

ATTACHMENT A: RECOMMENDED FINDINGS FOR APPROVAL

- 1.0 CEQA FINDINGS** (Pursuant to PRC §21081 and the CEQA Guidelines §§15090 and 15091)
- 1.1 CONSIDERATION OF THE EIR:** The Planning Commission has considered the Environmental Impact Report (06EIR-00000-00004; SCH #2006071008) together with comments received and considered during the public review process. The Environmental Impact Report reflects the independent judgment of the Planning Commission, has been completed in compliance with CEQA, and is adequate for the Lompoc Wind Energy Project.
- 1.2 FULL DISCLOSURE:** The Planning Commission finds and certifies that the Final EIR constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.
- 1.3 LOCATION OF RECORD OF PROCEEDINGS:** The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Secretary to the Planning Commission, County Planning and Development Department located at 123 E. Anapamu Street, Santa Barbara, CA 93101.
- 1.4 UNAVOIDABLE IMPACTS ARE MITIGATED TO MAXIMUM EXTENT FEASIBLE:** The Final EIR for the Lompoc Wind Energy Project identifies 3 significant environmental impacts that would result from the full Project proposed for Planning Commission approval, which cannot be fully mitigated and are therefore considered unavoidable. The impact areas are biological resources and aesthetic/visual resources.

To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. Each of these "Class I" impacts identified by the Final EIR are discussed below, along with the appropriate findings as per CEQA Section 15091:

Additionally, there is one significant, unavoidable impact that would result from the proposed PG&E power line, which is not under County jurisdiction for approval; this impact would be rendered less than significant by adoption of an alternative power line route identified and recommended in the EIR (Section 5.3.2, *Power Line Alternative 1*). If PG&E selected any route other than this Alternative, additional CEQA environmental review and permitting might be required, with California Public Utilities Commission as lead CEQA agency.

Aesthetic/Visual Significant Impacts (EIR Section 3.2.5.6):

Impact VIS-1. Wind turbine generators (WTGs) will be visible from public viewing areas on San Miguelito Road near the project site, causing significant, unavoidable visual impacts. Short term visual impacts due to construction will be reduced by mitigation measures that restrict location of construction activities and materials storage. Visual impacts of the built project will be reduced by other mitigation measures, including requirements of a Landscape and Lighting Plan, WTG matte finish and neutral color, and limiting WTG lighting to that required by FAA. These mitigation measures are required as conditions of approval for the project. However, due to the large scale of the WTGs (up to 397 feet tall), there is no feasible way to screen them from view, and there are no known measures that would further reduce the visual impacts.

Impact VIS-2. Wind turbine generators (WTGs) will be located mainly on and near ridgelines, which is technically necessary to exploit the wind resource effectively. Due to their size and ridgeline siting, WTGs will be visible from long distances and cause significant impacts to views from San Miguelito County Park and Jalama Beach County Park (at distances of 1+ miles and 4.5 miles from the project site, respectively). Conditions of approval concerning WTG lighting and WTG finish and color will minimize visual impacts. However, due to the large scale of the WTGs, there is no feasible way to screen them from view, and there are no known measures that would further the visual impacts.

Biological Resources Significant Impacts (EIR Section 3.5.7.3):

Bio-10. Collisions with WTGs during operation of the Lompoc Wind Energy Project will result in fatalities of an unknown number of birds and bats, which may include endangered, protected, or other special status species. The impacts are potentially significant and are unavoidable. The numbers of fatalities of different species cannot be predicted accurately and depend on many complex factors that are not well understood by present-day science. Options for reducing potential impacts are limited. A primary consideration is to avoid locating wind energy projects in areas of heavy bird or bat usage. Baseline studies in the EIR indicate that the Lompoc Wind Energy Project site has relatively low bird and bat usage compared to existing, high-mortality wind farm sites, and on that basis the project is not expected to kill exceptionally large numbers of birds or bats. WTGs would be located mainly on and near ridgelines, which is a technically necessary to exploit the wind resource efficiently. Ridgeline siting may increase risk to some raptor species. The project layout avoids placing WTGs in wooded areas that could attract birds or bats and thereby increase collision risk.

Mitigation measures have been developed to reduce potential for bird or bat collisions with WTGs and other project structures. These measures include: 1) buffer zones between WTGs and areas likely to attract birds and bats (e.g., raptor nests, riparian zones); 2) project design features (e.g., ungued meteorological towers, underground power lines); and 3) a Monitoring and Adaptive Management Plan. This mitigation plan is designed to collect information on bird/bat activity in the project area, monitor bird/bat fatalities during project operations, and respond with specific measures if mortality exceeds stipulated thresholds. These adaptive management measures include habitat modifications to reduce bird/bat attraction to the site, project design modifications, conservation research on affected species, and contributions to programs to enhance recovery of affected species or better understand bird/bat interactions with wind farms. It is technically infeasible, in advance of construction, to predict where or when fatalities will occur with enough precision to prevent the impacts. However, the adaptive management plan provides reactive options that may reduce future mortality, including possible limited curtailment of operations to prevent extreme impacts, in cases where they can be predicted.

Additional mitigation measures were considered in an effort to identify additional, feasible options to prevent bird/bat fatalities or compensate in advance for potential fatalities. Measures considered include more open-ended WTG shutdown requirements and offsite conservation easements. Such options were dismissed for three reasons: 1) Shutdowns would not be effective in preventing fatalities, unless fatalities occur in a pattern that allows prediction of which specific WTG(s) will cause excessive fatalities at certain times and/or under certain conditions in the future. Shutting WTGs down in response to fatality events has little or no value as prevention unless such a pattern is demonstrated. 2) WTG shutdowns may be inconsistent with the stated project objectives, in particular: *“To develop an economically viable wind energy project that will support commercially available financing.”* While limited shutdowns could in some cases be a justified and feasible preventative measure, requirements for shutdowns that are discretionary or open-ended have potential to destroy project economic viability or preclude project financing,

and thus are infeasible. 3) Offsite conservation easements or habitat enhancements must be located sufficiently far away from the wind farm that they do not attract birds to the vicinity. The nexus between bird/bat fatalities at the project site and distant, offsite habitat conservation easements or enhancement measures is very weak, particularly given the abundance of similar habitat throughout the project vicinity and region.

These points considered, the mitigation measures, detailed in EIR Section 3.5.7.5 as amended on September 30, 2008, will provide maximum feasible mitigation for the significant impacts to birds and bats resulting from collisions with WTGs. No other feasible measures are known that would further mitigate these impacts.

1.5 FEASIBLE MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL:

In addition to the significant, unavoidable impacts described above, the Final EIR for the Lompoc Wind Energy Project identified 27 significant but mitigable (Class II) impacts in the following subject areas: Air Quality, Biological Resources, Cultural Resources, Fire Hazards and Emergency Services, Geology/Soils, Land Use, Noise, Paleontological Resources, Risk/Safety, Traffic/Circulation, and Water Resources. These Class II impacts are identified in Table 4 and discussed in Section 6.1.1.2 of the September 30, 2008, Planning Commission staff report. The mitigation measures recommended in the Final EIR and adopted as conditions of approval for this project will reduce all of these potentially significant impacts to less than significant levels.

1.6 MITIGATION WITHIN THE JURISDICTION OF ANOTHER PUBLIC AGENCY:

The 115 kV power line for the project will be constructed by PG&E. Although it is described in the Final EIR, it is not part of the project being approved by the Planning Commission, being under the sole jurisdiction of the California Public Utilities Commission (CPUC). The power line, as described in the Final EIR Project Description (including specified Avoidance and Protection Measures) and the route specified in and with the Power Line Alternative 1, will not result in significant environmental impacts. If PG&E were to deviate from the project description or route, potentially causing significant impacts that were not identified in the EIR, the matter would be within the responsibility and jurisdiction of CPUC to resolve.

