



Board Agenda Item 44

DATE: March 1, 2016

TO: Board of Supervisors

SUBMITTED BY: Bernard Jimenez, Interim Director
Department of Public Works & Planning

SUBJECT: Adopt Resolution Authorizing Conditional Transfer of One Sewer Equivalent Dwelling Unit between properties within County Service Area 31 - Shaver Lake

RECOMMENDED ACTION(S):

Adopt Resolution authorizing conditional transfer of one sewer equivalent dwelling unit from Assessor's Parcel Number 136-350-30 to Assessor's Parcel Number 130-390-76.

The recommended action will approve the conditional transfer of one sewer equivalent dwelling unit (EDU) within County Service Area 31 (CSA 31) and leave Assessor Parcel Number (APN) 136-350-30 with an allocation of one sewer EDU.

ALTERNATIVE ACTION(S):

Your Board may direct owner of APN 130-390-76 to obtain an alternate method of sewage disposal.

FISCAL IMPACT:

There is no net County Cost associated with the recommended action. All costs associated with processing the recommended action is being paid by the Buyer and not charged to CSA 31.

DISCUSSION:

In 1985, a sewer system was installed to provide service to parcels in CSA 31. The system was designed to provide sewer capacity with an allocation based on a parcels then existing and/or proposed use. Currently there is no additional capacity. Therefore, if additional sewer capacity is needed for a proposed change in use or an unanticipated new development, it can only be acquired through a transfer from another property whose owner has determined that it has a sewer entitlement exceeding the amount required for the owner's use thereof or by expanding the physical capacity of the sewer infrastructure and facilities.

A potential new property owner will become aware of the property's right or lack thereof to connect to the CSA 31 sewer system from the current owner of the property during the purchasing process as well as from the Resources Division when requesting building permits.

On February 8, 2000, your Board adopted Resolution No. 00-043. That Resolution established procedures for transferring sewer EDUs from one property to another, subject to authorization by the Board of Supervisors.

The procedures for transferring EDUs are initiated by a letter from a property owner seeking authorization for a proposed EDU transfer. The letter must be submitted to the Resources Division of the Department of Public Works and Planning (Resources Division). The letter must identify the parcels and parties to be involved, state

the number of EDUs being transferred from one parcel to the other, and indicate the intended use of the parcels.

Next, the Resources Division must receive a notarized written request from the owner of the parcel from which the sewer EDUs will be transferred. That request must include a legal description of the transferor parcel and a statement that the person signing the request is the owner of the transferor parcel, or is authorized by the owner of that parcel to enter into the transaction on his or her behalf.

Little Ridge Partners, LLC (Transferee) has proposed a transfer of one EDU from property identified by APN 136-350-30, which is owned by Robert W. Lightfoot and Lori A. Lightfoot, as Trustees of the Lightfoot Family Trust (Transferor), to property identified by APN 130-390-76, which is owned by the Transferee. The parties have submitted written documentation that provides the information, representations, and warranties required by Resolution No. 00-043. Attachment I to this agenda item is a copy of the notarized request form.

The Transferee proposes to develop a single family residential dwelling on APN 130-390-76 in Shaver Lake. The available EDU comes from a merger of two lots located within CSA 31 (Tracts 4932 & 5485) in an "R-1-A" zoning district restricting parcels to one family dwelling unit per lot thus allowing one EDU to remain unused.

The Transferor's property is located in the Timber Ridge subdivision and was formerly two lots described by former APNs 136-350-15 and 136-350-18. The merger of those two lots was approved by the County of Fresno Development Services Division on August 14, 2014, to form APN 136-35-30. Both former lots were classified as class 2 sewer participants under Fresno County Ordinance No. 85-002, "Establishing Rules and Regulations for Sewer Service by Fresno County Service Area 31 (Shaver Lake)" (passed January 8, 1985), indicating a right, once all classification-appropriate fees have been paid, to connect to the CSA 31 sewer system. The Transferor's property, which now has two EDUs, would retain one EDU if this request is granted. The Resources Division approves the proposed EDU transfer and believes that it does not pose a risk to the CSA 31 sewer system infrastructure or capacity.

Approving the recommended action would conditionally approve the transfer of one EDU from APN 136-35-30 to APN 136-390-76 (see Exhibit A). After that conditional approval, the Transferee would then have to deliver to the Resources Division a fully executed and notarized form, including legal descriptions of both the Transferor's property and the Transferee's property, and reciting that the transfer was consummated by the parties' execution of the form.

REFERENCE MATERIAL:

BAI #31, February 8, 2000

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Attachment 1
On file with the Clerk - Resolution

CAO ANALYST:

John Hays