



County of Fresno

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Fresno, California
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Legislation Text

File #: 16-1695, **Version:** 1

DATE: December 13, 2016

TO: Board of Supervisors

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

SUBJECT: Tentative Parcel Map Application No. 8114 (Thomas Campagna, Nedal Shriesher, Italo Stanziale; Applicants)

RECOMMENDED ACTION(S):

Consider waiver of the \$415.25 Tentative Parcel Map Application Revision filing fee required to modify conditions of approval imposed on Tentative Parcel Map Application No. 8114 for property located on the south side of Reno Avenue between Willow Bluff Avenue and Auberry Road, approximately three quarters of a mile northeast of the City of Fresno (12885 Auberry Road) (SUP DIST.: 5) (APNs: 580-010-20S, 580-010-22).

Approval of the recommended action and submittal of a request by the applicant would initiate the process necessary to formally modify the conditions of approval imposed on Tentative Parcel Map Application No. 8114.

ALTERNATIVE ACTION(S):

The Board may determine not to waive the application filing fee. If this occurs, the applicant could still file the revision application necessary to modify the conditions of approval imposed on Tentative Parcel Map Application No. 8114 by paying the application filing fee.

FISCAL IMPACT:

The Tentative Parcel Map Application Revision filing of \$415.25 (25% of original fee) is a fee established by the Board of Supervisors via the Master Fee Schedule. Approval of the request would result in the Department of Public Works and Planning having to absorb this cost within its existing Department budget. However, approval of the recommended action in this case would not result in significant impacts to the Department's budget.

DISCUSSION:

On June 3, 2014, the Board of Supervisors approved Variance Application No. 3932, allowing creation of an approximate 3.4-acre parcel and two 4.9-acre parcels from an existing 13.09-acre parcel of land located in the AE-20 (Exclusive Agricultural) Zoning District. On November 4, 2014, the Department approved associated Tentative Parcel Map (TPM) Application No. 8114, subject to conditions. Condition of Approval No. 3 imposed on TPM No. 8114 requires annexation of the subject land to existing County Service Area (CSA) 35, Zone AJ prior to recordation of the parcel map. As required by the County's Parcel Map Ordinance Section 17.72.333 and 17.72358 (Easement for Private Road), creation of parcels along private roads must include a mechanism to provide for the improvement and maintenance of the private road. The fundamental purpose is to ensure the safe and adequate access to legally created parcels. In this case, access to the subject property occurs via

Reno Avenue which is a privately (CSA 35, Zone AJ) maintained road.

The applicant initiated the process to comply with Condition of Approval No. 3, and on December 6, 2016, the Board conducted proceedings relating to the applicant's request to annex into CSA 35, Zone AJ. After conducting the required public hearing and considering all submitted written protests, it was determined that a majority of the registered voters residing within the area covered by CSA 35, Zone AJ had protested annexation. As a result, the annexation request initiated by the applicant could not be approved by the Board. Because the annexation request failed, the applicant cannot record a parcel map to create the three subject parcels authorized by Variance Application No. 3932 previously approved by the Board.

The Board then directed that staff return on December 13, 2016, with options to modify and/or delete Condition of Approval No. 3 imposed on TPM No. 8114. Based on the Board's direction, Department staff consulted with County Counsel and has determined that the most appropriate action would be for the applicant to revise previously approved TPM No. 8114 to modify Condition of Approval No. 3 that would allow the applicant to make contributions towards the maintenance of Reno Avenue by a means other than annexation into CSA 35, Zone AJ consistent with Ordinance Code Sections 17.72.333 and 17.72.358 by allowing an alternate method acceptable to the Director of the Department of Public Works and Planning. Staff does not support deletion of the condition because that would conflict with the County's Parcel Map Ordinance provisions that require improvement and maintenance of the private roads. If the recommended action is approved, the applicant will more easily have the opportunity to file a revised Tentative Parcel Map Application thus providing staff the mechanism to develop a modified condition which can provide flexibility to the applicant in satisfying their obligation to contribute to road maintenance.

CAO ANALYST:

John Hays