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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO  
STATE OF CALIFORNIA  
RESOLUTION NO. 20-058

Resolution Establishing Infrastructure Facility Fee to Provide for Millerton New Town Infrastructure Facilities for Tract No. 6189

WHEREAS, the Board of Supervisors of the County of Fresno, on December 19, 2000, adopted the Millerton New Town Infrastructure Plan and Implementation Procedures (Infrastructure Plan) creating and establishing the authority for imposing and charging a fee for the development of public sewer and water facilities identified in Exhibit A to this resolution for projects within the Millerton Specific Plan area (Facility Fee); and

WHEREAS, notice of the public meeting and a general explanation of the matter to be considered was published according to Government Code Section 66018; and,

WHEREAS, notice of the public meeting and a general explanation of the matter to be considered was mailed at least 14 days prior to the meeting to any interested party who had filed a written request for mailed notice of the meeting on new or increased fees or service charges, as required by Government Code Section 66019; and,

WHEREAS, pursuant to public notice, a hearing was held as part of a regularly scheduled meeting at which oral or written presentations could be made; and,

WHEREAS, application has been made for approval of the Final Map for Tract No. 6189; and,

WHEREAS, on December 14, 2000 the Fresno County Planning Commission approved Vesting Tentative Subdivision Map No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082, and Mitigation Measures adopted and/or approved through the associated Initial Study Application subject to certain conditions; and,

WHEREAS, a detailed study of the cost of construction of those sewer and water facilities (Improvements) identified in the Infrastructure Plan was prepared for and reviewed by the Department of Public Works and Planning entitled "MILLERTON NEW TOWN INFRASTRUCTURE PLAN FACILITY

1 FEES AND SPECIFIC PLAN DEVELOPMENT FEES” dated June 2008, and is on file with the  
2 Department of Public Works and Planning, Development Services and Capital Projects Division (Fee  
3 Study); and,

4 WHEREAS, said Infrastructure Plan sets forth the relationship between the proposed  
5 development and the needed facilities and said detailed study estimated the cost of those  
6 improvements; and

7 WHEREAS, these studies were made available for public inspection and review for at least 10  
8 days prior to this public hearing, as required by Government Code section 66019; and,

9 WHEREAS, said Infrastructure Plan requires the payment of the Facility Fee to fund the  
10 construction of Improvements within the Infrastructure Plan area; and,

11 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of County of Fresno that:

12 1. Findings.

13 The Board makes the following findings:

- 14 A. All of the recitals stated above are true and correct.
- 15 B. The purpose of the Facility Fee is to finance public facility improvements to mitigate the  
16 impact caused by development of Tract No. 6189. Such improvements include the  
17 construction of sewer and water facilities within the Millerton Specific Plan area. (Gov.  
18 Code section 66001, subd. (a)(1).)
- 19 C. The fees collected pursuant to this resolution shall be used to finance the cost of  
20 Improvements identified in Exhibit A attached to this resolution. (Gov. Code section  
21 66001, subd. (a)(2).)
- 22 D. After considering the Infrastructure Plan and the Fee Study, and the testimony received  
23 at this public hearing, the Board of Supervisors approves and adopts the Fee Study and  
24 incorporates it into this resolution, and further finds that the development of Tract No.  
25 6189 will generate additional demands on facilities.
- 26 E. As development occurs throughout the Millerton Specific Plan area, there will be a need  
27 for expanded, improved, and newly constructed Improvements.
- 28 F. The Infrastructure Plan, Fee Study, and testimony establish:

- 1           1.       That there is a reasonable relationship between the fee's use, namely, expanded,  
2                   improved, or newly constructed Improvements as described above, and the type  
3                   of development for which the fee is charged, which is residential development  
4                   associated with Tract No. 6189, as described above (Gov. Code section 66001,  
5                   subd. (a)(3));
- 6           2.       That there is a reasonable relationship between the need for the Improvements as  
7                   designated in Exhibit A and the impacts of the development of Tract No. 6189 as  
8                   identified in the Infrastructure Plan and Fee Study, for which the corresponding  
9                   fee is charged (Gov. Code section 66001, subd. (a)(4)); and,
- 10          3.       There is a reasonable relationship between the amount of the fee and the cost of  
11                   the Improvements or portion of the Improvements attributable to the development  
12                   of Tract No. 6189 on which the fee is to be imposed (Gov. Code section 66001,  
13                   subd. (b)).

14   2.       Fee Imposed.

15           An Infrastructure Plan Facility Fee, in the amount stated in Section 3, shall be charged and paid  
16 before the issuance of a building permit for each residential lot developed in Tract No. 6189; provided,  
17 however, that the developer may enter into a written agreement with the County to pay the fee no earlier  
18 than concurrently with the recordation of a final map for property within the Infrastructure Plan area.

19   3.       Amount of Infrastructure Facility Fee.

- 20          A.       The fee for each single-family lot in Tract No. 6189 shall be \$18,344.67.
- 21          B.       The amount of the fee shall be adjusted on January 15 annually by a percentage equal to  
22                   the change in the Engineering News Record Construction Cost Index for 20 Cities for the  
23                   preceding year as published in the Fourth Quarterly Cost Issue in the preceding  
24                   December.

25   4.       Payment of Other Fees Required.

- 26          A.       Notwithstanding any other provision of this Resolution, development of Tract No. 6189  
27                   within the Infrastructure Plan area is responsible for the payment of all other applicable  
28                   fees adopted by the County.

1 B. Nothing in this Resolution affects the obligation of any person to pay Area of Benefit fees  
2 established pursuant to Fresno County Ordinance Code so long as this fee shall not  
3 result in a duplicate fee for any development or portion thereof included in an Area of  
4 Benefit.

5 5. Use of Fee Revenues.

6 The revenues collected by payment of the Facility Fee shall be placed in the Millerton New Town  
7 Infrastructure Plan Facility Fee accounts and such revenues, plus any interest earnings on each  
8 account, shall be used for the following purposes:

- 9 A. To pay for design and construction of designated Improvements; and
- 10 B. To reimburse developers who have designed and constructed designated Infrastructure  
11 Facilities which are oversized with supplemental size, length, or capacity; and
- 12 C. To pay for and/or reimburse costs of program development and ongoing administration of  
13 the Infrastructure Facility Plan Funds.

14 6. Expenditure of the Fees.

- 15 A. Fees in the Millerton New Town Infrastructure Plan Facility accounts shall be expended  
16 only for those facilities listed in Exhibit A and only for the purpose for which the fee was  
17 collected.
- 18 B. Proceeds of the Facility Fees shall not be used to pay for existing deficiencies of any  
19 public facilities.

20 7. Administrative Regulations.

21 The Director of the Department of Public Works and Planning shall develop procedures for the  
22 effective implementation and administration of the Millerton New Town Infrastructure Plan Facility Fee  
23 and to annually review and update the Fee Schedule.

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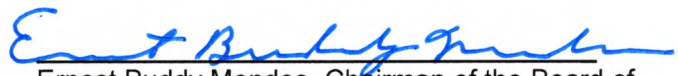
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THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 25th day of February, 2020, to-wit:

- AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None

  
Ernest Buddy Mendes, Chairman of the Board of Supervisors of the County of Fresno

**ATTEST:**  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

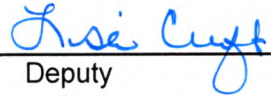
By   
Deputy

EXHIBIT "A"  
2020  
MILLERTON NEW TOWN INFRASTRUCTURE FACILITY FEES

<u>WATER FACILITIES</u>	<u>TOTAL COST</u>	<u>NO. OF UNITS</u>	<u>COST PER UNIT</u>
Intake and Transmission	\$ 5,542,554.23	3336	\$ 1,661.44
Groundwater Extraction	\$ 247,611.88	3336	\$ 74.22
Water Treatment	\$ 8,626,462.80	3336	\$ 2,585.87
Water Distribution and Storage	\$ 10,870,980.42	3336	\$ 3,258.69
 <u>WASTEWATER FACILITIES</u>			
Wastewater Treatment	\$ 33,130,194.50	3851	\$ 8,603.01
Wastewater Collection	\$ 3,104,747.59	3006	\$ 1,032.85
Reclaimed Effluent Disposal	\$ 2,288,563.40	3851	\$ 594.28
3% Administration Fee	\$ 1,914,333.44		\$ 534.31
 <u>TOTAL</u>	 <u>\$ 63,811,114.82</u>		 <u>\$ 18,344.67</u>