

RESOLUTION NO. 2014-02

A RESOLUTION OF
THE FRESNO COUNTY REGIONAL TRANSPORTATION MITIGATION FEE AGENCY
ESTABLISHING A REDUCTION IN RTMF FEE LEVEL FOR CERTAIN INFILL DEVELOPMENT
PROJECTS

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency (the "Board") ordain as follows:

Section 1: Title

This Resolution shall be known as the "Fresno County Regional Transportation Mitigation Fee Infill Project Fee Reduction Resolution of 2014" (the "Resolution").

Section 2: Findings

A. This Resolution establishes a policy for offering certain types of residential infill projects reductions in the "Fresno County Regional Transportation Mitigation Fee" (the "RTMF"), which is part of the "Fresno County Transportation, Safety, Road Repair Measure" approved by the voters of Fresno County on November 7, 2006 (the "Measure 'C' Extension").

B. The Board finds that the Mitigation Fee Act (California Government Code section 66000, et seq.), which provides the legal framework for the RTMF and other impact fees was, after the RTMF came into effect, amended to provide a reduction in fees for infill projects having certain characteristics, unless the local agency adopts findings that such projects would not generate fewer automobile than other developments without those characteristics. The reduction is to reflect the lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these characteristics.

C. The Board finds that a new policy is needed to bring the RTMF into compliance with the Mitigation Fee Act, as amended.

D. The Board finds that studies by the California Air Resources Board and others provide substantial evidence that certain types of infill development projects generate approximately 31 percent less vehicular traffic than similar projects in other types of locations and so have on average fewer traffic impacts requiring mitigation.

E. The Board hereby adopts a new policy establishing a reduction in the RTMF for residential developments meeting certain criteria.

Section 3: Definitions

For the purpose of this Resolution, the following words, terms and phrases shall have the following meanings:

- A. "**Housing Development**" means a development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the floorspace is for residential use.
- B. "**Transit Station**" has the meaning set forth in paragraph (4) of subdivision (b) of the California Government Code Section 65460.1. "Transit station" includes planned transit stations otherwise meeting this definition whose construction is programmed to be completed prior to the scheduled completion and occupancy of the housing development.

Section 4: Policy on Fee Reduction for Residential Infill Development

A. **Eligibility for Fee Reduction.** To be eligible for a fee reduction as a residential infill project a project must meet all of the following criteria:

- i. The housing development is located within one-half mile of a transit station and there is direct access between the housing development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length.
- ii. Convenience retail uses, including a store that sells food, are located within one-half mile of the housing development.
- iii. The housing development provides either the minimum number of parking spaces required by the local ordinance, or no more than one onsite parking space for zero to two bedroom units, and two onsite parking spaces for three or more bedroom units, whichever is less.

If only part of a development project meets these criteria then the reduction shall apply only to that portion meeting the criteria.

B. **Determination of Eligible Areas.** RTMF-JPA staff shall determine which localities in Fresno County meet the criteria in Section 4.A and provide a map of these localities to interested parties.

C. **Applying for the Fee Reduction.** Project developers desiring the reduction must submit evidence that their project, or a portion of their project, lies within the eligible areas identified by RTMF-JPA staff pursuant to Section 4.B. Developers of projects outside these areas may also request the reduction but must provide evidence demonstrating that their project meets the criteria set forth in Section 4.A. The RTMF-JPA shall determine whether or not to grant the reduction based on the evidence provided. All evidence pursuant to this fee reduction is to be submitted as attachments to the Record of Payment.

D. **Amount of Fee Reduction.** The reduction in RTMF fee shall be 31 percent of the fee that would otherwise apply to the development in question.

Section 4: Effective Date

This Resolution shall become effective December 1, 2014.

By: _____

Chairman, Board of Directors

ATTEST:

Secretary to the Board

By: _____