

BEFORE THE BOARD OF SUPERVISORS

OF THE COUNTY OF YUBA

A RESOLUTION AMENDING)
THE THREE RIVERS LEVEE FEE)
CREDIT AND REIMBURSEMENT)
POLICIES AND AUTHORIZING THE)
COUNTY ADMINISTRATOR OR HIS)
DESIGNEE TO NEGOTIATE)
AMENDMENTS TO DEVELOPMENT)
AGREEMENTS WITH AFFECTED)
LANDOWNERS)
_____)

RESOLUTION NO. 2021-078

WHEREAS, certain landowners provided advanced funding of Three Rivers Levee Impact Fees for which they are due a credit and a reimbursement of the sums in excess of the benefits received by landowners' project; and

WHEREAS, in response to this fact, in November 2008, the County adopted Resolution No. 2008-153 establishing a credit and reimbursement program related to the advance funding of the Three Rivers Levee Fee.

WHEREAS, in July 2020 the County entered into the Plumas Lake CFD Workout Plan Agreement with the Yuba Water Agency and Three Rivers Levee Improvement Authority in which, among other things, the County agreed to advance a reduction of the Three Rivers Levee Impact Fee.

WHEREAS, the County has taken the necessary actions to approve a revised Three Rivers Levee Impact Ordinance which provides a reduction in the fee and changes the basis of the fee charge from Gross Developable Acres to Units.

WHEREAS, as a result of Fee Reduction and its change in basis, as well as the County's stated objectives within the Plumas Lake CFD Workout Plan Agreement, the County desires to modify certain fee credit provisions previously approved as part of Resolution No. 2008-153.

NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED, by the Yuba County Board of Supervisors, the Three Rivers Levee Impact Fee Credit and Reimbursement Policy Update, which is affixed hereto and marked as **Attachment "A"**, and by this reference incorporated herein as though set forth in full, after first having received input from county staff and members of the public and having read and considered the staff reports, recommendations and proposed policy changes for crediting.

///

///

///

///

///

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Yuba County Administrator or his designee is hereby authorized to negotiate any needed amendments to previously approved Development Agreements with the landowners that incorporate the original fee crediting and reimbursement policies adopted pursuant to Yuba County Resolution 2008-153 to address the Three Rivers Levee Impact Fee Credit and Reimbursement Policy Update, such negotiations being subject to final approval by the Board of Supervisors.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, held on June 8, 2021, by the following vote:

AYES: Supervisors Vasquez, Blaser, Fuhrer, Bradford, Fletcher

NOES: None

ABSENT: None



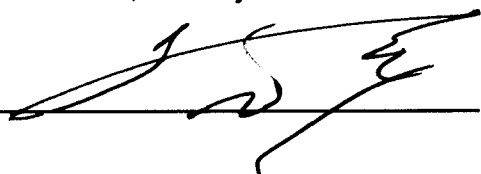
Chair

ATTEST: RACHEL FERRIS
Clerk of the Board of Supervisors



Clerk of the Board of Supervisors

APPROVED AS TO FORM:
Mike Ciccozzi, County Counsel

By: 

County Counsel

ATTACHMENT A

THREE RIVERS LEVEE IMPACT FEE CREDIT & REIMBURSEMENT POLICY UPDATE

UNDERLYING ASSUMPTIONS

The following are the underlying assumptions that predicate the establishment of two updates to the credit and reimbursement policies previously approved by Yuba County Board of Supervisors Resolution No. 2008-153:

- Unless specifically addressed here, all previously approved policies remain in effect and unchanged.
- The effective date for the application of these updated policies will be the effective date of the revised ordinance adopted by the Yuba County Board of Supervisors (assumed to be 60 days after the adoption of the Ordinance which would be August 7, 2021).

CREDITING POLICY UPDATES FOR PRIOR ADVANCE FUNDING

FULL CREDIT APPLICATION

Whereas the prior Crediting Policy allowed for the use of the accumulated credit on a proportionate basis as the remainder of a project is developed, this update refines this policy as follows:

Any and all accumulated credit and future credit generated from existing advance funding mechanisms (including special tax revenues from the TRLIA CFD's) will be applied to the full amount of any levee impact fee due by a project afforded the credit as the fee is due.

As homes¹ are constructed and permits are finalized, the landowner will be allowed to apply accumulated credit, to the extent available to the full amount of any fee due prior to building permit final.

ACREAGE CREDIT CONVERSION

Whereas pursuant to policy original adopted stated, "...credit for prior advance funding will be expressed in terms of GDAs and will be determined by taking the amount of prior advance funding and dividing it by the Initial Fee Rate of \$60,159 per GDA. The amount

¹ While it is possible for credit to be utilized for non-residential development, all credit that has been accumulated is related to Single Family residential development projects, thus this policy document is focused solely on Single Family Residential development.

of GDA credit will be set by this methodology and will not be recalculated in the future by the escalating fee rate.” This policy is hereby modified. On the effective date of the new Three Rivers Levee Impact Fee Ordinance, all credit that has been tracked and expressed in terms of GDA’s will be converted to a per unit credit.

Each GDA of credit accounted for within the Plumas Zone of the Fee, the credit accrued as a result of landowner advance funding for a Single-Family Residential Development Project, from any source - (i.e. provided as a cash contribution or revenues from a TRLIA CFD), as of the effective date of a revised Levee Impact Fee Ordinance, will be converted to 4.29 units of credit under the new revised Levee Fee program. The number of GDA credits for each project that has accumulated credit will be multiplied by 4.29 to express the number of units (and fraction thereof) of credits that have been accumulated.

NO OTHER CHANGES AND COUNTY INTERPRETATION

There are no other changes to the Credit and Reimbursement Policies other than those that have been stated above. The County will be sole interpreter of these updated policies and will determine how their application applies and modifies the previously approved policies.