

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

RESOLUTION NO. 19-267

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and Circulation Impacts for Classified Conditional Use Permit Application No. 3597

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 Classified Conditional Use Permit Application No. 3597 (CUP 3597) seeking expansion of an existing commercial fruit packing and storage operation located at 21095 E. Trimmer Springs Road; and,

WHEREAS, on June 28, 2018, the Fresno County Planning Commission approved Classified Conditional Use Permit Application No. 3597 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 Study (TIS), which is on file with the Department of Public Works and Planning, Development Services and Capital

1 Projects Division, that identified significant direct and cumulative transportation and
2 circulation impacts beyond the boundary of the proposed development; and,

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

5 WHEREAS, a detailed study of the cost of construction of those mitigation measures
6 was prepared by the Department of Public Works and Planning entitled "Trimmer Springs
7 Road and Oliver Road Segment Pro-Rata Share" (Cost Study) and is on file with the
8 Department of Public Works and Planning, Development Services and Capital Projects
9 Division; and,

10 WHEREAS, said TIS sets forth the relationship between the proposed development
11 and the needed improvements and said detailed study estimated the cost of those
12 improvements; and,

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

16 WHEREAS, the IS Mitigation Measures require the payment of Transportation
17 Mitigation Fees to fund the construction of improvements to mitigate impacts caused by
18 development of CUP 3597; and,

19 WHEREAS, Mitigation Measure *5 of CUP 3597 requires the DEVELOPER to enter
20 into an agreement with COUNTY to provide for traffic and circulation improvements; and,

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

24 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fresno County
25 that:

26 1. Findings.

27 The Board makes the following findings:

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

- 1 B. The purpose of the Transportation Mitigation Fee is to finance public road
2 improvements to mitigate the impact caused by development of CUP 3597. Such
3 improvements include the maintenance and repair of segments of Trimmer
4 Springs Road and Oliver Road.
- 5 C. The fees collected pursuant to this resolution shall be used to finance the cost of
6 improvements to mitigate traffic impacts identified in Exhibit A, Trimmer Springs
7 Road and Oliver Road Segment Pro-Rata Share, attached to this resolution.
- 8 D. After considering the TIS and Cost Study (together, Studies), and the testimony
9 received at this public hearing, the Board of Supervisors approves and adopts the
10 Studies and incorporates them into this resolution, and further finds that the
11 development of CUP 3597 will generate additional demands on roads.
- 12 E. The Studies and the testimony establish:
- 13 1. That there is a reasonable relationship between the fee's use, namely,
14 maintenance and repair as described above, and the type of development
15 for which the fee is charged, which is commercial development associated
16 with CUP No. 3597, as described above;
- 17 2. That there is a reasonable relationship between the need for the
18 improvements and the traffic impacts of the development of CUP 3597 as
19 identified in the Studies, for which the corresponding fee is charged;
- 20 3. That the cost estimates set forth in Exhibit A are reasonable cost estimates
21 for constructing these improvements, and the fees expected to be generated
22 by development of CUP 3597 do not exceed the total costs of constructing
23 the improvements identified in Exhibit A.
- 24 4. That the amount of the fee will not exceed the estimated reasonable cost of
25 the public facilities or portion of the public facilities attributable to the
26 development of CUP 3597 on which the fee is imposed; and,
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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 building permits for expansion of the
4 commercial use described in CUP 3597.

5 3. Amount of Transportation Mitigation Fee.

6 The reasonably calculated and estimated traffic mitigation costs to improve
7 Trimmers Springs Road and Oliver Road is \$485,000.

8 4. Payment of Other Fees Required.

9 a. Notwithstanding any other provision of this Resolution, the applicant for
10 CUP 3597 is, and subsequent property owners as applicable are,
11 responsible for the payment of up to \$485,000 in mitigation fees for the
12 transportation impacts associated with CUP 3597.

13 b. Nothing in this Resolution affects the obligation of any person to pay
14 other fees established pursuant to Fresno County Ordinance Code, or
15 any other applicable law, so long as this fee shall not result in a
16 duplicate fee for any development or portion thereof.

17 5. Use of Fee Revenues.

18 The revenues collected by payment of the Transportation Mitigation Fee shall be
19 expended only for those facilities identified in Exhibit A of this Resolution as the
20 Trimmer Springs and Oliver Road Segment Pro-Rata Share.

21 6. Expenditure of the Fees.

22 a. Fees in the Traffic Impact accounts shall be expended only for those
23 segments of Trimmer Springs Road and Oliver Road listed in Exhibit A
24 and only for the purpose for which the fee was collected.

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

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