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Revised Recommended Findings

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 FINDINGS**

**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**

ENVIRONMENTAL:

The Napa County Board of Supervisors (BOS) has received and reviewed the proposed Mitigated Negative Declaration (MND) pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County’s Local Procedures for Implementing CEQA, and makes the following findings. That:

1. The BOS has read and considered the MND and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said MND and the proposed project.
2. The MND and MMRP is based on independent judgment exercised by the BOS.
3. The MND and MMRP was prepared and considered in accordance with the requirements of the CEQA.
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment provided that measures to mitigate potentially significant impacts to aesthetics, agriculture and forest resources, biological resources, and cultural resources are incorporated into the project approval.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.
7. The Clerk of the Board 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, Room 210, Napa, California.

VARIANCE FINDINGS:

The following findings must be made in order for the BOS to grant a Variance pursuant to County Code Section 18.128.060.

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8. That the procedural requirements set forth have been met.

Analysis: An application and required processing fees have been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the proposed electrical transmission towers have been submitted. Noticing and public hearing requirements have been met. The hearing notice for the May 15, 2024, public hearing was posted on June 13, 2024, and copies were forwarded to property owners within 1,000 feet of the subject project parcels and all other interested parties. The public comment period for the Mitigated Negative Declaration ran from April 13, 2024, to May 15, 2024. The notice for the continued hearing on August 21, 2024, was posted and published in the Napa Valley Register on August 10, 2024, and copies of the notice were forwarded to property owners within 1,000 feet of the Property. The minor updates to the Revised Mitigated Negative Declaration do not require recirculation of the document.

9. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Analysis: The proposed project includes two set points, the proposed location where the floating solar facility will be installed and an existing PG&E electrical substation to connect the proposed project to the electrical grid. The proposed design is subject to the requirements of Napa County, California Public Utilities Commission (CPUC), California Department of Transportation (CalTrans), Federal Aviation Administration (FAA), California Department of Fish and Wildlife (CDFW), and the California Building Code (CBC). Adherence to the CPUC's health and safety design standards (General Order 95) for aboveground transmission lines require that the tallest portion of the transmission line be installed taller than 35ft above natural grade. Due to the existing varied typography along the proposed transmission route, the transmission towers must be taller than 35ft to ensure the appropriate ground clearances are met.

The applicant has reviewed alternatives, such as undergrounding the 2-mile transmission route, but has found that other options are approximately five times the cost. The granting of this variance would not confer a special privilege as the subject parcel contains a unique combination of constraints.

10. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Analysis: This finding requires the applicant to demonstrate that grant of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other properties in the same zone and vicinity, but would be denied to the applicant's parcel due to special circumstances of the property and unnecessary hardship. This is generally referred to as the "parity" prong. Denial of a variance would deprive the applicant of the ability to reasonably construct the proposed solar facility without excessive costs for undergrounding electrical transmission lines.

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Constricting the development to meet the 35-foot height requirement would create a substantial hardship in that the alternative option for development would require the undergrounding of approximately 2-miles in transmission line, intensifying the amount of earth disturbance required and creating a substantial cost increase that would deem the proposal infeasible.

Approval of the variance would allow the subject property owner to construct a commercial solar facility and associated infrastructure to current safety standards. Strict application of the height requirement would result in both practical and financial hardships, which would restrict the ability to develop the property with a solar facility. Constricting the development to the 35-foot height requirement would create a substantial hardship in that the alternative option for development would be undergrounding approximately 2-miles of electrical transmission lines, which would be more costly to construct.

11. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: The health, safety or welfare of the County is not adversely affected. The project is subject to County Codes and regulations including but not limited to the California Building Code, American National Standards Institute, Napa County Fire Department requirements, Environmental Health Division standards for water and wastewater requirements, and Engineering Division requirements all with recommended conditions that would be incorporated into the project to assure protection of public health, safety and welfare.

USE PERMIT:

The BOS has reviewed the use permit request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings:

12. The BOS has the power to issue a use permit under the zoning regulations in effect as applied to the property;

Analysis: With approval of the height variance and zone change, the project is consistent with Public Lands (PL) zoning district regulations. A commercial renewable energy production facility (as defined in Napa County Code Section 18.117.020) is permitted in a PL zoned district with an approved use permit. The project complies with the commercial renewable energy production facilities development standards (Napa County Code Section 18.117.040) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

13. The procedural requirements set forth in Chapter 18.124 of Napa County Code have been met;

Analysis: The zone change, use permit and variance applications have been appropriately filed, noticed, and public hearing requirements have been met. The hearing notice and intent to adopt a MND was posted and published in the Napa Valley Register on October 5, 2024, and copies of the notice were forwarded to property owners within 1,000 feet of all project parcels.

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14. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County;

Analysis: Granting the Use Permit for the project as proposed and condition will not adversely affect health, safety or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed site access, grading, drainage, and water quality. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

15. The proposed use complies with the applicable provisions of Napa County Code and is consistent with the following policies and standards of the Napa County General Plan together with the General Plan Consistency Analysis incorporated here by reference.

Analysis: Compliance with the Zoning Ordinance With approval of the height variance and zone change, the project is consistent with the PL zoning district regulations. A commercial renewable energy production facility (as defined in Napa County Code Section 18.117.020) is permitted in a PL zoned district with an approved use permit. The proposed project includes the construction of a new commercial solar facility, electrical substations and accessory infrastructure improvements. The project, with approval of the height variance, zone change, and as conditioned, complies with all other requirements of the Zoning Code as applicable.

Analysis: Compliance with the General Plan As proposed and conditioned, the requested Use Permit is consistent with the overall goals and policies of the 2008 Napa County General Plan. The General Plan land use designation for the subject parcel is Public Institutional (PI).

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.

Comment: 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) and has completed the necessary environmental review. The grading required for the substation expansion is subject to

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Mitigation Measure AG-1, requiring a farmland conservation easement to protect farmland within Napa County of equal or greater value at a 1:1 ratio for land being converted. The CPUC is the monitoring agency for this farmland conservation mitigation measure.

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.

Comment: The project includes many facets that include permitting from the County of Napa, 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.

CON-68: The County shall promote research and the development and use of advanced and renewable energy technology...

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.

Comment: 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.

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]

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-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].

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Comment: Condition of Approval 7.1(c) has been implemented to include the BAAQMD's Basic Construction Best Management Practices for dust control.

16. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of the Napa County Code.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code. The proposal does not include any on-site facilities or improvements that would require new groundwater systems or significant use of groundwater. A normal amount of groundwater will be used for maintenance purposes to wash the panels periodically (significantly less than a single-family home and agricultural uses). There will be no permanent or temporary employees located on site. 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.