



# COUNTY OF HUMBOLDT

For the meeting of: 2/16/2023

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File #: 23-222

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**To:** Zoning Administrator  
**From:** Planning and Building Department  
**Agenda Section:** Consent

SUBJECT:

**Broad Reach Power, LLC Modification of a Conditional Use Permit & Coastal Development Permit**

Case Number: PLN-2022-17973

Assessor's Parcel Number: 401-121-011-000

Fairhaven area

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, 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.

RECOMMENDATION(S):

That the Zoning Administrator:

Adopt the resolution (Attachment 1) which does the following:

- a. Find the project is Categorically Exempt from environmental review pursuant to Section 15301 (Existing Facilities) and 15303 (New Small Structures) of the CEQA Guidelines; and
- b. make all of the required findings for approval of the Conditional Use Permit & Coastal Development Permit; and
- c. Approves the Conditional Use Permit & Coastal Development Permit subject to the recommended Conditions of Approval (**Attachment 1A**).

DISCUSSION:

**Project Location:** The project is located in the Fairhaven area, on the North side of Bay Street, approximately at the intersection of New Navy Base Road and Bay Street, on the property known as 97 Bay Street.

**Present General Plan Land Use Designation:** Industrial General Humboldt Bay Area Plan; Density: Unidentified; Slope Stability: Moderate Instability (2).

**Present Zoning:** MC (Industrial General).

**Environmental Review:** The project is exempt from environmental review pursuant to Categorical Exemption

Section 15301 (Existing Facilities) and 15303 (New Small Structures) of the CEQA Guidelines.

**State Appeal:** Project is appealable to the California Coastal Commission.

**Major concerns:** None

**Executive Summary:**

The project involves the modification of 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, 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. Utilizing similar battery technology used in electric vehicles, the project would provide additional capacity to the electrical grid to assist with serving load during periods of peak demand by charging when demand is low and discharging when demand is high. 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.

The project anticipates using lithium-ion batteries, which commonly contain heavy metals. These elements are fully enclosed and contained inside the steel battery container modules and are not bioavailable. Exact components of the batteries and hazardous materials will be provided when the batteries are sourced closer to construction. The project was referred to the Department of Environmental Health on October 13, 2022, and comments were received on December 1, 2022, with a recommendation of approval. The Hazardous Materials Unit recommended on January 17, 2023, that once the project begins construction that the applicant will need to complete a Hazardous Materials Business Plan with the Certified Unified Program Agency (CUPA) (Condition 1). As well, in the event that the replacement of batteries is necessary, the applicant shall dispose of all hazardous materials associated to the batteries at an appropriate disposal waste facility (Condition 3).

The proposed project is located within the Humboldt Bay Area Plan (HBAP) and the site currently contains the Fairhaven Biomass Substation, which is an 18 MW electrical generation facility. 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. The site will require minimal preparation, and rough grading of approximately 1-2 feet may occur in some locations. Primary project components (BESS containers) will be placed on pilings that will be driven into the ground via a vibratory pile driver to a depth of approximately 6 feet. Construction activities would last for approximately 6 months from the onset of site preparation to testing and commissioning of the facility. Approximately 5 acre-feet of water would be used during construction activities for dust suppression and earthwork, and would come from the existing water connection.

**Hazards:**

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, or any fences that are greater than 6' tall (and shall be outside of the 50' front

and rear or 25' side setbacks) (Condition A.2). 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.

***Biological Resources:***

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.

***Noise:***

Anticipated noise levels from all operating battery energy storage enclosures, MV transformers, and the HV transformer (per noise modeling completed for similar facilities) would be below 63 decibels. This is lower than the 70 decibel limit for industrial sites zoned MG.

***Visual Resources:***

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 include battery container modules are approximately 8 feet in height, and 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.

***Traffic:***

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. The site will utilize up to 50 employees during construction activities during approximately 6 months. There will also be several deliveries of materials during construction activities, and there are no traffic restrictions for the MG zoned parcel. Once constructed, the facility would be unstaffed and would include remote operational control. Inspections and maintenance would occur as necessary.

***Tribal Cultural Resource Coordination:***

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 (Condition 4).

**OTHER AGENCY INVOLVEMENT:**

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

1. The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done

before opening the public hearing on this project.

2. The Zoning Administrator could elect to add or delete conditions of approval.
3. The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**ATTACHMENTS:**

1. Draft Resolution
  - A. Conditions of Approval
  - B. Operations Plan & Addendum to Operations Plan
  - C. Site Plan
2. Location Maps
3. Applicant's Evidence in Support of the Required Findings
  - A. Scenic Resources Email
4. Referral Agency Comments and Recommendations
  - A. Public Works Land Use Comments
  - B. Department of Environmental Health Land Use Comments
  - C. Hazardous Materials Unit Land Use Comments

**Applicant** Broad Reach Power, LLC **Owner(s)** Dg Fairhaven  
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Please contact Megan Acevedo, Planner II, at 707-441-2634, or by email at [macevedo@co.humboldt.ca.us](mailto:macevedo@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.