

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

Resolution Number: 24-

Record Number: PLN-2023-18263

**Assessor's Parcel Numbers: 501-201-034, 508-191-014, 508-224-047, 513-151-008,
515-041-013, 515-041-020, 515-141-008, 515-151-029, 515-251-003, 517-101-001,
517-111-001, 517-121-005, 517-121-011, 517-131-016, 518-051-018, 518-072-008,
518-075-003, 519-311-012, and 520-211-001**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Pacific Gas & Electric Company Vegetation Management and Tree Removal Coastal Development Permit and Special Permits.

WHEREAS, Pacific Gas & Electric Company has submitted an application and evidence in support of approving a Coastal Development Permit and Special Permits to perform vegetation management along the Orick 1102, Big Lagoon 1101, Trinidad 1102, Trinidad 1101, Arcata 1105, and Arcata 1122 12-kilovolt (kV) electrical distribution lines, including removal of twenty-seven (27) trees; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Planning Division, as the Lead Agency, has determined that the project qualifies for categorical exemptions from environmental review pursuant to Section 15301 *Existing Facilities* and Section 15304 *Minor Alterations to Land* of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Special Permits (Record Number PLN-2023-18263); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on December 5, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit and Special Permits, 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 Coastal Development Permit (CDP) and Special Permits (SP) to allow Pacific Gas & Electric Company (PG&E) to perform vegetation management along the Orick 1102, Big Lagoon 1101, Trinidad 1102, Trinidad 1101, Arcata 1105, and Arcata 1122 12-kilovolt (kV) electrical distribution lines. Work would include the removal of 27 trees at 27 locations. A Special Permit is required for major vegetation removal under Section 313-64.1 *Major Vegetation Removal* of the Humboldt County Zoning Regulations. Equipment to be utilized for this project will include hand and gas-powered tools (chainsaws, hand saws, pruners, chipper, and lift truck where accessible). No ground disturbance in the form of excavation is associated with this work, nor would herbicide be utilized. Tree crews will use existing roadways, driveways, and hiking trails as appropriate. No development is proposed under the project. A Special Permit is required for Design Review where necessary.

EVIDENCE:

a) Project File: PLN-2023-18263

2. FINDING:

CEQA: The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed project is exempt from environmental review pursuant to Section 15301 *Existing Facilities* and Section 15304 *Minor Alterations to Land* of the State CEQA Guidelines.

EVIDENCE:

- a) The Class 1 exemption applies to the operation, repair, maintenance, permitting, licensing, or minor alterations of existing or private structures, facilities, mechanical equipment, or topographical features, including existing facilities of both investor and publicly owned utilities to provide electric power, involving negligible or no expansion or existing or former use. No work is proposed to the electrical distribution lines themselves. However, vegetation management activities would occur in order to maintain safe and reliable electric service and mandated clearance to comply with federal and State regulatory requirements for public safety and fire prevention.
- b) The Class 4 exemption applies to public and private alterations in the condition of vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

Vegetation to be removed poses a threat to overhead electrical facilities and/or includes dead/dying trees due to drought and beetle infestation.

- c) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMITS

3. FINDING:

The proposed development is in is in conformance with all applicable policies and standards in the Humboldt Bay Area Plan (HBAP), McKinleyville Area Plan (MCAP), Trinidad Area Plan (TAP), and the North Coast Area Plan (NCAP) of the Humboldt County Local Coastal Program.

EVIDENCE:

- a) The subject properties are currently utilized for a variety of uses, including residential, agricultural, timberland, and public uses. The proposed tree removal constitutes major vegetation removal and is a use accessory to the current residential, agricultural, timberland, and public uses of the subject properties. The purpose of the tree and vegetation removal is to remove vegetation that poses a threat to existing overhead electrical facilities and is dead/dying due to drought and beetle infestation in order to provide safe and reliable electrical service and maintain the mandated clearance levels to comply with federal and state regulatory requirements for public safety and fire protection.
- b) The project will not add to nor subtract from the Housing Inventory. The project permits the removal of vegetation along existing electrical distribution lines, which includes the removal of 27 trees at 27 locations, and will not affect the existing residential, agricultural, timberland, and public use of the properties. The project is consistent with the County’s Housing Element.
- c) The project would not be anticipated to have significant impacts on sensitive species, watercourses, or sensitive habitats. A *Biological Constraints Report* (Biological Report) was prepared by Stantec on May 15, 2023. The Biological Report notes that the project work would occur in areas with potential habitat for special status wildlife and plant species, and nesting birds. The project also includes removal of one tree within approximately 230 feet of an intermittent stream and that nesting habitat for marbled murrelet and northern

spotted owl may be located within 165-330 feet of the work areas, with potential habitat for several other special status species within or near the work area.

However, work associated with the project falls within PG&E's *Multi Region Operations and Maintenance Habitat Conservation Plan* (MRHCP). All work locations fall under the MRHCP activity type E10a (Vegetation Management Routine Maintenance). The MRHCP provides PG&E with federal take authorization for all gas and electric operation and maintenance activities in the Plan Area during the 30-year permit term. In addition, PG&E proposes implementation of standard Vegetation Management best management practices (BMPs) and avoidance and mitigation measures in accordance with the MRHCP. Implementation of these practices and measures would minimize impacts and no risk of substantial adverse impacts is anticipated. The California Department of Fish and Wildlife (CDFW) had no comments in response to the project referral. Conditions of approval require implementation of these measures and prohibit the use of herbicides under the project to ensure impacts associated with the project are minimized.

- d) The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Blue Lake Rancheria, Trinidad Rancheria, Wiyot Tribe, and the Yurok Tribe. Comments were received from the Trinidad Rancheria and Bear River Band of the Rohnerville Rancheria in February 2024. The Trinidad Rancheria noted the project is within their Area of Concern and requested to be updated should the project scope change and/or if any cultural resources are discovered. The Bear River Band requested inclusion of the standard inadvertent discovery protocol. A Cultural Resources Summary was provided by the applicant (on file and confidential). Due to the lack of ground disturbance associated with the project, the Report noted there is a low risk of impacting cultural resources. The proposed work will include the implementation of standard BMPs, which includes Inadvertent Discovery and Human Remains protocols, in addition to additional Resource Protection Measures. Compliance with these measures has been included in the conditions of approval.
- e) There would be no significant change to visual resources as a result of the proposed project. The project would result in the removal of 27 dead/dying trees due to drought and beetle infestation in 27

locations, which spans 19 individual parcels. Tree removal is an allowed accessory use to the residential, agricultural, timberland, and public use of the site.

4. FINDING: The proposed development is consistent with the purposes of the existing zoning in which the sites are located.

EVIDENCE: a) The project areas encompass lands zoned Rural Residential Agriculture (RA), Residential Single Family (RS), Agriculture Exclusive (AE), Public Recreation (PR), Commercial Timber (TC), and Timberland Production Zone (TPZ). The project would authorize the removal of 27 trees, which will not conflict with the allowable uses of the zoning districts. In addition, major vegetation removal is an allowed accessory in all zones with a Special Permit.

b) The proposed development is consistent with the purposes of the existing Archaeological Resource Area Outside Shelter Cove (A), Beach and Dune Area (B), Design Review (D), Coastal Elk Habitat (E), Flood Hazard Area (F), Alquist Priolo Fault Hazard (G), Manufactured Home (M), Rocky Intertidal Areas (O), Modified Building Standards Including Provision for Manufactured Homes (SM), Streams and Riparian Corridor (R), Modified Building Standards Including Provision for Manufactured Homes (SM), and Coastal Wetlands (W) combining zones in which the sites are located. Technical documentation has been submitted showing that the vegetation removal is consistent with applicable development standards of the zone districts. As previously discussed, the project is not anticipated to have significant impacts on sensitive species, watercourses, or sensitive habitats, and, due to the lack of ground disturbance associated with the project, it is anticipated there would be a low risk of impacting cultural resources. Additionally, the project would not be anticipated to significantly impact beach and dune areas, coastal elk habitat, rocky intertidal areas, streams and riparian corridors, or coastal wetlands. However, in order to ensure potential impacts are minimized to the greatest extent feasible, the applicant proposes implementation of best management practices (BMPs) related to protection of biological and cultural resources. Conditions of approval require implementation of the BMPs, as well as prohibiting the use of herbicides under the project to ensure impacts associated with the project are minimized.

c) The trees being removed meet the definition of “major vegetation” as they exceed the diameter of 12 inches as measured at breast

height (4-1/2 feet above ground). Major vegetation removal constitutes “development” as defined by the Coastal Act requiring approval of a Coastal Development Permit. The tree removal is intended to provide safe and reliable electrical service and maintain the mandated clearance levels to comply with federal and state regulatory requirements for public safety and fire protection. The major vegetation is not commercial timber production if the costs of tree removal and permitting exceed the value received from the wood products generated. The project is conditioned to require submittal of documentation to ensure that the tree removal is not a for-profit (i.e., commercial) activity. Additional conditions have been applied to the tree removal activity to avoid injury to nesting birds, limiting hours and days of operation, and specifying appropriate measures for slash disposal.

- d) Design review is required for the project where the Design Review (D) combining zone applies to the subject properties in accordance with Section 313-19.1 *D: Design Review* of the Humboldt County Zoning Regulations. No development is proposed under the project, nor would the project involve ground disturbance in the form of excavation. The project is proposed in order to maintain safe and reliable electric service and mandated clearance to comply with federal and State regulatory requirements for public safety and fire prevention and remove dead/dying trees due to drought and beetle infestation. The project would not be anticipated to substantially impact the visual character and quality of the surrounding area as the project would protect natural landforms to the greatest possible, would not introduce additional exterior lighting, and would not include off-premises signs.

5. FINDING: Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The Coastal Development Permit and Special Permits will authorize PG&E to maintain their existing easement and do not authorize any structural development that would require a Building Permit that would in turn legitimize a parcel created in violation of the Subdivision Map Act.

6. 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 project will not pose detrimental threats to properties in the vicinity nor pose any kind of public health hazard.

7. 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) The subject parcels are currently utilized for residential, agricultural, and public use and no additional development is proposed. The project is consistent with the County's 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
- Conditionally approve the Coastal Development Permit and Special Permits for the Pacific Gas & Electric Company subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **December 5, 2024**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

I, John H. 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 H. Ford, Director
 Planning and Building Department