



# COUNTY OF HUMBOLDT

For the meeting of: 1/19/2023

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File #: 23-63

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**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Public Hearing

**SUBJECT:**

Renewable America, LLC Conditional Use Permit  
Assessor Parcel Number: 505-151-012, 506-231-019 and 506-231-022 (one separate legal parcel)  
Record Number: PLN-2022-17922  
Arcata area

A Conditional Use Permit for the proposed construction and operation of a two phased community-scale solar energy and storage project referred to as: Foster Clean Power A (Phase 1) & Foster Clean Power B (Phase 2). Phase 1 would involve the construction of a 3-megawatt alternating current (MWac), photovoltaic (PV) solar energy facility with associated inverters, fencing, and access road. The access for Phase 1 would be approximately 15 feet wide and have a total length of approximately 164 feet, approximately 73 feet of which would be a new road that connects Foster Avenue to an existing agricultural road located on the south and east perimeters of the project site. The equipment pad would be approximately 50 feet by 100 feet in size. Phase 1 would also include a 1.25-MW battery energy storage system. The project footprint (fence line boundary) for Phase 1 would be approximately 12 acres in size. Phase 2 would involve the construction of an additional 4-MWac PV solar energy facility immediately north of the Phase 1 site with an additional 3.75-MW battery energy storage system. The project footprint (fence line boundary) for Phase 2 would be approximately 18 acres in size. Phase 2 would utilize the same equipment pad area identified for Phase 1. The project proposes ongoing agricultural uses on the property through establishing and maintaining pollinator habitat within the project boundaries. Other agricultural uses on the property may include, but not be limited to grazing and the keeping of honeybees.

**RECOMMENDATION(S):**

That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Adopt the Mitigated Negative Declaration prepared for the Renewable America, LLC project pursuant to Section 15074 of the State CEQA Guidelines; and
- b. Make all required findings for approval of the Conditional Use Permit; and
- c. Approve the Renewable America, LLC Conditional Use Permit as recommended by staff and subject to the recommended conditions of approval (Attachment 1A).

**DISCUSSION:**

**Project Location:** The project is located in in the Arcata area, on the north side of Foster Avenue, directly northwest of the intersection of Foster Avenue and Janes Road, on the property known as in the 2500-2600 block of Foster Avenue.

**Present Plan Land Use Designations:** (all three parcels) Agricultural Exclusive (AE), Humboldt County General Plan (HCGP), Density: 20-60 acres/unit, Slope Stability: Relatively Stable (0)

**Present Zoning:** 505-151-012 Agriculture Exclusive (AE), Agriculture General (AG), and Heavy Industrial with a Qualified Combining Zone (MH-Q)

506-231-019 Agriculture Exclusive (AE) and Heavy Industrial with a Qualified Combining Zone (MH-Q)

506-231-022 Heavy Industrial with a Qualified Combining Zone (MH-Q)

**Environmental Review:** An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**Major Issues:** None

**Executive Summary:** Renewable America LLC (RNA) proposes to construct, operate, and decommission a two phased community-scale solar and energy storage project referred to as: Foster Clean Power A (Phase I) and Foster Clean Power B (Phase II). Phase I would involve the construction of a 3-megawatt alternating current (MWac), photovoltaic (PV) solar energy facility with associated inverters, fencing, and access road. An equipment pad, approximately 50 feet by 100 feet in size, would be constructed as part of Phase I to house the Project's electrical equipment, including inverters, transformers, AC switchgear, and PV system disconnect. Phase I would also include a 1.25-MW battery energy storage system, which would be located on the equipment pad. The Project footprint (fence line boundary) for Phase I would be approximately 12 acres in size. Phase II would involve the construction of an additional 4-MWac PV solar energy facility immediately north of the Phase I site with an additional 3.75-MW battery energy storage system. The Project footprint (fence line boundary) for Phase II would be approximately 18 acres in size. Phase II would utilize the same equipment pad area identified for Phase I. The battery units and other electrical equipment for both phases would be housed in containers secured to a concrete foundation. The battery units would be equipped with a liquid cooling system and a fire alarm system and would meet applicable state and federal electrical and fire code standards.

Rows of solar panel arrays oriented north to south would be installed within the two development areas on a single-axis tracking system that would rotate from east to west throughout the day (approximately 50 degrees in each direction). The proposed solar arrays would have a maximum height of approximately 14 feet and a minimum ground clearance of 1 foot. Each solar array row would be spaced approximately 10 to 12 feet apart. The tracking system would be installed on posts driven directly into the ground to a depth of approximately 6 feet. If necessary due to soil conditions, the posts may be installed on small concrete foundations; however, such conditions are not anticipated. Power collection cables would be suspended from the tracking system in racks. Trenching to installed cables underground would be limited to areas where access must be maintained. The specific dimensions and ground clearance requirements of the solar panels and tracking system would depend on the solar panel model that is selected at the time of construction. The final project design would be subject to review and approval by the Humboldt County Building Department.

## **Distribution Interconnection**

The Project would connect to PG&E's existing Arcata 1105 12-kilovolt distribution line that runs along Foster Avenue immediately south of the Project site and connects to the Arcata Substation located at the intersection of 6th Street and I Street, approximately 1.5 miles southeast of the Project. Facility attachments consisting of one or more poles may be installed between the Project's electrical equipment and the point of interconnection on the distribution system. The poles are expected to be either wood or light-duty steel and a similar height to existing distribution poles in the area (up to 75 feet). No distribution upgrades are anticipated; however, minor upgrades at or near the point of interconnection may be necessary.

## **Perimeter Fencing**

The solar facility and associated electrical equipment would be encompassed by an approximately 6-foot-tall chain-link perimeter fence with three strands of barbed wire installed on top. Two separate areas would be fenced for Phases I and II. The fenced area for Phase I would be approximately 12 acres and the fenced area for Phase II would be approximately 18 acres.

## **Site Access**

Access to the property and solar facilities would be achieved via an existing agricultural perimeter road and driveway that connects to Foster Avenue immediately northeast of Janes Road (approximately 832 feet). The driveway access entrance would be expanded to accommodate large delivery trucks and construction equipment. In addition, the existing agriculture road would be expanded if necessary to a minimum width of 15 feet. A new 15-foot-wide access road would be installed from the existing perimeter road to the proposed equipment pad location (approximately 264 feet). Access roads for the Project would not be paved.

## **Site Drainage and Stormwater Management**

The Project would be designed to conform to existing topography and constructed in a manner that would minimize ground disturbance. Grading and the creation of impervious surfaces would be limited to the approximately 50-foot by 100-foot equipment pad. The Project would maintain the existing site drainage patterns and would not result in a substantial increase in stormwater flow; therefore, an engineered site drainage system to collect or convey stormwater would not be required. Stormwater would continue to flow across the site in line with existing drainage patterns.

## **Night Lighting**

Nighttime illumination is not expected from the proposed solar facility. Permanent lighting fixtures for the Project would be limited to those required by County, state, and federal building guidelines, and equipment requirements, or that may be necessary for security purposes. Any lighting fixtures that may be needed would be installed in a downward facing direction and shielded if necessary.

## **Vegetation and Tree Removal**

The removal of a small number of trees is anticipated where the Project would interconnect into the existing distribution network on Foster Avenue as well as where an existing road would be expanded to establish the driveway that would connect to Foster Avenue. Tree trimming may also be necessary along access routes and in the immediate area of Project facilities. Tree removal would be limited to the minimum necessary to maintain

the vegetative buffer along Foster Avenue.

### **Construction Access and Traffic**

Access during construction would be provided via Foster Avenue. Vehicle and truck traffic associated with the construction of the Project would be dispersed over an approximately 4-month period. It is anticipated that the construction workforce would typically range between approximately 10 and 20 workers for the majority of the construction phase. During peak construction activities, it is conservatively estimated that up to 50 construction workers may be on-site and no more than 50 daily truck trips to transport material and equipment would occur. The estimated number of vehicle and truck trips per workday would typically range from approximately 10 to 20 trips per day, with brief periods of up to approximately 50 trips per day.

### **Construction Schedule**

Construction of the Project would begin with the southern development area (Foster A, Phase I). The northern development area (Foster B, Phase II) would be constructed after Phase I is operational for approximately 2 years or more. Construction would take approximately 4 months to complete in each development area. Construction in each area would begin following completion of the land use permit process and obtaining all other applicable permits and authorizations. Construction activities would typically occur Monday through Friday, 8:00 a.m. to 5:00 p.m., or otherwise authorized by the County.

### **Operational Workforce and Hours of Operation**

The proposed solar facility would operate 24 hours a day, 7 days a week, and year-round, with the exception of down time for scheduled maintenance. The facility would be unmanned and managed remotely with security surveillance. Regular staff presence during the operational period would not be required. Staff would be on-site periodically to inspect and maintain Project facilities and maintain vegetation. It is anticipated that approximately two staff members would visit the Project approximately four times per year for regularly scheduled inspections and maintenance. In case of damages or non-functional equipment requiring replacement or repair, an appropriate number of staff would be on site and necessary deliveries would be made to address the issues. The site is expected to have deliveries for equipment replacement once every 10 years with the exception of unexpected events.

### **Operational Water Use**

The regular use of water is not anticipated for operation of the Project. It is anticipated that the PV panels would be dry cleaned approximately once a year using a dry-cleaning process. Under rare circumstances a minimal amount of water may be used to wash the solar panels. In the rare event that water is used to wash the panels, up to approximately 20,000 gallons could be needed per annual cleaning cycle and the water would be obtained from the permitted well on site. Any water runoff from washing activities would be captured on-site by percolating through the soils underlying the panels. Any water washing that may occur would not generate runoff.

Implementation of the Pollinator Habitat Program (refer to Pollinator Habitat Program discussion below) is not anticipated to require the regular use of water and would be designed to minimize the use of water; however, the periodic use of water may be necessary to establish vegetation or to water it during extreme drought conditions in order to meet the Project's commitments to maintain vegetation within the site and continue agricultural activities. In the best-case scenario, if there is no major drought, the project would not require any

water annually, but in the worst-case scenario (major drought period within the first few years of planting), the project could use up to approximately 814,500 gallons of water per year for the 30 acres.

The permitted well on site yields approximately 400 gallons of water per minute. The well is located within the Mad River Lowland Subbasin. The subbasin is not subject to the Sustainable Groundwater Management Act (SGMA) and the basin prioritization is very low (<https://groundwaterexchange.org/basin/mad-river-valley-lowland>). According to California Department of Water Resources California's Groundwater Bulletin 118 (California Department of Water Resources, 2020)), the subbasin has no known groundwater management plans, groundwater ordinances, or basin adjudications. Storage for the subbasin is estimated at 25,000 acre-feet. Estimates of groundwater extraction are based on a survey conducted by the California Department of Water Resources in 1996. The survey included land use and sources of water. Estimates of groundwater extraction for agricultural and municipal/industrial uses are 6,300 and 35 acre-feet respectively. Deep percolation from applied water is estimated to be 1,400 acre-feet. Groundwater recharge occurs from percolation from the Mad River and small tributary creeks in the foothills to the east of Arcata and deep percolation to floodplain deposits from precipitation and applied water. The Hookton Formation is likely recharged by rainfall in the upland recharge areas east of Arcata (DWR 1973). Some water also moves laterally into the alluvium from adjacent formations and some moves upward from leakage due to differences in pressure between the alluvium and underlying formations.

The well has been historically used for agriculture on the property. The historic use is estimated at up to 60 acre-feet (19,551,060 gal) per year. The well is currently permitted to supply up to 36 acre-feet (11,730,636 gal) of water per year to the Arcata Land Company, LLC cannabis cultivation project on APN 506-231-021. The rare use of the well for irrigating the proposed pollinator habitat during drought conditions (814,500-gal max annually) and the rare use of water for cleaning the proposed solar panels (20,000-gal max annually) would result in a 7% increase of water currently permitted to be sourced from the well. As a result, combined annual water withdrawal from the well would be less than 65% of what was historically withdrawn (up to 60-acre feet annually). The proposed project will result in a decrease in the amount of historic annual water use and would therefore lessen the impact on the groundwater table over the environmental baseline. Additionally, the Project would be designed to maintain on-site infiltration of stormwater, which benefits groundwater recharge.

## **Decommissioning**

Both Phase I and Phase II would operate for approximately 35 years. At the end of the Project service life, the Project would be decommissioned. A Decommissioning Plan would be developed for the Project to ensure that the facility would be completely decommissioned and removed from the property utilizing industry standards and emergent best practices at the time of decommissioning. The Decommissioning Plan would ensure the Project site would be returned to its pre-Project condition and continue to function as land suitable for agricultural use.

The Decommissioning Plan would be submitted to the Humboldt County Planning and Building Director prior to the issuance of Building Permits. The Decommissioning Plan would include: removal of all above and below ground improvements; restoration of the surface grade, placement of topsoil over all removed structures, revegetation and erosion control as deemed necessary by the Director; a timeframe for improvement removal and site restoration; an engineer's cost estimate for all aspects of the removal and restoration plan; an agreement signed by the property owner and operator that they take full responsibility to implement the Decommissioning Plan; a plan to comply with all state and federal requirements for reuse, recycling and/or disposal of potentially hazardous waste.

Most of the components of the solar facility are recyclable, and the ability to recycle parts is expected to increase over time. There are also substantial salvage values associated with many of the components through recondition, 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 PV modules may be reused on other systems if they are determined to have substantial output upon decommissioning.

### **Pollinator Habitat Program**

The proposed Project includes a Pollinator Habitat Program with the purpose of continuing agricultural activities at the site throughout the Project's operational period, maintaining the existing topsoil and seedbank, enhancing the biological diversity of the subject properties, and providing some benefits to neighboring agricultural production and crop yields by increasing pollinator activities. Other agricultural uses on the property may include, but not be limited to grazing and the keeping of honeybees.

Following construction, vegetation would be planted at the Project site to provide pollinator habitat within the unoccupied areas of the solar facility that do not need to be maintained free of vegetation for safety and access purposes. The total Project footprint is approximately 30 acres and approximately 80 percent (24 acres) would be maintained with pollinator vegetation for the life of the Project. Planting and maintaining vegetation within the site would have other environmental benefits by minimizing the area of exposed ground surface and reducing the potential for dust management and stormwater runoff.

A Pollinator Habitat Program Implementation Plan would be developed in coordination with Humboldt County and CDFW prior to obtaining a Building Permit. The plan would address the following:

- A site plan or map identifying areas where pollinator vegetation would be planted and where vegetation clearance is necessary for safety and access requirements.
- Appropriate native vegetation species that would be selected and planted to produce the desired pollinator activities. The seed mix and vegetation species would be selected by a qualified specialist and input from the County and CDFW would be incorporated. Species that require the minimum amount of water use and maintenance would be considered in addition to other goals.
- Responsibilities and necessary qualifications for those responsible for preparing and overseeing implementing the plan (i.e., botanist, landscape architect, or similar).
- Planting and maintenance procedures, including detailed on any supplemental watering that may be needed to establish the vegetation.
- Schedules for planting and maintenance for the life of the Project.
- Procedures to provide annual updates summarizing O&M activities, as well as measures taken to ensure the success of the pollinator habitat that would be provided to the County.
- Adaptive management procedures to make any necessary changes to the program when appropriate and in coordination with the County.
- Organic vegetation maintenance activities and restrictions on the use of herbicides and insecticides.

## Biological Resources

TransTerra conducted a Biological Resources Assessment consisting of literature reviews and field observations and studies in order to identify potential sensitive biological resources that may occur within the Project area. Key findings from TransTerra's assessment are summarized below:

- **Special Status Species:** A review of available literature indicates that 6 special status plant species and 13 special status animal species have a moderate or higher potential to occur within the Project area; however, site investigations were conducted by TransTerra during appropriate seasons for detection, and no special status species were observed.
- **Designated Critical Habitat:** The Project areas do not contain designated critical habitat for any listed species. The closest designated critical habitat is for the Tidewater Goby (*Eucyclogobius newberryi*), 1.08 miles to the west of the Project area (Mad River Slough).
- **Sensitive Natural Communities:** No sensitive natural communities were identified within the Project area.
- **Wetland and Riparian Habitats:** The majority of study area was previously delineated for wetlands and other aquatic resources by SHN in 2020 for the approved cannabis cultivation project; however, portions of the study area where proposed solar development would occur were not included (SHN, 2020b). On July 27 and August 4, 2022, TransTerra conducted a delineation of wetlands and other aquatic resources with the remaining portions of the study area to obtain full site coverage. Two seasonal wetlands were delineated in the Project study area (SW-1 and SW-2). No other wetlands, aquatic resources, or riparian habitat was observed in the study area. Although these features will be conserved and will not be disrupted by Project activities, the follow mitigation measures are in place.

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 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. 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:

- 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.

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.

- **Nesting Bird Habitat:** There is limited nesting habitat for birds within the study area. Some species, such as a western meadowlark (*Sturnella neglecta*), may nest in tall grasses. Multiple raptor pellets were observed under the tree line and along the access road on the northern boundary of the study area. These are likely the result of raptors foraging and roosting in the trees along that area. The planted tree line along the southern property boundary consisting of Eucalyptus (*Eucalyptus polyanthemos*) and Western red cedar (*Thuja plicata*) may provide nesting habitat. As a result, mitigation is in place so that if project-related brush clearing 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 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.
- **Wildlife Movement Corridors:** Watercourses and their associated riparian zones are likely the primary wildlife movement corridors due to their complex structure, providing cover and hiding places from predators, and the extensive connectivity to other habitats the riparian zones typically provide. Additionally, wildlife may use existing roads and trails that provide corridors between patches of vegetation. There are no significant wildlife movement corridors within the parcel, although some animals, especially nocturnal mammals may use the existing and proposed roadways as movement corridors.

See Attachment 3B - Appendix B - Biological Resources Assessment, and Attachment 3C - Appendix C - Jurisdictional Wetland Delineation Report

## Flooding

According to the Humboldt County Geographic Information System (GIS) the project location is within the 100-year floodplain of the Mad River. However, according to an October 30, 1997 Letter of Map Amendment from the Federal Emergency Management Agency (“FEMA”), the Site is not located in a Special Flood Hazard Area, that is the area that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year (see Attachment 3D - Appendix D - FEMA Letter of Map Amendment).

## Cultural Resources

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. In 2018, Archaeological Research and Supply Company prepared a Cultural Resources Investigation Report for the Arcata Land Company Property as part of the approved Cannabis Cultivation Project MND (updated June 2020). The Area of Potential Effect (APE) considered in that report overlaps the proposed Project site. The investigation included a records search through the California Historical Resources Information System's regional Northwest Center (NWIC), Native American Heritage Commission (NAHC) inquiry,



coordination with local tribes, and pedestrian survey of the Site. In addition, representatives of the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and the Wiyot Tribe conducted a field visit with Archaeological Research and Supply Company in May 2018. In July 2022, Archaeological Research and Supply Company conducted a supplemental archaeological pedestrian survey of the proposed Project's APE and prepared an amendment to their 2018 report to support the cultural findings and analysis of the proposed Project.

No prehistoric resources were identified within the Project area, but one 1920-50s era historic trash scatter was identified. The cultural resources study, as amended for the Project, concludes that the Project would not impact significant historic or prehistoric archaeological resources so long as (1) the historic site boundary is avoided through implementation of a 25-foot buffer where potentially damaging equipment should be excluded, and (2) archaeological monitoring occurs during any excavation within 100 feet of the site boundary. The Project has been designed to avoid solar development within 25 feet of the site boundary and ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources per recommendation of the Wiyot Tribe and Blue Lake Rancheria.

### **Hazardous Materials**

A Phase I Environmental Site Assessment was also completed for the proposed Project site in October 2022 (Ninyo & Moore) (provided as Attachment 3E - Appendix E - Phase I ESA). The results were consistent with the findings of the 2015 report; hazardous contamination of the Project site was not identified; and no further investigation was recommended. Accordingly, the Project is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment, and no impact would occur.

### **Organic Farming Easement**

On July 13, 2021, the Humboldt County Board of Supervisors adopted Resolution No. 21-76, which approved the Arcata Land Company, LLC Conditional Use Permit Record No. PLN-12255-CUP which authorized 5.7 acres of new commercial mixed-light cannabis cultivation on APN's 506-231-021 and 505-151-011. The Use Permit included certain conditions of approval including COA 27, which states:

The Applicant shall record a conservation and open space easement and/or organic farming easement over an area encompassing a 500-foot width from the eastern boundary of APN's 506-231-022 and 505-151-012.

Arcata Land Company, LLC elected to grant an organic farming easement rather than a conservation and open space easement. Roughly 75% of the proposed project will be within the easement. Key paragraphs within the easement deed relevant to this project read as follows:

1. All farming and agricultural uses on the Easement Area shall be conducted using organic methods using only natural fertilizers and pesticides. No synthetic pesticides or fertilizers shall be utilized or stored within or on the Easement Area. "Farming and agricultural uses", for purposes of this Grant, shall mean the cultivation, production, and harvesting of crops, trees, and plants, and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control.
2. Grantor reserves the right to (1) follow the Easement Area; (2) manage the Easement Area as

open space; (3) improve the Easement Area, including but not limited to construction or installation of roads or trails, irrigation ditches, ponds, or conveyances, lighting, fencing, and utility systems; (4) erect greenhouses, hoop houses, and similar structures within the Easement Area; (5) install and operate ancillary uses, including but limited to storage sheds, equipment sheds, agricultural processing structures and structures and systems such as energy generation systems and facilities that support agricultural activities; (6) derive income from any and all uses of the Easement Area not in conflict with Paragraph 1 hereinabove.

As the proposed project will utilize only organic agricultural practices, and the easement deed allows for energy generation systems, the proposed project comports with the intent of the deed.

**Agricultural and Land Use Policy: Agricultural Land Conversion - No Net Loss, Agricultural Production in Conservation Areas, and Protect Productive Agricultural Soils.**

The General Plan’s Land Use Element identifies “Utilities & Energy Facilities” on lands designated AE (Agriculture Exclusive) (Table 4-G) as an “allowable” use of the land. This is balanced with policies, implementation measures and standards that call for preservation of prime farmland and conservation easements. Three of these policies significant to the proposed project are AG-P6 which calls for a “no net loss” of agricultural lands, AG-P7 which calls for continued agricultural production in conservation areas, and AG-P16 which calls for the protection of productive agricultural soils.

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;
- 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.

General Plan Policy AG-P7 reads as follows:

**Agricultural Production in Conservation Areas.** The County shall support continued agricultural production on lands placed into conservation easements or acquired by public agencies for conservation purposes. Enforceable provisions contained in terms of sale, deeds and conservation easements shall require continued management for agricultural production.

General Plan Policy AG-P16 reads as follows:

**Protect Productive Agricultural Soils.** Development on lands planned for agriculture (AE, AG) shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or non-agricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.

The current use of the property is for quinoa production. 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 “Agrovoltaic” 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 second time this concept has been applied in Humboldt County. The first of which was the Hatchery Road Solar Project in Blue Lake that was approved on April 1, 2021.

The applicant wants an agricultural activity that would minimally interfere with the production of power and has indicated a preference for maintain pollinator habitat, grazing, and the keeping of honeybees. 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 pollinator habitat can have a beneficial impact on surrounding pastureland and even timberland.

Mitigation is in place for the project to maintain consistency with General Plan Policy AG-P6, and applies to AG-P7 as well, to prevent a net reduction in land base and agricultural production. The Project sponsor will maintain continual operation of agricultural uses on the property. Besides maintaining pollinator habitat, 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 will 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 will be subject to review by the Planning Director to confirm the effectiveness of the agricultural operations.

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, or restoration efforts focused on removal of equipment.

