



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Text

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**File #:** 18-0961, **Version:** 1

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**DATE:** October 9, 2018

**TO:** Board of Supervisors

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

**SUBJECT:** Transportation Mitigation Impact Fee Agreement for Classified Conditional Use Permit No. 3200 (Saleh Alkobadi)

### RECOMMENDED ACTION(S):

- 1. Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts from development associated with Classified Conditional Use Permit No. 3200, located on the northeast corner of E. Manning and S. Alta Avenues.**
- 2. Approve and authorize Chairman to execute Classified Conditional Use Permit No. 3200 Traffic Impact Fees Agreement with Saleh Alkobadi, for a set transportation mitigation fee in the amount of \$3,378 plus 3% (\$101) for administration of the Public Facilities Fee Fund, effective upon execution.**

**The subject property is located on the northeast corner of E. Manning and S. Alta Avenues, approximately 1.75 miles from the nearest city limits of the City of Reedley.**

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. The fees will provide funds necessary to offset the developer's incremental impacts on area-wide roads. This item pertains to a location in District 4.

### ALTERNATIVE ACTION(S):

The recommended actions are required as a Condition of Approval of Classified Conditional Use Permit No. 3200.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The share of the cost of future road improvements of the development associated with Classified Conditional Use Permit No. 3200 has been calculated to be \$3,378. In addition, the recommended agreement includes a fee of 3% (\$101) of the total fee for administration of the Public Facilities Fee Fund.

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 of Public Works and Planning's Org 4360 budget and spent only for the administration of the program.

### DISCUSSION:

Classified Conditional Use Permit No. 3200, approved by the Planning Commission on March 10, 2009, allowed the development of an agricultural commercial center. The center consists of a mini-mart with fuel sales, auto repair garage, and restaurant to replace an existing mini-mart with fuel sales on a 5.9-acre portion of an 18.77-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the northeast corner of East Manning and South Alta Avenues as shown in Attachment A. Approval of the recommended actions will provide for the fulfillment of a condition of approval required by Classified Conditional Use Permit No. 3200 and Initial Study Application (IS) No. 5758.

Transportation Mitigation Impact Fees to finance and mitigate traffic impacts of new development may be imposed by your Board under the provisions of Fresno County Ordinance Code, Title 17 - Division of Land, Chapter 17.88 - Public Impact Fees. Pursuant to California Government Code, Section 66001, 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
- 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

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.

A detailed study entitled "IS 5758, CUP 3200 Commercial Center (NE corner of Manning and Alta Avenues) Pro-rata Share" dated December 10, 2008 (Cost Study) outlining the then costs of construction of the identified improvements listed in the TIS was prepared by the Department of Public Works and Planning and is included as Attachment B. The estimated cost includes the engineering cost for design and construction administration.

The current estimated cost for construction of the identified improvements is a set Transportation Mitigation Fee of \$3,378 plus 3% (\$101) for administration of the Public Facilities Fee Fund for the development. The fee will continue to be adjusted annually based on the change in the Engineering News Record Construction Cost Index.

With your Board's approval, the set fee being established will be collected prior to the issuance of building permits for any development on the property or would be required prior to occupancy of the project improvements, will be placed in accounts administered by the County, and spent only for the projects listed in Attachment 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.

#### REFERENCE MATERIAL:

BAI #20, March 10, 2009  
File #10213, April 23, 1991

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

Attachment B

On file with Clerk - Agreement

On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa