



**Stanislaus County
Public Facilities Fees Committee
Meeting Agenda**

**Thursday, February 16th, 2023
1010 10th Street, Modesto
Covell Conference Room (2005/2nd floor)
2:00-3:30 p.m.**

AGENDAS: Committee Agendas are posted in the posting board on the Tenth Street Plaza 72 hours prior to the meeting.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Committee Secretary at 209-573-1398. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENT PERIOD: Matters under the jurisdiction of the Committee, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matter before the Committee for consideration. However, California law prohibits the Committee from taking action on any matter, which is not on the posted agenda unless it is determined to be an emergency by the Committee. Any member of the public wishing to address the Committee during the Public Comment period will be limited to a maximum of five minutes.

Materials related to an item on this agenda submitted to the Committee after distribution of the agenda packet are available for public inspection in the Stanislaus County Counsel's Office during normal business hours.

If you have questions regarding this meeting, please call Todd James of the Stanislaus County Counsel Office at 525-6376.

Stanislaus County
Public Facilities Fees Committee (PFF)
Agenda

February 16, 2023

Call to Order

Public Comment Period

Roll Call (Verbal)

A. Action Items:

1. Approval of Minutes from the PFF Committee Meeting on **December 15, 2022**

B. Discussion Item(s):

1. Consider the Request from Thunderbolt Wood Treating, Inc., Riverbank, to waive the assessed Public Facilities Fees for a metal cover over an existing process/drip pad area of the Thunderbolt Facility.
2. Consider the Request from Stanislaus Animal Services Agency to Use Public Facilities Fees Funds to purchase two (2) hybrid vehicles at a cost not to exceed \$42,500 each.
3. Auditor's Report

C. Next Regular Meeting:

- Thursday, March 16, 2023 @ 2-3:30 p.m., Room 2005
- Next meeting agenda items

**Stanislaus County
Public Facilities Fees Committee
Meeting Minutes**

Thursday, December 15, 2022
2:00 p.m.

1010 10th Street, Room 2005 (2nd floor conference room)

Voting Members Present:

David Leamon – Chair (Public Works); Patrick Cavanah (CEO); Kristin Doud (**Planning**/Building); Dan Wirtz (GSA-Capital Facilities); Chris Barnes (Auditor/Controller); Lori Sicard (County Counsel); Andy Johnson (GSA-Capital Facilities – Alternate); Angelina Souther (Auditor/Controller-Alternate)

Absent:

Denny Ferreira (Planning/**Building**)

Also Present:

William Shirley (Recorder)

Meeting called to order at 2:01 p.m. by Chair, David Leamon.

Public Comment – No public comments.

Roll call: A quorum of membership was established.

Note: Members were informed this meeting is being recorded.

A. Action Items:

1. Approval of Minutes from the PFF Committee Meeting on **November 17, 2022**

*Minutes may be voted on by those Members in attendance at the date of the Meeting. Voting Members Present: Patrick Cavanah (CEO); Denny Ferreira (**Building**/Planning); Dan Wirtz (GSA-Capital Facilities); Chris Barnes (Auditor/Controller)*

A Motion was made to approve the PFF Committee Meeting Minutes of **November 17, 2022**.

Motion: Wirtz | Second: Cavanah | Unanimous (4 | 0) | Abstain: None

2. Approve the new Public Facilities Fees Committee Chair, based on the rotation schedule agreed to at the December 19, 2019 meeting (implemented in 2020).

Patrick Cavanah is currently the CEO's Office representative on the Public Facilities Fees Committee and will serve as Chairperson for 2023.

Motion: Wirtz | Second: Leamon | Unanimous (4 | 0) | Abstain: None

B. Discussion Items

1. PFF Annual Report – Fiscal Year Ending June 30, 2021

PFF Annual Report will go before the Board of Supervisors on December 20, 2022.

Motion to Accept: Doud | Second: Wirtz | Unanimous (4 | 0) | Abstain: None

2. Auditor's Report

Unobligated Cash Balance - \$14,586,053.05

Due to migration to Oracle Cloud, PFF payments for October and November will be posted and allocated in December.

C. Next Regular Meeting:

- Thursday, February 16, 2023 @ 2-3:30 p.m. Meetings will be held in-person at Tenth Street Place, Room 2005 (2nd floor) or TBD.

Meeting adjourned at 2:16 p.m.

Submitted from recording by: William Shirley, Confidential Assistant IV

February 1, 2023

VIA ELECTRONIC MAIL ONLY-

cavanahp@stancounty.com
leamond@stancounty.com
shirleyw@stancounty.com
sicardl@stancounty.com

Stanislaus County
Public Facilities Fees Committee
Post Office Box 3404
Modesto, CA 95354

Re: **Building Permit Number: BP21-0525**
Applicant Name: Leonard Lovalvo Construction
Project Address: 3400 Patterson Road

Dear Members of the Stanislaus County Public Facilities Fees Committee:

My office represents Leonard Lovalvo Construction (“**LLC**”) in regard to its application for a building permit (the “**Permit**”) from the City of Riverbank (the “**City**”) to install a metal cover over an *existing* process/drip pad area of the Thunderbolt facility (the “**Thunderbolt Project**”).¹ As a condition to issuing the Permit, the City had assessed Permit fees in the amount of \$417,184.80; \$387,926.00 of which was attributed to the City’s System Development Fees, and \$20,300.00 of which is attributed to Stanislaus County’s (the “**County**”) Public Facilities Fees (“**PFF Fees**”). Upon the recommendation of City staff, after it conducted an individualized review and determined the Thunderbolt Project will not cause additional impacts, the City Council waived the \$387,926.00 in System Development fees at its February 24th meeting. A copy of the City’s Staff Report regarding the Thunderbolt Project is enclosed herewith.

The purpose of this letter to request that the County also waive the \$20,300.00 in PFF Fees imposed on the Thunderbolt Project. As explained in further detail below, since the Thunderbolt Project will clearly *not* impose any new impacts whatsoever on County facilities, the County’s PFF Fees are entirely inapplicable to the Thunderbolt Project and imposition of such fees is contrary to well-established law. In fact, the resulting efficiencies and water conservation elements of the Thunderbolt Project will actually provide significant environmental benefits to the City, the County, Thunderbolt, and the community in general. As explained in further detail

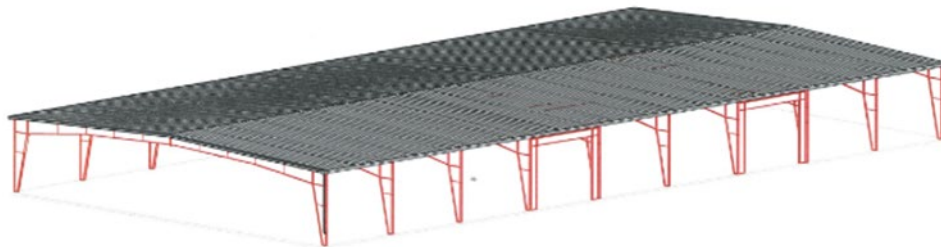
¹ Application Number 2021000635, Permit Number BP21-0525.

below, since there is no negative impact resulting from the Thunderbolt Project, LLC requests the entirety of the PFF Fees not be imposed.

Relevant Background

For the past several decades Thunderbolt Wood Treating, Inc. (“**Thunderbolt**”), a leader for wood treating services in California, has operated from its treatment facility located at 3400 Patterson Road. It currently employs over 40 local residents and has been a significant part of the Riverbank community and the County.

The Thunderbolt Project will not expand the footprint of Thunderbolt’s operation, increase production at the site, or increase the number of employees at the site. The Thunderbolt Project only provides for the installation of a metal cover over an *existing* process area, with the additional benefit of providing a location for an additional solar panel system. As depicted below, it will be an open-air structure that will not include a restroom.



To understand the purpose behind Thunderbolt’s desire to install the metal cover over the existing process/drip pad area requires an understanding of Thunderbolt’s stormwater management system with respect to that area depicted below.



Specifically, rainfall that comes into contact with the treatment area (which is not covered) has to be captured by Thunderbolt and retained in holding tanks. Since this water contains chemical residue, the reclaimed water can only be re-used in one specific part of the wood-treating process (and not in the other treatment processes that occur in other areas of Thunderbolt's facility). The primary problem presented by the foregoing is that Thunderbolt has to store much more water than it could ever possibly re-use in the foregoing treatment process, which in turn creates a bottleneck in the system.

Installing the open-air metal cover over the existing process/drip pad area will not only eliminate this problem, but will also provide several additional benefits. Specifically, since the proposed metal cover will capture the runoff from rainfall *before* it comes into contact with chemical residue within the treatment area, the clean water can be stored, used, and re-used in other areas of Thunderbolt's treatment process, significantly aiding Thunderbolt's ongoing water conservation efforts and minimizing if not eliminating its reliance on its wastewater discharge permit from the City as a backup measure. Of course, this also provides a much more efficient and environmentally friendly stormwater management system and, as previously mentioned, it will also provide a location for an additional solar panel system.²

² In working with the City in regard to its System Development Fees, Kari Casey (“**Casey**”) of WHF Inc. provided a detailed explanation of the purpose of the metal cover and the fact that the Thunderbolt Project would not intensify or otherwise negatively impact the use of any service to the City. In fact, Casey confirmed that the impact of the Thunderbolt Project would actually be quite the opposite – extremely beneficial:

The intent of the project is to improve compliance and is not to increase production or intensify the use of any city service. In fact, the improved efficiency of the water management system would seek to eliminate the existing wastewater discharge permit that allows Thunderbolt to dispose of treated stormwater from the surface impoundments to the city sewer. This benefits the City of Riverbank and its own management of its Phase II Small Municipal Separate Storm Sewer System permit (MS4) issued by the Regional Water Quality Control Board. The water balance calculations show that by reducing the volume of highly concentrated water generated at the drip pad Thunderbolt would have the ability to manage, treat, store, and reuse all the stormwater generated even in large rain events without relying on the city discharge permit as a backup strategy.

A copy of this correspondence is included as Attachment 4(a) to the Staff Report, enclosed herewith.

Applicable Law

According to the City, **\$20,300.00** is being imposed on the Thunderbolt Project by the County for PFF Fees.

Although the County has the inherent police power to impose development impact fees on development projects³, the applicable law is universally clear – such fees, including the County’s PFF Fees, are “only fair” when the “developer has created a new, and cumulatively overwhelming, burden on local government facilities.”⁴ Therefore, such fees “should offset the additional responsibilities required of the public agency by the dedication of land, construction of improvements, or payment of fees, all needed to provide improvements and services required by the new development” (*Id.*)

In other words, when a proposed project would *not* result in any “new, and cumulatively overwhelming burden on local government facilities,” development impact fees simply cannot be imposed. Further, even when such a “new, and cumulatively overwhelming burden” is shown to exist, impact fees must be fair and proportionate to such new or additional burden. These basic legal principles are made clear through both the County’s Code and well-established case law, all as discussed below.

The County’s Code

As stated in Title 23 of the County’s Code which addresses PFF Fees, the purpose of the County’s PFF Fees is to defray the cost of public facilities *related to* the development project at issue:

“Fee” means a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the applicant in connection with approval of a development project **for the purpose of defraying all or a portion of the cost of public facilities related to the development project.** [Emphasis added].⁵⁶

³ *Associated Home Builders etc., Inc. v. City of Walnut Creek* (1971) 4 Cal.3d 633, 638; *Shappell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 234.

⁴ *Trent Meredith, Inc. v. City of Oxnard* (1981) 114 Cal.App.3d 317, 325.

⁵ See Title 23, Chapter 23.02, subd. B.

⁶ As also stated in Title 23 of the County’s Code, PFF Fees are to mitigate impacts caused by the development project at issue:

In order to implement the goals and objectives of the county general plan and **to mitigate impacts caused by new**

The Mitigation Fee Act likewise authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the development project, as long as the fees are reasonably related to the burden caused by the development.⁷ Cal. Gov. Code Section 66001 requires the agency to “[i]dentify the purpose of the fee,” “[i]dentify the use to which the fee is to be put,” “[d]etermine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed,” and “[d]etermine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.”⁸ As a leading real estate law treatise explains:

Whenever a local agency imposes a fee, meaning a monetary exaction other than a tax or special assessment, as a condition to the approval of a development project for payment of the costs of public facilities related to the project, the agency must identify the purpose of the fee and the public facilities to be financed. There must be a reasonable relationship between the use of the fee and the type of development project, and the need for the facilities and the type of project. The agency also must establish a reasonable relationship between the amount of the fee and the cost of the public facilities, or the portion of the facilities attributable to the development.⁹

The provisions of Chapter 23.03 of the County’s Code pertaining to “Conditions for collection” mirror the requirements of Cal. Gov. Code Section 66001 identified above.¹⁰

The foregoing objectives are also made clear through Section III, B(7) of the County’s PFF Administrative Guidelines, which provides the PFF Committee discretion to reduce, adjust or waive the fee when there is an absence of any reasonable relationship or nexus between the

development within the county, public facilities fees are necessary. The fees are needed to finance public facilities and to assure that **new development pays its fair share for these improvements**. [Emphasis added.] (See Title 23, Chapter 23.01, subd. A.)

⁷ Gov. Code §§ 66000, subd. (b), 66001; see *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 864-865; *295 Shapell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 234-235.

⁸ Gov. Code § 66001, subd. (a)

⁹ Miller & Starr, § 21:19, *Development fees and exactions—Mitigation Fee Act*, 7 Cal. Real Est. § 21:19 (4th ed.)

¹⁰ See Title 23, Chapter 23.03, A. (1)-(4).

impacts of the development and either the amount of the fee charged or the type of facilities to be financed:

A developer of any project subject to the fee may submit a request for consideration to the Public Facilities Fee Committee for reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the fee charged or the type of facilities to be financed.

As discussed above, since there is no negative impact resulting from the Thunderbolt Project, the imposition of PFF Fees to mitigate such non-existing impact is wholly unsupported under the County's own Code. In fact, the resulting efficiencies and water conservation elements of the Thunderbolt Project will actually provide significant environmental benefits to the City, the County, Thunderbolt, and the community in general.

Applicable Case Law

The foregoing provisions of the County's Code were undoubtedly drafted to be consistent with longstanding and well-established legal principles annunciated by state and federal courts.¹¹ The U.S. Supreme Court has interpreted the Takings Clause to impose limitations on the ability of public agencies to impose development fees so they do not use their leverage over development approvals to require developers to give up property rights having nothing to do with their development impacts. In the two landmark cases dealing with exactions, *Nollan* and *Dolan*, the U. S. Supreme Court held that when a government agency requires the dedication of land or an interest in land as a condition of development approval, or imposes ad hoc exactions as a condition of approval on a single development project that do not apply to development generally, a higher standard of judicial scrutiny applies.¹² To meet that standard, there is a two-step analysis:

1. **First Prong- Nexus**: Pursuant to *Nollan*, there must be an "essential nexus" between the permit condition and a burden imposed by the project on a legitimate state interest.
2. **Second Prong - Rough Proportionality**: Pursuant to *Dolan*, when there is the required "nexus," the court must decide whether there is the required degree of connection between the exaction and the projected impact of the proposed development. The court must determine whether the factual findings by the public agency support the condition as more or less proportional in both nature and scope to the public impact of the proposed development. There need not be an exact proportionality but there must be a "rough

¹¹ Most if not all states have also adopted statutes to codify such legal principles. For example, under California Govt. Code Section 66001, development mitigation fees "must bear a reasonable relationship, in both intended use and amount, to the deleterious public impact of the development."

¹² See *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374.

proportionality.” An individualized determination that the required condition is related both in nature and extent to the impact of the proposed development, quantified by findings of the agency and not merely by conclusory statements, is required to support the findings of rough proportionality.

In *Koontz v. St. Johns River Water Management Dist.* (2013) 133 S. Ct. 2586, 2594, the U.S. Supreme Court held that the nexus and rough proportionality standards apply to exactions imposing monetary conditions or the payment of fees as a condition for approval of a development or the issuance of a permit. In regard to an exaction imposing the payment of fees, as is the case here, these standards govern since the PFF Fees are applied in a discretionary manner to individual developments by the County and not as a general matter to all similar developments; it is in those cases that there is a heightened risk of the extortionate use of the police power to exact unconstitutional conditions.¹³

In short, for the same reasons set forth above as to why imposition of the PFF Fees is entirely unsupported by the County’s Code, it is also squarely contrary to state and federal laws.

Conclusion

Since there is no negative impact resulting from the Thunderbolt Project, my client respectfully requests that the County reconsider its imposition of the PFF Fees. I do hope that this correspondence together with the City’s determination in regard to its System Development Fees provides the additional information the County needs to fully understand that the Thunderbolt Project should be considered a win-win opportunity as Thunderbolt is willing to make the significant investment necessary to establish more efficient and environmentally sound business practices.

[Continued on Following Page]

¹³ See *Action Apartment Ass’n v. City of Santa Monica* (2008) 166 Cal.App.4th 456, 469; *San Remo Hotel L.P. v. City And County of San Francisco* (2002) 27 Cal.4th 643, 668.

I understand that the next Public Facilities Committee Meeting is tentatively scheduled for February 16th at 2:00 p.m. My client is eager to pull the permit, so please let me know if there is any way to expedite the processing of this request. If you would like to discuss this matter further or need any additional information in support of this request, please do not hesitate to contact me. We appreciate your attention to this matter and thank you for your consideration.

Very truly yours,

DOWNEY BRAND LLP



Norik G. Naraghi

cc: George V. Hartmann, gvhlaw@gmail.com
Anthony L. Vignolo, avignolo@downeybrand.com

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: UNFINISHED BUSINESS

Meeting Date:	January 24, 2023
Subject:	Thunderbolt Wood Treating Request for Waiver of System Development Fees
From:	Marisela H. Garcia, City Manager
Submitted by:	Tom Hallinan, City Attorney Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that Council review this report and the attached materials, and consider the request of Thunderbolt Wood Treating, Inc. to waive the payment of system development fees on a new building permit. Based on staff's review of the project and correspondence provided by the applicant, staff recommends that Council waive all system development fees originally applied to the building permit.

SUMMARY:

Thunderbolt Wood Treating, Inc. ("Thunderbolt") intends to install a covered metal structure of 24,200 square feet ("sf") over an existing chemical process area (See Attachment 2 for project depictions). Their proposal has been plan checked and their Building Permit is ready to be issued, subject to the submittal of remaining building plan documents. According to our permit processing software MuniPermits, the System Development Fees ("SDF Fees"), plus building permit fees, plus the County Impact Fee resulted in a total of \$417,184.81 (See Attachment 3 with original invoice).

Thunderbolt has questioned the assessment of City SDF Fees on the metal structure and has requested a fee waiver, on the basis that the SDF Fees are inapplicable to this project. Staff does not have the authority to waive or reduce SDF Fees at the initial permit stage. The Council hears and determines each fee waiver request on a case-by-case basis.

Council originally heard this item at their regular meeting of November 8, 2022. The request letter submitted by Thunderbolt for that meeting discussed why two (2) SDF Fees should be waived – Water and Storm Water. Comments made during that meeting

by a Thunderbolt representative indicated Thunderbolt meant to ask for all SDF Fees to be waived, not just the Water and Storm Water fees, but there was a miscommunication. Council provided Thunderbolt with the opportunity to amend their request and return on a future agenda.

Staff has conducted an individualized review of the project's impacts on City's public facilities in preparation for this item. Thunderbolt has now submitted four (4) separate letters in total to City explaining why the metal cover should not be subject to any City SDF Fees (See Attachment 4). Staff agrees that a complete waiver of SDF Fees is appropriate, as further explained in this report.

BACKGROUND:

Chapter 150.30 of the Riverbank Municipal Code contains the SDF Fee Ordinance. Section 150.31 (PURPOSE) explains that the intent of this chapter is to ensure that new development bears a proportionate share of the cost of city parks, water, sewer, storm water, police, city administration, and transportation capital facilities. It is also the intent of this chapter that the SDF Fees imposed on new development are no greater than necessary to defray the impacts directly related to the new development.

Applicable provisions from the Ordinance concerning the SDF Fees for the metal structure are below with staff information in *italics*:

Section 150.32 DEFINITIONS

SYSTEM DEVELOPMENT FEE. The fee charged for a change in use, new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development. *The metal structure constitutes an addition to an existing nonresidential structure. The metal structure would be subject to SDF Fees if the metal cover causes new impacts to City facilities (e.g., roadways, sewer system, water system, stormwater system, police, government facilities). Staff has conducted an individualized assessment of how the metal cover is likely to impact City facilities, given that the metal cover is only an addition to an existing use. Staff agrees that the metal cover does cause new burden to City facilities, and therefore should not be subject to any SDF Fees.*

Section 150.34 APPLICABILITY OF PROVISIONS

(F) System Development Fees are intended to represent new impacts on city facilities. The City Council has the ability to allow for fee credits of certain fee categories to match actual project-related impacts on facilities. *This item involves a fee waiver or reduction determination from Council regarding actual project-related impacts on City facilities.*

System Development Fees for Metal Structure:

Staff does not have the discretion to alter the standard SDF Fees applied to new building permit applications, without a fee waiver request submitted to Council. The following chart provides the SDF Fees that City’s permit processing software initially applied to Building Permit 21-0525 (Attachment 3).

System Development Fee Type	Amount
Streets/Public Works	\$155,412.40
Water	\$55,635.80
Wastewater	\$37,703.60
Storm Drain	\$112,421.10
Parks and Recreation	\$0
Police/General Government	\$7,356.80
5% Administrative Fee	\$19,396.30
Total System Development Fees	\$387,926.00
Plus Building Permit fees	\$8,958.81
Plus Stanislaus County Fees	\$20,300.00

The software-generated SDF Fees included the Streets, Water, Wastewater, Storm Drain, Police/General Government, and Administrative fees for a total of \$387,926.00. Commercial and industrial buildings are not charged Park fees. The proposed waiver would apply only to City’s SDF Fees, and not any plan check fees, building permit fees, or inspection fees. It also does not include any fees imposed by other agencies such as Stanislaus County (\$20,300.00) or the fire district. The City does not have the authority to alter fees charged by other public agencies. Thunderbolt has the ability to negotiate fees with these other agencies separately.

Thunderbolt’s amended request explains why the project should not be subject any SDF Fees for the reasons below. Staff’s response is in *italics*.

1. Street/Public Works fees – This fee is not applicable to the Project. The Project will not expand the footprint of the operation, it will not increase production at the site, nor will it increase the number of employees at the site. *Staff agrees with this assessment; the project will not result in new traffic impacts.*
2. Water fees – The water fee is not applicable because the Project will not require a connection to city water. It is an open-air structure, does not expand the footprint of the operation, and does not include a restroom. The metal cover will have new sprinklers attached to the structure, but the sprinklers will be connected to an existing City fire hydrant and do not require any additional capacity. *Staff agrees with this assessment. The impacts to the City water supply and conveyance system are minimal, if any. The sprinklers do not significantly change the overall demand onsite, and the fire hydrant is already installed. City does not have to collect water fees to provide additional capacity or maintain existing levels of service, in order to mitigate impacts of the metal cover.*

3. Wastewater fees – The wastewater fee is not applicable because the project will not have a negative impact on the City’s wastewater system (sewer). The purpose of the cover is to minimize Thunderbolt’s reliance on a wastewater discharge permit that allows them to dispose of treated stormwater into the City’s sewer system as a back-up measure. *Staff agrees with this assessment. There is no new sewer connection for this project. The project will also result in less treated stormwater onsite going into the sewer system, since the metal cover allows Thunderbolt to capture and reuse more rainfall than before.*
4. Storm Drain fees – The Storm Drain fee is not applicable to the Project because the Project will not be adding any additional capacity to the City’s stormwater system. Thunderbolt currently operates a storm water management program under a Title 27 Waste Discharge Permit and Industrial Stormwater General Permit, both issued by the Regional Water Quality Control Board. Pursuant to these permits, Thunderbolt captures all runoff within this area of the site for reuse or disposal to the sewer system. The purpose of the metal structure is to control rainfall and efficiently capture and reuse it. *Staff agrees with this assessment. All runoff in this area of the site is supposed to be captured, and either reused or disposed of into the wastewater system. The metal cover will not add new runoff into the City storm system. Runoff from the metal cover will be captured for reuse onsite and cannot access the drop inlets on the adjacent parcel. Staff has determined that the metal cover is not a structure that results in additional burden to the City stormwater system.*
5. Police/Government fees – The Police/Government fee is not applicable because the project will not have a negative impact on City’s Police or Government activities. *Staff agrees with this assessment.*
6. 5% Administrative fee – The Administrative fee is not applicable as the Project only provides for a cover over an existing area. *The administrative fee is set at 5% of the SDF Fees ultimately charged, to cover staff time analyzing, planning, tracking, and managing the City’s system development fee program. If the Council waives all SDF Fees, then there would be no associated administrative fee.*

UPDATED RECOMMENDATION FOR APPLICABLE SDF FEES:

Based on the findings above, staff is recommending that the metal structure not be subject to any SDF Fees, as illustrated below:

System Development Fee Type	Amount
Streets/Public Works	\$0
Water	\$0
Waste Water	\$0
Storm Drain	\$0
Police/General Government	\$0
5% Administrative Fee	\$0
Total System Development Fees	\$0

The reason for the complete waiver at this time is that staff discretion is limited at the initial SDF Fee determination. The building permit software can generate an application of all SDF Fees. Upon conducting a more individualized review of potential impacts from the metal cover, staff agrees with a complete waiver of SDF Fees. This is not uncommon for renovations or minor additions to existing structures, since such projects may not impact City public facilities to the same degree as new development.

COUNCIL OPTIONS:

Given the information contained within this report and the correspondence provided by Thunderbolt (Attachment 4), Council effectively has two (2) options:

Option 1: Council may agree with staff's recommendation that the project should not be subject to any SDF Fees, determining that the applicant's statements within their request letters are fair, and that the metal structure will not cause additional impact to City public facilities.

Option 2: Council may determine that the new metal structure should be subject to all or some City SDF fees. This option is not recommended, since staff has determined that there is insufficient nexus between the new metal structure and SDF Fees that fund City's public facilities. If Council seeks to uphold any SDF Fees, Council must determine that there is a reasonable relationship between the metal structure and the SDF Fee charged, based on the unmitigated impacts to specific City facilities.

FINANCIAL IMPACT:

SDF Fees are intended to mitigate the impact of new construction, so City collects enough funds to ensure citywide capital improvements keep pace with new demands. Staff has determined that the metal structure is an improvement to an existing structure, which does not result in additional burden to City public facilities that must be offset through SDF Fees. The impact findings contained in this report support a determination of \$0.00 in SDF Fees.

ATTACHMENTS:

1. Resolution 2023-XXX to Approve the Request
2. Depiction of Metal Cover and Location on Site
3. Building Permit 21-0525 Original Permit Invoice
4. Thunderbolt Correspondence Regarding SDF Fees for Metal Structure
 - a. (September 29, 2022) Letter to Donna Kenney, Planning & Building Manager
 - b. (December 1, 2022) Letter to Marisela Garcia, City Manager
 - c. (December 16, 2022) Letter to Thomas Hallinan, City Attorney
 - d. (January 12, 2023) Letter to Donna Kenney, Planning & Building Manager

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE REQUEST FOR A WAIVER OR REDUCTION OF CERTAIN
SYSTEM DEVELOPMENT FEES FOR A BUILDING PERMIT APPLICATION
SUBMITTED BY THUNDERBOLT WOOD TREATING, INC.**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE
“CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, it is necessary for the City of Riverbank (“City”) to establish and apply system development fees (“SDF Fees”) to new development to offset impacts to City’s public facilities, for the proper and effective operation of public facilities owned and maintained by City; and

WHEREAS, SDF Fees are governed by the Mitigation Fee Act (Gov’t Code, § 66000 et seq.), and also the Riverbank Municipal Code (“R.M.C.”) (R.M.C., § 150.30 et seq.); and

WHEREAS, Thunderbolt Wood Treating, Inc. (“Thunderbolt”), located at 3400 Patterson Road (“Property”), has requested that the City Council waive the SDF Fees initially assessed on a new building permit application, involving the construction of a new 24,200 square foot metal structure that will cover a portion of the Property (“Metal Structure”); and

WHEREAS, City staff has conducted an individualized review of the SDF Fees that apply to the Metal Structure, based on the new burdens and demands to City public facilities that may result from adding the Metal Structure to the Property. City staff has determined that the Metal Structure is an addition to an existing nonresidential use which would not cause new significant impacts to City’s public facilities; and

WHEREAS, the City Council has reviewed the accompanying materials and has determined, based on staff’s review and the information submitted by Thunderbolt, that the Metal Structure should not be subject to any City SDF Fees. The SDF Fees applied to the Metal Structure shall be as shown in the chart below.

System Development Fee Type	Amount
Streets/Public Works	\$0
Water	\$0
Waste Water	\$0
Storm Drain	\$0
Police/General Government	\$0
5% Administrative Fee	\$0
Total System Development Fees	\$0

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves a complete waiver of SDF Fees in connection with the Metal Structure building permit application. Total City SDF Fees due shall be \$0.00.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of January, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

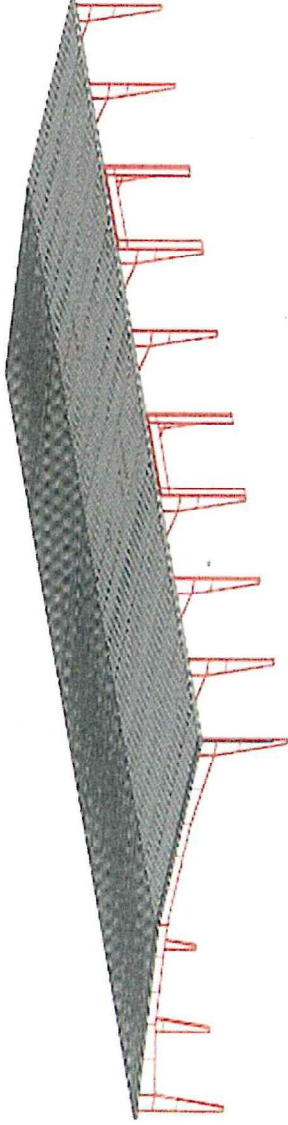
APPROVED:

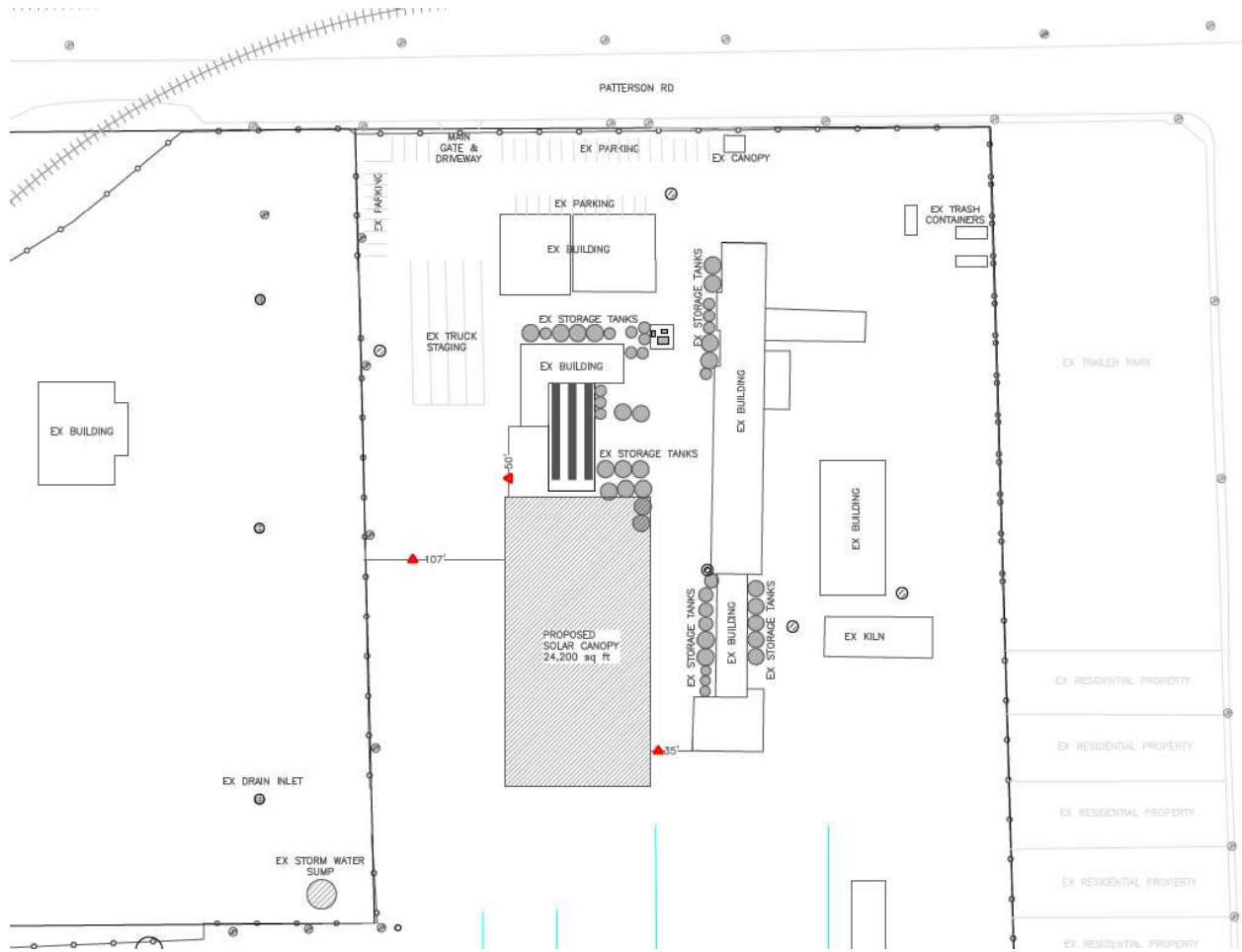
Gabriela Hernandez
City Clerk

Richard O'Brien
Mayor

THUNDERBOLT WOOD
TREATING, INC.

ROOF COVER PROJECT





SCOPE OF WORK

STRUCTURE: OPEN AIR ROOFED STEEL STRUCTURE

FOUNDATION: REINFORCED CONCRETE FOOTINGS

**ELECTRICAL: GRID INTER-TIE SOLAR WITH UTILITY
(SEPARATE SUBMITTAL)**

FIRE: SPRINKLER SYSTEM

LANDSCAPE: NA

PLUMBING: NA

SEWER: NA

**DRAINAGE: EXISTING, STORM WATER MANAGED BY TITLE
27 WASTE DISCHARGE REQUIREMENTS PERMIT (WDR
R5-2010-0125) AND INDUSTRIAL STORMWATER PERMIT
(WDID # 5S501028660)**

Permit Invoice

City of Riverbank

Permit Number: BP21-0525	Application Number: 2021000635	
Issued Date:	Applied Date: 9/27/2021	
Project Address: 3400 PATTERSON RD	Parcel #: 132-039-021	
Project Description: NEW DETACHED METAL COVER 24,200 SQ. FT. TO COVER TREATED WOOD FROM THE		
Property Owner: LOVALVO LEONARD & GRACE TRS	Phone: (209) 869-4561	
Mailing Address: P.O. BOX 1389 RIVERBANK CA 95367		
Contractor: LEONARD LOVALO CONSTRUCTION	Phone: (209) 505-9888	
Mailing Address: P.O. BOX 1389 RIVERBANK CA 95367-		
Comments: NEED COUNTY FEES, FIRE APPROVAL. ALSO NEED TO PAY OLD SYS. FEES PRIOR TO PERMIT ISSUANCE.		
Applicant Name: LEONARD LOVALO CONSTRUCTION	Phone: (209) 505-9888	

<u>DESCRIPTION</u>	<u>ACCT NUMBER</u>	<u>AMOUNT Due</u>
Additional Plan Check Fee 1	101 000 000 600 090	2,634.98
Building Permit	101 000 000 450 030	5,900.92
Plan Check	101 000 000 600 090	2,400.00
Seismic	101 000 000 200 220	302.41
Building Standards Administration Spec	101 000 000 200 210	44.00
Business Lic Fee	101 000 000 450 000	60.00
Building File Maintenance Fee	212 000 000 600 200	12.50
System Fee Admin Fee	211 000 000 665 010	19,396.30
SB 1186 - Disability Access Fee	101 000 000 200 189	4.00
Streets / Public Works	205 000 000 675 330	155,412.40
Water	206 000 000 675 330	55,635.80
Waste Water	207 000 000 675 330	37,703.60
Storm Drainage	208 000 000 675 330	112,421.10
Police / General Government	210 000 000 675 330	7,356.80
County Fees	112 000 000 200 200	20,300.00
		2,400.00

Total Balance Due: 417,184.81

W H F

Inc.

Environmental and Engineering Group

Post Office Box 427
Oakdale, CA 95361-0427
Office: (209) 848-4280
Fax: (209) 848-4282

September 29, 2022

Donna M. Kenney, AICP, MCRP
City of Riverbank
Planning and Building Manager
6707 Third Street
Riverbank, CA 95367

Re: Building Permit # BP21-0525
Thunderbolt Wood Treating 3400 Patterson Rd. Riverbank, CA

Dear Donna,

This letter is regarding the permit fees assessed for the building permit number BP21-0525 for detached metal cover, 24200 sq ft for Thunderbolt Wood Treating located at 3400 Patterson Rd. in Riverbank, CA.

Thunderbolt Wood Treating currently operates its storm water management program under a Title 27 Waste Discharge Permit and Industrial Stormwater General Permit both issued by the Regional Water Quality Control Board. Under the Title 27 permit Thunderbolt manages its storm water within process areas and treated wood storage areas by isolating flows and retaining that flow in either tanks or the Class II surface impoundment. Specifically, water generated at the drip pad is captured by the use of a process sump and tanks and returned to process as chemical makeup water. Storm water that is generated in treated wood storage area is captured by a series of sumps and then pumped to the class II surface impoundment where it is then stored, treated, and returned to process. Stormwater in other areas of the facility is managed under the Industrial Stormwater General Permit in which the facility maintains a Storm Water Pollution Prevention Plan (SWPPP).

In the case of the drip pad, stormwater generated is concentrated with one specific type of treating chemical which results in that reclaimed water only being able to be utilized back into that specific process. This creates a bottle neck in the system whereby too much of that water is generated and cannot be used efficiently back in process and due to the concentration cannot be processed through the onsite treatment plant. The purpose of the metal cover over the drip pad is to simply reduce the volume of concentrated stormwater generated so that the less concentrated stormwater can then be applied to the other wood treatment processes at the facility.

The intent of the project is to improve compliance and is not to increase production or intensify the use of any city service. In fact, the improved efficiency of the water management system would seek to eliminate the existing wastewater discharge permit that allows Thunderbolt to dispose of treated stormwater from the surface impoundment to the city sewer. This benefits the City of Riverbank and its own management of its Phase II Small Municipal Separate Storm

Sewer System permit (MS4) issued by the Regional Water Quality Control Board. The water balance calculations show that by reducing the volume of highly concentrated water generated at the drip pad Thunderbolt would have the ability to manage, treat, store, and reuse all the stormwater generated even in large rain events without relying of the city discharge permit as a backup strategy. As part of this project Thunderbolt is investing in additional tank storage to provide this back up while simultaneously having the option to divert clean stormwater from roofed areas to the stormwater basin under the facilities Industrial Storm Water Permit.

The proposed project only provides for the metal cover of an existing process area with the added benefit of providing a location for an additional solar panel system. It is an open-air structure that is not a building, nor does it have an occupancy rating. There is also no extension of any additional city services in connection with the project. There will only be a connection for fire water for the fire sprinkler system through an existing fire hydrant onsite.

Therefore, for these reasons Thunderbolt asserts that the proposed cover does not incur the City of Riverbank with any disproportionate costs as it does not impact city services to the extent indicated, and that the fees are greater than necessary to defray the impacts that are directly related to the project.

If you have any questions, please feel free to contact Kari Casey at (209) 872-2168.

Sincerely,



Kari L. Casey
EIT #171941

DOWNEYBRAND

Norik G. Naraghi
nnaraghi@downeybrand.com
209.472.3956 Direct
209.472.3957 Fax

Downey Brand LLP
3425 Brookside Road, Suite A
Stockton, CA 95219
209.473.6450 Main
downeybrand.com

December 1, 2022

VIA EMAIL ONLY

Ms. Marisela Garcia, City Manager
City of Riverbank
6707 3rd Street
Riverbank, CA
mhgarcia@riverbank.org

Re: Building Permit Number: BP21-0525
Applicant Name: Leonard Lovalvo Construction
Project Address: 3400 Patterson Road

Dear Ms. Garcia:

My office represents Leonard Lovalvo Construction in regard to its application for a building permit (the “**Permit**”) from the City of Riverbank (the “**City**”) to install a metal cover over an *existing* process/drip pad area of the Thunderbolt facility (the “**Thunderbolt Project**”).¹ As a condition to issuing the Permit, the City has assessed Permit fees in the amount of \$417,184.80; \$387,926.00 of which is attributed to the City’s System Development Fees, which is nearly the total cost of the project itself.

The purpose of this letter is to provide an overview and clarification of the factual and legal issues pertaining to the assessment of the Systems Development Fee to the Thunderbolt Project prior to the upcoming City Council Meeting on December 13, 2022, and to request that the City waive the fee. As explained in further detail below, since the Thunderbolt Project will clearly *not* impose any new impacts on City facilities or services, the City’s System Development Fees are entirely inapplicable to the Thunderbolt Project and imposition of such fees is contrary to well-established law. Further, and quite significantly, without the City waiving its System Development Fees, the Thunderbolt Project – which will actually result in tremendous benefits to environmental and water conservation efforts – will be much too costly to bring to fruition, a disastrous result for all parties and the Riverbank community.

Relevant Background

For the past several decades Thunderbolt Wood Treating, Inc. (“**Thunderbolt**”), a leader for wood treating services in California, has operated from its treatment facility located at 3400

¹ Application Number 2021000635, Permit Number BP21-0525.

Patterson Road. It currently employs over 40 local residents and has been a significant part of the Riverbank community.

To understand the purpose behind Thunderbolt's desire to install the metal cover over the existing process/drip pad area requires an understanding of Thunderbolt's stormwater management system with respect to that area. Specifically, the existing process/drip pad area generates wastewater from two separate sources, including chemically treated water utilized in that area during the treatment process as well as stormwater from rainfall that naturally comes into contact with the treatment area (which is not covered). Thunderbolt currently captures the wastewater from both of these sources and retains it in holding tanks.² Since the runoff from both sources contains chemical residue (either from the treatment process itself or from rainwater coming into contact with the treatment area), the reclaimed water can only be re-used in this specific part of the wood-treating process (and not in the other treatment processes that occur in other areas of Thunderbolt's facility).

The primary problem presented by the foregoing is that the collective wastewater generated from *both* sources leaves Thunderbolt having to store much more wastewater than it could ever possibly re-use in the foregoing treatment process, which in turn creates a bottleneck in the system. This bottleneck effect is largely caused by the second source of runoff (*i.e.*, stormwater from rainfall that naturally comes into contact with the currently uncovered treatment area) since that source is highly unpredictable, varies seasonally, and of course can become quite voluminous during periods of heavy rainfall.

Installing the open-air metal cover over the existing process/drip pad area will not only eliminate this problem, but will also provide several additional benefits. Specifically, since the proposed metal cover will capture the runoff from rainfall *before* it comes into contact with chemical residue within the treatment area, the clean water can be stored, used, and re-used in other areas of Thunderbolt's treatment process, significantly aiding Thunderbolt's ongoing water conservation efforts and minimizing if not eliminating its reliance on its wastewater discharge permit as a backup measure. Of course, this also provides a much more efficient and environmentally friendly stormwater management system.

I also want to clarify at the outset any misunderstanding arising from the written correspondence dated September 29, 2022, from Kari Casey ("**Casey**") of WHF, Inc, on behalf of Thunderbolt, to the City's Planning and Building Manager, Donna Kenney ("**Kenney**"). Reference to "permit fees" in that correspondence with respect to Thunderbolt's requested fee waiver was not limited to Water and Storm Drain fees but, rather, was intended to reference the entirety of the fees comprising the Systems Development Fees.

The requested waiver of that entire amount was the reason Casey provided a detailed explanation of the purpose of the metal cover and the fact the Thunderbolt Project would not intensify or

² The process/drip pad area is identified within the black triangle located on the site plan attached hereto as Exhibit A.

otherwise negatively impact the use of any City service.³ In fact, Casey confirmed that the impact of the Thunderbolt Project would actually be quite the opposite – extremely beneficial:

The intent of the project is to improve compliance and is not to increase production or intensify the use of any city service. In fact, the improved efficiency of the water management system would seek to eliminate the existing wastewater discharge permit that allows Thunderbolt to dispose of treated stormwater from the surface impoundments to the city sewer. This benefits the City of Riverbank and its own management of its Phase II Small Municipal Separate Storm Sewer System permit (MS4) issued by the Regional Water Quality Control Board. The water balance calculations show that by reducing the volume of highly concentrated water generated at the drip pad Thunderbolt would have the ability to manage, treat, store, and reuse all the stormwater generated even in large rain events without relying on the city discharge permit as a backup strategy.

Applicable Law

According to the City, the permit fees of \$417,184.81 attributable to the Thunderbolt Project are comprised of the following:

- \$387,926.00: System Development Fees⁴
 - Streets/Public Works: \$155,412.40
 - Waste Water: \$55,635.80
 - Storm Drain: \$112,421.10
 - Police Government: \$7,356.80
 - 5% Administrative Fee: \$19,396.30
- \$8,958.81: Building Permit Fees
- \$20,300.00: Stanislaus County Fees

³ This correspondence was included as Attachment 4 to Agenda Item 11.2 in the November 8, 2022 City Council Agenda and Reports.

⁴ It is currently unclear which specific person(s) from the City's planning department was tasked with determining the existence or extent of any negative impacts resulting from the Thunderbolt Project, the applicability of the System Development Fees, and/or the calculation of such fees.

Although the City has the inherent police power to impose development impact fees on development projects⁵, the applicable law is universally clear – such fees, including the City’s System Development Fees, are “only fair” when the “developer has created a new, and cumulatively overwhelming, burden on local government facilities.”⁶ Therefore, such fees “should offset the additional responsibilities required of the public agency by the dedication of land, construction of improvements, or payment of fees, all needed to provide improvements and services required by the new development” (*Id.*)

In other words, when a proposed project would *not* result in any “new, and cumulatively overwhelming burden on local government facilities,” development impact fees simply cannot be imposed. Further, even when such a “new, and cumulatively overwhelming burden” is shown to exist, impact fees must be fair and proportionate to such new or additional burden. These basic legal principles are made clear through both the City’s Municipal Code and well-established case law, all as discussed below.

The City’s Municipal Code

The City’s Municipal Code (the “Code”) defines a “System Development Fee” as follows:

The fee charged for a change in use, new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to **mitigate the unfunded portion of the determined impact of the development.** [Emphasis added].

At the November 8, 2022, City Council Meeting, Agenda Item 10.1 pertained to the Fiscal Year 2021-22 Annual AB 1600 Report of System Development Fee Activity (the “**2021-22 AB 1600 Report**”).⁷ As stated in the “Letter of Transmittal” included within the 2021-22 AB 1600 Report, the purpose of the City’s System Development Fee is to defray the cost of public facilities *related to* the development project at issue:

Development Fees, otherwise known as System Development Fees (SDF), are a monetary exaction, other than a tax or special assessment, which is charged by a local governmental agency to an

⁵ *Associated Home Builders etc., Inc. v. City of Walnut Creek* (1971) 4 Cal.3d 633, 638; *Shappell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 234.

⁶ *Trent Meredith, Inc. v. City of Oxnard* (1981) 114 Cal.App.3d 317, 325.

⁷ AB 1600 was passed in 1987 by the California Legislature “in response to concerns among developers that local agencies were imposing development fees for purposes unrelated to development projects.” (See *Centex Real Estate Corp. v. City of Vallejo* (1993) 19 Cal.App.4th 1358, 1361; Sen.Local Gov.Com. analysis of Assem.Bill No. 1600 (1987–1988 Reg.Sess.) p. 1; see also *Garrick Development Co. v. Hayward Unified School Dist.* (1992) 3 Cal.App.4th 320.

applicant in connection with approval of a development project. **The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project.** The legal requirements for enactment of a system development fee program are set forth in Government Code section's 66000-66025 (the 'Mitigation Fee Act'), the bulk of which was adopted as 1987's Assembly Bill (AB) 1600 and those are commonly referred to as 'AB 1600' requirements. [Emphasis added].

The Mitigation Fee Act likewise authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the project, as long as the fees are reasonably related to the burden caused by the development.⁸ Cal. Gov. Code Section 66001 requires the agency to "[i]dentify the purpose of the fee," "[i]dentify the use to which the fee is to be put," "[d]etermine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed," and "[d]etermine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed."⁹ As a leading real estate law treatise explains:

Whenever a local agency imposes a fee, meaning a monetary exaction other than a tax or special assessment, as a condition to the approval of a development project for payment of the costs of public facilities related to the project, the agency must identify the purpose of the fee and the public facilities to be financed. There must be a reasonable relationship between the use of the fee and the type of development project, and the need for the facilities and the type of project. The agency also must establish a reasonable relationship between the amount of the fee and the cost of the public facilities, or the portion of the facilities attributable to the development.¹⁰

Here, the purpose of the System Development Fee, as identified in Section 150.31 of the City's Municipal Code, includes the following:

(A) The intent of this chapter is to ensure that new development bears a proportionate share of the cost of city parks, water, sewer, storm water, police, city administration, and transportation capital

⁸ Gov. Code §§ 66000, subd. (b), 66001; see *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 864-865; *295 Shapell Industries, Inc. v. Governing Board* (1991) 1 Cal.App.4th 218, 234-235.

⁹ Gov. Code § 66001, subd. (a)

¹⁰ Miller & Starr, § 21:19, *Development fees and exactions—Mitigation Fee Act*, 7 Cal. Real Est. § 21:19 (4th ed.)

facilities. It is the further intent of this chapter that new development pay for its fair share for the development of these systems through the payment of fees. Furthermore, it is the intent of this chapter that the **System Development Fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development.**

...

(C) Particularly, the provisions of this subchapter are adopted for the following reasons:

(1) To provide an adequate and constant method for the financing of the unfunded portion of needed systems development costs throughout the city, reasonably related to projected community growth.

(2) To promote the orderly and efficient expansion of public water, wastewater, storm management and transportation systems to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental **impacts of new development.**

(3) To insure the continuation of necessary level of services including, but not limited to police and general administrative services.

(4) To establish equitable methods for allocating system development costs to the city associated with new development.

(5) To regulate the development of land to ensure that **new development bears a proportionate share of the cost of capital expenditures necessary to develop all necessary infrastructure systems in Riverbank** as contemplated by the General Plan.

(6) The General Plan establishes that land development shall not be permitted unless adequate capital facilities and/or infrastructure exist or are assured, and that land development shall bear a **proportionate share of the cost of the provision of the new or expanded capital facilities required by such development.**

(7) Other revenue sources are not sufficient to fund capital improvements necessary to accommodate **new system development.**

(8) The General Plan establishes that System Development Fees are one of the chosen methods of regulating land development in order to ensure that it bears a **proportionate share of the cost of capital facilities necessary to accommodate the development and to promote and protect the public health, safety, and welfare.**

(9) The use of System Development Fees is a means to provide additional resources for an adequate public infrastructure and services **only as they relate to the needs of new development.**

(10) The use of System Development Fees is a standardized method for ensuring that new development pays its **fair share of the cost of public infrastructure systems.**

(11) System Development Fees are used in the development of the Capital Improvement Program for financing public facilities, and ensure the adequacy of public systems to serve development. [Emphasis added].

The foregoing objectives are also made clear through Section 150.34 (F) of the City's Municipal Code, which gives the City Council discretion to reduce fees to match the *actual* impact on the City's facilities when a determination is made that at least some impact does in fact exist:

The System Development Fees are intended to represent new impacts on city facilities. The City Council has the ability to allow for fee credits of certain fee categories to match actual project related impacts on facilities. Reductions should always be supported by written evidence which illustrates the project demands on City Infrastructure for a given project. This might include using actual vehicle trip data to suggest a lower transportation impact fee or actual flow data to lower water, sewer or storm drainage fees. The Owner and/or developer shall present evidence to the city demonstrating the new project demand estimates which in turn will be reviewed by the City Engineer and City Manager. The City Manager will make a recommendation to the City Council on the requested fee reduction which will be reflected by a City Council vote on the proposal which will be recorded by minute action

Again, the Thunderbolt Project only provides for the installation of a cover over an *existing* process area. The cover is an open-air structure, not a building, and does not expand the footprint of Thunderbolt's operation. It will not require a connection to the City sewer system or City water.

As discussed above and as confirmed in Ms. Casey's correspondence, the Thunderbolt Project will not result in *any* negative impacts whatsoever upon City facilities or services. In fact, as Ms. Casey confirmed, the resulting efficiencies and water conservation elements of the Thunderbolt Project will actually provide significant environmental *benefits* to the City, Thunderbolt, and the Riverbank community in general. Since there is no negative impact resulting from the Thunderbolt Project, the imposition of any System Development Fees to mitigate such non-existing impact is wholly unsupported under the City's own Municipal Code.

Applicable Case Law

The foregoing provisions of the City's Municipal Code were undoubtedly drafted to be consistent with longstanding and well-established legal principles annunciated by state and federal courts.¹¹ The U.S. Supreme Court has interpreted the Takings Clause to impose limitations on the ability of public agencies to impose development fees so they do not use their leverage over development approvals to require developers to give up property rights having nothing to do with their development impacts. In the two landmark cases dealing with exactions, *Nollan* and *Dolan*, the U. S. Supreme Court held that when a government agency requires the dedication of land or an interest in land as a condition of development approval, or imposes ad hoc exactions as a condition of approval on a single development project that do not apply to development generally, a higher standard of judicial scrutiny applies.¹² To meet that standard, there is a two-step analysis:

1. **First Prong- Nexus**: Pursuant to *Nollan*, there must be an "essential nexus" between the permit condition and a burden imposed by the project on a legitimate state interest.
2. **Second Prong - Rough Proportionality**: Pursuant to *Dolan*, when there is the required "nexus," the court must decide whether there is the required degree of connection between the exaction and the projected impact of the proposed development. The court must determine whether the factual findings by the public agency support the condition as more or less proportional in both nature and scope to the public impact of the proposed development. There need not be an exact proportionality but there must be a "rough proportionality." An individualized determination that the required condition is related both in nature and extent to the impact of the proposed development, quantified by findings of the agency and not merely by conclusionary statements, is required to support the findings of rough proportionality.

¹¹ Most if not all states have also adopted statutes to codify such legal principles. For example, under California Govt. Code Section 66001, development mitigation fees "must bear a reasonable relationship, in both intended use and amount, to the deleterious public impact of the development."

¹² See *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374.

In *Koontz v. St. Johns River Water Management Dist.* (2013) 133 S. Ct. 2586, 2594, the U.S. Supreme Court held that the nexus and rough proportionality standards apply to exactions imposing monetary conditions or the payment of fees as a condition for approval of a development or the issuance of a permit. In regard to an exaction imposing the payment of fees, as is the case here, these standards govern since the System Development Fees are applied in a discretionary manner to individual developments by the City and not as a general matter to all similar developments; it is in those cases that there is a heightened risk of the extortionate use of the police power to exact unconstitutional conditions.¹³

In short, for the same reasons set forth above as to why imposition of the System Development Fees is entirely unsupported by the City's Municipal Code, it is also squarely contrary to state and federal laws.

Conclusion

Although Thunderbolt truly appreciates its longstanding and mutually beneficial relationship with the City, my client must respectfully request that the City reconsider its imposition of the System Development Fees. There can be no reasonable dispute that the Thunderbolt Project will have no negative impact whatsoever on City facilities or services.

In fact, the Thunderbolt Project will provide substantial water conservation and environmental benefits. Imposing \$387,926.00 for System Development Fees – an amount that nearly *doubles* the total cost of the Thunderbolt Project – is not only entirely unsubstantiated and wholly contrary to the City's Municipal Code and well-established state and federal laws, but will unilaterally create a financial obstacle that prevents this project from ever moving forward.

I do hope that this correspondence provides the additional information the City needs to fully understand that the Thunderbolt Project should be considered a win-win opportunity. Thunderbolt is willing to make the significant investment necessary to establish more efficient and environmentally sound business practices. Rather than exacting exorbitant and unlawful fees for negative impacts that simply do not exist, we would hope that the City would do what it reasonably could to support the project and encourage other local businesses to follow suit and make similar investments for a better and cleaner future.

¹³ See *Action Apartment Ass'n v. City of Santa Monica* (2008) 166 Cal.App.4th 456, 469; *San Remo Hotel L.P. v. City And County of San Francisco* (2002) 27 Cal.4th 643, 668.

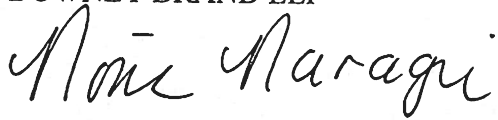
December 1, 2022

Page 10

If you would like to discuss this matter or need any additional information in support of my client's request for a waiver of the System Development Fees, please do not hesitate to contact me.

Very truly yours,

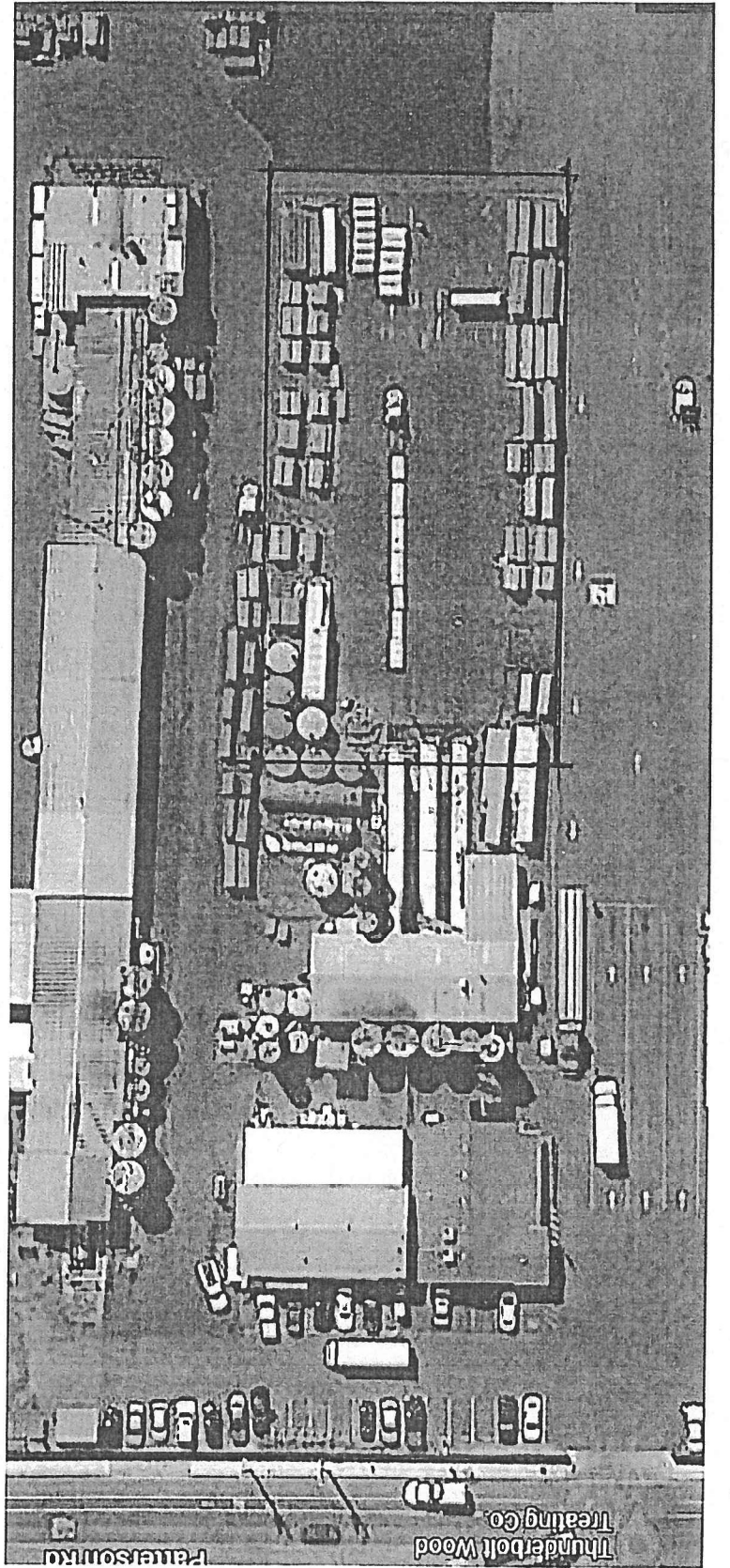
DOWNEY BRAND LLP

A handwritten signature in black ink that reads "Norik Naraghi". The signature is written in a cursive style with a horizontal line under the "i" in "Naraghi".

Norik G. Naraghi

cc: Thomas P. Hallinan, tom@whitebrennerllp.com
George V. Hartmann, gvhlaw@gmail.com
Anthony L. Vignolo, avignolo@downeybrand.com

EXHIBIT A



Thunderbolt Wood Treating Co.

Fatterson Rd

December 16, 2022

VIA EMAIL ONLY

Mr. Thomas P. Hallinan
City of Riverbank, City Attorney
White Brenner LLP
1414 K Street, 3rd Floor
Sacramento, CA 95814
tom@whitebrennerllp.com

Re: **Building Permit Number: BP21-0525**
Applicant Name: Leonard Lovalvo Construction
Project Address: 3400 Patterson Road

Dear Mr. Hallinan:

The purpose of this letter is to clarify the request of my client, Leonard Lovalvo Construction (“LLC”), in regard to the System Development Fees assessed by the City of Riverbank (the “City”) on the Thunderbolt Project. As explained in my December 1 correspondence, since the Thunderbolt Project- which consists of the installation of a metal cover over an *existing* process/drip pad area of the Thunderbolt facility- will not result in any negative impacts whatsoever upon City facilities or services, the City’s System Development Fees are entirely inapplicable to the Thunderbolt Project. In fact, the resulting efficiencies and water conservation elements of the Thunderbolt Project will actually provide significant environmental benefits to the City, Thunderbolt, and the Riverbank community in general. As explained in further detail below, since there is no negative impact resulting from the Thunderbolt Project, LLC requests the entirety of the fees comprising the System Development Fees not be imposed.

SYSTEM DEVELOPMENT FEE TYPE

1. Streets/Public Works: \$155,412.40

The Streets/Public Works fee is not applicable to the Thunderbolt Project as the project will not have an impact on City streets; the project will not expand the footprint of Thunderbolt’s operation, increase production at the site, or increase the number of employees at the site. Since the project will not result in increasing the number of vehicular trips to and from the Thunderbolt facility, LLC requests the City not impose the Streets/Public Works fee on the Thunderbolt Project.

2. Water: \$55,635.80

The Water fee is not applicable to the Thunderbolt Project as the project will not require a connection to City water. The cover is an open-air structure; it does not include a restroom nor does it expand the footprint of Thunderbolt's operation. Since the project will not impact the City's water system by generating an increase in water usage, LLC requests the City not impose the Water fee on the Thunderbolt Project.¹

3. Waste Water: \$37,703.60

The Waste Water fee is not applicable to the Thunderbolt Project as the project will not have a negative impact on the City's sewer system; in fact, the project will benefit the City since the purpose of the cover is to minimize, if not eliminate, Thunderbolt's reliance on its wastewater discharge permit that allows Thunderbolt to dispose of treated stormwater to the city sewer as a backup measure. Since the project will positively impact the City's waste water collection system, LLC requests the City not impose the Waste Water fee on the Thunderbolt Project.

4. Storm Drain: \$112,421.10

The Storm Drain Fee is not applicable to the Thunderbolt Project as the project will not be adding any additional capacity to the City's storm water system. Thunderbolt currently operates its storm water management program under a Title 27 Waste Discharge Permit and Industrial Stormwater General Permit, both issued by the Regional Water Quality Control Board. The purpose of the Thunderbolt Project is to control stormwater and efficiently capture and reuse the stormwater.² Since the project will not impact the City's Storm Drain system, LLC requests the City not impose the Storm Drain fee on the Thunderbolt Project.

5. Police/General Government: \$19,396.30

The Police/General Government fee is not applicable to the Thunderbolt Project as the project only provides for the installation of a cover over an *existing* process area. The cover is an open-air structure, not a building, and does not expand the footprint of Thunderbolt's operation. Since the Thunderbolt Project will not generate the need for additional policing, LLC requests the City not impose the Police/General Government fee on the Thunderbolt Project.

¹ There will be a connection for fire services for the fire sprinkler system through an *existing* fire hydrant onsite.

² The cover will reduce the volume of highly concentrated water generated at the drip pad which will give Thunderbolt the ability to manage, treat, store and reuse the stormwater generated even in large rain events without relying on the discharge permit as a backup strategy.

6. 5% Administration Fee

The Administration Fee is not applicable to the Thunderbolt Project as the project only provides for the installation of a cover over an *existing* process area. Since the Thunderbolt Project will not result in any negative impacts whatsoever upon City facilities or services and will actually provide significant environmental benefits to the City, Thunderbolt, and the Riverbank community in general, LLC requests the City not impose the Administration Fee on the Thunderbolt Project.

Conclusion

Imposing \$387,926.00 for System Development Fees – an amount that nearly *doubles* the total cost of the Thunderbolt Project- will unilaterally create a financial obstacle that prevents this project from ever moving forward. Since there is no negative impact resulting from the Thunderbolt Project, my client respectfully requests that the City reconsider its imposition of the System Development Fees. If you would like to discuss this matter further or need any additional information in support of my client's request, please do not hesitate to contact me. Thank you for your consideration.

Very truly yours,

DOWNEY BRAND LLP



Norik G. Naraghi

cc: Marisela Garcia, mhgarcia@riverbank.org
Donna Kenney, dkenney@riverbank.org
George V. Hartmann, gvhlaw@gmail.com
Anthony L. Vignolo, avignolo@downeybrand.com



P.O. Box 427
Oakdale, CA 95361
(209) 848-4280
whfinc@whfinc.com

January 12, 2023

Donna M. Kenney, AICP, MCRP
City of Riverbank
Planning and Building Manager
6707 Third Street
Riverbank, CA 95367

Re: Building Permit # BP21-0525
Thunderbolt Wood Treating 3400 Patterson Rd. Riverbank, CA

Dear Donna,

This correspondence is in regard to the System Development Fees assessed for the installation of the detached metal cover for Thunderbolt Wood Treating located at 3400 Patterson Rd. in Riverbank, CA (building permit number BP21-0525).

It is my understanding that City staff is now recommending that the following System Development Fees be applied to the installation of the metal cover:

- Water Fee: \$27,817.90
- Storm Drain: \$56,210.55
- 5% Administrative Fee: \$2,520.85

1. **WATER FEE**

In regard to the water fee, staff's reasoning behind this application is that the Stanislaus County Fire Protection District is requiring sprinklers for the structure and those sprinklers will be connected to an existing City hydrant located onsite. Furthermore, staff is recommending that no less than 50% of the fee should apply because of the increase in demand that it will have on city water supplies due to system testing and in case that there is a fire.

There is no justification to apply 50% of the water fee given that the connection is to an *existing* onsite fire hydrant with a non-continuous demand that does not require the City of Riverbank to provide any additional capacity within the system to supply Thunderbolt. This is apparent because no new service connection was required for the project. There is also no increased risk of fire and no additional fuels being added since the metal cover is being placed over an existing process area that already stores wood.

The addition of sprinklers to this area reduces the burden of services on the fire department by providing instantaneous firefighting capability. Furthermore, any water produced in testing would not exceed a few thousands of gallons per year which is a nominal amount of water and has nearly no impact to the city system. If this water was being delivered through the domestic

water meter and charged at standard water rates for the City of Riverbank (current rate is \$1.14 per 1,000 gallons) the annual increase would be less than \$5 per year.

2. STORM DRAIN FEE

Regarding the storm drain fee, city staff indicates that a portion of the fee should apply only because Thunderbolt has not provided sufficient evidence showing that the metal structure will not increase runoff or not increase contamination into the nearby stormwater inlets. Thunderbolt has in fact provided such information and a storm drain map in my previous letter dated September 29th, 2022, describing the stormwater management system onsite.

Additionally, through the building permit process Thunderbolt was required to have the Department of Public Works sign off on the project. Attached is the letter from city staff acknowledging that Thunderbolt maintains a Title 27 permit that requires the containment of stormwater under the conditions of the permit.

Furthermore, the “city storm drains” are a minimum of 185 feet from the project location and are not located on the same parcel of land. **There is in fact no connection to the city storm system from the main parcel (APN 132-039-021) and the adjacent parcel (132-039-017) does not have a direct free flowing connection to the city storm drain.** The drop inlets shown on the figure are plumbed in series to a sump location that then pumps water to the city connection near Patterson Rd. These two parcels are separated by a physical berm which prevents sheet flow from the main plant area from directly discharging to the adjacent parcel. Thunderbolt would have to physically pump water over the berm to be capable of discharging stormwater to the city system. See the attached Figure that is extracted from the current Stormwater Pollution Prevention Plan (SWPPP).

Additionally, as stated previously, the project does not increase the amount of storm water it only prevents it from contacting process areas that result in high concentrations of treating chemicals. The purpose of the metal cover is to continue to capture the stormwater generated and reuse it for chemical process water at the drip pad by diverting the water from the roof cover directly into clean water tanks stored on the drip pad or be allowed to flow to the onsite stormwater conveyance system that discharges to the Class II Surface Impoundment and managed under the Title 27 permit.

Based on the reasons explained above, these fees are not applicable to the installation of the metal cover.

If you have any questions, please feel free to contact me at (209) 872-2168.

Sincerely,

Kari L. Casey
EIT #171941
Attachments: (2)



CITY OF RIVERBANK

Public Works Department

2901 High Street, Riverbank, CA 95367
Phone: 209.869.7128 - Fax: 209.869.7045

August 3, 2022

Alex Flores
Thunderbolt Wood Treating
3400 Patterson Road
Riverbank, CA 95367

RE: Drip Pad Roof Cover Project

Dear Mr. Flores,

In response to your request for approval of said project.

Concerning onsite containment that is required for the storm water/chemical runoff in the event of a fire sprinkler discharge.

