

## MEMORANDUM

To: Planning Commission	From: Dana Morrison, Supervising Planner PBES
Date: June 30, 2025	Re: #P23-00318-UPX / Use Permit Exception to Conservation Regulations Potts Pool CEQA Exemption Determination 1229 Soda Canyon Road / APN: 039-130-005-000

### **Background:**

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Potts Pool Use Permit Exception to the Conservation Regulations request (File #P23-00318).

The Napa County Planning Division has received request for a Use Permit Exception to the Conservation Regulations (NCC 18.108) to allow the development of a new pool proposed to be located within the footprint of the former residence (lost to fire) but which is located within the 45-foot stream setback for Soda Creek on APN 039-130-005-000; 1229 Soda Canyon Road in Napa County, California.

### **Existing Setting:**

The project parcel is located in the central portion of Napa County, on a relatively flat parcel that is located between the valley floor and where the land begins to rise out of the Napa Valley Floor. The project is located within the Agricultural Watershed (AW) zoning district and is accessed via private driveway located off of Soda Canyon Road, which intersects with Silverado Trail approximately 0.75 miles west of the project site. The parcel has a General Plan designation of Agriculture, Watershed and Open Space (AWOS).

The approximate 0.45-acre subject property is a parcel bounded by residential parcels (some developed with vineyards) to the east, west and south, with the parcel immediately north consisting of opens space with parcels further north also consisting of a mix of agriculture and residential. The driveway entrance is located approximately 0.75 miles east of the intersection of Silverado Trail and Soda Canyon Road. The property is currently being redeveloped with a replacement single-family residence, pool house (formerly a garage), driveway and landscaping improvements as the property was severely impacted by the 2017 Complex Fire and all structures, as well as most of the vegetation was lost.

The site is surrounded by predominantly large parcels, though some parcels immediately south are of a comparable size. The nearest residence, not located on the subject property, is approximately 140 feet to the south with additional smaller single-family lots to the southwest and larger holdings to the north, east and west. There are no ephemerals or wetlands identified on the subject property, however Soda Creek does run along the property's western property line and the large portion of the parcel is located within the required stream setbacks from Soda Creek.

The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.

## Project Description

The project involves the installation of an in ground swimming pool which will have be approximately 25' long, 12' wide, 3-6' deep (1350 cubic feet; ~10,000 gallons) and approximately 17' length of trenching, 3" wide and 24" deep (8.5 cubic feet). This much water should take approximately 4 truck trips to haul to the site (with each truck holding a total of approximately 2,500-3,000 gallons) and this is well below the 110 daily trip threshold for significant impacts in regards to traffic and, as such, the project should not result in undue traffic delays in the surrounding area during initial filling of the pool. The subject parcel is severely constrained in its development potential due to required road/front yard setback and stream setback requirements. The project will also involve the installation of piping and mechanical pool equipment; the mechanical equipment will be located immediately behind the pool house (formerly the garage) at the edge of the 45-foot setback from Soda Creek. The proposed location of the pool will be located partially within the footprint of the former home, and within areas that were already disturbed/developed for use by the former residents (with patio furniture, landscaping and walking paths); uses which are allowed under the Conservation Regulations under 18.108.050 – Exemptions. The proposed location does not require the removal of any trees and while the parcel did contain trees prior to the fire the specific area proposed for development of the pool did contain trees prior to the 2017 fire. Post-fire the center of the parcel is devoid of vegetation and is currently a construction site in regards to CEQA the existing site conditions are the baseline condition. All improvements will occur outside of the defined bed and bank within areas which had been previously disturbed during reconstruction and would have contained typical back yard features as well as part of the previous residence.

The proposed pool has setbacks consistent with county code, see Staff Report for further details. Some minor trenching (17' in length and 24" deep) to pools infrastructure will be constructed adjacent to the pool behind the pool house (former garage) and will not encroach any further than the pool into the required setback from Soda Creek. As noted in the application the property will be relandscaped after the completion of the pool. Conditions of approval have been included for the landscaping plan to be submitted as part of the pool building permit, that 50% of the plantings consist of native vegetation (ideally riparian species), and that the overall plantings be low-water use species types.

## Property History

The project area is located at the eastern edge of the Napa Valley floor where the foothills of the Vacaville Range begin. While the valley floor has been in agricultural use dating from at least the 19<sup>th</sup> century until the early 2000s, the subject parcel has been utilized as residence since at least prior to 1957. There is little in the way of building permit history for the original structures that were lost in the 2017 fire. Historic aerials from 1958 and 1948 are unclear and do not help to demonstrate when the original house was built. However, there is a permit from 1957 for an addition to a dinette (B3382) which confirms there was an existing residence on the parcel prior to that date. Various additions, alterations and remodels were approved to the existing structure throughout the years and are summarized below:

- A remodel/alteration approved in 1986 and 1989(Permit #39100 and #45564)
- A roof replacement approved in 1986 (Permit #39093)
- A new 512 square foot (sf) deck addition approved in 1988 (Permit #43459)
- A chimney replacement approved in 2003 (Permit #B03-00993)

As the parcel was impacted by the 2017 fire and the existing on-site structure (a residence and a garage) were demolished under a permit; a new residence and garage (converted to a pool house) are currently under construction with both structures nearing completion. More recently, post-fire, the following development has been approved:

- Approved replacement residence under BR22-00189 (issued but not yet finalized as house is still under construction).
- Approved replacement of 427 sf garage under BR22-00191 (also issued but not yet finalized)
  - The structure was revised to convert the detached accessory structure from a garage to a pool house (swapping one accessory use to another).
- Proposed pool construction under P23-00318 (still under process and a pool permit will be required if the Exception Request is approved).

