

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

RESOLUTION NO. 19-277

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and
Circulation Impacts from Tract No. 4934

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. 4934; and,

WHEREAS, on September 7, 2000 the Fresno County Planning Commission approved
Vesting Tentative Subdivision Map No. 4934, Classified Conditional Use Permit Application No.
2935, Site Plan Review Application No. 7044, and Mitigation Measures adopted and/or
approved through the associated Environmental Assessment (EA) Application No. 4610 subject
to certain conditions; and,

1 WHEREAS, said EA contained a Transportation Impact Analysis (TIA), which is on file
2 with the Department of Public Works and Planning, Development Services and Capital Projects
3 Division, that identified significant direct and cumulative transportation and circulation impacts
4 beyond the boundary of the proposed development; and,

5 WHEREAS, measures to mitigate the transportation and circulation impacts are identified
6 in the TIA; and,

7 WHEREAS, a detailed study of the cost of construction of those mitigation measures was
8 prepared by the Department of Public Works and Planning entitled "Tract 4968 Traffic Impact
9 Mitigation Costs" dated March 2019 (Cost Study) and is on file with the Department of Public
10 Works and Planning, Development Services and Capital Projects Division; and,

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

15 WHEREAS, the EA Mitigation Measures require the payment of Transportation Mitigation
16 Fees to fund the construction of improvements to mitigate impacts caused by development of
17 Tract No. 4934; and,

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

21 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fresno County
22 that:

23 1. Findings.

24 The Board makes the following findings:

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

- 1 B. The purpose of the Transportation Mitigation Fee is to finance public facility
2 improvements to mitigate the impact caused by development of Tract No. 4934.
3 Such improvements include the expansion and construction of public roads.
- 4 C. The fees collected pursuant to this resolution shall be used to finance the cost of
5 improvements that mitigate traffic impacts identified in Exhibit A attached to this
6 resolution.
- 7 D. After considering the TIA and Cost Study (together, Studies), and the testimony
8 received at this public hearing, the Board of Supervisors approves and adopts the
9 Studies and incorporates them into this resolution, and further finds that the
10 development of Tract No. 4934 will generate additional demands on roads.
- 11 E. As development occurs throughout various places in the County, including but not
12 limited to the Shaver Lake area and within the Millerton Specific Plan area, there will
13 be a need for expanded, improved, or newly constructed roads that serve Tract No.
14 4934. Said roads have been called for in the County's General Plan.
- 15 F. The Studies and the testimony establish:
- 16 1. That there is a reasonable relationship between the fee's use, namely,
17 expanded, improved, or newly constructed roads, as described above, and the
18 type of development for which the fee is charged, which is residential
19 development associated with Tract No. 4934, as described above;
- 20 2. That there is a reasonable relationship between the need for the improvements
21 as designated in Exhibit A and the traffic impacts of the development of Tract
22 No. 4934 as identified in the Studies, for which the corresponding fee is
23 charged;
- 24 3. That the cost estimates set forth in Exhibit A are reasonable cost estimates for
25 constructing these facilities, and the fees expected to be generated by
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development of Tract No. 4934 do not exceed the total costs of constructing the improvements identified in Exhibit A.

4. 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 of Tract No. 4934 on which the fee is imposed; and,

2. 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 each residential lot developed in Tract No. 4934.

3. Amount of Transportation Mitigation Fee.

- A. The fee for each single-family lot in Tract No. 4934 shall be \$11,074.
- 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.

4. Exemptions from Fee.

- A. The Transportation Mitigation Fee shall not be imposed on any of the following:
 1. 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;
 2. 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;

3. Any replacement or reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

4. Whenever the alteration, addition, replacement or reconstruction is not exempt, the fee shall be imposed only on the additional residential structures.

5. Payment of Other Fees Required.

A. Notwithstanding any other provision of this Resolution, the developer of Tract No. 4934 is, and subsequent property owners as applicable are, responsible for the payment of all other applicable assessments, fees, or charges adopted by the County.

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

6. Use of Fee Revenues.

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

1. To pay for and/or reimburse for design and construction of designated improvements and reasonable costs of outside consultant studies related thereto;

2. To reimburse developers who have designed and constructed designated improvements which are oversized with supplemental size, length, or capacity, if any; and
3. To pay for and/or reimburse costs of ongoing administration of the Transportation Mitigation Fee program.

7. Expenditure of the Fees.

- A. Fees in the Traffic Impact accounts shall be expended only for those facilities listed in Exhibit A and only for the purpose for which the fee 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. 4934 shall be reviewed annually by the Board in accordance with the provisions of Chapter 17.88.060 of the Fresno County Ordinance Code.

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 July 2019, to wit:

3
4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

8
9 

10 Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

11 **ATTEST:**

12 Bernice E. Seidel
13 Clerk of the Board of Supervisors
County of Fresno, State of California

14 BY Susan Bishop
15 Deputy

Exhibit A

Traffic Impact Mitigation Cost

Tract 4968 (106 Units)											
MITIGATION IMPROVEMENTS	UNIT CONSTRUCTION COST	PROJECT TRAFFIC	2020 CUMULATIVE TRAFFIC	TOTAL PROJECT PERCENT SHARE (1125 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
<u>SIGNAL LOCATION</u>											
FRIANT AT COPPER/MILLBROOK*	\$ -	295 per pm pk hour	2612 per pm pk hour	11.29%	1.06%	N/A	\$0	\$0	\$0		
FRIANT 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		\$15,076
FRIANT 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		\$2,110
WILLOW AT COPPER	\$ 750,000	86 per am pk hour	2361 per am pk hour	3.64%	0.34%	N/A	\$2,572	\$260	\$390		\$3,315
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		\$2,404
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		\$5,716
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		\$4,390
MILLERTON AT MARINA	\$ 500,000	459 per am pk hour	2096 per am pk hour	21.90%	2.06%	N/A	\$10,317	\$1,030	\$1,550		\$13,271
MILLERTON AT TABLE MOUNTAIN*	\$ -	47 per am pk hour	852 per am pk hour	5.52%	0.52%	N/A	\$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		\$2,624
AUBERRY AT MARINA DRIVE/WINCHELL 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		\$15,226
<u>ROAD IMPROVEMENTS</u>											
<u>FRIANT ROAD</u>											
Copper River Drive to Willow* (2 lane to 4 lane expressway)	\$ 198,500	2779 per day	18,490	15.03%	1.42%	1.80	\$5,060	\$510	\$760		\$6,514
Willow to Bugg* (2 lane to 4 lane expressway)	\$ 198,500	2925 per day	24,340	12.02%	1.13%	4.30	\$9,667	\$970	\$1,450		\$12,438
Bugg to North Fork Rd* (2 lane to 4 lane arterial)	\$ 198,500	2925 per day	21,800	13.42%	1.26%	0.88	\$2,209	\$220	\$330		\$2,839
<u>MILLERTON ROAD</u>											
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	\$260,986	\$20,879	\$39,148		\$330,322
Marina Drive to Sky Harbor Rd** (2 lane to 4 lane arterial)	\$ 5,461,700	1097 per day	15,370	7.14%	0.67%	1.10	\$40,418	\$3,233	\$6,063		\$51,166
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		\$41,222
Total Right - of - Acquisition Cost	\$ 880,000				0.83% (average of three)					\$7,304	\$7,516
<u>WILLOW AVENUE</u>											
Friant Rd to Copper Ave. (add 2-lanes)	\$ 1,737,000	146 per day	7,030	2.08%	0.20%	1.85	\$6,298	\$630	\$945		\$8,101
Total Right - of - Acquisition Cost	\$ 600,000				0.20%					\$1,200	\$1,235
<u>AUBERRY ROAD</u>											
Copper to Marina Drive (2 lane to 4 lane arterial)	\$ 4,163,000	3557 per day	21,229	17%	2%	7.50	\$492,892	\$49,289	\$73,934		\$633,982
Total Right - of - Acquisition Cost	\$ 700,000				2.00%					\$14,000	\$14,406
*Improvement are constructed. The fees are being collected until County's share has been met.											\$1,173,863
**Improvement are being designed by County											\$11,074
*** PE estimated at 8%											
3/8/2019											
per unit cost (106 units)											

Willow Avenue - engineers estimate is based on adding 2 lane; i.e. improvement happening on one side only.
Auberry Avenue - centerline widening. EE for reconstruction recons 4 lanes