



Board Agenda Item 51

DATE: February 25, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Infrastructure Fees and Specific Plan Fees for Tract No. 6189 (Phase 2 of Vesting Tentative Tract No. 4968)

RECOMMENDED ACTION(S):

- 1. Adopt Resolution establishing Infrastructure Plan Fees to provide for Millerton New Town Infrastructure Facilities for Tract No. 6189 (Phase 2 of Vesting Tentative Tract No. 4968); and**
- 2. Adopt Resolution establishing Specific Plan Fees to provide for Millerton New Town Facilities.**

Approval of the recommended actions will authorize Infrastructure Plan Fees and Specific Plan Fees, in the amount of \$18,344.67 and \$7,453.96 per lot respectively, for Tract No. 6189 in the Millerton Specific Plan area to be collected. The funds will help finance the cost of sewer and water facilities identified in the Millerton New Town Infrastructure Plan as well as road and park facilities identified in the Millerton Specific Plan. These fees include a 3% administrative cost and will be adjusted annually by the Department to account for inflation. The fees will be deposited in accounts administered by the County and will provide the funds necessary to construct the aforementioned facilities as development occurs. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may deny any or both, of the recommended actions. However, denial will require your Board to identify the action(s) being denied and to direct staff accordingly.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The Tract's share of the Infrastructure Fees and Specific Plan Fees are estimated at \$18,344.67 and \$7,453.96, respectively, per lot as of December 2019. In addition, the recommended resolutions include a fee of 3% of the total for administration of the two fees. These fees will be adjusted annually by the 20-City Average Construction Cost Index published in the Engineering News Record to account for inflation. The administrative fees paid to the County would be deposited in the Department of Public Works and Planning Org 43600200 and will be spent only for the administration of the Fee Program.

DISCUSSION:

Under the Public Facilities Fees Ordinance (Fresno County Ordinance Code, Chapter 17.88) and the Mitigation Fee Act (California Government Code, sections 66000, *et seq.*), for your Board to approve the

recommended actions and impose fees on a development project, it must make the following findings:

1. Identify the purpose of the fee. (Gov. Code section 66001, subd. (a)(1).)
2. Identify the use to which the fee will be put. (Gov. Code section 66001, subd. (a)(2).)
3. Determine how there is a reasonable relationship between the fee's use and the type of development on which the fee is to be imposed. (Gov. Code section 66001, subd. (a)(3).)
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is to be imposed. (Gov. Code section 66001, subd. (a)(4).)
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. (Gov. Code section 66001, subd. (b))

For the proposed fees, a June 2008 Fee Study containing the list of projects, estimated construction costs, development share and fee calculation is on file with the Department of Public Works and Planning, Development Services and Capital Projects Division.

With your Board's approval, the Infrastructure Plan Fees and Millerton Specific Plan Fees will be put in place to collect funds, which will be deposited into accounts to be used for the construction and/or improvement of facilities necessary for the development of Tract No. 6189, including sewer, water, roadway, and park facilities.

Department staff recommends that your Board approve the Infrastructure Plan Fees and the Specific Plan Fees because the facts and circumstances detailed in this report and the Fee Study justify each of the findings as to each category of fees.

Tract No. 6189 is the second phase of Vesting Tentative Tract No. 4968 and will represent the third Final Map in the Millerton Specific Plan area. If recorded, Tract No. 6189 will result in a 133-lot subdivision located on the south side of Millerton Road between Friant and Auberry Roads as shown on Exhibit A. The recommended actions are required either directly or through the fulfillment of the conditions of approval associated with Vesting Tentative Tract No. 4968, Classified Conditional Use Permit No. 2956, Site Plan Review No. 7082, and Mitigation Measures adopted and/or approved through the associated Initial Study No. 4665.

Infrastructure Plan Fees

On December 19, 2000, the Board of Supervisors adopted the Millerton New Town Infrastructure Plan and Implementation Procedures (Plan). The Plan details the requirements for domestic water, wastewater, drainage and reclaimed water use in the Millerton Specific Plan area and specifies the backbone system to be installed to serve the planned developments (Infrastructure Facilities). The Plan also includes Implementation Procedures to guide the developers and county staff as development of the area occurs. The Plan was updated in 2008, entitled Millerton New Town Infrastructure Plan Facility Fees and Specific Plan Development Fees, and is on file with the Department of Public Works and Planning, Development Services and Capital Projects Division.

Implementation Procedures included in the Plan provide for developers to either construct Infrastructure Facilities to serve their development or pay fees to acquire capacity in existing facilities. The recommended resolution will establish said fee for Infrastructure Facilities identified in the Plan. The Plan provides for reimbursement to developers who construct facilities with capacity in excess of that needed for their development. The Plan also provides for the County to administer the funds and to maintain an accounting of associated fees paid/credits earned. The fee includes a 3% administration fee to reimburse the County for any administrative costs.

The current estimated cost for the construction of the identified Infrastructure Facilities is listed in Exhibit B.

The development's share of the estimated construction cost is currently \$18,344.67 per lot within the subdivision, includes the 3% administration fee, and is included in Exhibit B. These fees will continue to be adjusted annually by the Department based on the change in the Engineering News Record Construction Cost Index.

The Infrastructure Plan Fees will be collected concurrent with the recordation of the Final Map. The developer will execute an agreement with the County prior to the recordation of the Final Map that will identify the project's cost and credits for the Infrastructure Facilities. The fees will be placed in accounts administered by the County and will be spent only for the projects listed in Exhibit B. The accounts may be reviewed, adjusted annually, and any unused funds would eventually be refunded to the developers.

Millerton Specific Plan Fees

On December 7, 2004, the Board of Supervisors adopted the latest amendments to the Millerton Specific Plan (Specific Plan). The Specific Plan details the requirements for development within the Specific Plan area and requires developers to participate, on a pro rata share, in the development of major streets, bridges, parks, and landscape areas (Specific Plan Facilities).

The Implementation Procedures mentioned earlier provide for developers to either construct Specific Plan Facilities to serve their development or pay fees to offset their pro rata share of the cost of road and park facilities. The Plan provides for reimbursement to developers who construct facilities with capacity in excess of that needed for their development. The Plan also provides for the County to administer the accounts and to maintain an accounting of associated fees paid/credits earned. The fee includes a 3% administration fee to reimburse the County for any administrative costs.

The current estimated cost for the construction of the identified Specific Plan Facilities is listed in Exhibit C. The development's share of the estimated construction cost is currently \$7,453.96 per lot within the subdivision, includes the 3% administration fee, and is included in Exhibit C. Similar to the Transportation Mitigation Impact Fees and Infrastructure Facilities Fees, these fees will continue to be adjusted annually based on the change in the Engineering News Record Construction Cost Index.

The Specific Plan Fees will be collected concurrent with the recordation of the Final Map. The developer will execute an agreement with the County prior to the recordation of the Final Map that will identify the project's cost and credits for the Infrastructure Facilities. The fees will be placed in accounts administered by the County and will be spent only for the projects listed in Exhibit C. The accounts may be reviewed and adjusted annually, and any unused funds would eventually be refunded to the developers.

With your Board's approval, the Infrastructure Plan Fees and Millerton Specific Plan Fees will be put in place to collect funds, deposited into accounts to be used for the development of sewer and water facilities, and roadway and park facilities necessary for the development of Tract 6189.

Mitigation Fee Act

Consistent with the requirements of Sections 66016 and 66019 of the California Government Code, for each of the proposed fees, a report containing the list of projects, estimated construction costs, development share and fee calculation is on file with the Department of Public Works and Planning, Development Services and Capital Projects Division. The report was available for public review at least 15 days prior to this hearing.

REFERENCE MATERIAL:

BAI #21, December 7, 2004
BAI #20, December 19, 2000

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - C

On file with Clerk - Resolution (Infrastructure)

On file with Clerk - Resolution (Specific Plan)

CAO ANALYST:

Sonia M. De La Rosa