

ATTACHMENT A

Findings for Approval

1.0 CEQA FINDINGS *(Pursuant To Public Resources Code Section 21081 and the California Environmental Quality Act Guidelines Sections 15090 and 15091)*

1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Supplemental Environmental Impact Report (FSEIR, 18EIR-00000-00001/SCH#2018071002) to the Lompoc Wind Energy Project EIR (06EIR-00000-00004/SCH#200671008) dated October 2019, including the FSEIR Alternatives Revision Letter No. 1 dated November 12, 2019, was presented to the Santa Barbara County Board of Supervisors and all voting members of the Board of Supervisors have reviewed and considered the information contained in the Final SEIR (18EIR-00000-00001), its appendices, and the November 12, 2019 FSEIR Alternatives Revision Letter No. 1, as well as relevant information from the LWEP EIR prior to approving the project. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior to the public hearing on January 28, 2020. The Final SEIR reflects the independent judgment and analysis of the Board of Supervisors and is adequate for this proposal.

1.2 FULL DISCLOSURE

The Board of Supervisors finds and certifies that the Final SEIR (18EIR-00000-00001) to 06EIR-00000-00004 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 SEIR has been completed in compliance with CEQA.

1.3 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.

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

The Final SEIR (18EIR-00000-00001) for the Strauss Wind Energy Project (SWEP), along with the Final SEIR and Revision Letter No. 1, identified seven significant, adverse environmental impacts for the Modified SWEP which cannot be fully mitigated and are therefore considered unavoidable (Class I). The Final SEIR and Revision Letter No. 1 identified Class I impacts due: to visual intrusion of the construction and operation of the 427-ft and 492-ft high wind turbine generators (WTGs) as seen from public viewing areas; likely bird and bat mortality resulting from collisions with the operating WTGs; and removal of approximately 225 oak trees. To the extent the impacts remain significant and unavoidable with mitigation, such impacts are acceptable when weighed against the overriding social, technical, economic, legal, and other considerations set forth in the Statement of Overriding Considerations included in Finding 1.8, below. For each of the Class I impacts identified in the Final SEIR (18EIR-00000-00001), feasible changes or

alterations have been required in, or incorporated into, the approved project which avoid or substantially lessen the significant environmental effect, as discussed below:

1.4.1 Impacts to Birds and Bats

Unknown numbers of special status and non-sensitive birds and bats could be at risk of mortality through collisions with the WTGs over the duration of the Project (Impact BIO-10). Bird and bat mortality from collisions with WTGs is difficult to predict and depends on a variety of factors including species composition on a site; behavior and flight characteristics of species present; migratory patterns; site characteristics including habitat, weather, proximity to water and other features that concentrate migrants; and wind farm features such as WTG type, location configuration and lighting. Due to the complexity of the multiple factors that contribute to collision risk, pre-construction risk assessments and surveys may not accurately predict actual mortality during operation. Therefore, required active control technology prior to and during operation and an ongoing adaptive management plan (described below under Mitigation Measures) are more likely to successfully lessen the impacts to bird and bats strikes than conducting additional studies that may be too speculative. Because unknown but potentially substantial numbers of protected birds and bats are at risk of collisions with the WTGs over the duration of the project, and currently there is no proven method to entirely prevent such collisions, this impact is considered significant and unavoidable (Class I).

Mitigation Measures. Seven measures have been adopted as conditions of approval. Condition 36 (MM BIO-15a) requires that the turbines be micro-sited so that each tower is located at least 500 feet from active raptor nesting sites. Condition 37 (MM BIO-15b) requires design elements, including active control technology systems, which identify large soaring birds, such as Golden eagle and California Condor, and automatically curtails WTG operation if birds are detected approaching or entering the Project site. This technology is fairly new but data up to this point has suggested it could be an important method to reducing collision risk for large birds. Condition 38 (MM BIO-16) requires preparation and implementation of a monitoring and adaptive management plan bird and bat conservation strategy. Condition 39 (MM BIO-16a) requires data collection and reporting on bird usage and behaviors on the site. Condition 40 (MM BIO-16b) requires data collection and reporting to determine whether the mortality thresholds of the Adaptive Management Plan have been reached. Condition 41 (MM BIO-16c) requires that carrion within 500 feet of each WTG be promptly removed to minimize attractants for avian feeders and Condition 42 (MM BIO-16d) requires an Adaptive Management Plan which identifies actions to be taken if the number of bird or bat mortalities exceeds a defined threshold as described in the SEIR. Actions to reduce mortality would include increase frequency of removing carrion within 500 feet of each WTG and selective curtailment of turbine operation.

