

RESOLUTION NO. 2005-_____
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

SECTION 1 - FINDINGS

WHEREAS, the Marin County Board of Supervisors does hereby find and declare the following:

1. California State Planning and Zoning law requires local agencies collecting mitigation fees after January 1, 1989 to identify the purpose of the fee; identify the use of the fee; demonstrate a reasonable relationship between the fee and purpose for which it was designated; identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; designate approximate dates on which the anticipated funds are expected to be deposited with the County; identify an approximate date by which construction will begin once sufficient funds for the improvement have been collected; identify each public improvement for which fees were expended, and the amount of expenditures on each improvement, and identify the percentage of the cost of improvement being funded with fees; identify an approximate date by which the construction of the public improvement will commence.
2. On or after January 1, 1989, the County of Marin has collected transportation and drainage improvement fees from the parties shown on Exhibits 'A' & 'B'.
3. As of January 1, 1997, California State Planning and Zoning law requires local agencies to make findings of continued need if a collected fee remained unexpended or uncommitted after five years.
4. The Board of Supervisors held a duly noticed public meeting on March 29, 2005, to review the Annual Statement of Developer Fee Collections for the Fiscal Year Ending on June 30, 2004, attached hereto and incorporated as Exhibits 'A' & 'B', and considered the following findings of continued need for the traffic and drainage improvement fees collected.
 - A. 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.
 - B. 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.
 - C. The existing and future collection of fees are necessary to fund needed improvements to mitigate the impacts from all projects.

SECTION 2 - DECISION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby accepts the Annual Statement of Developer Fee Collections for Fiscal Year Ending on June 30, 2004, as prepared by the Public Works Department and determines that there is continued need for the collected traffic mitigation fees.

See: Attached Exhibits 'A' & 'B'

SECTION 3 - VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2005, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK