

**RENEWABLE PROPERTIES, LLC HATCHERY ROAD SOLAR PROJECT  
CONDITIONAL USE PERMIT EXTENSION**

Application Number PLN-2022-17636

Assessor's Parcel Number 313-091-019 and 313-091-020

**Recommended Commission Action**

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

*Make all of the required findings, based on evidence in the staff report, and approve the Renewable Properties, LLC Hatchery Road Solar Project Conditional Use Permit extension subject to the recommended conditions.*

**Executive Summary:** Renewable Properties, LLC seeks an extension of an approved Conditional Use Permit for a proposed commercial energy generating facility that would be located on ±27 acres of a ±38-acre site. The project known as the "Hatchery Road Solar Project" ('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 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.

The Project would be remotely operated and require minimal long-term maintenance. Upon operation, the Project is anticipated to require six regular inspections per year. Regular maintenance activities performed during a visit could include solar panel washing, vegetation management, and equipment maintenance per manufacturer recommendations. Equipment inspection would include visually inspecting PV inverters, transformers, main switchgear enclosures, weather station, and other components for signs of corrosion, or physical damage. Inspections would be conducted by professionally qualified and owner-authorized personnel. Water for panel washing would be trucked to the site. Runoff from washing activities would be captured on-site by percolating through the soils underlying the panels.

Ongoing operations activities would include remotely monitoring the site status and output of the system for alerts including faults, alarms, and output irregularities. The Project will not generate traffic to the site on a daily basis.

The applicant's proposal includes the following components:

1. Agricultural Management Plan

To prevent a net reduction in agricultural and production, the project sponsor proposes to maintain operation of agricultural uses on the property, including but not limited to sheep grazing, keeping honey bees, planting row crops on a rotational basis, and/or a pollinator meadow. Prior to issuance of construction permits, the applicant will submit and receive approval of an Agricultural Management Plan identifying the agricultural uses and operator to be conducted on the property.

## 2. Reclamation Plan

At the end of the Project's operational life, the Project will be completely decommissioned and removed from the property. Procedures for removal will be based on standards and emergent best management practices at the time of decommissioning. The initial period of the project is approximately 25 years, after which the project will either be repowered or decommissioned.

Most of the components of the system are recyclable, and the ability to recycle parts is expected to increase over time. There are substantial salvage values associated with many of the components through reconditioning, resell, and recycling programs. The electrical components and wire contain large amounts of copper and aluminum, the electrical equipment may be refurbished and reused, and the photovoltaic modules may be reused on other systems if they still have substantial output. A Reclamation Plan shall be provided to the Planning Division for review and approval. The Reclamation Plan is a mitigation measure.

The analysis of the project has identified issues associated with use of agricultural lands for nonagricultural uses and concerns by the public as being the most significant issues to be addressed.

### **Agricultural and Land Use Policy / Conversion of Prime Agricultural Land**

The General Plan's ("Plan") Land Use Element identifies "Utilities & Energy Facilities" on lands designated AE (Agriculture Exclusive) (Table 4-H) as an "allowable" use of the land. This is balanced with policies, implementation measures and standards that call for preservation of prime farmland. The most significant of these policies is AG-P6 that calls for a "no net loss" agricultural lands. Development on AE land must be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or nonagricultural uses on land defined as prime agricultural lands.

General Plan Policy AG-P6 reads as follows:

**Agricultural Land Conversion - No Net Loss.** Lands planned for agriculture (AE, AG) shall not be converted to non-agricultural uses unless the Planning Commission makes the following findings:

- A. There are no feasible alternatives that would prevent or minimize conversion; and
- B. The facts support an overriding public interest in the conversion; and
- C. For lands outside of designated Urban Development Boundaries, sufficient off-setting mitigation has been provided to prevent a net reduction in the agricultural land base and agricultural production. This requirement shall be known as the "No Net Loss" agricultural lands policy. "No Net Loss" mitigation is limited to one or more of the following:

1. Re-planning of vacant agricultural lands from a non-agricultural land use designation to an agricultural plan designation along with the recordation of a permanent conservation easement on this land for continued agricultural use; or
2. The retirement of non-agricultural uses on lands planned for agriculture and recordation of a permanent conservation easement on this land for continued agricultural use; or
3. Financial contribution to an agricultural land fund in an amount sufficient to fully offset the agricultural land conversion for those uses enumerated in subsections a and b. The operational details of the land fund, including the process for setting the amount of the financial contribution, shall be established by ordinance.

The current use of the property is for cattle grazing. The applicant proposes to incorporate other agricultural uses onto the property along with the Solar power generating facility in order to achieve the no net loss provision of AG-P6. There is a growing understanding that agriculture and photovoltaic systems can effectively co-exist on property. The term "Agrovoltic" has been applied to this practice. Studies are showing that both power production and agriculture can

effectively share the same sun resource. This is the first time this concept has been applied in Humboldt County and there has been concern about whether this meets the no net loss policy of AG-P6.

The applicant wants an agricultural activity that would minimally interfere with the production of power and has indicated a preference for keeping honeybees and/or a pollinator meadow. These are agricultural activities that are not currently present in this portion of Humboldt County. The question is related to whether given the location and surrounding uses this would maintain the overall productivity of the land or compensate by increasing productivity of surrounding land. A quick literature review does show that honeybees and a pollinator meadow can have a beneficial impact on surrounding pasture land and even timberland. The applicant does not want to have large animals grazing between the solar arrays because the animals can damage the equipment, but smaller animals such as sheep and goats can effectively collocate. Another option is row crop production, but this has historically not been a location for row crops.

With effective implementation of the Agricultural Management Plan, the project will not result in a net loss of agricultural land and is consistent with Plan Policy AG-P6.

Upon termination of the power generating use, all equipment will be removed from the site, restoring the site to its present condition. Very little grading will be undertaken to install the solar arrays to restoration will be focused on removal of equipment. A Financial Assurance with Humboldt County as part of the Decommissioning Plan ensures that the restoration of the project site is funded and there is no permanent loss or conversion of any agricultural lands.

### **Biological Resources**

A Biological Resource Assessment (BRA) was prepared in May 2020 by GANDA in order to determine the potential presence of sensitive biological resources within the Project area as well as habitat suitability for special-status wildlife and plant species as designated by the United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the California Native Plant Society (CNPS). The BRA did not identify presence of any special-status plant or animal species but did document that there are wetland features at the. The BRA recommended measures to avoid and minimize potential Project-related impacts to special status wildlife species and sensitive habitats, which are implemented as mitigation measures.

### **Wetland Delineation**

A Wetland Delineation was prepared in July 2020 by GANDA which identified three continuous wetland features with a combined area of 0.329 acres located within a linear depression. The Project was subsequently redesigned to include a 150-foot setback from all potential wetland features to avoid potential impacts to these features.

### **Tribal Cultural Resource Coordination**

The Project is located in the Bear River, Blue Lake, and Wiyot Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Tribe, Blue Lake Tribe, and Wiyot Tribe in July 2020. A Cultural Resources Investigation was prepared in June 2020 by Rachael Nixon with Garcia and Associates (GANDA). Per the Investigation, outreach letters were sent to the Bear River, Blue Lake, and Wiyot Tribes. The Blue Lake THPO recommended a revised Investigation and in December 2020 a revised Investigation was completed. The report concluded that the proposed Project would not result in any adverse changes to historical or archaeological resources. Mitigation Measures are implemented to ensure protection of unknown resources, and ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

### **Community Outreach Meeting**

The County held a Community Outreach Meeting on February 2, 2021 with the intent to receive comments and address concerns. Sixty-four citizens attended the Zoom meeting. The public who

attended this meeting were very thoughtful and considerate but made it very clear that they oppose this project. There are a significant number of letters and correspondence which emphasize this. Three main concerns were raised including impacts to aesthetics, noise, and recreation.

a) Visual

Humboldt County is a beautiful location, and this is a location that people go to see the fish hatchery and enjoy the river. The neighborhood south of the site is concerned about visibility. In order to better quantify the actual visual impact, the applicant agreed to provide a visual simulation of the project as seen from different points along Hatchery Road. The applicant has provided these simulations which are included as Attachment 6. The visual simulations show that the solar arrays will be visible, but the relative low height (8'), surrounding topography and vegetation will minimize visibility of the site. It is important to point out that the visibility concern is a community concern, but any visual impact is not in association with a designated scenic resource. The solar arrays will be visible along Hatchery Road but will not be visible to a larger portion of the population or from a scenic highway.

b) Noise

The Project would produce a temporary increase in noise normally associated with construction that would last for three to four months. The highest noise levels generated by the Project would result from the short-term use of heavy equipment and vibratory pile driving machinery during construction activities; however, increases in noise levels will be temporary and limited to daytime hours, and would not be present after the project is constructed. The noise associated with facility operations would be negligible and would not result in a substantial permanent increase in ambient noise above existing levels.

c) Recreation

The project would be located on private property currently fenced with no public access. The project site is not part of any existing or planned recreational facility such as trails or parks and therefore would have no impact on recreation. The concern is that Hatchery Road is utilized by people going to the Mad River and the Fish Hatchery. There are days when the road is lined with vehicles from people engaging in these activities. This project will neither add to the traffic generated by recreational users nor will it conflict with the existing situation. As mentioned above the site will not have daily trips to and from the site, and scheduled trips will typically be during normal working hours and not on the weekends when recreational traffic is heaviest. The site design will not result in technicians parking on the street and thus will not change existing use patterns.

**Other Considerations:**

The State and County have policies to pursue alternative and renewable forms of energy. General Plan Policy E-P3. Reads as follows:

**Local Renewable Energy Supply.** The County shall support renewable energy development projects including biomass, wind, solar, "run of the river" hydroelectric, and ocean energy, consistent with this Plan that increases local energy supply.

This policy calls upon the county to look to approve renewable energy projects. This is particularly true when projects are considered in the light of public opposition. Often with controversial projects the question is asked whether this is the appropriate location. The Blue Lake area is blessed with more sunlight than areas closer to the Coast which makes it a good location in Humboldt County to pursue solar power generation. The policy stance of the County is to support this type of facility unless there are other environmental or regulatory factors which cannot be overcome.

This is the first two-year extension and, if granted, the extension will expire on April 16, 2024.

It is staff's opinion having reviewed the application and supporting evidence that **the findings and conditions of the project, effective April 16, 2021, have not changed significantly based on the following staff analysis and are applicable to the proposed extension because:**

1. The proposed use is consistent with the Agricultural Exclusive (AE) land use designation of the General Plan, for which the original project was evaluated, has not changed;
2. The proposed use is consistent with the Unclassified (U) zone designation, for which the original project was evaluated, has not changed; and
3. The applicable development standards, for which the original project was evaluated, have not changed; and
4. All other standards and requirements to which the project is subject, and as administered by other departments or agencies have not changed; and
5. The Planning Commission adopted a Mitigated Negative Declaration (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.

**Staff Recommendations:** Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit Extension.

**Alternatives:** Several alternatives may be considered: 1) The Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permits if you are 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.

**Note: The original staff report and supporting documentation, including environmental review documents, are on file with the Planning Division and available for public inspection. The adopted MND is also available online at [ceqanet.opr.ca.gov/2021010092/3](http://ceqanet.opr.ca.gov/2021010092/3)**