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Agenda Date: 12/16/2009  
Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** RONALD GEE, PLANNER III - 707.253.4417  
**SUBJECT:** Berryessa Peak Trail - Use Permit # P09-00472-UP

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### **RECOMMENDATION**

#### **NAPA COUNTY REGIONAL PARK & OPEN SPACE DISTRICT / JOHN & JUDY AHMANN - BERRYESSA PEAK TRAIL USE PERMIT # P09-00472-UP**

**CEQA Status:** Negative Declaration has been prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

**Request:** Approval to allow construction and operation of an approximately 0.5-mile trail within a public right-of-way along the Blue Ridge, over Running Deer Ranch property, and to provide a pedestrian link between existing public land managed by the Bureau of Land Management & Department of Fish and Game. The project is located at 11080 Berryessa-Knoxville Road, across three parcels, 160.00, 27.68 and 520.00 acres in size, approximately 2.5 miles east of the intersection at Berryessa-Knoxville Road and Eastside Road, within the AW (Agricultural Watershed) zoning district, (Assessor's Parcel Numbers: 015-250-006, 015-260-004 and -010) Napa.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit with the recommended conditions of approval.

**Staff Contact:** Ronald Gee, 707-299-1351, or [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org)

***(CONTINUED FROM THE DECEMBER 2, 2009 REGULAR MEETING)***

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

1. That the Planning Commission adopt the Negative Declaration for Use Permit # P09-00472-UP based on

findings 1-6 of attached Exhibit A.

2. That the Planning Commission approve Use Permit # P06-00472-UP based on Use Permit and Outdoor Recreation findings 7-16 of attached Exhibit A - Draft Findings, and subject to attached Exhibit B - Draft Conditions of Approval.

**Discussion:**

The proposal is to allow construction and operation of a two-segment, approximately 0.5 mile long recreational trail that will connect State of California land managed by the Department of Fish & Game (DFG) to the north and federal land managed by the Bureau of Land Management (BLM) to the south. The Napa County Regional Park and Open Space District-sponsored project will utilize a trail easement donated in early 2008 by the owners of the subject properties (Ahmanns) to connect landlocked BLM lands with DFG land. The Berryessa Peak Trail (aka Running Deer Ranch Public Trail Easement) will extend to Berryessa Peak, located approximately two miles to the south of the proposed segments. By the terms of the easement, mountain bicycles and horses are not permitted on the trail. These restrictions, along with the very rugged terrain, harsh climate, lack of water or other facilities, will limit the number of trail users even during the peak hunting season.

No staging area for the trail is proposed. Public users will park in one of many turnouts along Berryessa-Knoxville Road, north of Lake Berryessa. Access to the trail, located approximately 2.5 miles from Berryessa-Knoxville Road, will be from existing dirt roads that cross DFG lands; new directional signs will be installed. On the project site, those portions of the trail will be constructed with hand labor, primarily using volunteers. No trail construction is proposed on BLM lands which will be subject to a separate federal review process.

Staff recommends approval of the proposed Use Permit.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project will not have any potentially significant environmental impacts. The public review period for the draft Negative Declaration ran between November 2, 2009 through December 1, 2009. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Owners:** John and Judy Ahmann

**Applicant:** Napa County Regional Parks and Open Space District

**Representative :** John Woodbury, General Manager

**General Plan Designation:** Agriculture, Watershed & Open Space, 2008 Napa County General Plan

**Zoning:** AW (Agricultural Watershed) District

**Filed:** October 23, 2009

**Building Size:** No buildings, utility structures or facilities are proposed.

**Adjacent Zoning / Land Uses:**

North	Open Space	AW	920.00 acres (620 and 300 acres)
South	Open Space, Agriculture	AW	1,291.33 acres (626, 119.57, 39.76 and 506 acres)
East	Open Space	AW	380.82 acres (123.40, 126.48, 24.14, 35.89 and 31.34 acres)
West	Open Space, Agriculture	AW	2,342.01 acres (198.61, 280, 320, 917.4 and 626 acres)

**Property History**

On November 20, 1986 the Ahmanns entered into Napa County Agricultural Preserve Contracts - Type H, # 511/87 and # 515/87 for Assessor's Parcels 015-250-006 and -010, respectively. Section VII. Eminent Domain (B) of the contracts allow, "The acquisition hereof in lieu of eminent domain for a public improvement by a public agency or person, as those terms are defined in the Act."

On February 9, 2009 the Planning Director approved the Ahmann Trail Easement Parcel Map Exemption # P09-00018-PM for conveyance of land as described below:

The Napa County Regional Park and Open Space District accepts the following:

*From John and Judy Ahmann, an approximately one-half mile segment of trail through three separate parcels conveyed from a portion of approximately 187.68 total acres to create an Open Space hiking trail. The project includes easements for trails to be used by hikers, but not motorized vehicles, mountain bicycles or equestrians, to be located 2.5 miles directly east of the intersection of Berryessa-Knoxville Road and Eastside Road, within an AW (Agricultural Watershed) zoning District. The project includes easements for trails to be located on portions of Assessor's Parcels 015-250-006, -010 and -004.*

**Zoning Compliance History:**

There is no record of zoning compliance issues for the subject properties.

**Discussion:**

1. The proposal is to allow construction and operation of a two-segment, approximately 0.5 mile long recreational trail that will connect State of California land managed by the Department of Fish & Game (DFG) to the north and federal land managed by the Bureau of Land Management (BLM) to the south. The Napa County Regional Park and Open Space District-sponsored project will utilize a trail easement donated in early 2008 by the owners of the subject properties (Ahmanns) to connect landlocked BLM lands with DFG land. The Berryessa Peak Trail (aka Running Deer Ranch Public Trail Easement) will extend to Berryessa Peak, located approximately two miles south of the proposed segments. By the terms of the easement, mountain bicycles and horses are not permitted on the trail. These restrictions, along with the very rugged terrain, harsh climate, lack of water or other facilities, will limit the number of trail users even during the peak hunting season.

The northern segment consists of a 25-foot radius, quarter-circle shape with its centerpoint located at the northeast corner of APN 015-250-006. The southern segment is a 100-foot wide corridor that starts on APN 015-260-004, at the north end of the west parcel boundary, and continues in a south-southeast direction for

approximately 1,500-feet. The trail enters APN 015-260-010 at its northeast corner for another 100-feet to connect with BLM land to the southeast.

The trail will be designed as a foot path with a tread width between one and two feet, much narrower than a typical three to five feet wide path but adequate for the intended pedestrian-only use. Because of the steep slopes in the area (30-50% slopes) and since more than 50 cubic yards of earth may be disturbed, the project is subject to County Grading Permit requirements.

No staging area for the trail is proposed. Public users will park in one of many turnouts along Berryessa-Knoxville Road, north of Lake Berryessa. Access to the trail, located approximately 7,500 feet (1.4 mile) from Berryessa-Knoxville Road, will be from existing dirt roads that cross DFG lands; new directional signs will be installed. On the project site, those portions of the trail will be constructed with hand labor, primarily using volunteers. No trail construction is proposed on BLM lands which will be subject to a separate federal review process.

As a wilderness trail, no facilities, water or other services are proposed. The area is accessible to cell phone service and emergency 911 calls are possible for emergency pick up by helicopter. Similar to the Oat Hill Mine Trail, helicopter service is available from Sonoma County. Unlike the Oat Hill Mine Trail, no bicycles will be allowed on the Berryessa Peak Trail, the source of most emergency calls.

2. The subject properties are located in northeastern Napa County, about 2.5 miles northeast of the intersection at Berryessa-Knoxville Road and Eastside Road, within the AW (Agricultural Watershed) zoning district and the Agriculture Watershed & Open Space land use designation of the 2008 Napa County General Plan. As detailed below, the proposed recreational trail use complies with all other requirements of the Napa County Outdoor Recreation Standards, Findings and 2008 Napa County General Plan policies. No change to existing agricultural (grazing) and open space land use is proposed except for construction of the peak trail. The project conforms with the terms of existing Napa County Agricultural Preserve Contracts # 511/87 and # 515/87.

3. The attached Initial Study/Negative Declaration did not identify any potentially significant environmental effects of the project and no mitigation measures are required.

4. All reviewing departments/agencies have found the project as proposed to be consistent with their respective requirements and regulations. The proposed project is consistent with applicable standards as set forth below:

#### **Consistency with Standards:**

The following findings must be made in order to approve the Use Permit request:

Section 18.124.080, (Use Permit) Issuance- Findings Required:

1. The Commission 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 the AW (Agricultural Watershed) zoning district regulations that apply to this property which permit parks and rural recreation uses with use permit approval. A park and rural recreation (as defined in (Section 18.08.428 and Section 18.20.030 (A)) are permitted in an AW zoned district with an approved use permit. A "park and rural recreational use " is defined as 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 necessary to conduct the outdoor use (Section 18.08.428). Staff believes that the relevant requirements under the Napa County Code (zoning regulations as amended) can be met.

2. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice was posted on November 10, 2009 and copies were forwarded to property owners within 300-feet of the subject parcel. The Negative Declaration was posted on October 30, 2009 and circulated for public review and comment from November 2, 2009 to December 1, 2009 in accordance with CEQA requirements. No comments were received.

3. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit for the trail, as proposed and conditioned, will not affect the health, safety or welfare of the County. Various County departments have discussed/reviewed the project as proposed and no comments or concerns were voiced.

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: Compliance with the Zoning Ordinance: The project as proposed is consistent with the AW (Agricultural Watershed) zoning district regulations that apply to this property which permits a park and rural recreation use with use permit approval (Section 18.124.070). The project as proposed is a day-use, non-motorized trail with no new structures. The project as proposed can meet and is consistent with the additional zoning ordinance requirements, specifically Section 18.104.340, Section 18.104.350 and Section 18.104.390.

Section 18.104.340 Outdoor Recreation--General Standards: The project as proposed will not require a water supply or sewage disposal system. For the projected, limited trail use, adequate parking areas exist along Berryessa-Knoxville Road to access the trail. The common practice of recreational trail users is to carry their own water and/or other necessities. The project, as proposed will be maintained by the Napa County Regional Park & Open Space District with District staff and volunteers. No new impervious surfaces will be constructed. No existing agricultural uses (grazing) would be displaced by the trail path.

Section 18.104.350 Outdoor Recreation—Environmental performance standards. The project as proposed will not produce any noise that exceeds any standards of the General Plan Noise Element or County Code Chapter 8.16. The project as proposed will not produce any odors or dust. The project as proposed will not have any lights and will not have any adverse visual effects. The project as proposed will result in a minimal increased fire hazard and will be designed and used in a safe manner. Emergency vehicle access is available from existing adjacent roads. The project as proposed will be designed not to have any erosion potential, will be maintained and monitored to repair damage that may occur.

#### **Compliance with the General Plan:**

The goals established by the 2008 Napa County General Plan are to work with other cities, government units, citizens and the private sector to plan for services including parks and recreation, preserve natural resources, trails and for the coexistence of recreational uses in the County's existing urban and rural areas. The project as proposed is consistent with the General Plan by working with other government agencies and the private sector to provide access for the enjoyment of a natural environment not currently enjoyed by Napa County residents and visitors. As detailed in attached "Exhibit A - Draft Findings", the project is consistent with the following Goals and Policies from the Agricultural Preservation/Land Use and Recreation and Open Elements of the General Plan:

Agricultural Preservation and Land Use Element Goal AG/LU-1.

Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Agricultural Preservation and Land Use Element Goal AG/LU-5.

With municipalities, other governmental units, and the private sector, plan for commercial, industrial residential, recreational, and public land uses in locations that are compatible with adjacent uses and agriculture.

Agricultural Preservation and Land Use Element Policy AG/LU-4.

The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Agricultural Preservation and Land Use Element Policy AG/LU-12.

No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies AG/LU-2, AG/LU-5, AG/LU-26, AG/LU-44, AG/LU-45, and ROS-1.

Agricultural Preservation and Land Use Policy AG/LU-27.

For the purposes of this General Plan, the terms “urbanized” or “urbanizing” shall include the subdivision, use, or development of any parcel of land for non-agricultural purposes. Engaging in nature-based recreation or agriculturally compatible uses that are permitted in the applicable zoning district without the issuance of a use permit, such as development of one single-family house and/or second unit on an existing legal lot, shall not be considered urbanizing.

Recreation and Open Space Element Goal ROS-1.

To ensure an extensive landscape of open spaces in which recreation, the production of natural, cultural and archaeological resources, agricultural production and private property are mutually supportive and complementary.

Recreation and Open Space Element Policy ROS-1.

The County encourages the acquisition, location, design, management and operation of recreational open space and facilities, in ways that protect natural resources, enhance natural habitats, conserve agricultural lands, maintain agricultural productivity, and respect private property. The County shall coordinate with and support the Napa County Regional Park and Open Space District in implementing this policy.

Recreation and Open Space Element Policy ROS-3. Recreational facilities and improvements on open space lands should be the minimum necessary to achieve recreation objectives and be limited in density, intensity, need for public services, impacts on the natural environment, growth inducement, and impacts on neighboring properties. Uses on open space lands shall respect the character of the surrounding area, .... and shall not contribute to the likelihood that additional nonagricultural uses of agricultural land will be proposed to support or be accessory to the continued existence of the recreational use.

Recreation and Open Space Element Policy ROS-4.

The public’s right to access and enjoy publicly-owned lands should be supported where appropriate and consistent with other Recreation and Open Space Element policies and adopted resource management

plans.

Recreation and Open Space Policy ROS-8. Minimize potential negative impacts of proposed open space improvements and uses through appropriate design and by requiring mitigation for any remaining significant impacts.

Recreation and Open Space Policy ROS-11. Increase by 2030 the amount of dedicated open space available, improved and managed for nature-based recreation by the general public by improving access to existing public lands and by selective public acquisition from willing landowners of fee title ownership, easements, and/or license agreements over high priority open space lands.

The project as proposed is consistent with the General Plan by providing a passive, non-motorized trail not now available. The trail will not intrude on the natural character of the surrounding area. The project as proposed is accessible via existing trails and roadways.

In addition, the following findings must be made in order to approve the Use Permit request for parks or rural recreation facilities:

Section 18.104.390, Outdoor Recreation—Findings:

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

Analysis: The project as proposed would occur in the AW (Agricultural Watershed) zoning district which allows for parks and rural recreational uses with an approved use permit. Provisions required under the Napa County Code (zoning regulations as amended) can be met. The project will not disrupt existing agricultural use (grazing), will connect existing recreation and open space reservation areas under BLM and DF&G jurisdiction, provides views of Lake Berryessa and legal access to Berryessa Peak.

6. There is a demonstrated need for the use within the county.

Analysis: The project as proposed will increase the opportunities for local residents and visitors to view Berryessa Peak and provide increased area for hiking, walking and other pedestrian uses, including hunting. This area has been noted in the existing General Plan as a significant area for open space, for preservation of natural resources, for recreational purposes and will provide access to rivers and streams, and provide a link between recreation and open space reservations.

7. The use does not significantly affect the ability to conduct existing agriculture uses on the site or nearby.

Analysis: The project as proposed will not affect any existing agricultural uses (grazing). The project as proposed will be located along or near a ridge top. Existing cattle trails will not be affected by the new hiking trail.

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

Analysis: The project as proposed will not affect potential agricultural operations as the path will be on existing areas that could not be developed for agriculture. The non-motorized multi-use pathway is for pedestrian use only as a passive recreational opportunity for the public to observe, enjoy and have access to Berryessa Peak.

9. The use itself would not be adversely affected by adjacent agricultural activities.

Analysis: The non-motorized trail for pedestrian use is a passive recreational opportunity and would not be adversely affected by adjacent agricultural (grazing) uses. The harsh environment and lack of water in the area limit other forms of agricultural uses.

10. The use is not growth-inducing.

Analysis: The project as proposed in and of, itself would not induce growth, and does not require any increase in public services, infrastructure or facilities. The path would be daylight use only and, because of rugged terrain, harsh climate and lack of water or other facilities, trail use would be limited and would not be expected to attract a large number of users.

11. The use serves local needs.

Analysis: The project as proposed creates a passive recreational opportunity that does not currently exist for the local residents.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Draft Findings
- B . Exhibit B - Draft Conditions of Approval
- C . Department Comments
- D . Initial Study / Negative Declaration
- E . Application Materials
- F . Project Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell