

1                               BEFORE THE BOARD OF SUPERVISORS  
2                               OF THE COUNTY OF FRESNO  
3                               STATE OF CALIFORNIA

4                               RESOLUTION NO. 18-168

5                               Resolution Establishing Specific Plan Development Fees to Provide for Millerton New Town  
6                               Facilities

7               WHEREAS, the Board of Supervisors of the County of Fresno, on December 7, 2004,  
8               adopted the latest update to the Millerton Specific Plan (Specific Plan) creating and  
9               establishing the authority for imposing and charging a fee for the development of roadway  
10              and park facilities identified in Exhibit A to this resolution for projects within the Millerton  
11              Specific Plan area (Development Fee); and

12             WHEREAS, notice of the public meeting and a general explanation of the matter to be  
13             considered was published according to Government Code Section 66018; and,

14             WHEREAS, notice of the public meeting and a general explanation of the matter to be  
15             considered was mailed at least 14 days prior to the meeting to any interested party who had  
16             filed a written request for mailed notice of the meeting on new or increased fees or service  
17             charges, as required by Government Code Section 66019; and,

18             WHEREAS, pursuant to public notice, a hearing was held as part of a regularly  
19             scheduled meeting at which oral or written presentations could be made; and,

20             WHEREAS, application has been made for approval of the Final Map for Tract No.  
21             4968; and,

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

27             WHEREAS, a detailed study of the cost of construction of those roadway and park  
28             facilities (Improvements) identified in the Specific Plan was prepared for and reviewed by

1 the Department of Public Works and Planning entitled "MILLERTON NEW TOWN  
2 INFRASTRUCTURE PLAN FACILITY FEES AND SPECIFIC PLAN DEVELOPMENT  
3 FEES" dated June 2008, and is on file with the Department of Public Works and Planning,  
4 Development Services and Capital Projects Division (Fee Study); and,

5 WHEREAS, said Specific Plan sets forth the relationship between the proposed  
6 development and the needed facilities and said detailed study estimated the cost of those  
7 improvements; and

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

11 WHEREAS, said Specific Plan requires the payment of the Development Fee to fund  
12 the construction of Improvements within the Specific Plan area; and,

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

15 1. Findings.

16 The Board makes the following findings:

- 17 A. All of the recitals stated above are true and correct.
- 18 B. The purpose of the Development Fee is to finance public facility improvements to  
19 mitigate the impact caused by development of Tract No. 4968. Such  
20 improvements include the construction of roadway and park facilities within the  
21 Millerton Specific Plan area.
- 22 C. The fees collected pursuant to this resolution shall be used to finance the cost of  
23 Improvements identified in Exhibit A attached to this resolution.
- 24 D. After considering the Specific Plan and the Fee Study, and the testimony received  
25 at this public hearing, the Board of Supervisors approves and adopts the Fee  
26 Study and incorporates it into this resolution, and further finds that the  
27 development of Tract 4968 will generate additional demands on facilities.
- 28

1 E. As development occurs throughout the Millerton Specific Plan area, there will be a  
2 need for expanded, improved, and newly constructed Improvements.

3 F. The Specific Plan, Fee Study, and testimony establish;

4 1. That there is a reasonable relationship between the fee's use, namely,  
5 expanded, improved, or newly constructed Improvements as described above,  
6 and the type of development for which the fee is charged, which is residential  
7 development associated with Tract 4968, as described above;

8 2. That there is a reasonable relationship between the need for the  
9 Improvements as designated in Exhibit A and the impacts of the development of  
10 Tract No. 4968 as identified in the Specific Plan and DS, for which the  
11 corresponding fee is charged;

12 3. That the cost estimates set forth in Exhibit A are reasonable cost estimates for  
13 constructing these Improvements, and the fees expected to be generated by  
14 development of Tract No. 4968 do not exceed the total costs of constructing the  
15 improvements identified in Exhibit A.

