



Agenda Date: 2/27/2007
Agenda Placement: 8E
Set Time: 11:00 AM PUBLIC HEARING
Estimated Report Time: 1 Hour

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Paul for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Robert Paul, ATTORNEY IV , 253-6113
SUBJECT: Rejection of offer of dedication for public use on Parcel D of Berryessa Highlands Unit No. 2

RECOMMENDATION

County Counsel requests adoption of a resolution rejecting an offer of dedication for public use, subject to conditions, of Parcel D of Berryessa Highlands Unit No. 2 [APN 019-410-003].

EXECUTIVE SUMMARY

The Berryessa Highlands Unit 2 Subdivision was created by a final subdivision map filed on April 15, 1969. The map offered for dedication for public use Parcel D to the County. Presumably, the public use was intended for open space purposes, although the map is silent on this issue. Parcel D is an irregularly shaped parcel of approximately 9.66 acres with 3 points of access off of Steele Canyon Road. The County never accepted the offer of dedication, and over the years, after an initial tax sale because of developer default, title to the parcel was transferred through various owners.

The present owner has requested that the County reject the offer of dedication subject to conditions. It is proposed that the County reject the offer of dedication, and in turn, the owner will be allowed to construct one single family residence not exceeding 2400 square feet on a single lot footprint with an associated garage, grant an improved 40 foot water line/ access easement to the Napa-Berryessa Resort Improvement District, and rededicate the remainder of the parcel to open space and/or greenbelt purposes.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Approval of the owners request would result in an increased tax valuation being placed on the property as it would now become developable, and the

	parcel would become subject to new assessments for water and sewer improvements of the Napa-Berryessa Resort Improvement District.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Department of Public Works has indicated it does not wish to accept the offer of dedication and become responsible for maintenance and ownership issues associated with the parcel.
Is the general fund affected?	No
Future fiscal impact:	If today's request is approved the parcel would become subject to new assessments for water and sewer improvements of the Napa-Berryessa Resort Improvement District.
Consequences if not approved:	Potentially the property owner could file a Writ of Mandate action seeking a court order that the County either accept or reject the offer of dedication. There would not necessarily be any conditions attached to such acceptance or rejection.
Additional Information:	

ENVIRONMENTAL IMPACT

Categorical Exemption Class 3: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 3 ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

The Berryessa Highlands Unit 2 Subdivision was created by a final subdivision map filed on April 15, 1969. The map offered for dedication for public use Parcel D to the County. Presumably, the public use was intended for open space purposes, although the map is silent on this issue. Parcel D is an irregularly shaped parcel of approximately 9.66 acres with 3 points of access off of Steele Canyon Road. The County never accepted the offer of dedication, and over the years, after an initial tax sale because of developer default, title to the parcel was transferred through various owners.

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result in an increased tax valuation being placed on the property as it would now become developable, and the parcel would become subject to new assessments for water and sewer improvements of the Napa-Berryessa Resort Improvement District.

The Department of Public Works has reviewed the proposal and has no objections. The Department has further indicated it does not wish to accept the offer of dedication and become responsible for maintenance and ownership issues associated with the parcel. Notice of today's hearing was published twice, and written notice was mailed to adjacent property owners within three hundred feet of Parcel D's boundaries.

SUPPORTING DOCUMENTS

- A . Resolution Rejecting Offer of Dedication
- B . Covenant and Use Restriction on Property
- C . Exhibit A to Use Restriction
- D . Exhibit B to Use Restriction
- E . Exhibit C to Use Restriction
- F . Exhibit D to Use Restriction
- G . CEQA Memo

CEO Recommendation: Approve

Reviewed By: Maiko Klieman