

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

Resolution Number 24-019

Record Number PLN-2024-18914

Assessor's Parcel Numbers 313-091-019 & 313-091-020

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the RPCA Solar 5, LLC Conditional Use Permit Extension.

WHEREAS, RPCA Solar 5, LLC submitted an application and evidence in support of approving a second two-year extension of an approved Conditional Use Permit for a small-scale commercial energy generating facility (PLN-2020-16320); and

WHEREAS, the County, as Lead Agency, prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) and circulated it for a 45-day public review and comment period, from January 11, 2021, to February 26, 2021. The IS/MND determined that the project would have a less than significant effect on the environment with the incorporation of specified mitigation measures; and

WHEREAS, Section 312-11.3 provides the authority for the Hearing Officer to approve extensions of approved permits; and

WHEREAS, the Planning Division Staff Report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit Extension (Record Number PLN-2024-18914); and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on May 2, 2024, and reviewed, considered and discussed the application for the Extension and reviewed and considered all evidence and testimony presented at the hearing.

THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING:

Project Description: A second two-year extension for the approved Hatchery Road Solar Project (PLN-2020-16320 & PLN-2022-17636). Original permit approval includes a small-scale commercial energy generating facility that would be located on ±26.56 acres of two (2) adjoining parcels (APNs 313-091-019 & -020) that together total ±38 acres of undeveloped land. The Project would generate approximately four (4) megawatts (MW) of alternating current (AC) emission free, clean, renewable power. The Project would interconnect

to PG&E's pre-existing electrical distribution system located along Hatchery Road. Power generated by this facility would be sold to the Redwood Coast Energy Authority (RCEA) through a long-term Power Purchase Agreement (PPA). The Project would utilize 14,336 modules and 32 string inverters which convert the sun's energy into usable AC power. Single axis tracking technology would be utilized to allow the modules to efficiently track the sun throughout the day and maximize the efficiency of solar collection. The modules would be mounted on a steel racking system, which would be anchored into the ground using driven steel piers. The overall height of the array would be no more than 8-feet tall as measured from existing grade. If approved, the extension will expire April 16, 2026.

EVIDENCE: a) Project File: PLN-2020-16320 & PLN-2024-18914.

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met.

EVIDENCE: a) During prior approval of the original permit the Planning Commission adopted a Mitigated Negative Declaration (MND) on April 1, 2021 (SCH #2021010092), for the project as required by Section 15074(b) of the CEQA Guidelines and found that there is no substantial evidence that the proposed project will have a significant effect on the environment. No new information or changes to the project or the circumstances under which the project is to be undertaken have become available necessitating the preparation of a subsequent MND pursuant to Section 15162 of the State CEQA Guidelines. No changes to the project are proposed and there have been no changes to the applicable regulations and standards governing the proposal. Furthermore, conditions at the property have not changed since the original approval. For these reasons, further environmental review is not required.

3. FINDING: The development has not changed from that for which the permit or variance was granted.

EVIDENCE: a) The owner's project description states that no changes to the original permit have been proposed. An extension is necessary to grant the owner more time to complete the requirements of the Conditions of Approval.

4. **FINDING:** The General Plan Land Use designation for which a consistency finding was made has not changed.
- EVIDENCE:** a) The parcels are planned Agricultural Exclusive (AE). This designation has not been changed for the affected properties.
5. **FINDING:** The zoning and associated development standards for which conformance findings were made has not changed.
- EVIDENCE:** a) The Unclassified (U) zoning designation and associated development standards have not changed from when the project was previously approved.
6. **FINDING:** All other standards and requirements to which the project is subject to and as administered by other departments or agencies have not changed.
- EVIDENCE:** a) There is no evidence that the standards and requirements to which the project is subject to and as administered by other departments or agencies have changed.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopt the findings set forth in this resolution; and
2. Approve the Conditional Use Permit Extension (Record Number: PLN-2024-18914) subject to the original Conditions of Approval (Attachment 1A).

Adopted after review and consideration of all the evidence on **May 2, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote.

AYES: Commissioners: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners: Peggy O'Neill
DECISION: Motion carried 6/0

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.



John H. Ford, Director,
Planning and Building Department

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL AS MODIFIED APRIL 1, 2021

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS.

