



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

March 14, 2022

**SUBJECT: Mitigation Fee Act (AB 1600) Report for Fiscal Year 2022**

**PREPARED BY: Steve Wong, Finance Director**

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### **Recommendation**

Staff recommends the City Council receive and file the Mitigation Fee Act (AB 1600) Report on Development Impact Fees for the fiscal year ending June 30, 2022.

Staff recommends the City Council adopt Resolution 10-23 regarding Fees Collected for Public Facilities Related to Development and Remaining Unexpended After Five Years.

### **Background**

Cities and counties often charge fees on new development to fund public improvements, public amenities and public services. These fees are commonly known as development impact fees (Developer Fees). In 1989, the State Legislature passed Assembly Bill 1600 (The Mitigation Fee Act) which added Section 66000 to the California Government Code. The chapter sets forth requirements that local agencies must follow if they are to collect fees from developers to defray the cost of the construction of public facilities related to development projects.

1. A local jurisdiction must follow the process set forth in the bill and make certain determinations regarding the purpose and use of the fees and establish a "nexus" or connection between a development project and the public improvement being financed with the fee.
2. The fee revenue must be segregated from the General Fund in order to avoid commingling of public improvement fees and the General Fund.
3. If a local jurisdiction has had possession of a developer fee for five years or more and has not committed that money to a project or actually spent that money, then it must make findings describing the continuing need for that money each fiscal year after the five years have expired.
4. If a local jurisdiction cannot make the findings required under paragraph 3, then the city or county must go through a refund procedure.

## 5. **Discussion**

The City of Wheatland collects the following fees that qualify as Development Impact Fees and therefore must comply with the above referenced Government Code Section:

*Sewer Collection\*, Bear River Levee, Regional Bypass, Storm Drainage, Road Circulation, Wastewater Treatment, Water Distribution, City Hall Facilities, Vehicles and Equipment, Public Works Facilities, Law Enforcement Facilities, Fire Department Facilities, Parkland Facilities, Public Meeting Facilities*

\*AB 1600 does not apply to fees collected under development agreements. Sewer collection fees (\$7,007,000) received based on development agreements for the Heritage Oaks East, Heritage Oaks West, and Caliterra projects are restricted in the Sewer Collection Impact Fee balance.

As required by law, these fees are segregated and accounted for as Special Revenue Funds. The ending balances shown in the AB 1600 Report are net of cash, receivables, and payables. The City's annual audited financial statement provides a detailed breakdown for each ending balance. Government Code Section 66001 requires the City to make available to the public certain information regarding these fees for each fund within 180 days after the end of each fiscal year. Accordingly, the attached Mitigation Fee Act (*AB 1600*) Report for Fiscal Year Ending June 30, 2022, report is presented to the City Council for review.

Also, as required by law, the Council must confirm by Resolution that:

1. All unexpended development fee funds held in excess of five years are to construct the projects and purchase equipment identified in the Development Impact Fee Calculation and Nexus Report and the Master Facilities Plan for the City of Wheatland, both dated January 2007, and for the development impact fees related Wastewater Treatment Facilities and Wastewater Collection Facilities adopted in March 2008.
2. There continues to be a reasonable relationship between the City's development impact fees and the projects defined in the studies referenced above.
3. The City anticipates collecting additional development fee revenue to construct and purchase the improvements and equipment described in the fee studies listed above.

As noted above, the attached is a Report for Fiscal Year Ending June 30, 2022. At its June 28, 2022 meeting, the City Council passed Resolution 26-22 adopting a Development Impact Fee Updated Nexus Study. The results of this Study will be the basis for future AB 1600 reports.

### **Alternatives**

The Mitigation Fee Act (AB 1600) Report is prepared in accordance with Section 66000 of the California Government Code. The alternative is to not accept the report.

Resolution 10-23 is required by Section 66000 of the California Government Code if there are unexpended funds held in excess of five years. The alternative is to not adopt the Resolution.

### **Fiscal Impact**

There is no fiscal impact associated with this item.