Code Enforcement Cases:

There are no active code enforcement cases on the subject parcel.

**CEQA Exemption Criteria and Analysis**

The proposed swimming pool will be located in a portion of the 0.45 acre property that presently contains a fire rebuilt residence and an accessory structure. All improvements will occur outside of the defined bed and bank within areas that have previously been improved with residential features. Portions of new landscaping, that will be installed once construction of the pool has been completed could extend to the top of bank in areas that were previously developed and managed as part of the previous residential use, but the proposed swimming pool will be approximately 12 ft.- 7 in. to 23 ft.-8in. from the top of bank. No work will occur within the stream bed and banks.

Pursuant to Public Resources Code Section 15125, the ‘baseline conditions’ (or the environmental setting) that a project’s potential effects are compared against are typically the physical environmental conditions present when an application is submitted and the environmental analysis is commenced.

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. This project qualifies as an exempt activity under three sections of Article 19: CCR §15301 (Class 1, Minor Alteration to Existing Facilities), §15303 (Class 3, New Construction or Conversion of Small Structures), which exempts construction of swimming pools; and §15304 (Class 4, Minor Alterations to Land), which exempts minor trenching where the surface is restored. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.

Under CEQA Guidelines Section 15300.2, Class 3 and 4 Categorical Exemptions cannot be used if the project has a significant effect on mapped or designated environmentally sensitive areas or resources. Class 1 Exemptions are permissible for projects within mapped and designated environmentally sensitive areas. Soda Creek is mapped as an environmentally sensitive resource (source: Napa County Geographic Information System including California Natural Diversity Database layer). It is a substantial water course that feeds into the Napa River a short distance downstream from the project site. The stream corridor contains some native flora and fauna and is designated as a critical linkage riparian corridor. The stream is classified as habitat for steelhead trout, a Federally listed threatened species under the Endangered Species Act.

The project does not result in significant effects to mapped or designated environmentally sensitive areas or resources. No native trees or native vegetation will be removed to construct the project (an in ground pool, an accessory use to an existing residential use). No work will be performed within the defined bed and bank of the creek. However, landscaping will be installed with the stream setback and up to the top of bank in areas that were previously disturbed and developed, a Condition of Approval has been included to require that the

landscaping plan include 50% native species types (ideally riparian species) be planted within the 45-foot setback from Soda Creek. Per 18.108.050.C decorative landscaping is exempt from the Conservation Regulations and the replanting will help to restore the previous vegetation cover that existed prior to the 2017 fire. As noted earlier, all work will occur within an already disturbed area which was previously developed. The proposed pool will be located partially within the footprint of the former residence (lost to fire) and which is being rebuilt with a greater setback to Soda Creek while the rest of the pool will be located in an area that was formerly developed with decorative landscaping features (patio furniture, walking paths and landscaping). While the project was determined to be eligible for a Categorical Exemption, due to the close proximity of Soda Creek to the project, Planning Staff reached out to the California Department of Fish and Wildlife (CDFW) to ensure there were no concerns with the approach proposed by staff. CDFW has reviewed the proposal and did not raise any concerns with the project as proposed; since no work within the stream bed or bank is proposed, nor or will it be permitted as part of the Use Permit Exception to the Conservation Regulations. As such, the project is not subject to any additional permitting requirements from CDFW.

Various Conditions of Approval are required as part of this approval to ensure there are no impacts to Soda Creek as a result of the project. The property will be re-landscaped after the completion of the pool, and staff is recommending a Condition of Approval that replanting within the required stream setback contain at least 50% native species, ideally riparian species such California bay, Oregon ask, willows, valley oaks, coast live oaks, as well as understory vegetation such as mulefat, torrent sage, and western azalea. The applicant shall submit a landscaping plan with pool permit that detail the replanting plan for the stream setback area, and planting shall consist of low-water use plantings. As noted earlier in this memo the Conservation Regulations allows for an exemption under 18.108.050 for the planting and maintenance of decorative landscaping, which is why staff is not recommending that 100% of the replanting's be native species. Plant materials shall be purchased locally when practical, and, to the greatest extent feasible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County. Additionally COAs have been included to require that 1) construction fencing shall be installed 5 feet from the top of bank during construction, inside which no work, staging or parking shall occur other than plantings per the landscape plan, that will be submitted and approved with the pool permit and 2) No staging, parking or work within stream setback areas other than areas where work is occurring for installation of the approved pool, and pool equipment.

There are no cultural or historical resources noted as being mapped on the County GIS system, and as noted earlier the site has been used a residence since at least 1957. A Standard Conditions of Approval is included to require the halting of work if any cultural resources are found during construction (COA 7.2). Groundwater use associated with the project will nominally increase with the addition of the pool, but will remain well within 'fair-share' use levels for the basin. Initial filling of the pool will be from trucked-in potable water, and this has been included as Condition of Approval. The site is located outside of the Milliken-Sarco-Tulocay water deficient basin which is approximately 0.5 miles to the south-east, as well as the Northeast Management Area and the Ground water Sustainability Agency Area.

Based on the proposed project as described above, the Potts Swimming Pool Use Permit Exception to Conservation Regulations request meets the criteria for eligibility as a Class 1, Class 3 and Class 4 Categorical Exemption from CEQA.