

**BEFORE THE SOUTH YUBA TRANSPORTATION  
IMPROVEMENT AUTHORITY**

**RESOLUTION UPDATING                    )  
SOUTH YUBA TRANSPORTATION        )  
IMPROVEMENT AUTHORITY (SYTIA))  
TRAFFIC IMPACT FEE STRUCTURE    )**

**RESOLUTION NO.   2021-01**

**WHEREAS**, the South Yuba Transportation Improvement Authority (SYTIA) was created as a Joint Powers Authority for the purpose of providing improvements to the transportation system located in the southern portion of the County of Yuba including within the limits of the City of Wheatland; and

**WHEREAS**, SYTIA is comprised of the County of Yuba and the City of Wheatland; and

**WHEREAS**, both the County and the City are authorized by law to impose development impact fees pursuant to the Mitigation Fee Act (Government Code section 660000 et seq.); and

**WHEREAS**, SYTIA retained the services of TJKM Transportation Consultants to prepare a traffic impact fee study; and

**WHEREAS**, TJKM Transportation Consultants prepared the SYTIA Traffic Impact Fee Study in accordance with the Mitigation Fee Act (Gov. Code, § 66000 et seq.); and

**WHEREAS**, the SYTIA Traffic Impact Fee Study sets forth in detail the fair share costs of the planned SYTIA transportation improvements attributed to new development within the unincorporated areas of Yuba County south of the Yuba River and new development within the City of Wheatland; and

**WHEREAS**, the SYTIA Board of Directors, prior to adopting the SYTIA Traffic Impact Fee, conducted a public hearing at which oral and written presentations were permitted; and

**WHEREAS**, costs of construction will continue to escalate and annual adjustments to traffic impact fees are necessary to keep pace with such construction cost increases. Such annual adjustments for construction cost escalation do not represent a

relative increase in the amount of any development fee but rather a method of retaining parity between the amount of the fee and the costs of construction.

**WHEREAS**, administrative costs as well as program management and project management costs are fair and appropriate to charge to the impact fee program;

**WHEREAS**, the original fee imposition was adopted by the SYTIA Board as Resolution No. 1-2019, and it is intended that this resolution will supersede the prior;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the South Yuba Transportation Improvement Authority:

**Section 1 Purpose and Findings**

A. **Purpose**: In order to comply with the requirements of the Mitigation Fee Act (Gov. Code, § 66000 et seq.) SYTIA has caused to be prepared the SYTIA Traffic Impact Fee Study (herein “Study”), a copy of which is on file with the Clerk of the Board of Supervisors. This report sets forth the public facilities and equipment that would likely be required to be constructed/acquired, or which have already been constructed/acquired, in order to meet the needs caused by new development. The Board of Directors of SYTIA does hereby accept the Study and in so doing determines that SYTIA Traffic Impact Fees are needed to be imposed upon persons obtaining building permits for new or expanded structures within the boundaries of the Study area (herein “Developers”) in order to finance these public facilities and equipment, and to pay for new development’s fair share of the acquisition/construction cost of these improvements.

B. **Findings**: The Board of Directors of SYTIA finds and determines:

1. The facilities set forth in the Study are representative of the facilities required to implement the circulation elements of the Yuba County and City of Wheatland General Plans.
2. The Study and related information, including the basis upon which the fees are calculated, has been available to the public at the Yuba County Community Development & Services Agency for a minimum of 14 days.
3. In establishing the fees described in the following Sections, the Board of Directors has found the fees to be consistent with the Yuba County and City of Wheatland General Plans and assist with implementation of the County’s and City’s Circulation Elements. In addition, pursuant to Government Code section 65913.2, the Board of Directors have considered the effects of the fee with respect to the County’s and City’s housing needs as established in the respective Housing Elements of the General Plans.

4. The Board of Directors of SYTIA hereby incorporates as though fully set forth herein the findings and supporting statements regarding the purpose of the fee, the use of the fee revenues, the reasonable relationship between the fee and the type of development project on which the fee is imposed, and the reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed, as contained in the SYTIA Traffic Impact Fee Study, Chapter 5, pages 11-12.