1.4.2. Impacts to Aesthetic/Visual Resources

The SEIR found that construction and operation of the project has the potential to degrade the visual character of the area in the vicinity of project elements and also degrade landscape characteristics along portions of San Miguelito Road which is a rural

area characterized by open spaces and scenic views. Vehicular transport of Project components will require road widening and tree removal that would alter the landscape characteristics along portions of San Miguelito Road. Two segments of San Miguelito Road will experience significant and unavoidable visual impacts from views of the transmission line, as will viewers on some public roads and residential areas in the southern portion of the City of Lompoc. The transmission line structures will introduce an industrial character to the southern Lompoc area and the sky-lining of the transmission line structures will exacerbate their prominence and visibility. The WTGs will be visible during construction and operations from San Miguelito Road, near its intersection with Sudden Road and near its western terminus at the Vandenberg Air Force Base (VAFB) property line. The western-most WTGs will be visible from Jalama Beach County Park. The WTGs will be lighted for safety, as required by the Federal Aviation Administration (FAA) and the visibility of numerous synchronized flashing red hazard lights along ridgelines in the context of the dark nighttime coastal landscape will result in a significant and unavoidable visual impact at Jalama Beach County Park and from other locations in the northern Lompoc Valley, including portions of Harris Grade Road, Highway 1, Mission Hills, and Vandenberg Village. Portions of San Miguelito Road will be widened, embankments cut back, and a significant number of roadside native oak trees will be removed to enable the transport of the large WTG blades to the site. These activities will result in significant and unavoidable visual changes that will reduce the scenic quality of San Miguelito Road which is considered to be of moderate to high quality due to its recreational and sight-seeing value.

Mitigation Measures. Conditions 3 and 4 (MM VIS-1 and MM VIS-2) require that construction materials and excavated materials be stored away from San Miguelito Road and confined within specific areas to reduce impacts on mountain views. Condition 5 (MM VIS-4) requires implementation of a County-approved Landscape and Lighting Plan that requires landscaping and revegetation treatments to reduce the visibility of cut slopes and graded areas along the transmission line route and along Miguelito Road, and measures to minimize the attraction of birds to facility lighting. Condition 6 (MM VIS-5) requires the Owner/Operator to request the FAA for a reduced FAA hazard lighting plan, and if approved by the FAA, implement the reduced lighting plan. Conditions 93 (EQAP) and 96 (Mitigation Monitoring) require on-site independent environmental monitoring and reporting to the County throughout construction and operations. Implementation of these measures will reduce impacts to the maximum extent feasible, but will not fully eliminate the potential for significant visual impacts to occur as a result of the Project. No other measures are known which will further reduce the impact.

1.4.3 Impacts to Oak Trees

The SEIR found that significant, unavoidable impacts to oak woodland and tanoak forest will result from construction of the Project (Impact BIO-2a). Approximately 225 oak coast live oak and tanoak trees will be removed for construction of access roads, WTGs, and the transmission line for the Modified SWEP. Trees that do not need to be removed for construction may be directly affected by trenching or grading that could cut through root zones or compact soils around trees. In addition, trees with limbs overhanging access

roads and turbine pads could be damaged by pruning to allow equipment and site access. Oak trees are very slow to regenerate, especially in areas of low annual rainfall. Even with tree protection and replacement, there is a temporal habitat loss that could take several decades, and possibly longer, to replace the habitat value and ecological functions that will be lost to project development. Some habitat components of mature woodlands, such as large tree cavities suitable for mammal dens or owl nests, may take even longer to replace. Therefore, impacts to woodland and forest will be significant and unavoidable.

Mitigation Measures. Mitigation measures BIO-1, BIO-2, BIO-4a through BIO-4c, BIO-11c and BIO-11d have been adopted as Conditions of approval 9, 10, 12, 13, 14, 22, and 23 to avoid or minimize impacts to woodland and forest habitats. Mitigation measures BIO-1 and BIO-2 (Conditions 9 and 10) require development and implementation of a Worker Education and Awareness Program, minimizing the amount of ground disturbance, clearly marking disturbance limits and environmentally sensitive habitats in the field, and biological monitoring and reporting. In addition, MM BIO-4a (Condition 12) addresses protection of trees adjacent to project activities, MM BIO-4b (Condition 13) requires replacement of trees that are removed, and MM BIO-4c (Condition 14) requires implementation of best practices to reduce the potential for spread of plant pathogens, including sudden oak death. Mitigation measures BIO-11c and BIO-11d (Conditions 22 and 23) require biological monitoring and reporting during project construction to ensure compliance with mitigation measures.

The Board of Supervisors finds that mitigation measures VIS-1, VIS-2, VIS-4, VIS-5 and BIO-1, BIO-2, BIO-4a, BIO-4b, BIO-4c, BIO-11c, BIO-11d, BIO-15a, BIO-15b, BIO-16, BIO-16a, BIO-16b, BIO-16c, and BIO-16d, which have been adopted as Conditions of approval 3, 4, 5, 6, 9, 10, 12, 13, 14, 22, 23, 36, 37, 38, 39, 40, 41, 42, and Conditions 93 (EQAP) and 96 (Mitigation Monitoring), as discussed above, will mitigate significant, unavoidable impacts of the Project to the maximum extent feasible and that there are no other feasible mitigation measures that could be required that will further reduce these significant impacts.

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

The Final SEIR (18EIR-00000-00001) identified several issue areas for which the 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 SEIR (18EIR-00000-00001), feasible changes or alterations have been required in the form of mitigation measures, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as summarized below. The impacts and mitigation measures are more fully described in the respective resource area discussions in the Final SEIR and the full text of each condition of approval is provided in Attachment B of the Planning Commission Action Letter dated November 22, 2019 included as Attachment 1 of

the January 14, 2020 Set Hearing Board Letter for the Strauss Wind Energy Project appeals.

1.5.1 Aesthetic/Visual Resources

The SEIR concludes that introduction of the new transmission line switchyard near Highway 1 and the southern boundary of the Lompoc city limits will introduce a visually prominent industrial feature and color and line contrast with existing vegetation in close proximity to that portion of Highway 1 that is a designated Scenic Highway, a potentially significant impact (Impact VIS-6). Implementation of an approved Landscape and Lighting Plan (MM VIS-4) Condition 5 will reduce this impact to a less-than significant level by reducing the visibility of the switchyard pad and complex structural elements through installation and maintenance of landscape screening and applying colorants to reduce the lighter colored rock, soils, or gravel with darker vegetation. This mitigation measure has been adopted as Condition 5. With implementation of the adopted mitigation measures, this potential impact to visual resources will be less than significant.

1.5.2 Air Quality – Construction Emissions

The SEIR found that if not mitigated, construction emissions of NO_x and PM₁₀ will exceed County significance thresholds (Impact AQ-1). Mitigation measure AQ-1 requires use of Tier 3 or better engines, use of electric equipment and alternative-fuel vehicles where feasible, and other measures to minimize engine and vehicle NO_x emissions. Mitigation measure AQ-2 requires implementation of dust (PM₁₀) control measures during construction, including dust monitoring, water application, and wheel washing to prevent tracking of mud onto public roads, among other actions. These mitigation measures have been adopted as Conditions 7 and 8. With implementation of the adopted mitigation measures, these potential impacts to air quality will be less than significant.

1.5.3 Biological Resources

The SEIR identified several Class II impacts to biological resources. These impacts and mitigation measures are summarized below and in Table 5 of the Planning Commission Staff Report dated November 12, 2019. Full descriptions of these impacts and mitigation measures are provided in Section 4.5 of the SEIR. Each of these mitigation measures has been adopted as a condition of approval, as noted below. With implementation of these mitigation measures, these potential impacts to biological resources will be less than significant.

Class II Biological Impact

BIO-1a: Vegetation and Wildlife Habitat
Impacts during Construction. Vegetation and wildlife habitat could be temporarily and permanently lost during construction.

BIO-1b: Vegetation and Wildlife Habitat
Impacts during O&M. Vegetation and wildlife habitat could be impacted during normal operations and maintenance.

