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## Revised Recommended Findings

**PLANNING COMMISSION HEARING – NOVEMBER 28, 2018  
RECOMMENDED FINDINGS**

**AMERICAN CANYON SOLAR PROJECT - USE PERMIT (#P18-00114-UP)  
APN's: 059-090-012 & -016.  
2180 American Canyon Road**

**ENVIRONMENTAL:**

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

1. The Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. That there is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. That the Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. That considering the record as whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

**PLANNING AND ZONING ANALYSIS:**

The following findings must be made in order to approve the use permit:

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

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

**Analysis:** The project is consistent with the AW, Agricultural Watershed zoning district regulations that apply to this property. Public utility uses including electric power generating facilities are allowed in any zoning district upon grant of a use permit pursuant to Napa County Code Section 18.120.010.B(8).

The Project is a public utility use because the development of such a project is being driven by state regulations and policies mandating the increase of renewable energy sources. The Project works in partnership with Marin Clean Energy (MCE), which is a public utility/Community Choice Aggregator (CCA) that serves Napa County.

Public utilities or CCA's, such as MCE and other renewable energy resource providers, rely on companies such as the project applicant (Renewable Properties, LLC) to develop, finance, own and operate renewable energy facilities, ultimately entering into Power Purchase Agreements (PPAs) to sell/procure the energy generation from the project(s). CCAs are governmental entities formed by cities and counties to procure electricity for their residents, businesses, and municipal facilities. The PPAs associated with the American Canyon Solar project are part of the MCE Feed-In Tariff program and consist of standardized contracts that were previously approved through a public process.

8. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

**Analysis:** The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration were published and posted on October 29, 2018, and copies were sent to property owners within 1,000-feet of the project site. The public comment period ran from October 29, 2018, through November 27, 2018.

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 solar project as proposed and conditioned will not affect the health, safety or welfare of the County. Various County departments have reviewed the project and commented regarding grading, drainage, access, 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 applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

**Analysis: Compliance with the Zoning Ordinance**

The proposed use is consistent with the AW (Agricultural Watershed) zoning district development regulations that apply to this site and no variances from the development standards are necessary. In addition, Chapter 18.120 of the County Zoning Ordinance allows public utilities to be located in any County Zoning District upon approval of a use permit. As discussed in Finding No. 7 above: the proposed utility use will help meet the State of California's requirements and climate action goals and will do so by partnering with the Community Choice Aggregator (CCA) to provide renewable power, qualifying the proposed project as an allowed use within all zoning districts.

## **Analysis: Compliance with the General Plan**

Overall, the project was evaluated for and found to be consistent with General Plan policies concerning agriculture, protection of natural resources and wildlife habitat, water conservation, storm water control, energy consumption, air quality impacts, fire protection and public safety. The goals established by the 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.

With regard to specific Policies within the General Plan, the following findings can be made:

AG/LU-9: The County shall evaluate discretionary development projects, re-zonings, and public projects to determine their potential for impacts on farmlands mapped by the State Farmland Mapping and Monitoring Program (FMMP)...

**Comment:** The project site is designated "Other Land (X)" by the FMMP and is not Prime Farmland, Farmland of Statewide Significance or Unique Farmland. As such, development of the energy generation project will not remove sensitive farmland and therefore is consistent with this General Plan Policy.

AG/LU-12: No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies AG/LU-2.

**Comment:** While the project would introduce a new non-agricultural use on the property, the project will not displace agriculture and would not permanently remove lands from future agriculture use. General Plan Agricultural Preservation and Land Use Policy, AG/LU-29 allows for the proposed solar energy generation use (see discussion below) and implementing Zoning Ordinance Chapter 18.120 allows for the proposed solar facility in any Zoning District, the proposed solar facility use is considered an acceptable use of non-urban land (i.e. Agricultural Watershed and Open Space designated property such as the subject site).

AG/LU-29: Governmental uses and public utility uses shall be permitted in appropriate locations. Only those new governmental and public utility uses which specifically implement programs mandated by the state or federal government shall be permitted in non-urban areas....

**Comment** - The State of California established a Renewables Portfolio Standard (RPS) in 2002 under Senate Bill (SB) 1078. SB 1078 required California's retail sellers of electricity to serve 20% of their load with renewable energy by 2017. In 2003, the State adopted an Energy Action Plan I which called for an acceleration of the RPS, urging that 20 percent of California's electricity come from renewable sources by the end 2010 rather than 2017, seven years earlier than previously required. This accelerated standard became law in September 2006, when the Governor signed SB 107. Energy Action Plan II, adopted in 2005, evaluated the potential for retail sellers of electricity to serve 33% of their load with renewable energy by 2020. In 2008, this commitment was further established when Executive Order S-14-08 was signed by the governor.

As discussed in Finding No. 7 above, the partnership between the project and the Community Choice Aggregator (CCA) is the only way for renewable energy options to be

realized for communities like Napa County. The contractual relationship ensures publicly available renewable energy choices for Napa County, thus satisfying the proposed use a “public utility use”.

Specific to the appropriateness of the project location as noted in AG/LU-29, the site is uniquely suited for a solar power generation facility given: i) its location within an area of very low residential density and surrounding grazing and horse boarding uses; ii) the flat topography of the site such that views into the site are difficult from the surrounding properties and public roadways; iii) the dense vegetation screening the site from public views; and, iv) its location adjacent to Interstate Highway 80, a noise and light generating transportation corridor.

The General Plan also contains the following policies related to energy generation facilities and renewable energy sources:

AG/LU-117: The County shall seek to be involved to the extent possible in the decisions of local, state, federal, and other agencies regarding the location of energy generation facilities .... with the potential to negatively affect the visual character of the county.

**Comment** – The project is proposed by a private entity and is therefore subject to County regulations requiring a use permit and environmental review pursuant to CEQA. Additionally, the site plan has been designed such that the panels would not be visible from public vantage points given the extent of mature landscaping bordering the site.

CON-68: The County shall promote research and the development and use of advanced and renewable energy technology....

CON-70: The County shall seek to increase the amount of energy produced through locally available energy sources, including establishing incentives for, and removing barriers to, renewable and alternative energy resources (solar, wind) where they are compatible with the maintenance and preservation of environmental quality.

**Comment** – The proposed project would utilize the site for the generation of electricity through the conversion of solar resources. The power generated will be provided to County of Napa’s selected renewable power purveyor which will then be made available through the MCE program. Based on the location of the solar energy generation facility (American Canyon Solar Project), the electrical energy generated by the proposal will serve customers in proximity to the site which include Napa County and City of American Canyon energy customers.

11. That 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 §13.15.070 or 13.15.080 of this code.

**Analysis:** The proposal does not include any on-site facilities or improvements that would require new groundwater systems or significant use of groundwater. A normal amount of groundwater will be used for maintenance purposes to wash the panels periodically (significantly less than a single-family home and agricultural uses). There will be no permanent or temporary employees located on site.

