



# Napa County

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## Legislation Text

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**TO:** NAPA COUNTY ZONING ADMINISTRATOR

**FROM:** Trevor Hawkes for Brian Bordona - Interim Director Planning, Building and Environmental Services

**REPORT BY:** Matt Ringel, Planner II

**SUBJECT:** Moore Creek Park Expansion - "Dan's Wild Ride Trail" - Use Permit Minor Modification Application Request #P21-00246

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### RECOMMENDATION

Chris Cahill, General Manager/ Napa County Regional Park and Open Space District/ Use Permit Minor Modification Application Request #P21-00246

CEQA Status: Napa County is a Responsible Agency for this project. As the decision-making body for the County on the project, the Zoning Administrator certifies that it has reviewed and considered the information contained in the Negative Declaration adopted by the Board of the Napa County Regional Park and Open Space District and finds that it adequately addresses those effects that are within the scope of the County's jurisdiction as a responsible agency (CEQA Guidelines Sec. 15050 (b)). The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Sec. 65962.5.

Request: Approval of a Minor Modification (P21-00246) to the approved park (Use Permit P10-00155-UP and as previously amended by Use Permit Very Minor Modification P12-00387) to allow the following: expansion of Moore Creek Park to include the operation of an existing 3.9 mile-long natural surface trail connecting Moore Creek Park to the Pacific Union College Demonstration and Experimental Forest and to construct an approximately 1,000 foot re-reroute of a portion of said existing trail on the Land Trust of Napa County's Okin Preserve. The proposed trail would be publicly accessible and allow non-motorized uses including hiking and biking. Moore Creek Park currently encompasses Assessor's Parcel Numbers: 025-060-023, 025-060-025, 025-200-034, and 025-440-010. This proposed park expansion includes portions of Assessor's Parcel Numbers: 025-060-021, 025-060-005, 025-030-017, 025-030-010, 025-030-018, and 025-030-019. The project is located on the west side of Chiles Pope Valley Road approximately 1.5 miles north of its intersection with Sage Canyon Road (State Highway 128) and follows Moore Creek to the Pacific Union College. The project site is within the AW (Agricultural Watershed) zoning district.

Staff Recommendation: Certify that the Zoning Administrator has reviewed and considered the project Negative Declaration and approve the requested Use Permit Minor Modification, as conditioned.

Staff Contact: Matt Ringel, Planner II, (707) 299-1351, or [matthew.ringel@countyofnapa.org](mailto:matthew.ringel@countyofnapa.org)

Applicant Contact: Chris Cahill, NCRPOSD General Manager, (707) 253-4847, or [ccahill@ncrposd.org](mailto:ccahill@ncrposd.org)

## **EXECUTIVE SUMMARY**

Proposed Actions:

That the Zoning Administrator:

1. Certifies that it has reviewed and considered the information contained in the Project Negative Declaration adopted by the Napa County Regional Park and Open Space District;
2. Finds that the Negative Declaration adequately addresses those effects that are within the scope of the County's jurisdiction as a responsible agency; and
3. Approves Use Permit Minor Modification No. P21-00246-MOD based on Findings 1-12 of Attachment A and subject to the recommended conditions of approval (Attachment B).

Discussion:

On March 2, 2011, the Planning Commission approved the Moore Creek Park Use Permit (P10-00155-UP). This Use Permit allowed the construction and operation of Moore Creek Park, a public recreational facility including trails for hiking, horseback riding, and mountain biking, a staging area accommodating up to 26 vehicles, and limited environmental camping. The project encompassed 4 parcels, totaling 673 acres.

On December 10, 2012, the Napa County Planning, Building, and Environmental Services Department approved a Very Minor Mod (P12-00387) to modify the Use Permit's previous findings to comply with the requirements of Napa County Code Section 18.104.340(f). The originally approved Use Permit proposed fencing to meet County's Outdoor Recreation findings, which was required to protect adjoining habitats and erosion hazard areas. The modification allowed this finding to be met with the addition of undeveloped buffer

zones to protect these resources.

The applicant is requesting approval of a Minor Modification (P21-00246) to the previously approved Use Permit (P10-00155-UP) and Very Minor Modification (P12-00387-MOD) to allow expansion of Moore Creek Park to include the operation of an existing 3.9 mile-long natural surface trail connecting Moore Creek Park to the Pacific Union College Demonstration and Experimental Forest and to construct an approximately 1,000 foot re-reroute of a portion of said existing trail on the Land Trust of Napa County's Okin Preserve. The Napa County Regional Park and Open Space District obtained a 40-foot-wide easement for the proposed 3.9-mile-long trail. Staff has reviewed the project and determined that the applicant's proposal is consistent with, and an allowed use in, the Agricultural Watershed (AW) zoning district and is consistent with the property's Agriculture, Watershed and Open Space (AWOS) General Plan Designation.

Based on the reasons stated above, staff recommends approval of the project.

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Negative Declaration Previously Adopted by Lead Agency. Napa County is a responsible agency for this project. As the decision-making body for the County on the project, the Zoning Administrator's role is to certify that it has reviewed and considered the information contained in the Mitigated Negative Declaration adopted by the Board of the Napa County Regional Park and Open Space District ("NCRPOSD") and find that it adequately addresses those effects that are within the scope of the County's jurisdiction as a responsible agency (CEQA Guidelines Sec. 15050(b)).

The NCRPOSD is acting as lead agency for the greater Moore Creek Park Expansion - "Dan's Wild Ride Trail" project. This is consistent with the State CEQA guidelines Sec. 15051(a), "if the project is carried out by a public agency, then that agency shall be the lead agency" even though the project may be located in another agency's jurisdiction. The Board of the NCRPOSD adopted the project Negative Declaration at their July 11, 2022, meeting. That having been done, the Zoning Administrator's responsibility here is to 1) review and consider the adopted negative declaration (attached as Exhibit E) and 2) find that it adequately addresses the use permit modification request presently before the Zoning Administrator. Having reviewed the adopted document, Planning staff has confidence in its adequacy for the requested Use Permit Minor Modification.

## **BACKGROUND AND DISCUSSION**

Owner/Applicant: Napa County Regional Park and Open Space District (NCRPOSD)

Chris Cahill, NCRPOSD General Manager, (707) 253-4847, or [ccahill@ncrposd.org](mailto:ccahill@ncrposd.org)

Zoning: Agricultural Watershed (AW)

General Plan Designation: Agriculture, Watershed and Open Space (AWOS)

Filed: September 20, 2021; Resubmittal Received: June 23, 2022; Deemed Complete: July 23, 2022

Property Area: 673 acres, including Accessor's Parcel Numbers: 025-440-010 (50.58 acres), 025-200-034 (141.72 acres), 025-060-025 (120 acres), and 025-060-023 (360.7 acres). The proposed expansion includes a 40-foot wide easement across portions of Accessor's Parcel Numbers: 025-060-021, 025-060-005, 025-030-017, 025-030-010, 025-030-018, and 025-030-019.

Parking: 38 spaces total, including 1 ADA-accessible space, and 5 oversize horse trailer spaces that can be used as additional parking. Additionally, the proposed trail expansion would connect to the Pacific Union College's existing trail network and have access to the college's existing parking facilities.

Hours of Operation: Sunrise to Sunset, with limited overnight environmental camping located at two designated sites within proximity to the ranch house.

Special Events: Up to 2 NCRPOSD-sponsored invitation-only volunteer special events annually. Events may include overnight stays by park volunteers who are working on park improvement, restoration, or other maintenance projects. Attendance at special events will in no case exceed 125 persons.

Code Compliance History: None

Adjacent General Plan Designation / Zoning / Land Use:

North:

Agriculture, Watershed, and Open Space (AWOS) General Plan designation / Agricultural Watershed (AW) zoning district / Open Space; including the Pacific Union College's 760.69 acre, 85.64 acre, and 246.05 acre parcels with an existing trail network

South:

Agriculture, Watershed, and Open Space (AWOS) General Plan designation / Agricultural Watershed (AW)

zoning district / Open Space and Watershed/Recreation (including the Moore Creek Park - Lake Hennessey Unit's 970 acres under jurisdiction of the City of Napa)

East:

Agriculture, Watershed, and Open Space (AWOS) and Agricultural Resource (AR) General Plan designations / Agricultural Watershed zoning district / Open Space, Vineyards, and Residential

West:

Agriculture, Watershed, and Open Space (AWOS) General Plan designation / Agricultural Watershed (AW) zoning district / Open Space, Watershed/Recreation (including the Las Posadas State Forest's 970 acres), and Residential

Existing Development and History:

A Use Permit (P10-00155-UP) to create, develop, and operate the Napa County Regional Park and Open Space District's Moore Creek Park was approved by the Planning Commission on March 2, 2011. The Use Permit approved the public recreational facility including trails for hiking, horseback riding, mountain biking, a staging area accommodating up to 26 vehicles, and limited environmental camping. The original area of Moore Creek Park was located on 4 parcels totaling 673 acres. This section of the park is referred to as the Moore Creek Park - Moore Creek Unit and is within the jurisdiction of Napa County.

The Moore Creek Park - Lake Hennessey Unit is located south of the Moore Creek Unit and is comprised of approximately 970 acres. This section of the park is within the jurisdiction of the City of Napa. Under Government Code Section 53090 et seq and a 1962 State Attorney General's Opinion (40 Ops. Cal. Atty. Gen. 243), cities are deemed to be exempt from county zoning regulation. As a result, the Moore Creek Park - Lake Hennessey Unit is not a part of the scope of the existing Use Permit and only the Moore Creek Park - Moore Creek Unit is addressed here.

The 673-acre Moore Creek Park - Moore Creek Unit includes two private, approximately 70-year old residences and associated structures. The parcels include hiking, mountain biking, horseback riding, nature observation and study, environmental camping, and other low-impact outdoor recreation and educational activities. The park does not include any motorized recreational uses, unless required or recommended by the ADA or similar disability-access regulations. The existing trail system includes the Moore Creek Trail (3.1 miles), Valentine Vista Trail (3.0 miles), Madrone Trail (1.5 miles), and Dryfoot Trail (0.6).

Discussion Points:

**Setting:** The proposed Moore Creek Park expansion, otherwise known as “Dan’s Wild Ride Trail”, would be an approximately 3.9 mile-long natural surface trail connecting Moore Creek Park to the Pacific Union College Demonstration and Experimental Forest. The trail project would occur almost entirely on existing single track trails, fire roads, and ranch roads located on otherwise undeveloped lands located in the Moore Creek Canyon. New trail construction would be limited to approximately 1,000 linear feet of new trail, to be constructed on the Land Trust’s Okin Preserve (APN: 025-030-018-000). The proposed new trail section would deter the public from crossing into the Las Posadas State Forest’s boundaries. The Las Posadas State Forest obtained their land from a donation. The original owner of the parcel donated the land with conditions, including that the land cannot be used for recreation. This factor requires a new section of trail to be created in order to keep the trail off the Las Posadas State Forest.

**Trail Design:** The majority of the proposed trail will be located on existing single track trails, fire roads, and ranch roads. These features are existing; therefore, the majority of the expansion does not include physical development. The only proposed new trail section is an approximately 1,000 linear foot reroute, to be constructed on the Land Trust’s Okin Preserve. This proposed reroute would not require the removal of any trees. The proposed project involves no mechanical grading, only the ground disturbance from hand tool construction. Prior to the start of earth disturbance, the applicant’s qualified biologist will complete a pre-construction survey, flag any instances of narrow-leaved Daisy and/or Green Coyote Mint. The trail shall be constructed to have a minimum of three-foot clearance from any occurrence of Narrow-leaved Daisy and Green Coyote Mint should be avoided where possible, with attention to plant size; large flagged specimens shall be avoided entirely. No trees are proposed to be removed within the scope of this application.

**Access:** The southern portion of Moore Creek Park - Moore Creek Unit gains access from Chiles-Pope Valley Road, a collector county road. The northern portion of the proposed project gains access from various trails that stem from Pacific Union College’s trail network. The proposed “Dan’s Wild Ride Trail” park expansion project was coordinated with the Pacific Union College and the college’s existing parking lots act as the northern trail section’s access point.

#### **Proposed Uses on New Section of Trail:**

Hiking, mountain biking, and nature observation and study are proposed. These uses will be allowed within the Moore Creek Unit except when the park is closed due to high fire hazard, excessively wet trails, or other hazards. Notably, this new proposed section of the trail does not propose horseback riding. The existing trails within the core of Moore Creek Park allow horseback riding, but this use has not been proposed within this new trail section, upon the request of the trail easement’s donors.

Other low-impact outdoor recreation and education activities are allowed. These uses will be allowed within the Moore Creek Unit except when the park is closed due to high fire hazard, excessively wet trails, or other hazards. Open space-based activities that do not disturb the natural character of the area may also be allowed. Examples include non-invasive geocaching or picnicking. Hunting, target shooting, and barbecuing are

specifically disallowed.

#### Other Notable Features:

The operation of the proposed new trail will be identical to that existing under the Moore Creek Park - Moore Creek Unit's original Use Permit, except that horseback riding is not included within scope of proposed uses within the proposed trail extension. Notable features of the expansion's existing operation are listed below. The operations are identical to the Moore Creek Unit's current operations, except it excludes horseback riding.

**Wildfire Hazard** - Park activities will be limited as appropriate (up to and including full park closure) as needed during periods of extreme wildfire hazard. Wildfire hazard will be as determined by the County Fire marshal. No open fires will be allowed except when wildfire hazard is low and even then only within facilities approved by the Fire Marshall and consistent with Cal Fire's Fire Wise Standards.

**Wet Weather** - Trails will be closed as needed during and after rainstorms to prevent soil erosion and damage to trails. Trails will be monitored weekly throughout the first wet season, and as needed thereafter to observe the interaction of trail location, soil type, type and frequency of use and soil moisture level. Appropriate closure protocols for hikers and mountain bikers will be adopted and enforced. The performance standard used to guide the closure protocols will be that there is no trail related sediment flow either directly or indirectly into Lake Hennessey, Chiles Creek, or Moore Creek.

**Dogs** - No dogs will be allowed in the Moore Creek Unit except: (a) dogs belonging to residence of the Gate House and/or the Ranch House which are either indoors, on leach, or in a fenced area and (b) companion dogs as defined and as required to be permitted by the American with Disabilities Act.

**Noise** - The public are not permitted to have amplified music at any time. Residence and their guests staying at the two houses on the property will are required to comply with the County of Napa's Exterior Noise Ordinance.

#### Public Comments:

The subject application is a request for a Minor Modification to a previously approved Use Permit and therefore is processed subject to Napa County Code ("NCC") 18.124.130(B). A Notice of Intent for the Zoning Administrator to approve the project was distributed to neighboring property owners on January 19, 2023. If any member of the public requests a public hearing during the 10-day comment period, then the Zoning Administrator will provide notice in accordance with NCC Section 18.136.040 and conduct a public hearing. One member of the public responded to the public notice and requested that a public hearing be conducted. The member of the public had the below concerns and opinions in part. The complete letter is included as (Attachment H).

“I am concerned specifically with the parking situation, or lack thereof, during summer and fall weekends during the dry season. The issue of the park’s guests parking on unmaintained shoulders south of the park’s entrance will not go away, but only be made worse, by expanding the park’s attractions and attendant visitor load. My chief concern is for the wildfire risk created by guests parking their vehicles within hot tailpipes on tinder-dry overgrowth. Along the road’s west shoulder, between the gravel turnouts, the wild grasses grow tall and the shoulder above the creek is soft at best. There is presently no signage forbidding parking.

My second concern is for the safety of those pedestrians who walk along this road between the park entrance and their vehicles, with the shoulder blocked by other vehicles, forcing them to walk out in the very active roadway, where vehicles travel at high speed around several blind curves to and from Pope Valley.”

Staff Response: The applicant’s operation of the proposed park expansion includes measures to reduce wildfire risks, including the prohibition of smoking and the public’s ability to have open fires. Additionally, the trail shall be closed to public use during periods of extreme wildfire hazards, as determined by the County Fire Marshall, as well as when in the District’s judgement the combination of temperature, humidity, and wind create potentially unsafe situations.

The northern portion of the proposed project gains access from various trails that stem from Pacific Union College’s trail network. The proposed “Dan’s Wild Ride Trail” park expansion project was coordinated with the Pacific Union College and the college’s existing parking lots act as the northern trail section’s access point. Members of the public with the intent to visit this proposed new section of Moore Creek park can now gain access from the Pacific Union College’s parking lots and Moore Creek Park’s existing southern parking lot. This proposed modification will have a less than significant impact to parking.

Chiles Pope Valley Road is a County maintained road. The Napa County Public Works department supports the public making use of the public right of way, unless the public's action is causing unsafe traffic conditions.

#### Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of Use Permit Minor Modification P21-00246-MOD with Conditions of Approval as described in Option 1 below. Decision making options also include a no project alternative and a continuance option.

#### Option 1 - Applicant’s Proposal (Staff Recommendation)

Disposition - This option would result in approval of a Use Permit Minor Modification (P21-00246-MOD) for



the proposed park and rural recreation facility's expansion. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations.

Action Required - Follow the proposed action listed in the Executive Summary. If Conditions of Approval are to be amended, specify conditions to be amended at the time a motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

#### Option 2 - Deny Proposed Project

Deposition - In the event that the Zoning Administrator determines that the project does not, or cannot meet the required findings for the granting of the Use Permit Minor Modification, the Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit Minor Modification is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required - The Zoning Administrator would make a tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Zoning Administrator on a specific date.

#### Option 3 - Continuance Option

The Zoning Administrator may continue an item to a future hearing date at its own discretion.

### **SUPPORTING DOCUMENTS**

- A. Previous Conditions of Approval
- B. Recommended Findings
- C. Recommended Conditions of Approval and Final Agency Approval Memo
- D. CEQA Memorandum
- E. Negative Declaration
- F. Minor Modification Application
- G. Graphics
- H. Public Comment
- I. Applicant's Response to Public Comment