

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

Resolution Number: 24-077

Record Number: PLN-2022-17922-MOD01

Assessor's Parcel Numbers: 505-151-012, 506-231-019 and 506-231-022

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Renewable America, LLC, Conditional Use Permit Modification.

WHEREAS, Renewable America, LLC, submitted an application and evidence in support of approving a Conditional Use Permit Modification to Record No, PLN-2022-17922. Permit requested is a Modification to the approved construction and operation of a two phased community-scale solar energy and storage project referred to as: Foster Clean Power A & Foster Clean Power B totaling 30 acres in size.

WHEREAS, the County Planning Division, as lead agency, prepared an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the originally approved project and adopted by the Humboldt County Planning Commission on January 19, 2024. The proposed project Modification does not present substantial changes that would require major revisions to the previous IS/MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 7, 2024, and reviewed, considered, and discussed the application for the Conditional Use Permit Modification, 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:** A Modification to an approved Conditional Use Permit. The approved Conditional Use Permit was for a two phased community-scale solar energy and storage project that included the development of approximately 549,696 square feet of solar panels and a 5,000 square-foot equipment pad within pollinator habitat, in an area of approximately 30 acres (Record Number: PLN-2022-17922). The Modification to the approved project is

to allow for the design change and reconfiguration of the solar panels and the equipment pad. The new design will include approximately 493,389 square feet of solar panels and two equipment pads, 2,500 and 2,156 square feet in size within pollinator habitat, in an area of approximately 27.43 acres. In addition, the layout of the panels will now shift from the west and extend north to within 50 feet of the northern parcel boundary. The new solar panels will be configured like those proposed in the approved permit; however, they are approximately 9.75 feet in height instead of 14 feet. Other minor modifications are listed and described in the Modification Staff Report.

EVIDENCE: a) Project Files: PLN-2022-17922 and PLN-2022-17922-MOD01

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2022110533) previously adopted for the approved project as well as the Addendum to the IS/MND that was prepared for the Conditional Use Permit Modification pursuant to Section 15164 of the CEQA guidelines.

EVIDENCE: a) Addendum to the IS/MND prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous IS/MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

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.

EVIDENCE: a) Utilities and energy facilities are a compatible use type in the Agricultural Exclusive (AE) land use designation. The solar

energy generation facility is allowable in the AE designation.

- b) The use of an agricultural parcel for commercial agriculture is 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 7 MW of locally generated power.

5. FINDING: The project has been designed and will be implemented to not result in the loss of agricultural land, the loss of agricultural production in conservation areas, the loss of productive agricultural soils consistent with Plan Policies AG-P6, AG-P7 And AG-P16

EVIDENCE: a) To mitigate for a temporary net loss in agricultural land base and production, the project will institute measures to ensure ongoing agricultural uses on the property, including incorporating pollinator habitat, grazing, and the keeping of bees, consistent with Plan Policy AG-P6. The project, in coordination with the Pollinator Partnership, is proposing a plan to create pollinator habitat 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. The Agricultural Management Plan has been submitted and approved by the Humboldt County Planning Director, confirming the effectiveness of the agricultural operations.

c) Continued agricultural use of the property and adherence to the

Pollinator Habitat Program, which utilizes organic vegetation maintenance activities and restrictions on the use of herbicides and insecticides, is consistent with the Organic Farming Easement and Plan Policy AG-P7.

- d) The modified project design, which proposes 4,656 square feet of impermeable surface as part of a 27.43-acre project, is consistent with Plan Policy AG-P16.
- e) A Decommissioning Plan that ensures the project site will be restored to pre-project conditions through best management practices for soil/site remediation and materials recycling and reuse, will be submitted subject to the approval of the Humboldt County Planning Director.
- f) The project, while a solar facility, is a compatible use but a loss of production would result as the land would not be suitable for its present use for quinoa production.

6. FINDING: The proposed development is consistent with the purposes of the existing AE, AG, and MH zones in which the site is located.

- EVIDENCE:**
- a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.
The Agriculture General or AG Zone is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.
The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.
 - b) The AE zone allows utilities and energy facilities: the erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric, solar or biomass generation, and other fuel or energy production facilities with a Conditional Use Permit.

The AG zone allows any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted in the AG zone with a Conditional Use Permit. The project is compatible with the AG zone as the proposed project will incorporate continuous agricultural use of the property into the project.

The MH zone allows any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted in the MH zone with a Conditional Use Permit. The project is compatible with the MH zone as the proposed project is an energy infrastructure project generating power for the community.

- c) The purpose of the "Q" qualification is to allow for the continued use of the existing Wood Products Processing facilities with vehicular traffic of no greater intensity than an employee average daily trips (ADT) of 765 trips per day and a truck trip ADT of 54 trips per day during the hours of 6:00 A.M. to 4:00 P.M. and during the period of 4:00 P.M. to 12:00 A.M. an employee ADT of 383 "trips per day and a truck trip ADT of 27 trips per day (1,229 total trips), and to prohibit expansion of the existing use or the establishment of new uses without first obtaining a use permit. This application is for a Conditional Use Permit and the daily trips generated by the proposed project will be well below the maximum amount allowed under the Q zone.
- d) The location and height of all modified project elements meet the setback and building height requirements for the AE, AG, and MH zones.
- e) The parcels were created in compliance with all applicable state and local subdivision regulations. The parcels known as APN 505-151-012, 506-231-019 and 506-231-022 combined comprise one legal parcel as shown on Recorded Survey in Book 74 of Surveys page 137.

7. FINDING:

The modified 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 paved publicly maintained road that can safely accommodate the amount of traffic generated by the proposed project during construction.
 - b) New fencing is proposed as part of the project. The fencing would deter trespass onto the site.
 - c) Any water that may be used for the project will be sourced from a permitted groundwater well on site.

8. FINDING: The modified project 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 parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve Conditional Use Permit Modification for Renewable America, LLC subject to the Conditions of Approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on November 7, 2024.

The motion was made by COMMISSIONER JEROME QIRIAZI and second by COMMISSIONER SARAH WEST and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Peggy O'Neill, Sarah West, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 7/0

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

CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned on the following Development Restrictions, General Conditions, and Ongoing Requirements.

A. Development Restrictions Which Must be Satisfied Before Site Development or Initiation of Operations.

1. The project shall be developed and operated in accordance with the Project Description and Operations and Maintenance Plan, the Site and Utility Plan, and the adopted Mitigation and Monitoring Report (Attachment 1B).
2. The applicant shall obtain from the Building Division any Building or other required permits prior to commencing construction activities or the approved use (i.e., grading, building, plumbing, electrical, mechanical, fences and gates over six feet in height, etc.).
3. The applicant shall seed at least 10 acres with an appropriate local native seed mix sourced from the North Coast Ecoregion in coordination with CDFW.
4. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
5. The applicant must apply for and obtain an encroachment permit for commercial driveway on Foster Avenue. The permit will require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 50 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the county road. The driveway shall intersect the county road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. shall be responsible to correct any involved drainage problems to the satisfaction of the Humboldt County Department of Public Works Land Use Division.
6. The applicant shall be responsible to correct any involved drainage problems within the county road right of way associated with the driveway improvements to the satisfaction of the Humboldt County Department of Public Works Land Use Division.
7. The county road is not constructed to allow on-street parking. All parking must be developed on-site, or applicant must construct a parking lane along the county road in a manner approved by the Humboldt County Department of Public Works Land Use

Division. All parking required by Humboldt County Code must be constructed prior to final issued building permit.

8. If there needs to be any rearrangement of existing PG&E facilities on the property, the owner/applicant will bear the burden of that cost.
9. To ensure that the project is decommissioned at the end of the Project service life, the applicant must secure and submit to the Humboldt County Planning and Building Director for review and approval (1) a decommissioning cost estimate, prepared by a qualified contractor or engineer, showing the cost to decommission the Project net of the Project salvage value, and (2) one of the following prior to issuance of any building permits:
 - A. An agreement between the parent company and the County that insures the applicant's commitment to the decommissioning of the site; or
 - B. An agreement between the applicant and the property owner that states the if the project were not to be decommissioned by the applicant, the property owner would be responsible for the decommissioning of the project; or
 - C. A surety bond in an amount that would cover the cost of the decommissioning of the site if the County were left responsible for the decommissioning; or
 - D. An alternative mechanism acceptable to the Planning Director that accomplishes the same goal.

B. General Conditions.

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. 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.
3. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

C. Ongoing Requirements Which Must be Satisfied for the Life of the Project.

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description and Operations and Maintenance Plan, the approved Site and Utility Plan, the Mitigation and Monitoring Report, and these operational 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. No development, mowing, or removal of native vegetation shall occur within the setback buffers surrounding the wetlands or environmental avoidance area as depicted on the Site and Utility Plan.
3. The intersection of the access driveway and Foster Avenue shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
4. Mowing the project area shall not be permitted during the blooming period (March-August).
5. Any outdoor construction activity and use of heavy equipment outdoors shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.

Informational Notes:

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.
2. If suspected archaeological resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact would be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, Wiyot Tribe, and any other tribe that may be identified by the NAHC as traditionally or culturally affiliated with the Project area. The professional archaeological resource consultant, Tribes, and County officials would coordinate provide an assessment of the find and determine the significance and recommend next steps.

If human remains are discovered during Project activities, work would stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to

overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

MITIGATION AND MONITORING REPORT

Record Number: PLN-2022-17922

Assessor Parcel Numbers: 505-151-012, 506-231-019 and 506-231-022

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require ongoing monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

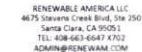
Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/Reporting Responsibility	Timing
Agriculture and Forestry Resources & Land Use and Planning	MM AG-1: Agriculture Management Plan. To maintain consistency with General Plan Policy AG-P6, to prevent a net reduction in land base and agricultural production, the Project sponsor shall maintain continual operation of agricultural uses on the property. Such agricultural uses may include but are not limited to grazing and the keeping of honeybees. 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 Construction
Biological Resources	MM BR-1: Preconstruction Nesting Bird Surveys. Construction-related vegetation removal should occur	Project Sponsor	County of Humboldt	Prior to Construction

Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
	between September and February, which is outside the typical nesting bird season (February through September). If Project-related vegetation removal must occur during the breeding season, a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than two weeks prior to Project activities. If active nests are found, a suitable no-disturbance buffer zone shall be established by a qualified biologist and determined based on species, nest location, line of sight from the Project area, type of planned construction activity, and potential for nest disturbance. Within the buffer zone, no construction shall take place until the chicks have fledged or the biologist determines that the nest is no longer active. In the event that any active nests are discovered, CDFW would be consulted and provided an opportunity to comment on the proposed avoidance buffer distances and protection measures proposed by the qualified biologist.			
Biological Resources	MM BR-2: Preconstruction Northern Red-Legged Frog Clearance Surveys. Project construction should occur between May and November, which is outside the breeding season for northern red-legged frog. If construction activities must occur during the breeding season (November to May), preconstruction surveys shall be conducted by a qualified biologist no more than two weeks prior to Project activities. If northern red-legged frogs are detected during the breeding season, CDFW would be consulted to determine either a suitable buffer distance or other protective measures.	Project Sponsor	County of Humboldt	Prior to Construction
Biological Resources	MM BR-3: Protection of Aquatic Resources. The Project area does contain potential "waters of the United States", including wetlands protected under the CWA and potential "waters of the state" under the	Project Sponsor	County of Humboldt	Prior to Construction

Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
	<p>jurisdiction of the RWQCB and CDFW; however, the Project would avoid such waters and a 50-foot setback would be implemented in accordance with the County's Streamside Management Area Ordinance to ensure waters would not be indirectly impacted by any site disturbance related to development of the Project.</p> <p>In the event that aquatic resources cannot be completely avoided due to unforeseen circumstances, the necessary permit authorizations would be obtained from USACE, CDFW, RWQCB, and/or the County. Appropriate protection measures would be implemented in coordination with the applicable jurisdictional agencies to ensure any such impacts are minor and adequately mitigated and permitted in accordance with all Federal, State, and Local regulations. Such protection measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Avoiding any work within the water features during wet periods. • Installing fencing and or flagging to avoid the features. • Installing stabilization materials. • Implementing best management practices to manage the potential for erosion, sedimentation, or inadvertent damage. 			
Cultural Resources	<p>MM CR-1: Archaeological Monitoring. Archaeological monitoring by a qualified archaeologist shall occur during all excavation (if any) within 100 feet of the 1920-50s era historic resource identified in the Cultural Resources Investigation Report. If archaeological artifacts are encountered, work shall cease in the vicinity of the find and the Inadvertent Discovery Protocols described in MM CR-2 shall be</p>	Project Sponsor	County of Humboldt	During Construction

Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
	implemented. Discovered materials shall be evaluated for significance and treatment in accordance with all State and Federal guidelines, and the procedures specified in MM CR-2.			
Cultural Resources & Tribal Cultural Resources	<p>MM CR-2: Inadvertent Discovery Protocols for Archaeological Resources. If suspected archaeological resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact would be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, Wiyot Tribe, and any other tribe that may be identified by the NAHC as traditionally or culturally affiliated with the Project area. The professional archaeological resource consultant, Tribes, and County officials would coordinate provide an assessment of the find and determine the significance and recommend next steps.</p> <p>If human remains are discovered during Project activities, work would stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have</p>	Project Sponsor	County of Humboldt	During Construction

Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
	made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.			
Geology and Soils	MM GEO-1: Inadvertent Discovery Protocol for Paleontological Resources. In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.	Project Sponsor	County of Humboldt	During Construction



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RENEWABLE AMERICA LLC.

FOSTER CLEAN POWER ARI PV SYSTEM SPECS

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PURPOSES ONLY.
NOT FOR CONSTRUCTION

NO.	REVISION / ISSUE	DATE
0.	A002	27-Oct-2

PROJECT NAME:
FOSTER CLEAN POWER A&B

PROPERTY OWNER Arcata Land Company LLC	PROPERTY OWNER CONTACT (707)-845-7721
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PARCEL NUMBER:
506-231-019, 505-151-012, 506-231-022

LOCATION: Foster Ave, Arcata, CA 95521	POI GPS COORDINATES: 40.881197, -124.100703
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DRAWING TITLE:
FOST-A& B SITE PLAN

AUTOCAD FILE NAME: 341023-RNA-LAYOUT-POST-A-B-940BMD			SHEET: LAYOUT
PLOT FILE NAME: 341023-RNA-LAYOUT-POST-A-B-940BMD			PLOT DATE: 27-Oct-2014
DRAWN BY: UR	CHECKED BY:	SCALE: 1"= 190'	PLOT TIME: 14:59

