



Board Agenda Item 36

DATE: January 7, 2020

TO: Board of Supervisors

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

SUBJECT: FY 2018-19 Transportation Mitigation Fee Activity Report

RECOMMENDED ACTION(S):

Review and accept the FY 2018-19 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;**
- 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;**
- 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 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 FY 2018-19 report reflects fund activity for transportation improvements associated with specific development projects and was made available to the public and published in the Business Journal on November 18, 2019. A second notice was published in the Business Journal on December 23, 2019. 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 action. Funds collected through Transportation Mitigation Fees 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. The Fund's total amount at the beginning of the FY 2018-19 was \$4,444,997. Fees in the amount of \$591,369 were collected into the Fund and earned \$91,458 in interest during the fiscal year. Due to error corrections, funds were transferred between subclasses and are shown as transfers (\$6,183) yielding an ending Fund balance of \$5,121,641. A summary of the activity in each of the subclasses is included as Attachment B. The fees collected include a 3% charge (\$17,741) for administration of the Transportation Mitigation Fees program. The fees are not included in Attachment B.

DISCUSSION:

For purposes of the FY 2018-19 report, the phrase "Transportation Mitigation Fees" or "Fees" refers to the transportation mitigation fees charged to private development projects. The report is similar to but unrelated to another report before your Board on January 7, 2020, submitted by the Auditor-Controller/Treasurer-Tax Collector, related to the County's Public Facilities Impact Fees, which is required by 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; this legal requirement is reflected in County Ordinance Code section 17.88.060(A). 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. 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:

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 Fees have been deposited into 67 separate subclasses 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 Initial Study Application. 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. Developments that have fully paid the required Fees are not included in the attachment.

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.

Due to a clerical error, subclasses 34272, 34273, and 34274 in the report for FYs 2015-16 and 2016-17 had identical project descriptions. The project descriptions for subclass 34273 (widening of Central Avenue from Chestnut to Golden State Blvd) and 34274 (installation of a traffic signal at Central and Academy) have now been updated to ensure consistency with the Board of Supervisors March 23, 2010 report and related resolution which originally established the Transportation Mitigation Fee for CUP No. 3052. In addition, corrections were made to subclass 34210, which was split into subclass 34210 (widening of Friant Road between Copper Avenue and Millerton Road) and subclass 34207 (widening of Millerton Road between Friant Road and Auberry Road), to be consistent with the Board of Supervisors December 12, 1989 report and related agreement which originally established the Transportation Mitigation Fee for Tract No. 4048. Further, a correction was made to subclass 34262, which was split into subclass 34262 (widening of Friant Road from Bugg Avenue to North Fork Road) and subclass 34275 (widening of Friant Road from Willow Avenue to Bugg Avenue) to be consistent with the Board of Supervisors January 29, 2008 report and related resolution which originally established the Transportation Mitigation Fee for Tract No. 4870. Lastly, a correction was made to subclass 34260, which transferred funds out of Fund 0088 to Fund 0085, Subclass 17423 to appropriately fund the Millerton Newtown Facility and Development Fees to be consistent with Board of Supervisors April 27, 2010 report and related agreement which approved several requests related to Tract No. 4870, including the Traffic Impact Fee Agreement.

The FY 2018-19 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 November 18, 2019.

With your Board's approval, 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 #62, December 11, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A-C

CAO ANALYST:

Sonia M. De La Rosa