



COUNTY OF HUMBOLDT

For the meeting of: 10/6/2020

File #: 20-1260

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Release from Conveyance and Agreement to Allow Construction of Multifamily Residential Units on Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647 (Former APN 508-252-001) of the Central Estates Phase 2C Final Map Subdivision; Case Number FMS-07-08.

RECOMMENDATION(S):

That the Board of Supervisors:

1. Consider the application;
2. Authorize the Chair of the Board to execute the Quitclaim and Partial Reconveyance (for Development Restrictions);
3. Direct Planning and Building Department to record the Quitclaim and Partial Reconveyance (for Development Restrictions); and
4. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party and to return original copies to the Planning Department for recording.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

The Planning and Building Department requests a Quitclaim and Partial Reconveyance (for Development Restrictions) to allow construction of multifamily dwelling units on Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647 (Former APN 508-252-031) of the Central Estates Phase 2C Final Map Subdivision (File No.: APN 508-252-031; Case No.: FMS-07-08). The parcels are located on Sagewood Way in the McKinleyville area and are identified as Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647 of the Central Estates Phase 2C Final Map Subdivision.

The Subdivision was filed with the Humboldt County Recorder on July 21, 2015 as Tract Map No. 647 in Book 25 of Maps, Pages 48 through 51. The project involved subdivision of 33+ acres zoned R-3 into 165 lots which will accommodate 258 dwelling units, which includes 86 single-family lots (86

dwelling units), 73 'urban type lots' to accommodate 81 townhouse or similar type dwelling units and 88 multi-family units, and 6 miscellaneous lots for drainage, trails, and recreation. A conditional use permit was approved for the single-family lots and is justified due to the fact that overall, the Planned Unit Development (PUD) meets the mid-point of the density range for the land use and zone. Pursuant to the Quimby Act, subdivisions require dedication of land, or the payment of a fee, for the development of parkland to serve recreational needs of new residents of the subdivision. The subdivider was required to satisfy one of the following requirements: (1) an offer of dedication of useable open space land to a public or private non-profit agency for public park or recreation use set forth in Section 314-110.1.5 of the Humboldt County Code; or (2) payment of a Parkland "In-Lieu Fee" consistent with the formula of Section 314-110.1.6. Pursuant to County Code, payment of the Parkland In-Lieu Fee may be deferred by entering into a Conveyance and Agreement with the county. The agreement provides that the county will quitclaim back to the owner the right to develop multifamily residential units on Lot 11, 12, 13, 53, 54, 61 and 62 upon their payment of the pro-rated In-Lieu Fee amount.

The subdivider opted to defer Parkland In-Lieu Fees for multifamily units by executing a Conveyance and Agreement (for Development Restrictions) (Attachment B). The agreement was recorded with the Humboldt County Recorder on July 21, 2015, as Instrument Number 2015-014150-6.

The current owner, James Furtado, Manager of Central Estates Remainder, LLC, requests a Quitclaim and Partial Reconveyance (for Development Restrictions) to allow construction of multifamily dwelling units on Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647 and have submitted a check in the amount of \$24,544 which reflects the pro-rata fee per lot (\$767.00 x 32 units).

The requirements of County Code and the agreement having been satisfied, Planning Division Staff supports the release from the Agreement for Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647. Planning Division Staff recommends that your Board approve the release and direct the Chair to execute the Quitclaim and Partial Reconveyance (for Development Restrictions).

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for all costs involved in processing the request. Recording fees will be paid by the applicant.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing for and maintaining infrastructure type in or leave blank.

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The terms of the Conveyance and Agreement require the Board to execute the reconveyance upon a showing that the pro-rata parkland in-lieu fee has been paid to the county. James Furtado has made this payment and has requested reconveyance. The Board could continue the matter to a future meeting if

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there is a question as to the calculation of the pro-rata fee or the submitted documentation.

ATTACHMENTS:

Attachment A: Quitclaim and Partial Reconveyance (for Development Restrictions)
(Original plus a copy for conformed copy)

Attachment B: Conveyance and Agreement (for Development Restrictions), Instrument
No. 2015-014150-6 (recorded July 21, 2015)

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A