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## **Recommended Findings**

Moore Creek Park Expansion – “Dan’s Wild Ride Trail” – Use Permit  
Minor Modification P21-00246  
Zoning Administrator Hearing Date (March 22, 2023)

**ZONING ADMINISTRATOR HEARING – March 22, 2023  
RECOMMENDED FINDINGS**

**MOORE CREEK PARK EXPANSION – “DAN’S WILD RIDE TRAIL”  
USE PERMIT MINOR MODIFICATION #P21-00246**

APNS: 025-060-023, 025-060-025, 025-200-034, 025-440-010, 025-060-021, 025-060-005, 025-030-017, 025-030-010, 025-030-018, and 025-030-019.

**USE PERMIT FINDINGS**

The Zoning Administrator has reviewed the use permit request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings:

**1. The Zoning Administrator has the power to issue a use permit under the zoning regulations in effect as applied to the Property.**

Analysis: The project is consistent with AW (Agricultural Watershed) and AW zoning district regulations. Parks and Rural Recreation Uses and Facilities (N.C.C. § 18.08.428, " ...a place or facility where outdoor recreational uses that are generally unsuitable for urbanized areas are conducted, with structural development limited to customarily accessory structures which are necessary to conduct the outdoor use. Parks and rural recreational uses does not include campgrounds or overnight lodging. Parks and rural recreational uses includes motorized activities only in connection with lakes and rivers, or as required by the Americans with Disabilities Act of 1990, as amended.") and Campgrounds on public land (N.C.C. § 18.18.08.118... "a primary outdoor facility for short-term overnight recreational use, including customary accessory structures and uses, with sleeping accommodations in temporary facilities such as tents, tent cabins, yurts or similar rustic enclosures on platforms, and recreation vehicles pursuant to the standard set forth in Chapter 18.104. A Campground may include permanent facilities with overnight accommodations for caretakers or other employees, agents, or authorized volunteers responsible for maintaining and operating the campground and associated areas: Campground does not include a "hunting club" as defined elsewhere in this chapter.") are allowed within the AW district pursuant to N.C.C. § 18.20.030(A) and subject to the findings and performance measures specified at N.C.C. § 18.104.340 et seq. All required findings can be made and all required performance measures can be met and the project complies with the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

**2. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.**

Analysis: The use permit application has been filed and noticing and public hearing requirements have been met. The hearing notice was posted on March 10, 2023, and copies of the notice were forwarded to property owners within 1,000 feet of the Property. The Napa County Regional Park and Open Space District (NCRPOSD) is acting as lead agency on this project consistent with State CEQA Guidelines § 15051(a) and adopted the Negative Declaration on July 11, 2022.

**3. The grant of a use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa.**

Analysis: Various County departments have reviewed the project and commented regarding water, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of public health and safety.

**4. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.**

Analysis: The project complies with the requirements of the 2009 Omnibus Parks and Open Space Ordinance (Ord. No. 1326, 2009) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), all as applicable.

The subject parcel is located on land designated Agriculture, Watershed, and Open Space (AWOS) on the County's adopted General Plan Land Use Map. This project is comprised of a public park with purposes restricted to habitat preservation, open space protection, and public access including passive recreation. The approved use serves to preclude any urbanizing, structural, intensive, or otherwise non-passive recreational uses which might otherwise conflict with the requirements of the Napa County Code and Napa County General Plan.

The proposed Moore Creek Park Use Permit Minor Modification is consistent with and actively implements the following General Plan Recreation and Open Space Policies:

ROS-1: The County encourages the acquisition... and operation of recreational open space and facilities... The County shall coordinate with and support the Napa County Regional Park and Open Space District in implementing this policy.

ROS-11: Increase by 2030 the amount of dedicated open space available... by selective public acquisition from willing landowners of fee title ownership, easements, and/or license agreements over high priority open space lands.

ROS-15: The County, in coordination with and... working through the Napa County Regional Park and Open Space District, shall plan for... and encourage non-commercial recreational development, including both parks and a comprehensive system of trail ... The following recreational opportunities are the County of Napa's priorities... by the Napa County Regional Park and Open Space District:... implement sections of a Napa Valley Crest Trail that provides scenic overlooks and recreational opportunities among the ridge lands surrounding the Napa Valley...

ROS-22: Nature-based recreational opportunities should be provided...

As analyzed at item No 5, below, Moore Creek Park will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level. The project is consistent with General Plan Conservation Policies CON-53 and CON-55, which require that applicants for discretionary land use approvals prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources. The proposed project does not include any proposed increase in water use.

Napa County's adopted General Plan reinforces the County's long-standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies.

**5. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin.**

Analysis: The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin. The project will not result in any increase in water usage. No water faucets or fountains will be provided to the public and no showers are proposed. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

**OUTDOOR RECREATION – FINDINGS The Zoning Administrator has reviewed the use permit request in accordance with the requirements of Napa County Code §18.104.390 and makes the following findings:**

**6. The use is shown by evidence in the record to be appropriately located.**

Analysis: The project would occur in the AW (Agricultural Watershed) zoning district, which allows parks and rural recreational uses with an approved use permit. The proposed Minor Modification to Moore Creek Park will connect the park to Pacific Union College Demonstration and Experimental Forest which will synergistically capacitate passive recreational opportunities across these two neighboring holdings.. The passive recreational uses proposed by the NCRPOSD are appropriate to the proposed park's rural location.

**7. There is a demonstrated need for wilderness-style parks within Napa County.**

Analysis: Use patterns at existing open space/wilderness parks within the county (for example, Skyline Wilderness Park, Suscol Headwaters Park, and the Oat Hill Mine Trail) indicate that there exists a significant reservoir of local demand for the sorts of passive recreational uses proposed in this application. This Use Permit Minor Modification to expand the trail system of Moore Creek Park will synergistically capacitate passive recreational opportunities across the park and Pacific Union College's Demonstration and Experimental Forest. The proposed trail expansion will be directly connected to the existing holdings of Moore Creek Park, in an area in which public recreation has long been an accepted part of surrounding uses, therefore the potential for conflict with other uses is minimize. The passive recreational uses proposed by the NCRPOSD are appropriate to the proposed park's rural location.

**8. The use will not significantly affect the ability to conduct existing agriculture uses on site or nearby.**

Analysis: Moore Creek Park's proposed expansion is to be located in a valley and ridgeline, within an area that has previously had minimal history of agricultural activities such as grading. The project will be located away from any existing agriculture uses and is to be primarily on existing fire roads and private trails. The proposed project will include a gate to keep the public off of agricultural land operated within the Las Posadas State Forest.

**9. The use does not significantly affect potential agricultural operations on site or nearby.**

Analysis: The majority of the proposed Moore Creek Park Trail expansion is an existing private trail or road. The addition of the trail system into Moore Creek Park and the creation of an approximately 1,000

foot section reroute will not significantly affect any potential agricultural operations. The surrounding project site and properties will remain available for agricultural use on an ongoing basis.

**10. The use itself will not be adversely affected by adjacent agricultural activities.**

Analysis: Most of the property adjacent to Moore Creek Park expansion is open space, used for cattle grazing, and has minimal existing development. These existing use patterns are expected to continue and the proposed project is not expected to have any significant impact thereon. As controlled by the scope of the proposed Use Permit Minor Modification Moore Creek Park's proposed expansion will solely offer passive recreational opportunities. These uses, including hiking, biking, and environmental education which are not significantly affected by adjacent agricultural uses. In fact, many passive recreationalists are attracted by landscape views of grazing cattle.

**11. The use is not growth-inducing.**

Analysis: The project as proposed would not, in and of itself, induce growth of any kind. This project would not build new housing, establish new businesses, nor would it induce substantial population growth in or near the project site. Because the proposed park will be focused on open space and passive recreational uses it would not include or necessitate any meaningful increase in public services, infrastructure, or facilities. As a primarily non-structural and non-urban-type park use, Moore Creek Park is appropriately located in a rural area of the County. The wildland and passive recreational uses proposed are inconsistent with urban development and, as a result, the project effectively limits future growth in the vicinity.

**12. Moore Creek Park will serve local needs.**

Analysis: According to the Recreation and Open Space Element of the 2008 General Plan, the County's growing urban population has increased demand for opportunities to recreate in and enjoy the natural open spaces that surround urbanized areas. Moore Creek Park will provide needed new park and open space resources and represents a meaningful step in the direction of meeting the County's General Plan-identified passive outdoor recreational need