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David Morrison  
Director

**MEMORANDUM**

To:	Planning Commission	From:	Dana Morrison, PBES
Date:	April 14, 2022	Re:	#P21-00247-UP / Use Permit Exception to Conservation Regulations Horwitz Solar Array CEQA Exemption Determination 7870 Silverado Trail / APN: 030-210-010-000

**Background:**

Pursuant to Section 303 of Napa County’s Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Horwitz Solar Array Use Permit Exception to the Conservation Regulations (File No. P21-00247).

The Napa County Planning Division has received request for a Use Permit Exception to the Conservation Regulations (NCC 18.108) to allow the development of a new solar array, and associated equipment, on land with slopes exceeding 30% on APN 030-210-010-000; 7870 Silverado Trail.

**Existing Setting:**

The project parcel is located in central portion of Napa County, on easterly facing slopes where they begin to rise out of the Napa Valley Floor. The project is located within the Agricultural Watershed (AW) zoning district and is accessed via a gated private driveway located off of Silverado Trail, just south of its intersection with Skellenger Lane. The parcel has a General Plan designation of Agriculture, Watershed and Open Space (AWOS).

The approximate 21-acre subject property (APN 030-210-010: 7870 Silverado Trail) is a triangle-shaped parcel bound by residential/agricultural parcels to the north, south, east and west, the driveway entrance to which is located approximately 1750 feet from the intersection of Silverado Trail and Skellenger Road, with a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS) and within the Agricultural Watershed (AW) zoning district. The property is developed with an existing 5000 sf residence and plans have been approved for a for a detached guest house with carport and a detached storage shed (currently under construction). Other development under review for approval by the building and planning department include a retaining wall, outdoor kitchen, new terraces and seating area, new balcony, and trellises.

The site is accessed by one driveway from Silverado Trail. The nearest residence, not located on the subject property, is approximately 1500 feet to the south-east. There are no creeks or streams located on the subject property, but there are County GIS layer identified ephemeral drainages which traverse through the parcel in a north to south direction; the proposed project is not located within or near these drainages. The proposed

solar array and associated equipment maintains a minimum 55' setback to the nearest mapped ephemeral drainage. This drainage was not active during the site visit conducted by County staff on November 5, 2021.

The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.

### Project Description

The project involves the installation of solar array which will have an approximately 3000 sf footprint, as well as associated equipment (conduit trench and utilities bunker). According to the applicant, the location of the array has been selected as there are no other suitable locations on the property that have slope less than 30%; roof mounted was not desired by the property owner. The array will be constructed from materials brought to the existing private road and will then be transported by hand to the array location (other than a skid steer which will be used to install ground screws). A skid steer will be driven off the private road to the array location and used to install ground screws which will anchor the array. No road, temporary or permanent, is proposed as part of this project. The array assembly (apart from the ground screws) will be assembled by hand, utilizing hand tools or handheld power tools. A mini excavator will be used to dig the new bunker, as well as a trench for the placement of electrical wiring and conduit which will run from the array to said bunker.

### Property History

The project area is located at the eastern edge of the Napa Valley floor where the foothills of the Vacaville Range begin. While the valley floor has been in agricultural use dating from at least the 19<sup>th</sup> century until the early 2000s, the subject parcel has remained vacant until construction of a new single family residence was approved in 2014.

Development on the parcel has been occurring since 2014 (including approved permits underway) which specifically include the following:

- an approximately 5000 sf single family residence with a 575 sf garage (#P14-00219 [administrative viewshed application], approved in October 2015 and Building Permit #BR14-00993),
- an approximately 997 sf guest cottage, 438 sf carport, 289 sf recreation shed (#P20-00215 [administrative viewshed application]; Building Permit #BR20-02019);
- an approximately 282 sf greenhouse (Building Permit #BR20-00517);
- trellises, outdoor kitchen, terrace, retaining wall (#B2R1-02555, #BR21-02554 and #BR21-02179)
- a pool and spa (#BR17-00367 and #BR22-00188); and,
- associated utility and road infrastructure, and landscaping.

On August 15, 2015, the Zoning Administrator approved an exception to the Road and Street Standards to allow a residential drive should width of 4-feet, to preserve existing steep slopes and heritage trees. The RSS exception allowed the existing driveway to be reconstructed to provide widening to the maximum extent possible to preserve the existing natural features (minimum of 10-foot travel lane with varying should width). Requiring two new standard turnouts (20-foot roadway width) and utilizing 3 existing non-standard turnouts.

### CEQA Exemption Criteria and Analysis

Pursuant to Public Resources Code Section 15125, the 'baseline conditions' (or the environmental setting) that a project's potential effects are compared against are typically the physical environmental conditions present when an application is submitted and the environmental analysis is commenced.

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. This project qualifies as an exempt activity under:

- CCR §15303 (Class 3, New Construction or Conversion of Small Structures) 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 in small structure such as a solar array and associated equipment.

Under CEQA Guidelines §15300.2, Exceptions, Class 3 Categorical Exemptions cannot be used if the project substantially affects mapped or designated environmentally sensitive areas or resources. The project area is not mapped as containing environmentally sensitive resources subject to state and federal protection, (Napa County Geographic Information Sensitivity maps/layers US Fish & Wildlife Critical Habitat, California Natural Diversity Database (CNDDDB), Owl habitat CNDDDB, and Wetlands and Vernal Pools). The ephemeral drainages within the subject parcel are not designated as a critical linkage corridor, and the general vicinity is not mapped as potentially sensitive to archaeological resources (Napa County Geographic Information Sensitivity maps/layers Key Riparian Corridors, Riparian Buffer Zones, Linkage Designs, Archaeologic Sensitive Areas). The area is designated as having very low potential for liquefaction, the nearest fault line runs in a northeast to southwest direction and crosses the easternmost corner of the parcel and the nearest landslide is a small landslide deposit located approximately 2,150 feet northeast of the parcel (Napa County Geographic Information Sensitivity maps/layers Sensitivity maps/layers Faults, Liquefaction and Landslides). The project site is partially visible from certain sections of Silverado Trail (a scenic highway), however solar projects are not subject to viewshed regulations (Governor signed legislation in 2004 which limited local agency authority to regulate solar systems) and existing trees and topography block much of the proposed development area from the valley floor roadways. In addition, the area is not located within the Milliken-Sarco-Tulocay water deficient basin nor in the area where groundwater is being actively monitored by the County (Napa County Geographic Information Sensitivity maps/layers Groundwater Deficient Areas and NE Napa Management Area).

The intent of the project is to permit pursuant to NCC §18.108.040 (Exceptions in the form of a use permit) the proposed solar array and associated equipment which will be located on slopes exceeding 30%. As conditioned, the project would require protection of existing trees. Even with the county fire requirement to clear all vegetation with 10 feet of the array, no trees are proposed for removal. The only vegetation that would be subject removal would be existing grasses and forbes.

As the Project qualifies for the identified exemption, is consistent with the General Plan, and does have any special circumstances which would result in significant impacts to the environment, no further environmental review is required. Therefore, for all of the reasons articulated above and contained within the administrative record for the project, PBES staff has determined the project is categorically exempt, in that there is no reasonable possibility that the project would have a significant effect on the environment, because there will be no changes to the existing site improvements (no new road), no trees proposed for removal, and minimal excavation of soil is needed to install the array and bunker.

Based on the proposed project as described above, the Horwitz Solar Array Use Permit Exception to Conservation Regulations request meets the criteria for eligibility as Categorical Exempt from CEQA for Class 3.