**EXHIBIT A**

**ERICKSON RESIDENCE**

**CONSERVATION REGULATION USE PERMIT EXCEPTION**

**3211 ST. HELENA HIGHWAY, ST. HELENA CA 94574**

**APN 022-070-046**

**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 tennis court (Section 18.104.270), and Conservation Regulations, which allow construction within the required stream setbacks with issuance of a Use Permit Exception (Section18.108.025(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 June 10, 2015 and copies were forwarded to property owners within 1,000 feet of the property and to all interested parties. The CEQA public comment period ran from June 10 through June 30, 2015.

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 Exception for the tennis court 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 tennis court would typically be permitted by right in the Agricultural Watershed zoning district. However, due to the physical constraints of 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 tennis court 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 proposed project would create no additional demands for water on the property. Thus, no impacts to groundwater would be foreseeable. No further analysis is needed.

**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 tennis court been designed atop a knoll to minimize the grading necessary and will also allow for all cut and fill to be balanced on site. The construction road is temporary in nature and will be returned to its native state upon completion of 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: There are not structures proposed as part of this project. There will however be a ten foot fence along the perimeter of the court which will not be visible from State Highway 29, due to existing mature Oak Woodlands.

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 36 trees, 14 Oak trees and 22 other native trees will be removed. 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 36 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 and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project;

Analysis: The Hirsch Creek stream is located downward and to the north of the project location. Any drainage alterations would be included in the grading and improvement plans that are required for project construction. The applicant is required to submit a Notice of Intent (NOI) for a Storm Water Pollution Prevention Plan permit (SWPPP) from the Regional Water Quality Control Board for pre & post construction activities, as well as, a grading permit from the Engineering Services Division to ensure that no excessive run-off occurs during pre/post construction. Review and approval by the Division of Engineering of the grading and improvement plans will ensure that no there is no potential for significant on- or off-site erosion, impact to siltation, or flooding.

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, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.

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