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Agenda Date: 3/2/2011

Agenda Placement: 9C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: Chris Cahill, Planner - 707.253.4847

SUBJECT: Napa County Regional Park and Open Space District Moore Creek Park Use Permit Application
No. P10-00155-UP

RECOMMENDATION

JOHN WOODBURY, GENERAL MANAGER / NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT - MOORE CREEK PARK USE PERMIT No. P10-00155-UP

CEQA Status: Napa County is a responsible agency for this project. As the decision-making body for the County on the project, the Planning Commission certifies 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 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 the lists of hazardous waste sites enumerated under Government Code Sec. 65962.5

Request: Use permit to allow the construction and operation of Moore Creek Park, a public recreational facility including trails for hiking, horseback riding, and mountain biking, a staging area accomodating up to 26 vehicles, and limited environmental camping. The project is located on 4 parcels totalling 673 acres 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 within the AW (Agricultural Watershed) zoning district. Assessor's Parcel Nos. 025-440-010, 025-200-034, 025-060-025, and 025-060-023. 2607 and 2613 Chiles Pope Valley Road, St. Helena, Calif. 94574

Staff Recommendation: Certify that the Planning Commission has reviewed and considered the project Mitigated Negative Declaration and approve the requested use permit as conditioned.

Staff Contact: Chris Cahill, 253-4847, chris.cahill@countyofnapa.org or John Woodbury, 259-5933, jwoodbury@ncrposd.org

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Certifies that it has reviewed and considered the information contained in the project Mitigated Negative Declaration adopted by the Napa County Regional Park and Open Space District;
2. Finds that the Mitigated 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 No. P10-00155 based on findings 1-21 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion:

The requested use permit would allow the creation, development, and operation of the Napa County Regional Park and Open Space District's Moore Creek Park on property located just north of the City of Napa's Lake Hennessey watershed lands and west of Chiles Pope Valley Road. The proposed park would allow public access to and nature-based recreation on 673 acres of open space in the Moore Creek watershed which have been owned by the District since 2008. Proposed uses include hiking, mountain biking, horseback riding, nature observation and study, environmental camping, and a limited number of park maintenance events. Access to the park would be along an existing ranch road which the District proposes to chip seal, terminating at a new 26 car parking lot. Access from the parking area into the further reaches of the proposed park would be by foot, bike, or horse only. Structural development as proposed is limited to three new composting toilet bathroom facilities. No public running water would be provided. A trail system totaling approximately 6 1/2 miles is also proposed, along with a trail connection to the City of Napa's Lake Hennessey holdings.

Staff believes all required findings can be made in support of this park and rural recreation/campground use and recommends approval of the proposed Use Permit.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Mitigated 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 Planning Commission'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 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 project (including both the Moore Creek and the Lake Hennessey Units). This is consistent with the State CEQA Guidelines § 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 Mitigated Negative Declaration at their February 14 meeting. That having been done, the Planning Commission's responsibility here is to: 1.) review

and consider the adopted mitigated negative declaration (it is attached at Exhibit G.) and 2.) find that it adequately addresses the use permit request which is presently before the Commission. Having reviewed the adopted document, Planning staff has confidence in its adequacy and in its relevance to the requested use permit.

BACKGROUND AND DISCUSSION

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

Applicant: John Woodbury, NCRPOSD General Manager

Zoning: AW (Agricultural Watershed)

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

Filed: April 23, 2010 **Complete:** January 11, 2011

Property Area: 673 acres, including assessor's parcel nos. 025-440-010 (50.58 acres), 025-200-034 (141.72 acres), 025-060-025 (120 acres), and 025-060-023 (360.7 acres)

Parking: 26 spaces total, including 5 oversize horse trailer spaces and 1 ADA-accessible space

Proposed Structural Development: 3 +/- 200 square foot composting toilet facilities, signage

Hours of Operation: Sunrise to Sunset, with limited overnight environmental camping

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.

Adjacent General Plan Designation/ Zoning / Land Use:

North and East

Agriculture, Watershed, and Open Space General Plan designation - **AW** zoning

Open Space; including 100 acre, 21 acre, 124 acre, 39 acre, 153 acre, 44 acre, 51 acre, and 63 acre open space parcels (RAJA Development Co.) and a 160 acre open space parcel (Woolsey).

Southwest

Agriculture, Watershed, and Open Space General Plan designation - **AW** zoning

Open Space, Residential, and Watershed/ Recreation; including a 40 acre watershed parcel with accessory recreational uses (City of Napa) and a 450 acre rural residential parcel (Barkley)

West

Agriculture, Watershed, and Open Space General Plan designation - **AW** zoning

Open Space and Residential; including a 200 acre rural residential parcel (Bundy), a 40 acre open space parcel (Bundy), and a 181 acre rural residential parcel (Queen).

Southeast

Agriculture, Watershed, and Open Space General Plan designation - **AW** zoning

Open Space and Residential; including a 67 acre open space parcel (Palmer), an 80 acre open space parcel (Purdy), and an 11 acre rural residential parcel (Costello).

Parcel History and Evolution of this Application:

November 2006 - Napa County voters approved Measure I, establishing the Napa County Regional Park and Open Space District. The NCRPOSD is authorized to plan, improve, and operate a system of public parks, trails, outdoor recreational facilities, and outdoor science and conservation education programs; as well as to protect and preserve natural areas, wildlife habitat and other open space resources.

June 2008 - The NCRPOSD secures an option to purchase the 673 acre subject property from its long-time owners, the De La Briandais family. Funds to cover the \$2.8 million purchase price come from a mix of grantmaking sources, including the State Coastal Conservancy, Proposition 40 (2002 Resources Bond) funds administered by the California Department of Parks and Recreation, and the County of Napa's Parks and Open Space fund.

August-September 2008 - The NCRPOSD's General Manager, John Woodbury, formally requests a General Plan consistency determination from the Planning Director for the proposed 673 acre park, including, "nature based recreation, hiking, mountain biking, horseback riding, picnicking, and camping." Deputy Director McDowell, acting on behalf of the Director Gitelman determines that the, "proposed acquisition project is (generally) consistent with the Napa County General Plan... (and specifically with) the policies of the Recreation and Open Space Element."

December 2008 - The NCRPOSD purchases the 673 acre De La Briandais ranch.

April 2010 - The NCRPOSD files use permit application no. P10-00155, the request currently before the Commission.

January 11, 2011 - The NCRPOSD, acting as lead agency, publishes a mitigated negative declaration pursuant to the requirements of CEQA and initiates a thirty day public comment period on the project.

February 14, 2011 - The Board of the NCRPOSD formally adopts the project mitigated negative declaration and votes to pursue construction of the proposed park, pending Planning Commission use permit approval.

Code Compliance History:

Having discussed the application with Enforcement staff, toured the property, and reviewed the Department's files, Planning Staff is not aware of any code compliance issues on the subject parcels.

Discussion Points:**Setting**

The greater Moore Creek Park will be comprised of two units, the 673 acre Moore Creek Unit which is and will be owned by the NCRPOSD, and the approximately 970 acre Lake Hennessey Unit, which is comprised of existing City of Napa watershed lands surrounding Lake Hennessey. Under Government Code § 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 proposed Lake Hennessey Unit is not a part of the proposed use permit and only the Moore Creek Unit is addressed here.

The Moore Creek Unit currently includes includes two private, approximately 60-year old residences and

associated structures, a dirt road extending the length of the property north to south, several jeep trails, and a parking/equipment/ranch operation staging area. The property has historically been used for a mix of cattle grazing, hunting, and private recreation including ATV and motorcycle use, target shooting, horseback riding, hiking, and parties. Cattle and horse grazing continues to take place on the property under a lease with the adjacent property owner which the District inherited when it purchased the property, and which will continue under the terms of the existing agreement until such time as the common property boundary is surveyed and fenced. The Moore Creek Unit contains a variety of mostly non-native grasslands, mixed Oak Woodlands, Gray Pine, Douglas Fir and Madrone forests, chaparral, and riparian vegetation.

The land east and north of the Moore Creek Unit is divided into ten undeveloped parcels, most of which is used for cattle grazing. There are four adjacent properties to the west, two of which contain private residences. Approximately half of the adjacent land to the west is grazed by cattle, and approximately two-thirds of the land has its open space values protected through conservation easements held by the Land Trust of Napa County. To the south of the Moore Creek Unit is the City of Napa's Lake Hennessey property (portions of which will eventually make up the Lake Hennessey Unit). The City presently allows boating on the lake using small motor boats, rowboats, and canoes, with access from a public boat launch on the south shore of the lake; however, swimming and other forms of human body water contact are prohibited. The City also currently allows public hiking and fishing along approximately 1.1 miles of the shoreline road on the north side of the lake with access from Conn Valley Road as well along the eastern and southern sides of the lake.

Project

The Moore Creek Park project involves improving and providing public access to and nature-based recreation on the 673 acres of open space in the Moore Creek watershed owned by the Napa County Regional Park and Open Space District (the "Moore Creek Unit"). Proposed uses, facilities and other notable features of the project are summarized below:

Proposed Uses

- *Hiking* - Hiking 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. (please see the "Other Notable Features" section, below, for additional information on proposed park closure policies).
- *Mountain Biking* - Mountain biking will be allowed on all named trails within the Moore Creek Unit, excepting those times when the park is closed due to high fire hazard, excessively wet trails, or other hazards.
- *Horseback Riding* - As with mountain biking, horseback riding will be allowed on all named trails within the Moore Creek Unit, excepting those times when the park is closed due to high fire hazard, excessively wet trails, or other hazards.
- *Nature Observation and Study* - Nature observation will be allowed year-round, except when park access is restricted due to high fire hazard, excessively wet trails, or other hazards.
- *No Motorized Recreation* - Unless required or recommended by the ADA or similar disability-access regulations, no motorized recreation will be permitted. Excepting the short access driveway running between Chiles Pope Valley Road and the Moore Creek Unit staging area, the public will not be permitted to drive any form of motorized vehicle within the park, other than between.
- *Environmental Camping* - Short-term walk-in tent camping will be allowed for small groups, by reservation only, in an area approximately 500 feet northeast of the ranch house and also on the knoll approximately 2000 feet east of the ranch house. No more than one group will be allowed to camp at any given time, with a maximum size of 30 campers per group.
- *Other Low-Impact Outdoor Recreation and Education* - 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, however, specifically disallowed.
- *Annual Special Events* - The NCRPOSD proposes up to two invitation-only volunteer special events annually to allow group work on park improvement, restoration, and maintenance projects. These work events would potentially include overnight stays by volunteers and would in no case exceed 125 people per event.

Proposed Facilities

- *Canyon Trail* (2.8 miles) - An existing unimproved road, plus a 700 foot long new bypass trail to eliminate two of the existing seven road crossings of Moore Creek. The southern one mile of the road also provides access to the existing ranch house.
- *Vista Trail or Southeastern Upland Trail* (2.1 miles) - A new single-track trail that together with the southern portion of the Canyon Trail creates a 3 mile loop trail.
- *Madrone Trail or Northwestern Upland Trail* (1.5 miles) - A new single-track trail that together with the northern portion of the Canyon Trail creates a 3.5 mile loop trail.
- *Staging Area* - Located approximately ¼ mile from Chiles/Pope Valley Road, the existing ranching operation staging area would become the public parking area. It would be designed to County of Napa Public Works standards and would accommodate up to 5 horse trailers and 21 regular-sized vehicles. The general public will not be permitted to drive beyond the staging area. The driveway from Chiles/Pope Valley Road to the existing staging area would be chip-sealed and the existing staging area would have gravel surface added as needed to provide an all-weather surface. A composting toilet facility will be located at the staging area for the visiting public.
- *Environmental Camping* - One primitive tent camp site will be located approximately 500 feet northeast of the ranch house and another will be located on top of the knoll approximately 2000 feet east of the ranch house. Other than composting toilet facilities at each location, there will be no structures, and no potable water.
- *Signage* - Includes park entrance sign on Chiles/Pope Valley Road, information kiosk at the staging area, educational signage, and directional signage at all trailheads and junctions, and property boundary/no trespassing signs at appropriate intervals along the perimeter fence.
- *Fencing* - Includes 4-strand barbed wire fencing along the entire perimeter. Additional barbed wire will be added in the area between the ranch house and the section line (approximately 1/8 mile) such that there is no more than an 8 inch gap between strands extending from the ground to four feet above ground.

Other Notable Features

- *Sustainability* - Every aspect of the construction and operation of the park will be designed to be sustainable in terms of resource and energy consumption and generation of pollutants. Examples include: (a.) entrance informational display about climate change that encourages each user to make a donation to offset their carbon footprint from use of the park, with donations used to install energy conservation improvements and equipment and generate solar power for on-site use; (b.) no motorized recreation within the park; (c.) solid waste minimization through education, recycling and composting; and (d.) composting rather than flush or chemical toilets.
- *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 Marshall. 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, mountain bikers, and equestrians 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.
- *Other Hazards* - Trails will be partially or fully closed, and either or both Units may be completely closed to the public as needed to avoid conflict with City of Napa or District property maintenance activities, to avoid any other public safety hazard, to protect water quality, or to protect other natural resources.
- *Existing Houses* - The two existing houses on the property will continue to be used as private residences consistent with County Zoning, Building, Environmental Management, and other applicable ordinances and regulations. These houses and ancillary structures will not be open to the public, they are not part of the proposed use permit.
- *Dogs* - No dogs will be allowed in the Moore Creek Unit except: (a.) dogs belonging to residents of the Gate House and/or the Ranch House which are either indoors, on leash, or in a fenced area and (b.) companion dogs as defined and as required to be permitted by the Americans With Disabilities Act.

- *Hunting and Shooting* - No sport hunting or target shooting will be allowed.
- *Noise* - The public will not be permitted to have amplified music at any time. Residents and their guests staying at the two houses on the property will be required to comply with the County of Napa's Exterior Noise Ordinance.
- *Grazing* - Cattle grazing is not currently allowed within the Lake Hennessey Unit, and this project does not propose changing this policy. Once the existing grazing lease within the Moore Creek Unit terminates, cattle grazing will be allowed to continue within the Moore Creek Unit, except that no grazing will be allowed in the northern two miles of the Unit (where it is not feasible to provide off-stream water for cattle, and which is marginal grazing land at best), and new fencing will be installed to keep cattle out of the lower one-half mile of the creek within the Moore Creek Unit. The existing grazing lease will terminate as soon as the eastern property boundary is surveyed and fenced; this work is currently underway pursuant to an agreement that has been entered into between the District and the adjacent property owner. The duration and intensity of grazing will be based on best management practices developed in consultation with the Natural Resource Conservation Service. A key grazing objective will be to use grazing to control the risk of wildfire and the spread of invasive weeds.
- *Fencing* - The entire perimeter of the park is already or will be fenced with 4-strand or 5-strand barbed wire fencing to limit trespass onto private property and facilitate managed grazing, while still allowing wildlife movement.

Required Findings

The Commission may remember that in 2009 the Board of Supervisors adopted the *Omnibus Parks and Open Space Ordinance*, which included a number of changes to the findings which are required to be made in support of new parks and rural recreation and campground uses. The adopted changes were primarily focused on bringing what had been a rather antiquated code section in line with current parks and open space best practices. The Commission may also remember that, to the extent there was debate about the then-proposed ordinance, it focused on RV sites and RV-centric amenities in campgrounds. As a wilderness-style park, Moore Creek Park raises no concerns with regard to RV use (none will be allowed) and no issues associated with extensive structural development (new buildings will be limited to three composting-toilet outhouses). Staff is confident that the Moore Creek Park use permit is fully consistent with the findings and performance standards included in the Zoning Code and would refer the Commission to Exhibit A (attached) for our complete analysis.

Consistency with Standards:

Zoning

The project is consistent with AW (Agricultural Watershed) zoning district regulations, which allow park and rural recreation uses, as well as public campgrounds, upon grant of a conditional use permit. **Parks and Rural Recreation Uses and Facilities** is defined at N.C.C. § 18.08.428 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 are necessary to conduct the outdoor use. Parks and rural recreational uses does not include campgrounds or overnight lodging... ." A **Campground** (N.C.C. § 18.08.118) is defined as "...a primarily 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 standards 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..." Both uses are allowed within the AW district 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 (please see Exhibit A).

Building Division Requirements

The Building Division recommends approval with standard conditions. Please see their February 10, 2011 memo (attached).

Fire Department Requirements

The Fire Marshal's office recommends approval with standard conditions. Please see their June 23, 2010 memo (attached).

Department of Public Works Requirements

The Department of Public Works recommends approval with standard conditions. Please see their May 10, 2010 memo (attached).

Department of Environmental Management Requirements

The Department of Environmental Management recommends approval with standard conditions. Please see their February 17, 2011 memo (attached).

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Fire Marshal's Conditions
- D . Public Works Conditions
- E . Building Division Conditions
- F . Environmental Management Conditions
- G . CEQA Documents
- H . Submitted Application Materials
- I . Project Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell