

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

October 22, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Transportation

SUBJECT

Introduction of Ordinance to Revise Regional Transportation Development Mitigation Plan Fees, Resolution for Fee Calculation Methodology for Offsite and Supplemental Onsite Warehouse Truck Staging Lots, and Update to the Regional Transportation Development Mitigation Plan Report

RECOMMENDATION(S)

1. Conduct a public hearing on the necessary revisions to County Fee Ordinance Section 16.0215B, Department of Public Works - Development, and Regional Transportation Development Mitigation Plan Fees.
2. Make alterations, if necessary to proposed ordinance.
3. Approve introduction of proposed ordinance.
 - a. An ordinance of San Bernardino County, State of California, to amend Subsection 16.0215B(b) of Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code, relating to Regional Transportation Development Mitigation Plan fees charged by the County.
4. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, NOVEMBER 5, 2024, on the Consent Calendar.
5. Adopt a Resolution establishing:
 - a. The “Truck Storage/Drop Lot” land use category and supporting calculation methodology for offsite and supplemental onsite warehouse truck staging lots in the Regional Transportation Development Mitigation Plan Report; and
 - b. That a land use application intended solely to modify a condition of approval to reflect the changes in the update to the Regional Transportation Development Mitigation Plan falls within the scope of minor revisions, pursuant to Chapter 85.12 of the Development Code, and are therefore subject to the approval authority of the Director of the Land Use Services Department to review and act upon said request.
6. Adopt the 2024 update of the Regional Transportation Development Mitigation Plan Report.
7. Pursuant to County Fee Ordinance Section 16.0231(a)(3), approve a waiver of fees set forth in County Fee Ordinance Section 16.0215A(j)(5)(A)(II) for applications for minor revisions to approved actions intended solely to modify a condition of approval to reflect the changes to the Regional Transportation Development Mitigation Plan regarding the fee calculation methodology for offsite and supplemental onsite warehouse truck staging lots.

(Presenter: Noel Castillo, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

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FINANCIAL IMPACT

Approval of Recommendation Nos. 1 through 6 will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works (Department) is funded by Gas Tax revenue, fee revenue, and other state and local funding. The proposed action authorizes the use of an alternate methodology for fairly calculating development transportation impact fees for warehouse truck staging lots in the Regional Transportation Development Mitigation Plan Report (Regional Fee Plan). Implementation of this item is limited to administrative costs and will have minimal financial impact. Sufficient appropriation is included in the Department's 2024-25 Road Operations budget (6650002000). Approval of Recommendation No. 7 may result in the use of additional Discretionary General Funding (Net County Cost). However, no additional Discretionary General Funding is being requested at this time. The Department estimates a low number of existing projects affected by the update to the Regional Fee Plan and the administrative costs to process applications for a revision to an approved action will have minimal financial impact.

BACKGROUND INFORMATION

The Regional Fee Plan became effective in February 2007 and was updated by the Board of Supervisors (Board) on June 26, 2012 (Item No. 84), and again on July 22, 2014 (Item No. 41). On August 11, 2020 (Item No. 38), the Board updated the Regional and Local Fee Plans by adopting an interim transportation impact fee calculation for accessory dwelling units to comply with a change in state law.

On August 24, 2021 (Item No. 38), the Board approved an alternate fee calculation methodology for "uncategorized development" and updated the Regional Fee Plan. This alternate fee calculation methodology was intended to determine the appropriate fees for emerging land uses, including truck parking and staging lots, which did not fit within the categories listed in the Regional Fee Plan, as well as other types of uncategorized development. The methodology for calculation consisted of a trip generation to provide an estimate of the number of trips expected to be generated by that specific development. The developer would hire a third-party contractor to conduct ingoing and outgoing traffic counts from at least three separate existing facilities performing a similar function to the proposed development, over a seven-consecutive day period. The third-party contractor would then proportionally scale the estimated number of trips based on the size of the proposed development and the sizes of the three facilities in the study. The estimated number of trips would be explained and justified in a trip generation report submitted to the Department's Traffic Division. The Traffic Division would review and approve the trip generation report based on consistency with County standards and traffic engineering practices. The calculated number of trips would then be multiplied by the cost per trip determined for each subarea in the Regional Fee Plan.

With the proliferation of truck storage and drop lot land uses, it has become apparent that the previously adopted methodology can be enhanced to better address these evolving land uses, and a new and improved methodology is now recommended. "Truck Storage/Drop Lots" can be defined as developments intending to store trucks and/or trailers for proprietary and/or profit uses, warehouse staging areas, and/or additional on-site use that exceeds 15% of the minimum parking requirements established in the County Development Code. The Department proposes

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to identify the “Truck Storage/Drop Lot” category in the Regional Fee Plan to allow a simplified calculation that is in compliance with Federal and State laws as well as consistent with other approved categories of the Regional Fee Plan.

The proposed methodology provides a fair calculation of development mitigation fees for offsite and supplemental onsite warehouse truck staging lots. This methodology is mathematically based, proportionally scales the trip generation base unit to acreage, and uses cost factors that already exist in the Regional Fee Plan.

In light of additional guidance from recent court rulings, the “Uncategorized” land use methodology presents an opportunity for further refinement to more accurately and proportionally characterize projects. The Regional Fee Plan is being updated to replace the “Uncategorized” calculation, allowing projects with special circumstances not represented in the Regional Fee Plan to conduct a study that integrates their unique characteristics into the underlying methodology.

The Regional Fee Plan language is further being updated to reflect the proposed change as well as changes made by AB 602, Chapter 347, Statutes of 2021. AB 602, makes significant procedural and substantive changes in the ways that local governments may calculate, establish, and publicly disclose their development impact fees and fee policies. AB 602 creates a new emphasis on “nexus studies” to support and justify the calculation and imposition of development fees. A nexus study is intended to provide support for the establishment of fees that are reasonably related and proportional to impacts on public facilities caused by new development.

The County already complies with many of the provisions of AB 602, including using the San Bernardino County Transportation Authority Nexus Study to identify the necessary projects to address development and establish the proportional fees charged to developers to mitigate impacts from the development. New provisions impacting the Regional Fee Plan include: 1) Require all nexus studies to be updated at least every eight years beginning January 1, 2022; and 2) Authorize members of the public, including a developer, to submit evidence, as specified, to the local government that its findings are insufficient or that the local government otherwise failed to comply with the provisions of AB 602 and requires the legislative body of the local government to consider any such evidence and authorizes the legislative body to change or adjust the proposed fee or fee increase if it deems necessary.

In addition to the proposed revisions and updates to the Regional Fee Plan, Recommendation No. 7 would approve a waiver of fees for an applicant that submits a minor revision to an approved action land use application intended solely to modify a condition of approval from an uncategorized development fee to the more applicable Truck Storage/Drop Lot fee. The fee waiver would not be applicable if the applicant seeks other requested revisions. A waiver of fees is lawful and would be in the public interest because it would prevent undue financial burdens on applicants who must comply with evolving legal requirements and the waiver would ensure that developers are not penalized for implementing modifications that align with the changes necessitated by changes in state and local laws.

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PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on October 8, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on October 10, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on October 15, 2024.

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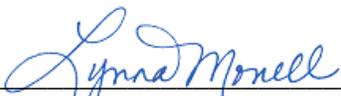
Record of Action of the Board of Supervisors
San Bernardino County

Hearing Opened
Public Comment: Jane Hunt-Ruble

CONTINUED OPEN HEARING TO TUESDAY, NOVEMBER 5, 2024

Moved: Curt Hagman Seconded: Jesse Armendarez
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 22, 2024



cc: File -
JLL 10/23/2024