Mitigation Measure (Condition Number)

BIO-1: Worker Education and Awareness Program. (Cond. 9)

BIO-2: Ground Disturbance. (Cond. 10)

BIO-3: Site Restoration and Revegetation Plan. (Cond. 11)

BIO-8: Native Grassland Restoration. (Cond. 18)

BIO-11b: Fencing. (Cond. 21)

BIO-11c: Biological Monitoring. (Cond. 22)

BIO-11d: Monitoring Report. (Cond. 23)

Class II Biological Impact

BIO-3: Wetlands, Seeps, and Springs, and Features Subject to Regulation by the USACE, Santa Barbara County, or CDFW.

Direct loss of wetlands and seeps could occur at creek crossings, the laydown yard, water well, road improvement and access road locations, pole locations along the transmission line, and WTG pads. Additionally, soil erosion or spills could reduce water quality during construction.

BIO-5a: Construction Impacts to Gaviota Tarplant. Impacts to Gaviota tarplant and designated critical habitat could occur during construction.

BIO-5b: O&M Impacts to Gaviota Tarplant. Occasional disturbance to small areas of Gaviota tarplant habitat could occur as a result of operations or maintenance activities involving clearing or vehicle operation in occupied habitat.

BIO-6: Other Special-Status Plants. A number of other special-status plant species may be present on site or in the transmission line corridor and could be lost during construction.

BIO-7: Common Wildlife. Individual animals could be injured or killed by vehicles, equipment, or large holes during construction.

Mitigation Measure (Condition Number)

BIO-1: Worker Education and Awareness Program. (Cond. 9)

BIO-2: Ground Disturbance. (Cond. 10)

BIO-3: Site Restoration and Revegetation Plan. (Cond. 11)

BIO-9: Wetland Avoidance and Riparian Habitat Restoration Plan. (Cond. 19)

BIO-11c: Biological Monitoring. (Cond. 22)

BIO-11d: Monitoring Report. (Cond. 23)

BIO-1: Worker Education and Awareness Program. (Cond. 9)

BIO-2: Ground Disturbance. (Cond. 10)

BIO-3: Site Restoration and Revegetation Plan. (Cond. 11)

BIO-5: Pre-construction Rare Plant Surveys and Restoration. (Cond. 15)

BIO-6: Gaviota Tarplant Disturbance. (Cond. 16)

BIO-11c: Biological Monitoring. (Cond. 22)

BIO-11d: Monitoring Report. (Cond. 23)

BIO-1: Worker Education and Awareness Program. (Cond. 9)

BIO-2: Ground Disturbance. (Cond. 10)

BIO-3: Site Restoration and Revegetation Plan. (Cond. 11)

BIO-5: Pre-construction Rare Plant Surveys and Restoration. (Cond. 15)

BIO-7: Kellogg's and Mesa Horkelia Habitats. (Cond. 17)

BIO-11c: Biological Monitoring. (Cond. 22)

BIO-11d: Monitoring Report. (Cond. 23)

BIO-1: Worker Education and Awareness Program. (Cond. 9)

BIO-2: Ground Disturbance. (Cond. 10)

BIO-11a: Pre-construction Wildlife Surveys. (Cond. 20)

BIO-11b: Fencing. (Cond. 21)

BIO-11c: Biological Monitoring. (Cond. 22)

BIO-11d: Monitoring Report. (Cond. 23)

Class II Biological Impact

BIO-8: Nesting Birds. Nesting birds could potentially lose nests through destruction or abandonment.

BIO-9: Special-Status Wildlife. Direct and indirect impacts could occur to special-status wildlife species.

BIO-11: Avian and Bat Collisions with Power Lines and Meteorological Tower. Birds and bats could collide with transmission and power collection poles, transmission and power collection lines, and the meteorological tower.

Mitigation Measure (Condition Number)

BIO-1: Worker Education and Awareness Program. (Cond. 9)
BIO-2: Ground Disturbance. (Cond. 10)
BIO-11a: Pre-construction Wildlife Surveys. (Cond. 20)
BIO-11b: Fencing. (Cond. 21)
BIO-11c: Biological Monitoring. (Cond. 22)
BIO-11d: Monitoring Report. (Cond. 23)
BIO-12: Avoidance Measures for Nesting Birds. (Cond. 24)
BIO-14e: Roosting Bats. (Cond. 30)

