



Board Agenda Item 43

DATE: June 6, 2023

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: FY 2021-2022 Transportation Mitigation Fee Activity Report

RECOMMENDED ACTION(S):

Review and accept the FY 2021-2022 Transportation Mitigation Fee Activity Report (Attachments A and B), and make the following findings:

- A. That the purpose of the Fee is to mitigate impacts caused by new development in the County in order to implement the Goals and Policies of the County General Plan; and**
- B. That there is a reasonable relationship between the Fee and the purpose for which it is charged as specified in each Resolution or Agreement establishing a particular fund subclass; and**
- C. That the County shall utilize these Fees in conjunction with other sources and amounts of funding from Federal, State, and local grant programs, local road funds, and private developer funds to complete the financing of necessary improvements; and**
- D. That the year in which the funds will be utilized from the appropriate fund subclass is noted in Attachment A.**

Approval of the recommended action will meet the requirement that the local agency review the Annual Report for FY 2021-22 of Transportation Mitigation Fee Activity not less than 15 days after its public release, pursuant to Sections 66000 and following of the California Government Code (Code) and Fresno County Ordinance Code Section 17.88.060(A). The report for FY 2021-22, contained in this agenda item and its attachments, reflects fund activity for transportation improvements associated with specific development projects and were made available to the public and published in the Business Journal on May 15, 2023. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose to review the report and determine that funding for transportation improvements associated with specific development projects is no longer needed for the construction of the improvements, and direct Department of Public Works and Planning staff to refund the unexpended funds.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Fees collected through Transportation Mitigation Fee Program are deposited into subclasses established for the individual projects

in the Public Facilities Fees Special Revenue Fund 0088 (Fund) to help with the cost of future off-site publicly owned road and intersection improvements necessary to mitigate impacts from the development when the improvements are needed.

DISCUSSION:

For purposes of the FY 2021-22 report, the phrase "Transportation Mitigation Fees" or "Fees" refers to the transportation mitigation fees charged to private development projects to pay for the impacts on County transportation infrastructure attributable to those projects. The report satisfies the requirement of the Fresno County Ordinance Code, Section 17.90.080(D).

Local agencies, such as the County, are required to make available to the public, account information relative to their respective impact fees, including the Transportation Mitigation Fees. Per Section 66006 of the Government Code, such information is required to be provided within 180 days after the close of the fiscal year. County Ordinance Code section 17.88.060(A) also requires the annual reporting of unexpended or uncommitted mitigation fees and required your Board to make findings relative to those fees. The Board is to then review the information at its next regularly scheduled meeting, not less than 15 days after this information is made available to the public. (Gov. Code, § 66006, subd. (a)(2).) The presentation of this annual report to the Board satisfies that legal requirement. The information includes the following:

1. A brief description of the fee.
2. The amount of the fee.
3. The beginning and ending balance of the fee fund.
4. The amount of the fee collected, and interest earned.
5. Identification of the public improvements or acquisitions for which the fee was expended, and the amount of the expenditure and the percentage funded by the fee.
6. The date by which construction will begin or acquisitions made if sufficient funds are available.
7. A description of each inter-fund transfer or inter-fund loan from the fund, if any.
8. The amount of refunds made, if any, of unexpended funds once all projects for which the fee was imposed are completed.

In accordance with Sections 66006 and 66008 of the Government Code, the local agency receiving the Transportation Mitigation Fees shall deposit them with other fees for road improvements in a separate capital facilities fund in a manner to avoid any commingling of Fees with other revenues and funds of the local agency, except for temporary investments. The Fees may only be expended for the purposes for which they were collected and cannot be levied, collected, or imposed for general revenue purposes. Any interest income earned from the money in the Fund must also be deposited in that Fund and expended only for the purposes for which the Fees were originally collected.

The County collects Transportation Mitigation Fees from various developments to mitigate transportation and circulation impacts under the provisions of Sections 66000 and in accordance with the Government Code and Chapter 17.88 of the Fresno County Ordinance Code. Developments that have paid, or will pay, Fees include, but not limited to:

Brighton Crest Subdivision (Tract No. 4048 et al), Copper River Ranch Golf Course, Carmalee Estates (Tract No. 4708), Unocal at State Route 198 and Interstate 5, Hunt-Wesson Tomato Plant on Kamm Avenue, Quail Lake Estates (Tract No. 4679 et al), Pitchwood Downs (Tract No. 4761), Tract Nos. 4613, 4771, 4669, and 4351, Mansionnette Country Estates (Tract No. 4835), Mira Bella (Tract No. 4321 et al), Jefferson Acres (Tract No. 5027 et al), Ventana Hills (Tract No. 5100), Bella Sera (Tract No. 256), Bella Vista (Tract No. 4870), SF Pacific Properties, U.S. Swap Meet Sellers Association, Clovis Hills Community Church, Jayne Avenue Travel Center, Three Crowns Industrial Park, CMI Surface Mine, Manning/Alta Commercial Center and Sunrock (Tract No. 5990).

The Fund's total amount at the beginning of the FY 2021-22 was \$6,265,326. Fees in the amount of

\$332,414 were collected into the Fund and earned \$101,122 in interest during the fiscal year. The total balance at the end of FY 2022 was \$6,599,181. The \$333,855 difference between the end of FY 2020-21 and beginning of FY 2021-22 was due to the addition of Subclasses 34283 thru 34286 for FY 2021-22. A summary of the activity in each of the subclasses for both Fiscal Years is included as Attachment B. The fees collected include a 3% charge of \$6,982 for FY 2021-22 for administration of the Transportation Mitigation Fees Program. The fees are based on the total amount of fees collected and are not represented on Attachment B.

The Fees have been deposited into separate subclasses (83 thru 86 for FY 2021-22) established for the individual projects in the Fund. The projects are listed on Attachment A. The Fees have been collected for the developments' pro-rata shares of the total project costs of the identified improvements. Each of these developments prepared a Traffic Impact Study (TIS) as a part of the CEQA analysis. Each TIS identified cumulative transportation and circulation impacts beyond the boundary of the project, specified mitigation measures, and calculated the pro-rata share. The pro-rata share is calculated by dividing the project traffic by the projected traffic plus project traffic. To determine the development mitigation fee, the calculated percentage of the pro-rata share is multiplied by the total improvement cost. The development mitigation fee is then divided by the total number of units to yield the per unit fee. Attachment C details the per unit fee being collected from active developments.

In the fifth year following the first deposit into a subclass, the Board of Supervisors shall make the findings as noted in the recommended action with respect to the portion of the remaining unexpended funds. If the findings are not made, the County must refund the Fees.

The FY 2021-2022 report was made available to the public in the office of the Department's Development Services Division, is posted to the Department's website, and was published in the Business Journal on May 08, 2023.

With your Board's approval of the recommended action above, including all of the findings, the requirement that the local agency review the Annual Report of Transportation Mitigation Fee Activity not less than 15 days after its public release will be met.

REFERENCE MATERIAL:

BAI #43, April 19, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - B FY 2021-2022

CAO ANALYST:

Salvador Espino