



# Board Agenda Item 61

DATE: May 17, 2022

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Transportation Mitigation Impact Fee Agreement for Classified Conditional Use  
Permit No. 3588 (Wesclo, L.P.)

RECOMMENDED ACTION(S):

- 1. Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts from development associated with Classified Conditional Use Permit No. 3588.**
- 2. Approve and authorize the Chairman to execute Public Facilities Fee Agreement with Wesclo, L.P. for Transportation Mitigation Impact Fees related to road improvements located at the intersections of Copper Avenue and Willow Avenue, Copper Avenue and Auberry Road, and Copper Avenue and Minnewawa Avenue in the amount of \$26,284 plus 3% (\$788) for administration of the Public Facilities Fee Fund, effective upon execution.**

Approval of the recommended actions are pursuant to mitigation measures required on an approved land use application and will authorize funds to be collected through the County's Transportation Mitigation Impact Fee Program to help finance the cost of future road improvements. The fees will provide funds necessary to offset the developer's incremental impacts on area-wide roads. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may deny the recommended actions identified above. Denial will require your Board to identify the action or actions being denied and to direct Department staff accordingly. The recommended actions are required as a Mitigation Measure of Initial Study Application No. 7347 prepared for Classified Conditional Use Permit No. 3588.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The share of the cost of future road improvements of the development associated with Classified Conditional Use Permit No. 3588 has been calculated to be \$26,284. In addition, the recommended resolution and agreement includes a fee of 3% (\$788) of the total fee for administration of the Public Facilities Fee Fund, for a total fee of \$27,072.

To account for inflation, the aforementioned fee will be adjusted annually by the 20-City Average Construction Cost Index published in the Engineering News Record until such time as the fee is paid. The administration fees paid to the County would be deposited in the Department of Public Works and Planning - Development Service's Org 4360 budget and spent only for the administration of the program.

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DISCUSSION:

Initial Study Application No. 7347, Conditional Use Permit (CUP) No. 3588 approved by the Planning Commission on December 6, 2018, allow a personal/recreational vehicle storage facility and a caretaker's residence with office on a 38.03-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the west side of Auberry Avenue between Willow Avenue and Minnewawa Avenue as shown in Exhibit A. Approval of the recommended actions will provide for the fulfillment of mitigation measures required by the CUP.

Transportation Mitigation Impact Fees to finance and mitigate traffic impacts of new development may be imposed by your Board under the provisions of Fresno County Ordinance Code, Title 17 - Division of Land, Chapter 17.88 - Public Impact Fees. Pursuant to California Government Code, Section 66001, in order to impose the fee, your Board must:

- Identify the purpose of the fee;
- Identify the use to which the fee is to be put;
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and
- Determine that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

A Traffic Impact Study (TIS) dated June 1, 2018, by Peters Engineering Group was conducted as part of the Initial Study. The TIS identified cumulative transportation and circulation impacts beyond the boundary of the project and specified the measures required to mitigate those impacts.

A detailed study entitled "FRESNO COUNTY PRO-RATA SHARE CUP 3588 / IS 7347 - 37.65-ACRE MINI STORAGE FACILITY [DERREL'S MINI STORAGE]" dated August 15, 2018 (Cost Study) outlining the then costs of construction of the identified improvements listed in the TIS was prepared by the Department of Public Works and Planning and is included as Exhibit B. The estimated cost includes the engineering cost for design and construction administration.

In the August 2018 Cost Study, a Traffic Index Analysis was completed to project the impact CUP 3588 project activities would have on County roadways surrounding the project location. The analysis showed Phase 1 will not cause a significant traffic impact. However, after development of all three phases of the Project, more than 5.0 seconds of additional delay would be added to the intersection of Willow and Copper Avenues during the a.m. peak hour, which is a significant impact. The TIS also indicated that after full development of the Project and other known pending and approved projects in the area, Willow Avenue/Copper Avenue and Minnewawa Avenue/Copper Avenue intersections would operate below the target LOS (Level of Service) and would require signalization and road widening.

The Design Division of the Fresno County Department of Public Works and Planning concurred with the TIS findings and stated that to mitigate the cumulative impact of the project on transportation in the project area, the intersections of Copper and Willow Avenues, Copper Avenue and Auberry Road and Copper and Minnewawa Avenues shall require widening and signalization to operate at acceptable levels of service in the future, and that the project shall pay its equitable share percentage for future signalization and widening of the streets. The City of Clovis also reviewed the TIS and concurred with the Design Division on street widening, signalization, and the project paying its fair share. The project proponent's fair-share percentage for these roadway segments were listed as 0.75% fair-share percentage for the intersection of Willow Avenue and McCall Avenue, 2.04% for the intersection of Copper Avenue and Auberry Road, and 1.32% for the intersection of Copper Avenue and Minnewawa Road.

The current estimated cost for construction of the identified improvements is a set Transportation Mitigation Fee of \$26,284 plus 3% (\$788) for administration of the Public Facilities Fee Fund for the development, for a total fee of \$27,072. The fee will continue to be adjusted annually based on the change in the Engineering News Record, 20-City Average Construction Cost Index.

With your Board's approval, the set fee being established will be collected prior to the issuance of building permits for any development on the property or would be required prior to occupancy of the project improvements, will be placed in accounts administered by the County, and spent only for the projects listed in Exhibit B. The accounts will be reviewed annually at a public hearing before your Board. In that annual hearing, your Board will need to make findings regarding any portion of the fee remaining unexpended or uncommitted for five or more years after deposit, to identify the purpose to which the fee is put, and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. If during those annual hearings the Board cannot make the required findings, any unexpended or uncommitted fees, with accrued interest, may be refunded to the then-current owners.

REFERENCE MATERIAL:

Planning Commission Resolution No. 12749, January 31, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Map  
Exhibit B - Cost Study  
On file with Clerk - Agreement with Wesclo, LP  
On file with Clerk - Resolution

CAO ANALYST:

Ron Alexander