

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 RESOLUTION NO. _____

5
6 Resolution Establishing Infrastructure Facility Fee to Provide for Millerton New Town Infrastructure
7 Facilities for Tract No. 6189

8 WHEREAS, the Board of Supervisors of the County of Fresno, on December 19, 2000, adopted
9 the Millerton New Town Infrastructure Plan and Implementation Procedures (Infrastructure Plan)
10 creating and establishing the authority for imposing and charging a fee for the development of public
11 sewer and water facilities identified in Exhibit A to this resolution for projects within the Millerton
12 Specific Plan area (Facility Fee); and

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

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

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

21 WHEREAS, application has been made for approval of the Final Map for Tract No. 6189; and,

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

26 WHEREAS, a detailed study of the cost of construction of those sewer and water facilities
27 (Improvements) identified in the Infrastructure Plan was prepared for and reviewed by the Department
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1 of Public Works and Planning entitled "MILLERTON NEW TOWN INFRASTRUCTURE PLAN
2 FACILITY FEES AND SPECIFIC PLAN DEVELOPMENT FEES" dated June 2008, and is on file with
3 the Department of Public Works and Planning, Development Services and Capital Projects Division
4 (Fee Study); and,

5 WHEREAS, said Infrastructure 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 least 10
9 days prior to this public hearing, as required by Government Code section 66019; and,

10 WHEREAS, said Infrastructure Plan requires the payment of the Facility Fee to fund the
11 construction of Improvements within the Infrastructure Plan area; and,

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

13 1. Findings.

14 The Board makes the following findings:

- 15 A. All of the recitals stated above are true and correct.
- 16 B. The purpose of the Facility Fee is to finance public facility improvements to mitigate the
17 impact caused by development of Tract No. 6189. Such improvements include the
18 construction of sewer and water facilities within the Millerton Specific Plan area.
- 19 C. The fees collected pursuant to this resolution shall be used to finance the cost of
20 Improvements identified in Exhibit A attached to this resolution.
- 21 D. After considering the Infrastructure Plan and the Fee Study, and the testimony received at
22 this public hearing, the Board of Supervisors approves and adopts the Fee Study and
23 incorporates it into this resolution, and further finds that the development of Tract No. 6189
24 will generate additional demands on facilities.
- 25 E. As development occurs throughout the Millerton Specific Plan area, there will be a need for
26 expanded, improved, and newly constructed Improvements.
- 27 F. The Infrastructure Plan, Fee Study, and testimony establish;

1. That there is a reasonable relationship between the fee's use, namely, expanded, improved, or newly constructed Improvements as described above, and the type of development for which the fee is charged, which is residential development associated with Tract No. 6189, as described above;
2. That there is a reasonable relationship between the need for the Improvements as designated in Exhibit A and the impacts of the development of Tract No. 6189 as identified in the Infrastructure Plan and Fee Study, for which the corresponding fee is charged;
3. That the cost estimates set forth in Exhibit A are reasonable cost estimates for constructing these Improvements, and the fees expected to be generated by development of Tract No. 6189 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. 6189 on which the fee is imposed; and,

2. Fee Imposed.

An Infrastructure Plan Facility Fee, in the amount stated in Section 3, shall be charged and paid before the issuance of a building permit for each residential lot developed in Tract No. 6189; provided, however, that the developer may enter into a written agreement with the County to pay the fee no earlier than concurrently with the recordation of a final map for property within the Infrastructure Plan area.

3. Amount of Infrastructure Facility Fee.

- a. The fee for each single-family lot in Tract No. 6189 shall be \$18,345.
- 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. Payment of Other Fees Required.

- a. Notwithstanding any other provision of this Resolution, development of Tract No. 6189 within the Infrastructure Plan area is responsible for the payment of all other applicable fees adopted by the County.
- b. Nothing in this Resolution affects the obligation of any person to pay Area of Benefit fees established pursuant to Fresno County Ordinance Code so long as this fee shall not result in a duplicate fee for any development or portion thereof included in an Area of Benefit.

5. Use of Fee Revenues.

- a. The revenues collected by payment of the Facility Fee shall be placed in the Millerton New Town Infrastructure Plan Facility Fee accounts and such revenues, plus any interest earnings on each account, shall be used for the following purposes:
1. To pay for design and construction of designated Improvements; and
 2. To reimburse developers who have designed and constructed designated Infrastructure Facilities which are oversized with supplemental size, length, or capacity; and
 3. To pay for and/or reimburse costs of program development and ongoing administration of the Infrastructure Facility Plan Funds.

6. Expenditure of the Fees.

- a. Fees in the Millerton New Town Infrastructure Plan Facility accounts shall be expended only for those facilities listed in Exhibit A and only for the purpose for which the fee was collected.
- b. Proceeds of the Facility Fees shall not be used to pay for existing deficiencies of any public facilities.

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The Director of the Department of Public Works and Planning shall develop procedures for the effective implementation and administration of the Millerton New Town Infrastructure Plan Facility Fee and to annually review and update the Fee Schedule.

THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this ____ day of _____, 2019, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

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

ATTEST:

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

By _____
Deputy

EXHIBIT "A"
2019
MILLERTON NEW TOWN INFRASTRUCTURE FACILITY FEES

<u>WATER FACILITIES</u>	<u>TOTAL COST</u>	<u>NO. OF UNITS</u>	<u>COST PER UNIT</u>
Intake and Transmission	\$ 5,542,554.23	3336	\$ 1,661.44
Groundwater Extraction	\$ 247,611.88	3336	\$ 74.22
Water Treatment	\$ 8,626,462.80	3336	\$ 2,585.87
Water Distribution and Storage	\$ 10,870,980.42	3336	\$ 3,258.69
 <u>WASTEWATER FACILITIES</u>			
Wastewater Treatment	\$ 33,130,194.50	3851	\$ 8,603.01
Wastewater Collection	\$ 3,104,747.59	3006	\$ 1,032.85
Reclaimed Effluent Disposal	\$ 2,288,563.40	3851	\$ 594.28
3% Administration Fee	\$ 1,914,333.44		\$ 534.31
 <u>TOTAL</u>	 <u>\$ 63,811,114.82</u>		 <u>\$ 18,344.67</u>