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. 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. The project design, which proposes 5,000 square feet of impermeable surface as part of a 30-acre project, is consistent with Plan Policy AG-P16.

### **Neighborhood Outreach Meeting**

The County held a Neighborhood Outreach Zoom Meeting on November 16, 2022, with the intent present to project to the neighborhood and to address any questions regarding the proposed project. The meeting invite was sent to addresses within 1,500 feet of the proposed project parcel boundaries. Staff introduced the project in the meeting, followed by a presentation by the applicant. Five citizens attended the Zoom meeting. After the

presentation by the applicant, staff asked the attendees if there were any questions. There were none. The meeting was then adjourned.

### 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. 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.

### Humboldt Bay Municipal Water District (HBMWD) Water Transmission Line Easement

On January 9, 2023, the County Planning and Building Department (Department) received a comment from HBMWD concerning their 30-foot-wide waterline easement (Easement) that transects the project site. Following is a summary of the comment. The full comment is included in Attachment 5.

*HBMWD owns a water line easement and additional rights over the parcel for the proposed project. Although our easement is called out on the Figure A-1, the dimensions of our easement are not clearly identified. Furthermore, our easement contains additional development restrictions that need to be conditioned on the project. Finally, our easement also contains broad egress and ingress rights to access our easement, maintain or relocate our pipelines, etc.*

*In order to utilize the maintenance rights granted within the easement, HBMWD requires an additional 15-foot buffer on either side of the 30-foot pipeline easement for a total of 60 feet. Common construction equipment such as excavators and dump trucks require a 15-foot-wide access. In addition, multiple access point locations need to be identified.*

The comment was shared with the applicant and the applicant stated that this would not be feasible as they would be losing an additional 30 feet of usable land along the length of the Easement. In an attempt to resolve the concerns of both parties, the Department arranged a virtual meeting to discuss the issue. In attendance were County staff, the applicant and applicant’s counsel, and a HBMWD representative. After much discussion and consideration, the following condition of approval was drafted : The applicant shall enter into a license agreement with HBMWD to allow HBMWD to utilize the proposed 15-foot-wide maintenance road adjacent to the 30-foot Easement, and where the maintenance road no longer borders the Easement, a 15-foot-wide strip of land along the south side of the Easement, to allow access to and maintenance of the water lines, on the condition that (1) HBMWD may use the 15-foot-wide maintenance road and/or 15-foot-wide strip only when it is not reasonably able to confine its activities to the Easement; and (2) if HBMWD removes any portion of the project perimeter fence in connection with its use of the 15-foot-wide maintenance road and/or 15-foot-wide strip, the fence shall be promptly replaced at the expense of HBMWD. The license agreement shall include an exhibit depicting the license area, standard insurance, indemnity, and reserved rights provisions, and shall terminate automatically at such time that the project is decommissioned. Except in the event of an uncured default, as specified in the license agreement, the license shall be irrevocable while the project remains in

operation and shall bind any successors of applicant. (Condition A.4)

### **Environmental Review**

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The IS/MND was circulated from November 30, 2022, to December 30, 2022, at the State Clearinghouse. No comments were received during the circulation period.

### **OTHER AGENCY INVOLVEMENT:**

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 4)

### **RECOMMENDATIONS:**

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit.

### **ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

Staff prepared a thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

### **ATTACHMENTS:**

1. Draft Resolution
  - A. Conditions of Approval
  - B. Mitigation and Monitoring Report
  - C. Project Description and Operations and Maintenance Plan
  - D. Site and Utility Plan
2. Location Map Set
3. Draft Initial Study and Mitigated Negative Declaration
  - A. Appendix A - Figures
  - B. Appendix B - Biological Resources Assessment
  - C. Appendix C - Jurisdictional Wetland Delineation Report
  - D. Appendix D - FEMA Letter of Map Amendment
  - E. Appendix E - Phase I ESA

4. Referral Agency Comments and Recommendations
5. Public Comment

Applicant

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Owner

Arcata Land Company, LLC  
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Agent

None

Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us), if you have any questions about the scheduled item.