

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

RESOLUTION NO. 18-353

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and Circulation Impacts from Classified Conditional Use Permit No. 3200

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 March, 10 2009, the Fresno County Planning Commission approved Classified Conditional Use Permit No. 3200 and Initial Study Application No. 5785 (IS) subject to certain conditions; and,

WHEREAS, said IS contained a Transportation Impact Study (TIS), 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,

WHEREAS, measures to mitigate the transportation and circulation impacts are identified in the TIS; and,

1 WHEREAS, a detailed study of the cost of construction of those mitigation measures
2 was prepared by the Department of Public Works and Planning entitled "IS 5758, CUP 3200
3 Commercial Center (NE corner of Manning and Alta Avenues) Pro-rata Share" dated
4 December 10, 2008 (Cost Study) and is on file with the Department of Public Works and
5 Planning, Development Services and Capital Projects Division; and,

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

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

12 WHEREAS, the IS Mitigation Measures require the payment of Transportation
13 Mitigation Fees to fund the construction of improvements to mitigate impacts caused by
14 development allowed by Classified Conditional Use Permit No. 3200; and,

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

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

20 1. Findings.

21 The Board makes the following findings:

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

23 B. The purpose of the Transportation Mitigation Fee is to finance public
24 facility improvements to mitigate the impact caused by development
25 allowed by Classified Conditional Use Permit No. 3200. Such
26 improvements include the expansion and construction of public roads.

- 1 C. The fees collected pursuant to this resolution shall be used to finance
2 the cost of improvements that mitigate traffic impacts identified in
3 Attachment A attached to this resolution.
- 4 D. After considering the TIS and Cost Study (together, Studies), and the
5 testimony received at this public hearing, the Board of Supervisors
6 approves and adopts the Studies and incorporates them into this
7 resolution, and further finds that the development allowed by Classified
8 Conditional Use Permit No. 3200 will generate additional demands on
9 roads.
- 10 E. As development occurs throughout in and around the area of the
11 subject property, there will be a need for expanded, improved, or newly
12 constructed roads that serve the development allowed by Classified
13 Conditional Use Permit No. 3200. Said roads have been called for in
14 the County's General Plan.

15 2. Studies and Testimony.

16 The Studies and the testimony establish:

- 17 A. That there is a reasonable relationship between the fee's use, namely,
18 expanded, improved, or newly constructed roads, as described above,
19 and the type of development for which the fee is charged, which is
20 residential development associated with development allowed by
21 Classified Conditional Use Permit No. 3200, as described above;
- 22 B. That there is a reasonable relationship between the need for the
23 improvements as designated in Attachment A and the traffic impacts of
24 the development allowed by Classified Conditional Use Permit No.
25 3200 as identified in the Studies, for which the corresponding fee is
26 charged;
- 27 C. That the cost estimates set forth in Attachment A are reasonable cost
28 estimates for constructing these facilities, and the fees expected to be

generated by development allowed by Classified Conditional Use Permit No. 3200 do not exceed the total costs of constructing the improvements identified in Attachment 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 Classified Conditional Use Permit No. 3200 on which the fee is imposed; and,

3. Fee Imposed.

A Transportation Mitigation Fee, in the amount stated in section 3 below, shall be charged and paid before the issuance of a building permit for any development allowed by Classified Conditional Use Permit No. 3200.

4. Amount of Transportation Mitigation Fee.

A. The fee of developed area shall be \$3,378.

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.

5. Exemptions from Fee.

The Transportation Mitigation Fee shall not be imposed on any of the following:

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;

- 1 C. Any replacement or reconstruction of any residential, commercial or
2 industrial development project that is damaged or destroyed as a result
3 of a natural disaster as declared by the Governor.
- 4 D. Whenever the alteration, addition, replacement or reconstruction is not
5 exempt, the fee shall be imposed only on the additional residential
6 structures.

7 6. Payment of Other Fees Required.

- 8 A. Notwithstanding any other provision of this Resolution, the developer of
9 the subject property is, and subsequent property owners as applicable
10 are, responsible for the payment of all other applicable assessments,
11 fees, or charges adopted by the County.
- 12 B. Nothing in this Resolution affects the obligation of any person to pay
13 other fees established pursuant to Fresno County Ordinance Code, or
14 any other applicable law, so long as this fee shall not result in a
15 duplicate fee for any development or portion thereof.

16 7. Use of Fee Revenues.

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

- 21 A. To pay for and/or reimburse for design and construction of designated
22 improvements and reasonable costs of outside consultant studies
23 related thereto;
- 24 B. To reimburse those authorized to have designed and constructed
25 designated improvements which are oversized with supplemental size,
26 length, or capacity, if any; and
- 27 C. To pay for and/or reimburse costs of ongoing administration of the
28 Transportation Mitigation Fee program.

1 8. Expenditure of the Fees.

2 A. Fees in the Traffic Impact accounts shall be expended only for those
3 facilities listed in Attachment A and only for the purpose for which the
4 fee was collected.

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

8 9. Administrative Regulations.

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

13 10. Review.

14 The Transportation Mitigation Fee for Classified Conditional Use Permit No.
15 3200 shall be reviewed annually by the Board in accordance with the
16 provisions of Chapter 17.88.060 of the Fresno County Ordinance Code.

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1 THE FOREGOING, was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 9th day of October, 2018, to-wit:

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

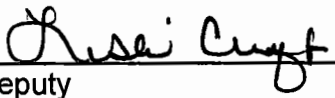
5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

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9 
Sa Quintero, Chairperson of the Board of
Supervisors of the County of Fresno

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11 **ATTEST:**
12 BERNICE E. SEIDEL
13 Clerk of the Board of Supervisors
County of Fresno, State of California

14 By 
15 Deputy

IS 575B, CUP 3200
Commercial Center
(NE corner of Manning and Alta Avenues)
Pro-rata share.

		UNIT COST	PROJECT TRAFFIC (per peak hour)	2025 CUMULATIVE TRAFFIC (per peak hour)	PROJECT PERCENT SHARE	LENGTH IN MILES	CONSTRUCTION COSTS	10% DESIGN ENGINEERING	15% CONSTRUCTION ENGINEERING	TOTAL
<u>INTERSECTION IMPROVEMENTS</u>										
1	Dinuba Ave and Alta Ave intersection	Lane additions - NB LT lane	\$178,000	19	1,219	1.52%	N/A	\$2,703	\$405	\$3,378
TOTAL										\$3,378

ATTACHMENT A