



A Tradition of Stewardship
A Commitment to Service

Department of Public Works

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Steven E. Lederer
Director

MEMORANDUM

To: Board of Supervisors	From: Steven E. Lederer, Director Department of Public Works
Date: November 9, 2020	Re: BOS Agenda for November 10, 2020 Administrative Item 10F

The following are corrections to the item recommending approval of a revised form easement agreement with private property owners in support of the Napa Valley Vine Trail segments from Calistoga to Yountville. Since publication of the item, the County understands that the Napa Valley Vine Trail Coalition has obtained signatures on nine easements agreements for Board approval.

Recommendation – please replace in its entirety with the following:

Director of Public Works requests that the Board:

1. Approve a revised form easement agreement with private property owners in support of the Napa Valley Vine Trail segments from Calistoga to Yountville.
2. Approve the attached Vine Trail Easement Agreements with Vineyard 29, LLC; New Vavin, Inc. (Ehlers Estates); PD Properties, LLC; Markham Vineyards; 3414 Mill Creek, LLC; and the Turley Family Trust for the segment from Calistoga to St. Helena; and authorize the Chair to execute these easement agreements and all relevant documents on behalf of Napa County.
3. Find that the Board has met its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration prepared by the NVTA for the Vine Trail section between Calistoga and St. Helena, reaching its own conclusions on whether and how to approve the project, and finding that none of the triggers for subsequent or supplemental CEQA review have occurred since NVTA's approval of the project and CEQA documents on August 19, 2020.

Fiscal & Strategic Plan Impact – please revise to note that the Board has already committed \$693,000 towards construction of the Calistoga to St. Helena segment and \$4,500,000 to construction of the St. Helena to Yountville section, and that the future trail would cost an estimated \$12,000/mile/year, to which the Vine Trail Coalition has committed to paying half.

Environmental Impact – please replace in its entirety with the following:

ENVIRONMENTAL DETERMINATION: For the Calistoga to St. Helena section, on August 19, 2020, the Napa Valley Transportation Authority (NVTa), as lead agency for the project, approved a Final Mitigated Negative Declaration (SCH 2020060572) and adopted a Mitigation Monitoring and Reporting Program for the Napa Valley Vine Trail Project: St. Helena to Calistoga Section, by Resolution 20-17. These environmental documents may be found at this link: nvta.ca.gov/vinetrail. Through this action, the Board will meet its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration, reaching its own conclusions on whether and how to approve the project, and determining whether any of the triggers for subsequent or supplemental CEQA review have occurred since NVTa's approval of the project and CEQA documents.

For the St. Helena to Yountville section, the proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. The proposed action merely modifies a form agreement previously approved by the Board, over property for a potential future trail, which will only be constructed if funding is available, full CEQA review is conducted, and the trail is approved by all required public agencies. The County has not committed to approving this section of the Vine Trail or any potential Vine Trail alignment, or any other specific project that may result in a potentially significant physical impact on the environment. A detailed CEQA review will be conducted prior to approval of this Vine Trail segment, as has been done for all other Vine Trail segments.

Background and Discussion – please replace the last paragraph in its entirety with:

The Vine Trail Coalition and the Napa Valley Transportation Authority have taken the lead on securing the executed agreements from individual landowners. The Vine Trail Coalition has collected signatures on nine agreements to date. The agreements include revised language in paragraph 2 to expressly grant a non-exclusive easement to the County; in paragraph 7A to state that the easement shall not restrict property ingress or egress across the Vine Trail; in paragraph 8 to have the grantor obtain an agreement subordinating the easement agreement to any mortgage, lien, or other encumbrance on the property; and a new paragraph 24 to make clear that the person executing the agreement has the legal authority to do so. Some of the approved agreements include other revisions to the revised form easement agreement, as set forth below. The agreements are:

- Vineyard 29, LLC (two agreements covering APNs 022-010-034, 022-200-002, and 022-200-025). No additional changes.
- New Vavin, Inc. (Ehlers Estates) (three agreements covering APNs 022-100-008, -026, and -027). No additional changes.
- PD Properties, LLC, APN 020-320-015. No additional changes.
- Markham Vineyards, APN 022-200-008. No additional changes.
- Turley Family Trust, APN 022-240-013. The property is currently subject to a conservation easement, so the agreement includes changes to the Recitals and paragraphs 2, 5, and 8B to identify the conservation easement and make clear that this easement agreement shall not supplant its property use restrictions.

- 3414 Mill Creek, LLC, APN 022-010-017. A change to paragraph 7A in which the County recognizes that agricultural operations on the property may result in dirt, rocks, and organic material from the vineyard on the Vine Trail.

The County understands that the Vine Trail Coalition continues to negotiate with the remaining properties with the goal of delivering of the remaining easements as soon as possible for the Board's consideration and possible approval. According to NVTa there are 8 remaining easements with private property owners and one with the State of California (the Fire station at State Route 29 and Big Tree Lane). It is believed that all the easements will need approval prior to Caltrans acceptance of "Certification of Right of Way" and their approval to start construction.

Cc: Minh C. Tran
Jeffrey M. Brax