A. General Conditions

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, Mitigation Monitoring and Reporting Program, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. New aerial power lines and power poles shall be configured in such a way to prevent electrocution risks for birds of prey as recommended by the memo provided by California Department of Fish and Wildlife, dated March 11, 2021.
3. The applicant is responsible for obtaining all necessary County permits, and for meeting all requirements set forth by other regulatory agencies.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The applicant must apply for and obtain an encroachment permit to construct a rural driveway on Hatchery Road. The driveway apron shall be constructed in conformance with Rural Driveway No. 1 standard plan. [reference: County Code section 411-11(a)(b)]
6. Site visibility must be maintained at the driveway entrance in conformance with County Code. [reference: County Code section 341-1 et seq.]
- ~~7. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: Cuntly Code section 314-109.1 et seq.]~~
7. Applicant shall be responsible to correct any involved drainage problems within the County road right of way, due to the project, to the satisfaction of the Humboldt County Department of Public Works.

Information Note (not a requirement):

8. The County road is not constructed to allow on-street parking. All parking must be developed onsite, or applicant must construct a parking land along the County road in a manner approved by the Humboldt County Department of Public Works. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code section 314-109.1 et seq.]
9. FENCES/GATES: Pursuant to County Code Section 411-11(j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way or County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. In addition, for properties in the State Responsibility Area, conformance with Fire Safe Regulations (County Code Section 3112-) is also required.

Fences and gates taller than 6 feet may require a building permit. The applicant is also advised to consult with the Planning and Building Department – Building Division at 707-445-7245 prior to constructing any fences or gates.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

10. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

Mitigation Monitoring and Reporting Program

Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
Agriculture and Forestry Resources	MM AG-1: Agriculture Management Plan. To maintain consistency with General Plan Policy AG-P6, 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. Prior to issuance of a certificate of occupancy for the project, the applicant shall submit the Agricultural Management Plan to the County of Humboldt Planning Director, summarizing the types and duration of agricultural uses as well as operator information for the property. The Agriculture Management Plan shall be subject to review by the Planning Director to confirm the effectiveness of the agricultural operations.	Project Sponsor/County of Humboldt	County of Humboldt	Prior to Final Permit Approval
Biological Resources	MM BIO-1: Workers Environmental Awareness Training (WEAT). All workers will receive a WEAT training by a qualified biologist. The WEAT will educate workers about all special-status species and related habitats potentially present in the Project Area, and the nature and purpose of protective measures, including BMPs and other required measures. Work areas, including staging areas, will be limited to those shown in the final Project description and included in the WEAT training. All heavy equipment, vehicles, and construction activities will be confined to these designated areas. A copy of all applicable AMMs will be kept on site at all times.	Project Sponsor	County of Humboldt	Prior to construction
Biological Resources	MM BIO-2: Delineation of Work Area and Work Period. Work areas, staging areas, and access roads will be limited to those shown in the final project description. Exclusion buffers around environmentally sensitive areas (ESAs) such as wetlands or active bird nests will be clearly flagged or fenced with temporary construction fencing. All heavy equipment, vehicles, and construction activities will be confined to designated work areas.			

	Vehicle speeds on unpaved roads will not exceed 15 miles per hour. Because dusk, nighttime, and dawn are often the times when NRLF is most actively foraging and dispersing, all construction activities shall cease one half hour before sunset and should not begin prior to one half hour before sunrise.	Project Sponsor	County of Humboldt	Prior to construction
Biological Resources	MM BIO-3: Site Maintenance. Trash dumping, firearms, open fires (such as barbecues), hunting, and pets will be prohibited at the work site. All trash and waste items generated by construction or crew activities will be properly contained in a covered trash receptacle and removed from the Project Area daily or secured inside a covered, locking container. This includes biodegradable items such as apple cores and banana peels that attract predators such as raccoons and American crows that could prey upon sensitive wildlife species, which would be considered a potentially significant impact under CEQA.	Project Sponsor	County of Humboldt	Prior to construction
Biological Resources	MM BIO-4: Wildlife Entrapment. All Project personnel will visually check for animals beneath vehicles and equipment immediately prior to operation to minimize the potential for special-status species to be harmed by crushing or entrapment, which would be considered a potentially significant impact under CEQA. Any pipes, culverts, or other open-ended materials and equipment stored onsite for one or more overnight periods will be inspected for animals prior to moving, burying, or capping to ensure that no animals are present within these materials and equipment. To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than six inches deep will be covered at the end of each work day by plywood or a similar material, or escape routes will be constructed with the materials that allow trapped wildlife to escape without slipping or being injured. After opening and before filling, any holes, ditches, or trenches will be thoroughly inspected for trapped animals by the project biologist or construction crew. If a special-status species is discovered in the Project Area, the Project Manager or Project biologist will be contacted. The Project Manager or Project biologist will report the sighting to the appropriate natural resource	Project Sponsor	County of Humboldt	Prior to construction

	agency(ies) (e.g., CDFW, USFWS, etc.) within 24 hours when required by the agency. The animal will be allowed to move off site on its own. Special-status species will not be taken or harassed. No threatened or endangered species will be moved unless under the direction of the appropriate agency and by a qualified and/or permitted biologist.			
Biological Resources	MM BIO-5: Northern Red-legged Frog. A preconstruction survey will be performed no more than 3 days prior to the onset of construction to determine if any suitable burrows occur for NRLF on the site. Any small mammal burrows that will be impacted by pier installation or other ground penetrating activities shall be excavated by a permitted and agency approved biologist prior to construction activities. If any NRLF are observed during the preconstruction survey, CDFW shall be consulted to determine the best way to avoid impacts to NRLF. Ground-disturbing activities should be conducted during the dry season (May 15-October 15) to minimize take of NRLF. If construction activities are conducted within the dry season (May 15-October 15), exclusion fencing shall be installed around the work area prior to October 15 to prevent NRLF from migrating into work areas. The fencing material and design shall be reviewed and approved in writing by CDFW before installation. In the event a NRLF is encountered on site during construction, all construction activities will cease until the animal has left the project area on its own and is no longer in danger of harm. The project construction manager or project biologist will report the sighting to CDFW within 24 hours. No one other than a CDFW-approved biologist is permitted to handle or capture NRLF, and NRLF will not be taken or harassed.	Project Sponsor	County of Humboldt	Prior to construction
Biological Resources	MM BIO-6: Preconstruction Nesting Bird Survey: A nesting bird survey shall be completed by a qualified biologist no earlier than 14 days prior to any construction during the nesting season (February 15-August 31) to determine if any native birds are nesting on or near the site (including a 500-foot buffer for osprey, 660-foot buffer for bald eagle (USFWS 2007), and a 0.25 mile buffer for northern spotted owl (USFWS 2012). If any active nests are observed during surveys, a suitable avoidance buffer from the nests shall be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. Construction within the buffer would be avoided until the chicks have fledged and the	Project Sponsor	County of Humboldt	Prior to construction

	nests are no longer active, as determined by the qualified biologist. Suitable nesting habitat (i.e., trees and vegetation) shall only be removed outside of the bird breeding season to avoid impacts to nesting birds. Upon completion of the survey, a memo will be provided to the Planning and Building Department that will describe the methods and results of the survey and any related recommendations.			
Biological Resources	MM BIO-7: Wetlands and Water Quality: When handling and/or storing chemicals (fuel, hydraulic fluid, etc.) near waterways, all applicable laws/regulations and best management practices (BMPs) will be followed to prevent chemical transmission into waterways. Appropriate materials will be kept on site to prevent and manage spills. All construction equipment will be well maintained to prevent fuel, lubricants, or other fluid leaks. Equipment, when not in use, will be stored in upland areas outside of the boundaries of aquatic features (e.g., marsh) or other water bodies. Use of erosion and sediment control BMPs will follow County requirements or the Project Stormwater Pollution Prevention Plan (SWPPP) if required. BMPs composed of straw must be certified weed free. BMPs will not include micro-filament netting to avoid entrapment of wildlife. No fill or runoff will be allowed to enter wetlands or waterways.	Project Sponsor	County of Humboldt	Prior to construction
Cultural Resources	MM CULT-1: Protect Archaeological Resources during Construction Activities. Although the surface and subsurface investigations did not locate any archaeological resources, unknown resources have the potential to occur and could be disturbed during project construction. To ensure protection of unknown resources, the following is recommended. While the project has been designed to avoid potential impacts to historical site (HA-01), should this resource require removal to facilitate construction, a qualified archaeological monitor and consulting Native American monitor shall be present during the resulting ground-disturbing activity (including but not limited to vegetation clearing/grubbing, pile-driving, transformer and inverter pads, trenching, gravel access roads, etc.) for project development in order to assure there are no subsurface archaeological deposits present beneath the historic-period cultural resource.	Project Sponsor	County of Humboldt	During construction

	• If archaeological resources are encountered during any ground disturbing activities associated with the project, the applicant shall immediately suspend all ground disturbing work at the find location within 100 feet of the finding (or a reasonable buffer zone as determined by a qualified archaeologist), contact the County Planning & Building Department, and retain a qualified professional archaeologist to analyze the significance of the find and formulate further mitigation (e.g., Project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendant groups, where applicable. • Pursuant to California Health and Safety Code §7050.5, if known or suspected Native American or other human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner shall be contacted. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with Public Resource Code (PRC) §5097.98. The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition. In the event the Project design changes and ground disturbance is anticipated beyond the APE as it is currently defined, further surveys shall be conducted in those new areas to assess the presence of cultural resources. Any newly discovered or previously recorded sites within the additional survey areas shall be recorded (or updated) on appropriate Department of Parks and Recreation (DPR) 523-series forms. If avoidance of these resources is not feasible, then an evaluation and/or data recovery program shall be drafted and implemented.			
Geology and Soils	MM GEO-1: Protect Archaeological Resources during Construction Activities. Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a “qualified paleontologist” shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of	Project Sponsor	County of Humboldt	During construction

	professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the County for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate. The Project sponsor shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents: “The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and			
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	understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."			
Land Use and Planning	Implementation of MM AG-1: Agriculture Management Plan.	Project Sponsor/County of Humboldt	County of Humboldt	Prior to Final Permit Approval
Tribal Cultural Resources	Implementation of MM CULT-1: Protect Archaeological Resources during Construction Activities.	Project Sponsor	County of Humboldt	During construction

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

AS MODIFIED APRIL 1, 2021

Resolution Number 21-41

Record Number PLN-2020-16320

Assessor's Parcel Numbers: 313-091-019 and 313-091-020

Resolution by the Planning Commission of the County of Humboldt Certifying Compliance with the California Environmental Quality Act, Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Conditionally Approving the RPCA Solar 5, LLC, Conditional Use Permit for the Hatchery Road Solar Project.

WHEREAS, RPCA Solar 5, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for a proposed commercial energy generating facility ('Project') which would generate approximately four (4) megawatts (MW) of alternating current (AC) renewable power; and

WHEREAS, the Project would utilize 14,336 modules and 32 string inverters which convert the sun's energy into usable AC power, single axis tracking technology would be utilized to allow the modules to efficiently track the sun throughout the day and maximize the efficiency of solar collection, modules would be mounted on a steel racking system, anchored into the ground using driven steel piers, and the overall height of the array would be no more than 8-feet tall as measured from existing grade; and

WHEREAS, the County, as Lead Agency, prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) which determined the Project would have a less than significant effect on the environment with the incorporation of specified mitigation measures and circulated it for a 45-day public review and comment period, from January 11, 2021 to February 26, 2021; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on April 1, 2021, and reviewed, considered, and discussed the application for a 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:** The application is a Conditional Use Permit for a proposed commercial solar energy generating facility that would generate approximately four (4) megawatts (MW) of alternating current (AC) emission free, clean, renewable power. The Project would utilize 14,336 modules and 32 string inverters which convert the sun's energy into usable AC power. Single axis tracking technology would be utilized to allow the modules to efficiently track the sun throughout the day and

maximize the efficiency of solar collection. The modules would be mounted on a steel racking system, which would be anchored into the ground using driven steel piers. The overall height of the array would be no more than 8-feet tall as measured from existing grade.

EVIDENCE: a) Project File: PLN-2020-16320

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration (MND) prepared for the project.

EVIDENCE: a) Mitigated Negative Declaration (SCH #2021010092) was prepared for the proposed project and circulated for a 45-day public review and comment period from January 11 to February 26, 2021.

b) The IS/MND shows that all environmental impacts were less than significant with mitigation incorporated as described by §15074 of CEQA Guidelines.

c) The Planning Commission received a copy of the IS/MND on March 26, 2021 and considered the entire document at the hearing of April 1, 2021. At the public hearing no testimony or comment was made that changes the findings of the IS/MND.

d) The IS/MND reflects the agency's independent judgment of the County as consistent with CEQA Guidelines section 15074(b).

e) The Planning Commission has read and considered the Mitigated Negative Declaration and finds on the basis of the whole record before it that there is no substantial evidence the proposed Project will have a significant effect on the environment

f) The Planning and Building Department is the custodian of the records of the proceedings on which this decision is based. The records are located at 3015 H Street, Eureka, California 95501.

The Mitigation and Monitoring and Reporting Program, required by CEQA Guideline 15074(g), is set forth as Attachment 2.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program (Table 10-A).

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 agricultural use of the property will continue consistent with the Open Space Plan and Open Space Action Program.

4. FINDING Approval of the Project achieves the General Plan Policy Local Renewable Energy Supply (E-P3) calling for the County to support renewable energy development projects including... solar... consistent with the General Plan to increase local energy supply.

- EVIDENCE**
- a) The proposed location provides adequate solar resources to produce 4 MW of locally generated power.
 - b) The Planning Commission has weighed the concerns of the community and determined the need to support solar power generation for the County is a priority.

5. FINDING The project has been designed and will be implemented to not result in the loss of agricultural land or agricultural productivity consistent with AG-P6.

- EVIDENCE**
- a) To assure no net loss in agricultural land base and production, the project will institute measures to ensure ongoing agricultural uses on the property, including incorporating a pollinator habitat with areas for sheep and/or apiaries used for beekeeping. The project, in coordination with the Pollinator Partnership, is proposing a plan to create a pollinator plant meadow using plant species native and endemic to Humboldt County.
 - b) Incorporation of the proposed agricultural uses, including the pollinator habitat to ensure the ongoing agricultural operations are viable, will be implemented through an Agricultural Management Plan, summarizing the agricultural uses on the property, will be submitted subject to the approval of the Humboldt County Planning Director to confirm the effectiveness of the agricultural operations.
 - c) The proposal adequately demonstrates that that there would be no net loss of agricultural land and in the event that for some unforeseen reason the project cannot be implemented as proposed, a Decommissioning Plan is included as a mitigation measure to assure the project site will be restored to pre-project conditions through best management practices for soil/site remediation and materials recycling, will be submitted subject to the approval of the Humboldt County Planning Director.
 - d) The placement of Financial Assurance as part of the Decommissioning Plan would ensure that the restoration of the project site is funded and there is no permanent loss or conversion of any agricultural lands.

6. FINDING The proposed development is consistent with the purposes of the existing U zone in which the site is located.

- EVIDENCE**
- a) The Unclassified Zone is applied to areas of the County not otherwise zoned and is intended to ensure orderly development in conformance with the General Plan.
 - b) Humboldt County Code section 314-8.1 allows Utility and Energy Facilities subject to granting of a Conditional Use Permit (CUP). The CUP application for the Project is consistent with this section.
 - c) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded September 2, 1950, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
 - d) The location of the project complies with the 30-foot setbacks required by Fire Safe setbacks. The closest setback is approximately 75 feet from the western property line.
- 7. 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 site is located on a publicly maintained road and can safely accommodate the amount of traffic generated by the proposed project during construction.
 - b) The project site is currently fenced, and a new fence is proposed as part of the project. The fence would deter trespass onto the site.
- 8. 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) APN 313-091-020 was not included in the housing inventory of Humboldt County's 2019 Housing Element. APN 313-091-019 was included in the housing inventory of Humboldt County's 2019 Housing Element with potential to support one housing unit. The approval of the Project would not conflict with the ability for a residence to be constructed on this parcel.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- Adopts the findings set forth in this resolution; and
- Approves the Conditional Use Permit for the Hatchery Road Solar Project, PLN-2020-16320 based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference.

Adopted after review and consideration of all the evidence on April 1, 2021.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Melanie McCavour and the following ROLL CALL vote:

AYES: COMMISSIONERS: Alan Bongio, Thomas Mulder, Noah Levy, Peggy O'Neill, Brian Mitchell, Melanie McCavour

NOES: COMMISSIONERS: Mike Newman

DECISION: Motion carries 6/1

I, John 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.



John Ford, Director

Planning and Building Department