



Legislation Details (With Text)

File #: 18-0357

On agenda: 5/1/2018

Final action: 5/1/2018

Enactment date:

Enactment #: Resolution No. 18-166, Resolution No. 18-167, Resolution No. 18-168

Title: Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts for development of Tract No. 4968, located on south side of Millerton Road between Friant and Auberry Roads; adopt Resolution establishing Infrastructure Plan Fees to provide for Millerton New Town Infrastructure Facilities; and approve Implementation Procedures and adopt Resolution establishing Specific Plan Fees to provide for Millerton New Town Facilities

Attachments: 1. Agenda Item, 2. Exhibits A-D, 3. Resolution No. 18-166, 4. Resolution No. 18-167, 5. Resolution No. 18-168

Date	Ver.	Action By	Action	Result
5/1/2018	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: May 1, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven W. White, Director  
Department of Public Works and Planning

SUBJECT: Transportation Mitigation Impact Fees, Infrastructure Fees, and Specific Plan Fees, for Tract No. 4968

RECOMMENDED ACTION(S):

- 1. Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts for development of Tract No. 4968, located on the south side of Millerton Road between Friant and Auberry Roads; and**
- 2. Adopt Resolution establishing Infrastructure Plan Fees to provide for Millerton New Town Infrastructure Facilities; and**
- 3. Approve Implementation Procedures and adopt Resolution establishing Specific Plan Fees to provide for Millerton New Town Facilities.**

Approval of the first recommended action 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. The fees will provide funds necessary to offset the developer's incremental impacts on area-wide roads. Approval of second and third recommended actions will authorize funds to be collected to help finance the cost of sewer and water facilities identified in the Millerton New Town Infrastructure Plan as well as road and park facilities identified in the Millerton Specific Plan. The fees will be deposited in accounts administered by the County and will provide the funds necessary to construct the aforementioned facilities as development occurs. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may deny any or all of the recommended actions identified above. Denial will require your Board to identify the action or actions being denied and direct staff accordingly. The recommended actions were all

required either directly as or through the fulfillment of the Conditions of Approval associated with the Vesting Tentative Tract No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study Applications.

#### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The Tract's share of the cost of the future road improvements was estimated to be \$10,762 per lot at the time of preparation of this agenda item. In addition, the recommended resolution includes a fee of 3% of the total for administration of the Transportation Mitigation Impact Fees Program.

The Tract's share of the Infrastructure Fees and Specific Plan Fees were estimated to be \$7,244 and \$17,828, respectively, per lot at the time of preparation of this agenda item. In addition, the recommended resolutions include a fee of 3% of the total for administration of the two fees.

These costs will be adjusted annually by the 20-City Average Construction Cost Index published in the Engineering News Record to account for inflation. The administrative costs paid to the County would be deposited in the Department of Public Works and Planning Org 43600200 and will be spent only for the administration of the Fee Program.

#### DISCUSSION:

Tract No. 4968 is the second Final Map in the Millerton Specific Plan area that if recorded, will result in a 106-lot subdivision in the R-1-C (Single-Family Residential, 6,000 square-foot minimum lot size) and R-2-C (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts, located on the south side of Millerton Road between Friant and Auberry Roads shown on Exhibit A. Adoption of the recommended resolutions will provide for the fulfillment of three of the Tract's requirements that must be completed prior to the recordation of the Final Map. The recommended actions were all required either directly as or through the fulfillment of the conditions of approval associated with Vesting Tentative Tract No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study Application (Tract No. 4968).

#### **Transportation Mitigation Impact Fees**

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, your Board must:

- Identify the purpose of the fee;
- Identify the use to which the fee is to be put;
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and
- 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.

The Mitigated Negative Declaration prepared for the Initial Study for Tract No. 4968 identified cumulative transportation and circulation impacts that will result from the development, and specified the measures required to mitigate those impacts. A Transportation Impact Analysis (TIA) prepared by a consultant, estimated the traffic that will be generated by the development of Tract No. 4968 and distributed that traffic over the circulation. The TIA analyzed the operation of the system with and without the development and identified locations where the system will operate below minimum standards at build-out. The minimum standards are a

Level of Service determined by the agency having jurisdiction over the facility.

A detailed study entitled "Tract 4968 Traffic Impact Mitigation Costs" dated March 2018 (Cost Study) outlining the current costs of construction of the identified improvements listed in the TIA was prepared by the Department of Public Works and Planning and is included as Exhibit B. The estimated cost includes the engineering costs for design and construction administration.

The Mitigated Negative Declaration identified the development's share of the future road improvements as 2.8% to 21.9% of the total cost of the road improvements. Based on these percentages, the development's share of the estimated construction cost is currently \$10,762 per residence including the 3% Administrative Fee. 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 residences on each lot of the development, 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. In that annual hearing, your Board will need to make findings regarding any portion of the fee remaining unexpended or uncommitted for five or more years after 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.

### **Infrastructure Plan Fees**

On December 19, 2000, the Board of Supervisors adopted the Millerton New Town Infrastructure Plan and Implementation Procedures (Plan). The Plan details the requirements for domestic water, wastewater, drainage and reclaimed water use in the Millerton Specific Plan area and specifies the backbone system to be installed to serve the planned developments (Infrastructure Facilities). The Plan also includes Implementation Procedures to guide the developers and county staff as development of the area occurs. The Plan was updated in 2008, entitled Millerton New Town Infrastructure Plan Facility Fees and Specific Plan Development Fees, and is on file with the Department of Public Works and Planning, Development Services and Capital Projects Division.

Implementation Procedures included in the Plan provide for developers to either construct Infrastructure Facilities to serve their development or pay fees to acquire capacity in existing facilities. The recommended resolution will establish said fee for Infrastructure Facilities identified in the Plan. The Plan provides for reimbursement to developers who construct facilities with capacity in excess of that needed for their development. The Plan also provides for the County to administer the funds and to maintain an accounting of associated fees paid/credits earned. The fee includes a 3% administration fee to reimburse the County for any administrative costs.

The current estimated cost for the construction of the identified Infrastructure Facilities is listed in Exhibit C. The development's share of the estimated construction cost is currently \$17,828 per lot within the subdivision, includes the 3% administration fee, and is included in Exhibit C. Similar to the Transportation Mitigation Impact Fees; these fees will continue to be adjusted annually based on the change in the Engineering News Record Construction Cost Index.

The Infrastructure Plan Fees will be collected concurrent with the recordation of the Final Map. The developer will execute an agreement prior to the recordation of the Final Map that will identify the project's cost and credits for the Infrastructure Facilities. The fees will be placed in accounts administered by the County and will be spent only for the projects listed in Exhibit C. The accounts may be reviewed, adjusted annually, and any unused funds would eventually be refunded to the developers.

## Millerton Specific Plan Fees

On December 7, 2004, the Board of Supervisors adopted the latest amendments to the Millerton Specific Plan (Specific Plan). The Specific Plan details the requirements for development within the Specific Plan area and requires developers to participate, on a pro-rata share, in the development of major streets, bridges, parks, and landscape areas (Specific Plan Facilities).

The Implementation Procedures mentioned previously provide for developers to either construct Specific Plan Facilities to serve their development or pay fees to offset their prorated share of the cost of road and park facilities. The Plan provides for reimbursement to developers who construct facilities with capacity in excess of that needed for their development. The Plan also provides for the County to administer the accounts and to maintain an accounting of associated fees paid/credits earned. The fee includes a 3% administration fee to reimburse the County for any administrative costs.

The current estimated cost for the construction of the identified Specific Plan Facilities is listed in Exhibit D. The development's share of the estimated construction cost is currently \$7,244 per lot within the subdivision and includes the 3% administration fee and is included in Exhibit D. Similar to the Transportation Mitigation Impact Fees and Infrastructure Facilities Fees, these fees will continue to be adjusted annually based on the change in the Engineering News Record Construction Cost Index.

The Specific Plan Fees will be collected concurrent with the recordation of the Final Map. The developer will execute an agreement prior to the recordation of the Final Map that will identify the project's cost and credits for the Infrastructure Facilities. The fees will be placed in accounts administered by the County and will be spent only for the projects listed in Exhibit D. The accounts may be reviewed and adjusted annually and any unused funds would eventually be refunded to the developers.

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

With your Board's approval, the Transportation Mitigation Impact Fees, Infrastructure Plan Fees, and Millerton Specific Plan Fees will be put in place to collect funds, deposited into accounts to be used to mitigate transportation and circulation impacts, for the development of sewer and water facilities, and roadway and park facilities necessary for the development of Tract 4968.

### REFERENCE MATERIAL:

Tract 4968 Traffic Impact Mitigation Costs (March 2018), on file with Department's Development Services and Capital Projects Division

Millerton New Town Infrastructure Plan Facility Fees and Specific Plan Development Fees (June 2008), on file with Department's Development Services and Capital Projects Division

BAI #21, December 7, 2004

BAI #20, December 19, 2000

### ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - D

On file with Clerk - Resolution (Transportation)

On file with Clerk - Resolution (Infrastructure)

On file with Clerk - Resolution (Specific Plan)

CAO ANALYST:

Sonia M. De La Rosa