

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

RESOLUTION NO. 18-166

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and Circulation Impacts from Tract No. 4968

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, application has been made for approval of Tract No. 4968; and,

WHEREAS, on December 14, 2000 the Fresno County Planning Commission approved Vesting Tentative Subdivision Map No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082, and Mitigation Measures adopted and/or approved through the associated Initial Study (IS) Application subject to certain conditions; and,

WHEREAS, said IS contained a Transportation Impact Analysis (TIA), 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,

1 WHEREAS, measures to mitigate the transportation and circulation impacts are  
2 identified in the TIA; and,

3 WHEREAS, a detailed study of the cost of construction of those mitigation measures  
4 was prepared by the Department of Public Works and Planning entitled "Tract 4968 Traffic  
5 Impact Mitigation Costs" dated March 2018 (Cost Study) and is on file with the Department  
6 of Public Works and Planning, Development Services and Capital Projects Division; and,

7 WHEREAS, said TIA sets forth the relationship between the proposed development  
8 and the needed facilities and said detailed study estimated the cost of those improvements;  
9 and,

10 WHEREAS, these studies were made available for public inspection and review for at  
11 least 10 days prior to this public hearing, as required by Government Code section 66019;  
12 and,

13 WHEREAS, the IS Mitigation Measures require the payment of Transportation  
14 Mitigation Fees to fund the construction of improvements to mitigate impacts caused by  
15 development of Tract No. 4968; and,

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

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

21 1. Findings.

22 The Board makes the following findings:

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

24 B. The purpose of the Transportation Mitigation Fee is to finance public facility  
25 improvements to mitigate the impact caused by development of Tract No. 4968.

26 Such improvements include the expansion and construction of public roads.  
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28

- 1 C. The fees collected pursuant to this resolution shall be used to finance the cost of  
2 improvements that mitigate traffic impacts identified in Exhibit A attached to this  
3 resolution.
- 4 D. After considering the TIA and Cost Study (together, Studies), and the testimony  
5 received at this public hearing, the Board of Supervisors approves and adopts the  
6 Studies and incorporates them into this resolution, and further finds that the  
7 development of Tract No. 4968 will generate additional demands on roads.
- 8 E. As development occurs throughout various places in the County, including but not  
9 limited to the Shaver Lake area and within the Millerton Specific Plan area, there  
10 will be a need for expanded, improved, or newly constructed roads that serve  
11 Tract No. 4968. Said roads have been called for in the County's General Plan.
- 12 F. The Studies and the testimony establish:
- 13 1. That there is a reasonable relationship between the fee's use, namely,  
14 expanded, improved, or newly constructed roads, as described above, and  
15 the type of development for which the fee is charged, which is residential  
16 development associated with Tract 4968, as described above;
- 17 2. That there is a reasonable relationship between the need for the  
18 improvements as designated in Exhibit A and the traffic impacts of the  
19 development of Tract No. 4968 as identified in the Studies, for which the  
20 corresponding fee is charged;
- 21 3. That the cost estimates set forth in Exhibit A are reasonable cost estimates  
22 for constructing these facilities, and the fees expected to be generated by  
23 development of Tract No. 4968 do not exceed the total costs of constructing  
24 the improvements identified in Exhibit A.
- 25 4. That the amount of the fee will not exceed the estimated reasonable cost of  
26 the public facilities or portion of the public facilities attributable to the  
27 development of Tract No. 4968 on which the fee is imposed; and,  
28

1        2.    Fee Imposed.

2            A Transportation Mitigation Fee, in the amount stated in section 3 below, shall be  
3            charged and paid before the issuance of a building permit for each residential lot  
4            developed in Tract No. 4968.

5        3.    Amount of Transportation Mitigation Fee.

- 6            a.            The fee for each single-family lot in Tract No. 4968 shall be \$10,762.00.  
7            b.            The amount of the fee shall be adjusted on January 15 annually by a  
8                   percentage equal to the change in the Engineering News Record  
9                   Construction Cost Index for 20 Cities for the preceding year as  
10                  published in the Fourth Quarterly Cost Issue in the preceding  
11                  December.

12       4.    Exemptions from Fee.

- 13           a.            The Transportation Mitigation Fee shall not be imposed on any of the  
14                  following:  
15                   1.    Any alteration or addition to a residential structure, except to the  
16                   extent that additional residential structures are created in  
17                   addition to an existing residential structure on the same parcel;  
18                   2.    Any alteration or addition to a non-residential structure, unless  
19                   the alteration or addition changes the use of the structure to a  
20                   higher density category or will result in the generation of  
21                   additional peak hour trip ends;  
22                   3.    Any replacement or reconstruction of any residential, commercial  
23                   or industrial development project that is damaged or destroyed  
24                   as a result of a natural disaster as declared by the Governor.  
25                   4.    Whenever the alteration, addition, replacement or reconstruction  
26                   is not exempt, the fee shall be imposed only on the additional  
27                   residential structures.  
28

1       5.   Payment of Other Fees Required.

- 2           a.       Notwithstanding any other provision of this Resolution, the developer of  
3                   Tract No. 4968 is, and subsequent property owners as applicable are,  
4                   responsible for the payment of all other applicable assessments, fees,  
5                   or charges adopted by the County.
- 6           b.       Nothing in this Resolution affects the obligation of any person to pay  
7                   other fees established pursuant to Fresno County Ordinance Code, or  
8                   any other applicable law, so long as this fee shall not result in a  
9                   duplicate fee for any development or portion thereof.

10       6.   Use of Fee Revenues.

- 11          a.       The revenues collected by payment of the Transportation Mitigation  
12                   Fee shall be placed in the Transportation Mitigation accounts and such  
13                   revenues, plus any interest earnings on each account, shall be used for  
14                   the following purposes:
- 15                  1.    To pay for and/or reimburse for design and construction of  
16                        designated improvements and reasonable costs of outside  
17                        consultant studies related thereto;
- 18                  2.    To reimburse developers who have designed and constructed  
19                        designated improvements which are oversized with  
20                        supplemental size, length, or capacity, if any; and
- 21                  3.    To pay for and/or reimburse costs of ongoing administration of  
22                        the Transportation Mitigation Fee program.

23       7.   Expenditure of the Fees.

- 24          a.       Fees in the Traffic Impact accounts shall be expended only for those  
25                   facilities listed in Exhibit A and only for the purpose for which the fee  
26                   was collected.

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

8. Administrative Regulations.

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

9. Review.

The Transportation Mitigation Fee for Tract No. 4968 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 1st day of May, 2018, to-wit:

AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

NOES: None

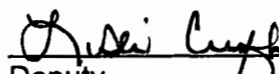
ABSENT: None

ABSTAINED: None

  
\_\_\_\_\_  
Sal Quintero, Chairperson 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

# EXHIBIT A

## TRACT 4968 TRAFFIC IMPACT MITIGATION COSTS MARCH 2018

TRACT 4968 (106 UNITS)											
MITIGATION IMPROVEMENTS	UNIT CONSTRUCTION COST	PROJECT TRAFFIC	2020 CUMULATIVE TRAFFIC	TOTAL PROJECT PERCENT SHARE (1123 UNITS)	PROJECT PERCENT SHARE FOR TRACT 4968	LENGTH IN MILES	CONSTRUCTION COSTS	10% DESIGN ENGINEERING	15% CONSTRUCTION ENGINEERING	PROJECT SHARE R/W Acquisition	TOTAL PROJECT SHARE
SIGNAL LOCATION											
FRONT AT COPPERMILLBROOK*	\$ -	295 per pm pk hour	2612 per pm pk hour	11.25%	1.05%	N/A	\$0				
FRONT AT WILLOW	\$ 1,000,000	311 per pm pk hour	2500 per pm pk hour	12.44%	1.17%	N/A	\$11,721	\$1,170	\$1,760		\$14,651
FRONT AT NORTH FORK RD.*	\$ 148,500	334 per pm pk hour	2847 per pm pk hour	11.73%	1.11%	N/A	\$1,641	\$160	\$250		\$2,051
WILLOW AT COPPER	\$ 750,000	86 per am pk hour	2361 per am pk hour	3.64%	0.34%	N/A	\$2,572	\$280	\$390		\$3,222
MILLERTON AT AUBERRY	\$ 750,000	39 per am pk hour	1479 per am pk hour	2.64%	0.25%	N/A	\$1,866	\$190	\$280		\$2,336
MILLERTON AT SKY HARBOR	\$ 750,000	116 per am pk hour	1845 per am pk hour	6.29%	0.59%	N/A	\$4,445	\$440	\$670		\$5,555
MILLERTON AT BRIGHTON CREST	\$ 500,000	117 per am pk hour	1613 per am pk hour	7.25%	0.68%	N/A	\$3,416	\$340	\$510		\$4,266
MILLERTON AT MARINA	\$ 500,000	459 per am pk hour	2096 per am pk hour	21.80%	2.06%	N/A	\$10,317	\$1,030	\$1,550		\$12,897
MILLERTON AT TABLE MOUNTAIN*	\$ -	47 per am pk hour	852 per am pk hour	5.52%	0.52%	N/A	\$0	\$0	\$0		\$0
AUBERRY AT COPPER**	\$ 210,000	256 per am pk hour	2482 per am pk hour	10.31%	0.97%	N/A	\$2,040	\$200	\$310		\$2,550
AUBERRY AT MARINA DRIVE/WINCHHELL COVE	\$ 750,000	318 per am pk hour	1898 per am pk hour	16.75%	1.58%	N/A	\$11,837	\$1,180	\$1,780		\$14,797
ROAD IMPROVEMENTS											
FRONT ROAD											
Copper River Drive to Willow* (2 lane to 4 lane expressway)	\$ 198,500	2779 per day	18,480	15.03%	1.42%	1.60	\$5,060	\$510	\$760		\$6,330
Willow to Bugg* (2 lane to 4 lane expressway)	\$ 198,500	2625 per day	24,340	12.02%	1.13%	4.30	\$9,667	\$970	\$1,450		\$12,087
Bugg to North Fork Rd* (2 lane to 4 lane arterial)	\$ 198,500	2625 per day	21,800	13.42%	1.26%	0.88	\$2,209	\$220	\$330		\$2,759
MILLERTON ROAD											
North Fork Rd. to Marina Drive*** (2 lane to 4 lane arterial)	\$ 5,461,700	3290 per day	20,440	16.10%	1.52%	3.15	\$260,886	\$20,879	\$30,148		\$321,013
Marina Drive to Sky Harbor Rd*** (2 lane to 4 lane arterial)	\$ 5,461,700	1087 per day	15,370	7.14%	0.67%	1.10	\$40,418	\$3,233	\$6,063		\$49,714
Sky Harbor to Auberry Rd (2 lane to 4 lane arterial)	\$ 4,599,500	366 per day	7,430	4.93%	0.46%	1.50	\$32,048	\$3,205	\$4,807		\$40,060
Total Right - of - Acquisition Cost:	\$ 880,000				0.83% (average of three)					\$7,304	\$7,304
WILLOW AVENUE											
Front Rd to Copper Ave. (add 2 lanes)	\$ 1,757,000	146 per day	7,030	2.08%	0.20%	1.85	\$6,298	\$630	\$845		\$7,973
Total Right - of - Acquisition Cost:	\$ 600,000				0.20%					\$1,200	\$1,200
AUBERRY ROAD											
Copper to Marina Drive (2 lane to 4 lane arterial)	\$ 4,163,000	3557 per day	21,229	17%	2%	7.50	\$462,892	\$48,289	\$73,934		\$616,115
Total Right - of - Acquisition Cost:	\$ 700,000				2.00%					\$14,000	\$14,000
											\$1,140,780
											\$ 10,762
											per unit cost (106 units)
*Improvement are constructed. The fees are being collected until County's share has been met. **Improvement are being designed by County PE estimated at 8%											

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 \*\*\* FE estimated at 8%

4/5/2018