

PLANNING COMMISSION HEARING – May 4, 2022  
RECOMMENDED FINDINGS

Horwitz Solar Array  
Use Permit Exception to the Conservation Slope Regulations  
Application Number P21-00247-UP  
7870 Silverado Trail, NAPA, California  
APN 030-210-010

ENVIRONMENTAL:

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

1. The project is Categorically Exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303, Class 3, which exempts a project that consists of construction of limited numbers of new, small facilities or structures and installation of small new equipment and facilities such as a solar array and associated equipment.
2. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. 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 Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

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:

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

Analysis: Exceptions to the County's Conservation Regulations are subject to a Use Permit, and Use Permits are subject to review by the Planning Commission (Napa County Code [NCC] Sections 18.108.040 and 18.124.010). There is no companion action necessary for the requested Use Permit that would require action by the Board of Supervisors. The project site is located in the Agricultural Watershed (AW) zoning district. The recognition and retention of existing site improvements and accessory structures, and the proposed additional improvements, as conditioned, are intended for

residential uses and are permitted in the AW District. The project, as conditioned, complies with the requirements of the Zoning Code as applicable.

5. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the NCC (zoning regulations) have been met.

Analysis: The application for a Conservation Regulations Use Permit Exception has been appropriately filed, and noticed and public hearing requirements of the NCC Section 18.136.040 have been met. On April 22, 2022, notice of public hearing and intent to adopt a Categorical Exemption was published in the Napa Valley Register, posted with the Napa County Clerk, mailed via first class mail to owners of property within 1,000 feet of the subject parcel, and mailed via first class mail or electronic mail to the applicant, property owner, and other interested parties who had previously requested such notice.

6. 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 Exception for the project, as conditioned, will not adversely affect the health, safety or welfare of the County. The project includes the construction of a solar array, including a new equipment bunker and other erosion control measures, to provide green energy to an existing single family residence, which is located within the jurisdiction of the County of Napa.

7. 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 any applicable specific plan.

Analysis: The proposed Use Permit Exception will provide solar energy to the existing single family residence and associated accessory structures on a parcel within the County of Napa. The solar array, as proposed, would meet the requirements and standards set forth in the General Plan and County Code, including the stormwater quality control regulations intended to minimize sediment and pollutant discharge into the County's streams and waterways. As proposed and conditioned, the project would not impact special status species, and would not require removal of any trees, consistent with NCC 18.108.020.

The County's Conservation Regulations (NCC Section 18.108.040) identify the Use Permit as the appropriate mechanism for allowing exceptions to the slope regulations.

8. 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 NCC.

Analysis: The proposed solar array project does not directly require a new water system, as the site already contains a single family residence and various accessory structures

which are already serviced by an existing water system. Further, the project is not located near an affected groundwater basin.

**EXCEPTION TO CONSERVATION REGULATIONS:**

9. Roads, driveways, building and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

**Analysis:** The proposed project would utilize the existing private driveway to access the project site. Materials will be carried by hand from the staging area on said driveway to the solar array installation site (approximately 55-60 feet uphill from the driveway). The only dirt that would need to be moved would be for the placement of the 56 ground screws, trenching for running the conduit line to the bunker, and for installation of the new 200 sf bunker. As noted by the Engineering Division in their project workflow comment the solar array installation should not require a lot of earthwork and the current access is sufficient.

10. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project including the following elements: a) multiple-floor levels which follow existing, natural slopes; b) foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls' c) fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

**Analysis:** The proposed exception is for a solar array, which is minor in nature and does not contain multiple-floor levels, a foundation, fence or walls.

11. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

**Analysis:** Vegetation removal is extremely limited as a result of the utilization of the existing private driveway for access and since no new or temporary roadway is proposed as part of the project. Implementation of the proposed project would not result in the removal trees. A Condition of Approval include protections, monitoring and replacement if any trees are inadvertently removed or incidentally lost as a result of the installation of the proposed bunker; consistent with Napa County Code 18.108.020. The County Fire Division requires all brush within 10 feet of the proposed solar array to be cleared. However, the area selected for construction of the array consists predominantly of grasses and forbes, as such little to no vegetation removal will be required as part of this project.

12. Adequate fire safety measures have been incorporated into the design of the proposed development.

**Analysis:** The project has been reviewed and approved with conditions in the project workflow by the Napa County Fire Marshal's office.

13. Disturbance to streams and watercourses shall be minimized, and the encroachment, if any, is the minimum necessary to implement the project.

Analysis: Two unnamed ephemeral drainages traverse through the center of the parcel; the nearest ephemeral drainage is located 55 feet north from the proposed solar array, well outside the required 35-foot setback. The project would implement temporary and permanent erosion control measures and construction conditions of approval that will ensure that disturbance to the ephemeral drainage is avoided.

14. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the County's environmental sensitivity maps.

Analysis: The County Geographic Information System does not indicate presence of special species or habitat that would support special species in the project area or within the vicinity of the project. Additionally, all of the improvements that involve proposed earth work would occur in the dry season when the drainage is dry, and would not remove existing trees. Therefore, it is not anticipated that any adverse impacts on special status species would result from project implementation.

15. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with NCC Section 18.108.080 and has been approved by the Director or designee.

Analysis: The proposed project has been reviewed by the Engineering Division and found to comply with the requirements of the County's NPDES stormwater management program approved by Napa County Engineering Division September 21, 2021.