



COUNTY OF HUMBOLDT

For the meeting of: 2/26/2019

File #: 19-114

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Release from Conveyance and Agreement to Allow Construction of Second Residential Unit on Lot 20 of the Central Estates II Final Map Subdivision Phase IID; Assessor Parcel Number (APN) 508-402-020; Case Number FMS-07-08

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair of the Board to execute the Quitclaim and Partial Reconveyance (for Development Restrictions) for Lot 20 of the Central Estates II Final Map Subdivision (Attachment A);
2. Direct the Planning and Building Department to record the Quitclaim and Partial Reconveyance (for Development Restrictions); and
3. 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 (#277). The applicant is responsible for all costs incurred in the processing of the Quitclaim and Partial Reconveyance (for Development Restrictions), including legal document review and document recordation fees.

DISCUSSION:

The Planning and Building Department, Planning Division, requests a Quitclaim and Partial Reconveyance (for Development Restrictions) to allow construction of a secondary dwelling unit on Lot 20 (currently APN 508-402-020) of the Central Estates II Final Map Subdivision (Case Number FMS-07-08). The parcel is located in the McKinleyville area at 1815 Edaline Avenue.

The lot is located in Phase 2D of the Subdivision, which was 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 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. The zoning allows for 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 B). The Agreement was recorded with the Humboldt County Recorder on July 14, 2015 as Instrument Number 2015-014150-6.

The current owner, James Furtado presently requests a release from the agreement for the above-mentioned lot. Mr. Furtado requests a Quitclaim and Partial Reconveyance (for Development Restrictions) to allow construction of a secondary dwelling unit on Lot 20 and has submitted a check in the amount of \$767 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 20. 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 \$120 legal document review fee, \$15 notary fee and \$120 deposit for conformance review with conditions per the approved Schedule of Fees and Charges, Planning Division Permit Application Fees. Recording fees will be paid by the applicant in the amount of \$108. These fees are in addition to the \$767 paid for the pro-rata fee for the Quitclaim and Partial Reconveyance of lot 20.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing for and maintaining infrastructure
Click here to type another item(s) from the Strategic Framework, or leave as a period.

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 but otherwise this action is meeting the objective of imposing the Conveyance and Agreement and should be approved.

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 14, 2015)

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A.

Meeting of: N/A.

File No.: N/A.