

From: [Smith, Vincent \(PBES\)](#)
To: [Fuller, Lashun](#)
Cc: [Gallina, Charlene](#)
Subject: FW: Solar Installation Considerations
Date: Monday, October 15, 2018 10:39:45 AM
Attachments: [Letter 101518-1.docx](#)

Another comment letter for Item 7b

From: Laura Tinthoff <lauratinthoff@gmail.com>
Sent: Monday, October 15, 2018 10:03 AM
To: Undisclosed Recipient <lauratinthoff@gmail.com>
Subject: Solar Installation Considerations

Good Morning. Please take this information into consideration before making any decisions this week.

Thank you very much,

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October 15, 2018

Good Monday Morning,

Our Planning Commission is considering approval of an estimated 7.5 million-square-foot **industrial manufacturing-plant** which the developers casually label a "solar farm". It has been held by courts in alternate jurisdictions that solar photovoltaic farms represent a manufacturing use.

"Judge Brian Van Couyghen reversed the board's approval of a special-use permit for the 2.9-megawatt solar photovoltaic farm on 8 acres of a 29-acre plot of vacant land at 259 Jepson Lane, finding that it represented a manufacturing use that is not allowed in residential zones.

Van Couyghen cited a previous case in which the state Supreme Court found that wind turbines represented a manufacturer because they are used for the sole purpose of transforming raw materials, "namely wind — into a finished product — namely electricity."

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"Thus, even though the [zoning] board found that the proposed solar farm was similar to a public utility, it would be, in fact, a manufacturing facility because it would transform sunlight into electricity ... manufacturing is expressly prohibited in residential zones under the ordinance. As a result, the granting of a special use permit for a manufacturing facility — the solar farm — was clearly erroneous," Van Couyghen wrote."¹

¹. <http://www.providencejournal.com/news/20180730/judge-reverses-zoning-boards-ok-of-solar-farm-in-portsmouth>

This massive, rotating machine, composed of 12,096 panels, requires regular cleaning, routine maintenance and may operate for thirty years. My question is to you is, "With no regulation in place, inadvisable land use concerns, and a precedent for unmitigated and reckless solar and manufacturing installation for all of Napa County, how is this acceptable? "

Renewable Properties states that the majority of the Project Area "was mapped" as agricultural and the location is in the Napa River watershed. ²
(Biological Constraint Analysis)

This site may simply be a remote pasture, but it is a proper use of the land. Our General Plan states explicitly,

"Right to Farm" provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints."

Napa County Farm Bureau defines agriculture as "the raising of crops, trees, and livestock."

If we begin to blur the lines between what proper use of this land is, what is to stop more traditional manufacturers from using this decision as persuasive argument that additional manufacturing is allowable?

The magnitude of this project is outside the scope of our current zoning regulations. The Winery Definition Ordinance was created to define, refine, and regulate wineries; the Conservation Regulations were designed to regulate vineyard development. Is a solar generating facility any different?

Our County lacks the necessary tools to stop this invasion of our agricultural and Ag watershed land. Neighboring counties are far ahead of us. We are the weak-link and a "sitting duck" for commercial solar development. Consider all the

² <http://ca-napacounty.civicplus.com/DocumentCenter/View/8456/50-Amer-Canyon-Solar-BCR--180328> (site location)

vacant hillside properties for sale due to the fire. We must pause to recognize the long-term consequences³ (Exhibit A below) and defend our General Plan.

We are well aware of the newly mandated law, SB 100. Educated decisions will need to be made. However, it is not YET the time to make a decision that could alter the very essence of Napa County. **PAUSE ANY POSITION** on this matter until we have the opportunity to develop regulatory measures. While developing the Climate Action Plan, we will thoroughly examine the complex issues that accompany large-scale solar installations.

There is still time to reconsider this decision. As my wise friend said, “the sun will still be here next year”.

Respectfully,

Laura J. Tinthoff

³ <file:///Users/lauratinthoff/Desktop/Exhibit A.docx>