

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

RESOLUTION NO. 22-179

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and
Circulation Impacts from Classified Conditional Use Permit No. 3588

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 December 6, 2018, the Fresno County Planning Commission approved Initial Study Application No. 7347 (IS), Classified Conditional Use Permit No. 3588; 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

WHEREAS, a detailed study of the cost of construction of those mitigation measures was

1 prepared by the Department of Public Works and Planning entitled "FRESNO COUNTY PRO-RATA
2 SHARE CUP 3588 / IS 7347 – 37.65-ACRE MINI STORAGE FACILITY [DERREL'S MINI STORAGE]"
3 dated August 15, 2018 (Cost Study) and is on file with the Department of Public Works and Planning,
4 Development Services and Capital Projects Division; and

5 WHEREAS, said TIS sets forth the relationship between the proposed development and the
6 needed facilities and said Cost study estimated the cost of those 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, the IS Mitigation Measures require the payment of Transportation Mitigation Fees to
10 fund the construction of improvements to mitigate impacts caused by development allowed by Classified
11 Conditional Use Permit No. 3588; and

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

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

16 1. Findings.

17 The Board makes the following findings:

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

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

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

26 D. After considering the TIS and Cost Study (together, Studies), and the testimony
27 received at this public hearing, the Board of Supervisors approves and adopts the
28 Studies and incorporates them into this resolution, and further finds that the

development allowed by Classified Conditional Use Permit No. 3593 will generate additional demands on roads.

E. As development occurs throughout in and around the area of the subject property, there will be a need for expanded, improved, or newly constructed roads that serve the development allowed by Classified Conditional Use Permit No. 3588. Said roads have been called for in the County's General Plan.

2. Studies and Testimony.

The Studies and the testimony establish:

A. That there is a reasonable relationship between the fee's use, namely, expanded, improved, or newly constructed roads, as described above, and the type of development for which the fee is charged, which is commercial development associated with development allowed by Classified Conditional Use Permit No. 3588, as described above;

B. That there is a reasonable relationship between the need for the improvements as designated in Exhibit A and the traffic impacts of the development allowed by Classified Conditional Use Permit No. 3588 as identified in the Studies, for which the corresponding fee is charged;

C. That the cost estimates set forth in Exhibit A are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by development allowed by Classified Conditional Use Permit No. 3588 do not exceed the total costs of constructing the improvements identified in Exhibit A.

D. That the amount of the fee will not exceed the estimated reasonable cost of the public facilities or portion of the public facilities attributable to the development allowed by Classified Conditional Use Permit No. 3588 on which the fee is imposed;

3. Fee Imposed.

A Transportation Mitigation Fee, in the amount stated in section 4 below, shall be charged and paid before the issuance of a building permit for any development allowed by

Classified Conditional Use Permit No. 3588.

4. Amount of Transportation Mitigation Fee.

A. The fee of developed area shall be \$26,284.

B. The amount of the fee shall be adjusted on January 15 annually by a percentage equal to the change in the Engineering News Record Construction Cost Index for 20 Cities for the preceding year as published in the Fourth Quarterly Cost Issue in the preceding December.

5. Exemptions from Fee.

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

A. Any alteration or addition to a residential structure, except to the extent that additional residential structures are created in addition to an existing residential structure on the same parcel;

B. Any alteration or addition to a non-residential structure, unless the alteration or addition changes the use of the structure to a higher density category or will result in the generation of additional peak hour trip ends;

C. Any replacement or reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

D. Whenever the alteration, addition, replacement or reconstruction is not exempt, the fee shall be imposed only on the additional residential structures.

6. Payment of Other Fees Required.

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

B. Nothing in this Resolution affects the obligation of any person to pay other fees established pursuant to Fresno County Ordinance Code, or any other applicable

1 law, so long as this fee shall not result in a duplicate fee for any development or
2 portion thereof.

3 7. Use of Fee Revenues.

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

- 7 A. To pay for and/or reimburse for design and construction of designated
8 improvements and reasonable costs of outside consultant studies related thereto;
9 B. To reimburse those authorized to have designed and constructed designated
10 improvements which are oversized with supplemental size, length, or capacity, if
11 any; and
12 C. To pay for and/or reimburse costs of ongoing administration of the Transportation
13 Mitigation Fee program.

14 8. Expenditure of the Fees.

- 15 A. Fees in the Traffic Impact accounts shall be expended only for those facilities listed
16 in Attachment A and only for the purpose for which the fee was collected.
17 B. The standards upon which the needs for facilities are based are the standards of
18 the County. Proceeds of the Transportation Mitigation Fee shall not be used to pay
19 for existing deficiencies of any public facilities.

20 9. Administrative Regulations.

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

24 10. Review.

25 The Transportation Mitigation Fee for Classified Conditional Use Permit No. 3588 shall be
26 reviewed annually by the Board in accordance with the provisions of Chapter 17.88.060
27 of the Fresno County Ordinance Code.
28

1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 17th day of May, 2022, to wit:

3
4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None
8

9
10 
11 _____
12 Brian Pacheco, Chairman of the Board of
Supervisors of the County of Fresno

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

16 By: 
17 _____
Deputy



Exhibit A

FRESNO COUNTY PRO-RATA SHARE

CUP 3588 / IS 7347 - 37.65-ACRE MINI STORAGE FACILITY [DERREL'S MINI STORAGE]

	UNIT COST	PROJECT TRAFFIC	2035 CUMMULATIVE + PROJECT TRAFFIC	PROJECT PERCENT SHARE	CONSTRUCTION COSTS	DESIGN ENGINEERING (15%)	CONSTRUCTION ENGINEERING (15%)	TOTAL SHARE COST
INTERSECTION IMPROVEMENTS								
Willow Avenue at Copper Avenue* Install Traffic Signal Widen EB Left-Turn Lane, (2) Through Lanes, Right-Turn Lane Widen WB Left-Turn Lane, (2) Through Lanes, Right-Turn Lane Widen NB Left-Turn Lane, (2) Through Lanes, Right-Turn Lane Widen SB Left-Turn Lane, (2) Through Lanes, Right-Turn Lane	\$800,000	26 per pm pk hour	3,469 per pm pk hour	0.75%	\$5,996	\$900	\$900	\$7,796
Copper Avenue at Auberry Road Install Traffic Signal Widen EB Left-Turn Lane, (2) Through Lanes Widen WB (2) Through Lanes, Right-Turn Lane Widen SB Left-Turn Lane, Right-Turn Lane	\$210,000	53 per pm pk hour	2,592 per pm pk hour	2.04%	\$4,294	\$640	\$640	\$5,574
Copper Avenue at Minnewawa Install Traffic Signal Widen EB (2) Through Lanes, Right-Turn Lane Widen WB Left-Turn Lane, (2) Through Lanes Widen NB Left-Turn Lane, Right-Turn Lane	\$750,000	26 per pm pk hour	1,963 per pm pk hour	1.32%	\$9,934	\$1,490	\$1,490	\$12,914
							Subtotal:	\$26,284

*Assumed 50% Measure C Funded.

8/15/2018