

**FRESNO COUNTY REGIONAL TRANSPORTATION
MITIGATION FEE AGENCY
AGENDA**

Date: September 29, 2011

Time: Immediately Following Fresno Council of
Governments Policy Board Meeting

Place: COG Sequoia Room
2035 Tulare Street, Suite 201, Fresno, CA

<i>Item</i>	<i>Description</i>	<i>Enclosure</i>	<i>Action*</i>
I.	Election of Chair and Vice Chair		
II.	Minutes of October 28, 2010	Yes	Approve
III.	Appeal : Jim Gregory 1167 Princeton Avenue Hanford, CA 93230 Site Address: 20674 S. Fowler Avenue, Laton, CA; Building Permit #11 101 492 FC, Parcel Number 57-151-10	Yes	Direction
IV.	OTHER BUSINESS A. Items from Staff B. Items from Members		
V.	PRESENTATIONS A. Public Presentations This portion of the meeting is reserved for persons wishing to address the Board on items within its jurisdiction but not on this agenda. Note: Prior to action by the Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.		

*Items listed as information still leave the option for guidance/direction actions by the Committee.

**All enclosures are available on our website at www.fresnocog.org – Committees and Agendas

**FRESNO COUNTY REGIONAL TRANSPORTATION
MITIGATION FEE AGENCY
EXECUTIVE MINUTES**

Date: October 28, 2010
Time: Immediately Following Council of Fresno County
Governments Policy Board Meeting
Place: COG Sequoia Room
2035 Tulare Street, Suite 201, Fresno, CA

Members Present: Mayor Dennis Lujan, City of Selma, Vice Chair
Mayor Pro Tem Jose Flores, City of Clovis
Mayor Ron Lander, City of Coalinga
Mayor Javier Marquez, City of Firebaugh
Mayor Ashley Swearengin, City of Fresno
Mayor Ramon Dominguez, City of Huron
Mayor Bruce Blayney, City of Kingsburg
Mayor Robert Silva, City of Mendota
Mayor Victor Lopez, Orange Cove
Mayor Armando Lopez, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Amarpreet Dhaliwal, City of San Joaquin
Mayor Victor Ruiz, City of Sanger
Supervisor Judy Case, County of Fresno

Janelle Kelley, Legal Counsel
Tony Boren, Executive Director
Les Beshears, Finance Director

The meeting was called to order by Mayor Lujan (Selma) at 8:06 p.m. There were 14 members present representing 97.89% of the population and there was a quorum. (Clovis, Coalinga, Firebaugh, Fresno, Huron, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma and Fresno County).

I. Minutes of September 30, 2010

A motion was made by Mayor Lander (Coalinga) and seconded by Mayor Marquez (Firebaugh) to approve the minutes as written. A vote was called for and the motion carried.

II. Cooperative Agreement Between the Transportation Authority and Fresno County Regional Transportation Mitigation Fee Agency

Mr. Beshears (Fresno COG) presented this item and highlighted the responsibilities of each Agency.

A motion was made by Mayor Blayney (Kingsburg) and seconded by Mayor Lander (Coalinga) to adopt the Agreement for Allocation of Responsibilities for Implementation and Administration of the Regional Transportation Mitigation Fee Program. A vote was called for and the motion carried.

III. Adoption of Appeals Process Resolution 2010-02

Mr. Beshears (Fresno COG) summarized this item and noted the Transportation Authority has asked that the FCRTMFA assume the responsibility for the appeals process. The appeals process was discussed at the September meeting in anticipation of this responsibility being transferred to this Agency. Two different

options were offered for the appeals process – one requiring payment of the fee up front and the other not requiring payment of the fee prior to initiating an appeal.

A motion was made by Mayor Blayney (Kingsburg) and seconded by Mayor Pro Tem Flores (Clovis) to adopt Resolution 2010-02 setting forth the Appeals Process with the Option One language requiring payment of the fee prior to appeal. A vote was called for and the motion carried.

IV. Community Medical Center Appeal (Terry's House)

Mr. Beshears (Fresno COG) introduced this item and noted that Community Medical Center had paid the \$13,517.90 fee for Terry's House and submitted a letter requesting the Agency waive the fee. Denise Goodman, manager of Terry's House, presented their appeal and asked that the fee be waived based on the fact that Terry's House will limit trips due to families being able to stay close to the hospital while their loved ones recuperate and not have to drive back and forth each day.

A motion was made by Mayor Blayney (Kingsburg) and seconded by Supervisor Case (Fresno County) to waive the \$13,517.90 fee for Terry's House. A vote was called for and the motion carried.

V. Other Business

- A. Items from Staff
- B. Items from Members

There were no items from Staff or Members.

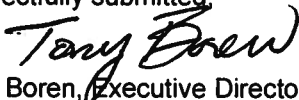
VI. Presentations

A. Public Presentations

There were no public presentations.

A motion to adjourn was made by Mayor Pro Tem Flores (Clovis) and seconded by Mayor Marquez (Firebaugh). A vote was called for and the motion carried. The meeting was adjourned at 8:14 p.m.

Respectfully submitted,



Tony Boren, Executive Director
Council of Fresno County Governments

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Fresno County Regional Transportation Mitigation Fee Agency
Executive Minutes, October 28, 2010
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Attachment A
Observers and Non-Members
October 28, 2010

Scott Anderson, Terry's House
Leta Cravaglia, Terry's House
Denise Goodman, Community Regional Medical Center
Marla Day, Fresno COG
Toni Graham, Fresno COG

Regional Transportation Mitigation Fee Appeal Request

Date Received: June 27, 2011

Name: Jim Gregory
Address: 1167 Princeton Avenue
Hanford, CA 93230

Site Address: 20674 S. Fowler Avenue, Laton, CA; Building Permit #11 101 492 FC, Parcel Number 57-151-10

Facts:

On June 27, 2011, A package was received from named appellant above containing a letter indicating payment of the Regional Transportation Mitigation Fee (RTMF) fee under protest, a check in the amount of \$1,450.00, as well the paperwork needed to appeal payment of the RTMF fee.

Exhibit A: Letter received from appellant indicating intent to appeal payment of the RTMF fee.

On June 29, 2011, an email response was sent by staff acknowledging receipt of payment and a request was made for the \$25 processing fee that was not included with the initial check. Also included within the email are staff findings of the investigation into the appellant's grounds for an appeal.

Exhibit B: Letter sent to applicant in response to Intent to Appeal the RTMF

Background:

The property in question is a 50 by 150 lot within the unincorporated community of Laton. In 1985, there was a 384 square foot house with detached shed on the lot that removed or demolished. The appellant is protesting payment of the RTMF on the grounds that since the proposed structure is a 'replacement', it should be exempt from payment of the RTMF fee.

Exhibit C: Documentation supporting the removal of a structure in 1985

Findings

The Regional Transportation Mitigation Fee Nexus Study is a traffic-impact study that determines land use impacts upon transportation infrastructure in Fresno County. It is the foundation on which the RTMF fee is based.

The documentation provided by the Appellant shows that a small house and detached shed was demolished in 1985. Staff position is that the parcel in question has not generated a traffic impact since 1985. When the Nexus Study was completed in February 2009, there was not a traffic impact associated with the lot in question incorporated into the study. As a result, the proposed development represents a 'new' traffic impact for the purposes of the RTMF fee and the fee is thus applicable.

Staff Recommendation:

The RTMF fee is applicable to the parcel in question as the proposed development represents a 'new' traffic impact according to the 2009 RTMF Nexus Study

RECEIVED

JUN 27 2011

BY:

111110604

Jim Gregory
1167 Princeton Ave.
Hanford, CA 93230

June 23, 2011

Regional Transportation Mitigation Fee Joint Powers Agency
2035 Tulare Street, Suite 201
Fresno, CA 93721-2004

Re: Site Address: 20674 S. Fowler Ave., Laton; Building Permit # 11 101 492 FC

Dear Sir:

Enclosed is check number 1010 for \$1,450 for a single family dwelling, for the transportation mitigation fee.

I am sending this check for payment under protest, that the fee is not justified. I am formally requesting that the fee be appealed.

This is a 50 foot by 150 foot lot within the unincorporated community of Laton. I checked with the Fresno County Assessor's office and was given the two enclosed supporting documents. In 1985, there is on record a 384 square foot house and detached shed on the lot. The supporting documents indicate the house was apparently removed or demolished in 1985. My protest of the transportation mitigation fee is because there was a prior residence on the lot, and a fee for RTMFJPA should not be applied to the current project, of putting a replacement house on the same lot.

Enclosed are 22 copies of the two supporting documents which were provided by the Fresno County Assessor's Office.

Sincerely,



Jim Gregory

Todd Sobrado

We have received Regional Transportation Mitigation Fee application #21077 in addition to check number 1010 for \$1,450 along with your intent to appeal the RTMF fee. However, we are unable to proceed with your request for an appeal since the requirement under Gov. Code SS 66020(a)(1) has not been satisfied. Gov Code SS 66020(a)(1) states that the fee needs to be paid in full in order to proceed with your request. To be deemed complete, a \$25 handling fee needs to be received. The RTMF fee for your project is \$1,450 for a single family dwelling plus a \$25 handling fee for a total fee amount of \$1,475. Once the \$25 handling fee is received, we will proceed with your request to appeal the Fee.

Upon satisfaction of the RTMF fee, Fresno COG staff will release a notice of public hearing pertaining to your project. A hearing date will be determined at the time that the Notice of Public Hearing is issued. You are welcome to attend and testify on your behalf at the Public Hearing for your project.

At the Public Hearing for your project, Fresno COG staff will recommend to the RTMF board that your request for appeal be rejected on the grounds that at the time that the Nexus Study was completed in February 2009, your land had been free of the building in question for 24 years. As a result, there are no pre-existing traffic impacts associated with parcel 57-151-10.

Your development on parcel number 57-151-10 approved by Fresno County Building Permit Number 11 101 492 does create traffic impacts upon the transportation infrastructure that the RTMF fee helps to pay for. As a result, your project is subject to the RTMF fee in the amount of \$1,475.00 for a single family residence provided the fee is paid before December 31, 2011.



Department of Health

Donald R. Rowe
Director

Rehabilitation or Demolition Clearance Notice

September 3, 1985

TO: ☒ Fresno County Assessor's Office
☒ Fresno County Planning Department
☐ Building Inspector, City of _____
(INCORPORATED CITY ONLY)
☒ Resources & Development

The following structure/s have been:

- ☐ Rehabilitated
☒ Demolished
☐ Converted to Permanent Storage

Assessor's Parcel Number: 57-151-10

Address: 20674 South Fowler, Laton

Within Incorporated City: Yes XXXX
No

Inspection dated: June 24, 1985

Mobile Home: (Number of units) _____

Single Family: (Number of units) 1

2 - 4 Units: Structures _____ Units _____

5 - 9 Units: Structures _____ Units _____

10 or more Units: Structures _____ Units _____

Other _____

Donald R. Rowe
VKM:kg (Registered Sanitarian)

PARCEL 151 - 152

SHEET	2	OF	2	SHEETS
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CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF	LIGHTING	AIR CONDITION	ROOM AND FINISH DETAIL
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ROL 12-10-65

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