



COUNTY OF HUMBOLDT

Legislation Text

File #: 20-29, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:
Resolution for Denial of Humboldt Wind Project
Project # PLN-13999-CUP

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt Resolution No. ____ [Attachment 1] A Resolution of the Board of Supervisors of the County of Humboldt capturing the December 17, 2019 action of the Board to take the following actions on the Humboldt Wind Project:
 - a. Find the significant and unavoidable impacts of the proposed project are not outweighed by the benefits, and cannot be mitigated to an acceptable level through mitigation measures or project alternatives; and
 - b. Find the proposed project inconsistent with the General Plan and Zoning Ordinance and detrimental to the public health, safety, and welfare; and
 - c. Deny the applicant's appeal of the Planning Commission's denial of the Conditional Use Permit and Special Permit; and
 - d. Deny the Conditional Use Permit and Special Permit for development of the Humboldt Wind Energy Project.

SOURCE OF FUNDING:

Budget: Planning and Building Department - Current Planning Division (1100-277). All costs for a current planning application are paid by the applicant.

DISCUSSION:

This is a request to adopt a resolution drafted to capture the Board of Supervisors action and findings for denial of the Humboldt Wind Project. The motion was made to deny the project and directed staff to prepare a resolution reflecting the action and capturing the findings for denial. This resolution has been prepared and is being presented to the Board of Supervisors.

The findings for denial contained in the resolution are based on findings required in the Zoning

Ordinance and CEQA. The Zoning Ordinance requires that the project be found consistent with the Zoning Ordinance and General Plan, must not be found detrimental to the public health, safety and welfare. The findings identify that the project is inconsistent with certain General Plan goals and policies and would not protect the public health, safety and welfare.

CEQA requires in situations where there are significant unavoidable impacts that the decision maker find that the benefits of a project outweigh significant unavoidable impacts. In this case the finding is that the impacts are too great for the benefits the project provides. This is a basis for denial of the project pursuant to CEQA Guidelines sections 15042 and 15002(h)(5).

Careful attention has been given to drafting this resolution to ensure that it does go not beyond what the Board articulated and uses facts that are supported in the record.

FINANCIAL IMPACT:

Staff costs for work on a current planning application are reimbursed through application fees.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents [Click here to type another item\(s\) from the Strategic Framework, or leave as a period.](#)

OTHER AGENCY INVOLVEMENT:

County Counsel

ALTERNATIVES TO STAFF RECOMMENDATIONS:

There really is no alternative to adopting an after the fact resolution to capture the Board's Action.

ATTACHMENTS:

1. Resolution No. _____ [Attachment 1] A Resolution of the Board of Supervisors of the County of Humboldt capturing the Dec. 17, 2019 action of the Board to take the following actions on the Humboldt Wind Project:
 - a. Find the significant and unavoidable impacts of the proposed project are not outweighed by the benefits, and cannot be mitigated to an acceptable level through mitigation measures or project alternatives; and
 - b. Find the proposed project inconsistent with the General Plan and Zoning Ordinance and detrimental to the public health, safety, and welfare; and
 - c. Deny the applicant's appeal of the Planning Commission's denial of the Conditional Use Permit and Special Permit; and
 - d. Deny the Conditional Use Permit and Special Permit for development of the Humboldt Wind Energy Project.

PREVIOUS ACTION/REFERRAL:

Meeting of: Dec. 17, 2019

File No.: 19-1789 and 19-1779