

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of October 15, 2019

RESOLUTION NO. 19-101

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, MAKING GOVERNMENT CODE SECTION 66001 FINDINGS AND ACCEPTING ANNUAL REPORT WITH RESPECT TO THE MILL CREEK MARKETPLACE DEVELOPMENT IMPACT FEE FOR THE FISCAL YEAR 2018/2019**

**WHEREAS**, on 05/11/1993, the Board of Supervisors adopted Ordinance No. 1998 regarding the establishment of a development impact fee for the Mill Creek Marketplace "Impact Fee"; and

**WHEREAS**, Ordinance No. 1998 sets forth the purposes of the fee and demonstrates a reasonable relationship between the fee and the purpose for which it is charged; and

**WHEREAS**, Government Code Section 66006 requires that the Board of Supervisors make available certain information to the public and hold a public meeting within 180 days of the close of the fiscal year detailing the fiscal year collection and expenditures of the Impact Fees; and

**WHEREAS**, the Annual Report has been available to the public for at least 15 days as required; and

**WHEREAS**, the Board has received and reviewed the information required by Government Code Section 66006 with respect to fiscal year 2018/19 as pertains to the Impact Fees; and

**WHEREAS**, pursuant to Government Code Section 66001(d) the use of all existing fee balances are identified in County Code Section 329 *et seq.* and there are no balances in the funds five years or more that are unexpended or uncommitted; and

**WHEREAS**, the improvements identified in County Code Section 329 *et seq.* have been constructed; and

**WHEREAS**, no improvements are scheduled for construction at this time; and

**WHEREAS**, the fees collected are necessary in order to reimburse the developer for the cost of installing the improvements.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That all of the recitations contained herein above are true and correct.
2. The County of Humboldt hereby accepts the Annual Report for FY 2018/19 regarding the Mill Creek Marketplace Development Impact Fee (attached hereto as Exhibit A and incorporated herein by reference) as being in accordance with applicable State Law.

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3. Regarding five year reporting, the County of Humboldt adopts the findings proposed in Section I of the Annual Report.
4. The County of Humboldt finds that no improvements are scheduled for construction at this time.
5. The County of Humboldt finds that fees collected are necessary in order to reimburse the developer for the cost of installing the improvements.

Dated: October 15, 2019

  
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Rex Bohn, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson, seconded by Supervisor Fennell, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Wilson, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	Madrone
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA    )  
County of Humboldt     )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

  
\_\_\_\_\_  
Ryan Sharp  
Deputy Clerk of the Board of Supervisors of  
the County of Humboldt, State of California

**Exhibit A: Annual Report for Fiscal Year 2018/19 regarding the Mill Creek Marketplace Development Impact Fee**

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**A. A brief description of the type of fee in the account or fund.**

On 05/11/1993, 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 in McKinleyville; a shopping center consisting of approximately 19 acres of land located near the southwest corner of School Road and Central Avenue. This Ordinance was codified in County Code Section 329 *et seq.* and sets forth the collection of fees related to future development within the Mill Creek Marketplace. The purpose of the fee is to reimburse the developer for the cost of constructing and installing traffic signal facilities. The fees are to be collected at the time that a building permit is issued.

**B. The amount of the fee.**

The amount of the fee is codified in County Code Section 329-4, which is shown below.

**329-4 AMOUNT OF FEES.**

The Development impact fee is arrived at by taking the total costs of traffic facilities improvements to be constructed as set forth in Section 329-8 and dividing the total construction cost of the improvements (\$152,592.00) by the total building square footage (198,988 square feet) of the previously approved Mill Creek Marketplace. This equates to a per square foot fee of \$.767 per square foot of building floor area for which a building permit is being requested. For example, if someone applied for a building permit for a 5,000 square foot building the Development Impact Fee would be 5,000 square foot x \$.767 = \$3,835.00 fee.

**C. The beginning and ending balance of the account or fund.**

The fund name is: McKinleyville Development Fee

The beginning balance of fund 3703 as of 07/01/2018 was \$100.

The ending balance of fund 3703 as of 06/30/2019 was \$100.

**D. The amount of the fees collected, and the interest earned.**

The total amount collected for 2018/2019 was \$0.

Interest earned for 2018/2019 is \$0.

**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.**

No fees were expended in 2018/2019.

**Exhibit A: Annual Report for Fiscal Year 2018/19** Error! Bookmark not defined.  
**regarding the Mill Creek Marketplace Development Impact Fee**

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- 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.**

Not Applicable: The improvements have already been constructed. The impact fee is to reimburse the developer for the cost of installing the improvements.

- 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.**

There have been no inter fund transfers or loans from these funds.

- H. The amount of refunds made pursuant to Government Code Section 66001(e) and any allocations pursuant to Government Code Section 66001(f).**

There were no refunds made pursuant to Section 66001 during FY 2018/19.

- I. Fifth Year Special Reporting: 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.** The purpose for the fee is discussed in Section A above.

**(2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.** County Code Section 329-1 sets forth the following findings that establish a relationship between the fee and the purpose of the fee:

(a) The purpose of this fee is to finance the public improvements necessary to mitigate the impacts caused by new development in the Mill Creek Marketplace in McKinleyville.

(b) The fees collected pursuant to this ordinance shall be used to finance the cost of certain traffic facilities and services, the demand for which is directly or indirectly generated by the Mill Creek Marketplace in McKinleyville.

(c) The specific traffic facility improvements to be financed by the fee are as follows: Any and all cost associated with the design, construction and/or relocation of the traffic signal located at the Southwest Corner of School Road and Central Avenue and the new traffic signal to be located at the center driveway of Mill Creek Marketplace located approximately 450 feet south of the intersection of School Road and Central Avenue, and any cost to establish and administer this ordinance.

**Exhibit A: Annual Report for Fiscal Year 2018/19** Error! Bookmark not defined.  
**regarding the Mill Creek Marketplace Development Impact Fee**

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- (d) There is a demand in the Mill Creek Marketplace area for such facilities which have not been constructed and which is directly or indirectly generated by the Mill Creek Marketplace development as indicated in the Conditions of Approval set forth in Humboldt County Planning Department file Case No. FMS-09-912, CUP-27-912. Said facilities are consistent with the County of Humboldt's General Plan and the Conditions of Approval for the Mill Creek Marketplace.
  - (e) The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development for which the corresponding fee is charged, and, also there is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
  - (f) There is a reasonable relationship between the amount of the fee and the cost of the public facilities. The cost estimates set forth in the Phillippi Engineering study are reasonable cost estimates for constructing these facilities and the fees expected to be generated by new development will not exceed the total of such costs plus the cost of administering the ordinance.
- (3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of Government Code Section 66001(a).** The improvements are financed entirely with the collection of this impact fee.
- (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.** Unknown; the timing at which the shopping center will be fully built-out is not known and is subject to market demand for retail space.

Prepared by:

**Department of Public Works  
1106 Second Street  
Eureka, CA 95501**