These determinations are incorporated by reference into this resolution.

**Section 2 Levy of Fee**

- A. Traffic Impact Fee: SYTIA Traffic Impact Fees are calculated at the time of issuance of the building permit triggering their collection and due prior to final inspection of said building permit for development within the boundaries of the Study (the unincorporated areas of Yuba County south of the Yuba River and within the City of Wheatland), for the purpose of paying new development's fair share of SYTIA facilities. The revenues raised from SYTIA Traffic Impact Fees, shall be held, maintained, used and accounted for by SYTIA as required in section 66013 of the Fee Mitigation Act. The initial amount of the fee shall be as set forth in "Table 1: Fee Schedule" in the Study, which Study is incorporated herein by reference.

SYTIA reserves the right to use the proceeds of the fee on other circulation improvements so long as the expenditures are consistent with the goals, intent and purposes of SYTIA, the circulation objectives of the County and City General Plans, and the circulation objectives identified in the Study.

- B. Calculation/Classification of Uses: For purposes of calculating the applicable fee, SYTIA adopts the uses identified in "Table 1: Fee Schedule" of the Study, which Study is incorporated herein by reference. For uses not listed on the table, the Yuba County Community Development and Services Agency (CDSA) Director shall make a determination as to the most similar use. For unique circumstances on uses listed on the table, the Community Development and Services Agency Director may make a determination as to an appropriate adjustment to the amount of use that is applicable.
- C. Administrative Fee: Yuba County CDSA shall be responsible for administration of the Development Impact Fee, including the calculation and collection of the fees, tracking deposits, and preparation of required reports. As such, a 3% administrative fee will be added to the Development Impact Fee and retained by CDSA.

**Section 3 Collection of the Fee**

The fees shall be collected prior to issuance of final building permit.

#### **Section 4 Credits**

Dedicated Facilities: A Developer may request a credit against the SYTIA Traffic Impact Fee for improvements constructed and accepted by SYTIA. Credits will only be given for improvements which would have been constructed and accepted by SYTIA. Any request for a credit shall be in writing on such forms as may be acceptable to the Yuba County CDSA Director. Administration of credits shall be consistent with the principles set forth in the Study.

In the event that a Developer is entitled to credits in excess of SYTIA Traffic Impact Fees otherwise due, the Developer and SYTIA may enter into a reimbursement agreement by which the Developer is reimbursed from future SYTIA Traffic Impact Fees.

Demolition or Destruction Offset: Where a permit to construct a project is issued within two years after the final inspection of a demolition permit on the same parcel, or where new construction replaces within two years a structure on the same parcel which was damaged or destroyed by fire, earthquake, or other causes similarly beyond the owner's control, the amount of new construction taken into account under this resolution shall be reduced by the square footage or per unit which was demolished or destroyed, as determined by the CDSA Director. For purposes of determining square footage credit when use category of the new building differs from that of the demolished or destroyed building, the ratio of the existing to new use fee categories shall be applied to the square footage. Under circumstances wherein the credited square footage exceeds the replacement square footage, no reimbursement shall be paid to owner.

#### **Section 5 Effective Date**

Any fee imposed pursuant to this Resolution shall not take effect until sixty (60) days after the date of adoption by the SYTIA Board of Directors. It is the intent that this resolution will replace previously adopted Resolution No. 1-2019.

#### **Section 6 Annual Adjustment**

An annual adjustment to account for construction cost escalations shall be applied to SYTIA Traffic Impact Fees in the manner and time specified herein:

- A. Prior to the end of each fiscal year, the Yuba County Community Development and Services Agency Director shall report his or her finding on the annual escalation of construction costs for the prior twelve (12) months through May and the SYTIA Traffic Impact Fees shall be adjusted accordingly.
- B. The basis for this annual adjustment shall be the percentage increase in the average of the San Francisco and 20-Cities Construction Cost Index (CCI) as published by Engineering News Record, for the period ending May of the previous fiscal year, or other similar construction cost index.

- C. The Yuba County Community Development and Services Agency shall post the annual adjustment in fees as specified in this section.

**Section 7 Annual Findings**

The Yuba County CDSA Director shall prepare once each fiscal year for the SYTIA Board of Directors, the City Council of the City of Wheatland, and Yuba County, a report of any portion of the Development Impact Fee remaining unexpended or uncommitted five or more years after deposit of the Fee, identifying the purpose to which the Fee is to be put, and demonstrating a reasonable relationship between the Fee and the purpose for which it was charged.

**Section 8 Referrals and Appeals**

The Yuba County CDSA Director may refer any determination or approval required by this Resolution to the SYTIA Board of Directors.

Any party may appeal any decision of the Yuba County CDSA Director to the SYTIA Board of Directors by filing a written appeal with the Clerk of the Board within ten (10) days of any decision. For appeals that protest the imposition or amount of the fee pursuant to Government Code section 66020, the protested amount as determined by the Yuba County CDSA Director shall first be tendered to SYTIA. The SYTIA Board may adopt a fee schedule for considering appeals. The Clerk of the Board shall set the hearing within thirty (30) days of submission of the appeal and the hearing shall occur within ninety (90) days of its receipt. The SYTIA Board may continue the matter if necessary, however the Board shall issue a written decision no later than 30 days after making its decision. The written decision shall be final.

**Section 9 Program Management Costs**

Program management shall be administered by Yuba County until such time that SYTIA has dedicated staff. Program management includes duties such as preparing staff reports, coordinating Board meetings, negotiating and/or conditioning proposed development projects, preparing and updating implementing resolutions, and periodically updating the Nexus Study. These costs are reimbursable to Yuba County staff for time spent on said duties at the CDSA hourly rate identified in Title XIII of the Yuba County Ordinance Code. Program Management Costs will be approved by the SYTIA Board at a regularly scheduled meeting.

**Section 10 Project Management Costs**

Project management shall be administered by both Yuba County and City of Wheatland staff until such time that SYTIA has dedicated staff. Project management includes duties such as preparing Requests for Proposals from qualified consultants, Project Development Team (PDT) meetings, consultant interaction and management, preparing and awarding consultant contracts, reviewing consultant invoices and processing for

payment, and attending Board meetings. These costs are reimbursable to Yuba County and City of Wheatland staff for time spent on said duties. Yuba County staff reimbursement shall be at the CDSA hourly rate identified in Title XIII of the Yuba County Ordinance Code. City of Wheatland reimbursement shall be at the actual cost of consultant staff hired by the City for Engineering and Planning services. City of Wheatland staff time will be reimbursed at the hourly rate adopted annually by Council resolution. Project Management Costs will be approved by the SYTIA Board at a regularly scheduled meeting.

**Section 11 Severability**

If any provision, clause, sentence, or paragraph of this Resolution or the imposition of any fee authorized by this Resolution in its application to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Resolution which can be given effect without the invalid provisions or application of fees. To this end, the provisions of the Resolution are declared to be severable.

**Section 12 Adoption**

The foregoing Resolution was introduced at a regular meeting of the SYTIA Board of Directors this 5 day of October, 2021, by the following vote:

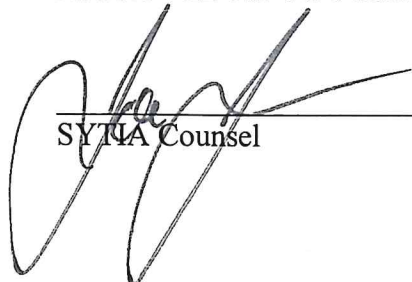
AYES: Directors Bradford, Pendergraph, West, Vasquez  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
Chair

ATTEST:

  
Clerk of the Board

APPROVED AS TO FORM:

  
SYTIA Counsel

The foregoing is a true and correct copy of the document on file in this office

ATTEST: RACHEL FERRIS  
Clerk of the Board of Supervisors of the County of Yuba, State of California

By: 

Date: Oct 5, 2021