

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-2022-17973

Assessor Parcel Numbers: 401-121-011

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Broad Reach Power Coastal Development Permit Modification, and Conditional Use Permit Modification.

WHEREAS, Broad Reach Power, LLC submitted an application and evidence in support of approving a Coastal Development Permit Modification, and Conditional Use Permit Modification to allow the expansion of the existing Fairhaven Biomass Substation to include Battery Energy Storage System units; and

WHEREAS, the project is exempt from environmental review per Section 15301 (Existing Facilities) and 15303 (New Small Structures) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **February 16, 2023**; reviewed, considered, and discussed the application for a Coastal Development Permit Modification, and a Conditional Use Permit Modification; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** A Modification to an approved Conditional Use Permit (CUP-125-84) and a Coastal Development Permit (CDP-87-921) for a new Battery Energy Storage System (BESS) facility to capture and manage renewable energy. The project will be located in the footprint of an existing renewable energy generation facility and would interconnect to the existing Fairhaven Biomass Substation, and would have connection to PG&E. The project would include the placement of battery energy storage enclosures and power conversion system units. Approximately 50 employees would be required during the construction phase. Once constructed, the facility would be unstaffed and would include remote operational control. Inspections and maintenance would occur as necessary.

EVIDENCE: a) Project File: PLN-2022-17973

- 2. FINDING:** **CEQA.** The project has been determined to be categorically exempt from State environmental review per Section 15301 of CEQA Guidelines (Existing Facilities) and 15303 (New Small Structures).

- EVIDENCE:** a) The project will expand the existing Fairhaven Biomass Energy Substation to include Battery Energy Storage System units. No new permanent structures are proposed, and the project includes minimal grading in a pre-disturbed area. No vegetation removal is part of the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT MODIFICATION AND CONDITIONAL USE PERMIT MODIFICATION

- 3. FINDING:** The proposed development is in conformance with the Humboldt Bay Area Plan, the Open Space Plan and the Open Space Action Program.

- EVIDENCE:** a) Section 4.10 Land Use. The project site is designated Industrial/General (MG) in the Humboldt Bay Area Plan. This land use designation is intended to protect sites suitable for development of general industrial uses and conditionally allowed uses within this designation include electrical, generating and distribution facilities. The proposed battery storage will capture energy developed from the existing biomass facility for use in the regional electrical distribution network.
- b) The proposed project is not located within an Open Space Action Program because the project site is not planned or zoned as open space, does not have a combining zone that would be considered open space, and there are no other open space general plan or zoning code overlays affecting this project.
- b) Section 3.16 Housing. The project complies with the County's Housing Element as it will not add to nor subtract from the County Housing Inventory.
- c) Section 3.17 Hazards. The project is located in a relatively stable and moderate instability geologic area. The project area is located outside of the 100-year flood zone but within a tsunami inundation area. Minimal grading will occur at the site and no grading permits are anticipated. The property is located in the Local Responsibility Area (SRA) and is serviced by the Peninsula Community Services District who responds to structural fires and medical emergencies. Based on these findings, the proposed development does not increase risks to hazards.
- d) Section 3.30 Natural Resource Protection. The proposed project site is within a pre-disturbed area with no existing vegetation. The nearest mapped wetland is more than 250 feet from the project site, and the nearest dune habitat is more than 150 feet from the project site on the other side of New Navy Base Road. As the project site is pre-

disturbed and is not within any setbacks for sensitive habitat, no Biological Report was required for the application.

- f) Section 3.40 Visual Resource Protection. The project site is located adjacent and east of New Navy Base Road in Fairhaven. As the coastal scenic view area is directed west from New Navy Base Road, the project is not located within the Coastal Scenic View Area. The site is already developed with the Fairhaven Biomass Substation, which was previously approved for an exception to the 75-foot height limit in the MG zone. The specific components of the BESS containers would be placed on a foundation elevating the containers to approximately 10.5 feet in elevation. All other project components would be lower in elevation, and would not likely obstruct any view from the New Navy Base Road looking east. As the site is already developed with structures over 75-feet in height, the addition of the BESS containers and other components would not change the character of the site. As well, the project is not located near any residences or residentially zoned area.

Section 3.18 Archaeological Resources. The project is located within the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria tribal aboriginal territories. The project was referred to all three tribes and the Northwest Information Center on October 13, 2022. Comments were received from the Bear River Band Tribe and the Blue Lake Rancheria, requesting Inadvertent Discovery Protocols as a condition of approval for the life of the project.

4. FINDING:

The proposed development is consistent with the purposes of the existing MG zone in which the site is located; and the proposed development conforms to all applicable standards and requirements of these regulations.

EVIDENCE:

- a) The Industrial General (MG) zone is intended to be applied to areas of the County in which Heavy Industry and Electrical Facilities is the desirable land use. Electrical Distribution facilities are conditionally allowed in the zone.
- b) The project site is considered a Priority 1 site for expansion of existing facilities in coastal-dependent industrial zones within the HBAP per Section 313-45.1.3.3.1 of Humboldt County Code. The proposed project will expand the existing power generation facility to include BESS's, which will be located in an area that is already developed and compacted with a mixture of paved and non-paved surfaces.
- c) The project is consistent with the County Industrial Performance Standards (Section 313-103.1). Anticipated noise levels at the site when the facility is fully operational would be below 63 decibels. This

is lower than the 70 decibel limit for industrial development that impact nonresidential zones (MG).

5. FINDING:

The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

EVIDENCE:

- a) The project is located off of County maintained New Navy Base Road, and there are no traffic restrictions for sites zoned MG. The project was referred to the Department of Public Works, and comments were received from the Department with a recommendation of approval for the project.
- b) The project will be located in the footprint of an existing renewable energy generation facility, no vegetation removal is proposed, and minimal grading is anticipated.
- c) The proposed project is within the tsunami evacuation area, no residential development is a part of the proposed project, and no additional on-site employees would be needed to run the operations. The proposed project is just outside of designated areas of potential liquefaction, and is designated to have moderate seismic stability. The applicant shall obtain any permits necessary from the Building Division in order to permit the BESS containers and other components on-site.
- d) The site is accessed off of County maintained New Navy Base Road, and the project was referred to the Department of Public Works. Comments from Public Works included a recommendation of approval for the project. Once constructed, the facility would be unstaffed and would include remote operational control. Inspections and maintenance would occur as necessary. There are no traffic restrictions for the MG zoned parcel.
- e) The project site is located adjacent and east of New Navy Base Road in Fairhaven. As the coastal scenic view area is directed west from New Navy Base Road, the project is not located within the Coastal Scenic View Area. The site is already developed with the Fairhaven Biomass Substation, which was previously approved for an exception to the 75-foot height limit in the MG zone. The specific components of the BESS containers would be placed on a foundation elevating the containers to approximately 10.5 feet in elevation. All other project components would be lower in elevation, and would not likely obstruct any view from the New Navy Base Road looking east. As the site is already developed with structures over 75-feet in height, the addition of the BESS containers and other components would not

change the character of the site. As well, the project is not located near any residences or residentially zoned area.

- f) The site is designated to have a Moderate Fire Hazard Severity, and is located within the Peninsula Community Services District (PCSD) for local fire response.

6. 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. The proposal will not add to or take away from the County's housing stock.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Coastal Development Permit Modification, and Conditional Use Permit Modification for Broad Reach Power, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **February 16, 2023**.

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator
Planning and Building Department