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Agenda Date: 7/21/2010

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Sean Trippi, Principal Planner - 299-1353
SUBJECT: Napa Solar Farm

RECOMMENDATION

NAPA SOLAR FARM/GREENTECH POWER GROUP, LLC - USE PERMT P10-00139-UP

CEQA Status: Negative Declaration prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a use permit to construct a 6.7 Mega-Watt solar electric power generation facility. The proposed facility will consist of approximately 50,000 photovoltaic modules assembled into large scale solar arrays mounted on pre-cast concrete pads. The facility will be constructed on about 50 acres of the 80-acre site. The overall height of the arrays will be approximately 5 to 6 feet above existing grade. There will generally be no employees on-site except for maintenance as needed. There is no expected water use or sewage disposal. Access would be provided from an existing gated access point at the west end of Eucalyptus Drive. The facility would be fenced. The 80 acre project site is located on the west end of Eucalyptus Drive within an Agricultural Watershed: Airport Compatibility (AW:AC) zoning district. APN's: 058-020-012 (S.F.A.P.) and 058-050-042 (S.F.A.P.). American Canyon.

Staff Recommendation: Adopt the negative declaration and approve the use permit with the proposed conditions of approval.

Staff Contact: Sean Trippi, 299-1353 or sean.trippi@countyofnapa.org

CONTINUED FROM THE JULY 7, 2010 REGULAR MEETING

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Adopt the Negative Declaration for the Napa Solar Farm, based on findings 1-6 of Exhibit A (attached); and,
2. Approve Use Permit P10-00139 based on findings 7-11 of Exhibit A and subject to the conditions of approval (Exhibit B).

Discussion:

Public utility uses including electric generating facilities are permitted in any zoning district upon grant of a use permit. The proposed solar farm will generate electricity which will be transmitted to the Napa-Vallejo Waste Management Authority Facility; the rest of the power produced will be sold to PG&E. The City of American Canyon raised several concerns discussed in the Background section, below which have been addressed to their satisfaction. Therefore, staff is in support of the proposal.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. 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: Napa-Vallejo Waste Management Authority

Applicant: GreenTech Power Group, LLC (Larry Asera)

General Plan Designation: AWOS - Agriculture, Watershed and Open Space

Zoning: AW:AC - Agricultural Watershed: Airport Compatibility

Application Filed: April 13, 2010

Complete: May 12, 2010

Number of Employees: No permanent full or part or time employees will be at the site.

Parking: No proposed parking spaces on the site. There is currently parking located at the methane recovery facility that would be used for repair/maintenance/inspection personnel.

Adjacent Zoning / Land Use:

The proposed project site is currently vacant, has been previously graded, and has been raised approximately 30 to 40 feet above the neighboring areas as part of the former landfill operations. A methane recovery facility is

located at the toe of the slope on the north side of the property on a separate assessor's parcel, split for assessor's purposes, that was previously part of the landfill site. The Napa River borders the west side of the site. A small portion at the north end of the site is located in Airport Land Use Compatibility (ALUC) Zone D, the Common Traffic Pattern, which is an area of frequent aircraft overflight at low elevations. The remainder and majority of the site is located in ALUC Zone E, considered other airport environs, which is an area where annoyance from aircraft overflight is the primary impact. A spur of the Bay Trail is proposed to utilize the existing access looped road at the base of the filled area connecting.

North: AW:AC-Agricultural Watershed: Airport Compatibility - A 114-acre parcel owned by the City of American Canyon adjoins the project site to the north and is predominantly wetlands/marshlands. Further north is the City of American Canyon's wastewater treatment facility. To the northwest are former salt evaporation ponds. The parcel to the north also wraps to the east of the site and includes a parking area for users of the walking and bike trails in the area.

South: AW:AC-Agricultural Watershed: Airport Compatibility - South of the site is approximately 90 acres of marshlands/estuary owned by the State of California.

East: AW:AC-Agricultural Watershed: Airport Compatibility - East of the site are approximately 313 acres owned by the City of American Canyon that are also marshlands/estuary. East of a portion of those marshlands are existing homes, approximately 2,000 feet from the project site.

West: AW:AC-Agricultural Watershed: Airport Compatibility - The Napa River borders the west side of the site. Further west is the San Pablo Bay Wildlife Refuge.

Property History:

The Napa River has historically been subject to tidal influences from its mouth at San Pablo Bay to a ½-mile beyond the City of Napa. The flood plain areas near the river were saline marshlands until the river was contained within tidal levees. These levees had been in place and the drained marshlands used as grazing land for many years when refuse dumping operations began on the subject site in 1942. Waste disposal was by open burning until 1971, with land filling being practiced from about 1957 on.

January 1967

The Board of Supervisors granted a use permit (UP#32-67) to the American Canyon Sanitary Landfill Company for sanitary landfill operations on a total of 300 acres of land including the subject site. Waste discharge requirements were adopted for the site by the Regional Water Quality Control Board in April of 1968.

September 1983

The Planning Commission denied a Use Permit request (#U-78348) to amend the original use permit (UP#32-67) to allow the disposal of 75 tons per day of municipal sludge.

July 1985

The Planning Commission granted a use permit (U-368485) to the American Canyon Landfill Company for a methane recovery project on approximately 58 acres (part of the current project site).

June 1992

The Zoning Administrator approved a use permit modification (#91485-MOD) to establish a temporary leachate processing facility to treat approximately 15,000 gallons of groundwater per day for the final development module of the landfill.

1993

The Napa-Vallejo Waste Management Authority (NVWMA) was created and took ownership of the project site, including the methane recovery and leachate activities. Waste disposal ceased approximately 25 years ago, however, methane recovery and leachate activities remain ongoing.

The use permit for the methane recovery facility was approved for a 10-year period, with the possibility for time extensions. A subsequent extension of time was not approved. However, once the facility was under operation by a public entity, a use permit or use permit extension was no longer necessary pursuant to the government code which allows public agencies to exempt themselves from local regulations.

It should be noted that the current proposal requires a use permit as it will be undertaken by a private company and would not be operated by the NVWMA.

Code Compliance History: Based on a review of Department files, there are no records of code compliance issues on the property.

Discussion:

1. Electric generating plants - Electric generating plants are considered public utility uses and are allowed in any zoning district upon the grant of a use permit. The energy produced by the proposed solar farm would be converted to electricity and then transmitted to PG&E from the existing substation located at the methane recovery facility.
2. Site layout - The site includes approximately 80-acres. Approximately 50-acres sit atop fill, 30-40 feet above the lower portions of the site. The solar arrays are proposed on the 50-acre filled portion of the site. The arrays would be approximately 5-6 feet above grade with the panels surface oriented to the south. The power collected from the panels would be transmitted via cables/wiring running along the surface down the slope at the north end of the site to 5-6 inverters and from the inverters to the existing substation previously constructed as part of the methane recovery system. The inverters stand about 7-feet high and would be located between the existing methane recovery system and the toe of slope at the north end of the filled area. The inverters would be screened from view by landscaping. The electricity would be transmitted from the substation utilizing the existing overhead power lines to PG&E's facility.
3. City of American Canyon - The City of American Canyon has concerns regarding the proposed solar farm related to screening, fencing, and additional overhead transmission lines (see attached letter dated June 14, 2010).
 - a. Screening - The original site plan (attached) included placing solar panels along the entire length and width at the top of the fill area or landfill cap. The applicant had originally intended to construct an earthen berm along the eastern edge of the site. However, the additional subsidence that the berm may cause would be inconsistent with the landfill postclosure maintenance plan. To address the city's concerns, the applicant has proposed to remove several rows of panels that were proposed along the eastern edge of the site so that the panels won't be visible from the residential areas to the east. The revised site plan attached to this report shows the panels located to the west of the high point of the cap. American canyon finds this revision acceptable provided the panels will not be visible from the residential area to the east. In addition, a condition of approval is recommended that the panels are adequately screened from the view of the residences.
 - b. Fencing - the City of American Canyon was also concerned about the location of any proposed fencing, i.e. if solid fencing were to be constructed along the top of the fill area it would detract from the natural appearance of the wetland and grassy slopes. The applicant has agreed to place open style fencing at the toe of the slope.
 - c. Overhead lines - According to a representative of PG&E, the existing overhead lines have existing capacity to convey the electricity generated by the project. If in the future the circumstances change and the existing lines

would not have capacity to convey the electricity generated by the project, PG&E would replace the existing overhead transmission lines with new larger lines. A condition of approval is recommended stating that the power produced by this facility shall not exceed the carrying capacity of the existing utility lines and if any changes to the project trigger the need to replace the existing lines with higher capacity lines which are not covered within the scope of this use permit, approval of a use permit modification application would be required.

3. Landfill Postclosure Maintenance Plan - The former landfill was certified closed and in postclosure maintenance starting in May 2006. The final Postclosure Maintenance Plan would need to be revised to reflect the proposed solar farm. The Napa County Solid Waste Local Enforcement Agency approved the revision July 1, 2010 (see attached letter). According to the Department of Resources Recycling and Recovery (Cal Recycle), the revised Postclosure Plan must also be approved by the San Francisco Bay Regional Water Quality Control Board (RWQCB) per the attached letter dated June 9, 2010. Cal Recycle also notes in their letter that financial assurances need to comply with applicable State standards and that they are currently under review. A condition of approval is recommended that documentation of approval by the RWQCB be submitted prior to the issuance of building permits and that financial have been approved.

Consistency with Standards:

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

1. Zoning - Site layout and use comply with all applicable zoning regulations.
2. Building/Fire Code - The project has been designed to comply with all applicable building and fire codes. Access to the site is excellent. It is anticipated that the applicant will submit for building permits to install the solar arrays a short period after receiving approval.
3. Public Works - Grading and drainage improvements will be constructed to County standards. The proposal does not include water use or wastewater generation.
4. Environmental Management - Conditions are required that address an approval of an updated or revised Final Postclosure Maintenance Plan Hazardous Materials Management Plan prior to implementation of the project.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Review Agency Comments
- D . Other Agency & Department Comments
- E . Draft Negative Declaration
- F . Application Materials
- G . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell