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# Findings

PLANNING COMMISSION HEARING – July 16, 2025  
RECOMMENDED FINDINGS

Pott's Pool  
Use Permit Exception to the Conservation Regulations – Stream Setback  
Application Number P23-00318-UPX  
1229 Soda Canyon Road, NAPA, California  
APN 039-130-005-000

ENVIRONMENTAL:

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

1. The project is Categorically Exempt from the CEQA pursuant to Section 15301, Class 1, which exempts minor alterations to existing public or private structures.
2. The project is Categorically Exempt from the CEQA pursuant to Section 15303, Class 3, which exempts a project that consists of construction of limited numbers of new, small facilities or structures and installation of small new equipment and facilities such as swimming pools and associated equipment.
3. The project is Categorically Exempt from the CEQA pursuant to Section 15304, Class 4, which exempts minor trenching where the surface is restored.
4. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
5. 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 & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

USE PERMIT:

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

6. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: Exceptions to the County's Conservation Regulations are subject to a Use Permit, and Use Permits are subject to review by the Planning Commission (Napa County Code [NCC] Sections 18.108.040 and 18.124.010). There is no companion action necessary for the requested Use Permit that would require action by the Board of Supervisors. The project site is located in the Agricultural Watershed (AW) zoning district. The recognition and retention of existing site improvements and accessory structures, and the proposed additional improvements, as conditioned, are intended for residential uses and are permitted in the AW District. The project, as conditioned, complies with the requirements of the Zoning Code as applicable.

7. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the NCC (zoning regulations) have been met.

Analysis: The application for a Conservation Regulations Use Permit Exception has been appropriately filed, and noticed and public hearing requirements of the NCC Section 18.136.040 have been met. On July 3, 2025, a notice of public hearing and intent to adopt a Categorical Exemption was published in the Napa Valley Register, posted with the Napa County Clerk, mailed via first class mail to owners of property within 1,000 feet of the subject parcel, and mailed via first class mail or electronic mail to the applicant, property owner, and other interested parties who had previously requested such notice.

8. 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 project, as conditioned, will not adversely affect the health, safety or welfare of the County. The project includes the construction of a swimming pool and associated pool equipment, including trenching for the associated infrastructure connecting the pool to the existing water system and other erosion control measures, to allow an accessory use to an existing established single family residence, which is located within the jurisdiction of the County of Napa. Implementation of the proposed project will not generate substantial increases to ongoing groundwater or wastewater treatment demands beyond levels associated with the existing single family residence. The swimming pool is an accessory use to an existing residence. The project includes no new residential or commercial development that will generate new vehicle trips on the road network in the vicinity of the property. All new improvements will occur in previously developed areas, and have been designed to comply with California Building Code requirements as well as Napa County stormwater pollution prevention requirements, which provide adequate safety and service in the interest of protecting public health and welfare.

9. 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 and any applicable specific plan.

Analysis: The proposed project will occur within an existing developed residential back yard on a parcel created in 1950 prior to the enactment of current stream setback regulations. The proposed improvements will replace existing legally established improvements within the stream setback, will result in no native tree removal, and is consistent with Goal CON-6 which encourages the preservation of woodlands for their environmental and open space value. Although the pool and yard improvements will be within the required stream setback, the project has also been designed to minimize earthwork and consists of a small footprint within a previously disturbed area outside of the defined bed and bank for Soda Creek. All improvements are designed to comply with County stormwater quality control regulations intended to minimize sediment and pollutant discharge into the County's streams and waterways. The project will not impact nor cause removal of any vegetation along the stream, which is designated as a critical habitat linkage corridor supporting General Plan Policies CON-45 and CON-47(f). The County's Conservation Regulations (County Code Section 18.108.040) identify the Use Permit as the appropriate mechanism for allowing exceptions to the standard stream setbacks.

10. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an 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 Sections 13.15.070 or 13.15.080 of the NCC.

Analysis: The pool will nominally increase groundwater use associated with the property. However, initial filling of the pool will occur with trucked-in potable water and thus avoid use of groundwater. Water use for the residence, pool and site landscaping will remain within Section 13.15 groundwater conservation 'fair-share' water use limits. The proposed pool project does not directly require a new water system, as the site already contains a single family residence and various accessory structures which are already serviced by an existing water system. Additional COAs have been required by the Environmental Health department to ensure there is adequate septic reserve area in the case of any future failures of the existing system. Further, the project is not located near an affected groundwater basin.

#### **EXCEPTION TO CONSERVATION REGULATIONS:**

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

Analysis: The proposed project would utilize the existing private driveway to access the development site. Materials will be driven to the site with staging occurring outside of required stream setbacks. The only dirt that would need to be moved would be for the placement of the approximately 25' long, 12' wide, 3-6' deep pool (1350 cubic feet – ~10,000 gallons) and approximately 17' length of trenching, 3" wide and 24" deep (8.5 cubic feet), for connecting the pool to the existing main residence's water system. The disturbed areas (other than the pool itself) will be restored post project with landscaping and natural vegetation per the Conditions of Approval.

12. 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 exception is for a swimming pool, which is minor in nature and does not contain multiple-floor levels, a foundation, fence or walls. Slopes surrounding the proposed pool are shallow, ranging from 1 to 3 percent. The proposed pool and improvements result in no changes in grade and require minimal earthwork, and will be at grade with the existing rear yard. No work will occur within the bed and bank of Soda Creek.

13. The development project 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: No vegetation removal will occur as part of this project. The area was impacted by fire and much of the vegetation was lost. Additionally, the site is currently disturbed as the residence and accessory structures are in the process of being rebuilt. Implementation of the proposed project would not result in the removal trees. A Condition of Approval includes the requirement for the applicant to revegetate the disturbed areas with a mix of native plants and low-water landscaping vegetation.

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

Analysis: The project has been reviewed and approved with no conditions in the project workflow by the Napa County Fire Marshal's office.

15. Disturbance to streams and watercourses shall be minimized, and the encroachment, if any, is the minimum necessary to implement the project.

Analysis: There is one stream, Soda Creek, that runs along the properties north-western property line. The pool and associated improvements will be located in an area that has previously been developed with residential yard improvements. No encroachments into the watercourse will occur. Although the pool and improvements will be within the required stream setback, the project will not result in any modification of the stream bank or the streamside vegetation.

16. 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 County Geographic Information System indicates the presence of sensitive species within Soda Creek. However, all proposed improvements will occur within a previously developed area outside of the defined bed and bank, and thus outside of sensitive species habitat. The project will not result in increased discharge or illicit discharge to the creek, and thus will not adversely impacts threatened or endangered plant or animal communities or habitat. County staff conferred with the California Department of Fish and Wildlife, the Trustee Agency for the protection of biological resources and they did not raise any concerns about the proposed project in regard to impacts to endangered plant or animal habitat. However, staff is recommending various COAs to ensure there are no impacts to the existing stream, these include the following: 1) to require the installation of construction fencing 5 feet from the top of bank of Soda Creek inside of which no work shall occur, 2) that all staging and construction will occur outside of the required stream setback, and 3) that all worker parking occurs outside of stream setback.

17. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with NCC Section 18.108.080 and has been approved by the Director or designee.

Analysis: The proposed swimming pool and associated improvements have been reviewed by the Engineering Division and during the building permit phase will need to demonstrate compliance with the requirements of the Napa Countywide Stormwater Pollution Prevention Program and Sediment Control Plan; the project was approved by the Division on December 15, 2023. As such, the project will not result in a net increase in soil loss and run off and will result in negligible changes to impervious surfaces, which will not add to stormwater runoff into Soda Creek.