

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

Resolution Number: 25-

Record Number: PLN-2025-19185

Assessor's Parcel Numbers: 307-051-013, 308-201-012, 308-241-032, 308-262-010, 308-262-011, 309-141-001, 508-121-028, 508-121-061, 508-161-002, 508-211-018, 508-224-041, 508-301-025, 510-231-021, 513-151-031, 513-171-009, 514-013-010, 514-041-003, 514-051-006, 515-011-063, 515-081-012, 515-151-040, 515-211-054, 517-091-002, 517-111-001, 517-121-005, 517-121-011, 517-131-016, 517-231-063, 519-251-012, 519-322-020, 519-322-022, 520-261-005.

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Pacific Gas & Electric Company Vegetation Management and Tree Removal Coastal Development Permit.

WHEREAS, Pacific Gas & Electric Company has submitted an application and evidence in support of approving s Coastal Development Permit (CDP) for routine vegetation management along several 12 kilovolt distribution lines within Humboldt County covering the Humboldt Bay area up to the Orick area. The proposed scope of work includes the removal of 50 trees at 50 locations, and the removal of 7 brush units at 7 locations for a total of 57 locations. These locations are subject to the requirements of PG&E's Multiple Region Habitat Conservation Plan (MRHCP). A Special Permit is required for Design Review where necessary; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Planning Division, as the Lead Agency, has determined that the project qualifies for categorical exemptions from environmental review pursuant to Section 15301 *Existing Facilities* and Section 15304 *Minor Alterations to Land* of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Special Permits (Record Number PLN-2025-19170); and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on June 5, 2025, and reviewed, considered, and discussed the application for the Coastal

Development Permit and Special Permits, 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:** A Coastal Development Permit (CDP) for routine vegetation management along several 12 kilovolt distribution lines within Humboldt County covering the Humboldt Bay area up to the Orick area. The proposed scope of work includes the removal of 50 trees at 50 locations, and the removal of 7 brush units at 7 locations for a total of 57 locations. These locations are subject to the requirements of PG&E's Multiple Region Habitat Conservation Plan (MRHCP). A Special Permit is required for Design Review where necessary. Equipment to be utilized for this project will include hand and gas-powered tools (chainsaws, hand saws, pruners, chipper, and lift truck where accessible). No ground disturbance in the form of excavation is associated with this work, nor would herbicide be utilized. Tree crews will use existing roadways, driveways, and hiking trails as appropriate. No other development is proposed under the project.

EVIDENCE: a) Project File: PLN-2025-19181

- 2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed project is exempt from environmental review pursuant to Section 15301 *Existing Facilities* and Section 15304 *Minor Alterations to Land* of the State CEQA Guidelines.

EVIDENCE: a) The Class 1 exemption applies to the operation, repair, maintenance, permitting, licensing, or minor alterations of existing or private structures, facilities, mechanical equipment, or topographical features, including existing facilities of both investor and publicly owned utilities to provide electric power, involving negligible or no expansion or existing or former use. No work is proposed to the electrical distribution lines themselves. However, vegetation management activities would occur in order to maintain safe and reliable electric service and mandated clearance to comply with federal and State regulatory requirements for public safety and fire prevention.

- b) The Class 4 exemption applies to public and private alterations in the condition of vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Vegetation to be removed poses a threat to overhead electrical facilities.
- c) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMITS

3. FINDING: The proposed development is in is in conformance with all applicable policies and standards in the Eel River Area Plan, Humboldt Bay Area Plan, McKinleyville Area Plan, North Coast Area Plan, and the Trinidad Area Plan of the Humboldt County Local Coastal Program.

EVIDENCE:

- a) The subject properties are currently utilized for a variety of uses, including rural residential, timberland, agriculture and public uses. The proposed tree removal is a use accessory to the current residential, agricultural, timberland, and public uses of the subject properties. The purpose of the tree and vegetation removal is to remove vegetation that poses a threat to existing overhead electrical facilities to provide safe and reliable electrical service and maintain the mandated clearance levels to comply with federal and state regulatory requirements for public safety and fire protection.
- b) The project will not add to nor subtract from the Housing Inventory. The project permits the removal of vegetation along existing electrical distribution lines, including the removal of 50 trees at 50 locations, and the removal of 7 brush units at 7 locations for a total of 57 locations and will not affect the existing residential, agricultural, timberland, and public use of the properties. The project is consistent with the County's Housing Element.
- c) The project would not be anticipated to have significant impacts on sensitive species, watercourses, or sensitive habitats. A *Biological Constraints Report* (Biological Report) was prepared by Stantec on January 1, 2025. The Biological Report notes that the

project work would occur in areas with potential habitat for special status wildlife and nesting birds. Nesting habitat for Northern Spotted Owls and Marbled Murrelets is in the vicinity of the project. However, given the limited scope of work, selective removals of hazard trees, the surrounding development and overwhelmingly negative survey occurrences per the Biological Report and with the implementation of the Avoidance and Mitigation Measures (AMM) in the Multiple Region Operations and Maintenance Habitat Conservation Plan (MRHCP), impacts to Physical and Biological Features will be minimized. Critical habitat for steelhead (northern California DPS) and the Tidewater Goby and other aquatic species of concern are within 250 feet of several work areas. Conditions of the project require that cut vegetation and debris will be kept out of waterbodies. With implementation of the Avoidance Mitigation Measures no impacts are anticipated to aquatic species. Work associated with the project falls within PG&E's *Multi Region Operations and Maintenance Habitat Conservation Plan* (MRHCP). All work locations fall under the MRHCP activity type E10a (Vegetation Management Routine Maintenance). The MRHCP provides PG&E with federal take authorization for all gas and electric operation and maintenance activities in the Plan Area during the 30-year permit term. The Biological Constraints Report states "nesting bird season" is February 15th to August 31st and the project is conditioned to occur outside of nesting bird season. In addition, PG&E proposes implementation of standard Vegetation Management best management practices (BMPs) and avoidance and mitigation measures in accordance with the MRHCP. Implementation of these practices and measures would minimize impacts and no risk of substantial adverse impacts is anticipated. The California Department of Fish and Wildlife (CDFW) had no comments in response to the project referral. Conditions of approval require implementation of these measures and prohibit the use of herbicides under the project to ensure impacts associated with the project are minimized.

- d) The project was referred to the Northwest Information Center, and the Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe and other local tribes. A referral response from the Northwest Information Center indicated that cultural resources research had identified one previously recorded cultural resource intersecting the area of potential impact which requires

the implementation of Resource Protection Measure (RPM) identified in the Attachment 7: Cultural Resources Constraints Report (CRCR) Summary which is on-file and confidential. The Bear River Band of the Rohnerville Rancheria and the Wiyot requested the standard inadvertent discovery protocols be included in the conditions of approval. The proposed vegetation management work requires standard Best Management Practices (BMPs) which include the Inadvertent Discovery and Human Remains protocols. In addition, RPMs including an archaeologist-led cultural resources tailboard is recommended for specified areas. A Cultural Resources Summary was provided by the applicant (on file and confidential). Due to the lack of ground disturbance associated with the project, the Report noted there is a low risk of impacting cultural resources. The proposed work will include the implementation of standard BMPs, which include the Inadvertent Discovery and Human Remains protocols, and additional Resource Protection Measures as recommended by The Northwest Information Center are described in the Cultural Resources Summary. Compliance with these measures has been included in the conditions of approval.

- e) There would be no significant change to visual resources resulting from the proposed project. The project would result in the removal of 50 trees adjacent to or under electrical distribution lines. Tree removal for the maintenance and protection of public infrastructure is an allowed accessory use to the residential, agricultural, timberland, and public uses of the sites. There are four trees proposed to be removed in Coastal Scenic areas with this project. Tree numbers 69, 70, and 71 are on the inland side of Patricks Point Drive 200-300 feet northwest of the intersection of Patricks Point Drive and Westgate Drive. This area is subject to the Trinidad Area Plan (TAP) Local Coastal Program. The trees are described in Attachment 2A, Tree Data Table, as spruce that are dead or dying and are a hazard to the continued operation of the 12KV electrical distribution line that runs along the inland side of Patricks Point Drive. Above-ground power lines less than 30KV are allowed under TAP Coastal Scenic Area Section 3.a.(2). The removal of these trees is necessary for the continued safe operation of the 12KV distribution line and will not have significant negative impacts on the area's viewshed. The other tree proposed for removal in a designated Coastal

Scenic area is tree number 73. Tree number 73 is 1,020 feet east of Old State Highway 101, due east of Freshwater Lagoon. The tree is in the area governed by the North Coast Area Local Coastal Plan (NCAP). Above-ground power lines less than 30KV are allowed under the Coastal Scenic Areas section C. 1. a. (2) of the NCAP. The removal of this tree is necessary for the continued safe operation of the 12KV distribution line and will not have significant negative impacts on the area's view, given the distance from any road or sensitive receptor. It will be difficult for anyone to notice this tree is gone because it is one tree in a forested area of over 250 acres. As such the removal of these trees will not have a significant impact on coastal scenic resources.

