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Agenda Date: 12/5/2018

Agenda Placement: 7B

Continued From: 10/17/18 & 11/28/18

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Vincent Smith for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Vincent Smith, Planning Manager - 707-259-5934
SUBJECT: American Canyon Solar Project

RECOMMENDATION

JHILA ZAREBI / AMERICAN CANYON SOLAR PROJECT BY RENEWABLE PROPERTIES, LLC / USE PERMIT P18-00114-UP

November 28, 2018 Planning Commission Hearing: The Planning Commission made a motion to approve the project that resulted in a deadlocked vote, requiring continuation of the item for consideration by full the Planning Commission.

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the Mitigated Negative Declaration, the proposed project includes mitigation measures in the following areas: Biology. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a Use Permit to allow construction of an approximately 18 acre solar field on the 21-acre property. The solar field will utilize approximately 12,096 solar modules (panels) and 66 string inverters, which convert the sun's energy into usable, AC power. Improvements to the property are primarily the ground-mounted solar arrays with a gravel maintenance road along the northern boundary. The project site is located at 2180 American Canyon Road (APNs 059-090-012 & 059-090-016) within the Agricultural Watershed (AW) Zoning District, has direct access to American Canyon Road, and no new improvements to the right-of-way are required.

Staff Contact: Vin Smith, Planning Manager, (707) 259-5934, or vincent.smith@countyofnapa.org

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

ITEM CONTINUED FROM THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 28, 2018 FOR PLANNING COMMISSION DELIBERATION ONLY.

PUBLIC HEARING IS CLOSED.**EXECUTIVE SUMMARY****Proposed Actions:**

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the American Canyon Solar Project based on Findings 1-6 of Attachment A; and
2. Approve Use Permit P18-00114-UP, based on Findings 7-11 of Attachment A and subject to the conditions of approval (Attachment B as amended) to include the recommended special conditions of approval a and b, contained in the staff report.

Discussion:

On November 28, 2018, the Planning Commission held a public hearing on the project request, heard public testimony, closed the public hearing and considered a motion to approve the project subject to the findings and conditions of approval (as amended) attached to the November 28, 2018 staff report. The motion was seconded; however, the final vote resulted in a 2-2 deadlock. Pursuant to the Planning Commission's by-laws, where there is a tie or deadlock vote the item is then placed on the next regular meeting agenda for consideration for vote by the additional member. Commissioner Hansen was excused from the November 28th meeting but has been rehabilitated so that the Commission may resume deliberations and take final action on December 5, 2018.

A copy of the November 28, 2018 staff report, attachments and communications can be found here: <http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5598> . The project has not changed since the November 28, 2018 hearing. No new information has been added to the record and the **public hearing is closed.**

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Mitigated Negative Declaration. According to the Mitigated Negative Declaration, the proposed project includes preventative mitigation measures in the following areas: Biological Resources. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Napa County circulated a Notice of Intent to adopt the proposed Mitigated Negative Declaration to interested parties and through the State Clearinghouse for a 30-day review period starting on October 29, 2018 and ending on November 28, 2018.

BACKGROUND AND DISCUSSION

On November 28, 2018, the Planning Commission held a public hearing and received testimony, both written and verbal, on the merits of the proposed solar project. Following consideration and deliberation on the information received to date, the public hearing was closed, a motion was made and seconded, for approval of the project. The final vote on the motion resulted in a 2-2 deadlock. Pursuant to Planning Commission By-Laws, the item is continued to the next Planning Commission agenda, December 5, 2018.

Although there is an undecided motion left open by the deadlock vote on November 28, 2018, which the Commission can act upon, the following Decision Making Options remain available to the Planning Commission:

Decision Making Options:**Option 1 – Approve Applicant’s Proposal with Project Specific Conditions of Approval**

Discussion - This option would result in construction of the proposed solar project subject to the project Findings in Attachment A and the Conditions of Approval in Attachment B, as amended. The Commission could also suggest modifications or deletions of some of the recommended special conditions of approval under this option.

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 Applicant’s Proposal

Discussion - This option would result in construction of the proposed solar project. Approval would include conditions contained in Attachment B: Revised Conditions of Approval but would not include suggested additional conditions of approval provided in the staff report.

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 3 – Deny Proposed Use Permit

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

Action Required – Commission should would articulate the aspect(s) of the project in conflict with required findings or General Plan and either take action to deny the project or, if needed, remand the matter to staff for preparation of required findings to return to the Commission on specified date.

Option 4 - Continuance Option

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

SUPPORTING DOCUMENTS

None

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith