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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF: AMENDING)
ESTABLISHED DRAINAGE COSTS AND) RESOLUTION
FEES FOR THE LOCAL DRAINAGE AND)
FLOOD CONTROL MASTER PLAN)

WHEREAS, the Board of Supervisors of the County of Fresno has enacted Chapter 17.64, Title 17 of the Fresno County Ordinance Code, which ordinance is hereby incorporated herein by this reference, creating and establishing the authority for imposing and charging fees for the construction of planned local storm drainage facilities pursuant to the adopted Storm Drainage and Flood Control Master Plan; and

WHEREAS, an amended Storm Drainage and Flood Control Master Plan Map (Exhibit "A" hereto) specifying public facilities and improvements, existing and proposed, which are necessary to provide drainage service and flood control within the respective local drainage areas specified therein has been presented to the Board of Supervisors of the County of Fresno; and

WHEREAS, a study has been conducted of the impacts of contemplated future development on the existing storm drainage services and facilities in the local drainage areas of the Fresno Metropolitan Flood Control District ("District") and the County of Fresno ("County") listed in Exhibit "B" attached hereto, along with an analysis of new, improved or expanded public facilities, the estimated costs of those improvements, and the schedule of per gross acre fees calculated to raise the sum of money necessary to pay the estimated total cost of local drainage facilities in said local drainage areas; and

WHEREAS, this study was available at the District's office for public inspection and review ten (10) days prior to this public hearing and notice was given in compliance with the requirements therefore, and

1 WHEREAS, a public hearing was held pursuant to the public notice cited herein at a regularly
2 scheduled meeting of the Board of Supervisors of the County of Fresno; and

3 WHEREAS, the Board of Supervisors of the County of Fresno finds as follows:

4 A. The purpose of this fee is to finance facilities within the County and District required for
5 the removal of surface and storm water; attributable to development; to obviate the menace to the public
6 health, safety and welfare arising from inadequate provision for removal of surface and storm waters
7 occurring as the result of development of property; to prevent deterioration of property values and
8 impairment of conditions making for desirable residential, commercial or industrial development, as the
9 case may be, which would result from the failure to construct planned local drainage facilities relative to
10 development of property; and to prevent deterioration of public streets and other public facilities which
11 would result from failure to construct planned local drainage facilities concurrently with development.
12 (Gov. Code section 66001, subd. (a)(1).)

13 B. The fees collected pursuant to Chapter 17.64, Title 17 of the Fresno County Code and
14 this Resolution shall be used to finance only the public facilities described or identified in Exhibit "A,"
15 attached hereto. (Gov. Code section 66001, subd. (a)(2).)

16 C. There is a reasonable relationship between the fee's use, namely the finance of public
17 facilities described or identified in Exhibit "A," and the development of the lands in the service area for
18 which the fee is charged. (Gov. Code section 66001, subd. (a)(3).) These reasonable relationships or
19 nexuses are described in more detail in the study and Map referred to above.

20 D. The facts and evidence presented establish that there is a reasonable relationship
21 between the need for the described public facilities and the impacts of the types of development as
22 described in Exhibit "A" and Exhibit "B" for which the corresponding fee set forth in Exhibit "B" is charged.
23 (Gov. Code section 66001, subd. (a)(4).)

24 E. The facts and evidence presented also establish that the cost estimates set forth in Exhibit
25 "B" are reasonable cost estimates for constructing these facilities and the fee schedule is predicated on
26 said estimates and is to generate fees by development which will not exceed the total of these costs.
27 (See, Gov. Code section 66001, subd. (b).)

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1 F. After considering said Map and said study and analysis prepared by the District, entitled
2 "Storm Drainage and Flood Control Master Plan," and that prepared by the Public Works and
3 Development Services Department entitled "Fresno County General Plan," and the various community
4 and specific plans; and the information and testimony received at this public hearing, the Board of
5 Supervisors approves said Map and said study, and incorporates such herein. The Board further finds
6 that all development in the subject area will generate the needs, as described in this recital for storm
7 drainage facilities within the impacted area as described in Exhibit "A", and generates an unmet need
8 for storm drainage facilities and services within the impacted area.

9 G. There is a need in this described impact area for storm drainage facilities which have not
10 been constructed or have been constructed, and development will contribute its fair share towards these
11 facility costs through this fee, and said facilities have been called for in, or are consistent with, the
12 County's General Plan;

13 H. The Storm Drainage and Flood Control Master Plan Map attached hereto as Exhibit "A"
14 and the storm drainage fees set forth in Exhibit "B", as adopted by Paragraphs 2 and 3 herein below,
15 revise the Storm Drainage and Flood Control Master Plan, are in conformity with the County's General
16 Plan and are in compliance with Section 66483 of the California Government Code;

17 NOW, THEREFORE, it is hereby resolved by the Board of Supervisors of the County of Fresno
18 that:

19 1. The above recitals are true and correct, and this Board of Supervisors so finds and
20 determines.

21 2. The Storm Drainage and Flood Control Master Plan is hereby amended to include that
22 Storm Drain and Flood Control Master Plan Map attached hereto as Exhibit "A" as supported by Exhibit
23 "B".

24 3. The schedule of drainage fees for those respective local drainage areas listed in Exhibit
25 "B" hereto is hereby amended as set forth in said Exhibit "B". The District shall prepare, and provide to
26 the County, a 2020 schedule of drainage fees for each of its local drainage areas, which shall include
27 the amendments adopted hereby. Fees shall be paid in accordance with the Drainage Fee Ordinances
28 according to said 2020 drainage fee schedule.

1 4. The fee shall be solely used to pay: (a) costs related to the design, administration and
2 construction of the described public storm water facilities; (b) for reimbursing the District for the
3 development's fair share of those capital improvements constructed by the District; or (c) to reimburse
4 other developers who have constructed public facilities in each service area where those facilities were
5 beyond that needed to mitigate the impacts of the other developers' project or projects and where
6 reimbursement is provided for under the Drainage Fee Ordinance or the Fresno County Ordinance.

7 5. The District, pursuant to Chapter 17.64 of Title 17 of the Fresno County Ordinance Code,
8 shall review the estimated cost of the described capital improvements for which this fee is charged, the
9 continued or expanded need therefore, and the reasonable relationship between such facility needs and
10 the varying types and development. The Manager shall report the findings to the Board of Supervisors
11 and recommend any adjustment to this fee or other action as may be needed.

12 6. Pursuant to California Government Code 66022, any judicial action or proceeding to
13 attack, review, set aside, void or annul this Resolution shall be brought within 120 days of the effective
14 date hereof, which shall be 60 days after the date of adoption hereof.

15 7. The Ordinances of the County of Fresno has an administrative mechanism whereby a
16 property owner who seeks to develop property within the boundaries of the County of Fresno and the
17 Fresno Metropolitan Flood Control District can challenge the fees imposed thereunder only by first paying
18 said fees under protest. Developers of property within the Fresno Metropolitan Flood Control District
19 shall adhere to the applicable ordinance of the County of Fresno under which it is required that drainage
20 fees must be paid before development is allowed, and such fee may be paid under protest.

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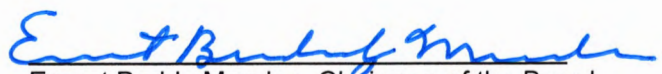
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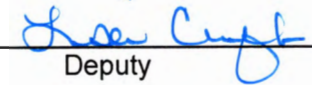
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THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
of the County of Fresno this 25th day of February, 2020 to wit:

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