

CITY OF ORINDA
ANNUAL REPORT OF DEVELOPMENT IMPACT FEES
FOR THE FISCAL YEAR ENDED JUNE 30, 2022
(Report Available to Public December 8, 2022 and
Included on City Council Public Meeting Agenda January 10, 2023)

A. DESCRIPTION OF THE CITY'S IMPACT FEES - Section 66006(b)(1)(A) CGC

The City of Orinda has established the following Development Impact Fee Funds which are subject to annual reporting as part of the Mitigation Fee Act provisions in California Government Code (CGC) Section 66000 et seq.:

- Transportation Improvement Program Fee (Local Portion) as described in Chapter 3.20 of the Orinda Municipal Code.

This fund accounts for the Transportation Impact fee imposed on new development to help fund and pay for the construction of needed expansion or offsite capital improvements for roads, bikeways, sidewalks and traffic signals.

- Drainage Impact Fees as described in Chapter 3.24 of the Orinda Municipal Code.

This fund accounts for the Drainage Impact fee imposed on new development to help pay for a drainage master plan and the construction of improvements recommended in the plan.

- Park Dedications and Improvement Fees as described in Chapter 3.28 of the Orinda Municipal Code.

This fund accounts for the Park Dedication fee imposed on development to provide funding for acquiring new parklands, building new recreational facilities, and rehabilitating or replacing existing parks and recreation facilities to enable those facilities to provide services to new residents and to offset the loss of private residential recreational and visual open space.

B. AMOUNTS CHARGED BY THE CITY FOR IMPACT FEES - Section 66006(b)(1)(B) CGC

The amounts charged for the impact fees noted above are dependent upon the type and size of a particular development and were based upon related studies, as adjusted over the years by the CPI. The City Council has adopted and imposed the subject fees and the rates applied as of June 30, 2022, are shown in the table on the following page.

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AMOUNT OF INDIVIDUAL DEVELOPMENT FEES
(Resolution # 28-22 Effective June 21, 2022 – Drainage and Park Dedication Fee;
Resolution # 50-21 Effective January 1, 2022 – Transportation Impact Fee)

FEE	CALCULATION METHOD	\$ AMOUNT
Transportation (Local Portion) Regional Portion is a pass-through administered by JPA.	Residential – Per Unit	Single Family \$4,236.04 Multi-Family / 2 nd Unit \$2,965.05
	Transit Oriented MF – Per Unit	Multi-Family / Transit \$1,571.68
	Non-Residential – Per Sq. Ft.	Non-Residential \$4.53 / sq. ft.
	Other – Per Trip Generated	Other \$466.21 per trip
Drainage Fee	Impervious surface added by new development	\$1.50 per square foot in excess of 100 feet.
Park Dedication Fee	Per Residential Unit	Single Family (SF) Detached \$19,098
		SF Attached or Townhouse \$12,976
		Multi-Family Duplex or Condominium
		\$13,327 per unit

C. ACCOUNTING FOR IMPACT FEE REVENUE - Section 66006(b)(1)(C-D) CGC

As provided for under State Law the City must account in each of the Impact Fee Funds for: Beginning Balance; Fees Collected, Interest and other Revenue; Expenditures; and the Ending Balance. If there were any inter-fund loans or transfers those must also be disclosed. The City did not have any loans or inter-fund transfer transactions in the Fiscal Year ending June 30, 2022. The following table displays the accounting information required.

Fiscal Year 2021-2022 Impact Fee Beginning and Ending Balances
(Including Revenue by type and Total Expenditures)

	Transportation	Drainage	Park Dedication
Beginning Balance (7/1/2021)	\$ 976,932	\$ 1,777,797	\$ 987,559
Fees Collected (7/1/2021 - 6/30/2022)	48,599	205,559	104,403
Interest Revenue	6,400	11,929	6,325
(Less: 2021-2022 Expenditures)	(85,660)	(165,699)	(145,829)
Ending Balance (6/30/2022)	\$ 946,271	\$ 1,829,586	\$ 952,458

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D. Fund Expenditures By Project - Section 66006(b)(1)(E) CGC

The Mitigation Fee Act requires the City to disclose additional information related to the project expenditures from each of the Impact Fee Funds. Specifically, the report must identify:

- each public improvement on which fees were expended;
- the amount of the expenditures on each improvement; and
- the total percentage of the cost of the public improvement that was funded with impact fees.

The tables below provide the additional detail for each of the funds.

FISCAL YEAR 2021-2022 (July 1, 2021 - June 30, 2022)
Impact Fee Expenditures By Project

Fund #205 Transportation Impact Fees:

Project Name	Proj #	Impact Fees	Other Funds	Total Expense	% Paid By
					Fees
Miner Road Bridge Rehab	0044	4,550.08	109,801.92	114,352.00	4%
Annual Bicycle, Trails, and Walkways	4109	5,472.50	-	5,472.50	100%
Ped Path Martha Rd-Catherine	4140	21,608.60	727.68	22,336.28	97%
Ped Path MoragaWy ECM to Altam	4168	54,028.38	-	54,028.38	100%
Total Transportation Fee Projects		85,659.56	110,529.60	196,189.16	44%

Fund #210 Drainage Impact Fees:

Project Name	Proj #	Impact Fees	Other Funds	Total Expense	% Paid By
					Fees
Glorietta-Rheem SD Repair PL-492	3100	33,005.20	-	33,005.20	100%
Orchard SD Repair PL-409 & PL-513	3101	41,780.11	-	41,780.11	100%
Ivy Dr. SD Repairs, PL-958/959 & PL864	3102	35,464.11	-	35,464.11	100%
Master Drainage Study	4092	18,941.25	-	18,941.25	100%
Storm Drain Liner Ivy Dr (48in)	4094	3,503.00	-	3,503.00	100%
Storm Drain Moraga Wy & Coral	4167	33,005.22	-	33,005.22	100%
Total Drainage Fee Projects		165,698.89	-	165,698.89	100%

Fund #240 Park Dedication Fees:

Project Name	Proj #	Impact Fees	Other Funds	Total Expense	% Paid By
					Fees
Orinda Mini Park	4103	48,657.75	-	48,657.75	100%
Wilder Park Field #4 Synthetic Turf	4061	526.00	-	526.00	100%
Community Center Accessibility	4112	11,308.28	-	11,308.28	100%
Art and Garden Center Sound Absorption	4113	6,277.99	8,200.00	14,477.99	43%
Community Center Roof Replacement	4141	2,485.00	-	2,485.00	100%
Library Exterior Accent Tile	4179	1,938.30	-	1,938.30	100%
Community Center Vinyl Flooring Replacement	4180	42,848.00	-	42,848.00	100%
Wilder Ranch House Roof Replacement	4184	31,787.50	-	31,787.50	100%
Total Park Dedication Project Expenses		145,828.82	8,200.00	154,028.82	95%

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E. IMPACT FEE LOANS / TRANSFERS AND REFUNDS Section 66006(b)(1)(G-H) CGC

As provided for in Government Code Sections 66006(b)(1)(G and H) the City is also required to disclose:

- Any inter-fund transfers or loans made from the Impact Fee Fund.
 - Including how transferred or loaned fees were expended; and
 - If the transaction is a loan when it will be repaid and the rate of interest.

- Any refunds of fees granted.

There were no inter-fund transfers or loans involving the listed Impact Fees. Likewise, the City did not issue any refunds for the year ending June 30, 2022.

F. ANALYSIS OF FUNDS HELD FOR 5 OR MORE YEARS - Section 66001(d) CGC

The Mitigation Fee Act also contains a separate requirement to evaluate every five years balances held and make certain additional disclosures. The purpose of the review is to identify monies that have been collected and held for a period of more than five years and to make appropriate disclosures.

The City of Orinda has analyzed the balance of monies held in each Impact Fee Fund, at the end of Fiscal Year 2021-22 (June 30, 2022) and compared it to the total Impact fees collected from July 1, 2017 through June 30, 2022 (5 Year Period). The fees collected were evaluated based strictly on “developer fees collected” without considering interest or other non-impact fee revenue.

As of June 30, 2022, the Transportation Impact Fee Fund balance is estimated at \$946,271 and of this amount \$334,564 was developer fees that continued to be held for more than five years. The Capital Improvement Plan adopted June 21, 2021, which covers proposed projects between 2023 and 2026 and identifies proposed projects which are depending on the use of Transportation Impact Fees.

In the current Fiscal Year (FY 2022-23) the CIP has three large projects (Miner Road Bridge Seismic Retrofit, Traffic Signal Operation Improvements, and Pedestrian Path Moraga Way at El Camino Moraga to Altamount) which would expend a total of \$1,072,000 in Transportation Impact Fees. This represents approximately 3 times the amount of unexpended Transportation Impact fees. Without this funding source the projects cannot be completed.

As of June 30, 2022, the Drainage Impact Fee Fund balance is estimated at \$1,829,586 and of this amount \$90,459 was developer fees that continued to be held for more than five years. The Capital Improvement Plan adopted June 21, 2021, which covers proposed projects between 2023 and 2026 and identifies proposed projects which are depending on the use of Drainage Impact Fees.

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In the current Fiscal Year (FY 2022-23) the CIP has three large projects (Orchard Storm Drain Repair PL-409 & PL-513, Ivy Dr. Storm Drain Repair PD-958/959 & PL864, and Lavenida Culvert Repair) which would expend a total of \$908,500 in Drainage Impact Fees. This represents approximately 10 times the amount of unexpended Drainage Impact fees. Without this funding source the projects cannot be completed.

As of June 30, 2022, the Park Dedication Fee Fund balance is estimated at \$952,458 and of this amount \$262,126 was developer fees that continued to be held for more than five years. The Capital Improvement Plan adopted June 21, 2021, which covers proposed projects between 2023 and 2026 and identifies proposed projects which are depending on the use of Park Dedication Fees.

In the current Fiscal Year (FY 2022-23) the CIP has three large projects (Community Park Renovation Design, Community Center Roof Replacement, and Community Center Exterior Painting) which would expend a total of \$546,700 in Park Dedication Fees. This represents approximately 2 times the amount of unexpended Park Dedication fees. Without this funding source the projects cannot be completed.

When this report is presented to the City Council at a public meeting, they will also be requested to adopt a resolution making findings regarding the continued retention of these funds to complete the planned projects. The action will also record that the five-year review was completed and the next action on a five-year review will be due with the Fiscal Year 2026-2027 Report.