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Ordinance

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

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA REZONING PORTIONS OF APN 057-010-010-
000 AND 057-050-003-000 FROM AGRICULTURAL WATERSHED:
AIRPORT COMPATABILITY (AW: AC) TO PUBLIC LANDS: AIRPORT
COMPATABILITY (PL: AC)**

WHEREAS, Napa Sanitation District ("Landowner"), holds legal title to two parcels of real property, approximately 327.0 acres and 163.9 acres, in Napa County located at 1515 Soscol Ferry Road, Napa, California, designated by Assessor's Parcel Numbers (APN) 057-010-010-000 and 057-050-003-000 (the "Property"), and is more particularly described in the maps shown on Exhibit A; and

WHEREAS, Landowner has proposed rezoning Property from Agricultural Watershed: Airport Compatibility, a zoning district that does not permit commercial solar facilities, to Public Lands: Airport Compatibility, a zoning district that permits commercial solar facilities, to support the proposed project (the "Project"); and

WHEREAS, after conducting duly noticed public hearings on May 15, 2024, and August 21, 2024, the Planning Commission by a vote of 5-0, on August 21, 2024, recommended that the Napa County Board of Supervisors (Board) adopt the Mitigated Negative Declaration and adopt the proposed Ordinance rezoning the Property to Public Lands: Airport Compatibility; and

WHEREAS, thereafter on October 15, 2024, the Board held a duly noticed public hearing on the rezoning application pursuant to California Government Code Section 65856.

NOW, THEREFORE, the Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The Board has received and reviewed the Mitigated Negative Declaration pursuant to the provisions of CEQA and of Napa County's Local Procedures for Implementing

CEQA, and finds that:

1. Prior to taking action on the Mitigated Negative Declaration and the Project, the Board read and considered said Mitigated Negative Declaration;
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Board;
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of CEQA;
4. Considering the record as whole, there is no substantial evidence that the Project will have a significant effect on the environment;
5. The Clerk of the Board of Supervisors is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Second Floor, Napa, CA.

Therefore, the Board hereby adopts the Mitigated Negative Declaration for the Project and finds according to the Mitigated Negative Declaration that the Project does not result in potentially significant effects to the environment. The Project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

SECTION 3. The Board finds that Pursuant to Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance and Rezone are consistent with the County's Zoning Ordinance and the following goals, policies, action items and objectives and programs of the County's General Plan:

Goals: AG/LU-1, AG/LU-5, CON-10, CON-16, CON-17, and CC-6.

Policies: AG/LU-1, AG/LU-3, AG/LU-4, AG/LU-9, AG/LU-12, AG/LU-15, AG/LU-15.5, AG/LU-24, AG/LU- 49, AG/LU-53, AG/LU-109, AG/LU-114, AG/LU-117, CC-33, CON-16, CON-26, CON-53, CON-55, CON-68, CON-70, CON-72, CON-77, CON-74, and CON-81

SECTION 4. That the subject Property which is zoned Agricultural Watershed: Airport Compatibility (AW:AC) is hereby rezoned to Public Lands: Airport Compatibility (PL:AC). The

official zoning map shall be amended to reflect this change consistent with the requirements of Chapter 18.12. The rezoning of the approximately 385 acres of APNs 057-010-010-000 and 057-050-003-000 from Agricultural Watershed: Airport Compatibility (AW:AC) to Public Lands: Airport Compatibility (PL:AC) is consistent with the Napa County General Plan (2008) in that General Plan Policy AG/LU-114 and implementing Table AG/LU-B identify PL as the appropriate zoning designation for lands designated Public- Institutional by the General Plan Land Use Map where rezoning is proposed, and the parcel is so designated.

SECTION 5. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearings held thereon before the Napa County Planning Commission on the 15th day of May, 2024 and the 21st day of August, 2024. The Planning Commission's recommendation was considered by the Board of Supervisors and this Ordinance was introduced, read, and passed at a regular meeting of the

Napa County Board of Supervisors ("the Board"), State of California, held on October 15, 2024, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSTAIN: SUPERVISORS

ABSENT: SUPERVISORS

NAPA COUNTY, a political subdivision of California

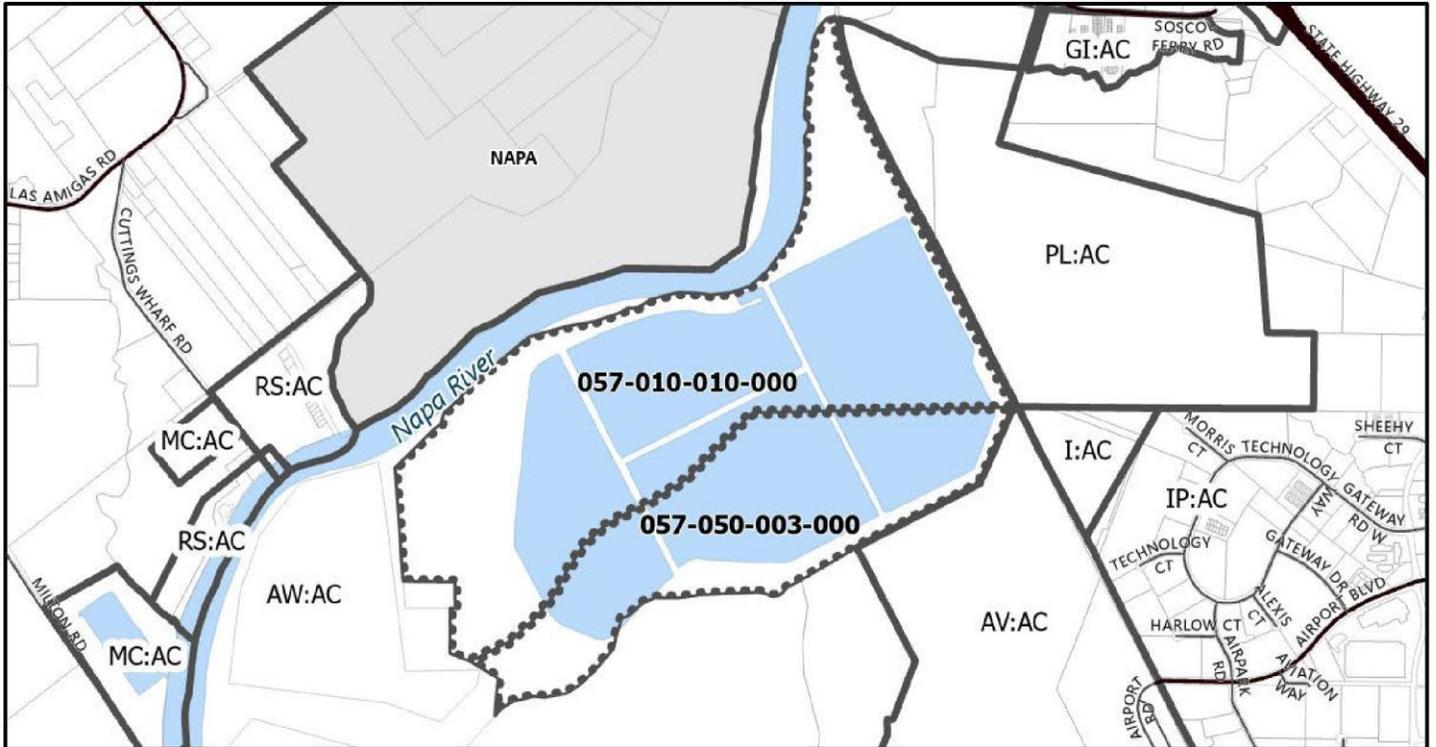
By:

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <i>Chris R.Y. Apallas</i> Deputy County Counsel</p> <p>Date: _October 1, 2024</p> <p>By: <u>Erin Cossen</u> <u>Code Services</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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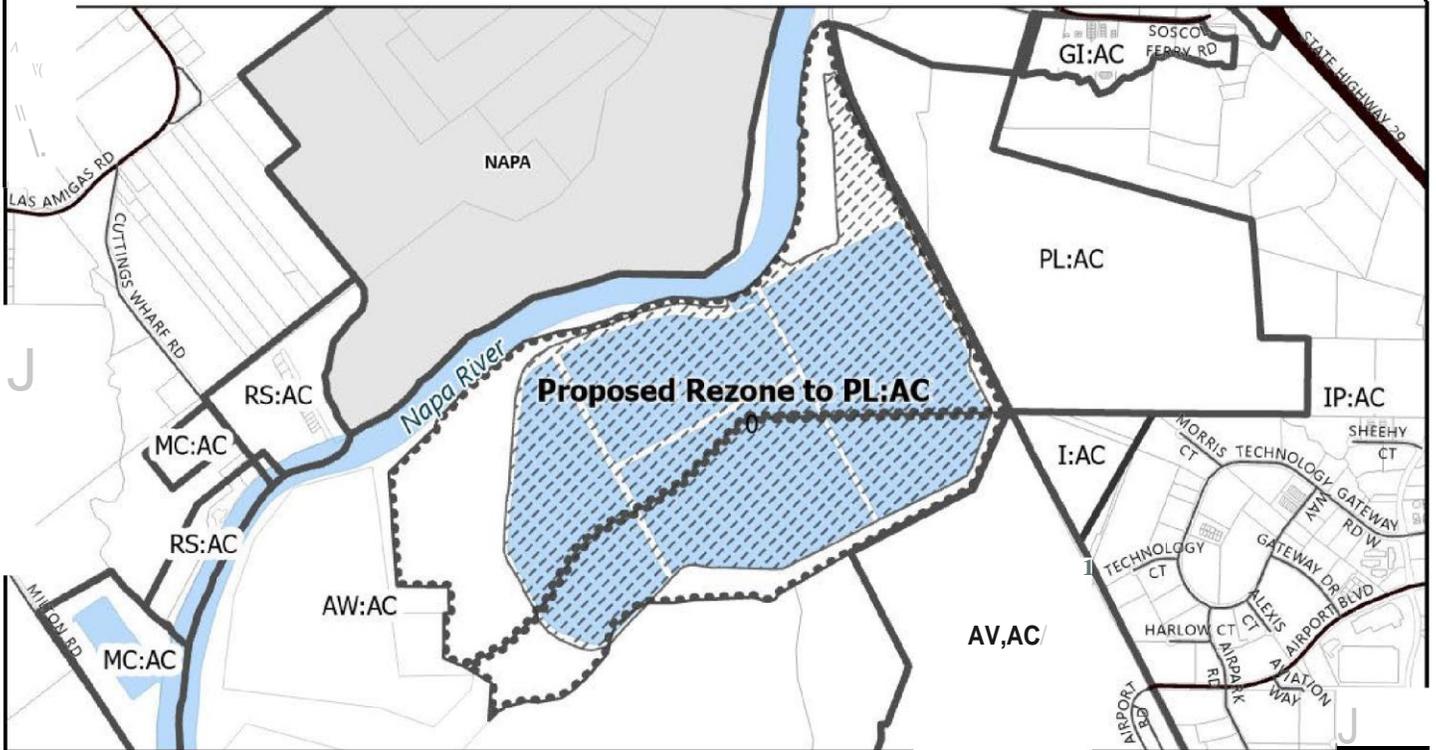
I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____, 2024.

_____, CLERK OF THE BOARD

EXHIBIT A: REZONE DEPICTION



Existing Zoning



Proposed Zoning



Existing vs. Proposed Zoning

P23-00181

DATE PUBLISHED: 3/26/2024 DATE REVISED: AUTHOR: S.C. MAP SCALE: 1:24,000

PLANNING, BUILDING &
ENVIRONMENTAL SERVICES
119 THIRD STREET, SUITE 210
NAPA, CA 94559
(707) 253-4417



Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.

