

Item #49
10-9-2018

Fresno County Board of Supervisors
2281 Tulare, Room #301
Fresno, CA 93721

October 9, 2018

RE: Amendment of Chapter 17.90 of the County Ordinance Code to Discontinue Public Facilities Impact Fees

Dear Members of the Board of Supervisors,

My purpose in speaking to you today is twofold: (1) to learn of the type of analysis the County performed to determine that health and safety concerns identified in 2008 no longer exist and (2) to learn the reason why the Board, in choosing to discontinue impact fees, would not choose to also amend the portion of the General Plan that mandates the collection of those fees — if for no other reason than to keep the County's practices consistent with the requirements of the General Plan.

Printed below are two findings (in blue print), which the Board made at the time it first imposed impact fees. In 2008 the Board found that public facilities were not available to accommodate the needs caused by new development and that failure to impose impact fees would result in conditions that were perilous to County residents' health and safety and general wellbeing. Today, by adding the text shown in red, your Board is prepared to find just the opposite, that existing public facilities do meet the needs caused by new development. My question is this: what study or analysis led to this radical reversal in opinion?

*Fees may be established under this chapter when the board finds: **County public facilities are not available to accommodate the needs caused by new development within Fresno County, which results in inadequate county public facilities within Fresno County....Failure of the...board to adopt and of the county to impose public facilities impact fees on new development will subject all Fresno County residents and workers...to continually decreasing standards of county public facilities serving those residents and workers,...resulting in conditions that are perilous to their health and safety and general wellbeing.***

*The board's adoption of this chapter is consistent with...the '2000 General Plan Update,' which states the following with respect to county public facilities: **"(t)he County shall require that new development pays its fair share of the cost of developing new facilities ..."** (Policy PF-B.1) and **"(t)he County shall develop and adopt ordinances specifying acceptable methods for new development to pay for new capital facilities ... Possible mechanisms include development fees, ..."** (Policy PF-B.B).*

The General Plan mandates that the County collect public facilities impact fees. The imposition of those fees in 2008 brought the County into compliance with the General Plan. The decision today to discontinue those same fees will cause an inconsistency between County practice and the requirements of the General Plan.

I really want to understand. Please explain the basis for your reversal of a 2008 finding pertaining to public health and safety as well as the logic behind your decision to take action that conflicts with the General Plan.

Thank you,

Radley Reep
radleyreep@netzero.com
(559) 326-6227

THE BUSINESS JOURNAL

FRESNO | KINGS | MADERA | TULARE

P.O. Box 126

Fresno, CA 93707

Telephone (559) 490-3400

(Space Below for use of County Clerk only)

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CLERK, BOARD OF SUPERVISORS

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

NOTICE OF PUBLIC HEARING

Board will conduct the second hearing on an Ordinance amending Title 17 - Divisions of Land, Chapter 17.90 - Public Facilities Impact Fees and Schedule of Fees

DATE AND TIME OF PUBLIC
HEARING:
OCTOBER 9, 2018 AT 9:00 AM

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

SEPTEMBER 28, 2018

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

SEPTEMBER 28, 2018

ON

Carmen

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN

THAT the Board of Supervisors ("Board") of the County of Fresno ("County") will hold a public hearing on **October 9, 2018 at 9:00 AM** or as soon thereafter as the matter may be heard, in the Board Chambers, County Hall of Records, Third Floor, 2281 Tulare Street, Fresno, California, 93721, to consider and take action on adopting the proposed Ordinance Amending Chapter 17.90 of Title 17, entitled, "Divisions of Land," of the Fresno County Ordinance Code, Relating to Authorizing Public Facilities Impact Fees and a Schedule of Fees (collectively, "Ordinance Amendment").

At the public hearing, the Board will conduct the second hearing on an Ordinance amending Title 17 - Divisions of Land, Chapter 17.90 - Public Facilities Impact Fees and Schedule of Fees, of the Fresno County Ordinance Code, to discontinue public facilities impact fees established in 2008 but maintaining authorization to establish new public facilities impact fees in the future; waive reading of the Ordinance in its entirety. The first hearing was conducted on September 25, 2018.

Chapter 17.90 of the County's ordinance code authorizes the County to establish, impose, and collect public facilities impact fees as a requirement of the County, or a relevant city, as applicable, before the County or the relevant city, as applicable, issues a building permit for construction with respect to development. There are limited circumstances for exemptions from or conditional deferral of paying these fees. These County public facilities impact fees would provide financing for new, expanded, and improved County public facilities needed to meet the increased demand on the County's public facilities caused by development within the cities and unincorporated areas of the County, as provided in Chapter 17.90.

Following the Board's adoption of Chapter 17.90, the Board adopted four successive temporary suspensions of collection of the fees through November 10, 2018. The Board will be considering amending Chapter 17.90 to discontinue public facilities impact fees established in 2008, starting on November 10, 2018, but maintain authorization to establish new public facilities impact fees in the future.

If the Board adopts the proposed Ordinance Amendment, it will take effect 30 days after its adoption. A copy of the Board agenda materials (including the proposed Ordinance Amendment) for the Board's actions on this matter will be made available for public review, commencing on or about the Wednesday immediately before the applicable Board public hearing date, at the office of the Clerk of the Board (at the address for the Board), and on the County's Internet web site at www.co.fresno.ca.us. Anyone may attend

the public hearing and make any oral or written presentations at that time. Also, if anyone wishes to submit any written comments to the Board on this matter in advance of the hearing, he or she may do so by delivering those comments, either personally or by mail, to the Clerk of the Board at the above address for the Board. If you have any questions concerning this notice, please contact William Kettler, Development Services and Capital Projects Manager, Department of Public Works & Planning, at (559) 600-4233.

Bernice Seidel, Clerk
Board of Supervisors of the
County of Fresno
Date: September 28, 2018
09/28/2018

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CLERK. BOARD OF SUPERVISORS

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

PUBLIC NOTICE

ADOPTED ORDINANCE NO. 18-017

DATE OF ADOPTION:

October 9, 2018

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

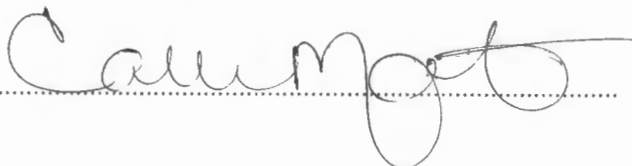
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

OCTOBER 12, 2018

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

OCTOBER 12, 2018

ON



PUBLIC NOTICE

ADOPTED ORDINANCE NO. 18-017
SUMMARY

NOTICE is hereby given that at its regularly scheduled meeting on October 9, 2018, the Fresno County Board of Supervisors adopted Ordinance No. 18-017, an Ordinance of the County of Fresno, State of California.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 17.90 of the Ordinance Code of Fresno County to discontinue a program of public facilities impact fees that the Board of Supervisors originally established in 2008, but to maintain the authority of the Board of Supervisors to establish a new program of public facilities impact fees by future amendment to Chapter 17.90. The Ordinance also makes technical and non-substantive changes to Chapter 17.90.

The full text of this Ordinance is available online at <https://fresnocounty.legistar.com/Calendar.aspx> under the October 9, 2018 meeting date, or at the office of the Clerk of the Board of Supervisors, 2281 Tulare Street, Room 301, Fresno, California.

This Ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

ATTEST:

Bernice E. Seidel

Clerk, Board of Supervisors

10/12/2018