

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE IMPLEMENTING POLICIES FOR THE CITYWIDE REGIONAL STREET AND NEW GROWTH AREA MAJOR STREET IMPACT FEES AS PREVIOUSLY ADOPTED BY RESOLUTION NO. 2007-291 AND AS AMENDED BY RESOLUTIONS NO. 2008-278, NO. 2008-349 AND NO. 2013-27

WHEREAS, on April 24, 2007, Council held a hearing and adopted new impact fees for major streets in the City (“Major Street Fees”) in Resolution Nos. 2007-165 and 2007-166; and

WHEREAS, on June 12, 2007, Council adopted Ordinance No. 2007-47 adding Article 4.10 to Chapter 12 in the Fresno Municipal Code to impose the Major Street Fees on development in the City; and

WHEREAS, Fresno Municipal Code (“FMC”) Section 12-4.1006 of the Major Street Fee Ordinance provided that the Council shall, by resolution, adopt administrative guidelines to provide procedures for the calculation and payment of the Citywide Regional Street Impact Fee and/or the New Growth Area Major Street Impact Fee; reimbursement, credit, or deferred payment of the Citywide Regional Street Impact Fee and/or the New Growth Area Major Street Impact Fee; requirements on when a developer shall construct facilities to be financed by the Citywide Regional Street Impact Fee and/or the New Growth Area Major Street Impact Fee; and any other policies, not limited by the above, related to the administration of the Major Street Impact Fee Program; and

WHEREAS, on August 28, 2007, Council adopted Resolution No. 2007-291, to adopt Implementing Policies for the Citywide Regional Street and New Growth Area Major Street

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

**Resolution Amending the Major Street
Impact Fee Implementing Policies**

Impact Fees (“Implementing Policies”) pursuant to FMC Section 12-4.1006, having been drafted by City staff and the City Attorney’s Office, working with the development community and other interested stakeholders, to implement the Major Street Impact Fees pursuant to FMC Section 12-4.1006; and

WHEREAS, on October 7, 2008, Council adopted Resolution No. 2008-278 to amend the Implementing Policies to provide additional credits related to subdivision maps which had been initiated under the older Urban Growth Management (UGM) fee structure, lost vesting protection under the Subdivision Map Act and were faced with current fees; and

WHEREAS, on December 16, 2008, the Council adopted Resolution No. 2008-349 to amend the Implementing Policies, in order to extend the expiration of the exemption from the Citywide Regional Street Impact Fee, for final maps initiated under UGM, from June 30, 2009 to December 31, 2010; and

WHEREAS, on February 28, 2013, the Council adopted Resolution No. 2013-27 to allow for partial development of a particular parcel of land with a fee calculated commensurate with the developed area; remove any fee-specific restrictions on deferral of fee payment to occupancy and allow for consistency in policies with other City development impact fees and the Fresno Municipal Code; and to dissolve the previously formed Appeals Board, delegating the authority to hear Major Street Impact Fee Appeals to the Public Works Director; and

WHEREAS, during the original August 2007 adoption of the Implementing Policies, the Council directed City staff to monitor the program for unintended consequences and to return to Council with any procedural updates that may be necessary to improve the program; and

WHEREAS, as a result of regular discussions with City staff, key stakeholders including local developers and the Building Industry Association (“BIA”), a proposed amendment to the

Implementing Policies, included herein as Exhibit “A”, has been prepared for Council consideration and approval; and

WHEREAS, the City desires to provide fee credit and reimbursement for curb and gutter along major streets, to provide for improved drainage facilities and to facilitate complete street construction; and

WHEREAS, the City desires to provide fee credit and reimbursement for median island landscaping, rather than impose this as a non-reimbursable exaction on specific developments; and

WHEREAS, the City desires to provide fee credit for trail facilities that are built in place of sidewalks along the frontage of major streets; and

WHEREAS, an updated Nexus Study for the Major Street Impact Fees has been prepared incorporating these modifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, to adopt the amended Implementing Policies, as provided in Exhibit “A”, and directs City staff to implement the amended Implementing Policies, effective immediately.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Raj Singh Badhesha Date

atty:secty[doc name/disk] REV. 05-01-12