

Recording Requested by Fresno County Board of Supervisors

When recorded return to  
Fresno County  
Department of Public Works and Planning  
Development Services Division  
Stop # 214  
Attention Development Engineering,  
Anthony Lee

**No Recording Fee Pursuant to Government Code Section 27383**

---

RESOLUTION ESTABLISHING TRANSPORTATION MITIGATION FEES TO  
MITIGATE TRANSPORTATION AND CIRCULATION IMPACTS  
(SITE PLAN REVIEW NO. 8101)

*This page added to provide adequate space for the above information only.*  
(Government Code 27361.6)  
(Additional recording fee applies)

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

RESOLUTION NO. 20-020

Resolution Establishing Transportation Mitigation Fees to Mitigate  
Transportation and Circulation Impacts for Site Plan Review No. 8101

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 September 30, 2014, the Fresno County Board of Supervisors adopted Mitigated Negative Declaration prepared for Initial Study Application No. 6736 including the Mitigated Monitoring and Reporting Program prepared for General Plan Amendment No. 537 and Amendment Application No, 3799; and,

WHEREAS, said initial study identified pro rata share percentages and estimated costs for off-site improvements as a mitigation measure as listed in the Mitigated Monitoring and Reporting Program; and,

////

1 WHEREAS, Mitigation Measure No. 4 of the Mitigation Monitoring and Reporting Program  
2 requires the payment of Transportation Mitigation Fees to fund the construction of improvements to  
3 mitigate impacts caused by General Plan Amendment (GPA) No. 537 and Amendment Application (AA)  
4 No. 3799; and,

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

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

9 1. Findings.

10 The Board makes the following findings:

- 11 A. All of the recitals stated above are true and correct.
- 12 B. The purpose of the Transportation Mitigation Fee is to finance public facility  
13 improvements to mitigate the impact caused by development allowed by GPA  
14 No. 537 and AA No. 3799. Such improvements include the expansion and  
15 construction of public roads.
- 16 C. The fees collected pursuant to this resolution shall be used to finance the cost of  
17 improvements that mitigate traffic impacts identified in Exhibit A attached to this  
18 resolution.
- 19 D. After considering the TIS and Cost Study (together, Studies), and the testimony  
20 received at this public hearing, the Board of Supervisors approves and adopts  
21 the Studies and incorporates them into this resolution, and further finds that the  
22 development allowed by GPA No. 537 and AA No. 3799 will generate additional  
23 demands on roads.
- 24 E. As development occurs throughout in and around the area of the subject  
25 property, there will be a need for expanded, improved, or newly constructed  
26 roads that serve the development allowed by GPA No. 537 and AA No. 3799.  
27 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 associated with development allowed by GPA No. 537 and AA No. 3799, 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 GPA No. 537 and AA No. 3799 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 GPA No. 537 and AA No. 3799 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 GPA No. 537 and AA No. 3799 on which the fee is imposed; and,

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 GPA No. 537 and AA No. 3799.

4. Amount of Transportation Mitigation Fee.

- A. The fee of developed area shall be \$8,788.
- 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.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 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.

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

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

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

8 8. Expenditure of the Fees.

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

14 9. Administrative Regulations.

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

18 10. Review.

19 The Transportation Mitigation Fee for GPA No. 537 and AA No. 3799 shall be reviewed  
20 annually by the Board in accordance with the provisions of Chapter 17.88.060 of the  
21 Fresno County Ordinance Code.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

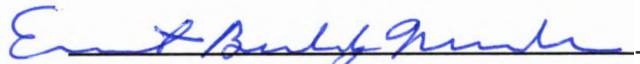
THE FOREGOING was passed and ADOPTED by the following vote of the Board of  
Supervisors of the County of Fresno this 21st day of January, 2020 to wit:

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

2014 Pro-Rata - NE Corner of Kings Canyon and McCall Avenue (Using Fresno County Method)

TYPE OF MITIGATION	CONSTRUCTION UNIT COST	PROJECT PERCENT SHARE	CONSTRUCTION COST	PRELIMINARY ENGINEERING	CONSTRUCTION ENGINEERING	TOTAL SHARE COST
Intersections						
Belmont & McCall Traffic Signal & Widening	\$540,800	1.25%	\$ 6,760.00	\$ 1,014.00	\$ 1,014.00	\$ 8,788.00