

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

RESOLUTION NO. 21-197

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and  
Circulation Impacts from Classified Conditional Use Permit No. 3593

WHEREAS, the Board of Supervisors of the County of Fresno has adopted Ordinance No. 91-013 to add Chapter 17.88 to the Fresno County Ordinance Code creating and establishing the authority for imposing and charging a fee to finance public facilities necessary to mitigate the impacts of new development on public improvements for transportation (Transportation Mitigation 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, on August 23, 2018, the Fresno County Planning Commission approved Initial Study Application No. 7373 (IS), Classified Conditional Use Permit No. 3593, and Variance Application No. 4049 subject to certain conditions; and

WHEREAS, said IS contained a Transportation Impact Study (TIS), which is on file with the Department of Public Works and Planning, Development Services and Capital Projects Division, that identified significant direct and cumulative transportation and circulation impacts beyond the boundary of the proposed development; and

WHEREAS, measures to mitigate the transportation and circulation impacts are Identified in the TIS; and

1 WHEREAS, a detailed study of the cost of construction of those mitigation measures was  
2 prepared by the Department of Public Works and Planning entitled "FRESNO COUNTY PRO-RATA  
3 SHARE Conditional Use Permit Number 3593 – Harris Ranch Beef Company Expansion" dated June 7,  
4 2018 (Cost Study) and is on file with the Department of Public Works and Planning, Development  
5 Services and Capital Projects Division; and

6 WHEREAS, said TIS sets forth the relationship between the proposed development and the  
7 needed facilities and said Cost study estimated the cost of those 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, the IS Mitigation Measures require the payment of Transportation Mitigation Fees to  
11 fund the construction of improvements to mitigate impacts caused by development allowed by Classified  
12 Conditional Use Permit No. 3593; and

13 WHEREAS, the public health, safety, peace, morals, convenience, comfort, prosperity and  
14 general welfare will be promoted by the adoption of a Transportation Mitigation Fee for construction,  
15 expansion or improvement of Traffic Impact; and

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

17 1. Findings.

18 The Board makes the following findings:

19 A. All of the recitals stated above are true and correct.

20 B. The purpose of the Transportation Mitigation Fee is to finance public facility  
21 improvements to mitigate the impact caused by development allowed by Classified  
22 Conditional Use Permit No. 3593. Such improvements include the expansion and  
23 construction of public roads.

24 C. The fees collected pursuant to this resolution shall be used to finance the cost of  
25 improvements that mitigate traffic impacts identified in Exhibit A attached to this  
26 resolution.

27 D. After considering the TIS and Cost Study (together, Studies), and the testimony  
28 received at this public hearing, the Board of Supervisors approves and adopts the

1 Studies and incorporates them into this resolution, and further finds that the  
2 development allowed by Classified Conditional Use Permit No. 3593 will generate  
3 additional demands on roads.

4 E. As development occurs throughout in and around the area of the subject property,  
5 there will be a need for expanded, improved, or newly constructed roads that serve  
6 the development allowed by Classified Conditional Use Permit No. 3593. Said  
7 roads have been called for in the County's General Plan.

8 2. Studies and Testimony.

9 The Studies and the testimony establish:

10 A. That there is a reasonable relationship between the fee's use, namely, expanded,  
11 improved, or newly constructed roads, as described above, and the type of  
12 development for which the fee is charged, which is residential development  
13 associated with development allowed by Classified Conditional Use Permit No.  
14 3593, as described above;

15 B. That there is a reasonable relationship between the need for the improvements as  
16 designated in Exhibit A and the traffic impacts of the development allowed by  
17 Classified Conditional Use Permit No. 3593 as identified in the Studies, for which  
18 the corresponding fee is charged;

19 C. That the cost estimates set forth in Exhibit A are reasonable cost estimates for  
20 constructing these facilities, and the fees expected to be generated by  
21 development allowed by Classified Conditional Use Permit No. 3593 do not exceed  
22 the total costs of constructing the improvements identified in Exhibit A.

23 D. That the amount of the fee will not exceed the estimated reasonable cost of the  
24 public facilities or portion of the public facilities attributable to the development  
25 allowed by Classified Conditional Use Permit No. 3593 on which the fee is  
26 imposed;

27 3. Fee Imposed.

1 A Transportation Mitigation Fee, in the amount stated in section 4 below, shall be charged  
2 and paid before the issuance of a building permit for any development allowed by  
3 Classified Conditional Use Permit No. 3593.

4 4. Amount of Transportation Mitigation Fee.

- 5 A. The fee of developed area shall be \$99,440.
- 6 B. The amount of the fee shall be adjusted on January 15 annually by a percentage  
7 equal to the change in the Engineering News Record Construction Cost Index for  
8 20 Cities for the preceding year as published in the Fourth Quarterly Cost Issue in  
9 the preceding December.

10 5. Exemptions from Fee.

11 The Transportation Mitigation Fee shall not be imposed on any of the following:

- 12 A. Any alteration or addition to a residential structure, except to the extent that  
13 additional residential structures are created in addition to an existing residential  
14 structure on the same parcel;
- 15 B. Any alteration or addition to a non-residential structure, unless the alteration or  
16 addition changes the use of the structure to a higher density category or will result  
17 in the generation of additional peak hour trip ends;
- 18 C. Any replacement or reconstruction of any residential, commercial or industrial  
19 development project that is damaged or destroyed as a result of a natural disaster  
20 as declared by the Governor.
- 21 D. Whenever the alteration, addition, replacement or reconstruction is not exempt,  
22 the fee shall be imposed only on the additional residential structures.

23 6. Payment of Other Fees Required.

- 24 A. Notwithstanding any other provision of this Resolution, the developer of the subject  
25 property is, and subsequent property owners as applicable are, responsible for the  
26 payment of all other applicable assessments, fees, or charges adopted by the  
27 County.

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

5 7. Use of Fee Revenues.

6 The revenues collected by payment of the Transportation Mitigation Fee shall be placed  
7 in the Transportation Mitigation accounts and such revenues, plus any interest earnings  
8 on each account, shall be used for the following purposes:

9 A. To pay for and/or reimburse for design and construction of designated  
10 improvements and reasonable costs of outside consultant studies related thereto;

11 B. To reimburse those authorized to have designed and constructed designated  
12 improvements which are oversized with supplemental size, length, or capacity, if  
13 any; and

14 C. To pay for and/or reimburse costs of ongoing administration of the Transportation  
15 Mitigation Fee program.

16 8. Expenditure of the Fees.

17 A. Fees in the Traffic Impact accounts shall be expended only for those facilities listed  
18 in Attachment A and only for the purpose for which the fee was collected.

19 B. The standards upon which the needs for facilities are based are the standards of  
20 the County. Proceeds of the Transportation Mitigation Fee shall not be used to pay  
21 for existing deficiencies of any public facilities.

22 9. Administrative Regulations.

23 The Director of the Department of Public Works and Planning shall develop procedures  
24 for the effective implementation and administration of the Transportation Mitigation Fee  
25 and to annually review and update the Fee Schedule.


26 10. Review.

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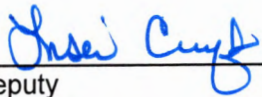
The Transportation Mitigation Fee for Classified Conditional Use Permit No. 3593 shall be reviewed annually by the Board in accordance with the provisions of Chapter 17.88.060 of the Fresno County Ordinance Code.

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 22nd day of June, 2021 to wit:

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

  
\_\_\_\_\_  
Steve Brandau, 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



**FRESNO COUNTY PRO-RATA SHARE**  
**( Exhibit A )**

Classified Conditional Use Permit Number 3593 - Harris Ranch Beef Company Expansion      June 21, 2018

ROADWAY STRUCTURAL SECTION IMPROVEMENTS	LENGTH IN MILES	UNIT COST	TOTAL CONSTRUCTION ON COST	PROJECT PERCENT SHARE	PROJECT FAIR SHARE CONSTRUCTION COSTS	DESIGN ENGINEERING (10%)	CONSTRUCTION ENGINEERING (15%)	TOTAL RIGHT-OF-WAY COST	PROJECT'S SHARE OF R/W COST	R/W ENGINEER (10%)	TOTAL FAIR-SHARE COST
McCall Avenue - 2 Lane Roadway E Clarkson Ave to Site Access Overlay with 0.15' HMA thickness	0.25	\$ 192,620	\$48,155	43.4%	\$20,899	\$2,090	\$3,135	\$0	\$0	\$0	\$26,124
McCall Avenue - 2 Lane Roadway Site Access to E Elkhorn Ave Overlay with 0.15' HMA thickness	0.75	\$ 192,620	\$144,465	40.6%	\$58,653	\$5,865	\$8,798	\$0	\$0	\$0	\$73,316
<p align="right"><b>Project Total Fair-Share Cost:      \$99,440</b></p>											