ATTACHMENT 1: FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND CEQA GUIDELINES SECTIONS 15090 AND 15091

1.0 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Environmental Impact Report (11EIR-00000-00005) was presented to the Santa Barbara Board of Supervisors, and all voting members of the Board of Supervisors have reviewed and considered the information contained in the Final EIR (11EIR-00000-00005) and its appendices prior to approving the project. In addition, all voting members of the Planning Commission have reviewed and considered testimony and additional information presented at or prior to public hearing on July 22, 2014. The Final EIR reflects the independent judgment and analysis of the Board of Supervisors and is adequate for this proposal.

1.1 FULL DISCLOSURE

The Board of Supervisors finds and certifies that the Final EIR (11EIR-00000-00005) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and certifies that the Final EIR has been completed in compliance with CEQA.

1.2 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

1.3 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final EIR for the Proposed Project identifies environmental impacts which cannot be fully mitigated and are therefore considered unavoidable (Class I). Those impacted resources are: Aesthetics and Visual Resources, Agricultural Resources, and Land Use. 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. For each of these Class I impacts identified by the Final EIR (11EIR-00000-00005), feasible mitigation have been required in, or incorporated into, the project, which are intended to substantially lessen the significant environmental effect but not to less than a significant level.

The Proposed Project has two components: the Comprehensive Plan/Land Use Development Code Amendments (CP/LUDC), which would allow for utility-scale solar photovoltaic facilities on 600 acres of agricultural land in the Cuyama Valley Rural Region, and the physical development and operation of the Cuyama Solar Facility. The discussion of impacts for each issue area below is broken out by each project component. Mitigation (Developments Standards for the CP/LUDC Amendments and Project-specific mitigation measures for the Cuyama Solar Facility) are discussed below:

Aesthetics and Visual Resources

CP/LUDC Amendments.

The EIR identified significant impacts from future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments related to scenic vistas and recreational resources (Impact AV-1), visual character (Impact AV-2), increased night lighting (Impact AV-3), and increased daytime glare (Impact AV-4). The EIR recommends four development standards (Development Standards AV-1, AV-2, AV-3, and AV-4), which are described below.

Impacts to scenic vistas and recreational resources (Impact AV-1) is reduced by requiring utility-scale solar photovoltaic facilities to be located to avoid significant visual impacts to designated or eligible designated scenic highways to the extent feasible (Development Standard AV-1). No other feasible mitigation is known which would further reduce this impact. Due to the potential for scenic vistas to be interrupted with industrial-type elements, the impact of the CP/LUDC Amendments would not be fully mitigated and would remain significant and unavoidable.

Impacts to visual character (Impact AV-2) is reduced by requiring utility-scale solar photovoltaic facilities to apply aesthetic design treatments and maintain all structures to minimize the impact on the existing visual character and quality (Development Standard AV-2). No other feasible mitigation is known which would further reduce the impact. Depending on the location and size of a future solar facility allowed under the CP/LUDC Amendments, the impact of the CP/LUDC Amendments to visual character would remain potentially significant.

Impacts to night lighting (Impact AV-3) is reduced by requiring that all construction and operational lighting associated with utility-scale solar photovoltaic facilities shall be minimized to the maximum extent feasible and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots (Development Standard AV-3). No other feasible mitigation is known which would further reduce the impact. Due to the residual lighting impacts resulting from the adoption of the CP/LUDC Amendments, impacts to night lighting would not be fully mitigated and would remain significant and unavoidable.

Impacts to daytime glare (Impact AV-4) are reduced by requiring solar panels and hardware to be designed to minimize glare and spectral highlighting (Development Standard AV-4). No other feasible mitigation is known which would further reduce the impact. Due to residual daytime glare impacts from solar projects that would result from adoption of the CP/LUDC amendments, impacts to daytime glare would not be fully mitigated and would remain significant an unavoidable.

Cuyama Solar Facility.

The EIR identified significant impacts from the Cuyama Solar Facility related to scenic vistas and recreational resources. (Impact AV-5 and Impact AV-10), visual character (Impact AV-7 and Impact AV-11), increased night lighting (Impact AV-8), and increased daytime glare (Impact AV-9). The EIR recommends three mitigation measures (SPEC-AV-1, SPEC-AV-2, and SPEC-AV-3), which are described below.

Impacts to scenic vistas and recreational resources (Impact AV-5 and Impact AV-10) are reduced by the following Special Mitigation Measures: (1) SPEC-AV-1 requires aesthetic design treatments

to be applied to and maintained for all structures to minimize the impact on the existing visual character and quality, where needed; (2) SPEC-AV-2 requires that all construction and operational lighting shall be minimized to the maximum extent feasible and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots; and (3) SPEC-AV-3 requires that solar panels and hardware shall be designed to minimize glare and spectral highlighting. No other feasible measures are known which would further reduce these impacts. Due to the potential for the Solar Array to substantially alter the character of scenic vistas as viewed from nearby residential neighborhoods and recreational resources in the surrounding region, and due to the strongly contrasting height and character of the Gen-Tie Line poles and Switchyard, these impacts would not be fully mitigated and would remain significant and unavoidable.

Impacts to visual character (Impact AV-7 and Impact AV-11) are reduced by Special Mitigation Measures SPEC-AV-1 and SPEC-AV-3, both described above. No other feasible mitigation measures are known which would further reduce the impact. Due to the strong visual contrast with the existing rural character of the area introduced by the Solar Array, Gen Tie-Line, and Switchyard, their impacts to visual character would remain significant and unavoidable.

Impacts to night lighting (Impact AV-8) is reduced by requiring that the construction and operational lighting associated with the Solar Facility be minimized to the maximum extent feasible and be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots, consistent with OSHA and other applicable safety standards that have requirements for minimum lighting (Special Mitigation Measure SPEC-AV-2). No other feasible mitigation measures are known which would further reduce the impact. Due to the residual lighting impacts resulting from the additional security night lighting and aviation warning lights resulting from the Solar Facility, which would be visible when compared to the surrounding areas, impacts to night lighting would not be fully mitigated and would remain significant and unavoidable.

Impacts to daytime glare (Impact AV-9) are reduced by requiring the Solar Facility's solar panels and hardware to be designed to minimize glare and spectral highlighting (Special Mitigation Measure SPEC-AV-3). No other feasible mitigation measures are known which would further reduce the impact. Due to residual daytime glare impacts from the increased source of glare from the Solar Facility, impacts to daytime glare would not be fully mitigated and would remain significant an unavoidable.

Findings: The Board of Supervisors finds that feasible Development Standards and mitigations measures have been identified in the EIR and adopted into the Proposed Project, which lessen the significant environmental effects identified in the EIR to the maximum extent feasible; however, even with mitigation measures, impacts to aesthetics and visual resources would remain significant and unavoidable. Therefore, the Board of Supervisors finds the Proposed Project's residual impacts to aesthetic and visual resources are acceptable due to the overriding considerations that support approval of the Proposed Project discussed in the Statement of Overriding Considerations.

Agricultural Resources

CP/LUDC Amendments. The EIR identified a significant impact from the CP/LUDC Amendments related to conversion of agricultural land (Impact AG-1). The EIR recommends two development standards (Development Standards AG-1 and AG-2), which are described below.

Impacts related to conversion of agricultural land to non agricultural uses due to future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments are reduced by: (1) Development Standard AG-1 requires permanent preservation of off-site agricultural land at a ratio of 1:1 for net acreage before conversion of prime agricultural land for solar facilities; (2) Development Standard AG-2 requires preparation of a Demolition and Reclamation Plan and financial assurances necessary to guarantee removal of the facility and allow the use of the land to return to agricultural uses or be consistent with current land use plans, policies, and zoning requirements in place at the time of removal. No other feasible mitigation is known which would further reduce the impact. Due to the potential conversion of up to 600 acres of prime agricultural land to non-agricultural use and related reduction of agricultural land productivity attributed to the CP/LUDC amendment, this impact would not be fully mitigated and would remain significant and unavoidable.

Cuyama Solar Facility. The EIR identified a significant impact from the Cuyama Solar Facility related to conversion of agricultural land (Impact AG-2 and Impact AG-3). Beyond the standard mitigation measures included in the EIR (AG-05, Air-01, and WatConv-7), the EIR identified three mitigation measures (SPEC-AG-1, SPEC-AG-2, SPEC-AG-3.

Impacts related to conversion of agricultural land to non agricultural uses from the Solar Facility are reduced by : (1) requiring the applicant to mitigate the loss of agricultural land at a ratio of 1:1 for net acreage before conversion, and requiring a Demolition and Reclamation Plan to allow the use of the land to return to agricultural uses or be consistent with current land use plans, policies, and zoning requirements in place at the time, upon abandonment of project operations, along with financial assurance for demolition and reclamation (special mitigation measures SPEC-AG-1, SPEC-AG-2, and SPEC-AG-3). Standard Mitigation Measure AG-05 requires the owner/applicant to record a buyer notification on a separate sheet, Standard Mitigation Measure Air-09 would require the owner/applicant to comply with dust control components at all times, and Standard Mitigation Measure WatConv-7 would require the owner/applicant to submit proof of exemption or a copy of a Notice of Intent (NOI) and provide a copy of the required SWPPP to Planning and Development. No other feasible mitigation measures are known which would further reduce the impact. Due to conversion of 327 acres of prime agricultural lands on the Solar Array site from present agricultural use to a non-agricultural use, this impact would not be fully mitigated and would remain significant and unavoidable.

Findings: The Board of Supervisors finds that feasible mitigations measures have been identified in the EIR and adopted into the Proposed Project which lessen the significant environmental effects identified in the EIR to the maximum extent feasible; however, even with mitigation measures, impacts to agricultural resources would remain significant and unavoidable. Therefore, the Board of Supervisors finds the Proposed Project's residual impacts to agricultural resources are acceptable due to the overriding considerations that support approval of the Proposed Project discussed in the Statement of Overriding Considerations.

Land Use and Planning

CP/LUDC Amendments.

The EIR identified a significant impact related to incompatible development and/or use with surrounding land uses attributed to future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments (Impact LU-1). No other feasible mitigation is known that would further

reduce these impacts. Because future utility-scale solar development would result in the conversion of agricultural lands to non-agricultural uses, Impact LU-1 would not be fully mitigated and would remain significant and unavoidable. The EIR recommends nine Development Standards (AV-1, AV-2, AV-3, AV-4, GEO-3, HAZ-1, HAZ-2, NOI-1, and TT-1) to mitigate impacts to land use and planning attributed to the CP/LUDC Amendments. These development standards are the same as described in their relative sections and are incorporated by reference.

Cuyama Solar Facility.

The EIR identified significant impacts related to incompatible development and/or use with surrounding land uses from the Solar Array (Impact LU-3) and Gen Tie-Line (Impact LU-5). No other feasible mitigation measures are known that would further reduce these impacts. Due to the conversion of 327 acres of agricultural lands to non-agricultural use associated with the Solar Array site, Impact LU-3 would not be fully mitigated and would remain significant and unavoidable. Due to the significant visual impact of the Gen Tie-Line and Switchyard, Impact LU-5 would not be fully mitigated and would remain significant and unavoidable. The EIR recommends seven Mitigation Measures (Special Mitigation Measures SPEC-AV-1, SPEC-AV-2, SPEC-AV-3, SPEC-AG-1, and SPEC-AG-2, and Standard Mitigation Measure AG-05) to mitigate impacts to land use and planning from the Solar Facility, and two Special Mitigation Measures (SPEC-AV-1, SPEC-AV-2) to mitigate impacts to land use and planning from the Gen Tie-Line. These mitigation measures are the same as described in their respective sections and are incorporated by reference.

Findings: The Board of Supervisors finds that feasible mitigations measures have been identified in the EIR and adopted into the Proposed Project, which lessen the significant environmental effects identified in the EIR to the maximum extent feasible; however, even with mitigation measures, impacts to land use and planning would remain significant and unavoidable. Therefore, the Board of Supervisors finds the Proposed Project's residual impacts to land use and planning are acceptable due to the overriding considerations that support approval of the Proposed Project discussed in the Statement of Overriding Considerations.

1.4 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR (11EIR-00000-00005) identified several subject areas for which the Proposed Project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR (11EIR-00000-00005), feasible changes or alterations have been required of, or incorporated into, the Project to avoid or substantially lessen the significant environmental effect to a less than significant level, as discussed below:

Agricultural Resources

CP/LUDC Amendments. No Class II impacts identified.

Cuyama Solar Facility. The EIR identified potentially significant but mitigable impacts related to conversion of off-site prime agricultural land to a non-agricultural use and/or impairment of agricultural land productivity associated with the Solar Facility (Impact AG-3) and conversion of prime agricultural land associated with the Gen Tie-Line and Switchyard (Impact AG-4). In

addition to the Standard Mitigation Measures included in the EIR (AG-05, Air-01, and WatConv-7), the EIR identified Special Mitigation Measures SPEC-AG-1, SPEC-AG-2, and SPEC-AG-3 to mitigate impacts resulting from conversion of prime agricultural land. The mitigation measures are the same as those described for Class I impacts to agricultural resources described above.

Findings: The Board of Supervisors finds that Standard Mitigation Measures AG-05, Air-01, and WatConv-7, and Special Mitigation Measures SPEC-AG-1, SPEC-AG-2, and SPEC-AG-3 would reduce impacts to a less than significant.

Biological Resources

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts from future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments to unique, rare, or threatened plant species and natural communities (Impact BIO-1); to unique, rare, threatened, or endangered wildlife species and/or to habitat that supports these species (Impact BIO-2); to migratory species or patterns (Impact BIO-3); to healthy native specimen trees (Impact BIO-4); to the introduction or spread of non-native vegetation (Impact BIO-5); and to water quality, which may result in indirect impacts to unique, rare, threatened, or endangered wildlife species (Impact BIO-6). Impact BIO-1 is mitigated by Development Standard BIO-1, which requires sensitive biological resources to be avoided during project design. Impact BIO-2 is mitigated by Development Standard BIO-1 and Development Standard BIO-3, which the latter requires compliance with most current Avian Power Line Interaction Committee Guidelines for Overhead Power Line Spacing, Construction, and Work Procedures. Impacts BIO-3 and BIO-4 are mitigated by Development Standard BIO-1. Impact BIO-5 is mitigated by Development Standard BIO-2. Impact BIO-6 is mitigated by Development Standard GEO-3, which reduces erosion.

Cuyama Solar Facility. The EIR identified potentially significant but mitigable impacts from the Solar Facility to the kit fox (Impact BIO-9), horned larks (Impact BIO-10), nesting behavior of ground-dwelling birds (Impact BIO-11), the California condor (Impact BIO-12), and bird, especially raptor collisions (Impact BIO-13). Impact BIO-9 is mitigated by Special Mitigation Measure SPEC-BIO-1, which requires proper fencing for animal passage. Impacts BIO-10 and BIO-11 are mitigated by Special Mitigation Measure SPEC-BIO-2, which requires preconstruction nesting bird surveys. Impact BIO-12 is mitigated by Special Mitigation Measure SPEC-BIO-3, which reduces attraction of California condors to the Project facility. Impact BIO-13 is mitigated by Special Mitigation Measure SPEC-BIO-4, which requires compliance with the most current Avian power Line Interaction Committee Guidelines for Overhead Power Line Spacing, Construction, and Work Procedures.

Findings: The Board of Supervisors finds that Development Standards BIO-1, BIO-2, BIO-3, and GEO-3, and Special Mitigation Measures SPEC-BIO-1, SPEC-BIO-2, SPEC-BIO-3, and SPEC-BIO-4 mitigate or avoid the potentially significant effects on biological resources to a less than significant level.

Geology and Soils

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts associated with future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments related to exposure to unstable unstable earth conditions (Impact GEO-1), extensive grading (Impact GEO-2), and erosion of soils (Impact GEO-3). Impact GEO-1 is mitigated by

Development Standard GEO-1, which requires geologic hazards to be avoided during project design. Impact GEO-2 is mitigated by Development Standard GEO-2, which requires avoidance of siting projects on steep slopes and minimizes steep cuts. Impact GEO-3 is mitigated by Development Standard GEO-3, which requires minimization of erosion.

Cuyama Solar Facility. The EIR identified potentially significant but mitigable impacts from the Solar Facility related to exposure to unstable earth conditions (Impacts GEO-4 and GEO-7), extensive grading on the Solar Array site (Impact GEO-5), erosion of soils on or off the Solar Array site (Impact GEO-6). Impacts GEO-4 and GEO-5 are mitigated by Special Mitigation Measure SPEC-GEO-1, which requires implementation of geotechnical design recommendations. Impacts GEO-6 and GEO-7 are mitigated by Standard Mitigation Measure WatConv-07, which requires the Owner/Applicant to submit proof of exemption or a copy of a Notice of Intent (NOI) to obtain coverage under the Construction General Permit of the NPDES issued by the RWQCB.

Findings: The Board of Supervisors finds that Development Standards GEO-1, GEO-2, GEO-3, and Special Mitigation Measure SPEC-GEO-1, and Standard Mitigation Measure WatConv-07 mitigate or avoid the potentially significant effects on geological resources to a less than significant level.

Hazards

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts with future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments related to potential increase in fire hazards (Impact HAZ-1) and prior use, storage, or discharge of hazardous materials (Impact HAZ-2). Impact HAZ-1 is mitigated by Development Standard HAZ-1, which requires a Fire Prevention and Protection Plan. Impact HAZ-2 is mitigated by Development Standard HAZ-2, which requires avoidance and remediation of contaminated sites.

Cuyama Solar Facility. The EIR identified potentially significant but mitigable impacts from the Solar Facility related to prior use, storage, or discharge of hazardous materials on the Solar Array Site (Impact HAZ-6) and from use, storage, or discharge of hazardous materials on the Solar Array Site (Impact HAZ-7). Impact HAZ-6 is mitigated by Special Mitigation Measure SPEC-HAZ-1, which prepares for hazardous contingencies. Impact HAZ-7 is mitigated by Standard Mitigation Measure NPDES-23, which requires a Storm Water Quality Management Plan (SWQMP).

Findings: The Board of Supervisors finds that Development Standards HAZ-1 and HAZ-2, Special Mitigation Measure SPEC-HAZ-1 and Standard Mitigation Measure NPDES-23 mitigate or avoid the potentially significant effects associated with hazards to a less than significant level.

Hydrology and Water Quality

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts associated with future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments to water quality in drainage facilities and surface waters from construction (Impact HWQ-1), impacts to water quality in drainage facilities and surface waters from operations (Impact HWQ-2), and impacts from increased flooding (HWQ-3). Impacts HWQ-1, HWQ-2, and HWQ-3 are mitigated by Development Standard GEO-3, which reduces erosion by implementing stormwater best management practices.

Cuyama Solar Facility. The EIR identified potentially significant but mitigable impacts from the Solar Facility impacts to water quality in drainages and surface waters from construction (HWQ-5), to water quality in drainages and surface waters from operation (HWQ-6), and impacts from increased flooding (HWQ-7). Impacts HWQ-5 and HWQ-6 are mitigated by Standard Mitigation Measures WatConv-01, which contains sediment and contamination, and WatConv-07, which requires the Owner/Applicant to submit and implement a Storm Water Quality Management Plan (SWQMP).

Findings: The Board of Supervisors finds that Development Standard GEO-3, Standard Mitigation Measures WatConv-01, and WatConc-07 mitigate or avoid the potentially significant effects associated with hydrology and water quality impacts to a less than significant level.

Noise

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts associated with future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments to long-term operational noise (Impact NOI-1) and short-term construction noise (Impact NOI-2). Impacts NOI-1 and NOI-2 are mitigated by Development Standard NOI-1, which requires that new or modified facilities be designed, located, and constructed to avoid any significant adverse noise impacts to residents or sensitive receptors.

Cuyama Solar Facility: The EIR identified potentially significant but mitigable impacts from the construction of the Solar Facility (Impact NOI-7), and the construction of the Gen Tie-Line and Switchyard (Impact NOI-8). Impact NOI-7 is mitigated by SPEC-NOI-05, which requires equipment shielding during construction, and Noise-05, which limits construction routes, and Special Mitigation Measures SPEC-NOI-1, which limits construction hours, SPEC-NOI-2, which reduces noise from construction at the Solar Array Site, SPEC-NOI-3, which implements noise-reducing features and practices, and SPEC-NOI-4, which requires the Owner/Applicant to provide advance notice of construction. Impact NOI-8 is mitigated by Standard Mitigation Measure Noise-05 and Special Mitigation Measures SPEC-NOI-1, SPEC-NOI-3, and SPEC-NOI-4.

Findings: The Board of Supervisors finds that Development Standard NOI-1, Standard Mitigation Measure Noise-05, and Special Mitigation Measures SPEC-NOI-1, SPEC-NOI-2, SPEC-NOI-3, SPEC-NOI-4 and SPEC-NOI-05 mitigate or avoid the potentially significant Project effects associated with noise impacts to a less than significant level.

Transportation and Traffic

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts with future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments to traffic congestion (Impact TT-1) and traffic hazards to motor vehicles, bicyclists, or pedestrians (Impact TT-2). Impacts TT-1 and TT-2 are mitigated by Development Standard TT-1, which minimizes construction traffic hazards by requiring a Traffic Control Plan where applicable.

Cuyama Solar Facility: The EIR identified potentially significant but mitigable impacts to traffic hazards for motor vehicles, cyclists, or pedestrians from the Solar Array (Impact TT-6) and to roadway degradation (Impact TT-7). Impact TT-6 is mitigated by Special Mitigation Measure SPEC-TT-1, which requires specifications for a Traffic Control Plan during construction of the

Solar Array. Impact TT-7 is mitigated by Special Mitigation Measure SPEC-TT-2, which requires the Owner/Applicant to prepare a Roadway Pre-Construction Conditions Report.

Findings: The Board of Supervisors finds that Development Standard TT-1, Special Mitigation Measures SPEC-TT-1 and SPEC-TT-2 mitigate or avoid the potentially significant effects on transportation and traffic to a less than significant level.

Energy and Public Facilities

CP/LUDC Amendments. The EIR identified potentially significant but mitigable impacts from future utility-scale solar photovoltaic facilities by the CP/LUDC Amendments to solid waste disposal services and landfill capacity (Impact EPF-3) and to stormwater drainage facilities (EPF-5). Impact EPF-3 is mitigated by Development Standard EPF-1, which requires a recycling plan for utility-scale solar facilities. Impact EPF-5 is mitigated by Development Standard GEO-3, which requires erosion reduction measures.

Cuyama Solar Facility. The EIR identified potentially significant but mitigable impacts from the Solar Array to solid waste disposal services and landfill capacity (Impact EPF-8) and to stormwater drainage facilities (EPF-9). Impact EPF-8 is mitigated by Standard Mitigation Measure SolidW-02, which requires recycling of demolition and excess construction materials. Impact EPF-9 is mitigated by Standard Mitigation Measure WatConv-07, which requires the Owner/Applicant to submit proof of exemption or a copy of the NOI to obtain coverage under the Construction General Permit of the NPDES issued by the RWQCB.

Findings: The Board of Supervisors finds that Development Standards EPF-1 and GEO-3 and Standard Mitigation Measures SolidW-02 and WatConv-07 mitigate or avoid the potentially significant effects on Energy and Public Facilities to a less than significant level.

Less than Significant (Class III) and Beneficial (Class IV) Impacts

CP/LUDC Amendments. The EIR identified beneficial impacts from future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments to: (1) greenhouse gas emissions (Impact AQ-2), resulting from generation of clean energy that displaces demand for fossil-fuel based energy sources; (2) energy demand and supplies for renewable energy production (Impact EPF-1); and (3) hydrology and water quality (Impact HWQ-4), resulting from reduction of groundwater use compared to existing agricultural production. All other impacts were determined to be less than significant and do not require mitigation.

Cuyama Solar Facility. The EIR identified beneficial impacts from the Solar Facility to: (1) greenhouse gas emissions (Impact AQ-6), resulting from generation of clean energy that displaces demand for fossil-fuel based energy sources; (2) energy demand and supplies for renewable energy production (Impact EPF-6); and hydrology and water quality (Impact HWQ-8) resulting from reduction of groundwater use compared to existing agricultural production. All other impacts were determined to be less than significant and do not require mitigation.

Findings: The Board of Supervisors finds that the CP/LUDC Amendments and Solar Facility result in beneficial impacts to greenhouse gas emissions, hydrology and water quality, and energy demand and supplies. The Solar facility will help meet regional energy needs in an efficient, sustainable, and environmentally sound manner, supporting the United States Department of

Energy goal of increasing the overall use of solar power to generate electricity and assisting California in meeting its legislated Renewable Energy Portfolio standards for the generation of renewable energy in the state. Additionally, the Solar Facility and CP/LUDC Amendment will reduce groundwater use due to conversion of land used for agricultural production to land used for utility-scale solar photovoltaic facilities. Lastly, the solar facility and CP/LUDC amendment will offset the need for additional electricity generated from fossil fuels.

1.5 MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

The Board of Supervisors finds that changes or alterations associated with the PG&E Substation are within the responsibility and jurisdiction of the California Public Utilities Commission (CPUC) and not the County. No mitigations are proposed for this project component. However, if mitigation is required, such changes can and should be adopted by the CPUC.

1.6 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE

1.6.1 *CP/LUDC Amendments*

The Final EIR (11EIR-00000-00005) prepared for the project presented the following Comprehensive Plan and Land Use Development Code (CP/LUDC) objective. This objective is provided below as reference for discussion related to the project alternatives deemed infeasible.

The CP/LUDC Amendments objective is to provide a permit pathway for the development of utility-scale solar photovoltaic facilities in the Rural Area of the Cuyama Valley Rural Region. As noted in Section 2.4.1 of the Final EIR incorporated herein by reference, the amendments support the State's mandates for the reduction of greenhouse gas emissions and the County's goals and policies to encourage the use of alternative energy and the development of related businesses in Santa Barbara County. The CP/LUDC amendments would conditionally allow utility-scale solar photovoltaic facilities on no more than 600 acres in the Cuyama Valley Rural Region.

The Final EIR evaluated a No Project Alternative as well as reduced size and more restrictive alternates as methods of reducing or eliminating potentially significant environmental impacts associated with the CP/LUDC Amendments. The Board of Supervisors finds that the proposed project is preferred or alternatives are infeasible for the reasons stated:

Alternative 1—CP/LUDC Amendments: No-Project Alternative

Under the No-Project Alternative for the CP/LUDC Amendments (Alternative 1), the County would not approve the proposed CP/LUDC Amendments; therefore, the County would not revise the CP and LUDC to allow permitting of utility-scale solar PV power-generating facilities on properties located on lands designated Agriculture II (A-II) and/or Agriculture-Commercial (AC) and zoned Agricultural II (AG-II) within the Cuyama Valley Rural Region, subject to discretionary approval of a CUP and other related approvals, including CEQA analysis and compliance. Since the County's LUDC does not currently allow for utility-scale solar photovoltaic facilities within any of its current zoning districts, the No-Project Alternative would in effect eliminate the proposed regulatory mechanism to allow for the development of utility-scale solar facilities within the County.

Alternative 1 would not result in new environmental impacts; potential impacts to agricultural resources, visual resources, water quality, biological resources, and others would be avoided by not allowing conversion of agricultural land to non-agricultural uses.

Conversely, this alternative would not result in the beneficial impact of promoting the production of utility-scale, clean, renewable energy sources within the County. The No-Project Alternative would potentially result in greater GHG emissions impacts than the proposed Amendments because the potential offset or displacement of GHGs from operation of solar photovoltaic facilities, compared with traditional gas- or coal-fired power plants, would not be realized. In addition, the No-Project Alternative would not result in the beneficial impacts of decreasing water demand from the overdrafted Cuyama Valley Groundwater Basin because existing agricultural practices that consume groundwater would continue onsite.

Alternative 1 would not meet the basic objective of the CD/LUDC Amendment, which is to provide a permit pathway for the development of utility-scale solar photovoltaic facilities in the Rural Area of the Cuyama Valley Rural Region. Therefore, the Board of Supervisors finds that the Proposed Project is preferable to the No-Project Alternative.

Alternative 2—CP/LUDC Amendments: Resource-based Development Standards including Exclusion of Lands Under Williamson Act Contracts and Lands with Prime Soils

Similar to the Proposed Project, Alternative 2 would define eligible utility-scale solar photovoltaic project sites within land designated A-II/AC and zoned AG-II in the Cuyama Rural Region by including Development Standards that serve to programmatically mitigate resource impacts to less than significant, including the protection of agriculturally viable sites or regions; however, Alternative 2 would restrict utility-scale solar PV facilities from Williamson Act contracted lands and areas that contain prime soils.

Alternative 2 would either eliminate or reduce agricultural impacts associated with the adoption of the CP/LUDC Amendments. Most notably, this Alternative would place significant constraints on site selections based upon soil quality and the Williamson Act (see Figure 11 of the Planning Commission Staff Report dated July 3, 2014). While many significant impacts to agricultural resources may be avoided, this alternative could severely limit future utility-scale solar photovoltaic facility development in the County by making it very difficult to find land that meets all the standards and is otherwise able to support up to 600 acres of utility-scale solar photovoltaic facilities. Finding adequately sized land to accommodate a utility-scale solar photovoltaic facility is difficult when applying the resource based development standards associated with Alternative 2 (as shown in Figure 11 of the Planning Commission Staff Report dated July 3, 2014). Adhering to Alternative 2's development standards, there is only one site in the Cuyama Valley Rural Region that could support a relatively large utility-scale solar photovoltaic facility. This area is also analyzed under Alternative 12, as an alternative site for the proposed Cuyama Solar Facility. Alternative 12 was found not to be feasible due to the fact that it couldn't meet the project objectives of locating the proposed solar facility on property that was available for purchase in early May of 2009. In addition, W.M. Bolthouse Farms holds a long-term lease on the subject property and has invested substantial resources in an effort to improve the property for agricultural use.

Therefore, Alternative 2 would not meet the CD/LUDC amendment objective to allow for the development of utility-scale solar photovoltaic facilities on up to 600 acres in the Rural Area of the Cuyama Valley Rural Region. Therefore, Alternative 2 is infeasible as it would not meet the CP/LUDC amendment objective.

1.6.2 *Cuyama Solar Facility*.

The Final EIR (11EIR-00000-00005) prepared for the project presented the following project specific objectives for the Solar Facility and the PG&E Cuyama Substation Additions. These objectives are provided below as reference for discussion related to the project alternatives deemed infeasible.

The objective of the proposed project is to generate renewable solar electricity from proven technology at a competitive cost and with low environmental impact and deliver it to market as soon as possible to help meet California Renewable Portfolio Standard (RPS) goals. The Applicant states that this objective has driven the choice of technology and the location for the Solar Facility.

The specific objectives for the Solar Facility are the following:

- Establish a solar PV power-generating facility sized at 40 MW at the point of delivery to PG&E in order to comply with the technical requirements of the Large Generator Interconnection Agreement between the Applicant, PG&E, and the California Independent System Operator (CAISO).
- Establish a solar PV power-generating facility sized at 40 MW in order to fulfill the guaranteed energy delivery schedule required under the Applicant's Power Purchase Agreement with PG&E.
- Construct the Solar Array using First Solar PV modules to produce and transmit electricity at a competitive cost.
- Locate the Solar Array in an area that has high potential and suitability for electric power generation from solar facilities that has available interconnection to the existing electrical distribution infrastructure.
- Minimize environmental effects by:
    - Using land that is disturbed or degraded from prior use.
    - Using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure where practicable.
    - Minimizing impacts on threatened species and endangered species.
    - Minimizing water use during operation.
    - Reducing greenhouse gas emissions.
- Using technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.

The Final EIR evaluated a No Project Alternative as well as reduced and alternate siting project alternatives as methods of reducing or eliminating potentially significant environmental impacts associated with the Cuyama Solar Facility. The Board of Supervisors finds that the Proposed Project is preferred to the following alternatives or the identified alternatives are infeasible for the reasons stated:

Alternative 6—Solar Facility: No-Project Alternative

In accordance with the State CEQA Guidelines, this EIR addresses the No-Project Alternative scenario (Alternative 6), which is what would be reasonably expected to occur in the foreseeable

future if the Proposed Solar Facility were not approved based on current plans and site zoning as consistent with available infrastructure and community services.

Alternative 6 would avoid all adverse environmental impacts, including the significant and unavoidable aesthetic and visual resource and agricultural resource impacts associated with the Proposed Solar Facility. Conversely, this alternative would not result in the beneficial impacts, including the production of utility-scale, clean, renewable energy sources within the County and reduced water consumption associated with conversion of agricultural production to solar PV development.

Under Alternative 6, should energy demands continue to rise in California, other means of energy production would be required. Should the Solar Facility not occur, other sources of energy or energy conservation may be developed to accommodate rising energy demands, but not necessarily in the County.

Alternative approaches to replace 40 MW of electricity generation, associated with the Proposed Project could consist of development or re-development of other energy sources (e.g. increasing efficiency of natural gas-fired power plants, development of wind turbines, other solar facilities, geothermal power plants, and traditional industrial natural gas- or petroleum-fired power plants, etc.) in the County and throughout the State, as discussed in the EIR Section 5.2.2.1. These various energy sources do not meet the objective of the Proposed Project to establish a solar PV power-generating facility sized at 40 MW in order to fulfill the guaranteed energy delivery schedule required under the Applicant's Power Purchase Agreement with PG&E. Furthermore, they are speculative, and some alternative energy sources would result in greater environmental impacts, such as increased air emissions, increased groundwater consumption, impacts to biological resources and visual incompatibility with the region. Therefore, the Board of Supervisors finds that the Proposed Project is preferable to the No-Project Alternative. The No Project Alternative also does not meet the project objectives.

Alternative 7—Solar Facility: Reduced Solar Facility

Alternative 7 would include the development of an approximately 20 MW solar PV generating facility on approximately 160 acres of the site that lies east of Kirschenmann Road. Alternative 7 would require the proposed CP/LUDC Amendments and subsequent CUP to permit a proposed solar facility on lands designated A-II/AC and in the AG-II zoning district. The remaining 167 acres of the 327-gross-acre Project site would not be developed and would remain under a Williamson Act contract (as part of a larger 1,529 acres under contract) for cultivation as water availability permits. Alternative 7 is intended to reduce significant agricultural impacts (but not to a less than significant level), reduce adverse aesthetic and visual resources impacts (but not to a less than significant level), reduce biological, geological, hazards, hydrologic, and land use impacts by constructing on a smaller site; and reduce adverse construction impacts on site, such as those related to air quality, water quality, noise, and traffic.

Construction of the 3-mile, 70-kV Gen Tie-Line would still be required under this alternative to connect the 20 MW solar facility to the existing PG&E Cuyama Substation. The 20 MW solar PV power generating facility under this alternative would be similar to the Solar Facility, but materials necessary for its construction would be reduced by about half in comparison to the Solar Facility. Construction activities would also be reduced under this alternative, including grading duration, amount and duration of construction equipment used, and the construction footprint.

Although Alternative 7 would be reduced in size to a 160-acre solar facility and would reduce the degree of environmental impact, Alternative 7 would not reduce the types or environmental impact classifications of the Proposed Project. Given the reduced Solar Facility size, Alternative 7 would not realize the same GHG emission reductions or provide the same level of energy production benefits as the Proposed Solar Facility. Alternative 7 would provide less beneficial impacts to the overdrafted groundwater basin given ongoing use of agriculture upon 167 acres of the Project site.

As energy demands continue to rise in California, other means for an additional 20 MWs of energy would be required. Alternative approaches to replace the 20 MW of electrical generation associated with the Proposed Project could consist of re-development of other energy sources as described above in Alternative 6. However, these various energy sources would not meet the following objectives of the Proposed Project: 1) Construct a solar PV power-generating facility sized at 40 MW at the point of delivery to PG&E in order to comply with the technical requirements of the Large Generator Interconnection Agreement between the Applicant, PG&E, and the California Independent System Operator (CAISO); and 2) establish a solar PV power-generating facility sized at 40 MW in order to fulfill the guaranteed energy delivery schedule required under the Applicant's Power Purchase Agreement with PG&E. Furthermore, some energy sources would result in greater environmental impacts related to air quality emissions, groundwater consumption and biological and visual resources.

Alternative 7 would achieve most of the project objectives by locating a solar facility in the rural part of northeastern Santa Barbara County, on property available for purchase, and in proximity to the available interconnection to the existing electrical distribution infrastructure. However, this alternative would not achieve some of the primary project objectives stated above including generating 40 MW at the point of delivery to PG&E in order to comply with the technical requirements of the Large Generator Interconnection Agreement between the Applicant, PG&E, and the CAISO, or establish a utility-scale 40 MW solar facility in order to fulfill the guaranteed energy delivery schedule required under the Applicant's Power Purchase Agreement with PG&E. Therefore, the Board of Supervisors finds that the Reduced Solar Facility Alternative is infeasible as it would not meet the project objectives noted above.

Alternative 12—Solar Facility: Alternative Site (Joaquin Family Trust Sites)

Under Alternative 12, the proposed 40 MW solar facility would be developed on an alternative site within the Cuyama Valley. Although the process of cancellation of a Williamson Act contract is not considered a significant impact, the primary purpose of this alternative is to determine the feasibility to site a solar facility of comparable generating capacity upon lands that are not under an agricultural preserve contract.

Alternative 12 would be located upon an approximately 320-acre portion of an agricultural holding known as the Joaquin Family Trust that is located south and southwest of the PG&E Cuyama Substation and northwest of the proposed Solar Array site. The Joaquin Family Trust site constitutes a large agricultural holding consisting of numerous parcels and exceeds 6,000 acres. The Joaquin Family Trust parcels are located on both non-prime and prime farmland, zoned AG-II, but are not subject to a Williamson Act Contract or Agricultural Preserve; this alternative site would be closer to the PG&E Cuyama Substation, thereby requiring less distance for a Gen Tie-Line (parcels within this alternative site range between 0.5 – 3.0 miles from the PG&E Cuyama Substation).

Alternative 12 would avoid the cancellation of Williamson Act Contract; in addition, significant and unavoidable impacts on agriculture related to the conversion of prime farmland could be avoided, depending on the location of a 40 MW solar facility. However, Alternative 12 could result in greater impacts to aesthetics and visual resources due to its proximity to SR-166, an eligible scenic highway; biological resources due to sensitive onsite habitats; and geology and hazards due to the existing oil and gas production activities upon a portion of the site.

Alternative 12 would achieve many of the Project's objectives; however, the property owner states that W.M. Bolthouse Farms, Inc. holds a long term lease upon the lands, which remains in place until 2018, as such the land is not available for the foreseeable future. Furthermore, W.M. Bolthouse Farms has invested substantial resources in an effort to improve the Joaquin Family Trust property for agricultural use and has communicated its intent to continue its farming operations. Therefore, this site is not feasible due to its unavailability for purchase or lease. Finally, Alternative 12 does not meet the project objective to locate the Solar Array in the Cuyama Valley of Santa Barbara County, on available property and in proximity to the available interconnection to the existing electrical distribution infrastructure. The Board of Supervisors finds that the Proposed Project is preferable to Alternative 12 due to the potential increase in impacts associated with visual, geology and hazards, and biological resources and the infeasibility of purchasing the land for the foreseeable future. Additionally, the Board finds the alternative site is infeasible in that it does not meet the project objective noted above, i.e., availability.

Alternative 13—Solar Facility: Alternative Site (Southeast Sites)

Alternative 13 is an assemblage of assessor parcels located southeast of the Project site that could potentially accommodate a 40 MW solar facility within the Cuyama Valley. Alternative 13 holdings are located within the AG-II zoning district and would require the CP/LUDC Amendments and subsequent CUP approval.

The primary purpose of this alternative is to avoid development upon agricultural preserve lands. Some of the parcels are designated prime farmland, but unlike the proposed Solar Facility site, these sites are not located on Williamson Act contract land. Depending on specific siting of a solar facility under this alternative, the length of the associated Gen Tie-Line would increase significantly and could range from about 4 miles to over 5 miles.

While this alternative would avoid the cancellation of a Williamson Act Contract, significant and unavoidable aesthetic and visual resource and agricultural resource impacts would remain and potentially increase due to a longer gen tie-line. Additionally, this alternative would result in greater impacts to biological resources and hydrology and water quality due to the presence of wetlands, sensitive habitat, and flood hazards as identified in the Final EIR and incorporated herein by reference. Finally, sufficient area to meet the Project objective to develop a 40 MW site would not be available due to site constraints, even when considering the potential to combine adjacent parcels. Therefore, the Board of Supervisors finds that the Proposed Project is preferable to the Alternative 13. Additionally, Alternative 13 is infeasible because it would not achieve the project objective to develop a 40 MW project.

1.7 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has

adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. Monitoring is not required for the CP/LUDC Amendments portion of the Proposed Project. Regarding the Cuyama Solar Facility, the approved Cuyama Solar Facility project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during the Cuyama Solar Facility implementation.

STATEMENT OF OVERRIDING CONSIDERATIONS
CEQA Guidelines Section 15093

RECOMMENDED BY THE SANTA BARBARA COUNTY PLANNING COMMISSION AND ADOPTED BY THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS FOR THE CUYAMA SOLAR FACILITY AND COMPREHENSIVE PLAN/LAND USE DEVELOPMENT CODE AMENDMENTS PROJECT

Final Environmental Impact Report
SCH #2011121009

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, CEQA requires the lead agency to balance the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its significant and unavoidable environmental impacts when deciding whether to approve the project.

The Final EIR (11EIR-00000-00005) for the Cuyama Solar Facility and Comprehensive Plan/Land Use Development Code Amendments (CP/LUDC) Project identifies project impacts to aesthetics and visual resources, agricultural resources, and land use and planning as significant environmental effects that are considered unavoidable, although mitigated to the extent feasible by implementation of required development standards and mitigation measures. The Class I impacts associated with both the CP/LUDC Amendments and the Cuyama Solar Facility are summarized below and constitute those impacts for which this Statement of Overriding Considerations is made.

1. Despite the implementation of all feasible mitigation, the Project (both CP/LUDC Amendments and Cuyama Solar Facility portions of the Project) will cause significant and unavoidable impacts to aesthetics and visual resources resulting from potentially substantial changes in the visual character of scenic vistas and changes to the visual character on affected parcels of land and proximate lands.
2. Despite the implementation of all feasible mitigation, the Project (both CP/LUDC Amendments and Cuyama Solar Array) will cause significant and unavoidable impacts to agricultural resources resulting from the conversion of prime agricultural land to non-agricultural use.
3. Despite the implementation of all feasible mitigation, the Project (both CP/LUDC Amendments and Cuyama Solar Array) will cause significant and unavoidable impacts to land use on account of incompatibility with surrounding land uses from the conversion of agricultural land to non-agricultural uses and from the aesthetics and visual resources impacts.
4. Despite the implementation of all feasible mitigation, the Gen Tie-Line and Switchyard will cause significant and unavoidable impacts to land use on account of incompatibility with surrounding land uses from the aesthetics and visual resources impacts.
5. Despite the implementation of all feasible mitigation, the CP/LUDC Amendments, in conjunction with past, present, and reasonably foreseeable projects in the areas, will cause significant and unavoidable cumulative impacts to aesthetics and visual resources.
6. Despite the implementation of all feasible mitigation, the Project (both CP/LUDC Amendments and Cuyama Solar Array), in conjunction with past, present, and reasonably foreseeable projects in the areas, will cause significant and unavoidable cumulative impacts to agricultural resources.

The Planning Commission recommended and the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to further lessen or avoid the significant effects. These benefits are based on the facts set forth in the Final EIR, the CEQA Findings, and the full administrative record of proceedings for the Project. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092, and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations that will provide benefits to Santa Barbara County, the region, and the State of California:

1. Future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments will generate clean, renewable solar power energy and the Cuyama Solar Facility will generate 40 Megawatts (MW) of clean, renewable, solar power annually, which will help meet regional energy needs in an efficient, sustainable, and environmentally sound manner. (See Class IV Impact EPF-1 and Impact EPF-6, EIR Section 3.12.4.2.) This will support the United States Department of Energy goal of increasing the overall use of solar 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 3.12.3.2.)

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 3.3.3.2.) State and federal mandates to reduce greenhouse gas emissions, including Global Warming Solutions Act of 2006 (AB 32) and the California Renewable Energy Resources Act, requires all California utilities to procure 33 percent of their electricity from renewable sources by 2020, with intermediate targets of 20 percent by the end of 2013, and 25 percent by end of 2016. The project contributes to achieving renewable energy goals to address public concerns related to greenhouse gas emissions and climate change, energy security, and fossil fuel dependence. The Project has the capacity to generate 40 MW of clean electrical energy, which is estimated to support 15,600 average homes and reducing carbon dioxide emissions by 30,000 metric tons annually.

3. The Project will reduce groundwater use on this site from an already over-drafted groundwater basin due to conversion of land used for agricultural production to land used for utility-scale solar photovoltaic facilities, thereby having beneficial impacts to hydrology and water quality (Impacts HWQ-4 and HWQ-8, EIR Section 3.8.4.2).

4. The Project promotes the development of alternative energy and specifically furthers the intent of Santa Barbara County Energy Element Goal 5 and Policies 5.2 and 5.4 and Conservation Element Recommendations 2, 3, 4, 6, and 7. The Project promotes carefully sited development of utility-scale solar energy development in the Cuyama Rural Region of Santa Barbara County that will produce clean renewable energy for the region, County, and State of California.

FINDINGS FOR

STATE AND COUNTY PLANNING FINDINGS
AND
CANCELLATION OF WILLIAMSON ACT CONTRACT
STATE GOVERNMENT CODE SECTION 51282(a)

Cuyama Solar Facility and Comprehensive Plan/Land Use Development Code Amendments Project

A. GENERAL PLAN AMENDMENT FINDINGS

Government Code Section 65358(a) requires a general plan amendment to be in the public interest.

The Comprehensive Plan/Land Use Development Code (CP/LUDC) Amendments are in the interest of actively promoting and responding to State and federal mandates to reduce greenhouse gas emissions, including Global Warming Solutions Act of 2006 (AB 32) and the California Renewable Energy Resources Act, which requires all California utilities to procure 33 percent of their electricity from renewable sources by 2020, with intermediate targets of 20 percent by the end of 2013, and 25 percent by end of 2016. The project contributes to achieving renewable energy goals to address public concerns related to greenhouse gas emissions and climate change, energy security, and fossil fuel dependence.

The CP/LUDC Amendments could allow for the development of utility-scale solar PV facilities on up to 600 acres of land designated A-II or AC and zoned AG-II in the Rural Area of the Cuyama Valley Rural Region. The CP/LUDC Amendments provide a process to enable development of utility-scale renewable energy solar projects, which would realize beneficial impacts to greenhouse gases, energy supply, and hydrology and water quality in the Cuyama Valley. The CP/LUDC Amendments define eligibility criteria, development standards, and a discretionary permit process, which taken as a whole, are intended to reduce adverse impacts to environmental resources and services for potential projects in the Cuyama Rural Region.

B. AMENDMENT TO THE LUDC AND ZONING MAP (REZONE) FINDINGS

In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an amendment to the Development Code and/ or Zoning Map the review authority shall first make all of the following findings:

1. The request is in the interests of the general community welfare.

The Cuyama Solar Facility and Comprehensive Plan/Land Use Development Code Amendments Project (Project) are in the interest of actively promoting and responding to State and federal mandates to reduce greenhouse gas emissions, including Global Warming Solutions Act of 2006 (AB 32) and the California Renewable Energy Resources Act, which requires all California utilities to procure 33 percent of their electricity from renewable sources by 2020, with intermediate targets of 20 percent by the end of 2013, and 25 percent by end of 2016. The Project contributes to achieving renewable energy goals to address

public concerns related to greenhouse gas emissions and climate change, energy security, and fossil fuel dependence.

The Project could allow for the development of utility-scale solar PV facilities on up to 600 acres of land designated A-II or AC and zoned AG-II in the Rural Area of the Cuyama Valley Rural Region. The Project provides a process to enable development of utility-scale renewable energy solar projects, which would realize beneficial impacts to greenhouse gases, energy supply, and hydrology and water quality in the Cuyama Valley. The CP/LUDC Amendments define eligibility criteria, development standards, and a discretionary permit process, which taken as a whole, are intended to reduce adverse impacts to environmental resources and services for potential projects in the Cuyama Rural Region.

2. *The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.*

As noted in the FEIR and Section 6.2 of the Planning Commission Staff Report dated July 3, 2014, and incorporated herein by reference upon adoption of the Comprehensive Plan Amendment, the Project will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan. The purpose and intent of the Project is to promote the development of carefully sited utility-scale solar energy development while minimizing environmental effects upon resources including but not limited to aesthetics and visual, agricultural, biologic, cultural, geologic, hydrologic resources and services to maximum extent feasible. The Project includes both program-level development standards and site specific conditions and mitigations to implement this intent. Additionally, the Project includes a rezone of Ordinance #661 U-Unlimited Agricultural parcels within the Solar Facility site to ensure conformance with current zoning regulations of the LUDC and district regulations of Agricultural II, AG-II. The Project maintains consistency with the remaining portions of the LUDC that would not be revised by this amendment. Therefore, the proposed CP/LUDC amendment is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the LUDC.

3. *The request is consistent with good zoning and planning practices.*

The proposed CP/LUDC Amendment is consistent with sound zoning and planning practices in that it maintains consistency with the Comprehensive Plan and the LUDC and ensures that the Solar Facility and future utility-scale solar photovoltaic facilities will conform to, and be regulated by current LUDC zone district regulations. Further, the CP/LUDC Amendment supports federal and State mandates for the reduction of greenhouse gas emissions, as well goals and policies of the CP that promote alternative energy including Goal 5 and Policy 5.2.

C. AGRICULTURAL PRESERVE/WILLIAMSON ACT CANCELLATION FINDINGS

In compliance with Government Code (GC) Section 51282 (a)(1), or GC Section 51282(a)(2), the Board may grant tentative approval for cancellation only if it makes one of the following findings (1) that cancellation is consistent with the purposes of this chapter or that (2) cancellation is in the public interest:

Consistent with the Purposes of the Land Conservation Act, GC Section 51282(a)(1) and (b)(1)-(5): Cancellation shall be consistent with the purposes of the Land Conservation Act only if the Board makes all of the following findings:

1. *Cancellation is for land on which a notice of non-renewal has been served pursuant to GC 51245; and*

   Bolthouse and the applicant have indicated they will serve a notice of non-renewal prior to docketing the petition for the Board of Supervisors hearing. Upon serving notice, the Proposed Project cancellation would be consistent with this finding at the time the Board makes these findings.

2. *Cancellation is not likely to result in the removal of adjacent lands from agricultural use; and*

   The majority of cultivated land in the vicinity of the project is enrolled in a Williamson Act contract. With the exception of the 167-acre Redland field, agricultural lands in the vicinity of the project area would remain in Williamson Act contracts and are not proposed for non-renewal. Further, the project would not require sewer and public water service extensions, enlarged highway and road systems, and similar new urban or suburban infrastructure that can provide a platform for additional local development projects on agricultural lands. However, as discussed in Impact AG-1, the proposed expansion of commercial transmission lines in the vicinity of the project site has the potential to result in a development of utility-scale solar facilities within the remaining balance of 600 acres of agricultural lands in the Cuyama Rural Region, which could result in the removal of adjacent lands from agricultural use. Increased energy transmission infrastructure associated with the project could potentially result in limited removal of adjacent land from agricultural uses for energy-related development. However, contract cancellation in and of itself is not likely to result in removal of adjacent agricultural lands given the many factors that must be taken into consideration for a utility-scale photovoltaic solar facility or any other development that could impact agriculture. Any future projects would require separate discretionary permit review subject CEQA and analysis for consistency with all aspects of the Comprehensive Plan and Land Use Development Code. This discretionary review would occur at the project specific as well as cumulative project levels. For the proposed Project, as discussed in Section 6.2 "Comprehensive Plan Consistency" from the Planning Commission Staff Report dated July 3, 2014, incorporated herein by reference, with approval of the Comprehensive Plan and Land Use Development Code amendments, this project is consistent with the Comprehensive Plan. Therefore, the proposed project cancellation is consistent with this finding.

3. *Cancellation is for an alternative use which is consistent with the applicable provisions of the comprehensive plan; and*

   The County of Santa Barbara's Comprehensive Plan, contains numerous goals, policies, and actions (e.g. within the Agricultural Element, Energy Element, and Conservation Element, etc.) addressing land use compatibility, agricultural conversion, Williamson Act cancellation, and alternative energy production that are applicable to this project as discussed in Section 6.2 "Comprehensive Plan Consistency" from the Planning Commission

Staff Report dated July 3, 2014, incorporated herein by reference.. Concurrent with adoption of the proposed Comprehensive Plan and Land Use Development Code Amendments (CP/LUDC), the proposed partial cancellation would provide an opportunity to permit development of a utility-scale renewable solar energy project while balancing protection of other resources. The Agricultural Element includes several policies intended to preclude incompatible development adjacent to or on agricultural lands. The LUDC Amendments require approval of a discretionary Conditional Use Permit (CUP) to ensure that land use compatibility is maintained for utility-scale solar PV projects in the AG-II zone district given the CUP process specifically requires a finding of project compatibility with surrounding land uses. The Project would result in short-term construction-related impacts that may create temporary effects upon surrounding agricultural lands (e.g. dust-generating activities, construction vehicles and haul trucks on agricultural-rural roads, etc.). However, once operational, the proposed project would not result in significant levels of noise, dust, trip generation, would not significantly increase public service demands, and would not include habitable or sensitive receptor uses (e.g. schools, hospitals, residential). The proposed project would therefore be compatible with adjacent agricultural uses and would be consistent with applicable land use compatibility policies.

The implementation of an alternative energy production facility would be consistent with numerous other goals and policies of the County of Santa Barbara's Comprehensive Plan, particularly policies within the Energy Element, and Conservation Element. The County's Energy Element (County of Santa Barbara 2009b) contains several goals and policies to encourage opportunities for and use of renewable energy technologies (e.g., Goal 5, Policy 5.2, and Policy 5.4). In addition, the County's Conservation Element (County of Santa Barbara 2010) contains several recommendations applicable to the project including implementation of an aggressive conservation and alternative energy program (e.g., Recommendations 2, 4, and 7) as discussed in Section 6.2 "Comprehensive Plan Consistency" from the Planning Commission Staff Report dated July 3, 2014, incorporated herein by reference, with approval of the Comprehensive Plan and Land Use Development Code amendments, the proposed Project is consistent with the Comprehensive Plan. Therefore, the proposed project is consistent with this finding.

4. *Cancellation will not result in discontiguous patterns of urban development; and*

The Project includes a Solar Facility, which is proposed within the rural land use category of the Comprehensive Plan. Although energy production facilities are industrial in nature, they are not necessarily urban development. Comparable other energy facilities have historically occurred in the rural region of the County, including the Cuyama Valley (e.g. oil and gas production facilities). The project would not require sewer and public water service extensions, enlarged highway and road systems, and similar new urban or suburban infrastructure that can provide a platform for additional local development projects on agricultural lands. The project, therefore, would not create nor result in a discontiguous pattern of urban development, nor would it result in the development of infrastructure that would potentially induce urban development in the project vicinity. The proposed project cancellation is consistent with this finding.

5. *There is no proximate non-contracted land which is both available and suitable for the proposed use or development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

The applicant selected the project site after an extensive search for suitable sites within the region as documented in the *Property Search Report*, Appendix E of the Final EIR incorporated herein by reference. Site selection criteria included high solar insolation; parcel size and layout; close proximity to existing transmission infrastructure with sufficient available capacity; relative flatness to minimize grading and site disturbance required to construct the project; lack of special status species and wildlife corridors and very low potential for onsite habitat; distance from rivers, washes, and other natural drainages; and relatively limited agricultural value when compared to surrounding lands. As documented in the Property Search Report, there were no non-contracted lands within the vicinity that were available for purchase and had the necessary attributes for a large-scale solar facility in order to serve as a practical alternative for the proposed development. In addition, the County-prepared solar utility opportunities map presented in Figure ES-2 of the Final EIR incorporated herein by reference, for AG-II zoned parcels in the inland portion of the County, supports the finding that there is no proximate non-contracted land available and suitable for a utility-scale solar development project. The proposed project contract cancellation is consistent with this finding.

Cancellation is in the Public Interest, Government Code section 51282(a)(2) and (c): Cancellation of the contract shall be in the public interest only if the Board makes the following findings:

1. *Other public concerns substantially outweigh the objectives of the Williamson Act pursuant to G.C. section 51282(a)(2) and (c)(1).*

The proposed project would provide approximately 110,000 megawatt-hours (MWh) of renewable energy annually, which would assist the State of California in meeting the requirements of the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32), which set the mandate that state greenhouse gas emissions be reduced to 1990 levels by the year 2020. Through the California Renewable Energy Resources Act (SBX1-2) passed in 2011, California's Renewable Portfolio Standard requires all California utilities to generate 33% of their electricity from renewable sources, including solar, by 2020. The legislature found that achieving this standard would provide unique benefits to California, including:

- Displacing fossil fuel consumption within the state;
- Adding new electrical generating facilities in the transmission network within the Western Electricity Coordinating Council service area;
- Reducing air pollution in the state;
- Meeting the state's climate change goals by reducing emissions of greenhouse gases associated with electrical generation;
- Promoting stable retail rates for electric services;
- Meeting the state's need for a diversified and balanced energy generation portfolio;
- Assistance with meeting the state's resource adequacy requirements;
- Contributing to the safe and reliable operation of the electrical grid, including providing predictable electrical supply, voltage support, lower line losses, and congestion relief; and
- Implementing the state's transmission and land use planning activities related to development of eligible renewable energy resources.

Policies from the federal government similarly promote the rapid expansion of renewable energy to both reduce greenhouse gas emissions and increase national security by diversifying the nation's energy resources. Consistent with these policies, the County Comprehensive Plan encourages the use of alternative energy, as discussed in Section 6.2 "Comprehensive Plan Consistency" of the Planning Commission Staff Report dated July 3, 2014, incorporated herein by reference. The project would contribute to achieving renewable energy goals to address public concerns related to greenhouse gas (GHG) emissions and climate change, energy security, and fossil fuel dependence among others. Although this project would result in the loss of 167 acres of contracted land, these important public policy concerns noted above outweigh the objectives of the Williamson Act.

In addition, the Project would be permitted to require permanent preservation of off-site agricultural land at a ratio of 1:1 through one of four methods, which include: 1) funding and purchase of agricultural conservation easements; 2) purchase of credits from an established agricultural farmland mitigation bank; 3) contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland; or 4) participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above, as determined by the County. Special Mitigation Measures SPEC-AG-2 and SPEC-AG-3 require submittal of a Demolition and Reclamation Plan (SPEC-AG-2) and financial assurance (SPEC-AG-3) to require the use of the land be returned to agricultural uses or be consistent with current land use plans, policies, and zoning requirements in place at the time a utility-scale solar facility ceases operation.

The applicant, Cuyama Solar LLC, has secured a Power Purchase Agreement (PPA) with Pacific Gas & Electric (PG&E) for the purchase of all power generated from the Solar Array facility. The PPA assures that the benefit of producing approximately 110,000 MWh of electricity annually (equal to the annual electricity consumption of more than 15,600 average California households) would be realized by PG&E, a public utility, in support of California's Renewable Portfolio Standard. Solar photovoltaic facilities produce nominal GHG emissions during long-term operations and would generate GHG-free electricity offsetting CO_2 and other emissions that would have resulted from producing an equivalent amount of electricity from fossil fuel–fired electric generators. Based on data from the California Climate Action Registry (CCAR) Database and the Power/Utility Protocol (PUP) Report (2007), emissions factors from PG&E fossil-fuel based power plants, the Solar Array facility would offset approximately 30,000 metric tons of CO_2 emissions.

In addition to the benefits realized by reducing GHG's related to energy production, the Solar Array facility would reduce groundwater use in the Cuyama Valley groundwater basin currently used for agricultural irrigation. Approximately 960-acre feet per year of water extracted from the basin is used to irrigate various crops on the 327-acre Solar Array facility site. Because the Cuyama Valley groundwater basin is currently in a state of overdraft, the effect of the project on groundwater would be beneficial to groundwater supplies.

The Department of Conservation (DOC) in its May 22, 2013 letter provided guidance that the County should in its deliberations demonstrate that the County's agriculture and open space objectives, which are protected by the Williamson Act, are substantially outweighed by other concerns that are deemed in the public interest. The letter makes no objections to the County's process for the proposed contract cancellation. On February 7, 2014 the

Agricultural Preserve Advisory Committee (APAC) considered the cancellation request and found by a vote of 3-0, that the project is consistent with the Uniform Rules. The APAC meeting minutes state in part, "Based on the EIR information from the applicant and the Solar Company the project meets the criteria in Uniform Rules 6-1.2 1a & b (Contract Cancellation). This project has substantial public interest and is not likely to result in the removal of adjacent land from agriculture."

The partial-cancellation of 167 acres of Williamson Act contract 76-AP-072 for the Solar Array facility will result in a loss of approximately .03% of all land currently enrolled in the County's Agricultural Preserve/Williamson Act program. The public concerns which support the objectives of the Williamson Act would continue to be realized through the County's implementation of the Uniform Rules for the remainder of the 531,537 acres enrolled in the program, including the 1,362-acre portion of contract 76-AP-072 that would remain under contract. The Solar Array facility would support and assist achieving California's Renewable Portfolio Standard, reduce GHG emissions, and reduce Cuyama Valley groundwater use. These public concerns substantially outweigh the objectives of the Williamson Act. Therefore, the proposed contract cancellation is consistent with this finding.

2. *There is no proximate non-contracted land which is both available and suitable for the proposed use, or development of the contracted land would provide more continuous patterns of urban development of proximate non-contracted land pursuant to G.C. 51282(a)(2) and (c)(2).*

The applicant selected the project site after an extensive search for suitable sites within the region (refer to *Property Search Report,* Appendix E of FEIR incorporated herein by reference). Site selection criteria included high solar insolation; parcel size and layout; close proximity to existing transmission infrastructure with sufficient available capacity; relative flatness to minimize grading and site disturbance required to construct the project; lack of special status species and wildlife corridors and very low potential for onsite habitat; distance from rivers, washes, and other natural drainages; and relatively limited agricultural value when compared to surrounding lands. As documented in the *Property Search Report* in Appendix E of the Final EIR, there were no non-contracted lands within the vicinity that were available for purchase and had the necessary attributes for a large-scale solar facility in order to serve as a practical alternative for the proposed Project. In the May 22, 2013, Department of Conservation letter, the DOC states "The Department believes the information provided in the petition supports the finding that there is no available and suitable proximate non-contracted land for the proposed use." In addition, the EIR looked at alternative sites for the Solar Facility on non-contracted land within a 10-mile radius of the PG&E substation. The EIR identified significant and unavoidable impacts to aesthetic and visual resources and agricultural resources after mitigation as a result of the Solar Facility. For a majority of the properties within the 10-mile radius area, potential alternate sites were limited because these areas have slopes that are incompatible with solar facility development, have drainage issues that make development problematic, contain prime soils, and/or may contain sensitive native habitat and species. Additionally, several alternatives did not meet the proposed project objectives. The alternatives analysis presented in the Final EIR and incorporated herein by reference, supports finding that there is no proximate non-contracted land available and suitable for a utility-scale solar development. Therefore, the proposed project contract cancellation is consistent with this finding.

D. LOT LINE ADJUSTMENT FINDINGS

In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), prior to the approval or conditional approval of an application for a lot line adjustment the review authority shall first make all of the following findings:

1. *The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.*

   As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated July 3, 2014, Section 2.5.3.5 of the proposed Final EIR, and preceding Finding B.2, the Lot Line Adjustment is consistent with applicable policies of the Comprehensive Plan and the Zoning Ordinance of the County of Santa Barbara. The Lot Line Adjustment will conform to the A-II land use designation requirements, the LUDC AG-II zone district regulations, and the County Code, Chapter 21 Land Division Regulations pertaining to lot size and design.

2. *No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.*

   All existing and resultant parcels involved in the Lot Line Adjustment conform to the minimum parcel size of the AG-II zone district (Proposed Parcels 1 and 2 would be zoned AG-II-100 and would exceed the 100-acre minimum parcel size; Proposed Parcel 3 would be zoned AG-II-40 and would exceed the 40-acre minimum parcel size).

3. *Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located.*

   All parcels resulting from the Lot Line Adjustment conform to, or are greater than the AG-II-40 minimum parcel size requirement of 40 acres (Proposed Parcel 3) and AG-II-100 acres (Proposed Parcels 1 and 2).

4. *The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.*

   No violations exist on the subject parcels and no violation of parcel width, setback, lot coverage, etc. would result from the LLA.

5. *The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Land Use and Development Code (Section 35.101.20 and 25.101.30).*

The subject lots are in compliance with all laws, rules, and regulations of the County's zoning ordinances.

6. *Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.*

In the case of the Proposed Project, PG&E opined that existing utilities, infrastructure and easements will stay in place with no need of relocating. In order to accommodate the proposed Solar Facility, Cuyama Solar would construct and operate a new 3-mile, 70-kV Gen Tie-Line to transmit the electricity generated by the Solar Array to the PG&E Cuyama Substation for connection to the grid. A Franchise Agreement will be recorded as part of the project to ensure the Gen Tie-Line will not interfere with or cause the relocation of any existing utilities, infrastructure or easements. An approximately 19,600-sf Switchyard would be constructed on the north side of the existing approximately 20,275-sf PG&E Cuyama Substation. No other utility or infrastructure improvements are required for the proposed LLA; therefore, this finding is made.

6.0 CONDITIONAL USE PERMIT FINDINGS

In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

1. *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 proposed Solar Array site is located on 327 acres of agricultural land and is adequate in terms of location, physical characteristics, shape and size to accommodate a 40 MW solar photovoltaic facility. The site has been selected to accommodate the size and use of the project, including physical characteristics such as topography and existing roadway infrastructure. Therefore, this finding is made.

2. *Environmental impacts.*

a. Within the Coastal Zone adverse environmental impacts will be mitigated to the maximum extent feasible.

The proposed project is not located within the Coastal Zone.

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

Section 6.0 of the Planning Commission Staff Report dated July 3, 2014 discusses the significant impacts that would result from the Proposed Project and specific Development Standards and project-specific mitigation measures which would be adopted from implementation of the Project. Impacts associated with visual and agricultural resources and land use compatibility cannot be mitigated to less than significant levels. Condition of Approvals and Development Standards are being adopted to mitigate these significant

impacts to the maximum extent feasible. These mitigations include implementing: implementing aesthetic design treatment features; reducing night time lighting; reducing day time glare; locating utility-scale solar facilities away from scenic or eligibly scenic highways; requiring permanent preservation of off-site agricultural land at a ratio of 1:1 for net acreage before conversion of prime agricultural land for solar facilities; and requiring preparation of a Demolition and Reclamation Plan and financial assurances necessary to guarantee removal of the facility and allow the use of the land to return to agricultural uses or be consistent with current land use plans, policies, and zoning requirements in place at the time of removal. Therefore, this finding is made.

3. *Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

Because the Solar Array would be operated and monitored remotely, long term traffic is not expected to increase as a result of the project. During construction, it is expected that a maximum of 360 workers would be employed, and daily construction trips would peak at 837 daily trips. Daily traffic volumes would be well below the roadway operational design standards. Therefore, this finding is made.

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

The Solar Array would not result in an increase in population, and thus would not have a significant impact on existing police protection, fire protection, or health care services. Additionally, the proposed project once operational would not result in water demand or need for wastewater disposal. Therefore, this finding is made.

5. *The proposed 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 site is located in an agricultural area used for cultivated agriculture purposes and scattered rural residences. Human activity is limited in this area; therefore, noise levels are typically limited. Noise levels are occasionally elevated, though, due to nearby traffic and agricultural machinery and practices. Short-term nuisance factors associated with the project, including construction traffic, construction noise, and construction dust generation would be addressed with application of standard project conditions and special mitigation measures. SPEC-NOI-05 would shield equipment; Standard Mitigation Measure NOISE-05 and SPEC-NOI-4 would require adjacent property owners to receive a construction schedule and advanced notice of construction phases; SPEC-NOI-1 would limit construction hours; SPEC-NOI-2 would require noise barriers; and SPEC-NOI-3 would require noise-reducing features on equipment.

During the operational phase, the project would not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood. Operation of the Solar Array would not create Right-to-Farm or other nuisance impacts to adjacent productive agricultural operations because the Solar Array would not result in a significant amount of particulates after the construction phase is complete, would include a weed abatement

program, and would tolerate dust, pesticides, and herbicides from nearby agricultural operations. Night time lighting and day time glare would be addressed to the extent possible by application of standard project conditions and special mitigation measures. Mitigation Measures SPEC AV-1 through AV-3 would require aesthetic design treatments, board architectural review, low intensity lighting, and low-glare materials provide compatibility of the Solar Facility with the existing agricultural landscape. Additionally, the Solar Array does not propose any habitable use or uses for sensitive receptors that may be detrimental to the comfort, convenience, general welfare, health and safety of the surrounding area.

Technical requirements of solar PV projects often require development components that could be highly visible (e.g., 110-foot tall transmission and telecommunication towers, and other solar components). However, the application of standard project conditions and special mitigation measures help blend the facility with the existing environment to the extent feasible. Measures SPEC AV-1 through AV-3 would require aesthetic design treatments, board architectural review, low intensity lighting, and low-glare materials provide compatibility of the Solar Facility with the existing agricultural landscape. Therefore, the project may be found consistent with policy and compatible with the rural character of the area, to the maximum extent feasible in consideration of technical requirements. Therefore, this finding is made.

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

The proposed project includes amendments to the Comprehensive Plan and Land Use Development Code which would allow for Utility-Scale Solar Photovoltaic (PV) facilities within certain areas of the Cuyama Valley Rural Region, including the project site. With approval of the accompanying CP/LUDC Amendments and as discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated July 3, 2014, the proposed project is in compliance with all applicable laws, rules, and regulations of the County's zoning ordinances and Comprehensive Plan.

7. *Within rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.*

Implementation of the Solar Array and Gen Tie-Line would result in significant and unavoidable impacts due in part to changes in the visual character through the alteration of natural topography with the implementation of graded development sites, introduction of high-contrast tones between native or agricultural vegetative coverage, installation of dark solar PV arrays, and alteration of rural textures of land with smooth-surfaced solar PV materials. However, specific Mitigation Measures SPEC-1, SPEC-2, and SPEC-3 would require aesthetic design treatments, low-intensity lighting, and reduced of glare, which would minimize the visual intrusion of the Solar Array and Gen Tie-Line.

Future utility-scale solar photovoltaic facilities allowed by the CP/LUDC Amendments would also potentially impact visual resources, similar to the Solar Array. Development Standards AV-1 through AV-4 address avoidance of scenic highways, aesthetic design treatments, low-intensity lighting, and minimization of glare, which would minimize the visual intrusion of new solar facilities. Additionally, siting, intensity of use, and potential

visual impacts of future solar facilities would be assessed on a case-by-case basis through the Conditional Use Permit and CEQA processes for future solar projects.

Technical requirements of solar PV projects often require development components that could be highly visible (e.g., 110-foot tall transmission and telecommunication towers, and other solar components). However, with approval of the Development Standards included in the CP/LUDC amendments and Specific Mitigation Measures included in the Cuyama Solar facility project (Specific Mitigation Measures SPEC-1, SPEC-2, and SPEC-3), the project is consistent with policy and compatible with the rural character of the area, to the maximum extent feasible in consideration of technical requirements. Therefore, this finding is made.

7.0 TELECOMMUNICATION FINDINGS

In compliance with Subsection 35.44.010 of the County Land Use and Development Code, prior to the approval of Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

1. *The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.*

   In part due to the height of the proposed telecommunications facilities at the Solar Array substation and Switchyard, the EIR identified significant aesthetic impacts related to scenic vistas and recreational resources (Impact AV-5 and Impact AV-10), visual character (Impact AV-7 and Impact AV-11), increased night lighting (Impact AV-8), and increased daytime glare (Impact AV-9). While these impacts are mitigated to the extent feasible, they remain significant and unavoidable. Special Mitigation Measures SPEC-AV-1 requires aesthetic design treatments to be applied to and maintained for all structures to minimize the impact on the existing visual character and quality and SPEC-AV-3 requires that solar panels and hardware shall be designed to minimize glare and spectral highlighting. The Northern Board of Architectural Review reviewed the project and is requiring the applicant to paint the micro-wave towers and dishes pursuant to an approved Aesthetic Design Treatment Plan.

   The Board recognizes that technical requirements of solar PV projects often require development components that could be highly visible (e.g., 110-foot tall transmission and telecommunication towers, and other solar components) and has previously viewed the importance of renewable energy production policies and mandates to support a finding of consistency for renewable energy projects. Therefore, the project is found consistent with policy and compatible with the rural character of the area, to the maximum extent feasible in consideration of technical requirements. Therefore, this finding is made.

2. *The facility is located to minimize its visibility from public view.*

   The Project has been sited remotely to limit its visibility from eligible scenic highways, primary roadways, and communities in the vicinity of the Project site. While the Project site would result in relatively few viewers being impacted, the change in the visual character of the area was determined to be a significant and unavoidable impact. Mitigation Measure SPEC-AV-1 requires that exterior surfaces be treated with a dull finish or using standard environmental coloring to minimize contrast with the existing landscape to the extent feasible. Mitigation Measures from the Final Environmental Impact Report requiring

that metal surfaces be treated to minimize contrast and reflective properties would further reduce visibility. Therefore, this finding is made.

3. *The facility is designed to blend into the surrounding environment to the greatest extent feasible.*

   While visual impacts would remain significant and unavoidable, the Project has been designed to blend to the surrounding environment to the greatest extent feasible. Mitigation Measure SPEC-AV-1 requires that exterior surfaces be treated with a dull finish or using standard environmental coloring to minimize contrast with the existing landscape to the extent feasible. Therefore, this finding is made.

4. *The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.*

   With the adoption of the CP/LUDC Amendments, the telecommunication facilities included in the project are consistent with all applicable development standards.

5. *The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.*

   The applicant engineer submitted a letter, dated July 10, 2014, stating that the Project's telecommunication components shall be operated within the frequency range allowed by the Federal Communications Commission (FCC). The applicant shall submit a Radio Frequency Study, by Hammett & Edison, Inc., demonstrating that the Project would be in compliance with FCC's rules, regulations, and standards prior to the July 22, 2014 Planning Commission hearing. The proposed telecommunication facilities included in the project would be used solely for the solar facility and are required for operation of the facility. Existing infrastructure in the area could not be utilized for this purpose due to technical requirements. Therefore, this finding can be made.

6. *The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.*

   The proposed telecommunication facilities are solely for the use of the solar facility and associated infrastructure and are required for operation of the facility. Existing infrastructure in the area could not be utilized for this purpose due to technical requirements. Therefore, this finding can be made.

7. *The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.*

   The proposed telecommunication facilities are solely for the use of the solar facility and associated infrastructure and are required for operation of the facility. Technical requirements dictate the height and location of these facilities, as demonstrated in the EIR. Therefore, this finding can be made.