

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

**Resolution Number: 24- \_\_**

**Number: PLN-2020-16341**

**Assessor's Parcel Numbers: 204-081-002, 204-081-004, 204-081-006, 204-081-007,  
and 204-171-001, 204-171-045, 204-171-047**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the North Coast Highway Solar Project Conditional Use Permit.**

**WHEREAS, North Coast Highway Solar 1, LLC and North Coast Highway Solar 2, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for Record No, PLN-2020-16341 for the proposed construction and operation of a commercial scale solar energy production facility, within an approximately 11.3-acre portion of the property.

**WHEREAS,** a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for the Conditional Use Permit, 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:**

**PROJECT DESCRIPTION:** A Conditional Use Permit is being requested to authorize construction and operation of a 2.8-megawatt solar photovoltaic power generation facility (solar facility) to produce renewable energy for the power grid. The automated facility would occupy an approximately 11-acre fenced area with arrays of solar panels, single-axis trackers, string inverters, transformers, and associated electrical equipment. The approximately 87-acre property is planned and zoned Agriculture Exclusive (AE) and managed as pasture. An existing private driveway provides access to the project site from State Highway 36. Approximately 300 feet of new road is proposed to be developed to connect with a new driveway encroachment along Highway 36, approximately 70 feet west of the existing driveway encroachment. A power line and poles will be run to the site along the driveway route, to allow interconnection to the nearby 12 kilovolt power distribution line located within the highway right-of-way near the driveway encroachment. Approximately 7 acres of the site will be occupied by the solar array. New impervious surfaces totaling approximately 1,500 square feet will be limited to the piles supporting the panel arrays and concrete pads below electrical

equipment (approx. 1,060 ft.) Areas beneath the panel will remain vegetated and the project sponsor will maintain continual operation of agricultural uses on the property, including but not limited to sheep grazing, the keeping of honeybees, or planting of row crops, on a rotational basis. Site construction is expected to take approximately 4 months and operation will run for a minimum of 20 years under a power purchase agreement with Redwood Coast Energy Authority (RCEA). Maintenance staff are expected to visit the site on a weekly basis following the start of operation.

**EVIDENCE:** a) Project File: PLN-2020-16341

- 2. FINDING:** **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment.

**EVIDENCE:** a) The CEQA document includes an analysis of the subject Conditional Use Permit. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from August 1, 2024 to August 31, 2024.

- b) The IS/MND included seven mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

- 3. FINDING:** **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED.** The following

impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

**EVIDENCE:** a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.

- b) Initial Study/Mitigated Negative Declaration circulated for public review from August 1, 2024 to August 31, 2024.

- 4. FINDING:** **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN**

**SIGNIFICANT** – The Initial Study identified potentially significant impacts to Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Geology and Soils, Land Use and Planning, Tribal Cultural Resources, and Mandatory Findings of Significance, which could result from the project if not

addressed. Mitigation Measures have been incorporated to ensure potential impacts are eliminated or reduced to a less than significant level.

- EVIDENCE:** a) **Aesthetics:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of Mitigation Measure AES-1, which will ensure that the arrangement and positioning of the panel array(s) is done in such a way that no hazardous glare will result.

**Mitigation Measure AES-1: Prevention of Hazardous Glare**

All solar panels within the arrays shall include an anti-reflective coating and shall be positioned with a resting angle of 75° and a maximum tracking angle of 65° with the panel array(s) orientated at 180.0°. Resting angles below 17° are prohibited as they were determined to produce yellow glare. The orientation and positioning of panels within the array(s) must be maintained in a fashion that prevents the creation of yellow glare, for the life of the project. Should future changes to the configuration and orientation of the panels be proposed, an updated analysis of solar glare shall be required and submitted to the County Aviation Department. Reconfiguration may only be authorized following review and approval by the County Aviation Department.

- b) **Agriculture and Forestry Resources and Land Use and Planning:** Potentially significant impacts to agricultural resources will be mitigated to a less than significant level, with the implementation of Mitigation Measures AG-1 and AG-2, which require that the applicant develop and implement plans to maximize agricultural production within the solar lease area during operation of the site and commit to perform cleanup and remediation of the 11-acre lease area when the use has permanently ceased and equipment is no longer in use.

**Mitigation Measure AG-1: Agriculture Management Plan.** To maintain consistency with General Plan Policy AG-P6 and to prevent a net reduction in land base and agricultural production, the project sponsor shall maintain continual operation of agricultural uses on the property, including but not limited to sheep grazing, the keeping of honey bees, or planting of row crops, on a rotational basis. During rotational periods, the plan shall include planting and maintenance of locally appropriate native plants, focusing on species that provide the greatest value to bees, moths, butterflies, and other native pollinators. Some potential options include yarrow (*Achillea millefolium*), farewell to spring (*Clarkia amoena*), California poppy (*Eschscholzia californica*), riverbank lupine (*Lupinus rivularis*), California bee plant (*Scrophularia californica*), and rough hedgenettle (*Stachys rigida*). To maintain habitat value,

mowing should not occur during the bloom period, though targeted removal of invasive species is encouraged. Prior to finalization of the building permit for the project, the applicant

shall submit an Agricultural Management Plan for review and approval by the Director of Planning & Building Department, or their designee. The plan shall summarize the types and duration of agricultural uses as well as operator information for the property. The Department reserves the right to reject or require revisions to the plan to ensure the effectiveness of the planned agricultural operations.

**Mitigation Measure AG-2:** Decommissioning & Remediation Plan. To ensure the project site will be restored to its original condition at the end of the Project's life, a decommissioning and remediation plan shall be submitted for review and approval to the Director of the Planning and Building Department, or their designee, prior to the issuance of Building Permits. The decommissioning plan shall include removal and proper disposal of all above and below ground improvements, restoration of the surface grade, placement of topsoil over all removed structures, and revegetation and erosion control as deemed necessary by the Director, as well as an estimated timeframe for completing site restoration, an engineer's cost estimate for all aspects of the removal and restoration plan, and an agreement signed by the property owner and operator.

- c) **Biological Resources:** Potentially significant impacts to Biological Resources will be mitigated to a less than significant level with the implementation of Mitigation Measure BIO-1, which will require preconstruction surveys for nesting birds if vegetation removal is to be performed during the nesting season. In the event that nesting birds are discovered during survey, use of buffers, biological monitoring, staggered schedules, or similar adaptive mitigation techniques is required.

**Mitigation Measure BIO-1:** Preconstruction Nesting Bird Surveys. To the extent feasible, conduct vegetation removal outside of the nesting bird season (generally between March 1 and August 31). If vegetation removal is required during the nesting bird season, conduct take avoidance surveys for nesting birds within 100 feet of areas proposed for vegetation removal. A survey must be conducted by a qualified biologist(s) no more than 7 days prior to vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers or other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. If there is a lapse in project-related construction activities of 7 days or more, the biologist shall re-

survey the area before work resumes.

- d) **Cultural Resources:** Potentially significant impacts to Cultural Resources will be mitigated to a less than significant level with the implementation of Mitigation Measures CUL-1 and CUL-2. CUL-1 requires monitoring by the Bear River Band of the Rohnerville Rancheria (BRB) and/or the Wiyot Tribe or their designee(s) during all ground-disturbing activities. Any discovered materials must be evaluated for significance and treatment in accordance with all State and Federal guidelines, using procedures specified in Mitigation Measure CUL-2.
- e) **Geology and Soils:** Potentially significant impacts to Geology and Soils will be mitigated to a less than significant level with the implementation of Mitigation Measures PAL-1, which requires use of a qualified paleontological monitor when excavations are to occur within native sediments below 10 feet in depth.

**Mitigation Measure PAL-1:** Paleontological Resources. Prior to the start of construction, the following mitigation measures will be implemented to avoid potential impacts to significant paleontological resources if they are encountered during the course of construction activities:

- A trained and qualified paleontological monitor will perform spot-check and/or monitoring of any excavations on the project that have the potential to impact paleontological resources in undisturbed native sediments below 10 feet in depth. The monitor will have the ability to redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. Monitoring is not required during drilling or pile driving for installation of solar panel pylons.
  - The project paleontologist may re-evaluate the necessity for paleontological monitoring after examination of the affected sediments during excavation.
  - Any potentially significant fossils observed shall be collected and recorded in conjunction with best management practices and Society of Vertebrate Paleontology professional standards.
  - Any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.
  - A report documenting the results of the monitoring, including any salvage activities and the significance of any fossils, will be prepared and submitted to the appropriate personnel.
- f) **Land Use and Planning:** Potentially significant impacts to Land Use and Planning will be mitigated to a less than significant level with the implementation of Mitigation Measures AG-1, AG-2, and

AES-1 (described above). Implementation of these mitigation measures will ensure the project complies with all applicable land use policies from the General Plan, Zoning Regulations, and Airport Land Use Compatibility Plan (ALUCP).

- g) **Tribal Cultural Resources:** Potentially significant impacts to Tribal Cultural Resources will be mitigated to a less than significant level with the implementation of Mitigation Measures CUL-1 and CUL-2. CUL-1 requires monitoring by the Bear River Band of the Rohnerville Rancheria (BRB) and/or the Wiyot Tribe or their designee(s) during all ground-disturbing activities. Any discovered materials must be evaluated for significance and treatment in accordance with all State and Federal guidelines, using procedures specified in Mitigation Measure CUL-2.
- h) **Mandatory Findings of Significance:** As discussed above, Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for Mandatory Findings of Significance.

Mitigation Measure AES-1: Prevention of Hazardous Glare

Mitigation Measure AG-1: Agriculture Management Plan

Mitigation Measure AG-2: Decommissioning & Remediation Plan

Mitigation Measure BIO-1: Preconstruction Nesting Bird Survey

Mitigation Measure CUL-1: Cultural Resources Monitoring Program

Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources

Mitigation Measure PAL-1: Paleontological Resources

## **FINDINGS FOR CONDITIONAL USE PERMIT**

- 5. **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 proposed 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.
- 6. **FINDING:** The Project is consistent and helps to implement General Plan Policy E-P3 (Local Renewable Energy Supply) which calls for the County to support renewable energy development projects including biomass, wind, solar, run-of-the river hydroelectric and ocean

energy which increase local energy supply and are consistent with the General Plan.

**EVIDENCE:** a) The proposed location provides adequate solar resources to produce 2.8 MW of locally generated power.

**7. FINDING:** The proposed development is consistent with and helps implement Goal E-G3 of the General Plan which calls for *“Increased local energy supply from a distributed and diverse array of renewable energy sources and providers available for local purchase and export”*

**EVIDENCE:** a) The proposed location provides adequate solar resources to produce 2.8 MW of locally generated power available for local purchase and export.

**8. FINDING:** The project has been designed and will be implemented to not result in the loss of agricultural land, or the loss of productive agricultural soils consistent with Plan Policies AG-P6, and AG-P16

**EVIDENCE:** a) Solar power generation facilities are a conditionally permitted use in the AE zoning district. Where development associated with a conditionally permitted use would result in the occupation of AE zoned land by non-agricultural uses, mitigation must be provided to offset the land being lost.

b) The project is proposed to be developed on an approximately 87-acre parcel that has historically been managed as agricultural pastureland. The project has been designed to minimize its footprint and impact on the agricultural land in which it is proposed, consistent with Plan Policy AG- P16. A total of approximately 1,500 square feet of impermeable surface are proposed within an approximately 11-acre project area.

c) The project is designed to minimize impermeable surfaces and impacts to areas of lands planned and zoned exclusively for agriculture. To compensate for a temporary reduction in the amount of useable pastureland on the property, the project is being required to institute measures to ensure and enhance ongoing agricultural uses on the property, such as incorporating pollinator habitat and beekeeping, sheep grazing, or planting of row crops on a rotational basis. This is consistent with Plan Policy AG-P6 and will offset the temporary occupancy of 11 acres of pasture by establishing more intensively managed ag uses that are capable of coexisting with the arrays proposed to be installed within this area of the property.

d) The applicant must submit an Agricultural Management Plan summarizing the types and duration of agricultural uses as well as operator information for the property. To confirm the effectiveness of the proposed new agricultural operations to be introduced to the site, the plan and its implementation will be subject to review, approval, and inspection by the Department.

- e) The applicant must prepare and submit a Decommissioning Plan detailing how the project site will be restored to pre-project conditions. This will include best management practices for soil/site remediation and removal of all project-related materials and their recycling and reuse. The plan and its implementation will be subject to review, approval, and inspection by the Department.

**9. 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.

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.

c) The location and height of all project elements meet the setback and building height requirements for the AE zone.

d) APN 204-081-002, would contain the solar field and APNs 204-081-007 -004, and 204-171-047 would contain an access route that connects the solar field to SR-36. APN's 204-081-002, -004, -006, -007, and 204-171-001, -045, -047 collectively comprise one legal parcel. Review of historical Assessor Parcel books reveals that all of these parcels were held under common ownership "Grace Osee Rea" prior to advent of local subdivision regulations and comprise one legal parcel.

**10. FINDING:** The 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) *Traffic*

The site is accessible from a paved publicly maintained state highway and private driveway that can safely accommodate the amount of traffic generated by the proposed project during construction.

b) *Fencing*

A new fence is proposed as part of the project. The fence would deter trespass onto the site.

c) *Water Use*

Solar panels would be cleaned on a quarterly basis by spraying

demineralized water on the panels to remove dust and other material buildup. Cleaning water would infiltrate into the ground or evaporate as it drips off the solar modules. Water would be required twice per year for cleaning of modules, which would be trucked onto the site for efficient use at the solar panels. This may require up to 2 gallons per module per year. Based on the 4,624 solar modules proposed for the

project, a water demand of 9,248 gallons per year would result from the project. This water would be imported to the site and would not be pumped from groundwater.

d) *Glare*

The project includes restrictions on the arrangement and positioning of the panel array(s) to ensure it is done in such a way that no hazardous glare will result. This will ensure the project panels do not create a source of yellow glare which could pose a risk to aviation at the nearby Rohnerville airport.

The currently proposed configuration of the panel array(s) includes a maximum tracking angle of 65° and a resting angle of 75° degrees. This orientation was evaluated in the glare analysis which found it would not generate any yellow glare and would generate approximately 432 hours of green glare annually.

The glare analysis and information was reviewed by the County's Aviation Department as well as the Battalion Chief of the CalFire Aviation Unit, which is based at the Rohnerville Airport (FOT). Cal-Fire's pilot team have indicated that the development should not be a factor for them conducting safe arrivals and departures to/from the FOT Airport.

The County's Airport Planning Consultants have run the project details through the FAA's Notice Criteria Tool regarding airspace and determined that the project would not require further evaluation from an airspace safety perspective.

**11. FINDING:**

The proposed development 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:

- Adopts the Mitigated Negative Declaration for the North Coast Highway Solar 1, LLC and North Coast Highway Solar 2, LLC Conditional Use Permit; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for North Coast Highway Solar 1, LLC & North Coast Highway Solar 2, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **September 19, 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 H. 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.

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John H. Ford, Director  
Planning and Building Department