



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/22/2019

Agenda Placement: 6L

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Patrick Ryan, Engineering Manager - PBES - (707) 253.4892

SUBJECT: Extension of Improvement Agreement No. 4105 with Barrel Ten Quarter Circle for Public Improvements to October 31, 2019

RECOMMENDATION

Director of Planning, Building, and Environmental Services requests authorization to extend Subdivision Agreement No. 4105 with Barrel Ten Quarter Circle Land Company to October 31, 2020 for required public roadway improvements.

EXECUTIVE SUMMARY

In 1999, the Napa County Board of Supervisors entered into Subdivision Agreement No. 4105 (Agreement) with Barrel Ten Quarter Circle Land Company (BTQC) for the installation of public improvements associated with the approval of Subdivision Map Number 5092, including construction of a segment of Devlin Road. Since then, BTQC has received extension of time for completing the improvements outlined in the Agreement, such that their current deadline is October 31, 2019.

BTQC completed the installation of Devlin Road Segment D travel way improvements in 2015, which were accepted in the County road system on October 2015. Currently, BTQC is working with Napa County Public Works and Planning, Building and Environmental Services Departments on issuance of a grading permit for the Devlin Road frontage improvements which include curb, gutter, sidewalk, bike trail, and resurfacing of Devlin Road. Since the Devlin Road frontage improvements and interior cul-de-sac improvements associated with the Agreement remain to be constructed, BTQC is requesting another one-year extension to the Agreement. The remaining public improvements are the Devlin Road frontage improvements as described above; along with public roadway improvements associated with the interior street of the subdivision.

The Department of Public Works is currently constructing the final segment of Devlin Road, Segment E (Devlin Road Extension over Fagan Creek), and anticipates the construction to be completed by the end of 2019. BTQC will

be required to complete the remaining public improvements along Devlin Road concurrently with the Public Works' Devlin Road Segment E project. Since the Devlin Road extension over Fagan Creek is not projected to be completed by October 31, 2019, and BTQC is currently coordinating their portion of the Devlin Road improvements, it is necessary to request an additional extension to the Agreement through October 31, 2020. Absent hardships or extenuating circumstances, delays in the completion of the Devlin Road frontage improvements by BTQC may result in future extension requests not being supported by staff. Additionally, BTQC has expressed to staff that the request for a one year extension will provide time to evaluate how the new traffic patterns might affect future development of the subdivision.

A cost estimate for the remaining public improvements was submitted to County staff on October 10, 2019. Following approval of the estimate, BTQC will update the accompanying security to satisfy the conditions of the Agreement. Therefore, the Director of Planning, Building, and Environmental Services recommends approval of the requested extension. Approval of this extension would extend the Agreement to October 31, 2020.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

Goal 8: Improve and maintain the existing transportation and roads system to safely accommodate all users.

ENVIRONMENTAL IMPACT

The project is within the approve airport specific plan and was given a negative declaration. No changes have been made which would affect that decision.

BACKGROUND AND DISCUSSION

The Napa County Board of Supervisors entered into Subdivision Agreement No. 4105 (Agreement) with Barrel Ten Quarter Circle Land Company (BTQC) on January 5, 1999, for deferred construction of public road and drainage improvements. These improvements were required as a condition of the approval of subdivision map number 5092. The property originally fronted on an isolated section of Devlin Road at the end of Airport Road; now Devlin Road extends south from Airport Boulevard to just north of Fagan Creek. At the time of the subdivision approval, the estimated cost of the improvements was \$664,940. BTQC provided a certificate of deposit in that amount to the County to guarantee the construction of the improvements. The subdivision map was recorded in February 1999, and the Agreement was recorded in April 1999. In accordance with California Government Code, the Agreement established an 18-month period, beginning at recordation of the final map, during which BTQC would construct the public improvements associated with the subdivision.

Since the date of the original Agreement, BTQC has requested and received from the Board, eighteen (18) extensions to the completion date for the required public improvements. With each extension of the Agreement, BTQC evaluated and adjusted, when necessary, the amount of the securities to reflect current construction costs, with the County's agreement. Agreement extensions were granted to BTQC by the Board taking into consideration the lack of necessity associated with public improvements on an isolated segment of Devlin Road.

Since 2007, several factors have contributed to the need for connection of Devlin Road from Airport Boulevard south to Tower Road. These include increase in traffic volumes in and around the Airport Industrial Area, the

approval and construction of the Greenwood Commerce Center (GCC) development, the approval of Napa Commerce Center (NCC) development, and adoption of an agreement with the City of American Canyon regarding construction of Devlin Road. More Specifically, County Agreement No. 7070 regarding the City's Urban Limit Line obligated the County to Complete Devlin Road -- including the bridge over Fagan Creek. In furtherance of this commitment, and as part of a strategy to facilitate development within the area, the Board of Supervisors provided direction to staff on March 13, 2012 to accelerate the construction of Devlin Road. Construction of the public improvements on Segment C and Segment D have been completed. The completion of Fagan Creek Bridge and extending Devlin Road to Tower Road is the final road improvement needed for Napa County to satisfy their obligations for Devlin Road with respect to County Agreement No. 7070. The Department of Public Works anticipates construction on the Devlin Road Extension over Fagan Creek to be completed by the end of 2019. BTQC is currently working with the Napa County Public Works and Planning, Building and Environmental Services on issuance of a grading permit to complete the work along Devlin Road. BTQC will be required to complete the remaining public improvements along Devlin Road concurrently with the Public Works capital improvement project. The Devlin Road extension over Fagan Creek is not projected to be completed by October 31, 2019, and because BTQC is currently coordinating their portion of the Devlin Road improvements with extension project, it is necessary to request an additional extension to the Agreement through October 31, 2020. However, absent hardships or extenuating circumstances, delays in the completion of the Devlin Road frontage improvements by BTQC may result in future extension requests not being supported by staff. Additionally, BTQC has expressed to staff that the request for a one year extension will provide time to observe how the new traffic patterns along Devlin Road may affect the future development of the subdivision.

The cost to complete the improvements associated with the Agreement along with its security of \$1,056,146 were amended in August 2017. To reflect the updated construction costs to install the public road and drainage improvements, a revised cost estimate was submitted to Napa County on October 10, 2019. Following approval of the estimate, BTQC will be required to update the accompanying security with Napa County as the beneficiary to satisfy the conditions of the Agreement.

Chapter 17.38 of Napa County Code allows extensions up to a maximum of one year on a case-by-case basis as needed. The intent of the Code is to ensure that with every extension request there is justifiable cause for the extension and no adverse impact to public health, safety and welfare by deferring improvements. Extending the Agreement affords BTQC additional time to design and construct those public improvements along Devlin Road concurrently with Department of Public Works capital improvement project.

Based on the information provided herein, the Director of Planning, Building, and Environmental Services is recommending approval of the BTQC request for a one year extension to October 31, 2020.

SUPPORTING DOCUMENTS

- A . Napa County Agreement No. 4105
- B . Extension Request

CEO Recommendation: Approve

Reviewed By: Leigh Sharp