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## CEQA CATEGORICAL EXEMPTION MEMO

Via Monte Solar Array P23-00229  
Planning Commission Hearing Date May 1, 2024

## MEMORANDUM

To:	Planning Commission	From:	Dana Morrison, Supervising Planner PBES
Date:	October 25, 2023	Re:	#P23-00229-UP / Use Permit Exception to Conservation Regulations Via Monte Solar Array CEQA Exemption Determination 277 Via Monte / APN: 025-300-037-000

### **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 Via Monte Solar Array Use Permit Exception to the Conservation Regulations request (File #P23-00229).

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 on land with slopes exceeding 30% on APN 025-300-037-000; 277 Via Monte in Napa County, California.

### **Existing Setting:**

The project parcel is located in the 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 Via Monte, which connects with Camino Vista, then Fawn Park Road which eventually intersects with Silverado Trail approximately 0.28 miles west of the project site. The parcel has a General Plan designation of Agriculture, Watershed and Open Space (AWOS).

The approximate 10.36-acre subject property (APN 025-300-037-000: 277 Via Monte) is a flag-shaped parcel bounded by residential parcels to the north, east and west, with the parcels located south of the parcel being under the ownership of Meadowood Resort and Spa. The driveway entrance is located approximately 0.45 miles south of the intersection of Silverado Trail and Deer Park Road. The property is currently developed with an existing single-family residence, guest house, garage, workshop, pool, landscaping, entry gate, driveways and footpaths. The subject parcel was impacted by the 2020 Glass Fire.

The site is surrounded by large parcels containing open space and single-family residences to the north, west and east, and the lands to the south are under owned by Meadowood. The nearest residence, not located on the subject property, is approximately 450 feet to the northwest with additional smaller single-family lots to the north, and there is another residence approximately 530 feet southwest. There are no creeks, streams, ephemerals or wetlands identified on the subject property.

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 3600 sf footprint (approximately 92' long by 40' wide and ~6' in height) and will produce approximately 5.48 kWh. 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% that would not require the removal of additional trees. Additionally, a roof mounted solar array was determined to be infeasible as the roof will not support the entire array and the orientation and shading of the existing roof makes the location undesirable. The proposed location does not require the removal of any trees and while the area proposed for development of the array did contain trees prior to the 2020 fire, the applicant is proposing to replace the vegetation canopy that was lost by planting 3 coast live oaks, and 16 black oak trees elsewhere on the parcel. These trees will be irrigated until they are established, a Condition of Approval has been included to require the project to demonstrate an 80% survival rate of the 19 replacement trees after 5 years. The array will be constructed from materials brought to the existing private road and will then be transported along an existing PG & E easement. The easement is only proposed to be used during construction of the solar array, and access will not be maintained once construction is completed; instead, the existing paths will be traversed on foot or via ATV on the parcel will be used to access the solar array for any required maintenance needed. The site was specifically selected to maximize the solar capture potential of the array and to minimize the need for any additional tree removal. No permanent road is proposed or will be approved as part of this project.

The proposed solar array has setbacks consistent with county code. Some minor trenching (600 feet in length and 18 inches deep) to accommodate the conduits that will connect the solar array to the new AC disconnect which will be constructed on the exterior of the main house next to the existing utility meter and switchgear.

#### 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 been utilized as residence since 1981.

Development on the parcel specifically consists of the following:

- an approximately 3406 sf single family residence (approved originally in 1981 under Permit #29501 and modified with a 196-sf addition approved in 2013 under Permit #B13-01099);
- an approximately 960 sf garage and 500 sf workshop (approved in 2013 under B13-01099 and B13-01100, respectively);
- an approximately 990 sf guest cottage (approved in 2005 under #B05-01484);
- an approximately 8000-gallon concrete water tank (approved in 2013 under Permit #B13-00072);
- a pool (approved in 1992 under Permit #52336); and,
- associated utility and road infrastructure (including an approved entry gate structure), and landscaping.

#### Code Enforcement Cases:

There is an active code enforcement case on site, regarding vineyard installed without permit, removal of trees, and grading (for footpaths) potentially with some occurring on sections on slopes over 30%. The property owner is actively working with the Code Enforcement Division and Conservation Division to address the concerns. The trees were removed under a Timber Harvest Permit obtained in 2021, and tree work was done in conjunction with approved timber harvest notices for the adjacent Schneider and Meadowood properties. Removal of the trees revealed the footpaths underneath along the hillside that were, according to the applicant, installed without permit by the previous property owner. The applicant is working with the Conservation Division to

resolve the issue and will be submitting a grading plan to legalize the plans, and will propose an restoration plan to ensure the area is stabilized and returns to a naturally vegetated condition.

### **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 (CNDDB), Owl habitat CNDDB, and Wetlands and Vernal Pools). The parcel is 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 is approximately 1.85 miles southwest of the project parcel and the fault runs in northwest to southeast direction, and the nearest landslide is 1.3 miles south of the project 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 and existing trees and topography block much of the proposed development area from the valley floor roadways. The parcel was impacted by fire in 2020, and the area will continue to revegetate increasing the amount of screening on the subject parcel. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962. 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 which will be located on slopes exceeding 30% (~45%). As conditioned, the project would require protection of existing trees, replacement of the mapped vegetation canopy that was existing on site in 2018, prior to the 2020 file. Even with the County Fire Condition of Approval to clear all vegetation with 10 feet of the array, no trees are anticipated to be impacted or removed as a result of the project. The only vegetation that would be subject removal would be existing grasses and forbes.

As the Project qualifies for the identified exemptions, 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 associated infrastructure.

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