



Agenda Item

9

DATE: May 21, 2013

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Amendment of Fresno County Ordinance Code Sections 17.48.460 and 17.72.358 (County Wide)

RECOMMENDED ACTION:

Conduct first hearing to consider amending Fresno County Ordinance Code Sections 17.48.460 and 17.72.358 to allow the Director of Public Works and Planning to determine that Home Owner Associations are an acceptable method of providing road maintenance in subdivisions containing any improved local public or private roads. Waive reading of ordinance in its entirety and set the second reading of ordinance for June 11, 2013.

The purpose of this agenda item is to present the Board with a proposed amendment to the Fresno County Ordinance Code Sections 17.48.460 and 17.72.358, clarifying language in those sections to allow Home Owner Associations to be responsible for the maintenance of roads in subdivisions containing any improved local public or private roads.

ALTERNATIVE ACTION(s):

If the recommended action is not approved, Fresno County Ordinance Code Sections 17.48.460 and 17.72.358 will remain as they are.

FISCAL IMPACT:

There is no net County cost associated with the recommended action. Costs associated with this agenda item are funded by carryover funds, interest income and annual assessments paid by the benefitting property owners within the districts petitioning for dissolution.

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE May 21, 2013

APPROVED AS RECOMMENDED

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OTHER



Official Action of
Board of Supervisors

Deputy

UNANIMOUS ☒ BORGEAS _____ CASE _____ LARSON _____ PEREA _____ POOCHIGIAN _____

IMPACTS ON JOB CREATION:

The recommended action has no impact on the creation of jobs.

DISCUSSION:

The Department is responsible to provide maintenance of roads for 80 County Service Area (CSA) zones of benefits and 5 Maintenance Districts throughout Fresno County. Recently the Department has received requests from property owners in two different zones of benefit within CSA 35 (a countywide CSA) requesting to dissolve their respective zones and assume the road maintenance responsibility through their respective Homeowners Associations (HOA). The property owners have made these requests because they wish to install gates and restrict public access to their respective zones of benefit.

During the review of these requests it was discovered that language within Fresno County Ordinance Code Sections 17.48.460 and 17.72.358 appears to preclude the Board from moving forward with these requests for dissolution. Section 17.48.460 of the Ordinance Code currently states: *"Prior to the recordation of the final map of a subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a county service area or other method acceptable to the director. Property owners associations may be used for planned unit developments and condominium projects only."* Section 17.72.358 is nearly identical, but relates to parcel maps instead of final maps.

Staff does not believe that the intent of the Ordinance Code was to preclude HOAs from assuming responsibility for road maintenance in subdivisions that are not planned unit developments or condominium projects.

Staff recommends the Ordinance be amended so that the following sentence is deleted from sections 17.48.460 and 17.72.358: *"Property owners associations may be used for planned unit developments and condominium projects only."*

If your Board approves the recommended action and adopts the proposed ordinance after the second reading on June 11, 2013, staff will return to your Board in Fiscal Year 2013-14 with a recommendation to initiate proceedings to consider dissolution of the two zones currently requesting dissolution. The two zones are CSA 35, zone BN, "Whispering Willow," and CSA 35, zone AI, "Round Mountain."

Exhibit A shows the additions and the deletions to the Ordinance sections.

EXHIBIT A

PROPOSED AMENDMENTS TO F.C.O.C. SECTIONS 17.48.460 AND 17.72.358

Fresno County Ordinance Code Sections

17.48.460 - Improvements—Maintenance.

A. Public and Private Roads. Prior to the recordation of the final map of a subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a county service area or other method acceptable to the director. ~~Property owners associations may be used for planned unit developments and condominium projects only.~~

17.72.358 - Improvements—Maintenance.

A. Public and Private Roads. Prior to the recordation of the parcel map of a subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a county service area or other method acceptable to the director. ~~Property owners associations may be used for planned unit developments and condominium projects only.~~