



County of Fresno

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Legislation Details (With Text)

File #: 20-0065

On agenda: 3/24/2020

Final action: 3/24/2020

Enactment date:

Enactment #: Resolution No. 20-102

Title: Adopt Resolution authorizing the conditional transfer of three excess sewer equivalent dwelling units from Lot 1 of Tract 3720 to Assessor's Parcel Number 120-207-05/120-341-02 within County Service Area No. 31 - Shaver Lake

Attachments: 1. Agenda Item, 2. Attachment I, 3. Resolution No. 20-102

Date	Ver.	Action By	Action	Result
3/24/2020	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: March 24, 2020

TO: Board of Supervisors

SUBMITTED BY: Steve White, Director
Department of Public Works & Planning

SUBJECT: Resolution for Conditional Transfer of Three Sewer Equivalent Dwelling Units within County Service Area 31 - Shaver Lake

RECOMMENDED ACTION(S):

Adopt Resolution authorizing the conditional transfer of three excess sewer equivalent dwelling units from Lot 1 of Tract 3720 to Assessor's Parcel Number 120-207-05/120-341-02 within County Service Area No. 31 - Shaver Lake.

Approval of the recommended action will authorize conditional transfer of three excess sewer equivalent dwelling units (EDUs) within County Service Area No. 31 (CSA 31) and leave Lot 1 of Tract 3720 with an allocation of two sewer EDUs. The Transferee has requested the EDU transfer so additional rental units can be built on Assessor's Parcel Number 120-207-05/120-341-02. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may direct the owner of Assessor's Parcel Number (APN) 120-207-05/120-341-02 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 transfer are funded by KZH Properties, LLC (Transferee) 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 existing and then proposed use per parcel. The sewer system is now at full capacity based on the allocations.

Additional sewer units can only be acquired through a transfer of EDUs from an allocated property with excess allocation to another property or by structurally expanding the capacity of the existing sewer system. Not all properties in the CSA 31 area have a right to connect to the sewer system. Prospective buyers are made aware of a property's right to connect, or lack thereof, through the purchasing process and building permit process.

- On February 8, 2000, the Board adopted Resolution No. 00-043, which established procedures for transferring excess sewer EDUs from one property to another, subject to authorization by the Board of Supervisors. The procedures 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) and must identify the parcels and parties to be involved, 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.

The Transferee has proposed a transfer of three EDUs from excess EDUs associated with Lot 1 of Tract 3720, the rights of which are owned by Gordan K. Loo, Bonnie Loo, and Angela Rodriguez (Transferors). The parties have submitted written documentation that provides the information, representations, and warranties required by Resolution No. 00-043. Attachment I is a copy of the notarized request form.

The Transferee proposes to develop four additional one-bedroom and two additional two-bedroom rental units on APN 120-207-05/120-341-02 in Shaver Lake. These two parcels have been merged, but the new APN number has not yet been assigned. The County recognizes that Tract 3720, previously known as Tract 3108, has contributed infrastructure equivalent to 46 sewer EDUs, of these:

- 12 were developed leaving 34 EDUs available for Tract 3720;
- Tract 3720 was recorded with 29 EDUs leaving 5 EDUs available; and,
- 3 of the remaining 5 will be transferred to APN 120-207-05/120-341-02 and the Transferors' property would retain the last two, with your Board's approval.

The Transferors' excess EDUs were conditionally approved for transfer to Shaver Lake Point, LLC by the Board on April 13, 2010 through Resolution No. 10-149, for the development of three residential lots in Shaver Lake on APN 120-301-22, TPM 7921. TPM 7921 has since expired and the transfer of the EDUs was never consummated.

The Transferors' property is classified as a Class 1 Sewer Participant, and the Transferee's property is classified as a Class 3 Sewer Participant 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.

With your Board's approval of the recommended action, the Transferee's parcel will experience a change in use which increases sewage flows, in which case fees will be charged for the additional use in the same manner as a Class 4 connection. The Class 4 connection fee is currently \$2,947.51 per EDU. In addition, your Board's approval would conditionally approve the transfer of three excess EDUs from Lot 1 of Tract 3720 to APN 120-207-05/120-341-02. 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 #55, April 13, 2010

BAI #31, February 8, 2000

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment I

On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa