

**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