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Revised General Plan Consistency Analysis

Dynamo Solar Commercial Floating Solar Use Permit (P22-00340-UP),
Zone Change (P23-00181-ZC), and Variance (P23-00268-VAR)
Board of Supervisors Hearing Date October 15, 2024

Dynamo Solar Commercial Floating Solar Property Rezone

General Plan Consistency Analysis

The following General Plan Goals and Policies are applicable to the proposed Dynamo Solar Rezone, Variance, and Use Permit.

Agriculture and Land Use Element:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Policy AG/LU-1: Agriculture and related activities are the primary land uses in Napa County.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Policy AG/LU-9: The County shall evaluate discretionary development projects, re-zonings, and public projects to determine their potential for impacts on farmlands mapped by the State Farmland Mapping and Monitoring Program (FMMP), while recognizing that the state's farmland terminology and definitions are not always the most relevant to Napa County, and shall avoid converting farmland where feasible.

Policy AG/LU-12: No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies AG/LU-2, AG/LU-5, AG/LU-26, AG/LU-44, AG/LU-45, and ROS-1.

Policy AG/LU-24: Commercial uses will be grouped in areas outside of those designated for agricultural uses in the General Plan (subject to exceptions contained in Policies AG/LU-43 through 45 of this General Plan).

Finding: Not in conflict

The current land use designations of the parcels allow for agriculture, agricultural processing facilities, farm management yards and offices, farmworker housing, and residential uses. As described in detail in the staff report, the Napa Sanitation District parcels are currently developed with the Napa Sanitation District Wastewater treatment facility and associated infrastructure. The Napa Sanitation District is a government entity; therefore, their infrastructure did not require a Use Permit or consistency with Napa County's Zoning Ordinance. The property has not had an

agricultural use since the facility opened in the late 1960's. With the existing wastewater infrastructure, the site has significant constraints for use as agricultural. The installation of solar panels that float on top of existing wastewater ponds would not convert additional agricultural land to a nonagricultural use. The PL zone allows agriculture as a by-right use, so agricultural would still be a possible use of the property. Additionally, the project includes the expansion of a PG&E electrical substation on Anderson Road.

The proposed project has three primary design features: 56-acres of floating solar panels, approximately 2-miles of electrical transmission lines, and the expansion of an existing electrical substation. The proposed floating solar arrays are proposed to be located atop an existing wastewater pond and would not require the removal of protected farmland. The proposed electrical transmission route is proposed to be constructed with portions above and below ground, with transmission poles that will have negligible impact to protected farmland. The third portion of the proposed project is the expansion of an existing PG&E electrical substation on Anderson Road. The California Public Utilities Commission (CPUC) has permitting authority to authorize all electrical substation grading and the installation of electrical equipment. The CPUC is not subject to the Napa County General Plan. Napa County is the lead agency under the California Environmental Quality Act (CEQA), completing the necessary environmental review. The approximately 0.9-acre substation expansion would require the removal of 0.75-acres of existing vineyard and the conversion of 0.9-acres of mapped "Unique Farmland". The proposed substation expansion requires approximately 24,700 cubic yards of grading and the conversion of approximately 0.9-acres of Unique Farmland. The implementation of MM AG-1, requiring a farmland conservation easement or other similar mechanism, requiring the long-term preservation of existing farmland of equal or greater value at a 1:1 ratio would result in a less than significant impact to agricultural resources. The CPUC is the monitoring agency for this farmland conservation mitigation measure.

Policy AG/LU-5: The County will promote an agricultural support system including physical components (such as farm labor housing, equipment supply and repair) and institutional components (such as 4-H, FFA, agricultural and natural resources education and experimentation).

Finding: Consistent.

The PL zone allows agriculture as a by-right use, so agricultural would still be a possible use on the property if the existing wastewater ponds were to ever be removed.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a "right to farm"), even though established urban uses in the general area may foster complaints against those agricultural practices. The "right to farm" shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.

Policy AG/LU-15.5: Where proposed residential, commercial or industrial development abuts lands devoted to agriculture production, the non-agricultural uses shall be required to incorporate buffer areas to mitigate potential land use conflicts as conditions of approval for subdivision or use permit. The type and width of buffer areas shall be determined based on the character, intensity and sensitivity of the abutting land uses.

Finding: Consistent

The project proposes floating solar arrays that are located atop an existing waste water treatment facility, a 0.13-acre substation creation, the installation of an electrical transmission route, and the 0.9-acre expansion of an existing electrical substation. The proposed solar facility will maintain 20 foot setback from property lines and the proposed transmission route will maintain a setback that is equivalent to 20% of the height of the structure.

Policy AG/LU-49: The County shall use zoning to ensure that land uses in airport zones comply with applicable Airport Land Use Compatibility policies. If necessary, the County shall acquire development rights in airport approach zones. This policy shall apply to the Napa County Airport and Angwin Airport.

Finding: Consistent

The proposed project is located within the Napa County Airport Influence Area. The applicant has provided Determinations of No Hazard to Air Navigation from the Federal Aviation Administration for the proposed solar arrays and all electrical transmission towers (Attachment I). The applicant has provided an analysis confirming that the proposed project will adhere to noise requirements, airspace protection, and is compatible with the Napa County Airport Land Use Compatibility plan. The proposed solar arrays will be pointed due south, will not conflict with typical flight patterns, and the panels will be equipped with an anti-reflection layer. Condition of Approval 6.11 has been incorporated into the proposed project to require that upon building permit submittal, the permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

Policy AG/LU-53 Public-Institutional Policies: The following standards shall apply to lands designated as Public-Institutional on the Land Use Map of the General Plan.

Intent: To indicate those lands set aside for those existing and future uses of a governmental, public use, or public utility nature such as a public hospital, public use airport, sanitation district facilities, government equipment yard, state or federal administrative offices, recycling-composting facilities, or any other facilities for which the determinations set forth, pertaining to criteria for eminent domain in the California Code of Civil Procedures Section 1245.230(c)(1) through (3), can be made...

Finding: Consistent

The 56-acre commercial solar site is assigned the Public-Institutional General Plan designation. The site currently contains sanitation district facilities and associated infrastructure, consistent with the Public-Institutional General Plan designation.

Policy AG/LU-109: The County recognizes the principle of sustainability by seeking to address community needs without compromising the ability of future generations to meet their own needs.

Goal CON-16: Promote the economic and environmental health of Napa County by conserving energy, increasing the efficiency of energy use, and producing renewable energy locally.

Finding: Consistent

The proposed project includes the construction of 56-acres of solar panels atop an existing waste water treatment facility. The proposed use uses the sun to create energy, which is a sustainable and renewable energy source. Furthermore, the proposed solar arrays are to be located atop existing development, which would not convert vacant land to a new commercial use. This proposed project sustainably creates electricity and protects farmland, a design feature that is not typically achieved through the use of traditional ground-mounted solar. The creation of renewable energy, reducing the region's reliance on fossil fuels, and the preservation of farmland, addresses the community's needs without compromising the ability of future generations to meet their own needs.

Policy AG/LU-114: Zoning shall be consistent with this General Plan. In areas where the zoning and the land use designation shown on the Land Use Map are not identical, rezoning is desirable but not mandated, since consistency is achieved by reviewing the stated policies of the General Plan in addition to the Land Use Map. Table AG/LU-B shall be used to determine consistency for rezoning application.

Finding: Consistent

The area proposed for rezoning is located within the Public-Institutional General Plan designation, which supports the proposed zone change to the Public Lands (PL) zoning district.

Policy AG/LU-117: The County shall seek to be involved to the extent possible in the decisions of local, state, federal, and other agencies regarding the location of energy generation facilities ... with the potential to negatively affect the visual character of the county.

Finding: Consistent

The project includes many facets that include permitting from the Napa County, CalTrans, CPUC, and CDFW permitting jurisdictions. The proposed project is subject to the California Environmental Quality Act (CEQA). Napa County is working as the lead agency to conduct environmental review on behalf of all other agencies. An Initial Study/Mitigated Negative Declaration was prepared that reviewed potential aesthetic impacts and incorporated an aesthetic mitigation measure as to not negatively affect the visual character of the county.

Natural Resource Policies

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Finding: Consistent.

The project would not substantially deplete local groundwater supplies as, other than two yearly solar array washings, the passive solar use does not demand water resources on a regular basis. The proposed solar panels will be floating atop existing wastewater treatment facility ponds. All water used to wash the panels will fall into the water treatment ponds and will be treated with other water from the region. This water is then available to be reused by residents and vineyards within the region. The installation of 56-acres of panels, floating above the water treatment ponds, will also reduce evaporation of water. The applicant estimates that the shading effect from the proposed floating solar facility can save up to 213,796 m³ (56,478,928 gallons or 173 acre-feet/year) of water per year due to reduced evaporation.

Policy CON-16: The County shall require a biological resources evaluation for discretionary projects in areas identified to contain or potentially contain special-status species based upon data provided in the Baseline Data Report (BDR), California Natural Diversity Database (CNDDDB), or other technical materials. This evaluation shall be conducted prior to the approval of any earthmoving activities. The County shall also encourage the development of programs to protect special-status species and disseminate updated information to state and federal resource agencies.

Finding: Consistent.

A Biological Resources Report was prepared for this proposed project in December of 2022 by Sol Ecology (Attachment H). Special-status wildlife species and migratory birds were evaluated for their potential to occur and be affected by the proposed project. 52 special status plant species have been documented within a 9-quad search of the project study area. Eleven (11) of these special status plant species have potential to occur in the project study area. Other special status plant species documented in the area are unlikely or have no potential to occur on the project study area. Two consecutive years of floristic surveys yielded no findings of special status plants.

Ten (10) special status wildlife species have the potential to occur on or adjacent to the Study Area. Based on the Biological Resources Report from Sol Ecology mitigation measures have been proposed in the MMRP to minimize environmental impacts of the project on biological resources to a less than significant impact. Mitigation Measure BIO-1 has been implemented to Minimize Potential Impact to White-Tailed Kite, Swainson's Hawk, and other Raptors. Mitigation Measure BIO-2 has been implemented to minimize potential impacts to Burrowing Owl. Mitigation Measure BIO-3 has been implemented to minimize potential impacts to bats.

Policy CON-26: Consistent with Napa County's Conservation Regulations, natural vegetation retention areas along perennial and intermittent streams shall vary in width with steepness of the terrain, the nature of the undercover, and type of soil. The design and management of natural vegetation areas shall consider habitat and water quality needs, including the needs of native fish and special status species and flood protection where appropriate. Site-specific setbacks shall be established in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration National Marine Fisheries Service, and other coordinating resource agencies that identify essential stream and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms within the County's watersheds.

Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that protection, restoration, and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the county's watersheds.

Finding: Consistent.

The proposed project has been designed to maintain equal or greater stream setbacks than established within Napa County's Conservation Regulations.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Finding: Consistent.

At the time of construction the project will be required to comply with the California Building Code (CBC) Title 24 standards.

Policy CON-68: The County shall promote research and the development and use of advanced and renewable energy technology through the following actions:

- a) Use expedited permit processing or other incentives as promotion mechanisms.
- b) Assist in securing grants to support the implementation of photovoltaic, wind, and other renewable energy technologies to provide a portion of the County's energy needs.
- c) Encourage the use of renewable energy resources in residential, commercial, industrial, and agricultural projects and uses.

Policy CON-70: The County shall seek to increase the amount of energy produced through locally available energy sources, including establishing incentives for, and removing barriers to, renewable and alternative energy resources (solar, wind) where they are compatible with the maintenance and preservation of environmental quality.

Finding: Consistent

The proposed project would utilize the site for the generation of electricity through the conversion of solar resources. The power generated will be provided to the region's power grid, to support the community.

Goal CON-16: Reduce air pollution and reduce local contributions to regional air quality problems, achieving and maintaining air quality in Napa County which meets or exceeds state and federal standards.

Policy CON-74: The County shall evaluate new technologies for energy generation and conservation and solid waste disposal as they become available, and shall pursue their implementation as appropriate in a manner consistent with the principle of adaptive management. This evaluation shall include review of promising technological advances which may be useful in decreasing County greenhouse gas (GHG) emissions, increase in renewable energy that is generated locally, and review of the County's success in meeting targets for GHG emission reductions. [Implemented by Action Item CON CPSP-4]

Finding: Consistent

Comment: The proposed floating solar arrays are promising renewable energy technological advances that modify a waste disposal facility. The proposed project is estimated to reduce 15,500-tons equivalent CO₂/year on average and over 385,840 tones over the lifetime of the system. The energy generated would supply/offset about 10% of the annual electricity used by residents of the City of Napa.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated

by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. The County's land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Finding: Consistent.

As detailed in the Initial Study/Mitigated Negative Declaration the project will comply with applicable BAAQMD programs to ensure potential air quality impacts are less than significant. Project conditions of approval require that during all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices

Light and Glare Goals

Goal CC-6: Preserve and enhance the night environment of the County's rural areas and prevent excessive light and glare.

Policy CC-33: The design of buildings visible from the County's designated scenic roadways shall avoid the use of reflective surfaces which could cause glare.

Finding: Consistent.

The proposed solar arrays will be equipped with an anti-reflection layer and no lighting is proposed on the associated infrastructure that would reduce the quality of the night environment.

Safety Element

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.

Finding: Consistent.

Plans for the proposed project, shall be reviewed by the PBES Department and the Fire Department to assure that the design complies with the Napa County Roads and Street Standards to demonstrate that the project would have adequate emergency access to the project site.