BIO-1: Worker Education and Awareness Program. (Cond. 9)
BIO-2: Ground Disturbance. (Cond. 10)
BIO-3: Site Restoration and Revegetation Plan. (Cond. 11)
BIO-9: Wetland Avoidance and Riparian Habitat Restoration Plan. (Cond. 19)
BIO-11a: Pre-construction Wildlife Surveys. (Cond. 20)
BIO-11b: Fencing. (Cond. 21)
BIO-11c: Biological Monitoring. (Cond. 22)
BIO-11d: Monitoring Report. (Cond. 23)
BIO-13: Pre-construction Surveys and Conservation of El Segundo Blue Butterfly. (Cond. 25)
BIO-14a: California Horned Lizard. (Cond. 26)
BIO-14b: Northern California Legless Lizard. (Cond. 27)
BIO-14c: San Diego Desert Woodrat. (Cond. 28)
BIO-14d: American Badger. (Cond. 29)
BIO-14e: Roosting Bats. (Cond. 30)
BIO-14f: Vernal Pool Fairy Shrimp. (Cond. 31)
BIO-14g: California Red-Legged Frog. (Cond. 32)
BIO-14h: Western Spadefoot Toad. (Cond. 33)
BIO-14i: California Condor. (Cond. 34)
BIO-14j: Maternity Colony or Hibernaculum Surveys and Avoidance Measures for Sensitive Bats. (Cond. 35)

BIO-15b: Appropriate WTG and Project-Element Design. (Cond. 37)

Class II Biological Impact

BIO-14: Indirect Impacts (Vegetation).

Invasive species carried from other work sites could establish on site and displace native plant species or interfere with revegetation; topsoil removal and equipment operation could reduce the ability of soils to support vegetation.

Mitigation Measure (Condition Number)

BIO-1: Worker Education and Awareness Program. (Cond. 9)
BIO-2: Ground Disturbance. (Cond. 10)
BIO-3: Site Restoration and Revegetation Plan. (Cond. 11)
BIO-5: Pre-construction Rare Plant Surveys and Restoration. (Cond. 15)
BIO-6: Gaviota Tarplant Disturbance. (Cond. 16)
BIO-9: Wetland Avoidance and Riparian Habitat Restoration Plan. (Cond. 19)
BIO-11c: Biological Monitoring. (Cond. 22)
BIO-11d: Monitoring Report. (Cond. 23)
BIO-17: Weed Control Plan. (Cond. 43)

1.5.4 Archaeological and Tribal Cultural Resources

Grading for access roads and WTG pad construction, and other project-related activities, could result in significant impacts to 29 prehistoric archaeological sites (Impact CULT-1) and/or to unidentified subsurface archaeological resources (Impact CULT-2). Ground disturbance can crush artifacts, alter or destroy the vertical and horizontal contexts of features and artifact associations, such as disassociating burials and grave goods, and reduce or remove the analytical and interpretive potential of remains. Implementation of mitigation measures CULT-6 through CULT-10 require that resources be avoided to the extent feasible; that areas of known archaeological sites be designated as unbuildable on project plans and in some cases fenced off; that an Archaeological Data Recovery Excavation, Monitoring and Reporting Plan that includes detailed pre-construction investigation of disturbance areas, a detailed capping plan, special requirements where sites could be affected by horizontal directional drilling, identification and treatment of unanticipated discoveries during ground disturbance, worker awareness training, and Archaeological and Native American monitoring requirements. These mitigation measures have been adopted as Conditions 44, 45, 46, 47, and 48, respectively, and with their implementation, impacts to archaeological and Tribal cultural resources will be less than significant.

1.5.5 Fire Hazards and Emergency Services

Most of the Project site is designated by CAL FIRE as a Very High Fire Hazard Severity Zone, which is CAL FIRE's most severe designation. During construction, the Project could result in an increased risk of wildland fires that could spread to more developed areas. Fire risks include vehicle exhaust, sparks, welding, parking on dry grass, and fuel tanks (Impact FPES-1). Operation of the Project could increase baseline fire risks. Although rare, wind energy systems can be the source of wildfire ignitions due to collection line failure, turbine malfunction or mechanical failure, and lightning- and bird-related incidents or WTG malfunction (Impact FPES-2). During construction, the temporary blockage of San Miguelito Road by trucks carrying large loads (such as the WTG blades) could temporarily increase response times in the area. This could result in response times that are considered unsafe in a Very High Fire Hazard Severity Zone

(Impact FPES-3). Firefighters will need to take into consideration how a fire may affect the project's infrastructure (switchyard, substation, power transmission line, WTGs) when they combat potential wildland fires, as the Project structures will inhibit certain fire-fighting methodologies (Impact FPES-5). Each of the fire hazard impacts are discussed in more detail in Section 4.8 of the SEIR and are summarized in Table 5 of the Planning Commission Staff Report dated November 12, 2019. Six Conditions have been identified to reduce fire hazard impacts: Condition 49 (MM FPES-1) requires a Fire Prevention Plan to be approved by the County Fire Department; Condition 50 (MM FPES-2) prohibits smoking and open fires on the Project site during construction and operation; Condition 51 (MM FPES-3) requires gravel to be installed around the substation and switchyard; Condition 52 (MM FPES-4) requires access roads to remain passable by emergency vehicles for the duration of the Project; Condition 53 (MM FPES-5) requires vegetation buffers and clearances around the transmission line; and Condition 54 (MM FPES-6) requires the Owner/Operator to stop work during Red Flag conditions. Implementation of mitigation measures FPES-1 through FPES-6 (Conditions 49 through 54) will reduce these impacts to less than significant levels.

1.5.6 Geology and Soils

Although the potential for seismically induced ground shaking in the Project area during Project operation is unavoidable, proper design according to accepted standards and practices, and local, State, and federal regulations will reduce the potential for damage, injury, or death due to seismic shaking to a less-than-significant level for most SWEP structures. Impacts related to damage from seismic ground shaking, liquefaction, or seismically induced landslides (Impact GEO-2) for Project components will be reduced to a less-than-significant level with implementation of Condition 55 (Seismic Design; MM GEO-1) and Condition 56 (Grading and Drainage Plan; MM GEO-2). Construction activities could destabilize soil and weaken geologic units, alter existing drainage and some Project components will be located in areas within or near landslide deposits (Impact GEO-3) and could accelerate or increase the potential for erosion (Impact GEO-4). Impacts related to potential landslides, slope stability and erosion will be reduced to less than significant levels with implementation of adopted Condition 56 (MM GEO-2). Expansive soils are known to occur on the site and can undergo shrinking and swelling with moisture changes that can damage Project components such as slabs, building foundations, and concrete flatwork. Condition 57 (MM GEO-3) requires soil analyses for expansion potential once Project design has been developed and criteria for facility performance has been established and specifies additional measures to be applied as necessary to address expansive soil issues. Differential settlement due to compressible or collapsible soils present within the Project area could cause damage to Project components. Implementation of adopted Condition 58 (MM GEO-4) which requires Project components to be sited on cut pads that have been engineered and treated as necessary to provide a uniform foundation support and reduce differential settlement will reduce the potential impacts due to collapsible or compressible soil to a less-than-significant level (Class II).

1.5.7 Hydrology and Water Quality

The project could substantially deplete groundwater supplies or interfere with groundwater recharge from extracting water from proposed onsite wells for construction water use (Impact WAT-4). The groundwater impacts from the construction water use on two existing offsite wells as described in SEIR Section 4.12 are potentially significant, but can be reduced to a less-than-significant level with the Condition 63 (MM WAT-1 Construction Water Source). Condition 63 requires installation of a monitoring well as close as possible to the nearest existing offsite well to monitor groundwater levels within the aquifer. If monitoring indicates a drawdown of 14 feet in the nearest offsite well, the Owner/Operator shall use its alternative source of construction water, which is reclaimed water from the City of Lompoc’s Regional Wastewater Reclamation Plant (LRWRP). To demonstrate reclaimed water is available, the Owner/Operator has obtained a “Can and Will” serve letter from LRWRP. Implementation of adopted Condition 63 will ensure that the groundwater aquifer will not be significantly affected by Project activities.

Road construction will result in the removal or reduction of riparian vegetation or other vegetation from the buffer zone of streams, creeks, or wetlands, which could affect water quality by increasing the potential for erosion and removing vegetation which serves as shade and a filter for pollutants (Impact WAT-5). The biological impacts from the permanent removal of 3.02 acres of riparian vegetation as described in SEIR Section 4.12 are potentially significant, but can be reduced to a less-than-significant level with the following mitigation Conditions 11 (MM BIO-3) and 19 (MM BIO-9) (refer to section 1.5.3 above) and Condition 64 (MM WAT-2 Minimize Watercourse Encroachment). Condition 64 requires that a plan showing all watercourse encroachments demonstrate that any disturbance to riparian vegetation does not adversely affect the creek channel, vegetative cover over the stream, or flow pattern. Condition 64 will reduce potential impacts to water quality associated with the removal or reduction of vegetation to a less-than-significant level. Implementation of adopted Condition 64 (in conjunction with Conditions 11 and 19) will ensure that water quality will not be significantly affected by Project activities.

