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**Revised Recommended
Conditions of Approval**

**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**

**BOARD OF SUPERVISORS HEARING – October 15, 2024
RECOMMENDED CONDITIONS OF APPROVAL**

**DYNAMO SOLAR COMMERCIAL FLOATING SOLAR USE PERMIT, ZONE CHANGE, AND
VARIANCE**

APPLICATION NO. P22-00340-UP, P23-00181-ZC, AND P23-00268-VAR

1515 SOSCOL FERRY ROAD, NAPA, CA 94559

APNs: 057-050-003-000, 057-010-010-000, 057-050-006-000, 057-010-038-000, 057-010-039-000, 046-400-016-000, 046-400-011-000, 046-400-057-00, and 046-400-004-000

This Permit encompasses and shall be limited to the project commonly known as **Dynamo Solar Commercial Floating Solar Use Permit, Zone Change, and Variance, located at 1515 Soscol Ferry Road, Napa**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

1. Construction of an approximately 56-acre floating solar field. The solar field will utilize approximately 63,840 solar modules (panels) and inverter pads mounted adjacent to the pond producing approximately 34.7 megawatts (MW) of direct current electricity, converted to 24.5 megawatts (MW) of alternating current electricity.
2. Construction of approximately 0.13-acre electrical substation located on the northern portion of the Napa Sanitation District’s existing wastewater ponds.
3. Construction of approximately 2-miles of electrical transmission lines, with portions constructed above and below ground. The electrical transmission route will consist of 42 transmission line towers ranging in height from 38.5 feet to 70 feet tall.

The **Commercial Floating Solar Facility** shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa Valley Business Park Specific Plan and Napa County Code (County Code). It is the responsibility of the permittee to communicate the

requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee’s contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee’s expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.2 AMPLIFIED MUSIC **[RESERVED]**

4.3 TRAFFIC **[RESERVED]**

4.4 PARKING

All parking, driveways, and internal roadways shall comply with the Napa County Road and Street Standards. Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

- 4.5 TENANCY CHANGE **[RESERVED]**
- 4.6 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.7 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.8 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.9 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS
 - a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
 - b. **[RESERVED]**
 - c. **[RESERVED]**
 - d. **[RESERVED]**
 - e. **[RESERVED]**

4.10 NO TEMPORARY SIGNS
Temporary off-site signage, such as “A-Frame” signs are prohibited.

4.11 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated July 26, 2023.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated September 6, 2023.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.12 OPERATIONAL MITIGATION MEASURES

The permittee shall comply with the following operational mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project

Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

The permittee shall comply with Mitigation Measures AES-1, AG-1, BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, CUL-1, and CUL-2 as listed in Section 6.15 of this document.

- 4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**
- 4.14 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition environmental, building and/or other applicable permit applications:

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated July 26, 2023.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated September 6, 2023.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall

be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

Please contact the Building Division with any questions regarding the following:

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements shall comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided, as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. **[RESERVED]**
- b. **[RESERVED]**
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the

outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

d. **[RESERVED]**

e. **[RESERVED]**

6.5 COLORS

Exterior finishes and colors of the building, roof, parking lot and walkways shall be subject to approval by the Planning Division in conjunction with building permit review and/or prior to painting. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**

6.7 MECHANICAL EQUIPMENT

a. **[RESERVED]**

b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unshielded if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

c. **[RESERVED]**

d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES **[RESERVED]**

6.9 BICYCLE PARKING **[RESERVED]**

6.10 CONSTRUCTION CRANES

Any crane used in the construction of the phases shall be lighted and have flags for improved visibility from aircraft; no crane shall exceed 80 feet in height without first obtaining the Federal Aviation Administration's express approval.

6.11 AIRCRAFT OVERFLIGHT EASEMENT

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.

6.12 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.13 HISTORIC RESOURCES [RESERVED]

6.14 DEMOLITION ACTIVITIES [RESERVED]

6.15 PERMIT PREREQUISITE MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. **MM AES-1:** The applicant shall obtain all necessary permits from CalTrans to underground the proposed electrical transmission lines surrounding the Grape Crusher sculpture scenic vista. The undergrounding shall extend from Tower 0/18 to tower 1/6. No surface disturbance or aboveground improvements shall be installed within 50 feet from either top of bank from the ephemeral stream located southeast of the Grape Crusher sculpture. Directional boring, or an equivalent construction technique, shall be used to install underground portions of the electrical transmission route within 50 feet of this ephemeral stream.

Method of Monitoring: Prior to the issuance of any building permits for the electrical transmission towers the applicant shall demonstrate to the Planning Division that they have obtained all of the necessary permits with the California Department of Transportation (CalTrans) proposing the appropriate undergrounding of electrical transmission lines extending from tower 0/18 to tower 1/6.

Responsible Agency(ies): PBES

- b. **MM AG-1:** The project sponsor or permittee shall record a farmland conservation easement or other similar mechanism, for the conversion of state designated Unique Farmland resulting from the expansion of the PG&E electrical substation. The protective easement will total 0.9-acres of existing farmland, located within Napa County, and the farmland shall be of equal or greater quality than the farmland lost to conversion. Land placed in a protective easement shall be restricted from development and other uses that would degrade the quality of the farmland (including, not limited to conversion to other land uses such as residential, commercial, urban development, or excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The Owner/Permittee shall record the farmland

conservation easement prior to the commencement of grading associated with the expansion of the PG&E substation, located on Anderson Road. Areas to be preserved shall take into account the type of farmland being removed and the acreage included in the preservation areas should be selected in a manner that minimizes fragmentation of farmland.

Method of Monitoring: Prior to the commencement of grading associated with the expansion of the PG&E substation, located on Anderson Road, the applicant shall provide verification to the California Public Utilities Commission (CPUC) that they have recorded a farmland conservation easement or other similar mechanism, for 0.9 acres of existing farmland of equal or greater quality within Napa County.

Responsible Agency(ies): CPUC

- c. **MM BIO-1:** Prior to approval of a building permit or the necessary permits to construct the electrical distribution route, the permittee shall include the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:
1. If construction activities occur between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction survey for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (within 0.25-miles of project activities). The preconstruction survey shall be completed in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000), or current guidance. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County PBES Planning Division and the CDFW prior to commencement of work.
 2. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
 3. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in

consultation with the County PBES Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers for raptors may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County PBES Planning Division and the USFWS and/or CDFW. If nesting White-Tailed Kite are detected during surveys, the project shall immediately notify CDFW and implement a 0.25-mile no-disturbance buffer zone around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and August 1 for each year, unless otherwise approved in writing by CDFW.

4. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
5. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.
6. If take of White-Tailed Kite cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal Endangered Species Act (ESA).

Method of Monitoring: The above measures shall be incorporated with building permit processing and survey recommendations shall be implemented in conjunction with all construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.

Responsible Agency(ies): PBES

- d. **MM BIO-2:** Prior to approval of a building permit or the necessary permits to construct the electrical distribution route, the permittee shall include the following measures to minimize impacts associated with the potential loss and disturbance of Burrowing Owl.

1. Pre-construction surveys for burrowing owls will be conducted in areas supporting potentially suitable habitat and within 30 days prior to the start of construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site will be resurveyed. CDFW will conduct surveys for burrowing owls in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version).
2. If burrowing owls are detected, disturbance to burrows will be avoided during the nesting season (February 1 through August 31). CDFW will establish buffers around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation. Buffers around occupied burrows will be a minimum of 656 feet (200 meters) during the nesting season, and 160 feet (100 meters) during the non-breeding season.
3. Outside of the nesting season (February 1 through August 31), passive owl relocation techniques will be implemented. Owls would be excluded from burrows in the immediate impact zone within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors will be in place at least 48 hours prior to excavation to insure the owls have departed.
4. The work area will be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities.
5. Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.
6. If occupied burrows cannot be avoided during the non-breeding season, CDFW will enhance or create burrows in adjacent habitat at a 1:1 ratio of burrow destroyed to created at least one week prior to implementation of passive relocation techniques. If burrowing owl habitat enhancement or creation takes place, CDFW will develop and implement a monitoring and management plan to assess the effectiveness of the mitigation. If monitoring indicates that the actions have not adequately mitigated for the Project's impacts, CDFW will implement remedial actions (e.g., enhancing or creating additional burrows) that compensate for these impacts.

Method of Monitoring: The above measures shall be incorporated with building permit processing and survey recommendations shall be implemented in conjunction with all construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.

Responsible Agency(ies): PBES

- e. **MM BIO-3:** Prior to approval of a building permit or the necessary permits to construct the electrical distribution route, the permittee shall include the

following measures to minimize impacts associated with the potential loss and disturbance of special status bats.

1. Tree-roosting bats, such as the western red bat, and cavity-roosting bats, such as the pallid bat, could occur in the trees (typically with greater than 16 inches diameter at breast height (DBH) on or near the project site. A roosting bat survey shall be conducted by a qualified biologist within suitable roosting habitat within 30 days prior to the start of construction activities to determine whether or not bats are roosting within or adjacent to the project area. Surveys should consist of daytime pedestrian surveys to look for visual signs of bats (e.g., guano), and if determined necessary, evening emergence surveys to note the presence or absence of bats. If roosting bats are detected and directly impacted by the project, excluding any bats from roosts should be accomplished by a qualified biologist in consultation with CDFW prior to the removal of the roosts. Exclusionary devices, such as plastic sheeting, plastic or wire mesh, may be used to allow for bats to exit but not re-enter any occupied roosts. If special-status bats (i.e., pallid bat) are found onsite, and the roost would be destroyed during development, an artificial roost should be provided for the bats. The roost should be constructed and placed on-site prior to removal of the original roost. Removal of maternity roosts for special-status bats would be coordinated with PBES and CDFW prior to removal. Maternity roosts for any species of bat, either common or special-status, should not be demolished or removed until the young are able to fly independently of their mothers. Trees and branches that support potential bat roosts that are being removed as part of the project, should be left in-place overnight before being wood-chipped or hauled away to allow any possible roosting bats present within the fallen trees to fly away. If maternity roosts are found in trees near the work area and the trees would not be removed during development, a qualified biologist should determine an appropriate no-work buffer zone. Species-specific noise tolerance levels (including high frequency noise) should be established for work taking place near the buffer around the maternity roost.

Method of Monitoring: The permittee shall have a bat habitat assessment and survey, as applicable, prior to any tree removal during the bat maternity season (April 1 to August 31). In the event special-status bat species or bat maternity roosts are detected, construction activities shall be scheduled to avoid the maternity roosting season.

Responsible Agency(ies): PBES

- f. **MM BIO-4:** If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted:

1. within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and
2. for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

Method of Monitoring: If construction/earthmoving activity is to occur between March 1 and September 15 the permittee will provide the Planning Division with the survey report and CDFW's written approval of the survey report. CDFW's written approval is required on all subsequent annual reports.

Responsible Agency(ies): PBES

- g. **MM BIO-5:** A qualified biologist shall assess if suitable habitat for California Ridgway's rail or black rail habitat occurs on or within 700 feet of the Project area and shall obtain CDFW's written acceptance of the assessment prior to the start of Project construction. Project activities within tidal marsh or suitable California Ridgway's rail or black rail habitat, and within 700 feet of such habitat, shall be avoided during rail breeding season (January 15 – August 31 for California Ridgway's rail, February 1 – August 31 for California black rail) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted by CDFW in writing. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure that these species are not nesting in these locations.

If breeding rails are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where California Ridgway's rail and/or black rail have been detected during the breeding season, unless otherwise approved in writing by CDFW. If surveys have not been conducted, all work shall be conducted 700 feet from California Ridgway's rail and/or black rail habitat during nesting season.

Method of Monitoring: Prior to issuance of the grading/building permits, the permittee will provide the Planning Division with the habitat assessment and CDFW's written acceptance of the assessment.

Responsible Agency(ies): PBES

- h. **MM BIO-6:** General nesting bird surveys shall include the Project area and a minimum 500-foot buffer around the Project area. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately, and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. If take of tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Method of Monitoring: The above measures shall be incorporated with building permit processing and nesting bird survey recommendations shall be implemented in conjunction with all construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.

Responsible Agency(ies): PBES

- i. **MM BIO-7:** The Project shall notify CDFW for any potential Project impacts to Suscol Creek, the ephemeral stream, or any other streams, including, but not limited to, directional boring underneath these streams or vegetation removal. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA Agreement, if issued.

Method of Monitoring: Prior to issuance of building permits, the permittee will provide the Planning Division with the results of their consultation with CDFW under Section 1600 of the Fish and Game Code concerning transmission lines above Suscol Creek. If consultation requires undergrounding of the transmission line, the permittee will provide the Planning Division with any LSA Agreement, if issued.

Responsible Agency(ies): PBES

- j. **MM CUL-1:** The permittee shall retain a professional, who meets the Secretary of the Interior’s professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:
1. Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire workday, and daily while ground-disturbing activities are taking place in culturally sensitive areas.
 2. During monitoring, if the archaeologist and tribal monitor observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
 3. When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed (to only be provided to the DPR) and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled paper bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present. The applicant shall follow the “Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Witan Nation”.
 4. Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
 5. A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed.

Method of Monitoring: Prior to issuance of any building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.

Responsible Agency(ies): PBES

- k. **MM CUL-2:** The concept of cultural sensitivity includes developing a collection of skills that helps one learn about and comprehend individuals from different cultures than their own, including resources and sites that may have significance in those cultures. Given the nature and sensitivity of archaeological sites and cultural resources that are or may be encountered during the Project, the applicant shall train its staff and consultants on cultural competence when working with Native American communities and Native American human remains, grave goods, ceremonial items, and any cultural artifacts. The Tribe will provide qualified staff from its Cultural Resources Department to provide education on what cultural resources are, what to look for, the laws and regulations that govern cultural resource management, and what to do in the event of a discovery (the “Training”). The Training will consist of a 20-30 minute, in-person, training session for the construction workers.

Method of Monitoring: The applicant shall provide the PBES department with verification that cultural resources training occurred prior to the issuance of grading or building permits.

Responsible Agency(ies): PBES

6.16 PARCEL CHANGE REQUIREMENTS

The permittee shall comply with the following requirements:

- a. **LOT LINE ADJUSTMENTS**
The lot line adjustment between Accessor Parcel Numbers 046-400-004 and 046-400-057-000 shall be recorded prior to the issuance of building permits. All electrical substation equipment shall be included within Accessor Parcel Number 046-400-004-000.
- b. **EASEMENTS**
Required easements shall be recorded prior to issuance of building permits.

6.17 FINAL MAPS **[RESERVED]**

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Prior to the issuance of the permit for the construction of the facility, the permittee shall provide financial assurance in a form and amount acceptable to the Department, in compliance with Section 17.38.030, to secure the expense of decommissioning, dismantling and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines/pipes in compliance with the approved restoration plan.

- b. Within 5 days after the construction reaches its greatest height, a Form 7460-2 Notice of Construction or Alteration shall be e-filed with the Federal Aviation Administration (FAA).
- c. Prior to the issuance of the permit for the construction of the facility, an agreement, in a form approved by County Counsel, shall be signed by the owner and permittee taking full responsibility for decommissioning and reclaiming the site in accordance with the decommissioning plan and use permit approval upon cessation of use.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

- a. **GRADING & SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.
- c. **AIR QUALITY**
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:
 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of

operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES

The permittee shall comply with the following construction mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project (language for the mitigation measure is included in Section 6.15 above):

- a. The permittee shall comply with Mitigation Measures AES-1, AG-1, BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, CUL-1, and CUL-2 as listed in Section 6.15 of this document.

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the project including Initial Synchronization with the electrical grid for testing purposes prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for general public occupancy of buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. In special circumstances, Departments and/or Agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence:

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATE/ENTRY STRUCTURES

Any gate installed at the project entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

9.4 LANDSCAPING **[RESERVED]**

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

The permittee shall comply with the following preoccupancy mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. The permittee shall comply with Mitigation Measures AES-1, AG-1, BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, CUL-1, and CUL-2 as listed in Section 6.15 of this document.

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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Brian D. Bordona
Interim Director

MEMORANDUM

To: Mathew Ringel, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: July 26, 2023	Re: Commercial Renewable Energy Production Facility Use Permit – Engineering CoA 1515 Soscol Ferry Road, Napa, CA P22-00340 APN 057-010-010-000

The Engineering Division received a referral for comment on a new use permit. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS:

1. Portions of the work are located within a Federal Emergency Management Agency (FEMA) regulated SFHA associated with the Napa River floodplain. The Base Flood Elevation (BFE), the elevation of the flood having 1-percent-chance of being equaled or exceeded in any given year, is 10 feet North American Vertical Datum of 1988 (NAVD88). The Design Flood Elevation (DFE) for the site, the elevation to which FEMA-compliant structures must be floodproofed and/or have finished floor elevations raised to is 11 feet NAVD88.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.
2. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit.

PREREQUISITES FOR ISSUANCE OF PERMITS

3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, access roads, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, and Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building or grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadways, access driveways, and parking areas serving the project either currently meet the requirements and/or how they will be improved to meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for the proposed development.
7. **Prior to issuance of a building, grading permit, or floodplain management permit** the owner shall submit a complete application for a floodplain management permit for the proposed work. A complete submittal shall include, but is not limited to:
 - a) A complete site plan demonstrating the Floodplain and Floodway Boundaries.
 - b) Plans shall include all existing or proposed structures, fill, storage of materials, drainage facilities
 - c) Spot ground elevations at the corners of all structures and at twenty-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
 - d) Proposed locations of water supply, sanitary sewer facilities, and utilities;
 - e) The base flood elevation from the flood insurance study, and/or FIRM;

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

8. All roadway, access drive, and parking area improvements shall be completed **prior to** issuance of temporary occupancy of any new and/or remodeled structures.

**** If no temporary occupancy is requested, then the above become a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

9. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707) 259-8179 or by email at Jeannette.Doss@countyofnapa.org



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A Commitment to Service

Brian Bordona
Interim Director

MEMORANDUM

To: Matt Ringel, Planner	From: Maureen S. Bown, Senior Environmental Health Specialist
Date: 9/6/2023	Re: Use Permit Application for: Napa Sanitation District Located at: 1515 Soscol Ferry Rd., Napa Assessor Parcel # 057-010-010-000 Use Permit# P22-00340

Environmental Health Division staff has reviewed an application to add Floating Solar Panels at Napa Sanitation Ponds and a Transmission Line to connect to the Tulucay Substation. This Division has no objection to approval of the application with the following conditions of approval, per comments from the San Francisco Bay Regional Water Quality Control Board, dated September 5, 2023:

1. Enrollment in the State Water Resources Control Board’s (State Water Board) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities [Order](#) WQ 2022-0057-DWQ is required for any project that disturbs one or more acres of soil during construction activities. To determine if General Permit coverage is needed for the project, the Regional Water Board recommends that the applicant contact Regional Water Board stormwater staff at R2stormwater@waterboards.ca.gov. Additional information is accessible online at the State Water Board’s [Construction Stormwater General Permit program website](#).
2. Clean Water Act section 401 water quality certifications are issued to applicants for a federal license or permit for activities that may result in a discharge into waters of the United States, including but not limited to the discharge of dredged or fill material. Waste Discharge Requirements are issued by the Regional Water Board for discharges of dredged or fill material to waters of the state. The Regional Water Board recommends that the applicant consult with Regional Water Board 401 certification staff to determine if a Clean Water Act section 401 Water Quality Certification or Waste Discharge Requirements are needed for the project. Regional Water Board 401 certification staff can be reached via email at RB2-01Application@waterboards.ca.gov. Additional information is accessible online on the Regional Water Board’s Water Quality Certification [website](#).

3. Regulatory coverage for the operation of the oxidation ponds is addressed in the Regional Water Board's National Pollutant Discharge Elimination System (NPDES) Permit CA0037575. The operation and maintenance of the solar panels shall be conducted in accordance with the NPDES Permit oxidation pond conditions.