

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

RESOLUTION NO. 20-119

Resolution Establishing Transportation Mitigation Fees to Mitigate Transportation and  
Circulation Impacts from Amendment Application No. 3808

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, on July 20, 2017 the Fresno County Planning Commission approved Amendment Application No. 3808 and Initial Study Application No. 6987 (IS) 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 Projects Division, that identified significant direct and cumulative transportation and circulation impacts beyond the boundary of the proposed development; and,

WHEREAS, measures to mitigate the transportation and circulation impacts are

1 identified in the TIS; and,

2 WHEREAS, a detailed study of the cost of construction of those mitigation measures  
3 was prepared by the Department of Public Works and Planning entitled "FRESNO COUNTY  
4 PRO-RATA SHARE" dated December 20, 2019 (Cost Study) and is on file with the Department  
5 of Public Works and Planning, Development Services and Capital Projects Division; and,

6 WHEREAS, said TIS sets forth the relationship between the proposed development and  
7 the needed facilities and said detailed study estimated the cost of those improvements; and,

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

10 WHEREAS, the IS Mitigation Measures require the payment of Transportation Mitigation  
11 Fees to fund the construction of improvements to mitigate impacts caused by development  
12 allowed by Amendment Application No. 3808; and,

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

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

18 1. Findings.

19 The Board makes the following findings:

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

21 B. The purpose of the Transportation Mitigation Fee is to finance public facility  
22 improvements to mitigate the impact caused by development allowed by  
23 Amendment Application No. 3808. Such improvements include the expansion  
24 and construction of public roads.

25 C. The fees collected pursuant to this resolution shall be used to finance the cost of  
26 public facility improvements, including the expansion and construction of public  
27 roads, to mitigate traffic impacts caused by the development allowed by  
28 Amendment Application No. 3808 and identified in Exhibit B attached to this

Resolution.

- D. After considering the TIS and Cost Study (together, Studies), and the testimony received at this public hearing, the Board of Supervisors approves and adopts the Studies and incorporates them into this resolution, and further finds that the development allowed by Amendment Application No. 3808 will generate additional demands on roads.
- E. As development occurs throughout in and around the area of the subject property, there will be a need for expanded, improved, or newly constructed roads that serve the development allowed by Amendment Application No. 3808. Said roads have been called for in the County's General Plan.

2. Studies and Testimony.

The Studies and the testimony establish:

- A. That there is a reasonable relationship between the fee's use, namely, expanded, improved, or newly constructed roads, as described above, and the type of development for which the fee is charged, which is residential development associated with development allowed by Amendment Application No. 3808, as described above;
- B. That there is a reasonable relationship between the need for the improvements as designated in Exhibit B and type of development allowed by Amendment Application No. 3808 as identified in the Studies, for which the corresponding fee is charged;
- C. 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, as the cost estimates set forth in Exhibit B are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by development allowed by Amendment Application No. 3808 do not exceed the total costs of constructing the improvements identified in Exhibit B.

D. 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 allowed by Amendment Application No. 3808 on which the fee is imposed; and,

3. 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 any development allowed by Amendment Application No. 3808.

4. Amount of Transportation Mitigation Fee.

A. The fee per acre of developed area shall be \$9,549.00.

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.

5. Exemptions from Fee.

The Transportation Mitigation Fee shall not be imposed on any of the following:

- A. 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;
- B. 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;
- C. 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.
- D. Whenever the alteration, addition, replacement or reconstruction is not exempt, the fee shall be imposed only on the additional residential structures.

6. Payment of Other Fees Required.

A. Notwithstanding any other provision of this Resolution, the developer of the

1 subject property is, and subsequent property owners as applicable are,  
2 responsible for the payment of all other applicable assessments, fees, or charges  
3 adopted by the County.

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

8 7. Use of Fee Revenues.

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

- 12 A. To pay for and/or reimburse for design and construction of designated  
13 improvements and reasonable costs of outside consultant studies related thereto;  
14 B. To reimburse those authorized to have designed and constructed designated  
15 improvements which are oversized with supplemental size, length, or capacity, if  
16 any; and  
17 C. To pay for and/or reimburse costs of ongoing administration of the Transportation  
18 Mitigation Fee program.

19 8. Expenditure of the Fees.

- 20 A. Fees in the Traffic Impact accounts shall be expended only for those facilities  
21 listed in Exhibit A and only for the purpose for which the fee was collected.  
22 B. The standards upon which the needs for facilities are based are the standards of  
23 the County. Proceeds of the Transportation Mitigation Fee shall not be used to  
24 pay for existing deficiencies of any public facilities.

25 9. Administrative Regulations.

26 The Director of the Department of Public Works and Planning shall develop procedures  
27 for the effective implementation and administration of the Transportation Mitigation Fee and to  
28 annually review and update the Fee Schedule.

1 10. Review.

2 The Transportation Mitigation Fee Amendment Application No. 3808 shall be reviewed  
3 annually by the Board in accordance with the provisions of Chapter 17.88.060 of the Fresno  
4 County Ordinance Code.

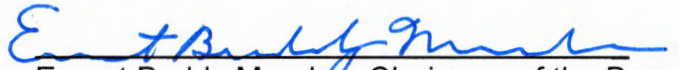
5  
6 THE FOREGOING, was passed and adopted by the following vote of the Board of  
7 Supervisors of the County of Fresno this 14th day of April 2020, to-wit:

8  
9 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

10 NOES: None

11 ABSENT: None

12 ABSTAINED: None

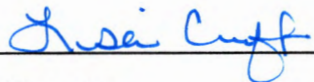
13 

14 Ernest Buddy Mendes, Chairman of the Board of  
15 Supervisors of the County of Fresno

16  
17 **ATTEST:**

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

21  
22 By



23 Deputy  
24  
25  
26  
27  
28

# EXHIBIT A

FRESNO COUNTY PRO-RATA SHARE AA 3808 / IS 6987 - RE-ZONE 22 ACRES FROM AGRICULTURAL LIMITED (AL-20) ZONE DISTRICT TO HEAVY INDUSTRIAL (CONDITIONAL) (M-3 (C)) ZONE DISTRICT [GURMEJ SINGH BATH]												
	LENGTH IN MILES	UNIT COST	PROJECT TRAFFIC	2035 CUMULATIVE + PROJECT TRAFFIC	PROJECT PERCENT SHARE	CONSTRUCTION COSTS	DESIGN ENGINEERING (15%)	CONSTRUCTION ENGINEERING (15%)	TOTAL RIGHT- OF-WAY COST	PROJECT'S SHARE OF R/W COST	R/W ENGINEER (10%)	TOTAL SHARE COST
INTERSECTION IMPROVEMENTS												
Jensen Avenue at Peach Avenue Modify Existing Traffic Signal Install NB Left-Turn Lane Install NB Right-Turn Lane Install SB Right-Turn Lane Install SB Left-Turn Lane Stripes SB Left-Turn Lane Install EB Right-Turn Lane Right Way Acquisition + 2 Houses	-	\$693,300	10 per pm pk hour	4,095 per pm pk hour	0.24%	\$1,693	\$250	\$250	-	-	-	\$2,193
Willow Avenue at North Avenue Install Traffic Signal Install SB Left-Turn Lane Install NB Left-Turn Lane Install WB Left-Turn Lane	-	\$981,700	38 per pm pk hour	1,310 per pm pk hour	2.90%	\$28,477	\$4,270	\$4,270	-	-	-	\$37,017
Chestnut Avenue at North Avenue Modify Existing Traffic Signal Install WB Left-Turn Lane Install EB Left-Turn Lane	-	\$965,200	34 per pm pk hour	3,026 per pm pk hour	1.12%	\$10,845	\$1,630	\$1,630	-	-	-	\$14,105
Subtotal: \$54,655												
ROAD IMPROVEMENTS												
Jensen Avenue Chestnut Avenue to Clovis Avenue (4 lane to 6 lane Super Arterial)	2	\$2,650,000										
Chestnut Avenue to Willow Avenue Right Way Acquisition	0.5 0.25 acre	\$662,500	469 per day	35,411 per day	1.32%	\$8,774	\$1,320	\$1,316	\$100,000	\$1,324	\$132	\$11,411 \$1,457
Willow Avenue to Peach Avenue Right Way Acquisition	0.5 0.25 acre	\$662,500	366 per day	33,830 per day	1.08%	\$7,167	\$1,080	\$1,075	\$100,000	\$1,082	\$108	\$9,323 \$1,190
Peach Avenue to Minnewawa Avenue Right Way Acquisition	0.5 0.25 acre	\$662,500	349 per day	34,050 per day	1.02%	\$6,790	\$1,020	\$1,019	\$100,000	\$1,025	\$102	\$8,829 \$1,127
Minnewawa Avenue to Clovis Avenue Right Way Acquisition	0.5 0.25 acre	\$662,500	349 per day	34,050 per day	1.02%	\$6,790	\$1,020	\$1,019	\$100,000	\$1,025	\$102	\$8,829 \$1,127
Subtotal: \$43,293												
ROADWAY STRUCTURAL SECTION IMPROVEMENTS												
Jensen Avenue - 4 Lane Divided Roadway Minnewawa Avenue to 0.167 Miles W/O Clovis Avenue (Overlay only eastbound roadway)	0.33	\$250,000	-	-	-	\$41,250	\$6,190	\$6,190	\$-	\$-	\$-	\$53,630
Willow Avenue - 2 Lane Roadway Jensen Avenue to North Avenue	1	\$90,000	-	-	-	\$45,000	\$6,750	\$6,750	\$-	\$-	\$-	\$58,500 \$112,130
Subtotal: \$112,130												
Total : \$210,078											Cost per acre: \$9,549 Cost @ 5 acres: \$47,745	

12/20/2019