

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 24-

Record Number: PLN-2022-17922-MOD01

Assessor's Parcel Numbers: 505-151-012, 506-231-019 and 506-231-022

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Renewable America, LLC, Conditional Use Permit Modification.

WHEREAS, Renewable America, LLC, submitted an application and evidence in support of approving a Conditional Use Permit Modification to Record No, PLN-2022-17922. Permit requested is a Modification to the approved construction and operation of a two phased community-scale solar energy and storage project referred to as: Foster Clean Power A & Foster Clean Power B totaling 30 acres in size.

WHEREAS, the County Planning Division, as lead agency, prepared an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the originally approved project and adopted by the Humboldt County Planning Commission on January 19, 2024. The proposed project Modification does not present substantial changes that would require major revisions to the previous IS/MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 7, 2024, and reviewed, considered, and discussed the application for the Conditional Use Permit Modification, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** A Modification to an approved Conditional Use Permit. The approved Conditional Use Permit was for a two phased community-scale solar energy and storage project that included the development of approximately 549,696 square feet of solar panels and a 5,000 square-foot equipment pad within pollinator habitat, in an area of approximately 30 acres (Record Number: PLN-2022-17922). The Modification to the approved project is

to allow for the design change and reconfiguration of the solar panels and the equipment pad. The new design will include approximately 493,389 square feet of solar panels and two equipment pads, 2,500 and 2,156 square feet in size within pollinator habitat, in an area of approximately 27.43 acres. In addition, the layout of the panels will now shift from the west and extend north to within 50 feet of the northern parcel boundary. The new solar panels will be configured like those proposed in the approved permit; however, they are approximately 9.75 feet in height instead of 14 feet. Other minor modifications are listed and described in the Modification Staff Report.

EVIDENCE: a) Project Files: PLN-2022-17922 and PLN-2022-17922-MOD01

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2022110533) previously adopted for the approved project as well as the Addendum to the IS/MND that was prepared for the Conditional Use Permit Modification pursuant to Section 15164 of the CEQA guidelines.

EVIDENCE: a) Addendum to the IS/MND prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous IS/MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE: a) Utilities and energy facilities are a compatible use type in the Agricultural Exclusive (AE) land use designation. The solar

energy generation facility is allowable in the AE designation.

- b) The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program.

4. FINDING: Approval of the Project achieves the General Plan Policy Local Renewable Energy Supply (E-P3) calling for the County to support renewable energy development projects including... solar... consistent with the General Plan to increase local energy supply.

EVIDENCE: a) The proposed location provides adequate solar resources to produce 7 MW of locally generated power.

5. FINDING: The project has been designed and will be implemented to not result in the loss of agricultural land, the loss of agricultural production in conservation areas, the loss of productive agricultural soils consistent with Plan Policies AG-P6, AG-P7 And AG-P16

EVIDENCE: a) To mitigate for a temporary net loss in agricultural land base and production, the project will institute measures to ensure ongoing agricultural uses on the property, including incorporating pollinator habitat, grazing, and the keeping of bees, consistent with Plan Policy AG-P6. The project, in coordination with the Pollinator Partnership, is proposing a plan to create pollinator habitat using plant species native and endemic to Humboldt County.

b) Incorporation of the proposed agricultural uses, including the pollinator habitat to ensure the ongoing agricultural operations are viable, will be implemented through an Agricultural Management Plan, summarizing the agricultural uses on the property. The Agricultural Management Plan has been submitted and approved by the Humboldt County Planning Director, confirming the effectiveness of the agricultural operations.

c) Continued agricultural use of the property and adherence to the

Pollinator Habitat Program, which utilizes organic vegetation maintenance activities and restrictions on the use of herbicides and insecticides, is consistent with the Organic Farming Easement and Plan Policy AG-P7.

- d) The modified project design, which proposes 4,656 square feet of impermeable surface as part of a 27.43-acre project, is consistent with Plan Policy AG-P16.
- e) A Decommissioning Plan that ensures the project site will be restored to pre-project conditions through best management practices for soil/site remediation and materials recycling and reuse, will be submitted subject to the approval of the Humboldt County Planning Director.
- f) The project, while a solar facility, is a compatible use but a loss of production would result as the land would not be suitable for its present use for quinoa production.

6. FINDING: The proposed development is consistent with the purposes of the existing AE, AG, and MH zones in which the site is located.

- EVIDENCE:**
- a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.
The Agriculture General or AG Zone is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.
The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.
 - b) The AE zone allows utilities and energy facilities: the erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric, solar or biomass generation, and other fuel or energy production facilities with a Conditional Use Permit.

The AG zone allows any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted in the AG zone with a Conditional Use Permit. The project is compatible with the AG zone as the proposed project will incorporate continuous agricultural use of the property into the project.

The MH zone allows any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted in the MH zone with a Conditional Use Permit. The project is compatible with the MH zone as the proposed project is an energy infrastructure project generating power for the community.

- c) The purpose of the "Q" qualification is to allow for the continued use of the existing Wood Products Processing facilities with vehicular traffic of no greater intensity than an employee average daily trips (ADT) of 765 trips per day and a truck trip ADT of 54 trips per day during the hours of 6:00 A.M. to 4:00 P.M. and during the period of 4:00 P.M. to 12:00 A.M. an employee ADT of 383 "trips per day and a truck trip ADT of 27 trips per day (1,229 total trips), and to prohibit expansion of the existing use or the establishment of new uses without first obtaining a use permit. This application is for a Conditional Use Permit and the daily trips generated by the proposed project will be well below the maximum amount allowed under the Q zone.
- d) The location and height of all modified project elements meet the setback and building height requirements for the AE, AG, and MH zones.
- e) The parcels were created in compliance with all applicable state and local subdivision regulations. The parcels known as APN 505-151-012, 506-231-019 and 506-231-022 combined comprise one legal parcel as shown on Recorded Survey in Book 74 of Surveys page 137.

7. FINDING:

The modified project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The site is located on paved publicly maintained road that can safely accommodate the amount of traffic generated by the proposed project during construction.
 - b) New fencing is proposed as part of the project. The fencing would deter trespass onto the site.
 - c) Any water that may be used for the project will be sourced from a permitted groundwater well on site.

8. FINDING: The modified project does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

- EVIDENCE:**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Approve Conditional Use Permit Modification for Renewable America, LLC subject to the Conditions of Approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on November 7, 2024.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department