

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 RESOLUTION NO. \_\_\_\_\_

5  
6 Resolution Establishing Infrastructure Facility Fee to Provide for Millerton New Town Infrastructure  
7 Facilities for Tract No. 6189

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

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

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

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

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

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

26 WHEREAS, a detailed study of the cost of construction of those sewer and water facilities  
27 (Improvements) identified in the Infrastructure Plan was prepared for and reviewed by the Department  
28

1 of Public Works and Planning entitled "MILLERTON NEW TOWN INFRASTRUCTURE PLAN  
2 FACILITY FEES AND SPECIFIC PLAN DEVELOPMENT FEES" dated June 2008, and is on file with  
3 the Department of Public Works and Planning, Development Services and Capital Projects Division  
4 (Fee Study); and,

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

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

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

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

13 1. Findings.

14 The Board makes the following findings:

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

- 1 E. As development occurs throughout the Millerton Specific Plan area, there will be a need for  
2 expanded, improved, and newly constructed Improvements.
- 3 F. The Infrastructure Plan, Fee Study, and testimony establish:
- 4 1. That there is a reasonable relationship between the fee's use, namely, expanded,  
5 improved, or newly constructed Improvements as described above, and the type of  
6 development for which the fee is charged, which is residential development associated with  
7 Tract No. 6189, as described above (Gov. Code section 66001, subd. (a)(3));
- 8 2. That there is a reasonable relationship between the need for the Improvements as  
9 designated in Exhibit A and the impacts of the development of Tract No. 6189 as identified  
10 in the Infrastructure Plan and Fee Study, for which the corresponding fee is charged (Gov.  
11 Code section 66001, subd. (a)(4)); and,
- 12 3. There is a reasonable relationship between the amount of the fee and the cost of the  
13 Improvements or portion of the Improvements attributable to the development of Tract No.  
14 6189 on which the fee is to be imposed (Gov. Code section 66001, subd. (b)).
- 15 2. Fee Imposed.
- 16 An Infrastructure Plan Facility Fee, in the amount stated in Section 3, shall be charged and  
17 paid before the issuance of a building permit for each residential lot developed in Tract No.  
18 6189; provided, however, that the developer may enter into a written agreement with the  
19 County to pay the fee no earlier than concurrently with the recordation of a final map for  
20 property within the Infrastructure Plan area.
- 21 3. Amount of Infrastructure Facility Fee.
- 22 a. The fee for each single-family lot in Tract No. 6189 shall be \$18,344.67.
- 23 b. The amount of the fee shall be adjusted on January 15 annually by a percentage  
24 equal to the change in the Engineering News Record Construction Cost Index for  
25 20 Cities for the preceding year as published in the Fourth Quarterly Cost Issue  
26 in the preceding December.
- 27  
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4. Payment of Other Fees Required.

- a. Notwithstanding any other provision of this Resolution, development of Tract No. 6189 within the Infrastructure Plan area is responsible for the payment of all other applicable fees adopted by the County.
- b. Nothing in this Resolution affects the obligation of any person to pay Area of Benefit fees established pursuant to Fresno County Ordinance Code so long as this fee shall not result in a duplicate fee for any development or portion thereof included in an Area of Benefit.

## 5. Use of Fee Revenues.

- a. The revenues collected by payment of the Facility Fee shall be placed in the Millerton New Town Infrastructure Plan Facility Fee accounts and such revenues, plus any interest earnings on each account, shall be used for the following purposes:
1. To pay for design and construction of designated Improvements; and
  2. To reimburse developers who have designed and constructed designated Infrastructure Facilities which are oversized with supplemental size, length, or capacity; and
  3. To pay for and/or reimburse costs of program development and ongoing administration of the Infrastructure Facility Plan Funds.

#### 6. Expenditure of the Fees.

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

## 7. Administrative Regulations.

1 The Director of the Department of Public Works and Planning shall develop procedures for  
2 the effective implementation and administration of the Millerton New Town Infrastructure  
3 Plan Facility Fee and to annually review and update the Fee Schedule.  
4

5 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of  
6 the County of Fresno this \_\_\_\_ day of \_\_\_\_\_, 2020, to-wit:  
7

8 AYES:

9 NOES:

10 ABSENT:

11 ABSTAINED:  
12

13 \_\_\_\_\_  
Ernest Buddy Mendes, Chairman of the Board of  
14 Supervisors of the County of Fresno

15 **ATTEST:**

16 Bernice E. Seidel  
17 Clerk of the Board of Supervisors  
County of Fresno, State of California

18 By \_\_\_\_\_  
19 Deputy  
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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>