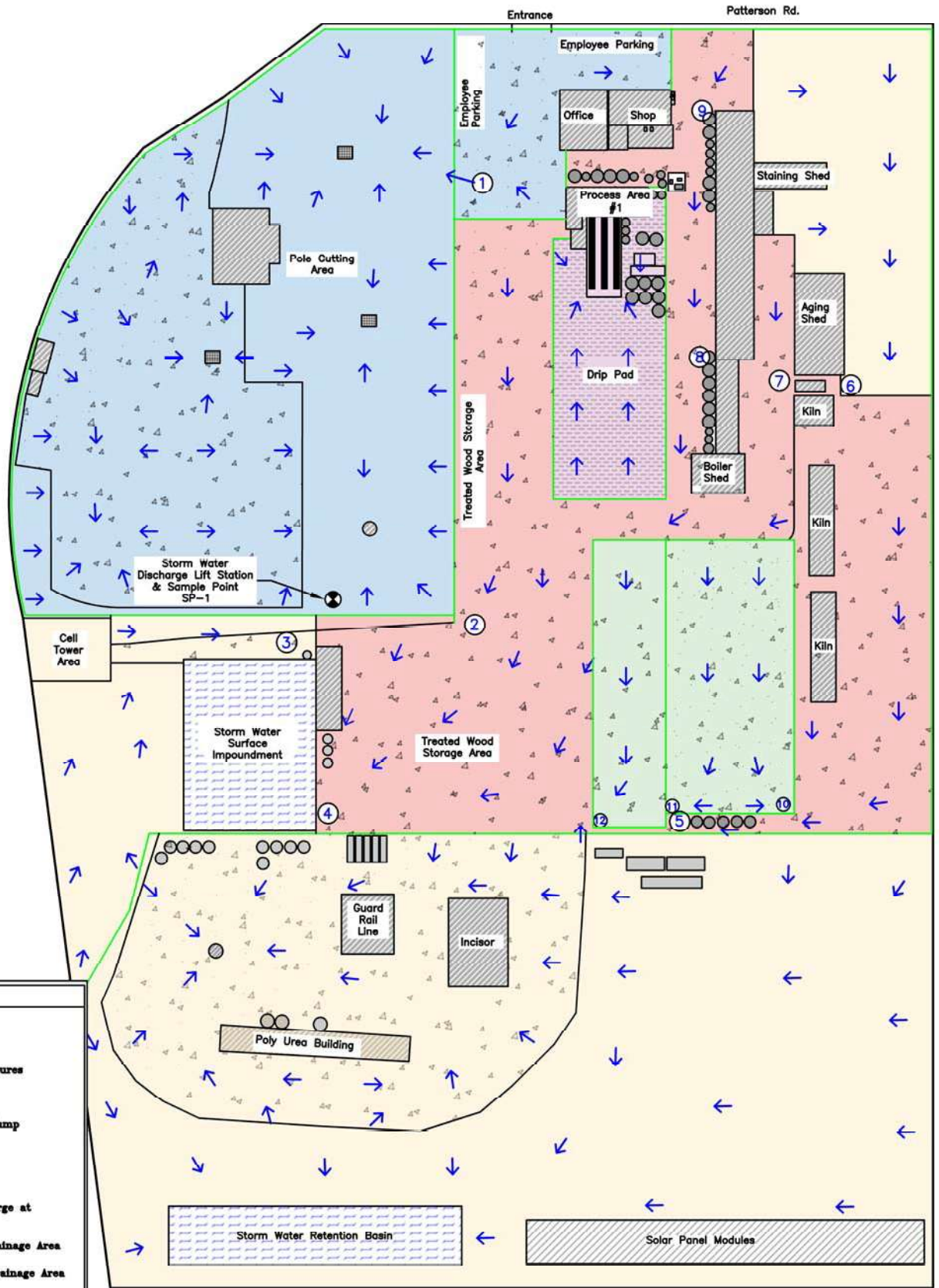
Per your National Pollutant Discharge Elimination System (NPDES) permit. Thunderbolt is required to contain and treat all runoff prior to discharge to the City Treatment Facility.

With this requirement in place you have the approval of the City of Riverbanks Public Works Department for your project.

Please contact me at (209) 869-7128 if you have any questions concerning this information.

Sincerely,

Michael Riddell
Director of Public Works/LRA
City of Riverbank



Legend:

-  Paved Surfaces
-  Unpaved Surfaces
-  Building or Roofed Structures
-  Berm
-  Storm Water Collection Sump
-  Drop Inlet
-  Dry Well
-  Drainage Box #1 (Discharge at Sample Point SP-1)
-  Surface Impoundment Drainage Area
-  CCA/ACZA Containment Drainage Area
-  Drip Pad Drainage Area
-  Drainage Area #2 (Drains to Storm Water Retention Basin)

Scale: 1"=150'



WHF Inc. Environmental and Engineering Group
 Post Office Box 427
 Oakdale, CA 95361
 (209) 848-4280

Thunderbolt Wood Treating
 3400 Patterson Rd
 Riverbank, CA

Figure 4
 Site Map with
 Storm Water
 Flow Paths

Request for Use of Public Facility Fee Funds

Date: February 2, 2023

Requesting Department: Animal Services

Contact Person/Phone: Vaughn Maurice 209-558-7387 ext. 21740

Project Name: Canvassing Vehicles for new Animal Control Positions

Project Cost	PFF Funds Requested	PFF Category (Source)	Funds Available
\$85,000	\$30,600		\$620,201.36

Fund use approved to date (show future debt service payments separately): \$0

Project Description:

Stanislaus Animal Services Agency (SASA) is expanding their community outreach by adding a new function to better serve and protect the community. We are in the process of hiring 4 employees to work in newly created positions as Education and Compliance Outreach Specialists. These new positions will focus working in neighborhoods primarily going house to house to ensure compliance with licensing and rabies vaccine requirements. They will have the ability to issue licenses in the field while visiting citizens. Given the potentially dangerous element of going door to door, these workers will work in teams of two each. Reliable and cost-effective transportation is required for each team to travel to, from and within the neighborhoods.

SASA is requesting to purchase two hybrid vehicles at a cost not to exceed \$42,500 each. The current vehicle market supply makes it difficult to list an exact price due to fluctuating prices. County Fleet's recommendation is that SASA request approval for \$42,500 per vehicle as pricing of new cars is going up quickly as availability diminishes.

PFF Funding Eligibility:

The purpose of the PFF fee is to ensure that new development funds its fair share of animal control countywide, except in the cities of Turlock, Oakdale, Newman and Riverbank which maintain their own municipal animal control. The County is to use the fee revenues to fund the animal services shelter expansion projects and any related vehicles and equipment. The July 2020 PFF Study completed by Willdan Financial Services provides detailed information regarding this component of the PFF program (Attachment).

Demand for SASA services and associated facilities is based on the County's service population including residents, minus those from the cities of Turlock, Oakdale, Newman and Riverbank.

Year	Population	% of population growth	Total cost of Project	PFF Eligible
2003	373,103			
2022	418,037	12%	\$85,000	\$30,600

With a population growth of 12% and a program growth of 33.3% (going from 6 vehicles to 8), we are requesting PFF funding for 36% of the program growth expense which is in direct proportion to the population growth.

We are seeking two vehicles not to exceed a total of \$85,000. The PFF funding we are seeking would cover 36% or a total not to exceed \$30,600. Once awarded the PFF funding for the two vehicles, we will be applying for San Joaquin Valley Air Pollution Control District grant funding of the remainder of the expense for each of the two cars to cover the remaining expense.

Thank you in advance for your consideration of this request for the use of PFF funds.

3. Animal Control Facilities

The purpose of this fee is to ensure that new development funds its fair share of animal control facilities. The fee will be charged countywide, except in the cities of Turlock, Oakdale, Newman and Riverbank which maintain municipal animal control facilities. The County will use fee revenues to fund the animal services shelter expansion project and any related vehicles and equipment.

Service Population

Animal control facilities serve both residents and businesses and provide services equally to both incorporated and unincorporated portions of the County, with the exception of the cities of Turlock, Oakdale, Newman and Riverbank, which maintain their own animal control facilities. The City of Modesto conducts its own fieldwork, but does not maintain its own building. Demand for services and associated facilities is based on the County's service population including residents, minus those from the cities of Turlock, Oakdale, Newman and Riverbank. Fee revenue is held and available for use determined by the Animal Services JPA Authority.

Table 3.1 shows the estimated service population in 2016 and 2045. The demand for countywide animal control facilities is primarily related to the demands that residents place on those facilities.

Table 3.1: Animal Services Service Population

	<u>Residents</u>
Existing (2016) ¹	406,400
New Development (2016-2045) ¹	<u>257,800</u>
Total - (2045) ¹	664,200

¹ The cities of Turlock, Oakdale, Riverbank and Newman are excluded from this analysis, as those cities have their own animal services facilities.

Sources: Table 2.1; Willdan Financial Services.

Facility Standards and Planned Facilities

This study uses the existing inventory method to calculate fee schedules for animal services facilities (see *Introduction* for further information). Table 4.2 presents an inventory of animal services facilities in Stanislaus County along with an estimated current replacement value. An inventory of vehicles and equipment can be found in Appendix Table A.1. An inventory of technological assets can be found in Appendix Table A.11. The total value of existing animal services facilities is approximately \$15.1 million.

Table 3.2: Animal Services Facilities Existing Facility Inventory

	Inventory	Unit Cost ¹	Value
<i>Land (acres)</i>			
Animal Services Shelter - 3647 Cornucopia Way	4.53	\$ 50,000	\$ 227,000
<i>Buildings (square feet)</i>			
Animal Services Shelter - New Portion	25,000	\$ 474	\$ 11,850,000
Animal Services Shelter - Old Portion	9,800	234	<u>2,293,000</u>
Subtotal - Buildings	34,800		\$ 14,143,000
Vehicles & Equipment (from Table A.1)			\$ 341,661
Technology (from Table A.11)			\$ 49,505
Existing Fund Balance			<u>\$ 330,500</u>
Total Value Existing Facilities			\$ 15,091,666

¹ Unit costs based on market value.

Sources: Tables 2.3, A.1 and A.11; Stanislaus County; Willdan Financial Services.

Table 3.3 shows the existing per capita investment in animal control facilities in 2016. These values were calculated by dividing the value of existing animal control facilities by the existing service population. The resulting cost per capita is \$37.

Table 3.3: Animal Services Facilities Existing Standard

Existing Animal Services Facilities	\$	15,091,666
Existing Service Population		<u>406,400</u>
Facility Standard per Capita	\$	37
Cost per Resident	\$	37

¹ Worker weighting factor of 0.31 applied to cost per resident.

Sources: Tables 3.1 and 3.2.

Use of Fee Revenues

The County can use animal control facilities fee revenues for the construction or purchase of new buildings and land that expands the capacity of the existing system to serve new development. The inclusion of technology in the facilities inventory allows fee revenue to be spent on technological needs related to animal control services. Table 3.4 displays projected fee revenue through 2045.

Table 3.4: Projected Revenue

Facility Standard (Value) per Capita	\$	37
Service Population Growth Within County (2016-2045)		<u>257,800</u>
Projected Fee Revenues	\$	9,538,600

Sources: Tables 3.1 and 3.3.

Fee Schedule

Table 3.5 shows the animal control facilities fee schedule. The cost per capita is converted to a fee per unit of new development based on dwelling unit densities from Table 2.2.

Table 3.5: Animal Services Facilities Impact Fee - Existing Facilities Standard

Land Use	A	B	C=AxB	
	Cost Per Capita	Density	Fee ¹	
<i>Residential</i>				
Single Family	\$ 37	3.18	\$	118
Multifamily	37	2.07		77
Accessory Dwelling Unit	37	1.00		37

¹ Fee per dwelling unit.

Sources: Tables 2.2 and 3.3.

**Stanislaus County PFF Funds
Unobligated Cash Balances
As of Decceber 31, 2022**

Fee	Description	Cash Balances As of 12/31/2022	Open Project Balances Not Yet Withdrawn	Unobligated Cash Balances As of 12/31/2022
2400	Regional Transportation Impact Fee	10,968,087.69	(13,774,820.09)	(2,806,732.40)
2401	City/County Roads	821,902.62	-	821,902.62
2402	Detention	8,038,478.90	-	8,038,478.90
2403	Criminal Justice	819,142.64	-	819,142.64
2404	Library	450,375.89	(3,400,001.01)	(2,949,625.12)
2405	Regional Parks	3,916,316.01	-	3,916,316.01
2406	Health	5,096,209.86	(3,720,656.56)	1,375,553.30
2407	Behavioral Health	799,773.89	-	799,773.89
2408	Other Facilities	4,733,226.41	(2,364,470.00)	2,368,756.41
2409	Administrative Fees	213,047.61	-	213,047.61
2410	Sheriff	704,862.58	-	704,862.58
2411	Emergency Services	170,877.20	-	170,877.20
2412	Admin Fees Unincorporated	136,195.48	-	136,195.48
2413	Neighborhood Parks	795,898.36	-	795,898.36
2414	Animal Services	620,201.36	-	620,201.36
2415	Info Technology	209,882.63	-	209,882.63
2416	Crows Landing IBP Traffic Facilities	-	-	-
2417	Crows Landing IBP Water Facilities	-	-	-
2418	Crows Landing IBP Wastewater Facilitie	-	-	-
2419	Crows Landing IBP Storm Drain Facilitie	-	-	-
Subtotal		38,494,479.13	(23,259,947.66)	15,234,531.47
6400	Regional Transportation Impact Fee	298,008.36	-	298,008.36
6401	City/County Roads	4,564.76	-	4,564.76
6402	Jails	1.53	-	1.53
6403	Justice	58,113.66	-	58,113.66
6404	Library	0.01	-	0.01
6405	Parks	267.73	-	267.73
6406	Public Health	1,308,953.94	(1,262,207.40)	46,746.54
6407	Outpatient	710,491.04	(685,136.04)	25,355.00
6408	Other Facilities	8,671.23	(8,563.00)	108.23
6409	Administrative Fees	8.11	-	8.11
6410	Sheriff Patrol	1,317.05	-	1,317.05
6411	Fire Warden	21,662.31	-	21,662.31
6412	Admin Fees-Unincorporated	6.02	-	6.02
6413	Other Facilities-Unincorporated	28,217.33	(25,359.00)	2,858.33
Subtotal		2,440,283.08	(1,981,265.44)	459,017.64
Grand Total		40,934,762.21	(25,241,213.10)	15,693,549.11

Note: The Unobligated Cash Balances column is the total cash balance available for future department PFF requests. All open PFF project balances have been deducted from this column.

Note: The Open Project Balances Not Yet Withdrawn include amounts approved by the Board of Supervisors and amounts approved by the PFF Committee. Amounts approved by the PFF Committee may have not yet been approved by the Board of Supervisors.

**Public Facilities Fees
Activity
For the Six Months Ended December 31, 2022**

Activity from New Fee Structure Effective 5/12/03						
Fee	Fees Collected	Interest Earned	Adjustments	Refunds	Distributions	Net Activity
2400 Regional Transportation Impact Fee	\$ 1,774,119.00	\$ 10,630.21	\$ -	\$ -	\$ -	\$ 1,784,749.21
2401 City/County Roads	-	904.57	-	-	-	904.57
2402 Detention	308,408.00	8,604.89	-	-	-	317,012.89
2403 Criminal Justice	37,743.00	871.87	-	-	-	38,614.87
2404 Library	87,635.00	426.61	-	-	(199,998.99)	(111,937.38)
2405 Regional Parks	86,382.00	4,242.23	-	-	-	90,624.23
2406 Health	99,808.00	5,530.38	-	-	-	105,338.38
2407 Behavioral Health	26,634.00	859.20	-	-	-	27,493.20
2408 Other Facilities	341,973.00	4,944.34	-	-	-	346,917.34
2409 Admin Fees	38,745.92	240.72	-	-	(36,221.39)	2,765.25
2410 Sheriff	40,461.00	747.91	-	-	-	41,208.91
2411 Emergency Services	4,751.00	184.33	-	-	-	4,935.33
2412 Unincorp-Admin Fees	7,610.00	147.57	-	-	-	7,757.57
2413 Neighborhood Parks	14,230.00	864.75	-	-	-	15,094.75
2414 Animal Services	22,668.00	663.98	-	-	-	23,331.98
2415 Information Technology	2,878.00	228.68	-	-	-	3,106.68
2416 Crows Landing IBP Traffic Facilities	-	-	-	-	-	-
2417 Crows Landing IBP Water Facilities	-	-	-	-	-	-
2418 Crows Landing IBP Wastewater Facilities	-	-	-	-	-	-
2419 Crows Landing IBP Storm Drain Facilities	-	-	-	-	-	-
Sub-Totals	\$ 2,894,045.92	\$ 40,092.24	\$ -	\$ -	\$ (236,220.38)	\$ 2,697,917.78

Activity from Original Fee Structure						
Fee	Fees Collected	Interest Earned	Adjustments	Refunds	Distributions	Net Activity
6400 Regional Transportation Impact Fee	\$ -	\$ 328.01	\$ -	\$ -	\$ -	\$ 328.01
6401 City/County Roads	-	5.03	-	-	-	5.03
6402 Jails	-	0.06	-	-	-	0.06
6403 Justice	-	63.96	-	-	-	63.96
6404 Library	-	0.01	-	-	(1.01)	(1.00)
6405 Parks	-	0.30	-	-	-	0.30
6406 Public Health	-	1,440.62	-	-	-	1,440.62
6407 Outpatient	-	781.96	-	-	-	781.96
6408 Other Facilities	-	9.55	-	-	-	9.55
6409 Admin Fees	-	0.01	-	-	-	0.01
6410 Sheriff	-	1.45	-	-	-	1.45
6411 Fire Warden	-	23.84	-	-	-	23.84
6412 Unincorp-Admin Fees	-	0.01	-	-	-	0.01
6413 Unincorp-Other Facility	-	31.06	-	-	-	31.06
Sub-Totals	\$ -	\$ 2,685.87	\$ -	\$ -	\$ (1.01)	\$ 2,684.86
TOTAL ALL FEES	\$ 2,894,045.92	\$ 42,778.11	\$ -	\$ -	\$ (236,221.39)	\$ 2,700,602.64
GRAND TOTAL JUL-21 - DEC-21	\$ 3,571,592.10	\$ 156,477.45	\$ -	\$ (24,916.00)	\$ (1,270,632.28)	\$ 2,432,521.27
CHANGE FROM PRIOR YEAR TO DATE	-19%	-73%	0%	-100%	-81%	11%

**Public Facilities Fees
Open Projects Summary By Use
As of December 31, 2022**

Project & Fee Description	Sum of Approved Open PFF Project Amounts	Sum of Open PFF Project Withdrawals as of 12/31/2022	Sum of Open PFF Project Balances Available for Withdrawal
Admin Fees	\$ 36,221.39	\$ 36,221.39	\$ -
Administrative Fees	36,221.39	36,221.39	-
2409-Admin Fees	36,221.39	36,221.39	-
Project	57,406,279.01	32,165,065.91	25,241,213.10
RTIF McHenry Widening Project #9616	7,657,026.00	3,866,629.31	3,790,396.69
2400-Regional Transportation Impact Fee	7,657,026.00	3,866,629.31	3,790,396.69
SR 132 West Extension: 99 to Dakota	5,000,000.00	4,610,810.44	389,189.56
2400-Regional Transportation Impact Fee	5,000,000.00	4,610,810.44	389,189.56
Tobacco Endowment Debt Payment - Turlock Library	4,000,001.01	600,000.00	3,400,001.01
2404 - Library	3,996,782.34	596,781.33	3,400,001.01
6404 - Library	3,218.67	3,218.67	-
HSA Administration and Public Health Facility	5,668,000.00	-	5,668,000.00
2406-Health	3,720,656.56	-	3,720,656.56
6406-Public Health	1,262,207.40	-	1,262,207.40
6407-Outpatient	685,136.04	-	685,136.04
Harvest Hall Modernization Project -Design	2,299,982.00	-	2,299,982.00
2408-Other Facilities	2,299,982.00	-	2,299,982.00
Geer-Santa Fe Crossing Signal Proj# 9704	2,451,246.00	2,300,524.18	150,721.82
2400-Regional Transportation Impact Fee	2,451,246.00	2,300,524.18	150,721.82
SR 132 West Extension: Dakota to Gates Proj# 9642	5,900,000.00	4,053,677.78	1,846,322.22
2400-Regional Transportation Impact Fee	5,900,000.00	4,053,677.78	1,846,322.22
Carpenter Road and Whitmore Avenue Intersection Improvement Project# 9736	2,324,625.00	2,058,652.31	265,972.69
2400-Regional Transportation Impact Fee	2,324,625.00	2,058,652.31	265,972.69
Claribel Road Extension Project # 200016- NCC PH 1	15,458,286.00	12,390,677.26	3,067,608.74
2400-Regional Transportation Impact Fee	15,458,286.00	12,390,677.26	3,067,608.74
McHenry Ave and Stanislaus Bridge Replacement Proj 9593	872,291.00	514,816.03	357,474.97
2400-Regional Transportation Impact Fee	872,291.00	514,816.03	357,474.97
Nearmap Aerial Photography/GIS	196,822.00	98,412.00	98,410.00
2408-Other Facilities	128,976.00	64,488.00	64,488.00
6408-Other Facilities	17,127.00	8,564.00	8,563.00
6413-Unicorp-Other Facility	50,719.00	25,360.00	25,359.00
Faith Home Rd/Garner Rd Bridge over Tuolumne River Proj#9738	5,578,000.00	1,670,866.60	3,907,133.40
2400-Regional Transportation Impact Fee	5,578,000.00	1,670,866.60	3,907,133.40
Grand Total	\$ 57,442,500.40	\$ 32,201,287.30	\$ 25,241,213.10

Public Facilities Fees
Open Projects Summary By Fee
As of December 31, 2022

Fee & Project Description	Sum of Approved Open PFF Project Amounts	Sum of Open PFF Project Withdrawals as of 12/31/2022	Sum of Open PFF Project Balances Available for Withdrawal
Admin Fees	\$ 36,221.39	\$ 36,221.39	\$ -
2409-Admin Fees	36,221.39	36,221.39	-
Administrative Fees	36,221.39	36,221.39	-
Project	57,406,279.01	32,165,065.91	25,241,213.10
2400-Regional Transportation Impact Fee	45,241,474.00	31,466,653.91	13,774,820.09
Carpenter Road and Whitmore Avenue Intersection Improvement Project# 9736	2,324,625.00	2,058,652.31	265,972.69
Claribel Road Extension Project # 200016- NCC PH 1	15,458,286.00	12,390,677.26	3,067,608.74
Faith Home Rd/Garner Rd Bridge over Tuolumne River Proj#9738	5,578,000.00	1,670,866.60	3,907,133.40
Geer-Santa Fe Crossing Signal Proj# 9704	2,451,246.00	2,300,524.18	150,721.82
McHenry Ave and Stanislaus Bridge Replacement Proj 9593	872,291.00	514,816.03	357,474.97
RTIF McHenry Widening Project #9616	7,657,026.00	3,866,629.31	3,790,396.69
SR 132 West Extension: 99 to Dakota	5,000,000.00	4,610,810.44	389,189.56
SR 132 West Extension: Dakota to Gates Proj# 9642	5,900,000.00	4,053,677.78	1,846,322.22
2404 - Library	3,996,782.34	596,781.33	3,400,001.01
Tobacco Endowment Debt Payment - Turlock Library	3,996,782.34	596,781.33	3,400,001.01
2406-Health	3,720,656.56	-	3,720,656.56
HSA Administration and Public Health Facility	3,720,656.56	-	3,720,656.56
2408-Other Facilities	2,428,958.00	64,488.00	2,364,470.00
Harvest Hall Modernization Project -Design	2,299,982.00	-	2,299,982.00
Nearmap Aerial Photography/GIS	128,976.00	64,488.00	64,488.00
6404 - Library	3,218.67	3,218.67	-
Tobacco Endowment Debt Payment - Turlock Library	3,218.67	3,218.67	-
6406-Public Health	1,262,207.40	-	1,262,207.40
HSA Administration and Public Health Facility	1,262,207.40	-	1,262,207.40
6407-Outpatient	685,136.04	-	685,136.04
HSA Administration and Public Health Facility	685,136.04	-	685,136.04
6408-Other Facilities	17,127.00	8,564.00	8,563.00
Nearmap Aerial Photography/GIS	17,127.00	8,564.00	8,563.00
6413-Unicorp-Other Facility	50,719.00	25,360.00	25,359.00
Nearmap Aerial Photography/GIS	50,719.00	25,360.00	25,359.00
Grand Total	\$ 57,442,500.40	\$ 32,201,287.30	\$ 25,241,213.10

**Public Facilities Fees
Open Project List
As of December 31, 2022**

Dept	Project Description	Date of PFF Committee Request	Board Action Item No. (i.e. "2015-123")	Approved Open PFF Project Amounts	Open PFF Project Withdrawals as of 12/31/2022	Open PFF Project Balances Available for Withdrawal	PFF Oracle Fee # (for Transfer Out)	Project Type
PW	RTIF McHenry Widening Project #9616	Budget	Budget, 2019-0513, 2019-0512, 2019-0553, 2019-0587, 2019-0588, 2019-0589	7,657,026.00	3,866,629.31	3,790,396.69	2400-Regional Transportation Impact Fee	Project
PW	Geer-Santa Fe Crossing Signal Proj# 9704	None	2017-251,2018-0139	2,451,246.00	2,300,524.18	150,721.82	2400-Regional Transportation Impact Fee	Project
PW	SR 132 West Extension: Dakota to Gates Proj# 9642	None	2018-0193	5,900,000.00	4,053,677.78	1,846,322.22	2400-Regional Transportation Impact Fee	Project
PW	SR 132 West Extension: 99 to Dakota	None	2018-0247	5,000,000.00	4,610,810.44	389,189.56	2400-Regional Transportation Impact Fee	Project
PW	Faith Home Rd/Garner Rd Bridge over Tuolumne River Proj#9738	None	Budget, 2019-230	5,578,000.00	1,670,866.60	3,907,133.40	2400-Regional Transportation Impact Fee	Project
PW	Carpenter Road and Whitmore Avenue Intersection Improvement Project# 9736	None	2019-0372	2,324,625.00	2,058,652.31	265,972.69	2400-Regional Transportation Impact Fee	Project
PW	Claribel Road Extension Project # 200016- NCC PH 1	None	2019-0708	15,458,286.00	12,390,677.26	3,067,608.74	2400-Regional Transportation Impact Fee	Project
PW	McHenry Ave and Stanislaus Bridge Replacement Proj 9593	None	2020-0438	872,291.00	514,816.03	357,474.97	2400-Regional Transportation Impact Fee	Project
CEO	Tobacco Endowment Debt Payment - Turlock Library	10/18/2018	2019-0700	3,996,782.34	596,781.33	3,400,001.01	2404 - Library	Project
CEO	Tobacco Endowment Debt Payment - Turlock Library	10/18/2018	2019-0700	3,218.67	3,218.67	-	6404 - Library	Project
CEO	HSA Administration and Public Health Facility	10/18/2018	2020-0121	3,720,656.56	-	3,720,656.56	2406-Health	Project
CEO	HSA Administration and Public Health Facility	10/18/2018	2020-0121	1,262,207.40	-	1,262,207.40	6406-Public Health	Project
CEO	HSA Administration and Public Health Facility	10/18/2018	2020-0121	685,136.04	-	685,136.04	6407-Outpatient	Project
CEO	Harvest Hall Modernization Project -Design	None	2020-0122	2,299,982.00	-	2,299,982.00	2408-Other Facilities	Project
ITC	Nearmap Aerial Photography/GIS	3/18/2021	2021-0220	128,976.00	64,488.00	64,488.00	2408-Other Facilities	Project
ITC	Nearmap Aerial Photography/GIS	3/18/2021	2021-0220	17,127.00	8,564.00	8,563.00	6408-Other Facilities	Project
ITC	Nearmap Aerial Photography/GIS	3/18/2021	2021-0220	50,719.00	25,360.00	25,359.00	6413-Unicorp-Other Facility	Project
CEO, PL, AC, CC, P W, AC	Administrative Fees	N/A	N/A	36,221.39	36,221.39	-	2409-Admin Fees	Admin Fees
Total				57,442,500.40	32,201,287.30	25,241,213.10		

Stanislaus County PFF Funds
Unobligated Cash Balances
As of January 31, 2023

Fee	Description	Cash Balances As of 1/31/2023	Open Project Balances Not Yet Withdrawn	Unobligated Cash Balances As of 1/31/2023
2400	Regional Transportation Impact Fee	12,365,422.15	(13,774,820.09)	(1,409,397.94)
2401	City/County Roads	823,725.33	-	823,725.33
2402	Detention	8,253,332.91	-	8,253,332.91
2403	Criminal Justice	845,284.69	-	845,284.69
2404	Library	504,358.88	(3,400,001.01)	(2,895,642.13)
2405	Regional Parks	3,977,171.43	-	3,977,171.43
2406	Health	5,171,404.74	(3,720,656.56)	1,450,748.18
2407	Behavioral Health	818,379.17	-	818,379.17
2408	Other Facilities	4,932,147.81	(2,364,470.00)	2,567,677.81
2409	Administrative Fees	241,103.25	-	241,103.25
2410	Sheriff	708,759.29	-	708,759.29
2411	Emergency Services	174,389.10	-	174,389.10
2412	Admin Fees Unincorporated	136,965.64	-	136,965.64
2413	Neighborhood Parks	799,567.32	-	799,567.32
2414	Animal Services	632,999.18	-	632,999.18
2415	Info Technology	212,203.21	-	212,203.21
2416	Crows Landing IBP Traffic Facilities	-	-	-
2417	Crows Landing IBP Water Facilities	-	-	-
2418	Crows Landing IBP Wastewater Facilitie	-	-	-
2419	Crows Landing IBP Storm Drain Facilitie	-	-	-
	Subtotal	40,597,214.10	(23,259,947.66)	17,337,266.44
6400	Regional Transportation Impact Fee	298,678.68	-	298,678.68
6401	City/County Roads	4,574.89	-	4,574.89
6402	Jails	1.53	-	1.53
6403	Justice	58,242.54	-	58,242.54
6404	Library	0.01	-	0.01
6405	Parks	268.32	-	268.32
6406	Public Health	1,311,856.76	(1,262,207.40)	49,649.36
6407	Outpatient	712,066.67	(685,136.04)	26,930.63
6408	Other Facilities	8,690.46	(8,563.00)	127.46
6409	Administrative Fees	8.13	-	8.13
6410	Sheriff Patrol	1,319.97	-	1,319.97
6411	Fire Warden	21,710.35	-	21,710.35
6412	Admin Fees-Unincorporated	6.03	-	6.03
6413	Other Facilities-Unincorporated	28,279.90	(25,359.00)	2,920.90
	Subtotal	2,445,704.24	(1,981,265.44)	464,438.80
	Grand Total	43,042,918.34	(25,241,213.10)	17,801,705.24

Note: The Unobligated Cash Balances column is the total cash balance available for future department PFF requests. All open PFF project balances have been deducted from this column.

Note: The Open Project Balances Not Yet Withdrawn include amounts approved by the Board of Supervisors and amounts approved by the PFF Committee. Amounts approved by the PFF Committee may have not yet been approved by the Board of Supervisors.

**Public Facilities Fees
Activity
For the Seven Months Ended January 31, 2023**

Activity from New Fee Structure Effective 5/12/03						
Fee	Fees Collected	Interest Earned	Adjustments	Refunds	Distributions	Net Activity
2400 Regional Transportation Impact Fee	\$ 3,147,353.57	\$ 33,735.10	\$ -	\$ -	\$ -	\$ 3,181,088.67
2401 City/County Roads	-	2,727.28	-	-	-	2,727.28
2402 Detention	505,281.35	26,242.55	-	-	-	531,523.90
2403 Criminal Justice	62,049.69	2,665.23	-	-	-	64,714.92
2404 Library	140,563.00	1,371.60	-	-	(199,998.99)	(58,064.39)
2405 Regional Parks	138,496.00	12,874.65	-	-	-	151,370.65
2406 Health	163,651.54	16,770.72	-	-	-	180,422.26
2407 Behavioral Health	43,453.53	2,615.95	-	-	-	46,069.48
2408 Other Facilities	537,142.47	15,219.27	-	-	-	552,361.74
2409 Admin Fees	78,402.74	726.40	-	-	(55,498.25)	23,630.89
2410 Sheriff	42,488.00	2,278.62	-	-	-	44,766.62
2411 Emergency Services	7,881.94	560.29	-	-	-	8,442.23
2412 Unincorp-Admin Fees	8,079.00	448.73	-	-	-	8,527.73
2413 Neighborhood Parks	15,936.00	2,616.71	-	-	-	18,552.71
2414 Animal Services	34,067.00	2,025.80	-	-	-	36,092.80
2415 Information Technology	4,732.05	692.21	-	-	-	5,424.26
2416 Crows Landing IBP Traffic Facilities	-	-	-	-	-	-
2417 Crows Landing IBP Water Facilities	-	-	-	-	-	-
2418 Crows Landing IBP Wastewater Facilities	-	-	-	-	-	-
2419 Crows Landing IBP Storm Drain Facilities	-	-	-	-	-	-
Sub-Totals	\$ 4,929,577.88	\$ 123,571.11	\$ -	\$ -	\$ (255,497.24)	\$ 4,797,651.75

Activity from Original Fee Structure						
Fee	Fees Collected	Interest Earned	Adjustments	Refunds	Distributions	Net Activity
6400 Regional Transportation Impact Fee	\$ -	\$ 998.33	\$ -	\$ -	\$ -	\$ 998.33
6401 City/County Roads	-	15.16	-	-	-	15.16
6402 Jails	-	0.06	-	-	-	0.06
6403 Justice	-	192.84	-	-	-	192.84
6404 Library	-	0.01	-	-	(1.01)	(1.00)
6405 Parks	-	0.89	-	-	-	0.89
6406 Public Health	-	4,343.44	-	-	-	4,343.44
6407 Outpatient	-	2,357.59	-	-	-	2,357.59
6408 Other Facilities	-	28.78	-	-	-	28.78
6409 Admin Fees	-	0.03	-	-	-	0.03
6410 Sheriff	-	4.37	-	-	-	4.37
6411 Fire Warden	-	71.88	-	-	-	71.88
6412 Unincorp-Admin Fees	-	0.02	-	-	-	0.02
6413 Unincorp-Other Facility	-	93.63	-	-	-	93.63
Sub-Totals	\$ -	\$ 8,107.03	\$ -	\$ -	\$ (1.01)	\$ 8,106.02
TOTAL ALL FEES	\$ 4,929,577.88	\$ 131,678.14	\$ -	\$ -	\$ (255,498.25)	\$ 4,805,757.77
GRAND TOTAL JUL-21 - JAN-22	\$ 4,127,923.62	\$ 223,047.73	\$ -	\$ (24,916.00)	\$ (3,638,232.79)	\$ 687,822.56
CHANGE FROM PRIOR YEAR TO DATE	19%	-41%	0%	-100%	-93%	599%

**Public Facilities Fees
Open Projects Summary By Use
As of January 31, 2023**

Project & Fee Description	Sum of Approved Open PFF Project Amounts	Sum of Open PFF Project Withdrawals as of 1/31/2023	Sum of Open PFF Project Balances Available for Withdrawal
Admin Fees	\$ 55,498.25	\$ 55,498.25	\$ -
Administrative Fees - County	36,221.39	36,221.39	-
2409-Admin Fees	36,221.39	36,221.39	-
Administrative Fees - City	19,276.86	19,276.86	-
2409-Admin Fees	19,276.86	19,276.86	-
Project	57,406,279.01	32,165,065.91	25,241,213.10
RTIF McHenry Widening Project #9616	7,657,026.00	3,866,629.31	3,790,396.69
2400-Regional Transportation Impact Fee	7,657,026.00	3,866,629.31	3,790,396.69
SR 132 West Extension: 99 to Dakota	5,000,000.00	4,610,810.44	389,189.56
2400-Regional Transportation Impact Fee	5,000,000.00	4,610,810.44	389,189.56
Tobacco Endowment Debt Payment - Turlock Library	4,000,001.01	600,000.00	3,400,001.01
2404 - Library	3,996,782.34	596,781.33	3,400,001.01
6404 - Library	3,218.67	3,218.67	-
HSA Administration and Public Health Facility	5,668,000.00	-	5,668,000.00
2406-Health	3,720,656.56	-	3,720,656.56
6406-Public Health	1,262,207.40	-	1,262,207.40
6407-Outpatient	685,136.04	-	685,136.04
Harvest Hall Modernization Project -Design	2,299,982.00	-	2,299,982.00
2408-Other Facilities	2,299,982.00	-	2,299,982.00
Geer-Santa Fe Crossing Signal Proj# 9704	2,451,246.00	2,300,524.18	150,721.82
2400-Regional Transportation Impact Fee	2,451,246.00	2,300,524.18	150,721.82
SR 132 West Extension: Dakota to Gates Proj# 9642	5,900,000.00	4,053,677.78	1,846,322.22
2400-Regional Transportation Impact Fee	5,900,000.00	4,053,677.78	1,846,322.22
Carpenter Road and Whitmore Avenue Intersection Improvement Project# 9736	2,324,625.00	2,058,652.31	265,972.69
2400-Regional Transportation Impact Fee	2,324,625.00	2,058,652.31	265,972.69
Claribel Road Extension Project # 200016- NCC PH 1	15,458,286.00	12,390,677.26	3,067,608.74
2400-Regional Transportation Impact Fee	15,458,286.00	12,390,677.26	3,067,608.74
McHenry Ave and Stanislaus Bridge Replacement Proj 9593	872,291.00	514,816.03	357,474.97
2400-Regional Transportation Impact Fee	872,291.00	514,816.03	357,474.97
Nearmap Aerial Photography/GIS	196,822.00	98,412.00	98,410.00
2408-Other Facilities	128,976.00	64,488.00	64,488.00
6408-Other Facilities	17,127.00	8,564.00	8,563.00
6413-Unicorp-Other Facility	50,719.00	25,360.00	25,359.00
Faith Home Rd/Garner Rd Bridge over Tuolumne River Proj#9738	5,578,000.00	1,670,866.60	3,907,133.40
2400-Regional Transportation Impact Fee	5,578,000.00	1,670,866.60	3,907,133.40
Grand Total	\$ 57,461,777.26	\$ 32,220,564.16	\$ 25,241,213.10

**Public Facilities Fees
Open Projects Summary By Fee
As of January 31, 2023**

Fee & Project Description	Sum of Approved Open PFF Project Amounts	Sum of Open PFF Project Withdrawals as of 1/31/2023	Sum of Open PFF Project Balances Available for Withdrawal
Admin Fees	\$ 55,498.25	\$ 55,498.25	\$ -
2409-Admin Fees	55,498.25	55,498.25	-
Administrative Fees - City	19,276.86	19,276.86	-
Administrative Fees - County	36,221.39	36,221.39	-
Project	57,406,279.01	32,165,065.91	25,241,213.10
2400-Regional Transportation Impact Fee	45,241,474.00	31,466,653.91	13,774,820.09
Carpenter Road and Whitmore Avenue Intersection Improvement Project# 9736	2,324,625.00	2,058,652.31	265,972.69
Claribel Road Extension Project # 200016- NCC PH 1	15,458,286.00	12,390,677.26	3,067,608.74
Faith Home Rd/Garner Rd Bridge over Tuolumne River Proj#9738	5,578,000.00	1,670,866.60	3,907,133.40
Geer-Santa Fe Crossing Signal Proj# 9704	2,451,246.00	2,300,524.18	150,721.82
McHenry Ave and Stanislaus Bridge Replacement Proj 9593	872,291.00	514,816.03	357,474.97
RTIF McHenry Widening Project #9616	7,657,026.00	3,866,629.31	3,790,396.69
SR 132 West Extension: 99 to Dakota	5,000,000.00	4,610,810.44	389,189.56
SR 132 West Extension: Dakota to Gates Proj# 9642	5,900,000.00	4,053,677.78	1,846,322.22
2404 - Library	3,996,782.34	596,781.33	3,400,001.01
Tobacco Endowment Debt Payment - Turlock Library	3,996,782.34	596,781.33	3,400,001.01
2406-Health	3,720,656.56	-	3,720,656.56
HSA Administration and Public Health Facility	3,720,656.56	-	3,720,656.56
2408-Other Facilities	2,428,958.00	64,488.00	2,364,470.00
Harvest Hall Modernization Project -Design	2,299,982.00	-	2,299,982.00
Nearmap Aerial Photography/GIS	128,976.00	64,488.00	64,488.00
6404 - Library	3,218.67	3,218.67	-
Tobacco Endowment Debt Payment - Turlock Library	3,218.67	3,218.67	-
6406-Public Health	1,262,207.40	-	1,262,207.40
HSA Administration and Public Health Facility	1,262,207.40	-	1,262,207.40
6407-Outpatient	685,136.04	-	685,136.04
HSA Administration and Public Health Facility	685,136.04	-	685,136.04
6408-Other Facilities	17,127.00	8,564.00	8,563.00
Nearmap Aerial Photography/GIS	17,127.00	8,564.00	8,563.00
6413-Unicorp-Other Facility	50,719.00	25,360.00	25,359.00
Nearmap Aerial Photography/GIS	50,719.00	25,360.00	25,359.00
Grand Total	\$ 57,461,777.26	\$ 32,220,564.16	\$ 25,241,213.10

**Public Facilities Fees
Open Project List
As of January 31, 2023**

Dept	Project Description	Date of PFF Committee Request	Board Action Item No. (i.e. "2015-123")	Approved Open PFF Project Amounts	Open PFF Project Withdrawals as of 1/31/2023	Open PFF Project Balances Available for Withdrawal	PFF Oracle Fee # (for Transfer Out)	Project Type
PW	RTIF McHenry Widening Project #9616	Budget	Budget, 2019-0513, 2019-0512, 2019-0553, 2019-0587, 2019-0588, 2019-0589	7,657,026.00	3,866,629.31	3,790,396.69	2400-Regional Transportation Impact Fee	Project
PW	Geer-Santa Fe Crossing Signal Proj# 9704	None	2017-251,2018-0139	2,451,246.00	2,300,524.18	150,721.82	2400-Regional Transportation Impact Fee	Project
PW	SR 132 West Extension: Dakota to Gates Proj# 9642	None	2018-0193	5,900,000.00	4,053,677.78	1,846,322.22	2400-Regional Transportation Impact Fee	Project
PW	SR 132 West Extension: 99 to Dakota	None	2018-0247	5,000,000.00	4,610,810.44	389,189.56	2400-Regional Transportation Impact Fee	Project
PW	Faith Home Rd/Garner Rd Bridge over Tuolumne River Proj#9738	None	Budget, 2019-230	5,578,000.00	1,670,866.60	3,907,133.40	2400-Regional Transportation Impact Fee	Project
PW	Carpenter Road and Whitmore Avenue Intersection Improvement Project# 9736	None	2019-0372	2,324,625.00	2,058,652.31	265,972.69	2400-Regional Transportation Impact Fee	Project
PW	Claribel Road Extension Project # 200016- NCC PH 1	None	2019-0708	15,458,286.00	12,390,677.26	3,067,608.74	2400-Regional Transportation Impact Fee	Project
PW	McHenry Ave and Stanislaus Bridge Replacement Proj 9593	None	2020-0438	872,291.00	514,816.03	357,474.97	2400-Regional Transportation Impact Fee	Project
CEO	Tobacco Endowment Debt Payment - Turlock Library	10/18/2018	2019-0700	3,996,782.34	596,781.33	3,400,001.01	2404 - Library	Project
CEO	Tobacco Endowment Debt Payment - Turlock Library	10/18/2018	2019-0700	3,218.67	3,218.67	-	6404 - Library	Project
CEO	HSA Administration and Public Health Facility	10/18/2018	2020-0121	3,720,656.56	-	3,720,656.56	2406-Health	Project
CEO	HSA Administration and Public Health Facility	10/18/2018	2020-0121	1,262,207.40	-	1,262,207.40	6406-Public Health	Project
CEO	HSA Administration and Public Health Facility	10/18/2018	2020-0121	685,136.04	-	685,136.04	6407-Outpatient	Project
CEO	Harvest Hall Modernization Project -Design	None	2020-0122	2,299,982.00	-	2,299,982.00	2408-Other Facilities	Project
ITC	Nearmap Aerial Photography/GIS	3/18/2021	2021-0220	128,976.00	64,488.00	64,488.00	2408-Other Facilities	Project
ITC	Nearmap Aerial Photography/GIS	3/18/2021	2021-0220	17,127.00	8,564.00	8,563.00	6408-Other Facilities	Project
ITC	Nearmap Aerial Photography/GIS	3/18/2021	2021-0220	50,719.00	25,360.00	25,359.00	6413-Unicorp-Other Facility	Project
CEO,PL,AC,CC,PW,AC	Administrative Fees - County	N/A	N/A	36,221.39	36,221.39	-	2409-Admin Fees	Admin Fees
Cities	Administrative Fees - City	N/A	N/A	19,276.86	19,276.86	-	2409-Admin Fees	Admin Fees
Total				57,461,777.26	32,220,564.16	25,241,213.10		