16 4. That the amount of the fee will not exceed the estimated reasonable cost of  
17 the public facilities or portion of the public facilities attributable to the development  
18 of Tract No. 4968 on which the fee is imposed; and,

19 2. Fee Imposed.

20 A Specific Plan Development Fee, in the amount stated in Section 3, shall be  
21 charged and paid before the issuance of a building permit for each residential lot  
22 developed in Tract No. 4968; provided, however, that the developer may enter  
23 into a written agreement with the County to pay the fee no earlier than  
24 concurrently with the recordation of a final map for property within the Specific  
25 Plan area.

26 3. Amount of Traffic Impact Fee.

27 a. The fee for each single-family lot in Tract No. 4968 shall be \$7,243.89.  
28

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

6       4.   Payment of Other Fees Required.

- 7           a.       Notwithstanding any other provision of this Resolution, development of  
8                   Tract 4968 within the Specific Plan area is responsible for the payment  
9                   of all other applicable fees adopted by the County.
- 10          b.       Nothing in this Resolution affects the obligation of any person to pay  
11                   Area of Benefit fees established pursuant to Fresno County Ordinance  
12                   Code so long as this fee shall not result in a duplicate fee for any  
13                   development or portion thereof included in an Area of Benefit.

14   5.   Use of Fee Revenues.

- 15          a.       The revenues collected by payment of the Development Fee shall be  
16                   placed in the Millerton Specific Plan Development Fee accounts and  
17                   such revenues, plus any interest earnings on each account, shall be  
18                   used for the following purposes:
- 19                  1.   To pay for design and construction of designated Improvements;  
20                      and
- 21                  2.   To reimburse developers who have designed and constructed  
22                      designated Specific Plan Facilities which are oversized with  
23                      supplemental size, length, or capacity; and
- 24                  3.   To pay for and/or reimburse costs of program development and  
25                      ongoing administration of the Specific Plan Funds.
- 26  
27  
28

1        6. Expenditure of the Fees.

- 2            a.        Fees in the Millerton Specific Plan Development Fee accounts shall be  
3                        expended only for those facilities listed in Exhibit A and only for the  
4                        purpose for which the fee was collected.
- 5            b.        Proceeds of the Development Fees shall not be used to pay for existing  
6                        deficiencies of any public facilities.

7        7. Administrative Regulations.

8            The Director of the Department of Public Works and Planning shall develop  
9                        procedures for the effective implementation and administration of the Millerton  
10                       Specific Plan Development Fees and to annually review and update the Fee  
11                       Schedule.

12        THE FOREGOING, was passed and adopted by the following vote of the Board of  
13 Supervisors of the County of Fresno this 1st day of May, 2018, to-wit:

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

15 NOES:           None

16 ABSENT:        None

17 ABSTAINED:   None

18  
19  
20  
21                          
22                        Sal Quintero, Chairperson of the Board of  
                         Supervisors of the County of Fresno

23 **ATTEST:**  
24 Bernice E. Seidel  
25 Clerk of the Board of Supervisors  
26 County of Fresno, State of California

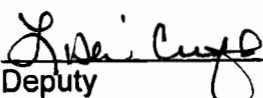
27 By   
28 Deputy

EXHIBIT "A"

MILLERTON SPECIFIC PLAN FEES

<u>ROAD IMPROVEMENTS</u>	<u>TOTAL COST</u>	<u>NO. OF UNITS</u>	<u>COST PER UNIT</u>
Marina Drive	\$11,523,466.64	3499	\$3,293.36
Millerton Road	\$2,714,874.10	3499	\$775.90
Collector Roads	\$8,693,615.40	3499	\$2,484.60
<u>SIGNAL LOCATION</u>			
Millerton at Marina	\$344,791.46	3499	\$98.54
<u>PARKS</u>			
White Fox Creek/Marina Dr. Prkwy	\$289,647.22	3499	\$82.78
Community Park	\$1,041,722.28	3499	\$297.72
3% Administration Fee	\$738,243.51		\$210.99
<u>TOTAL</u>	<u>\$25,346,360.61</u>		<u>\$7,243.89</u>