



# County of Fresno

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

## Legislation Text

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**File #:** 19-0540, **Version:** 1

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**DATE:** July 9, 2019

**TO:** Board of Supervisors

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

**SUBJECT:** Transportation Mitigation Impact Fees for Tract No. 6189 (Phase 2 of Vesting Tentative Tract No. 4968)

**RECOMMENDED ACTION(S):**

**Adopt Resolution establishing Transportation Mitigation Impact Fees to mitigate transportation and circulation impacts for development of Tract No. 6189.**

**The subject property is located on the south side of Millerton Road between Friant and Auberry Roads.**

Approval of the 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. This item pertains to a location in District 5.

**ALTERNATIVE ACTION(S):**

Your Board may deny the recommended action identified above, however, the recommended action is required for fulfillment of the Conditions of Approval associated with Vesting Tentative Tract No. 4968 (VTT 4968), Classified Conditional Use Permit No. 2956, Site Plan Review No. 7082, and Mitigation Measures adopted and/or approved through the associated Initial Study No. 4665. Tract No. 6189 is phase two of VTT 4968.

**FISCAL IMPACT:**

There is no Net County Cost associated with the recommended action. Tract No. 6189's share of the cost of the future road improvements was estimated to be \$11,074 per lot. In addition, the recommended resolution includes an additional fee of 3% of the total improvement costs for the 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 fees paid to the County would be deposited into the Department of Public Works and Planning Org 4360 and spent only for the administration of the program. Sufficient appropriations are included in the Department's Org 4360 FY 2019-20 Recommended Budget.

**DISCUSSION:**

Tract No. 6189 is the second phase of VTT 4968 and will represent the third Final Map in the Millerton Specific Plan area which if recorded will result in a 133-lot subdivision located on the south side of Millerton Road between Friant and Auberry Roads as shown on Attachment A. Adoption of the recommended resolution will provide for the fulfillment of the Tract No. 6189's requirement to mitigate traffic impacts resulting from new development. This requirement must be completed prior to the recordation of the Final Map. The recommended action was required either directly or through the fulfillment of the Conditions of Approval associated with VTT 4968, Classified Conditional Use Permit No. 2956, Site Plan Review No. 7082, and Mitigation Measures adopted and/or approved through the associated Initial Study No. 4665.

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.
- 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 Initial Study No. 4665 for VTT 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 titled *Tract No. 4968 Traffic Impact Mitigation Costs* dated March 2019 (Cost Study) outlining the current costs of construction of the identified improvements listed in the TIA was prepared by the Department and is included as Attachment 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 \$11,406 per lot, including the 3% Administrative Fee. The fee will continue to be adjusted annually based on the change in the Engineering News Record, 20-City Average 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 Attachment B. The accounts will be reviewed annually at a public hearing before your Board. In that annual hearing, your Board shall 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 this annual hearing the Board cannot make the required findings, any unexpended or uncommitted fees, with accrued interest, may be refunded to the then-current owners.

With your Board's approval, the Transportation Mitigation Impact Fees will be imposed to collect funds to be deposited into fund accounts which will be used to mitigate transportation and circulation impacts caused by the development of Tract No. 6189.

REFERENCE MATERIAL:

BAI #16, May 1, 2018  
BAI #21, December 7, 2004  
BAI #20, December 19, 2000

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - B  
On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa