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## Required Findings

**PLANNING COMMISSION HEARING – DECEMBER 18, 2019  
RECOMMENDED FINDINGS**

**SOSCOL FERRY SOLAR  
USE PERMIT (#P19-00338-UP)  
1200 BLOCK OF SOSCOL FERRY ROAD  
APN's: #057-170-001**

**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 Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
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 Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. Considering the record as a 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.

**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:

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

**Analysis:** The project is consistent with the 1986 Napa Valley Business Park Specific Plan (NVBPSP) and is consistent with the Industrial Park: Airport Compatibility Combining (IP:AC) zoning district regulations which permit general industrial uses, including energy generating facilities, upon grant of a use permit.

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 posted on November 15, 2019, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from November 15, 2019, through December 18, 2019.

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 project as proposed and conditioned will not adversely affect the health, safety, or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding grading, drainage, access, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

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 and the Airport Industrial Area Specific Plan.

**Analysis: Compliance with the Zoning Ordinance**

The proposed use is consistent with the Industrial Park: Airport Compatibility Combination (IP:AC) zoning district regulations, as conditioned, including building setbacks, building height, parking requirements, lot coverage and floor area ratio.

**Analysis: Compliance with the General Plan and Napa Valley Business Park Specific Plan.**

The goals established by the Napa 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 existing cities and urban areas. The Specific Plan was established to support agriculture and meet industrial and business park needs consistent with the 1986 Specific Plan. This proposal is consistent with both the General and Specific Plan. The General Plan designates the airport area for industrial development. The project site is located within the General Plan land use designation Industrial and within the Business/Industrial Park designation of the 1986 Napa Valley Business Park Specific Plan (NVBPSP). The specific use, energy generating facility, is not specifically listed as an allowed use, however, Section 18.120.010(B)(8) of Napa County Zoning Code specifically states that energy generating facilities are permitted within all Zoning Districts (including IP:AC), with the approval of a Use Permit. Policy CON-68 of the County General Plan promotes the development of renewable energy and supports an expedited permitting process to do so.

Overall, the project was evaluated for and found to be consistent with General Plan policies concerning industrial land uses (listed separately below at the conclusion of these findings).

11. That 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 County Code.

**Analysis:** The project does not require a dedicated water service. Maintenance and cleaning of solar arrays is anticipated to occur six times a year with water trucked onto the site. There would be no effects to the groundwater basin in Napa County.

**VARIATION TO DEVELOPMENT STANDARDS:**

The Commission has reviewed the use permit variation request to development standards to reduce the landscaping and access requirements along the property boundary and the existing access road in accordance with the requirements of Napa County Code Section 18.40.250, and makes the following findings:

12. The proposed modifications comply with the variation procedure requirements of Napa County Code Section 18.40.250.

**Analysis:** Since this project site is located within the Industrial Park zoning district and Napa Valley Business Park Specific Plan area, Section 18.40.250 of the Napa County Code applies. The proposed use permit has been processed in accordance with the requirements of that section, and the proposed variations for landscaping and access meets the following findings specified in the Zoning Ordinance:

- a. The development plan results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.

*The Industrial Park zoning district allows a wide variety of heavy industrial uses. However, the Project consists of low intensity solar arrays with relatively less environmental impacts compared with the typical projects processed under the development standards. The Land Use Element of the Napa Valley Business Park Specific Plan (NVBPSP) includes standards for the development of industrially zoned land in the airport area including landscaping, setbacks, parking requirements, and numerous other regulations. The NVBPSP also states that, "where appropriate, these guidelines may be modified... where the proposed modification... will provide superior overall aesthetic, environmental, and/or economic benefit (sic) than the minimum development standards."*

*The Project will not generate substantial traffic and will maintain existing permeable features of the project site (including roadways). The Project represents far less development impacts when compared with a project processed under the development standards. Specifically, road and parking improvements required by the Code would result in more paving and impervious surfaces on the site, which increases aesthetic and environmental impacts. Reduction of road standards is considered an overall benefit for long-term hydrology and water quality resources. In addition, a project that meets the 150-foot Suscol Creek setback is not required to enhance the environment surrounding the creek. However, this project includes the concept of a pollinator plant meadow throughout the project area, which is intended to enhance the natural habitat of the creek and surrounding riparian area and improve biodiversity in the area.*

*The request includes a reduction to the landscaping requirements and access road. Leaving the 80 ft. access corridor in its current state provides an opportunity for the land to be incorporated into the adjoining property rather than improving the access corridor for use solely as a road and landscaping. It is possible that in future this solar project could be accessed through an easement with the 80 ft. wide corridor incorporated into*

*the adjoining development. Staff is supportive of shared drive aisles as they reduce the number of driveways along the street and allow internal vehicular access from site to site without requiring use of public streets.*

- b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, signage and lighting.

*The project does not require the development of any buildings, landscaping, signage, or lighting. The only structures part of the project are solar arrays resulting in a uniform orientation and high-quality design for a solar array installation. The project requires no full-time employees on site and results in minimal impacts due to human intrusion.*

- c. The orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site.

*The project site is significantly setback from the buildings and structures throughout the specific plan area. The only structures to be developed on the property are photovoltaic electric panels that would have a maximum height of 8 feet above grade and uniform throughout the project site. The solar arrays would maintain existing viewsheds through the project site and would not be visible from Soscol Ferry Road, Devlin Road, or Highway 29.*

- d. The overall project is consistent with the intent, purpose and applicable standards of the Napa Valley Business Park Specific Plan.

*The Project is consistent with the NVBPSP, which was prepared in a manner consistent with the requirements of State Planning and Conservation Law, Title VII, Article 8, Section 65450. By law, the NVBPSP implements and must be consistent with the policies of the Napa County General Plan.*

*General Plan Policy AG/LU-38 also provides that the NVBPSP (previously designated as the AIASP), as amended, implements the General Plan in the Airport Industrial Area. Since General Plan Policies AG/LU-29 [utility uses implementing state programs allowed in urban and non-urban areas], CON-68 [promote renewable energy resources in industrial areas], CON-70 [increase energy produced through locally available energy sources, including establishing incentives for and removing barriers to solar resources] and CON-75 [County shall work to implement state and federal air pollution standards related to GHGs], as well as Sections 18.120.010.8 and 18.120.010.9 of the Zoning Ordinance allow the proposed project, it is consistent with the NVBPSP.*

- e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

*The project would not generate daily traffic trips. The proposed plan utilizes the existing access to minimize potential effects of traffic on Soscol Ferry Road or neighboring properties.*

- f. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.

*The project does not include full-time employees on site and would not generate vehicular traffic. Alternative modes of transit are not required.*

- g. The site shall provide open space and landscaping which complement buildings and structures. Said open space shall be provided in a manner so as to be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

*The site will maintain natural features on the property. It does not require any permanent parking areas, paved areas, or landscaping. In addition, the Project does not require any service of storage areas.*

*The project site is significantly setback from the neighboring buildings and structures throughout the NVBPSP area. The only structures proposed on the property are solar electric panels that have a maximum overall height of 8 feet above grade (and uniform throughout the project site). Relative to the industrial buildings, lighting poles, and other structures throughout the specific plan area—typically exceeding 20 feet above grade—the solar arrays would maintain existing viewsheds through the project site and would not be visible from Highway 29.*

- h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view. Rooftop mechanical equipment shall be incorporated into the roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults and electrical meters shall be accessible and screened.

*The structures on the property are photovoltaic electric panels that reach a maximum overall height of 8 feet above grade. Relative to the industrial buildings, lighting poles, and other structures throughout the specific plan area—typically exceeding 20 feet above grade—the solar arrays would maintain existing viewsheds through the project site and would not be visible from Highway 29. The Project would maintain a balance of scale relative to the surrounding buildings and open space areas based on the limited height of these panels and the natural features surrounding the property.*

- i. Signs, lighting fixtures, landscape improvements and similar common area features shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the building or structures to which they are attached. Multiple signs on a given site shall be of a consistent design theme.

*The project does not propose signage, lighting fixtures, or other common area features because there are no buildings or employees on site.*

- j. Provisions have been made for the permanent use and maintenance of parking areas and other common area fixtures used jointly by owners of the parcels included within the development plan. (Ord. 1234 §10, 2004).

*The project does not require parking or other common area fixtures because there are no buildings or employees on site. In addition, there is not joint ownership or use of the parcel.*

- 13. The proposed modifications, considered together with the site specific mitigation measures and restoration where necessary, will provide superior overall aesthetic, environmental, and/or economic benefit that the minimum development standards set forth in the Specific Plan.

**Analysis:** County staff believes the variation request holds merit and supports the request for landscaping and access. All potential environmental impacts have been addressed in the initial study/mitigated negative declaration and have been appropriately mitigated. The design of the project meets or exceeds the design requirements of the Napa Valley Business Park Specific Plan resulting in an aesthetically superior project than could be required if the landscape and access reductions were not sought.

- 14. The proposed modifications are consistent with applicable airport safety regulations.

**Analysis:** The proposed modification pertains to reducing landscaping and access requirements that does not directly affect airport safety.

**General Plan policies:**

**Policy AG/LU-37:** The County will locate industrial areas adjacent to major transportation facilities. Necessary utilities and services, including child care centers, will be planned to meet the needs of the industrially zoned areas.

**Policy AG/LU-38:** The Airport Industrial Area Specific Plan (AIASP) was adopted in 1986 to set forth detailed land use and circulation standards, capital improvement requirements, associated financing, and improvement sequencing measures, as well as necessary supporting policies and regulatory procedures for the industrial area near Napa County Airport. The AIASP, as amended, implements the General Plan in the Airport Industrial Area.

**Policy AG/LU-39:** The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes.

**Policy AG/LU-93:** The County supports the continued concentration of industrial uses in the South County area as an alternative to the conversion of agricultural land for industrial use elsewhere in the county.

**Policy AG/LU-95:** New land uses in the South County Industrial Areas shall be compatible with

or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.

Policy AG/LU-96: The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan...

Policy CON-13: The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans.

Policy CON-60.5: All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-68: The County shall promote research and the development and use of advanced and renewable energy technology through the following actions:

- a) Use expedited permit processing or other incentives as promotion mechanisms.
- b) Assist in securing grants to support the implementation of photovoltaic, wind, and other renewable energy technologies to provide a portion of the County's energy needs.
- c) Encourage the use of renewable energy resources in residential, commercial, industrial, and agricultural projects and uses.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD.

Policy SAF-20: All new development shall comply with established fire safety standards.



Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.