



COUNTY OF HUMBOLDT

For the meeting of: 8/28/2018

File #: 18-1035

To: Board of Supervisors

From: Planning and Building Department

SUBJECT:

Release from Conveyance and Agreement to Allow Construction of Secondary Dwelling Unit on Lot 1 (APN 510-091-070) of the Eckart Final Map Subdivision; Case Number PRK-18-002

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); 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:

Applicant fees.

DISCUSSION:

The Planning and Building Department requests a Quitclaim and Reconveyance (for Development Restrictions) to allow construction of a secondary dwelling unit on Lot 1 (APN 510-091-070) of the Kincaid Court Final Map Subdivision (File No.: APN 510-091-024; Case No.: FMS-08-95). The parcel is located in the McKinleyville area on the southeast corner of Murray Road and Strating Court, on the property known as 1532 Murray Road (Attachment B).

The Subdivision was filed with the Humboldt County Recorder on March 1, 2000 as Tract Map No. 512 in Book 22 of Maps, pages 95 and 96. The project involved subdivision of an approximately one acre parcel into seven lots. The property is zoned for Residential Single Family development (R-1*). The zoning allows for development of a primary residence and Secondary Dwelling Unit also known as an Accessory 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 by executing a Conveyance and Agreement (for Development Restrictions) (Attachment C). The Agreement was recorded with the Humboldt County Recorder on April 5, 2000, as Instrument Number 2000-7082-6.

The original subdivider, Roger Eckart, transferred ownership of Lot 1 (APN 510-091-024) to Phillip and Deborah Lazzar in 2018, as Instrument Number 2018-000206. The current owners request a Quitclaim and Reconveyance (for Development Restrictions) to allow construction of a secondary dwelling unit on Lot 1 and have submitted a check in the amount of \$214.11 which reflects the pro-rata fee for said lot.

The requirements of County Code and the Agreement having been satisfied, Planning Division Staff supports the release from the Agreement for Lot 1. Planning Division Staff recommends that your Board approve the release and direct the Chair to execute the Quitclaim and 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. This action is consistent with the Board's Strategic Framework through the Board's priorities to retain existing and facilitate new living wage private sector jobs and housing.

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. The Lazzars have made this payment and have 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)

Attachment B: Location Map

Attachment C: Conveyance and Agreement (for Development Restrictions), Instrument
No. 2000-7082-6 (recorded April 5, 2000)

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A.

Meeting of: N/A.