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Agenda Date: 12/18/2019

Agenda Placement: 7B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355

SUBJECT: Soscol Ferry Solar

RECOMMENDATION

KIMBAL GRIGGS GILES & THERESA BLODGETT-GILES / SOSCOL FERRY SOLAR PROJECT / USE PERMIT P19-00338-UP

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant effects on Biological Resources, Cultural Resources, Geology and Soils, Tribal Cultural Resources, unless mitigation measures are adopted. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: The project consists of a request to construct a commercial renewable energy facility on approximately 15 acres of an approximately 22.4-acre parcel located within the Napa Valley Business Park Specific Plan, and consists of two arrays that will generate a total of approximately 2 megawatts (MW) AC (3.0 MW DC) of solar energy for interconnect to PG&E's preexisting electrical distribution system, which exists on-site. The power generated from this facility will be sold to Marin Clean Energy (MCE) through a long-term Power Purchase Agreement (PPA). Electricity generated from the Project is anticipated to power approximately 750 homes per year. The request includes a Variation to the development regulations of the Napa Valley Business Park Specific Plan to: 1) Provide on-site access from a 12 ft. wide gravel access road in lieu of a 20 ft. wide paved driveway; 2) waive all site landscaping requirements; 3) waive street improvement requirements including installation of curb, gutter, sidewalk and frontage landscaping. The 22.4 acre property is located on the south side of Soscol Creek south of Soscol Ferry Road. Access to the site is from a private drive which commences where the access road to Napa Sanitation District's sewage treatment plant intersects with Soscol Ferry Road, approximately ¼ mile west of its intersection with State Route 29, 12, 221. The project site is zoned Industrial Park: Airport Compatibility (IP:AC), Assessor's Parcel Number 057-170-001, Napa.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the Use Permit with the proposed conditions of approval.

Staff Contact: Sean Kennings, Contract Planner, (415) 533-2111, or sean@lakassociates.com or Charlene Gallina, Supervising Planner, (707) 299-1355 or charlene.gallina@countyofnapa.org

Applicant Contact: Aaron Halimi, Renewable Properties; (530) 518-7669

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Soscol Ferry Solar Project based on Findings 1-6 of Attachment A; and
2. Approve Use Permit P19-00338-UP, including a variation to development standards, based on Findings 7-11 of Attachment A and subject to the conditions of approval (Attachment B).

Discussion:

The project consists of a request to construct approximately 15-acres of solar arrays for a commercial renewable energy facility including 7,896 solar modules and 16 string inverters. The request includes a Variation to the development regulations of the Napa Valley Business Park Specific Plan (NVBPSP) to: 1) Provide on-site access from a 12 ft. wide gravel access road in lieu of a 20 ft. wide paved driveway; 2) waive all site landscaping requirements; 3) waive street improvement requirements including installation of curb, gutter, sidewalk and frontage landscaping. The solar panels will be mounted on steel racking systems which will be anchored to the ground using driven steel piers at an overall height of under 8-feet above grade. Single axis tracking technology will be used to allow the panels to move to efficiently track the sun throughout the day thereby maximizing the efficiency of solar collection. The solar panels will generate a total of 2 Megawatts of AC power when fully implemented. The power generated from this facility will be sold to Marin Clean Energy (MCE) through a long-term Power Purchase Agreement (PPA). The project is compatible in design use with other projects located in the NVBPSP and staff supports grant of the use permit. Staff also supports grant of a variation to development standards but does not support waiving curb, gutter and driveway apron street improvement requirements as explained below.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant effects on Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources, unless mitigation measures are adopted. In accordance with Section 15073 of the California Environmental Quality Act (CEQA) Guidelines, Napa County submitted the initial proposed IS/MND to the State

Clearinghouse for a 30-day review period beginning on November 15, 2019. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Kimbal Griggs Giles & Theresa Blodgett-Gilles

Applicant/Representative: Aaron Halimi, 2914 Larkin Street, San Francisco, CA 94109; RP Napa Solar 2, LLC, 655 Montgomery Street, Suite 1430, San Francisco, CA 94111

Zoning: IP:AC – Industrial Park: Airport Compatibility

General Plan Designation: Industrial

Application Filed: August 6, 2019;

Resubmittal(s): September 17, 2019;

Application Complete: October 17, 2019

Parcel size: 22.4-acres

Proposed building size: no buildings – solar arrays are proposed on 15 +/- acres of the subject property

Number of employees: n/a – infrequent visits by maintenance staff to clean and manage solar arrays

Hours of operation: solar arrays operate during sunrise to sunset

Parking: n/a

Airport Compatibility: Zones C and D - Common Traffic Zone - area of routine overflight at low elevations. Warehousing, light manufacturing, and ancillary office space uses are compatible with this zone. Although the NVBSPS does not specifically define energy generating facilities in the allowed uses, the maximum height of the solar arrays is eight feet above grade which would be well within the allowed development envelopes compatible with this zone.

Adjacent Zoning / Land Use:

The 22.4-acre property is located on the south side of Suscol Creek south of Soscol Ferry Road. Access to the site is from a private unpaved drive off the access road to Napa Sanitation District's sewage treatment plant intersects with Soscol Ferry Road, approximately ¼ mile west of its intersection with State Route 29, 12, 221. All surrounding land is zoned IP:AC - Industrial Park: Airport Compatibility Combination District or Public Facilities owned by the Napa Sanitation District.

North: IP:AC - Across Soscol Ferry Road to the north is vacant land owned by Napa Sanitation District, and the State Route 29 right of way. North of the main portion of the site, and east of the access corridor is vacant industrial land approved for development of a self-storage facility.

South: IP:AC - South of the project site is vacant industrial land.

East: IP:AC - To the east is also vacant industrial land, but the parcel is approved for development of a warehouse building.

West: IP:AC - Surrounding land uses include Napa Sanitation District treated effluent spray fields located to the west of the corridor and main property. These lands are designated as Public Facilities.

Parcel History:

The subject property is located within an industrially designated area that originally dates to the early 1970's and was formalized into an industrial park specific plan in 1986. When the property was initially zoned for industrial use, the property was vacant/undeveloped containing grassland habitat with trees. In 1984 the subject property and parcel to the south, which were in common ownership at the time, were rezoned AW – Agricultural Watershed. About the same time a vineyard was planted which is evident in the 1982 aerial photograph. In 1987 the zoning was changed back to industrial to be consistent with 1986 industrial park specific plan. The vineyard on the property to the south was removed at some point between 2007 and 2009 (based on aerial photography) and may have been in separate ownership from the subject property by that time. The vineyard on the subject property remains and the property owner indicates that it is currently dry farmed, and the vines are near the end of their useful life.

Code Compliance History:

There are no open or pending code violations for the subject site.

Discussion Points:

Design, Layout & Materials – The project includes removing existing dry farmed vineyards and constructing approximately 15 +/- acres of commercial solar energy consisting of 7,896 solar modules and 16 string inverters. These solar arrays are specific in design, materials and overall assembly and differ from recent industrial projects approved and/or constructed within the NVBPSP. Although the NVBPSP does not specifically call out energy generating facilities as an allowable use, it can be approved as an allowable use (similar in character to the uses listed in the Land Use Element) subject to a use permit in the opinion of the Director of PBES. The site is suited for a solar power generation facility given: i) its location within an industrial area; ii) generally 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 State Route 29, a noise and light generating transportation corridor. As discussed in the applicant's Light and Glare analysis prepared for the proposed project, because the panels rotate on a single access point to follow the sun's trajectory, there would be no single minute during the year where there is potential for glare to be reflected from the panels. Staff can support the design, layout and materials as proposed.

The applicant has requested variations from the required development standards specified in the NVBPSP, including variations to the landscaping, street frontage, and access road standards. Staff can support findings for the landscaping and access variations, but not the street frontage variation as discussed below.

Variations – Street Improvements / Access - Access to the proposed solar arrays is via an existing dirt and gravel driveway located just south of Soscol Ferry Road at the western edge of the project area. The existing driveway is currently only 12' wide and the applicant is requesting a variation from the NVBPSP standards that require 20' widths for access driveways. The existing concrete bridge was measured at 13' and was tested to withstand appropriate vehicle loads per County Fire Department and Engineering Services Division requirements. No improvements or modifications for the access drive are needed for construction or operation of the project. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable as conditioned. Staff can support the variation request to internal access standards. The project applicant is also requesting a variation for the street frontage improvements required in the NVBPSP. The access driveway to the project site is located at the far northwest corner of the NVBPSP area. Soscol Ferry Road, a public right of way, has

no street frontage improvements at the project site. The applicant has asked for a variation to the requirement for sidewalk and gutter improvements because this area of the NVBPSP is adjacent to mostly unimproved areas or areas outside the NVBPSP. However, staff has noted that the street frontage immediately to the east is consistent with the standards (although the property is undeveloped). Staff does not support the street frontage variation request and has added the condition requiring the improvement to the public right of way.

Variations - Landscaping - The NVBPSP requires landscaping measured from the property line, meeting the required minimum building setback and landscape requirements. The applicant is requesting a variation from the development standard due to the low impact intensity of the proposed project. Although there are 168 trees proposed for removal in the center of the project site, the project area will retain mature vegetation including trees along the access road and Suscol Creek corridor. As included in the applicant's project description, there may be additional plantings in the form of a Pollinator Program.

Staff believes a variation is warranted as the majority of the project would be located south of Suscol Creek and will be blocked from view along Soscol Ferry Road and areas beyond. Further, the existing vegetation along the access drive and Suscol Creek provides screening and aesthetic value in excess of the minimum code requirement. Staff believes the findings can be met to allow the requested reductions for landscaping and access, but not road frontage improvements (see Attachment A). Although staff supports waiving landscape requirements, draft conditions of approval require removal of downed tree trunks and brush piles to improve the appearance of the site.

Suscol Creek Setbacks - As noted above, the northerly portion of the project area runs along the centerline of the creek which bisects the access road at the western edge of the project area. The project plans depict 150-ft stream setbacks in accordance with the NVBPSP and no improvements are proposed within setbacks. No development shall occur within 150 feet from the top bank of Suscol Creek. Uses within the setback area are limited to habitat restoration/mitigation, landscaping, pedestrian/bicycle improvements, storm-water retention/detention facilities or similar uses that do not adversely affect habitat value, wildlife movement or flood water storage. As discussed above, the applicant is considering a Pollinator Program to revegetate the project site. The proposed project, including the associated 150-ft setbacks, will not cause a substantial adverse impact during construction or operation, and no impacts to Suscol Creek have been identified.

Agricultural Land Conversion - The majority of project site is designated as Prime Farmland as shown on the 2016 Farmland Mapping and Monitoring Program (FMMP), with the boundaries of the Prime Farmland corresponding generally to the existing vineyard occupying approximately 20 acres. The proposed mitigated negative declaration finds that conversion of this approximately 20 acre vineyard to non-agricultural use is considered a less-than-significant impact because the site has been designated for industrial development since prior to installation of the vineyard, and the County's industrial area is one of the few areas where urban development is permissible in Napa County. Since 1968, with the adoption the first-of-its-kind Agricultural Preserve, Napa County has sought to sustain and develop agricultural land uses within the two agricultural zoning districts that comprise most unincorporated lands. Napa County's General Plans (1975, 1984, and 2008) all have expanded policies promoting agricultural as the highest and best use of land for most unincorporated areas. Working with the cities and town of Napa County, the General Plans of all agencies have been aligned, including the establishment of Urban Limit Lines for most communities that seek to protect agriculture by steering urban development to designated urban areas. Most designated urban areas are located within the cities and town, but there are several unincorporated areas (comprising less than 5% of the total land area) where urban development is directed. These urban areas, which are the only areas where urban development is permissible, are a critical component of the overarching plan to protect agriculture.

Biological Resources - A Biological Constraints Analysis was prepared for this property by Garcia & Associates (GANDA), dated August 2019. The proposed project evaluated potentially significant biological resources issues including, sensitive habitats, nesting and migratory birds, and riparian/wetlands areas. As discussed in the

applicant's biological resource analysis, as well as a supplemental memo, documenting the site conditions, and further evaluated in the project Mitigated Negative Declaration (MND), all potential resource impacts would be avoided or mitigated to less than significant levels. The biological constraints analysis report concluded that Special-status wildlife species and migratory birds were evaluated for their potential to occur and be affected by the project. Based on the presence of suitable habitat in the area, three of the 39 special-status wildlife species have the potential to occur in the Project Area: 1) golden eagle (*Aquila chrysaetos*, State fully protected), 2) Swainson's hawk (*Buteo swainsoni*, State threatened), and 3) white-tailed kite (*Elanus leucurus*, State fully protected). Of these three species, Swainson's hawk and white-tailed kite were observed during field surveys. Seventeen special-status plant taxa were evaluated for their potential to occur and be affected by the Project. Of these, none have potential to occur within the Project Area based on absence of suitable habitat. The biological constraint analysis recommends Avoidance and Minimization Measures (AMM) to avoid and minimize impacts to biological resources from the project. As the proposed project does not include new improvements in wetland areas or areas within the 150' setback to Soscol Creek, there would be no impact to wetlands or riparian areas. Approximately 168 trees are proposed for removal to install the solar arrays, but was determined to not result in the loss of significant wildlife or other sensitive habitat. As such, if project construction occurs during the nesting season (February 1 through August 31), implementation of AMMs such as nesting bird surveys prior to the start of construction is recommended. If necessary, seasonal buffers will be implemented to avoid disturbances to occupied nests. With the implementation of the Mitigation Measures, direct impacts to sensitive resources would be reduced to less than significant through pre-construction education and surveys to ensure no nesting or migratory birds are impacted during construction of the project.

Cultural / Tribal Resources - The Project applicant had GANDA conduct a cultural resources evaluation of the site in August 2019, including a site survey on July 18, 2019. Prior to fieldwork, background research included a search of previously conducted cultural resources studies and findings at the Northwest Information Center (NWIC) located at California State University, Sonoma in Rohnert Park, California. GANDA concluded that there is potential for the presence of subsurface archaeological deposits. As a result, the project is considered to be sensitive for cultural resources within the project and surrounding area. The applicant conducted a site visit with representatives of the Yocha Dehe Wintun Nation Tribe on October 21, 2019. As a result of the site visit, the MND includes implementation of mitigation measures for construction worker education. Furthermore, the site is considered to be sensitive for cultural resources, despite the archaeological site being recommended not eligible for listing on the CRHR, so recommended mitigation measures are included in the MND to reduce impacts to historical and/or archaeological resources.

Utility Connections – Typically, projects within the NVBPSP area require water services provided by the City of American Canyon and sewer services provided by Napa Sanitation District (NSD). As the project includes no on-site facilities and has no full-time employees there is no requirement for water or sanitary sewer services. Maintenance activities, such as washing the solar arrays, would occur approximately six times a year and would include transporting water on site for cleaning activities.

Decommissioning Plan and Financial Assurance - The applicant has indicated that a Decommissioning Plan is appropriate should the technology become obsolete or if the project is abandoned for other technical or financial reasons. Similar to recently approved solar energy facilities in Napa County, it is within the Planning Commission's authority to require both a Decommissioning Plan and Financial Assurance upon project obsolescence and/or abandonment. The applicant and staff offer the following project specific conditions of approval for the Planning Commission's consideration:

a. A Decommissioning Plan shall be submitted and approved by the Director of PBES prior to the issuance of Building Permits for the proposed American Canyon Solar project. The Decommissioning Plan shall include, but not be limited to the following components: removal of all above and below ground improvements; restoration of the surface grade, placement of topsoil over all removed structures, revegetation and erosion control as deemed necessary by the Director of PBES; a timeframe for improvement removal and site restoration; an engineer's cost

estimate for all aspects of the removal and restoration plan; an agreement signed by the property owner and operator that they take full responsibility to implement the Decommissioning Plan; a plan to comply with all state and federal requirements for reuse, recycling and/or disposal of potentially hazardous waste.

b. Financial Assurance shall be provided to Napa County in a form and amount acceptable to the County to secure the expense of decommissioning and restoring the project site consistent with the approved Decommissioning Plan. Financial Assurance shall be submitted and accepted by Napa County prior to final occupancy/finalizing the Building Permit.

Correspondence - Written correspondence received prior to the issuance of this staff report is attached. Correspondence includes comments received in response to the courtesy notice issued at the onset of project process, tribal representative communications, and a State Department of Fish and Wildlife (DFW) comment letter on the Draft Mitigated Negative Declaration. Staff and the project biologist are reviewing the DFW letter and will provide a response prior to the hearing. DFW is requesting modifications to the mitigation measures concerning raptor nesting, and suggesting that replacement trees be planted for bird nesting.

Consistency with Standards:

All reviewing departments/agencies have found the project as proposed and conditioned to be consistent with their respective requirements and regulations.

Building/Fire Code - The project has been designed to comply with all applicable building and fire codes. Access to the solar arrays will be via the existing gravel driveway and concrete bridge. No improvements are required for the existing access road, but the Fire Marshal does not support waiving curb, gutter and driveway improvements on Soscol Ferry Road.

Engineering Services - Engineering Services finds the project, as conditioned, can be supported. An encroachment permit will be required for the curb, gutter and driveway apron improvements. Engineering Services has included conditions addressing compliance with regulations regarding general standards as well as the requirement to provide street frontage improvements consistent with the NVBPSP. The Engineering Division's support for the on site special purpose roadway (12 ft. gravel road) is contingent upon curb, gutter and driveway improvements being completed within the public right-of-way along Devlin Road. Alternatively, staff would support transferring ownership of the 80 ft. corridor to the adjoining property developer to potentially include the property within the adjoining development resulting in the corridor and public street improvements being constructed to standard.

Environmental Health – The proposed project does not require sanitary sewer of water connections and services. Conditions are required that address businesses generating and/or storing hazardous materials, solid waste, and recyclable materials.

Airport Land Use Compatibility (ALUC) Plan - The application is being referred to the ALUC for a Consistency Determination, which will occur after the Planning Commission hears the item.

Other Agencies – As discussed above, the project does not require sanitary sewer connections or domestic water service, therefore a will-serve letter from the City of American Canyon and a will-serve Napa Sanitation District regarding the provision of and connecting to municipal water and sewer services is not required.

Decision Making Options:

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approval as described in Option 1 below. Decision making options including the following:

Option 1 – Approve project including Variation for landscaping and site access road, but require public street improvements (Staff Recommendation)

Discussion - This option would result in construction of the proposed solar project, including granting a variation to NVBPSP standards to landscape and site access, but requiring the applicant to install curb, gutter and driveway improvements on Soscol Ferry Road.

Action Required – Follow proposed action listed in Executive Summary. If conditions of approval are amended, specify conditions to be amended at time motion is made.

Option 2 – Approve project and grant Variation to landscaping, site access and public street Improvements (Applicant Request)

Discussion - This option would result in construction of the proposed solar project, including granting a variation to NVBPSP standards to landscape and site access including waiving installation of curb, gutter and driveway improvements on Soscol Ferry Road.

Action Required – Commission would take tentative motion to approve the project and remand the matter to staff to revise required Variation findings and conditions of approval, including revision of Engineering Division and Fire Marshal requirements.

Option 3 – Approve project but deny Variation.

Discussion - This option would result in approval of the proposed solar project but require installation of perimeter landscaping, improvement of on-site access with paved roads, and installation of all public street frontage improvements including curb, gutter, sidewalk, landscaping and driveway.

Action Required – Commission would take tentative motion to approve the project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 4 – Deny project

Discussion - In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit, Commissioners should articulate what aspect(s) of the project is in conflict with required findings, and either deny the request or continue the item to allow the applicant an opportunity to redesign the project.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 5 – Continuance

Discussion - The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Proposed Findings
- B . Draft Conditions of Approval
- C . Draft Mitigated Negative Declaration

- D . Correspondence - Soscol Ferry Solar
- E . Application Submittal Materials
- F . Biological Assessment
- G . Solar Pollinator Habitat
- H . Glare Impact Study
- I . Phase I Site Assessment
- J . Graphics

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona