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MR June 2, 2020

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Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Resolution Approving the Annual Statement of Collection of Developer Fees for Fiscal Years 2018-2019 with a Five-Year Summary for Fees Collected

Dear Board Members:

Accounting

RECOMMENDATION: Approve the resolution.

Airport

Building Maintenance

Capital Projects

Certified Unified Program Agency (CUPA)

Communications Maintenance

County Garage

Disability Access

Engineering & Survey

Flood Control & Water Resources

Land Development

Purchasing

Real Estate

Reprographic Services

Road Maintenance

Stormwater Program

Transportation & Traffic Operations

Waste Management

SUMMARY: The State Legislature enacted Assembly Bill 1600, establishing Government Code Chapter 5, commencing with Section 66000, Fees for Development Projects. The provisions of this Chapter allow local governments to adopt fees for development projects. California Government Code Section 66006 requires local government agencies to make financial disclosures regarding the collection and expenditure of the development fees on an annual basis. The attached resolution conforms to the requirements contained in Government Code Sections 66000 – 66008 and fulfills the County's reporting obligation to make available fiscal information relating to collected developer fees.

A list of collected developer fees and the associated impact areas as established by Resolution No. 2002-97 and Ordinance No. 3348 are included in Exhibits 'A' and 'B' for Fiscal Year 2018-2019, attached to the proposed resolution. The improvements listed in Resolution No. 2002-97 still require additional funding to implement as outlined in Exhibit C, attached.

The Government Code also requires that the local agency make appropriate findings every five years regarding the need to continue holding the collected fees whether committed or uncommitted. The County has been collecting traffic impact fees, now identified as Public Transportation Facilities Fees, since 1988. The Board of Supervisors codified the collection of fees on July 9, 2002, by adopting Resolution 2002-97 and Ordinance 3348 establishing five Transportation Facilities Fee collection zones (identified in the table below). These fee zones were based on the results and recommendation of a March 2002 report titled, "Marin County Sub-Regional Transportation Improvement Fee Study." This study evaluated regional transportation facilities throughout the County and, identified future areas of deficiencies, identified zones of influence and specific projects. Increasing origin/destination traffic to/from these zones was determined to cause level-of-service failures on the regional infrastructure. Therefore, the Ordinance established a fee schedule for all new PM Peak Hour trips in and out of these zones. The intent is to fund all or a portion of the future infrastructure improvements with this Public Transportation Facilities Fee on new trips.

CAGE

The five Transportation Facilities Fee collection zones established by Resolution No. 2002-97 and Ordinance No. 3348 have the following balances as of July 30, 2019:

Fund	Collection Zone	Balance
2210	Tamalpais Community Plan Area	
	Beginning balance	\$ 166,744.02
	Fees Collected FY 2018-2019	\$ 22,717.10
	Interest Accrued FY 2018-2019	\$ 3,107.16
	Funds Expended	\$ 0.00
	Ending balance	\$ 192,568.28
2220	Strawberry Interchange (US-101/SR-131)	
	Beginning balance	\$ 441,840.66
	Fees Collected FY 2018-2019	\$ 25,186.66
	Interest Accrued FY 2018-2019	\$ 8,028.49
	Funds Expended	\$ 0.00
	Ending balance	\$ 475,055.81
2230	West Sir Francis Drake Boulevard Area	
	Beginning balance	\$ 146,381.87
	Fees Collected FY 2018-2019	\$ 7,309.76
	Interest Accrued FY 2018-2019	\$ 2,619.39
	Funds Expended	\$ 0.00
	Ending balance	\$ 156,311.02
6310	Northgate Activity Center Plan Area	
	Beginning balance	\$ 367,158.64
	Fees Collected FY 2018-2019	\$ 4,793.29
	Interest Accrued FY 2018-2019	\$ 6,513.48
	Funds Expended	\$ 0.00
	Ending balance	\$ 378,465.41
2240	Atherton Avenue Interchange	
	Beginning balance	\$ 413,821.23
	Fees Collected FY 2018-2019	\$ 8,903.83
	Interest Accrued FY 2018-2019	\$ 7,405.96
	Funds Expended	\$ 0.00
	Ending balance	\$ 430,131.02

Fund	Collection Zone	Balance
2200	Roadway Impact Fee	
	Beginning balance	\$ 820,411.67
	Fees Collected FY 2018-2019	\$ 1,174,986.09
	Interest Accrued FY 2018-2019	\$ 1,251.24
	Funds Expended	\$ 1,750,000*
	Ending balance	\$ 246,652.00
6290	Lucasfilm Traffic Impact Fee	
	Beginning balance	\$ 238,647.88
	Fees Collected FY 2018-2019	\$ 0.00
	Interest Accrued FY 2018-2019	\$ 4,230.07
	Funds Expended	\$ 0.00
	Ending balance	\$ 242,877.95
6300	Miscellaneous Traffic Impact Fees **	
	Beginning balance	\$ 3,193.64
	Interest Accrued FY 2018-2019	\$ 56.61
	Ending balance	\$ 3,250.25

* Funds expended from the Road Impact Fee (Fund 25027) were used on local roads for asphalt patching and digouts, slurry seals, and road paving during the 2018-2019 fiscal year.

** Other development fees similar to the Public Transportation Facilities Fees have been collected for specific public improvements. These fees are also subject to the reporting requirements. Other fees collected in the 932 Trust are summarized as of July 30, 2019.

FISCAL IMPACT: None.

REVIEWED BY: [] County Administrator [X] N/A
 [] Department of Finance [X] N/A
 [] County Counsel [X] N/A
 [] Human Resources [X] N/A

Respectfully submitted,

David Flynn

David Flynn
 Principal Civil Engineer

Attachments: Resolution with Exhibits A, B and C *RF*

RESOLUTION NO. 2020-__
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
FINDING A CONTINUING NEED FOR MITIGATION FEES COLLECTED TO MITIGATE
CUMULATIVE TRAFFIC AND DRAINAGE IMPACTS RESULTING FROM NEW
DEVELOPMENT

WHEREAS, as of January 1, 1997, California State Planning and Zoning law requires local agencies collecting mitigation fees after January 1, 1989, to make findings of continued need if a collected fee remained unexpended or uncommitted after five years; and

WHEREAS, on or after January 1, 1989, the County of Marin has collected transportation and drainage improvement fees from the parties shown on Exhibits 'A' and 'B'; and

WHEREAS, The Board of Supervisors held a duly noticed public meeting on June 2, 2020, to review the Annual Statement of Developer Fee Collections for the Fiscal Year ending on June 30, 2019, attached hereto and incorporated as Exhibits 'A' and 'B'; and

WHEREAS, the impacts for which the fees were collected still exist and funding for the public improvement projects in which the developments have been collected is not complete; and

WHEREAS, the scope of the contemplated improvements and the incremental nature of the impact fee collection have delayed collection of adequate fees to cover the cost of improvements; and

WHEREAS, the existing and future collection of fees is necessary to fund needed improvements to mitigate the impacts from all projects.

NOW THEREFORE, BE IT RESOLVED that pursuant to Government Code Chapter 5, commencing with Section 66000 and California Government Code Section 66006, the Board of Supervisors hereby resolves to accept the Annual Statement of Developer Fee Collections for Fiscal Year Ending on June 30, 2019, as prepared by the Public Works Department and determines that there is continued need for the collected traffic mitigation fees.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 2nd day of June 2020, by the following vote:

AYES: SUPERVISORS
NOES: NONE
ABSENT: NONE

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK

Exhibit A

TRAFFIC MITIGATION FEE BALANCES FOR FISCAL YEAR 2018- 2019

Fund	Collection Zone	Balance
2210	Tamalpais Community Plan Area	\$ 192,568.28
2220	Strawberry Interchange (US-101/SR-131)	\$ 475,055.81
2230	West Sir Francis Drake Boulevard	\$ 156,311.02
6310	Northgate Activity Center Plan Area	\$ 378,465.41
2240	Atherton Avenue Interchange	\$ 430,131.02
2200	Roadway Impact Fee	\$ 246,652.00
6290	Lucasfilm Traffic Impact Fee	\$ 242,877.95
6300	Miscellaneous Traffic Impact Fees	\$ 3,250.25

Exhibit B

TRAFFIC MITIGATION FEE BALANCES ENDING FISCAL YEAR 2018- 2019

Tamalpais Community Plan Area – Fund 2210 (Org 22115521) Balance \$192,568.28

Project	Projected Cost (date of cost est.)	Projected Completion Date
One additional southbound lane on State Route 1 from Tam Junction to the Manzanita intersection.	\$612,000 (3/91)	2020
Widen the Coyote Creek Bridge to no more than three lanes, including two southbound through lanes and one northbound through lane. Engineering did a feasibility study to widen the Hwy 1 Bridge over Coyote Creek about 15 yrs ago.	\$102,000 (3/91)	2020
Provide a total of five lanes between Coyote Creek Bridge and Tam Junction, including two southbound through lanes, two northbound through lanes, and one double left-turn center lane. The double left-turn center lane would transition into an exclusive northbound left-turn lane at Tam Junction. An eastbound right-turn lane and southbound left-turn lane also would be provided at Tam Junction. The environmental and real estate costs were prohibitive. The cost for widening of Hwy 1 through Tam Junction has likely increased disproportionately because of environmental permitting, real estate acquisition.	\$2,214,000 (3/91)	2020
Signalize and provide a westbound left-turn lane, eastbound through lane, and northbound through lane to the State Route 1/Flamingo Road/Gibson Avenue intersection.	\$500,000 (3/91) (\$280,846.23 actual cost)	Completed 2012

Strawberry Interchange (US-101/SR-131) – Fund 2220 (Org 22215521) Balance \$475,055.81

Project	Projected Cost (date of cost est.)	Projected Completion Date
Widen the northbound Redwood Highway Frontage Road approach to Tiburon Boulevard to provide an eastbound right-turn only lane.	\$120,000 (10/91)	10/1991
Widen Tiburon Boulevard from the U.S. Highway 101 northbound ramps to North Knoll Road to provide one additional westbound through lane and one additional eastbound through lane.	\$650,000 (10/91)	10/1991
Signalize the Tiburon Boulevard/North Knoll Road intersection.	\$360,000 (10/91)	2020
Widen the U.S. Highway 101 southbound off-ramp to provide one additional westbound right-turn only lane.	\$630,000 (10/91) Actual Fair Share cost \$800k	Completed 2009
Widen Tiburon Boulevard from the Redwood Highway Frontage Road to the U.S. Highway 101 southbound loop on-ramp to provide one additional westbound through lane.	\$1,000,000 (10/91)	2020

West Sir Francis Drake Boulevard – Fund 2230 (Org 22315521) Balance \$156,311.02

Project	Projected Cost (date of cost est.)	Projected Completion Date
Signalize, or possibly provide a roundabout, and channelization of the Sir Francis Drake Boulevard/Nicasio Valley Road intersection.	\$150,000 (10/94)	2020
Construction of a bridge over a major slide area along Sir Frances Drake Boulevard, locally known as White's Hill, west of the Town of Fairfax.	\$1,532,447 (\$6,245,377.38 actual cost)	Completed 2003

Northgate Activity Center Plan Area – Fund 6310 (Org 63115521) Balance – \$378,465.41

Project	Projected Cost (date of cost est.)	Projected Completion Date
Improve U.S. Hwy 101 s/b loop off-ramp with a direct off-ramp to a signalized intersection at Lucas Valley Road and Los Gamos Road. Provide a southbound loop on-ramp for westbound Lucas Valley Road traffic at this interchange.	19,000,000 (6/01)	2020
Widen Civic Center drive to four through lanes (two each way) from Manuel Freitas Parkway to North San Pedro Road;		2020
N. San Pedro Rd/Civic Center Dr intersection reconfiguration to provide southbound right-turn lane and additional e/b left-turn lane.	Completed 2002 Actual Cost \$273,028.60	2002
Signalize the U.S. Highway 101 southbound ramps at Miller Creek Road.	\$152,000 (4/02)	2020
Signalize the U.S. Highway 101 northbound ramps at Miller Creek Road.	\$152,000 (4/02)	2020
Provide local match to Lucas Valley Road/Las Gallinas Avenue intersection improvements.	\$59,000 (4/02) No cost to 80713;TFCA covered local match	Completed 2002

Atherton Avenue Interchange – Fund 2240 (Org 22415521) Balance - \$430,131.02

Project	Projected Cost (date of cost est.)	Projected Completion Date
Signalize the Binford Road/Atherton intersection.	\$150,000 (2/91)	2020
Bike path (Class I) on Atherton Avenue from Bugeia Lane to Olive Avenue.	\$1,200,000 (6/01)	2020

Road Impact Fee – Fund 2200 (Org 22015521) Balance - \$ 246,652.00

Project	Projected Cost	Projected Completion Date
Maintenance of local roads, bridges, and infrastructure due to construction related impacts.	Varies	On Going

Lucasfilm Traffic Impact Fee – Fund 6290 (Org 62915521) Balance – \$242,877.95

Project	Projected Cost (date of cost est.)	Projected Completion Date
N. San Pedro Rd/Civic Center Drive intersection reconfiguration to provide southbound right-turn lane and additional e/b left-turn lane.	Completed 2002 Actual Cost \$273,028.60 – Contrib. from 83T = \$18,701.65	Completed 2002
Widen Civic Center drive to four through lanes (two each way) from Manuel Freitas Parkway to North San Pedro Road.	Fair Share Contribution \$69,361.43	2020
Lucas Valley Road at Mount Lassen	Fair Share Contribution \$26,016.61	2020
Lucas Valley Road. at Miller Creek Road Intersection Improvements.	Fair Share Contribution \$130,000.00	Completed 2002
Lucas Valley Road @ Los Gamos Avenue Intersection Improvement.	Fair Share Contribution \$3,642.33	2020
Lucas Valley Road @ S/B Hwy. 101 Ramps.	Fair Share Contribution \$64,261.03	2020
Smith Ranch Road @ N/B Hwy 101 Ramps.	Fair Share Contribution \$7,284.65	2020

Miscellaneous Traffic Impact Fees – Fund 6300 (Org 63015521) Balance \$3,250.25

Project	Projected Cost (date of cost est.)	Projected Completion Date
Various		

Exhibit C
5 Year Development Fee Report
Period Ending June 30, 2019

Pursuant to Government Code Section 66001, the following report is provided:

Collection Zone: Fund	Fee Purpose	Relationship of Fee to Purpose	Sources and Amts of Funding to Completed Financing	Approximate Year on which Funding is Expected to be Deposited
Tamalpais Community Plan Area: Fund 2210	Transportation improvements along State Route 1 from US Hwy 101 to Loring Ave.	Cost of ultimate improvements proportional to the number of new PM peak trips expect from development	Future development, local funds, and State and Federal grant funds	2030
Strawberry Interchange (US- 101/SR-131): Fund 2220	Transportation improvements to main roadways leading to and through interchanges as described in more detail in the "Project Study Report On State Route 131 Between Tower Dr./Kipling Dr. and North Knoll Rd."	Cost of ultimate improvements proportional to the number of new PM peak trips expect from development	Future development local funds, and State and Federal grant funds.	2030
West Sir Francis Drake Boulevard: Fund 2230	White's Hill Slide Repair and Nicasio Valley Rd./Sir Francis Drake Blvd. intersection improvements.	Cost of ultimate improvements proportional to the number of new PM peak trips expect from development	Future development local funds, and State and Federal grant funds.	2030
Northgate Activity Center Plan Area: Fund 6310	Interchange and interchange access improvements as describe in the Northgate Activity Center Plan.	Cost of ultimate improvements proportional to the number of new PM peak trips expect from development	Future development local funds, and State and Federal grant funds.	2030
Atherton Avenue Interchange: Fund 2240	Transportation improvements necessary to handle increased traffic at Binford Rd./Atherton Ave. and a bike path along Atherton Ave. from Bugeia Lane to Olive Ave.	Cost of ultimate improvements proportional to the number of new PM peak trips expect from development	Future development local funds, and State and Federal grant funds.	2030
Road Impact Fee Fund 2200	Fair share contribution for impacts to local roads, bridges and infrastructure due to construction related impacts.	Fair share contribution based on scope and duration of construction that impacts local roads	Future construction	N/A
Lucasfilm Traffic Impact Fee: Fund 6290	Transportation improvements to Northgate Activity Center Plan improvements and to Lucas Valley Rd.	Fair share contribution based PM peak trips generated by applicant's projects.	Future development local funds, and State and Federal grant funds.	2030
Miscellaneous Traffic Impact Fees: Fund 6300	Miscellaneous contributions to Public Transportation Facilities otherwise identified by Resolution 2002-97.	Cost of ultimate improvements proportional to the number of new PM peak trips expect from development	Future development local funds, and State and Federal grant funds.	2030

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**Exhibit C (cont.)
5 Year Development Fee Report
Period Ending June 30, 2009**

Rev. 2/4/19

RESOLUTION NO. 2020-48
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
FINDING A CONTINUING NEED FOR MITIGATION FEES COLLECTED TO MITIGATE
CUMULATIVE TRAFFIC AND DRAINAGE IMPACTS RESULTING FROM NEW
DEVELOPMENT

WHEREAS, as of January 1, 1997, California State Planning and Zoning law requires local agencies collecting mitigation fees after January 1, 1989, to make findings of continued need if a collected fee remained unexpended or uncommitted after five years; and

WHEREAS, on or after January 1, 1989, the County of Marin has collected transportation and drainage improvement fees from the parties shown on Exhibits 'A' and 'B'; and

WHEREAS, The Board of Supervisors held a duly noticed public meeting on June 2, 2020, to review the Annual Statement of Developer Fee Collections for the Fiscal Year ending on June 30, 2019, attached hereto and incorporated as Exhibits 'A' and 'B'; and

WHEREAS, the impacts for which the fees were collected still exist and funding for the public improvement projects in which the developments have been collected is not complete; and

WHEREAS, the scope of the contemplated improvements and the incremental nature of the impact fee collection have delayed collection of adequate fees to cover the cost of improvements; and

WHEREAS, the existing and future collection of fees is necessary to fund needed improvements to mitigate the impacts from all projects.

NOW THEREFORE, BE IT RESOLVED that pursuant to Government Code Chapter 5, commencing with Section 66000 and California Government Code Section 66006, the Board of Supervisors hereby resolves to accept the Annual Statement of Developer Fee Collections for Fiscal Year Ending on June 30, 2019, as prepared by the Public Works Department and determines that there is continued need for the collected traffic mitigation fees.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 2nd day of June 2020, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Judy Arnold, Damon Connolly, Kathrin Sears,
Katie Rice

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK