




COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-11

For the meeting of: May 9, 2017

Date: April 17, 2017

To: Board of Supervisors

From: John H. Ford, Director of Planning and Building 

Subject: Adoption of an Ordinance amending Chapter 7.5, Division 2 of Title III of the Humboldt County Code relating to merger of parcels

RECOMMENDATION(S):

That the Board of Supervisors adopt Ordinance No. 2574, amending Chapter 7.5, Division 2 of Title III of the Humboldt County Code relating to merger of parcels.

SOURCE OF FUNDING: The ongoing implementation of this ordinance will be funded with fees collected by the Building Inspection Division and Current Planning Division with issuance of building and land use permits. The funding for the ordinance revisions have come from 1100-268.

DISCUSSION: On April 25, 2017, your Board introduced the above ordinance for adoption; with a directive to the Clerk of the Board to publish a pre-adoption summary of the ordinance and set the ordinance for adoption on May 9, 2017. This action completes adoption of the ordinance and will result in publication of a post-adoption summary.

FINANCIAL IMPACT: There is no specific budget allocation for these proposed revisions. The minor revisions to the county's Subdivision Ordinance is consistent with the Board's Strategic Framework through the Board's core roles of enforcing laws and regulations to protect residents and ensuring proper operation of markets.

Prepared by Cliff Johnson, Senior Planner CAO Approval 

REVIEW: Auditor _____ County Counsel NAP Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: May 9, 2017

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Fennell Seconded by Supervisor Wilson
Ayes Fennell, Bass, Bahn, Wilson
Nays _____
Abstain _____
Absent Sundberg

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: May 9, 2017
By: 
Kathy Hayes, Clerk of the Board

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to adopt the ordinance, or to schedule the ordinance for adoption at a future date. Staff does not recommend either of these alternatives because the Board has previously introduced the ordinance and published the pre-adoption summary.

ATTACHMENTS:

1 –Ordinance, summary and code pages

ATTACHMENT 1

Proposed Ordinance, summary and code pages

Text deleted is shown as ~~strikethrough~~

Text added is shown as underlined

SUMMARY FOR PUBLICATION PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published and a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the proposed ordinance is to be adopted.)

SUMMARY

On _____, 2017, at its regularly scheduled Board meeting, the Humboldt County Board of Supervisors will consider for adoption a proposed ordinance amending Sections 327.5-2 of Chapter 7.5 of Division 2 of Title III of the Humboldt County Code regarding merger of contiguous parcels.

The text of the proposed ordinance is available from the Clerk of the Board, Room 111, 825 Fifth Street, Eureka, CA.

SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE

(The summary shall be published within fifteen (15) days after the adoption of the ordinance.)

SUMMARY

On _____, 2017, the Humboldt County Board of Supervisors adopted Ordinance No. _____, amending Sections 327.5-2 of Chapter 7.5 of Division 2 of Title III of the Humboldt County Code regarding merger of contiguous parcels.

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors.

The votes were:

AYES:

NOES:

ABSENT:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 9, 2017

**ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
AMENDING CHAPTER 7.5 OF DIVISION 2 OF TITLE 111 TO THE HUMBOLDT COUNTY
CODE RELATING TO MERGER OF CONTIGUOUS PARCELS**

ORDINANCE NO. 2574

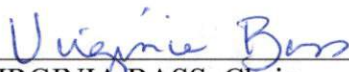
The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Sections 327.5-2 of Division 2 of Title III is hereby amended as shown on the attached pages.

SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 9th day of May, 2017 on the following vote, to wit:

AYES:	Supervisors	Fennell, Bass, Bohn, Wilson
NOES:	Supervisors	--
ABSENT:	Supervisors	Sundberg



VIRGINIA BASS, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Ana Hartwell, Deputy

327.5-1. PURPOSE.

The County of Humboldt had a merger ordinance in existence prior to January 1, 1984. This chapter is enacted for the purpose of amending the existing merger ordinance of the County of Humboldt (previously Humboldt County Code § 317-64) to bring it into compliance with Article 1.5 of Chapter 3 of Division 2 of Title

7 of the California Government Code (§§ 66451.10 et seq.); to provide for the continued merger of certain resource lands merged by operation of law prior to January 1, 1984; and to provide for voluntary merger of parcels of land. Article II of this Chapter shall only be implemented on parcels within the County which are zoned Timberland Production Zone and parcels which are enforceably restricted by a Williamson Act Contract. Article III of this chapter shall only be implemented on parcels within the County which are enforceably restricted by a Williamson Act Contract. In restricting the application of Article III of this chapter to parcels which are enforceably restricted by a Williamson Act Contract, the Board of Supervisors finds that the preservation of mergers of these resource lands which merged by operation of law prior to January 1, 1984, as provided for in Article III, is necessary to aid in preserving the integrity of the Williamson Act program in Humboldt County, to aid in the enforcement and prevention of violations of the Williamson Act (Government Code §§ 51200 et seq.) and local regulations adopted pursuant thereto. (Ord. 1762, 12/09/86)

327.5-2. DEFINITIONS.

Except as otherwise provided, when used in this chapter, the following terms shall have the following meanings: (Ord. 1762, 12/09/86)

(a) "Advisory Agency" means the Planning Commission; provided, that the Planning Commission may designate the Planning Director to act as the Advisory Agency. (Ord. 1762, 12/09/86)

(b) "Contiguous" means touching or adjoining at ~~more than one~~ a point or along a boundary. Property shall be considered contiguous even if it is separated by roads, streets, utility easements or railroad rights-of-way. As to new and continued merger of resource lands pursuant to Article II and Article III of Chapter 7.5, "contiguous" parcels shall only merge when they are touching or adjoining at more than one point. (Ord. 1762, 12/09/86, Ord. _____, _____, 2017)

(c) "Merged by operation of law" means the merger of parcels by or through the law without any direct action by the County (other than adoption of applicable ordinances) or by the property owner. As used in this section, "merged by operation of law" refers to the merger of parcels pursuant to the provisions of the Humboldt County Code and/or the State Subdivision Map Act in effect prior to January 1, 1984. The term "merged by operation of law" does not include voluntary mergers by action of the owner, or merger pursuant to the provisions of Article II of this chapter. (Ord. 1762, 12/09/86)