



# COUNTY OF HUMBOLDT

For the meeting of: 12/13/2022

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File #: 22-1541

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Annual Report for Fiscal Year 2021/2022 Regarding Mill Creek Marketplace Development Impact Fee, McKinleyville Area (Fund 3703)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the Resolution accepting the report and adopting findings related to the Mill Creek Marketplace Development Impact Fee (Attachment 1).

**SOURCE OF FUNDING:**

General Fund (1100)

**DISCUSSION:**

On May 11, 1993, the Board of Supervisors adopted Ordinance No. 1998 regarding the financing of public improvements necessary to mitigate the impacts caused by new development in the Mill Creek Marketplace Shopping Center in McKinleyville. This ordinance was codified in County Code Section 329 *et seq.* (Attachment 2). This ordinance set forth the collection of fees related to future development within the Mill Creek Marketplace; a shopping center consisting of approximately 19 acres of land located near the southwest corner of School Road and Central Avenue. The purpose of the fees is to reimburse the developer for the cost of constructing and installing traffic signal facilities (Attachment 3).

The fees are to be collected at the time that a building permit is issued. Assembly Bill 1600, known as the Mitigation Fee Act and codified in Government Code Section 66000 *et seq.*, requires that a report be prepared annually and made available to the public within one hundred and eighty (180) days after the last day of the fiscal year. The Board of Supervisors reviews the information made available to the public at the next regularly scheduled public meeting not less than fifteen (15) days after it is made available to the public. Notice of the time and place of the meeting, including the address where this information may be reviewed, has been publicly posted in accordance with the provisions of the Mitigation Fee Act.

The 2021/2022 annual report is Exhibit A to Attachment 1 of this agenda item and includes the

following information in accordance with Government Code 66006(b):

- A. A brief description of the type of fee in the account or fund.
- B. The amount of the fee.
- C. The beginning and ending balance of the account or fund.
- D. The amount of the fees collected and the interest earned.
- E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Government Code Section 66001(a)(2), and the public improvement remains incomplete.
- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- H. The amount of refunds made pursuant to Government Code Section 66001(e) and any allocations pursuant to Government Code Section 66001(f).

Also, pursuant to Government Code Section 66001(d), every fifth year the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- (1) Identify the purpose to which the fee is to be put.
- (2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- (3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code Section 66001(a)(2).
- (4) Designate the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate account or fund.

The county has complied with the general requirements of the Mitigation Fee Act that fees collected are necessary to fund the cost of improvements which benefit or will benefit subject developments. The funds collected have been segregated from other funds since the outset in compliance with this act. There is one (1) parcel within the impact fee area which has not been developed. After this last parcel is developed and the fee is paid, the developer can then be reimbursed for the final payment. After the final payment to the developer is made, the impact fee is no longer necessary and can be eliminated.

#### FINANCIAL IMPACT:

There is a minimal cost associated with preparing the necessary reporting documents. This will be

covered within budget unit 1100166.

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by providing for and maintaining infrastructure.

**OTHER AGENCY INVOLVEMENT:**

None.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

None.

**ATTACHMENTS:**

- Attachment 1: Resolution of the Board of Supervisors of the County of Humboldt, making Government Code Section 66001 findings and accepting the Annual Report with respect to the Mill Creek Marketplace Development Impact Fee for the Fiscal Year 2021/2022. (The Annual Report is Exhibit A to the Resolution.)
- Attachment 2: County Code Section 329 *et seq.*
- Attachment 3: Agreement between BDC McKinleyville Associates and the County of Humboldt dated May 4, 1993.
- Attachment 4: Accounting Summary of Fund No. 3703 Mill Creek Marketplace Development Impact Fee

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: C-14  
Meeting of: 11/02/2021  
File No.: 21-1519