



Board Report

File #: 16-818, **Version:** 1

PLN020508 - Briggs Investment Company

- a. Accept the Parcel Map for the Briggs Minor Subdivision to subdivide a 334.95 acre parcel into four total lots, consisting of three lots of 20 acres each (Parcels B1, B2, and B3), one lot of 29.9 acres (Parcel B-4), and one remainder parcel of 245.05 acres (Parcel A);
- b. Accept the Tax Clearance Letter and the Parcel Map Guarantee;
- c. Approve the Subdivision Improvement Agreement and Authorize and Accept the Deed of Trust;
- d. Authorize the Chair of the Board to execute the Subdivision Improvement Agreement; and
- e. Direct the Clerk of the Board to submit the Parcel Map, the Subdivision Improvement Agreement and the Deed of Trust for recording, with recording fees paid by the applicant.

Proposed CEQA Action: Statutorily Exempt per Section 15268(b)(3).

(376 Corral de Tierra, Toro Area Plan)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Accept the Parcel Map for the Briggs Minor Subdivision to subdivide a 334.95 acre parcel into four total lots, consisting of three lots of 20 acres each (Parcels B1, B2, and B3), one lot of 29.9 acres (Parcel B-4), and one remainder parcel of 245.05 acres (Parcel A);
- b. Accept the Tax Clearance Letter and the Parcel Map Guarantee;
- c. Approve the Subdivision Improvement Agreement and Authorize and Accept the Deed of Trust;
- d. Authorize the Chair of the Board to execute the Subdivision Improvement Agreement; and
- e. Direct the Clerk of the Board to submit the Parcel Map, the Subdivision Improvement Agreement and the Deed of Trust for recording, with recording fees paid by the applicant.

PROJECT INFORMATION:

Planning File Number: PLN020508

Owner: The Briggs Investment Company, a California General Partnership

Project Location: 376 Corral de Tierra, Salinas

APN: 151-041-030-000 and 151-041-031-000

Zoning: RC/10-VS

Parcel Size: 334.95 acres

Agent: Anthony Lombardo & Associates (Tony Lombardo)

Plan Area: Toro Area Plan

CEQA Action: Statutorily Exempt per Section 15268(b)(3)

SUMMARY:

The Briggs Investment Company (BIC) has submitted a Property Tax Clearance Certification in accordance with Government Code Section 66492 and the Parcel Map Guarantee in accordance with Government Code Section 66465 of the Subdivision Map Act and has met all the conditions of approval required for clearance prior to recording the Parcel Map. The Parcel Map is in substantial compliance with the approved Tentative Map. The Board must specifically authorize a deed of trust as the security for the subdivision improvement agreement.

DISCUSSION:

The Parcel map has been reviewed and determined to be in substantial compliance with the approved Tentative Map and conditions of approval. On July 2, 2009, the Minor Subdivision Committee approved the minor subdivision pursuant to Resolution No. 09007 (PLN020508). Staff has determined that all conditions required prior to recordation of the Parcel Map have been complied with and satisfied. The applicant has submitted a Property Tax Clearance Certification in accordance with Government Code Section 66492 and the Parcel Map Guarantee in accordance with Government Code Section 66465 of the Subdivision Map Act and has executed a subdivision improvement agreement, with a deed of trust as proposed security.

No subdivision improvements are to be constructed at this time. Instead, applicant proposes to enter into a subdivision improvement agreement which requires construction of the improvements at a later date. Section 19.13.005 of the Monterey County Code (MCC) requires that improvement agreements shall at a minimum require completion of all improvements within one year of approval of the map. However, because of financial constraints, private litigation and a settlement among the property owners' partnership, and a forthcoming transfer of ownership of the subdivided properties among family members, the applicant, Ms. Briggs, has requested additional time to complete the improvements. Section 19.13.005 (A)(2) allows the completion date to be extended by the decision-making body, and the agreement has been prepared to require commencement of construction of improvements within four years of approval of the map, and completion of said improvements within six years of the date of said approval.

The subdivision improvement agreement requires the subdivider to provide security for the needed improvements. Section 19.13.015 MCC allows security to be in the form of bonds, a deposit, or an instrument of credit or set-aside letter from a financial institution, or a different form of security if specifically authorized by the Board of Supervisors. In this case, Ms. Briggs requests that the County accept a first deed of trust on the new subdivided parcels as security. She is unable to provide bonds. A formal appraisal has not been provided to determine the value of the property for which the deed of trust is being offered. The subdivider has provided a realtor's estimate that the four new lots would have a market value of between \$2,900,000 and \$3,100,000. The engineer's estimate for the improvements is \$1,890,486. Based upon this estimate, the code would require security in the amount of \$3,024,778. The subdivision improvement agreement does not allow sales of any of the lots until the improvements are constructed, unless County enters into a replacement agreement with the subdivider and replacement security acceptable to the County is provided. In the event that the Subdivision Improvement Agreement were not complied with, the County would be responsible for installing the improvements and recouping the cost through the sales of the lots.

Due to the unusual circumstances of the owner and applicant, the subdivision improvement agreement allows for the current owner, Briggs Investment Company, to transfer the obligations to a subsequent owner, the 2005 Briggs Children Irrevocable Trust UTA dated December 14, 2005, immediately after recordation of the final map, deed of trust, and the subdivision improvement agreement. The Trust would then automatically assume the obligation to construct the improvements. The terms of this subdivision agreement were negotiated between the Ms. Briggs and County staff. It takes the unique circumstances of the applicant into consideration and adequately insures that the improvements will be constructed.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project and have determined that the conditions requiring clearance prior to filing the Parcel Map have been satisfied:

- Environmental Health Bureau
- Resource Management Agency (RMA)-Public Works

Water Resources Agency
Monterey County Regional Fire Protection District
RMA-Planning

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning.

Prepared by: David J. R. Mack, AICP, Senior Planner, Ext. 5096

Reviewed by: John H. Ford, RMA Services Manager, Ext. 5158

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Parcel Map

Attachment B - Tax Clearance Certification

Attachment C - Parcel Map Guarantee

Attachment D - Subdivision Improvement Agreement

Attachment E - Deed of Trust

cc: Front Counter Copy; David J. R. Mack, Project Planner, John H. Ford, RMA Services Manager; Anthony Lombardo & Associates (Tony Lombardo), Agent; Marize H Briggs TR, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch; John H. Farrow; Janet Brennan; Project File PLN020508