### **Attachments**

1. Mitigation Fee Act (AB 1600) Report for the fiscal year ended June 30, 2022
2. Resolution 10-23 - *Fees Collected for Public Facilities Related to Development and Remaining Unexpended After Five Years*

**City of Wheatland**  
**Mitigation Fee Act (AB 1600) Report on Development Impact Fees**  
**For Fiscal Year ended June 30, 2022**

Development Impact Fees are adjusted each year on January 1<sup>st</sup>. The fees in effect as of January 1, 2022 were as follows:

<b>Development Impact Fees</b>	<b>Single Family Residence \$ per unit</b>	<b>Multi-Family Residence \$ per unit</b>	<b>Mobile Homes \$ per unit</b>	<b>Commercial Lodging \$ per unit</b>	<b>Retail Uses \$ per sq. ft.</b>	<b>Employment Uses \$ per sq. ft.</b>
Sewer Collection	2,266	1,132	1,132	757	0.964	0.964
Bear River	1,500	667	0	0	0.549	0.457
Regional Bypass*	0	0	0	0	0	0
Storm Drainage	11,868	3,423	5,578	1,161	3.036	3.108
Road Circulation	10,384	6,935	5,440	5,462	10.144	6.784
Wastewater Treatment	13,252	6,624	6,625	4,417	5.633	5.634
Water Distribution	5,738	3,442	4,589	2,296	1.881	1.881
City Hall Facilities, Vehicles and Equipment, Public Works Facilities	2,442	2,439	2,439	230	0.602	0.602
Law Enforcement Facilities	1,305	1,115	628	1,341	1.100	0.251
Fire Protection Facilities	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW
Parkland Facilities	9,020	8,017	5,437	0	0	0
Public Meeting Facilities	3,466	3,076	2,090	0	0	0

\*The Regional Bypass Fee was cancelled by Council on Oct 8, 2019. The Yuba County SYTIA fee has replaced the Bypass Fee.

<b>Fire Protection Facilities</b>		
Construction Type	Without Sprinkler	With Sprinkler
Light Load – Residential, Commercial, Industrial	\$1.38 per sq. foot	\$1.38 per sq. foot
Medium Load – Commercial, Industrial	\$2.77 per sq. foot	\$1.38 per sq. foot
Heavy Load – Commercial, Industrial	\$4.15 per sq. foot	\$2.08 per sq. foot

A detailed description of FY 2022 activity for each development fee follows. The City anticipates collecting additional development fee revenue in order to generate sufficient funds to construct, install and purchase the improvements and equipment described in the Development Impact Fee Report dated January 2007 and the Master Facilities Plan for the City of Wheatland dated January 2007.

**Sewer Collection Impact Fee**

The Sewer Collection Impact Fee is levied to fund projects for the construction of new sanitary sewer collection lines and pump facilities for the purpose of wastewater transmission to interceptor facilities leading to the treatment plant. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$3,946,014) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. This reported impact fee balance does not include prepaid fees of \$7,007,000 from three developers, in exchange for sewer credits on future development. In 2020, one of the development agreements, for \$3,129,000, expired. The following table summarizes the activity for the Sewer Collection Impact Fee Fund from fiscal year (FY) ending June 30, 2018 through

June 30, 2022. Expenditures in FY 2021 and FY 2022 were for engineering and legal fees associated with the Regional Sewer Pipeline project (Fund 190009).

FUND 121	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	3,946,014	4,036,669	4,201,377	4,181,514	4,172,118
Developer Fees	1,532	0	2,066	1,458	55,468
Interest Income	89,123	164,708	139,914	40,019	18,132
Expenditures	0	0	-161,843	-50,873	-27,303
Ending Balance	4,036,669	4,201,377	4,181,514	4,172,118	4,218,415

**Bear River Levee Impact Fee**

Improvements to the Bear River levee were completed in 2010. Funding for the improvements was provided by a State grant, landowner advance funding, and City advance funding. Because the project provided benefits to lands in the Wheatland area beyond the landowners’ properties, the City agreed, in advance funding and reimbursement agreements, to impose a Bear River Levee Project Development Fee. The purpose of the fee is to reimburse the City’s advance funding for the project and the landowner’s excess share of advance funding for the project. The following table summarizes the activity for the Bear River Levee Impact Fee Fund from fiscal year June 30, 2018 through June 30, 2022. The negative ending balance reflects unreimbursed legal and planning costs associated with the agreements. The negative balance will be eliminated when development activity occurs.

FUND 122	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	-43,561	-44,031	-45,008	-44,497	-43,917
Developer Fees	0	0	1,367	830	0
Interest Income	-470	-978	-856	-250	-81
Expenditures	0	0	0	0	0
Ending Balance	-44,031	-45,009	-44,497	-43,917	-43,998

**Regional Bypass Impact Fee**

The Regional Bypass Impact Fee was levied to fund the construction of the portion of the SR65 bypass highway within the City’s limits. The impact fees held by the City for over five years (\$8,208) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Regional Bypass Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022. This fee was cancelled by Council on October 8, 2019 and replaced with the Yuba County assessed SYTIA Bypass Fee.

FUND 123	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	8,208	17,757	18,151	18,504	18,608
Developer Fees	9,375	0	0	0	0
Interest Income	174	394	353	104	65
Expenditures	0	0	0	0	0
Ending Balance	17,757	18,151	18,504	18,608	18,673

**Storm Drainage Impact Fee**

The Storm Drainage Impact Fee is levied to fund the construction of new storm drain lines for the purpose of storm drainage transmission to flood control facilities. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$46,190) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes Storm Drainage Impact Fee Fund activity from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 125	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	46,190	52,535	53,701	65,711	70,676
Developer Fees	5,793	0	10,821	4,590	0
Interest Income	552	1,167	1,189	374	249
Expenditures	0	0	0	0	0
Ending Balance	52,535	53,701	65,711	70,676	70,925

**Road Circulation Impact Fee**

The Road Circulation Impact Fee is levied to construct future streets, street widening, additional intersection/signal improvements, and bridges. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$227,738) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Road Circulation Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 126	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	222,738	243,334	245,950	257,884	273,981
Developer Fees	19,349	0	9,467	15,339	0
Interest Income	1,247	2,617	2,467	758	523
Expenditures	0	0	0	0	0
Ending Balance	243,334	245,950	257,884	273,981	274,504

**Wastewater Treatment Impact Fee**

The Wastewater Treatment Impact Fee is levied to fund the construction of a 3.3 to 3.8 million gallon per day treatment plant. The impact fees held by the City for over five years (\$10,175) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Wastewater Treatment Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.



FUND 127	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	10,175	16,632	17,001	29,576	38,266
Developer Fees	6,289	0	12,082	8,517	324,576
Interest Income	167	369	493	173	317
Expenditures	0	0	0	0	0
Ending Balance	16,632	17,001	29,576	38,266	363,159

### **Water Distribution Impact Fee**

The Water Distribution Impact Fee is levied to fund projects for the construction of new water distribution lines, well/pumping facilities and reservoir capacity for the purpose of conveying water to the City's users. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$56,059) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Water Distribution Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 128	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	56,059	60,282	61,620	68,119	71,350
Developer Fees	3,585	0	5,231	2,845	168,658
Interest Income	638	1,339	1,267	386	346
Expenditures	0	0	0	0	0
Ending Balance	60,282	61,620	68,119	71,350	240,354

### **City Hall Facilities Impact Fee**

The City Hall Facilities Impact Fee is levied to construct a 25,000 square foot facility to house the City's various operational functions such as administration, personnel, finance, clerk/records, legal, planning, engineering, building plan check/inspection and parks/recreation. The impact fees held by the City for over five years (\$150,738) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the City Hall Facilities Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 130	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	150,738	151,486	151,519	152,990	153,590
Developer Fees	733	0	1,423	582	0
Interest Income	15	33	49	18	13
Expenditures	0	0	0	0	0
Ending Balance	151,486	151,519	152,990	153,590	153,603

### **Vehicles and Equipment Impact Fee**

The Vehicles and Equipment Impact Fee is levied to expand the general pool car fleet and the fleet of maintenance vehicles required to maintain new infrastructure and to expand the City's computer capability. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$159) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Vehicles and Equipment Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 131	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	159	240	246	406	471
Developer Fees	79	0	154	63	0
Interest Income	2	5	7	2	2
Expenditures	0	0	0	0	0
Ending Balance	240	246	406	471	473

### **Public Works Facilities Impact Fee**

The Public Works Facilities Impact Fee is levied to construct a second City maintenance yard which would include buildings for administrative offices, fleet maintenance, utilities maintenance, parks maintenance, and storage. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$4,107) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Public Works Facilities Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 132	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	4,107	4,490	4,590	5,338	5,634
Developer Fees	335	0	650	266	0
Interest Income	47	100	98	30	20
Expenditures	0	0	0	0	0
Ending Balance	4,490	4,590	5,338	5,634	5,654

### **Law Enforcement Facilities Impact Fee**

The Law Enforcement Facilities Impact Fee is levied to fund the construction of a 17,600 square foot police station and add fifty-five police vehicles and communications equipment. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$1,292) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The following table summarizes the activity for the Law Enforcement Facilities Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 133	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	1,292	3,422	3,498	4,772	6,462
Developer Fees	2,096	0	1,190	1,662	0
Interest Income	33	76	84	28	23
Expenditures	0	0	0	0	0
Ending Balance	3,422	3,498	4,772	6,462	6,485

**Fire Protection Facilities Impact Fee**

The Fire Department Facilities Impact Fee is levied to construct two fire stations, relocate and expand the existing station, and provide response vehicles and specialty equipment. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. There are no impact fees held by the City for over five years. The following table summarizes the activity for the Fire Department Facilities Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022. FY 2018 expenses was for debt service expenses for a fire engine. 100% of the debt service payments came from the Fire Department Facilities Impact Fee Fund.

FUND 134	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	-51,048	-63,366	-63,099	-60,845	-56,583
Developer Fees	6,433	0	1,983	4,176	0
Interest Income	119	270	268	86	67
Expenditures	-18,870	0	0	0	0
Ending Balance	-63,366	-63,096	-60,845	-56,583	-56,516

**Parkland Facilities Impact Fee**

The Parkland Facilities Impact Fee is levied to acquire land to develop approximately 89.5 acres of a combination of neighborhood, community and sports parks and to acquire approximately 200 acres of open space. A complete list of projects is included in the January 2007 Master Facilities Plan for the City of Wheatland, California. The impact fees held by the City for over five years (\$12,750) are committed, thus eliminating the need to refund any fees to developers per Government Code Sections 66000-66003. The FY 2019 expenditure funded 100% of the cost for safety enhancements to park playground equipment. The FY 2020 expenditure funded 100% of the cost to prepare a park grant application. The following table summarizes the activity for the Parkland Facilities Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.

FUND 135	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	12,750	12,888	8,314	14,302	14,383
Developer Fees	0	0	8,224	0	0
Interest Income	138	196	265	81	51
Expenditures	0	-4,770	-2,500	0	0
Ending Balance	12,888	8,314	14,302	14,383	14,434

**Public Meeting Facilities Impact Fee**

The Public Meeting Facilities Impact Fee is levied to acquire land for and construct 64,925 square feet of public use facilities space. The facilities may be separately known as or combined for use as teen centers, senior centers, gymnasiums, general use community centers, day-care facilities, health & exercise centers and similar facilities dedicated for use by the community's residents. There are no impact fees held by the City for over five years. The following table summarizes the activity for the Public Meeting Facilities Impact Fee Fund from fiscal year ending June 30, 2018 through June 30, 2022.



FUND 136	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Beginning Balance	-191,809	-191,721	-191,537	-188,170	-188,103
Developer Fees	0	0	3,160	0	0
Interest Income	88	184	207	67	42
Expenditures	0	0	0	0	0
Ending Balance	-191,721	-191,537	-188,170	-188,103	-188,061

**RESOLUTION NO. 10-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND  
PURSUANT TO GOVERNMENT CODE SECTION 66001(d) FOR FEES COLLECTED  
FOR PUBLIC FACILITIES RELATED TO DEVELOPMENT AND REMAINING  
UNEXPENDED AFTER FIVE YEARS**

**WHEREAS**, the City of Wheatland did adopt Chapter 2.27 of the Wheatland Municipal Code (Ordinance 400) which approved an updated development impact fee program and the Development Impact Fee Report dated January 2007 and the Master Facilities Plan for the City of Wheatland, California dated January 2007 as the basis for the program; and

**WHEREAS**, Resolution 06-08 updated and revised development impact fees related to Wastewater Treatment Facilities and to Wastewater Collection Facilities; and

**WHEREAS**, Resolution 26-22 adopted the Development Impact Fee Updated Nexus Study dated June 15, 2022; and

**WHEREAS**, the City has collected development fees and there are some fee balances that remain unexpended for more than five years from collection; and

**WHEREAS**, Government Code Section 66001 (d) requires that every five years the City Council must adopt a resolution making certain findings with respect to that portion of the City Development Fee Funds remaining unexpended, whether committed or uncommitted; and

**WHEREAS**, such findings must identify the purpose of which the fee is to be put, demonstrate a reasonable relationship between the fee and the purpose it is charged, identify all sources and amounts of funding anticipated to complete each project for which the fee is collected and designate the approximate dates on which the funding sources will be deposited into the appropriate fund; and

**WHEREAS**, in accordance with section 66001 (d), the City Council now desires to make certain findings concerning the unexpended City Development Fee Funds for the fiscal year ending June 30, 2022.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WHEATLAND**, that the Council finds as determines as follows with respect to the unexpended development fee funds:

1. That the foregoing statements are true and correct.
2. That the development impact fees collected for:
  - a. Sewer Collection
  - b. Bear River Levee
  - c. Regional Bypass
  - d. Storm Drainage
  - e. Road Circulation
  - f. Wastewater Treatment
  - g. Water Distribution

- h. City Hall Facilities
- i. Vehicles and Equipment
- j. Public Works Facilities
- k. Law Enforcement Facilities
- l. Fire Department Facilities
- m. Parkland Facilities
- n. Public Meeting Facilities

were collected to construct the projects and purchase equipment identified in the Development Impact Fee Calculation and Nexus Report and the Master Facilities Plan for the City of Wheatland both dated January, 2007 and, for the development impact fees related to Wastewater Treatment Facilities and to Wastewater Collection Facilities, the memorandum from City Engineer Thomas A. Fossum dated March 3, 2008, Revenue & Cost Specialists, LLC letter/report dated March 21, 2008, and the City Council staff report prepared by Mr. Fossum dated April 8, 2008; and the purposes for the collected fees remain the same as described in these fee studies.

3. That there continues to be a reasonable relationship (as described in Ordinance No. 400 and Resolution No. 06-08) between the City's development impact fees and the projects defined in the studies referenced above because (a) the property owners, residents, employees and other persons occupying and using the development projects that paid the fees will be served by and benefit from the facilities and equipment funded by the fees, (b) the fees and accumulated funds will assist the City in expanding its facilities and equipment as necessary to maintain an adequate level of service to accommodate new development, and (c) the fees offset and mitigate the impact to the facilities and equipment caused by new development.

4. That the City anticipates collecting additional development fee revenue in order to generate enough funds to construct, install and purchase the improvements and equipment described in the fee studies described above. The amount and timing of the receipt of such additional revenue depends upon new development, which is uncertain. Therefore, the City cannot determine the approximate date(s) on which additional development fee revenue will be received or the date(s) when the City will have enough funding to proceed with the planned construction and purchases.

Passed and adopted by the City Council of the City of Wheatland on March 14, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Rick West, Mayor

**ATTEST:** \_\_\_\_\_

Lisa J. Thomason, City Clerk