**EXHIBIT A**

**MOSSER RESIDENCE**

**CONSERVATION REGULATION USE PERMIT EXCEPTION**

**90 LONGHORN RIDGE ROAD, NAPA, CA 94558**

**APN 032-170-038**

**Environmental Determination:**

The Planning Commission (Commission) has received and reviewed the proposed Negative Declaration (Environmental Document) pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County’s Local Procedures for Implementing CEQA, and makes the following findings.

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, provided conditions of approval are applied to this project as required.

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, provided conditions of approval are applied to this project as required.

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, Room 210, Napa, California.

**Use Permit Required Findings:**

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

7. That 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 permits the construction of a pool and pool house (Section 18.20.020), and Conservation Regulations, which allow construction on slopes between 30 and 50% with issuance of a Use Permit Exception (Section18.08.060(A)).

8. 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 and notice and public hearing requirements have been met. The hearing notice was posted on February 12, 2014 and copies were forwarded to property owners within 300 feet of the property and to all interested parties. The CEQA public comment period ran from February 12 through March 4, 2014.

9. 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 pool and pool house as proposed and conditioned will not affect the healthy, safety or welfare of the County. Various County departments have reviewed the project and commented regarding water, waste water disposal, building permits and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health and safety.

10. The proposed use complies with the applicable provisions of the Code and is consistent with the policies and standards of the General Plan;

Analysis: The proposed pool and pool house would typically be permitted by right in the Agricultural Watershed zoning district. However, due to the slopes on the property a Use Permit Exception to the Conservation Regulations is needed. 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 accessory structures such as a pool and pool house as general uses. The proposal is consistent with the General Plan subject to the existence of a single family residence on site, as conditioned.

11. 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 in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Napa County Code § 13.15.070 or § 13.15.080;

Analysis: The property has sufficient water supplies to serve the construction of a pool and pool house on this lot will not require a new water system or improvements to the current system causing significant adverse effects. Current water use for the property is 1.15 AF/YR and will increase to 1.1695 AF/YR as a result of the pool. The property has an allowable water allotment of 32.73 AF/YR which is arrived at by multiplying the parcel size by a 0.5 AF/YR factor.

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

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

Analysis: To minimize the extent of grading, the cut and fill slopes range between 2:1 and 1.5:1 (horizontal:vertical). The pool and pool house has been designed with its long axis parallel to the contours and the short axis perpendicular to the contours. The building pad and road grading design has been integrated to create a single land form after construction. Therefore, no significant grading will be required by this project.

13. 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: The proposed pool and pool house will consist of a slab on grade foundation. The residence will be designed as a one story with a second story loft in a building height of 19’6” to 26’ to the roof and is located on the rear side of the existing single family residence and will not be visible from Longhorn Ridge Road.

14. 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: The proposal and associated earthwork includes the removal of a total of 28 trees, all California Buckeye trees with a diameter range of 3-12”, and a height range of 8-15’. To remain in compliance with the County Code Section 18.108.100(c), trees not designated for removal shall be protected through the use of barricades or other appropriate methods during the construction phase. Consistent with County Code section 18.108.100(E), if any trees, other than the 28 designated on the application materials, are removed, they shall be replaced at a ratio of 2:1 with fifteen gallon trees at locations approved by the director of designee, or replaced with smaller trees at a higher ratio to be determined by the director or designee.

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

Analysis: Fire storage tanks are already present on the property. The project has been reviewed by the Fire Marshal and they have no additional comments on the project at this time.

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

Analysis: There are no streams present on the subject site; therefore no impacts to streams would occur as a result of the proposed project.

17. 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: There are no threatened or endangered plants or animal habitats as designed by state or federal agencies with jurisdiction or as identified on the County’s environmental sensitivity maps.

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

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