



Board Agenda Item 29

DATE: April 14, 2020

TO: Board of Supervisors

FROM: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Transportation Mitigation Impact Fee Agreement for Amendment Application No. 3808
(Owner: G.S. Bath Inc.)

RECOMMENDED ACTION(S):

- 1. Adopt Resolution establishing Transportation Mitigation Impact Fees for transportation and circulation impacts from development associated with Amendment Application No. 3808.**
- 2. Approve and authorize Chairman to execute Public Facilities Fee Agreement with Gurmej Singh Bath, the owner, for transportation impact mitigation fees, effective upon execution (\$47,745).**

The subject property consists of 22 acres located on the northwest corner of E. Annadale Avenue and S. Willow Avenue adjacent the to the nearest city limits of the City of Fresno

Approval of the recommended actions will authorize funds to be collected through the County's Transportation Mitigation Impact Fee Program to help finance the cost of future road improvements as needed to offset the developer's incremental impacts on area-wide roads. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Your Board may deny or approve recommended actions; however, denial will require your Board to identify the action(s) being denied and to direct Department of Public Works and Planning staff accordingly. The recommended actions are required as a Condition of Approval of Amendment Application (AA) No. 3808.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The development's share of the cost of the future road improvements is currently estimated at \$47,745, or approximately \$9,549 per acre. In addition, the recommended resolution includes an additional fee of 3% of the total fee for administration of the Transportation Mitigation Impact Fee Program.

To account for inflation, the aforementioned fee will be adjusted annually by the 20-City Average Construction Cost Index published in the Engineering News Record. The administration costs paid to the County would be deposited in the Department's Org 4360 and spent only for the administration of the program.

DISCUSSION:

Amendment Application No. 3808, approved by the Board of Supervisors on September 12, 2017, allowed the rezoning of a 22-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to a M-3(c) (Heavy Industrial, Conditional) Zone District, permitting a limited number of light manufacturing, general industrial, and heavy industrial uses. The subject property is located on the northwest corner of East Annadale Avenue and South Willow Avenue as shown in Exhibit A. Adoption of the recommended actions will provide for the fulfillment of conditions of approval required by AA No. 3808 and Initial Study Application No. 6987 (IS), particularly Mitigation Measure No. 4, which requires the owner to execute a Traffic Mitigation Agreement with the County providing for the payment to the County to make off-site traffic improvements.

Legal Standard

Transportation Mitigation Impact Fees to finance and mitigate traffic impacts of new development may be imposed by your Board under the provisions of Title 17 - Division of Land, Chapter 17.88 - Public Impact Fees of the Fresno County Ordinance Code. In order to impose the fee, the Mitigation Fee Act requires that your Board must make the following findings:

- Identify the purpose of the fee. [Gov. Code section 66001, subd. (a)(1)].
Identify the use to which the fee is to be put [Gov. Code section 66001, subd. (a)(2)].
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed [Gov. Code section 66001, subd. (a)(3)].
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed [Gov. Code section 66001, subd. (a)(4)].
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed [Gov. Code section 66001, subd. (b)].

A Traffic Impact Study (TIS) was conducted as part of the IS. The TIS identified cumulative transportation and circulation impacts beyond the boundary of the project and specified the measures required to mitigate those impacts.

According to the TIS and Mitigation Measure No. 4, the purpose of the fee is to mitigate the impact caused by development allowed by AA 3808. The fee will be used to finance public facility improvements, including the expansion and construction of public roads, to mitigate the impact caused by development allowed by AA 3808. There is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed because the development allowed by AA 3808 will generate additional demands on roads. There is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed for the same reasons.

A detailed study entitled "FRESNO COUNTY PRO-RATA SHARE" dated December 20, 2019 (Cost Study) outlining the current costs of construction of the identified improvements listed in the TIS was prepared by the Department's Design Division and is included as Exhibit B. The cost study establishes that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed for the reason stated in the Cost Study. The estimated cost includes the engineering cost for design and construction administration. The current estimated cost for construction of the identified improvements is \$9,549 per acre developed or the total amount of \$47,745 for the current development. The fee will continue to be adjusted annually based on the change in the Engineering News Record Construction Cost Index.

The fees being established will be collected prior to the issuance of building permits for any development on

the property, will be placed in accounts administered by the County, and will be spent only for the projects listed in Exhibit B. The accounts will be reviewed annually at a public hearing before your Board, during which your Board will need to make findings regarding any portion of the fee remaining unexpended or uncommitted for five or more years after the deposit, to identify the purpose to which the fee is put, and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. If during those annual hearings the Board cannot make the required findings, any unexpended or uncommitted fees, with accrued interest, may be refunded to the then-current owners.

Mitigation Fee Act Procedural Compliance

Consistent with the requirements of Sections 66016 and 66019 of the California Government Code, for each of the proposed fees, a Cost Study containing the list of projects, estimated construction costs, development share, and fee calculation is on file with the Department's Development Services and Capital Projects Division. The report was available for public review at least 15 days prior to this hearing.

REFERENCE MATERIAL:

BAI #15, September 12, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - B

On file with Clerk - Agreement with Gurmej Singh Bath

On file with Clerk – Resolution

CAO ANALYST:

Sonia M. De La Rosa