



# COUNTY OF HUMBOLDT

For the meeting of: 9/11/2018

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File #: 18-1133

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To: Board of Supervisors

From: Planning and Building Department

SUBJECT:

Release from Conveyance and Agreement to Allow Construction of Second Residential Unit on Lots 6,7,23, and 32 of the Central Estates II Final Map Subdivision Phase IID.

Assessor Parcel Number (APN) 508-252-031

Case Number FMS-07-08

RECOMMENDATION(S):

That the Board of Supervisors consider the application; authorize the Chair of the Board to execute the Quitclaim and Partial Reconveyance (for Development Restrictions) for Lots 6, 7, 23, and 32 of the Central Estates II Final Map Subdivision (Attachment A); direct the Planning and Building Department to record the Quitclaim and Partial Reconveyance (for Development Restrictions); and 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 Division for recording.

SOURCE OF FUNDING:

Source of Funding is the Planning and Building Department, Current Planning (budget unit 277). The applicant is responsible for all costs incurred in the processing of the Quitclaim and Partial Reconveyance.

DISCUSSION:

The applicant, requests a Quitclaim and Partial Reconveyance (for Development Restrictions) to allow for the construction of secondary dwelling units on Lots 6, 7, 23, and 32 (currently APN 508-252-031) of the Central Estates II Final Map Subdivision (Case No. FMS-07-08). The parcel is located in the McKinleyville area. Lots 6 and 7 are located on the north side of Conifer Court; Lot 23 is located on Edaline Avenue; and, Lot 32 is located on Linda Way (Attachment B).

The lots are located in Phase 2D of the Subdivision, recorded with the Humboldt County Recorder as Tract Map No. 651 in Book 25 of Maps, pages 69-71. The project involved subdivision of 33± acres zoned R-3 into 165 lots that 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 due to the fact that the PUD development meets the mid-point of the density range for the land use and zoning.

The zoning allows development of a primary residence and secondary dwelling unit pursuant to Humboldt County Code 314-87.1. 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 In-Lieu Fee for a secondary dwelling unit 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 a secondary dwelling unit upon their payment of the pro-rated In-Lieu Fee amount.

The subdivider opted to defer Parkland In-Lieu Fees for second units on most lots by executing a Conveyance and Agreement (for Development Restrictions) (Attachment C). The Agreement was recorded with the Humboldt County Recorder on July 14, 2015 as Instrument No. 2015-014150-6.

The current owner, James Furtado, presently requests a release from the Agreement for the above-mentioned lots. Mr. Furtado requests a Quitclaim and Partial Reconveyance (for Development Restrictions) to allow construction of a secondary dwelling units on Lots 6, 7, 23, and 32 and has submitted a check in the amount of \$3,068 (\$767 per lot), which reflects the pro-rata fee for said lots.

The requirements of County Code and the Agreement have been satisfied, therefore it is appropriate to release from the Agreement Lots 6, 7, 23, and 32. 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. The applicant has paid the \$100 legal document review fee, \$15 notary fee and \$100 deposit for conformance review with conditions per the approved Schedule of Fees and Charges and Planning Division Permit Application Fees. Recording fees will be paid by the applicant in the amount of \$111.

**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. Mr. Furtado has made this payment and has requested reconveyance. The Board could continue the matter to a future meeting if 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: Location Map
- Attachment C: Conveyance and Agreement (for Development Restrictions),  
Instrument No. 2017-016307, (recorded September 7, 2017)

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A  
Meeting of: N/A