



Agenda Date: 10/23/2007  
Agenda Placement: 9C

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** John Woodbury, Principal Planner , 259-5933  
**SUBJECT:** Authorization of Agreement granting Proposition 12 funds for the Napa County Regional Park and Open Space District to purchase Berryessa Vista

---

### **RECOMMENDATION**

Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an Agreement with the Napa County Regional Park and Open Space District granting a maximum of \$127,000 in Proposition 12 funds to the District for the purchase of three parcels, commonly known as Berryessa Vista, from the Land Trust of Napa County for the development of a low-intensity use regional park.

### **EXECUTIVE SUMMARY**

In 2002 the Board of Supervisors allocated \$468,000 in Proposition 12 grant funds to nine different projects. As a result of cost savings on several of the projects, and the inability of some project sponsors to utilize their funds in a timely way, the County is expected to have up to \$127,000 in unexpended funds. These funds must be returned to the State if not completely expended by March 2008. The Land Trust of Napa County owns 224 acres of open space at the southern end of Lake Berryessa which they acquired with the intent to eventually resell to a public agency for park purposes; the amount of unexpended Proposition 12 funds would be sufficient to acquire this property. This is the only potential use of Proposition 12 funds which staff has been able to identify that could be completed before the deadline for using these funds. The Napa County Regional Park and Open Space District is willing to accept ownership of this property, with the intent of making it available to hikers, mountain bicyclists and equestrians, and possibly walk-in campers, subject to obtaining the required use permit. If acquired by the District, the Land Trust of Napa County is proposing to use the proceeds of the sale to help with their acquisition of the Duff property, which is the key acquisition for connecting the Oat Hill Mine Trail to Wild Lake Ranch, and to install a solar-powered water pump at the Newell Preserve in American Canyon.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      Yes

Is it currently budgeted?	No
What is the revenue source?	Funding would be from the County's remaining Proposition 12 grant allocation from the State.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed project will enable the County to (1) avoid returning unused grant funds to the State and (2) assist with the purchase of the very important Duff property by the Land Trust of Napa County, (3) install a solar-powered water pump at the Newell Preserve in American Canyon, and (4) provide a modest but quite nice wilderness park in the eastern portion of the County.
Is the general fund affected?	No
Future fiscal impact:	There will be no fiscal impact to the County past the current fiscal year. There will be minimal ongoing operating costs to the Napa County Regional Park and Open Space District at such point as the District acts to open the property to public use.
Consequences if not approved:	If not approved, the County will need to return to the State up to \$127,000 in Proposition 12 funds. In addition, the Land Trust of Napa County will have further to go to raised the funds needed to acquired the Duff property, and the City of American Canyon will need to find another source of funds to complete the development of a water supply for the Newell Preserve. The County's remaining Proposition 12 funds cannot be used to assist with the acquisition of Skyline Park from the State, nor to directly assist with the land trust's acquisition of the Duff property, because those purchases cannot be completed in time to meet the deadline for the use of Proposition 12 funds.

Additional Information:

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15316 (Class 16, Transfer of Ownership of Land in Order to Create Parks).

### **BACKGROUND AND DISCUSSION**

On September 11, 2001 the Board of Supervisors approved allocations for grant funds available to the County through the 2000 Parks Bond Act (Proposition 12). All funds must be expended and projects completed by March 31, 2008.

Two of the projects for which funding was approved have been completed under budget, thanks to efficient implementation and extensive volunteer support: \$50,000 allocated to the rehabilitation of the Solano Avenue bicycle rest stop was saved when the North Napa Rotary did the work as one of their community service projects, and the Skyline Park Citizen's Association was able to complete their erosion control and road rehabilitation project for about \$9,000 less than their \$175,000 budget. Another project--landscaping at Cuttings Wharf--ended up being funded from a Boating and Waterways grant, freeing up \$8,000 of Prop 12 funds.

The sponsor of one project (restoration work at the Old Bale Grist Mill) has been unable to complete the project in

time to be able to utilize Prop 12 funding, freeing up \$7,000. Plans to install a permanent vault toilet at the Napa River Ecological Reserve have had to be dropped because it was determined that a permanent facility at that location was inadvisable because the area is subject to periodic flooding, saving another \$30,000. Finally, \$30,000 allocated for improvements in the Lake Berryessa area will not be able to be used by the Bureau of Reclamation due to incompatibilities between state and federal requirements and restrictions.

Developing replacement projects to utilize the surplus funds has proven difficult. The Board of Supervisors on April 17, 2007 authorized up to \$50,000 in Proposition 12 funds for improvements to the Oat Hill Mine Trail. This project was subsequently put on hold pending the resolution of a lawsuit that was filed challenging the legality of the Oat Hill Mine Trail easement. Staff has also been in discussions with the City of American Canyon regarding using up to \$15,000 to install a solar powered pump to provide water to the Newell Preserve, but it appears probable that the City will not have completed the drilling of the associated well quickly enough for Proposition 12 funds to be used for the pump.

Given the long lead times involved in planning and implementing development projects, the only use of remaining Proposition 12 funds which can be completed before the deadline is the acquisition of property, and even then only if it is a simple transaction where the seller is able to move quickly.

In 2005 the Land Trust of Napa County acquired three parcels totaling 224 acres located on the southern shore of Lake Berryessa's Capell Cove (APN# 019-220-009, 019-220-009 and 019-220-026). The properties were acquired from several different parties, some but not all of which donated their interest in the land. The land trust's purchase price was \$112,000, well below market value (a 1995 appraisal valued the property at \$180,000, and prices have appreciated dramatically since then). The land trust's objective in acquiring the property was to hold it until an appropriate public agency could be found to manage the property as a public park. The land trust is interested in recovering its investment in the property so that it can pursue other land conservation projects.

The property is contiguous with another 440 acres of Bureau of Land Management property, and an additional 235 acres of BLM land is in the immediate vicinity. The combination of land trust and BLM properties offer the potential to make a pleasant, low-intensity regional park that includes trails and a possible backcountry campground.

Recognizing that Berryessa Vista is a considerable distance from where most Napa residents live and work, the land trust has expressed a willingness, subject to their Board's approval, to specify that it would use revenues from the sale of the property to assist with the purchase and/or improvement of other high value open space closer to population centers. The most likely would be the Duff property. Currently in escrow, the Duff property is the key to connecting the Oat Hill Mine Trail with Wild Lake Ranch. In addition, since the land trust only needs to recover the investment of \$112,000 that it has in Berryessa Vista, but the appraised value is considerably higher, it may also be possible to specify that the land trust utilize \$15,000 of the revenues from the sale to fund the solar pump at the Newell Preserve once the well drilling is complete.

The Napa County Regional Park and Open Space District Board on October 8, 2007 voted unanimously to authorize staff to negotiate for and acquire the properties, subject to the availability of sufficient funding. The land trust Board must also authorize the sale.

## **SUPPORTING DOCUMENTS**

A . Project Location Map

CEO Recommendation: Approve

Reviewed By: Helene Franchi