4. FINDING: The proposed development is consistent with the purposes of the existing zoning in which the sites are located.

EVIDENCE:

- a) The project areas encompass lands Agriculture Exclusive (AE), Public Facilities (PF2), Public Recreation (PR), Residential Agriculture (RA), Residential Single Family (RS), Commercial Timber (TC), Timber Production Zone (TPZ), and Unclassified (U). The project would authorize the removal of 50 trees for the purpose of maintaining electrical infrastructure, which will not conflict with the allowable uses of the zoning districts.
- b) The proposed development is consistent with the purposes of the existing Archaeological Resource Area Outside Shelter Cove (A), Alquist-Priolo Fault Hazard (G), Transitional Agriculture (T), Flood Hazard Area (F), Streams and Riparian Corridor (R), and Coastal Wetlands (W) combining zones in which the sites are located. Technical documentation has been submitted showing that the vegetation removal is consistent with applicable development standards of the zone districts. As previously discussed, the project is not anticipated to have significant impacts on sensitive species, watercourses, or sensitive habitats, and, due to the lack of ground disturbance associated with the project, it is anticipated there would be a low risk of impacting cultural resources. However, in order to ensure potential impacts are minimized to the greatest extent feasible, the applicant proposes implementation of best management practices (BMPs) related to protection of biological and cultural resources. Conditions of approval require implementation of the BMPs, as

well as prohibiting the use of herbicides under the project to ensure impacts associated with the project are minimized.

- c) The trees being removed are exempt from the requirement to secure a special permit for design review per section 313-64.1.3.2 of Humboldt County Code whereby if major vegetation removal is necessary to carry out activities authorized by an approved building permit a special permit shall not be required. As defined by the Coastal Act, such an action does require the approval of a Coastal Development Permit. The tree removal is intended to provide safe and reliable electrical service and maintain the mandated clearance levels to comply with federal and state regulatory requirements for public safety and fire protection. The major vegetation is not commercial timber production if the costs of tree removal and permitting exceed the value received from the wood products generated. The project is conditioned to require submittal of documentation to ensure that the tree removal is not a for-profit (i.e., commercial) activity. Additional conditions have been applied to the tree removal activity to avoid injury to nesting birds, limiting hours and days of operation, and specifying appropriate measures for slash disposal.

5. FINDING: Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The Coastal Development Permit will authorize PG&E to maintain their existing easement and does not authorize any structural development that would require a Building Permit that would in turn legitimize a parcel created in violation of the Subdivision Map Act.

6. 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) The project will not pose detrimental threats to properties in the vicinity nor pose any kind of public health hazard. The applicant provided Attachment 2A – Tree Data Table that describes the reasons for the removal of each tree. 22 of the trees slated for

removal are dead or dying. Dead or Dying trees can fall down, damaging powerlines and potentially starting vegetation fires. Falling trees are dangerous to people or animals that find themselves under a falling tree. Fires are dangerous to people and wildlife due to heat and smoke. The remaining 28 trees to be removed have been deemed incompatible with the safe reliable operation of the 12KV distribution lines; trees often fall or shed branches during winter storm events. It is easier and safer for workers to address tree hazards in periods of good weather than to have to address trees and electrical infrastructure damage after winter storm or wind events. The interruption of electrical service can be dangerous for certain people suffering from medical conditions; performing routine vegetation management preemptively reduces the likelihood of outages and their duration which may save some lives among the physically infirm.

7. 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 subject parcels are currently utilized for commercial recreation, timber production, agricultural, and public use and no additional development is proposed. The project is consistent with the County's Housing Element.

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 approve the Coastal Development Permit for the Pacific Gas & Electric Company subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **June 5, 2025**.

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, Director
Planning and Building Department