Legislation Details (With Text)

File #:	18-1181	**Name:**	2008 Public Facilites Impact Fees
		In control:	Public Works & Planning
On agenda:	10/9/2018	**Final action:**	10/9/2018
Enactment date:		**Enactment #:**	Ordinance No. 18-017

Title: Conduct second hearing on and adopt Ordinance amending Title 17 - Divisions of Land, Chapter 17.90 - Public Facilities Impact Fees and Schedule of Fees, of Fresno County Ordinance Code, to discontinue public facilities impact fees established in 2008 but maintaining authorization to establish new public facilities impact fees in the future; and waive reading of Ordinance in its entirety

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Ordinance No. 18-017, 3. Ordinance Redline, 4. Additional Information

Date	Ver.	Action By	Action	Result
10/9/2018	1	Board of Supervisors	Conducted Hearings	Pass

DATE: October 9, 2018

TO: Board of Supervisors

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

Jean M. Rousseau, County Administrative Officer

SUBJECT: 2008 Public Facilities Impact Fees

RECOMMENDED ACTION(S):

Conduct second hearing on and adopt an Ordinance amending Title 17 - Divisions of Land, Chapter 17.90 - Public Facilities Impact Fees and Schedule of Fees, of the Fresno County Ordinance Code, to discontinue public facilities impact fees established in 2008 but maintaining authorization to establish new public facilities impact fees in the future; and waive reading of the Ordinance in its entirety.
Approval of the proposed Ordinance would amend the Ordinance Code to discontinue the public facilities impact fees established in 2008, which have not been collected since 2010 pursuant to prior ordinance amendments, which suspended collection from November 10, 2010 to November 10, 2018. The proposed Ordinance would maintain authority for your Board to consider establishing a new public facilities impact fee program supported by a new capital improvement plan and a new impact fee study. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The Board previously directed staff to develop public facilities impact fees (PFIF) that are structured differently than the PFIF established in 2008, and directed Department of Public Works and Planning staff to prepare a new capital improvement plan (CIP) and impact fee study. The revenue collected from the PFIF established in 2008 cannot be combined with a new PFIF program with a different

structure, and supported by a new CIP and a new impact fee study. If your Board does not amend the Ordinance Code to discontinue the 2008 PFIF program, then the County and cities would become obligated to restart the collection of fees under the 2008 program.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. On June 7, 2016, the Board directed staff to prepare a new CIP to support a new PFIF study. Fees collected under the new program would be deposited into a fund with two silos to expend on qualifying projects to mitigate adverse impacts caused by new development within the cities and in the unincorporated areas of Fresno County upon County public facilities.

DISCUSSION:

The first hearing of this item was conducted on September 25, 2018. At that hearing, the Board waived the reading of the Ordinance in its entirety and set second hearing for adoption for October 9, 2018.

After the Board established PFIF in 2008, severe economic conditions resulted in the Board taking action to amend Chapter 17.90 four times to provide successive temporary suspensions of collection. Cumulatively, the temporary suspensions are in effect from November 10, 2010 to November 10, 2018. Department staff expects that the County will have spent all proceeds of the 2008 PFIF program on qualified projects by November 10, 2018. The proposed Ordinance amendment would discontinue the 2008 program, but maintain authority for the Board to establish a new PFIF program.

On June 7, 2016, the Board directed Department staff to develop a new PFIF program, including a draft CIP and a new impact fee study, with two silos (categories, specifically “General Government” and “Countywide Public Protection”) a decrease from the six silos in the 2008 PFIF program. At that same meeting, the Board directed Department staff to move forward with a request for proposals to engage a consultant to provide options available to establish a PFIF program with only the aforementioned two silos and to prepare a new impact fee study. On March 13, 2017, the County engaged Taussig and Associates for that purpose, and Taussig is preparing a draft study.

Department staff presented a draft of a new CIP at the September 12, 2017 Board Meeting. During that meeting, the Building Industry Association of Fresno/Madera Counties (BIA) requested a delay of 60 days to review the draft CIP and any associated fee ramifications. Staff indicated support of the BIA request, identified to the Board that the then-current temporary suspension of collecting PFIF would expire on November 9, 2017, and requested that the Board provide direction to staff to return to the Board in October 2017 with an ordinance to extend the temporary suspension of fee collection to accommodate the BIA review period. The Board directed staff to return with the aforementioned ordinance in October 2017 and to not return with a proposal for a new PFIF program sooner than July 1, 2018. Staff returned to the Board on October 17, 2017 and October 31, 2017 (first and second readings, respectively), with items extending the temporary suspension for an additional year, to November 10, 2018.

The fees collected under the 2008 PFIF need to be expended, because they cannot be added to, or combined with fees collected in a new program that is structured differently and based on a different CIP and a different impact fee study. Department staff expects that the County will have spent all proceeds of the 2008 PFIF program on qualified projects by November 10, 2018. Therefore, discontinuing the 2008 PFIF program will eliminate the need for any additional fee collection suspensions. If your Board does not amend the Ordinance Code to discontinue the 2008 PFIF program, then the County and cities would become obligated to restart the collection of fees under the 2008 program.

With your Board’s approval, this ordinance amendment will take effect 30 days after.

NOTICES:

Notice of the proposed Ordinance was published in the Fresno Business Journal on September 28, 2018. Department staff previously provided a courtesy notice to the 15 cities within Fresno County, the BIA, and the Fresno County Farm Bureau regarding the second hearing.

CALIFORNIA ENVIORNMENTAL QUALITY ACT (CEQA):

The proposed Ordinance is exempt from CEQA. Your Board's CEQA findings are further set forth in the proposed Ordinance. Specifically, the proposed Ordinance does not have the potential to cause a significant effect on the environment because it does not authorize new development or require it. The proposed Ordinance is not a "project" since it only relates to a governmental funding mechanism or fiscal activities not involving a specific project [see CEQA Guidelines, section 15378(b)(4)]. Further, the proposed Ordinance is exempt from review because it only relates to rates or charges for obtaining funding for capital projects to maintain County services within existing service areas [California Public Resources Code, section 21080(b)(8), and CEQA Guidelines, sections 15061 and 15273(a)(4)].

REFERENCE MATERIAL:

BAI #11, September 25, 2018
BAI #10, March 20, 2018
BAI #12, October 17, 2017
BAI #14, September 12, 2017
BAI #10, June 7, 2016
BAI #47, May 19, 2015
BAI #50, July 10, 2012
BAI #44, November 9, 2010
BAI #32 July 22, 2008

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance
Ordinance Redline

CAO ANALYST:

Sonia M. De La Rosa