

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on \_\_\_\_\_, 2022

Resolution No. 22-\_\_\_ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, FINDING THE PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15270 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, DENYING THE APPEAL FOR RECORD NO. PLN-2022-17854 AND DENYING THE PG&E COASTAL DEVELOPMENT PERMIT RECORD NO. PLN-14376-CDP.

**WHEREAS**, Pacific Gas & Electric (PG&E) submitted an application for a Coastal Development Permit for an electrical distribution facility that involves the removal of one 45-foot-tall utility pole and replacement of two 45-foot-tall utility poles with 55-foot-tall poles, installation of a new 55-foot-tall pole and 3 platform mounted voltage regulators; and

**WHEREAS**, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, on July 7, 2022, the Planning Commission adopted a Resolution which did the following:

1. Found the project exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines; and
2. Found that the proposed project would be detrimental to the public health, safety and welfare and that the proposed location is highly scenic, and the facility would detract from the scenic qualities of the area; and
3. Denied the Coastal Development Permit under record No. PLN-14376-CDP.

**WHEREAS**, PG&E (“Appellant”), on July 20, 2022, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, the Board of Supervisors opened a duly-noticed public hearing, *de-novo*, on August 30, 2022; and

**WHEREAS**, the Board of Supervisors closed the public hearing on August 30, 2022; and adopted the motion to deny the appeal, and to deny the Coastal Development Permit.

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

- 1. FINDING:**           **Project Description:** A Coastal Development Permit application to allow for an electrical distribution facility that was constructed without County approval of a Coastal Development Permit within the County right-of-way along Patrick's Point Drive. As part of the Coastal Development Permit request modifications to the facility are proposed which consist of the following: removal of one 45-foot-tall utility pole, replacement of two 45-foot-tall utility poles with 55-foot-tall poles, installation of a new 55-foot-tall pole and 3 platform mounted voltage regulators. The poles were installed within the County right-of-way and near the driveway that serves parcel 517-041-016. An existing utility pole is located 8-feet south of the existing driveway and will remain in place.

**EVIDENCE:** a) Project File: PLN-14376-CDP

- 2. FINDING:**           **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines.

**EVIDENCE:** a) Section 15270 of the CEQA Guidelines states that projects which are denied are exempt from environmental review.

### **FINDINGS FOR COASTAL DEVELOPMENT PERMIT**

- 3. FINDING:**           The proposed development is not consistent with the Trinidad Area Local Coastal Plan because the proposed project location is highly scenic and the elevated facility detracts from the scenic nature of the area.

**EVIDENCE:** a) Most of Patrick's Point Drive is designated as Trinidad Coastal Scenic Area and the proposed project location is on Patrick's Point Drive and directly adjacent to the designated scenic area and will be visible from within the designated scenic area.

- b) The Trinidad Area Plan requires application of the Coastal Scenic policies to parcels immediately adjacent to and visible from the area such as the proposed project site. The stated intent of the Trinidad Area Plan Scenic Resource is *"that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment*

*of public recreational lands within these areas.”* Section 3.40B.3 specifically limits new public facility development to “*Underground utilities, telephone lines, and above-ground power lines less than 30KV.*”. The existing power line circuit is 12KV and would be permitted underground in these areas however the installation of the new voltage regulators would be required to be underground pursuant to this section. The Trinidad Area Plan states that proposed development that cannot satisfy these standards may be approved if found to be in conformance and compatible with the goals and objectives of the visual resource section and the Area Plan. PG&E has stated that the voltage regulators may not be located underground, however has been unable to provide a citation to any such standards or regulations to support this and correspondence with the Public Utilities Commission indicates that they may in fact be able to be located underground (Attachment 5). Accordingly, it is appropriate for the County to require that the regulators be installed underground to comply with the policies of the Trinidad Area Plan

- c) Despite requests from the Planning Commission when the project was first heard at its May 12, 2022, meeting for information demonstrating potential alternatives and the feasibility of undergrounding of the facility, the applicant failed to demonstrate that there were no other feasible locations or designs for this facility. The appellant has not provided any substantial evidence that undergrounding of the facility is not feasible.

### **FINDINGS FOR APPEAL**

**4. FINDING:** The appellant’s assertion that the project is not a threat to motorists driving along Patrick’s Point Drive is correct.

- EVIDENCE:**
- a) The project complies with the Humboldt County road design standards that are developed for traffic safety purposes and was approved by the County Public Works Department.
  - b) The proposed utility poles and voltage regulars would be a minimum of 15 feet back from the road fog line and 18 feet back from the nearest private driveway.

**5. FINDING:** The appellant’s assertion that the voltage regulators cannot be installed underground is not supported by evidence.

- EVIDENCE:**
- a) While PG&E states that voltage regulators cannot be placed

underground they have provided no regulations or adopted standards to support this assertion despite repeated requests by the County.

- b) Email correspondence from Naveed Paydar with the California Public Utilities Commission to Bob Bronkall with the County Department of Public Works indicates that there are no standards or regulations that require the voltage regulators to be underground and that there is no reason why they cannot be installed underground or on a pad.

**6. FINDING:**

The appellant's assertion that the project is consistent with the Local Coastal Plan is incorrect.

**EVIDENCE:**

- a) The stated intent of the Trinidad Area Plan Scenic Resource section is *"that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas."* Section 3.40B.3 specifically limits new public facility development to *"Underground utilities, telephone lines, and above-ground power lines less than 30KV."* The existing power line circuit is 12KV and would be permitted underground in these areas however the installation of the new voltage regulators would be required to be underground pursuant to this section. The Trinidad Area Plan states that proposed development that cannot satisfy these standards may be approved if found to be in conformance and compatible with the goals and objectives of the visual resource section and the Area Plan. PG&E has stated that the voltage regulators may not be located underground, however has been unable to provide a citation to any such standards or regulations to support this and correspondence with the Public Utilities Commission indicates that they may in fact be able to be located underground (Attachment 5). Accordingly, it is appropriate for the County to require that the regulators be installed underground to comply with the policies of the Trinidad Area Plan.

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- a. Adopts the findings in this resolution,
- b. Denies the appeal filed by PG&E, and
- c. Denies the Coastal Development Permit request filed by PG&E.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on August 30, 2022, by the following vote:

Adopted on motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass  
\_\_\_\_\_, Chair  
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: \_\_\_\_\_, 2022

By \_\_\_\_\_ Deputy