California Department of Fish and Game (CDFG) is expected to require an incidental take permit pursuant to California Fish & Game Code (F&G Code) Sec. 2081 for impacts to Gaviota tar plant and also a streambed alteration agreement pursuant to Sec. 1602. CDFG staff have indicated that, based on either Sec. 2081 or 1602, they may decide to assume jurisdictional authority over the mitigation program for impacts to birds and bats resulting from WTG collisions. CDFG does not have explicit permitting authority applicable to bird and bat impacts and cannot issue “incidental take permits” for California fully protected species. However, unintentional take of such species carries criminal penalties under F&G Code, which CDFG is responsible to enforce. If CDFG, as a Responsible Agency, takes over implementation of the applicable mitigation measure (Bio-Wildlife-16), the County would not be involved in oversight or monitoring.

1.7 NO FEASIBLE ALTERNATIVE IDENTIFIED: The Final EIR for the Lompoc Wind Energy Project evaluated four alternative project locations, two reduced project alternatives, and the “no project” alternative as methods of reducing or eliminating potentially significant environmental impacts. These alternatives are infeasible for the reasons stated below.

Alternative routes for the 115 kV power line that is necessary for the project to operate were also considered in the EIR. One of these routes (Power Line Alternative 1) was found feasible and is recommended to minimize environmental impacts. As the power line is not part of the project subject to County approval, it is not discussed further here.

Alternative Sites. The selection of alternative sites evaluated in the EIR was based on a recent study that compares potential wind energy project sites in Santa Barbara County (Community Environmental Council, *A New Energy Direction: A Blueprint for Santa Barbara County*, November 2007). The sites considered are:

- Zaca Lake Region, consisting of over 25 miles of ridge crest approximately 10 miles northeast of Los Olivos and Santa Ynez near Zaca Lake;
- The Channel Islands of Santa Cruz, San Miguel, and Santa Rosa;
- Offshore areas near Vandenberg Air Force Base;
- The Hollister Ranch Region, consisting of the hill crests north of the Hollister Ranch.

The alternative sites were found infeasible based on site suitability issues, inadequate infrastructure, lack of consistency with the County General Plan and regulations, and ability to gain site control and economic viability. The alternative sites would not avoid or substantially reduce environmental impacts, and could increase impacts, particularly in the areas of aesthetic/visual resources, biological resources, archeological and paleontological resources, and land use/planning. In addition, the alternative would fail to achieve some of the project objectives due to the delays and uncertainties associated with developing a wind project at these sites, all of which would present significant regulatory or environmental hurdles.

Reduced Project. Two reduced project alternatives were considered in the Final EIR:

- Project Alternative 1 would prohibit placing WTGs in locations visible from Jalama Beach and Miguelito County Parks. WTGs would be highly constrained or prohibited along the western part of the southernmost ridge and the northeastern area of the project site. This alternative would substantially reduce the Class I visual impacts, but visual impacts (Impact VIS-1) would remain significant. It would potentially also reduce the Class I impacts to birds and bats and several Class II impacts, depending on the final project layout.
- Project Alternative 2 would include the restrictions of Project Alternative 1, but would further limit the project to a single construction phase. It would also limit total power generating capacity to 82.5 megawatts, the amount of the proponent's power purchase agreement with PG&E. This alternative would reduce Class I impacts to birds and bats and several Class II operational impacts to a greater degree than Alternative I. It would also reduce construction-related impacts by limiting construction to a single phase. Project Alternative 2 is identified as the Environmentally Superior Alternative (EIR Section 5.4.4), because significant operational and construction impacts would be less than the proposed project or Project Alternative 1.

The Planning Commission finds Project Alternatives 1 and 2 infeasible and rejects them in favor of the proposed project, for the following reasons. These alternatives would prohibit WTGs in areas of prime wind resources and limit the generation capacity of the project in the most productive areas. The project proponent states that the restriction of WTGs along the southern ridges would make these project alternatives economically infeasible. Although the County has not been provided with the proponent's proprietary wind study data or financial analysis, County staff have independently verified that the southern ridge has much greater wind resource potential than the rest of the project site. Wind resource maps obtained from the California Energy Commission show that the wind power potential along the southern ridge ranges from Class 3 to 6, on a scale of 1 to 7, whereas the rest of the project site is in the range of Class 1-4. The only large acreages in buildable areas with Class 5-6 wind potential are located on the western part of the southern ridge. The wind resource maps strongly support the proponent's contention that the alternatives are economically infeasible.

