

Chapter 17.92 - CLOVIS DEVELOPMENT FEES APPLICABLE WITHIN THE SPHERE OF INFLUENCE OF THE CITY OF CLOVIS, AND A SCHEDULE OF FEES

**Sections:**

17.92.010 - Definitions.

For purposes of this chapter, the following definitions shall apply:

- (1) "Board" means the board of supervisors of the county.
- (2) "Clovis" means the city of Clovis, a municipal corporation, organized and existing under the constitution and laws of the State of California.
- (3) "Clovis development fees" means fees to be charged and collected by the county, on behalf of Clovis, pursuant to this chapter, in connection with the county's approval of a discretionary development application with respect to a development project within the Clovis SOI, for the purposes of (i) defraying all or a portion, as applicable, of the costs of certain public facilities that may be provided by Clovis, and which are related to such development project, and of the costs of county library facilities that may be provided within Clovis, and which are related to such development project, (ii) providing for Clovis' administrative costs in relation to such fees, and (iii) if, adopted by the board, providing for the county's administrative costs in relation to such fees.
- (4) "Clovis SOI" means the then-current Fresno County Local Agency Formation Commission ("LAFCO") adopted sphere of influence of Clovis, including any LAFCO updates thereto and any changes thereto by annexations of territory by Clovis.
- (5) "County" means the County of Fresno, a charter county organized and existing under the constitution and laws of the State of California.
- (6) "Director" means the director of the department.
- (7) "Department" means the county department of public works and planning, or its successor county department or agency.
- (8) "Discretionary development application to the county" means an application to the county with respect to any of the following: general plan amendments; rezonings; tentative tract maps; tentative parcel maps; conditional use permits; director review and approvals; or variances.

(Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1)

17.92.020 - Purposes.

The purposes of the fees, as applicable, are for Clovis to finance public facilities within Clovis and the Clovis SOI, which Clovis has determined are needed to mitigate adverse impacts caused by new development within the Clovis SOI. To that end, Clovis may use the fees, as applicable, to (i) prevent deterioration of public facilities by constructing, improving, acquiring, providing, or planning for such public facilities financed by the fees concurrently with such development, and (ii) provide a source of funding to the county for a county library in Clovis that is necessary to serve such development.

(Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1)

17.92.030 - Adoption of and updates to the schedule of fees.

The Clovis city council adopted Resolution No. 08-54, dated May 5, 2008, which adopted Clovis' proposed master development fee schedule for 2008-09, and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. Such Clovis proposed master development fee schedule for 2008-09 was thereby adopted by the Board as the schedule of fees for Clovis development fees under this chapter. As more fully described in the Clovis city council Resolution No. 08-54, the Clovis city council did thereby find that the Clovis development fees for 2008-09 referred to therein were in compliance with applicable state laws including Section 66000 of the Government Code. The board relied upon such findings in adopting this chapter, including the schedule of fees.

Subsequently, the Clovis city council adopted Resolution No. 10-129, dated November 1, 2010, which adopted the city of Clovis proposed master development fee schedule for 2010-11, and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. The adopted city of Clovis proposed master development fee schedule for 2013-14 was thereby adopted by the board on December 6, 2011, as the schedule of fees for Clovis development fees under this chapter.

In 2013 the Clovis city council adopted Resolution No. 2013-52, dated May 6, 2013, which adopted the city of Clovis proposed master development fee schedule for 2013-14, and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. The adopted City of Clovis proposed master development fee schedule for 2013-14 was thereby adopted by the board on April 29, 2014, as the schedule of fees for Clovis development fees under this chapter.

In 2015, the Clovis city council adopted Resolution No. 2015-27, dated February 17, 2015, which adopted the city of Clovis proposed master development fee schedule for 2014-15, and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. The adopted city of Clovis proposed master development fee schedule for 2014-15 was thereby adopted by the board on September 22, 2015, as the schedule of fees for Clovis development fees under this chapter.

In 2018, the Clovis city council adopted Resolution No. 2018-91, dated July 2, 2018, which adopted the City of Clovis proposed master development fee schedule for 2018-19, and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. The adopted city of Clovis proposed master development fee schedule for 2018-19 was thereby adopted by the board on January 8, 2019, as the schedule of fees for Clovis development fees under this chapter.

In 2019, the Clovis city council adopted Resolution No. 19-91 dated July 1, 2019, which adopted the city of Clovis proposed master development fee schedule for 2019-20 and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. As more fully described in the Clovis city council Resolution No. 19-91, the Clovis city council did thereby find that the Clovis development fees for 2019-20 referred to therein are in compliance with applicable state laws including Section 66000 of the Government Code. The adopted city of Clovis proposed master development fee schedule for

2019-20 was thereby adopted by the Board on December 10, 2019, as the schedule of fees for Clovis development fees under this chapter.

In 2020, the Clovis city council adopted Resolution No. 20-24 on March 16, 2020 to update the city of Clovis water supply fee, and Resolution No. 20-78 on June 15, 2020 to update the city of Clovis master development fee schedule 2020-2021 (which includes the same updated city of Clovis water supply fee as in Clovis city council Resolution No. 20-24), and transmitted such resolutions and fee schedules to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedules, pursuant to a county ordinance, on behalf of Clovis. The updated city of Clovis water supply fee schedule, as set forth in the attached Clovis city council Resolution No. 20-24, as Exhibit 1, is hereby adopted, and the updated city of Clovis master development fee schedule 2020-2021 (which includes the same updated city of Clovis water supply fee as in Clovis city council Resolution No. 20-24), as set forth in the attached Clovis city council Resolution No. 20-78, as Exhibit 2, is hereby adopted, and as either or both such fee schedules may be updated in the future from time to time. As more fully described in the Clovis city council Resolution No. 20-24, the Clovis city council did thereby find that the Clovis water supply fee is in compliance with applicable State laws including Section 66000 of the Government Code. As more fully described in the Clovis city council Resolution No. 20-78, the Clovis city council did thereby find that the city of Clovis master development fee schedule 2020-2021 (which includes the same updated city of Clovis water supply fee as in Clovis city council Resolution No. 20-24) is in compliance with applicable State laws including Section 66000 of the Government Code. The Board relies upon such findings in adopting this chapter, including the schedules of fees. The adopted city of Clovis proposed master development fee schedule for 21-22 was thereby adopted by the Board on January 12, 2021, as the schedule of fees for Clovis development fees under this chapter.

More recently, in 2023, the Clovis city council adopted Resolution No. 23-46 on June 5, 2023, to update the City of Clovis' master development fee schedule for 2023-24 and transmitted such resolution and fee schedule to the county for the county's adoption, imposition, and collection of the Clovis development fees in such fee schedule, pursuant to a county ordinance, on behalf of Clovis. As more fully described in the Clovis city council Resolution No. 23-46, the Clovis city council did thereby find that the Clovis development fees for 2023-2024 referred to therein are in compliance with applicable state laws including Section 66000 of the Government Code. The board relies upon such findings in adopting this chapter, including the schedules of fees.

(Ord. No. \_\_\_\_\_ § 1; Ord. No. 21-002, §§ 1, 2, 1-12-2021; Ord. No. 19-026, § 1, 12-10-2019; Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 15-020, § 1, 9-22-2015; Ord. No. 14-008, § 1, 4-29-2014; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1;)

17.92.040 - Collection of the Clovis development fees.

Except as otherwise provided in this chapter, the Clovis development fees, which are set forth in the schedule of fees for this chapter, shall be charged by the county on behalf of Clovis for any discretionary development application submitted to the county after the effective date of this chapter, and to be approved by the county, with respect to any development project within the Clovis SOI, as follows:

- (i) The Clovis development fees set forth in the schedule of fees for this chapter shall be a requirement for the county's approval of any discretionary development application submitted to the county after the effective date of this chapter, with respect to any development project within the Clovis SOI; and
- (ii) The Clovis development fees shall be collected by the county on behalf of Clovis with respect to such development project, and shall be due and paid in full pursuant to the provisions of this chapter either at the time of the county's final map approval, or at the time of county's issuance of building permits, with respect to such development project, provided however, the county instead may require the applicant for any such discretionary development application to the county:
  - (a) To present a voucher issued by Clovis evidencing the full payment of the Clovis development fees, pursuant to this chapter, directly to Clovis, or
  - (b) To present written confirmation by Clovis that the Clovis development fees are inapplicable to such discretionary development application to the county.

The specific applicable amounts of the Clovis development fees shall be determined by using the then-current schedule of fees for this chapter as of the date that the Clovis development fees are collected.

The county shall transfer any Clovis development fees collected by the county to Clovis not later than the fifteenth calendar day following the end of each calendar quarter.

(Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1)

#### 17.92.050 - Amendments to this chapter.

The board is authorized to make any revisions, from time to time, to any provisions of this chapter by an amendment to this chapter, including, by way of example, and not as a limitation, the schedule of fees for this chapter. This chapter and any subsequent amendments to this chapter shall be read together.

(Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1)

#### 17.92.060 - Severability.

If any provision of this chapter, or its application to any person or entity, or to any circumstances, shall be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this chapter shall not be affected; the provisions of this chapter are intended to be severable. Subject to the foregoing provisions of this section, if the amount of any Clovis development fees payable under this chapter are held by a court of competent jurisdiction to be unlawfully excessive, invalid, or unenforceable, in part, the remainder of the Clovis development fees shall nonetheless be due and payable pursuant to the provisions of this chapter.

(Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1)

#### 17.92.080 - Director's administration of this chapter.

The director, or his or her designee, will administer this chapter for the county.

(Ord. No. 19-003, § 1, 1-8-2019; Ord. No. 11-015, § 1, 12-6-2011; Ord. 08-028, § 1)