

**PLANNING COMMISSION HEARING – DECEMBER 2, 2015  
EXHIBIT A – FINDINGS**

**PHELAN RESIDENCE  
USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS #P12-00265 &  
EXCEPTION TO THE NAPA COUNTY ROAD & STREET STANDARDS.  
100 HENNESSEY RIDGE ROAD, ST. HELENA, CA  
APN: 025-440-007**

**ENVIRONMENTAL:**

The Planning Commission (Commission) has received and reviewed the proposed Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

**EXCEPTION TO ROAD AND STREET STANDARDS:**

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

7. The exception will preserve unique features of the natural environment which includes, but is limited to, steep slopes, heritage oak trees, or other trees of at least 6" dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: Hennessey Ridge Road is a private shared road that currently serves approximately fourteen parcels and seven existing dwelling units and is approximately 14,400 linear feet from the connection with Chiles Pope Valley Road to its terminus at the

gated entrance to 100 Hennessey Ridge Road. The existing private shared access road varies in width from 14 feet to 20 feet. The nature and constraints for the road exception are to minimize environmental impacts by reducing earth disturbances on steep slopes exceeding 30% and preserving heritage trees at least 6 inch diameter breast height. These exceptions have been reviewed by the County Engineering Services Division and Fire Marshal, and they have determined that the requested exception will preserve unique features in the natural environment; thereby recommend approval of this request.

8. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The existing roadway configuration and proposed improvements in the Request, subject to recommended conditions of approval by Engineering Services and the Fire Marshal, will serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

#### **USE PERMIT REQUIRED FINDINGS:**

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

9. 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 AW (Agricultural Watershed) zoning district regulations that apply to this property, which permits the construction of a primary residential dwelling unit, one guest house, and one second dwelling unit (County Code Section 18.20.020) without a use permit. Furthermore, the project is consistent with the Conservation Regulations, which allow construction of a main or accessory structures, earthmoving activity, grading or removal of vegetation within the stream setback areas with issuance of a Use Permit Exception pursuant to County Code Section 18.108.040.

10. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.

Analysis: The use permit application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on October 31, 2015, and copies were forwarded to property owners within 1000 feet of the subject parcel, and interested parties. The CEQA public comment period ran from October 31, 2015 to December 1, 2015.

11. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County divisions and departments have reviewed the project and commented regarding previously constructed improvements, the existing and proposed septic system, access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of the public health, safety and welfare.

12. 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 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. The project complies with the requirements of the Agricultural Watershed Zoning District, the Conservation Regulations and other applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code). The goals established by the County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the County's existing cities and urban areas. The Agriculture, Watershed and Open Space designation includes single-family dwellings at an intensity of one dwelling unit per parcel as general uses. The proposal is consistent with the General Plan with existing development on the parcel being maintained with a primary residence and guest cottage.

13. The proposed use would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under County Code Section 13.15.070 or Section 13.15.080.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. The property has sufficient water supplies to serve the construction of a single family residence and guest house on this lot and will not require a new water system or improvements to the current system causing significant adverse effects.

**The following findings must be made in order for the Commission to grant and exception to the Conservation Regulations in the form of a use permit pursuant to County Code Section 18.108.040 for structural and road development projects.**

14. Roads driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;

Analysis: Excavation of the original pad and construction of the caretaker's dwelling unit occurred in 1973 before the County's Conservation Regulations were adopted in 1994 requiring compliance with blue-line creek setbacks. The rebuilt caretaker's dwelling unit is located on slopes of less than 5% average thus likely avoided excessive grading. Furthermore, improvements below the pond and the dam area consist of stepped wooden retaining walls to minimize earthmoving. Replacement of the existing impervious pond liner would occur at the same elevation as the existing pond liner, and the replacement of the deteriorated redwood flume and drainage facilities all occurred on nearly level terrain. The dock extending from the south shore of the existing stock pond was previously constructed by the former property owners along with installation of a water slide on top of the dock, which consists of corrugated black plastic draining culverts. No grading was needed to install the water slide.

15. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
  - a. Multiple floor levels which follow existing, natural slopes,
  - b. Foundation types such as poles, piles or stepping levels which minimize cut and fill and the need for retaining walls,
  - c. Fence lines, walls and other features which blend with the existing terrain rather than strike off at an angle against it.

Analysis: Construction of the caretaker's dwelling unit occurred in 1973 before the County's Conservation Regulations were adopted in 1994 requiring compliance with blue-line creek setbacks. The rebuilt caretaker's dwelling unit is located on slopes of less than 5% average thus likely avoided excessive grading or earthmoving. Furthermore, improvements below the pond and the dam area consist of stepped wooden retaining walls to minimize earthmoving. The replacement of the deteriorated redwood flume and drainage facilities to the east of the caretaker's dwelling unit all occurred on nearly level terrain. The dock extending from the south shore of the existing stock pond was previously constructed by the former property owners along with installation of a water slide on top of the dock, which consists of corrugated black plastic draining culverts. No grading was needed to install the water slide.

16. The development minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;

Analysis: Construction of improvements within the designated stream setbacks likely required minimal grading and no tree removal. The plan to restore and revegetate the ephemeral reach that feeds the existing pond is being implemented pursuant to the California Department of Fish & Wildlife Streambed Alteration Agreement. The previous property owner had altered this reach. In addition to the restoration project, the area disturbed to replace the deteriorated redwood flume will be revegetate and enhanced through the planting of native grasses and trees.

17. Adequate fire safety measures have been incorporated into the design of the proposed development;

Analysis: The shared community private drive and private drive to the residence provides access to the site and have been reviewed and approved by the County Engineering Services Division and Fire Marshal, as conditioned. Adequate water storage facilities also exist on site. The Caretaker's dwelling unit will be required to be sprinklered and the roof fitted with fire-retardant shingles to meet all applicable fire and building code requirements.

18. Disturbance to streams or watercourses shall be minimized and setbacks shall be retained as specified in Section 18.108.025;

Analysis: The biological assessment conducted for the project in September 2012 and March 2013 by Analytical Environmental Services (AES) concluded that over time the former redwood flume deteriorated and created a condition where runoff and seepage under and around the structure was causing significant erosion, which compromised the integrity of the hill slope, created routine maintenance and conveyed an aberrant sediment load downstream to Cedar Creek (the ephemeral drainage below the caretaker's dwelling), which

is a tributary to the Napa River. For these reasons and due to the dilapidated condition, the 100-year old redwood flume was replaced by the current underground culvert and sized to accommodate a 100-year plus storm event modeled for the watershed. AES concluded that the replacement of the deteriorated redwood flume which functionally decreases the rate of erosion and the contribution of sediment to downstream receiving water body, a tributary to the Napa River is in conformance with the goals and objectives of the Napa River Basin TMDL and provides a net benefit to the Napa River stream system. The area disturbed as part of undergrounding of the new culvert will be treated for erosion control and will be re-vegetated.

The former property owner altered the northern ephemeral reach that supplies water to the pond during storm events. As proposed, the area is also being restored pursuant to the California Department of Fish & Wildlife Streambed Alteration Agreement. This restoration will reduce soil entering the pond. Additional site drainage facilities were constructed within the required stream setbacks which result in improved storm water collection and discharged through on-site dissipaters. Those facilities together with replacement of the former redwood flume will substantially reduce downstream erosion.

19. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the County's environmental sensitivity maps;

Analysis: The biological assessment conducted for the project site in September 2012 and March 2013 by Analytical Environmental Services (AES) concluded that the habitat type that surrounds the project, except where the ephemeral drainage transition to the existing pond is chaparral. Construction activities occurred only in the chaparral areas. AES also concluded that this habitat type was not impacted by the project, and no trees were removed in the area where improvements were constructed within the designated stream setbacks. Regarding animal habitat, the March 2013 assessment indicates that the project vicinity provides habitat for a number of wildlife species common to the area of which none are state or federally listed as species.

20. An erosion control plan has been prepared in accordance with Section 18.108.080 and has been approved by the Director of his designee.

Analysis: Project specifications have been submitted and approved by the Engineering Services Division, as conditioned.