Furthermore, limiting the project to less than its commercial power generation potential would not fully realize the public and private project objectives or benefits, including development of alternative energy sources, sustained viability of agricultural uses, and additional tax revenues.

No Project. This alternative would result in no environmental impacts, but would fail to meet any of the proponent's project objectives, as outlined in Section 1.3 of the Final EIR. Furthermore it would fail to provide any of the identified project benefits or satisfy any of its public objectives, including development of alternative energy sources, sustained viability of agricultural uses, and additional tax revenues. Therefore, the "no project" alternative is rejected.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS: The Final EIR for the Lompoc Wind Energy Project identifies project impacts to Aesthetic/Visual Resources and Biological Resources as significant environmental impacts which are considered unavoidable. The Planning Commission therefore makes the following Statement of Overriding Considerations which warrant approval of the project notwithstanding that all identified significant impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

1. The project will generate up to 285 million kilowatt hours of clean, renewable wind power annually, which will help meet regional energy needs in an efficient, sustainable, and environmentally sound manner. (See Class IV Impact *EEU-1*, EIR Section 3.7.3.3.) This will support the United States Department of Energy goal of increasing the overall use of wind power to generate electricity and assist California in meeting its legislated Renewable Energy Portfolio standards for the generation of renewable energy in the state. The Energy Element of the Santa Barbara County Comprehensive Plan recognizes the environmental and economic benefits of alternative energy generation and encourages development of alternative energy technologies in the County. (See EIR Sections 3.7.2.1 to 3.7.2.3.)
2. The project will offset the need for additional electricity generated from fossil fuels and thereby assist the California in meeting its air quality goals and reducing greenhouse gas emissions. (EIR Section 4.5.3.1.)
3. The project is compatible with the existing agricultural use. It will promote the long-term economic viability of agricultural uses in the Santa Barbara County by providing financial support to property owners, who can use the funding to enhance agricultural operations. Project road maintenance will also enhance agricultural operations by improving access throughout the project properties. (See Class IV Impact *AG-1*, EIR Section 3.3.3.3.)
4. The project will provide Santa Barbara County, school districts, and special districts, including the Lompoc Hospital with additional tax revenues. (See Staff Report for Planning Commission hearing September 30, 2008, Section 6.1.1.4).

1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM: Public Resources Code Section 21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

These conditions also require that an Environmental Quality and Assurance Program (EQAP) be prepared to ensure compliance during project implementation with those measures included in the

project description and with those conditions imposed on the project in order to mitigate or avoid significant effects on the environment.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Pursuant to Subsection 35.82.060.E.1 of the Santa Barbara County Land Use and Development Code, a Conditional Use Permit application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

- a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The project properties encompass 2,950 acres, which will accommodate the proposed 65 wind turbine generators (WTGs) without adversely affecting its primary use for commercial agriculture. The site is well-suited for a wind farm, due to high wind resource potential on over the ridges and its relatively remote, rural location, which minimizes compatibility issues and visual, noise, and safety impacts.

- b. Environmental impacts. Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.

As discussed in Section 6.1 of the Staff Report for the Planning Commission hearing September 30, 2008, and the CEQA findings above, the significant environmental impacts will be mitigated to the maximum extent feasible. Significant, unavoidable impacts to Aesthetic/Visual and Biological Resources cannot be mitigated to a less than significant level and are addressed in CEQA Finding 1.8, above.

- c. Streets and highways are adequate and properly designed.

Road construction is limited to gravel access roads on the project properties. The final project layout and grading plans are subject to County approval. Any damage to public roads during construction will be restored following construction, pursuant to conditions of approval (Traf-1 to Traf-3). No more than 10 employees will be present on the project site during normal operations, and the additional traffic generated on San Miguelito Road will not affect the level of service (rated A).

- d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

Fire, police, and emergency services are discussed in Section 3.8 of the EIR. The project is not expected to significantly increase demand for services. The project proponent will submit a fire protection plan prior to issuance of a Land Use Permit, which among other things will address the need for “dedicated repeaters” to summon fire or emergency services in case of phone system outages. The project will have low water needs, estimated at up to 500 gallons per day, which will be supplied by a low-producing, onsite well or spring. Project water use will not affect any mapped groundwater basin. Water to fill the fire water tank may be trucked in to the site if necessary. Sewage disposal will be by means of a leach line system near the Operations and Maintenance building, which will be installed pursuant to County Code.

- e. The project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

The project is situated in a relatively remote, rural location, surrounded by agriculturally zoned properties and undeveloped Vandenberg land. It is not located in a conventional neighborhood. Most of the properties that are in the immediate project vicinity and will be within view of the WTGs or exposed to the project during ongoing operations are project participants, which will minimize visual compatibility issues. The project will be compatible with the surrounding agricultural uses, and will not be detrimental comfort, convenience, general welfare, health, or safety of the neighborhood. Potential noise and safety impacts will be mitigated to less than significant by conditions of approval.

- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in detail in Section 6.2 of the Staff Report for the Planning Commission hearing September 30, 2008, the project, as conditioned and with adoption of the requested Variance, is consistent with the Comprehensive Plan. As discussed in Section 6.3 of the Staff Report, it also complies with the County's Land Use and Development Code, in particular Chapter 35.57 Wind Energy Systems.

- g. In designated rural areas the use will be compatible with and subordinate to the rural and scenic character of the area.

The County's Comprehensive Plan Visual Resources Policy 2 states: "In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places." Commercial wind farms are a permitted use in rural agriculturally zoned area, and are exempted from restrictions on height and ridgeline placement of WTGs based on technical feasibility (County Land Use and Development Code Sec. 35.30.090.E.3.d; 35.57.050.K). The height, scale, and design of the WTGs and power poles are dictated by technical requirements, and impacts would be mitigated to the maximum extent feasible. Therefore, the project is consistent with policy and compatible with the rural character, to the maximum extent feasible in consideration of technical requirements. (See also Section 6.2 of the Staff Report for the Planning Commission hearing September 30, 2008.)

2.2 VARIANCE FINDINGS

Pursuant to Subsection 35.82.200.E of the Santa Barbara County Land Use and Development Code, a Variance application shall be approved or conditionally approved only if the review authority first makes all of the following findings:

- a. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.

County Land Use and Development Code (Sec. 35.57.050.G) requires wind turbine generators (WTGs) to be set back from property lines a distance equal to the full system height, including blades (up to 397 feet) . The variance application requests that the setback be reduced to the WTG blade length (up to 135 feet) from adjacent properties that

are project participants and along the Vandenberg property line. The WTG blades would in no case overhang the property lines. The variance would not apply along property lines of adjacent properties that are not project participants, on the north and east project perimeter. The reason for the variance request is that in some cases the property lines follow ridge line, and it is necessary to site the WTGs close to the ridgeline in order to best exploit the wind resource. Shifting WTGs up to 397 feet away from the ridgeline to comply with Code would fail to capture the maximum wind energy and place the WTGs on steeper slopes, creating engineering difficulties, unnecessary environmental impacts, and increased costs. Thus, the location of the property lines in relation to ridgelines deprives some project properties of the use of prime WTG sites. The variance would remedy this situation to the extent feasible.

- b. The granting of the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.

As this is the first large-scale wind farm in the County and the first variance request of its kind, the WTG setback restrictions have not previously been addressed for other projects or properties. It is anticipated that similar variances would be granted for future projects under the same circumstances.

- c. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan.

The variance would not conflict with any Code requirement, would not create any safety concerns, and would support Comprehensive Plan Energy Element Goal 5, which encourages development of alternative energy sources.