent toward costs of off-site improvements, such as extension of utility lines. The fee shall be determined by the following formula:

$$1.2 \text{ DU's} \times \frac{\text{Pop}}{\text{DU}} \times \frac{5 \text{ acres}}{1,000 \text{ people}} \times \frac{\text{FMV}}{\text{Buildable acre}} = \text{in-lieu fee}$$

Where

DU's = Number of dwelling units as defined in Section 18.40.040

Pop = Population per dwelling unit

DU

FMV = Fair market value, as determined in Section 18.40-080

Buildable = typical acre of the subdivision, with a slope less than 10 percent, and located in other than an area on acre which building is excluded because of flooding, easements or other restrictions

Fees to be collected pursuant to this section shall be approved by the director of recreation and parks.

(Ord. 1526 § 1(part), 1984).

18.40.080 Determination of fair market value.

- A. An average annual fair market value shall be determined for each park service area by the city based upon a written report prepared by the director of recreation and parks in conjunction with an appraiser acceptable to the city. The report shall be based upon sales activity of all properties zoned for residential use within

each park service area and will establish an average fair market value for that park service area. These average figures will be applied to all projects within each zone until the fee is next reviewed.

- B. If the subdivider objects to the determined fair market value, he/she may appeal to the city council who shall hear the appeal under the same rules and obligations current for local board of equalization hearings, except that the burden of proof shall lie with the subdivider.

(Ord. 1643 § 3, 1987: 1526 § 1 (part), 1984).

18.40.090 Determination of land or fee.

Whether the city accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- A. The natural features, access and location of land in the subdivision available for dedication;
- B. Size and shape of the subdivision and land available for dedication;
- C. Feasibility of dedication;
- D. Compatibility of dedication with the master park and recreation plan; and
- E. The location of existing and proposed park sites and trailways.

The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

(Ord. 1643 § 4, 1987: Ord. 1526 § 1 (part), 1984).

18.40.100 Credit for private open space.

No credit shall be given for private open space in the subdivision except as hereinafter provided. Where private open space usable for active recreational purposes is provided in a proposed planned development or real estate development as defined in Sections 11003 and 11003.1 of the Business and Professions Code, partial credit, not to exceed fifty percent, shall be eligible to receive credit against the requirement of land dedication or payment of fees in lieu thereof if the city council finds that it is in the public interest to do so and that all the following standards are met:

- A. That yards, court areas, setbacks and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space; and
- B. The private park and recreation facilities shall be owned by a homes association composed of all property owners in the subdivision and being an incorporated nonprofit organization capable of dissolution only by a one hundred percent affirmative vote of the membership, operated under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and each lot is subject to a charge for proportionate share of expenses for maintaining the facilities.
- C. That the use of the private open space is restricted for park and recreation purposes by recorded covenant which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city or its successor; and
- D. That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and

-
- E. That facilities proposed for the open space are in substantial accordance with the provisions of the recreation element of the general plan; and
 - F. That the open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such and other recreation improvements that will meet the specific recreation park needs of the future residents of the area:
 - 1. Recreational open spaces, which are generally defined as parks areas for active recreation pursuits such as soccer, golf, baseball, softball, and football and have at least one acre of maintained turf with less than five percent slope,
 - 2. Court areas, which are generally defined as tennis courts, badminton courts, shuffle board courts, or similar hard-surfaced areas especially designed and exclusively used for court games,
 - 3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawned area, bathhouses, or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen square feet of water surface for each three percent of the population of the subdivision,
 - 4. Recreation buildings and facilities designed and primarily used for the recreational needs of the residents of the development.

The determination of the city council as to whether credit shall be given and the amount of credit shall be final and conclusive.

(Ord. 1526 § 1 (part), 1984).

18.40.110 Procedure.

At the time of approval of the tentative map or parcel map, the director of recreation and parks shall determine pursuant to Section 18.40.040 the land required for dedication. If the city requires in-lieu fee payment by the subdivider, the city will set the amount of land upon which the in-lieu fee will be based at the time of final map approval.

At the time of the filing of the final subdivision map or parcel map, the subdivider shall dedicate the land as required by the director of recreation and parks. Where the director of recreation and parks has determined that fees shall be paid in lieu of or in addition to the dedication of land, the director of recreation and parks shall set the in-lieu fees based on the land dedication requirements as established at the time of tentative map approval using current land values at the time of final map approval with the formula set in Section 18.40.070 and using the process for determining fair market value as set forth in Section 18.40.080. The subdivider shall pay said fees in accordance with the following:

- A. The entire fee shall be due and payable prior to approval of the final subdivision or parcel map; or
- B. The subdivider may elect to defer payment of all or any part of such fee, and to pay the same on a lot-by-lot basis.

In such event, the fee computed for each lot or parcel shall be payable at the time of issuance of the building permit for said lot or parcel, and shall be computed using the formula and fair market value in effect at the time.

Open space covenants for private park or recreation facilities shall be submitted to the city prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map or parcel map.

(Ord. 1643 § 5, 1987; Ord. 1625 § 1, 1986; Ord. 1526 § 1 (part), 1984).

18.40.120 Disposition of fees.

Fees determined pursuant to Section 18.40.070 shall be paid to the city finance officer and shall be deposited into a special fund. Moneys in the fund, including accrued interest, shall be expended solely for the acquisition or development of parkland, or improvements related thereto.

Collected fees shall be appropriated by the city for a specific project to serve the residents of the subdivision in a budgetary year within five years upon receipt of payment or within five years after the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later.

If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

The city finance officer shall report to the city council at least annually on income, expenditures, and status of the special fund.

(Ord. 1526 § 1 (part), 1984).

18.40.130 Exceptions.

Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this chapter; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels, a fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit in accordance with Chapter 17.38.

The provisions of this chapter do not apply to commercial or industrial subdivision; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

(Ord. 1526 § 1 (part), 1984).

18.40.140 Subdivider-provided park and recreation improvements.

The value of park and recreation improvements provided by the subdivider to the dedicated land shall be credited against the fees or dedication of land required by this chapter. The city council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in-lieu fee payments should the land and improvements be unacceptable.

(Ord. 1526 § 1 (part), 1984).

18.40.150 Agency to accept land and fees.

Land or fees required under this chapter shall be conveyed or paid directly to the city. The city shall develop a schedule pursuant to Section 66477 of the Government Code as amended by Chapter 1467 of the Statutes of 1982, specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision.

(Ord. 1526 § 1 (part), 1984).

18.40.160 Access.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the city council if the city council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

(Ord. 1526 § 1 (part), 1984).

18.40.170 Sale of dedicated land.

If circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional parkland or change in school location), any dedicated land may be sold upon the approval of the city council with the resultant funds being used for the purchase of a more suitable site.

(Ord. 1526 § 1 (part), 1984).