1.5.8 Land Use and Planning

The SEIR identified three Class II impacts to quality of life and two impacts to land use as a result of the Project. These impacts and mitigation measures are summarized below and in Table 5 of the Planning Commission Staff Report dated November 12, 2019. Full descriptions of these impacts and mitigation measures are provided in Section 4.13 of the SEIR. Each of these mitigation measures has been adopted as a condition of approval, as noted below. With implementation of these mitigation measures, these potential impacts to quality of life and land use resources will be less than significant.

Class II Land Use Impact

Mitigation Measure (Condition Number)

Class II Land Use Impact

Mitigation Measure (Condition Number)

LU-5a: Quality of Life – Noise. Noise from Project construction could cause temporary impacts to quality of life of residences within and surrounding the Project area.

NOI-2: Construction Hours. (Cond. 69)
NOI-3: Telephone Number for Noise Complaints. (Cond. 70)
NOI-4: Noise Complaint Resolution Plan. (Cond. 71)
NOI-5: Maintenance of Construction Equipment. (Cond. 72)
NOI-6: Resident Notification. (Cond. 73)
NOI-1: WTG Maintenance. (Cond. 68)
NOI-3: Telephone Number for Noise Complaints. (Cond. 70)
NOI-4: Noise Complaint Resolution Plan. (Cond. 71)
NOI-7: Acoustical Analysis. (Cond. 74)
NOI-8: Noise Monitoring and Control Plan. (Cond. 75)
NOI-9: Maintenance Hours. (Cond. 76)

LU-5b: Quality of Life – Noise. Noise from WTG operation could potentially impact quality of life of nearby residences.

LU-6: Coastal Resources. Possible unpermitted encroachment into the Coastal Zone, impacting coastal resources.

LU-1: Staking of Coastal Zone. (Cond. 65)

LU-7: Decommissioning and Reclamation Plan. Long-term impacts to land use following end of Project.

LU-2: Decommissioning & Reclamation Plan. (Cond. 66)
LU-3: Financial Assurance for Decommissioning and Reclamation. (Cond. 67)

1.5.9 Noise

The SEIR identified two Class II noise impacts from short-term construction noise (Impact NOI-1) and long-term wind turbine generator noise (Impact NOI-2). Site preparation and construction activities including heavy truck deliveries will temporarily increase noise levels at residences in and around the Project site with operation of heavy construction equipment. Mitigating the potentially significant on-site construction noise impact involves limiting the duration of the noise by limiting the hours of construction and avoiding annoyance, nuisance, or sleep interference at nearby sensitive receptors through a complaint resolution plan and advance notification. Implementation of adopted Conditions 69, 70, 71, 72, 73 (MMs NOI-2, NOI-3, NOI-4, NOI-5, and NOI-6) will reduce short-term noise impacts to less than significant levels. Along with Conditions 70 and 71, implementation of requirements for WTG maintenance (Condition 68; MM NOI-1), acoustical analysis (Condition 74; MM NOI-7), operational noise monitoring and control (Condition 75; MM NOI-8) and restrictions on maintenance hours within 1,600 feet of non-participating residences (Condition 76; MM NOI-9) will reduce this operational noise impact to a less-than-significant level.

1.5.10 Paleontological Resources

Impacts to paleontological resources could result from ground-disturbing activities such as mechanical excavation, drilling, or trenching (Impact PALEO-1) or from unauthorized collection of fossils by construction workers or operational personnel (Impact PALEO-2). Three mitigation measures have been adopted as conditions of approval to reduce the adverse effects from ground-disturbing activities to less than significant. Condition 77 (MM PALEO-1) requires submittal of a Paleontological Resource Mitigation and

Monitoring Plan. Condition 78 (MM PALEO-2) requires paleontological resources monitoring during construction in areas known to have high sensitivity sediments. Condition 79 (MM PALEO-3) requires monitors to temporarily halt surface disturbing actions in the immediate vicinity of a fossil find until an assessment of the find is completed. Mitigation measures adopted as conditions of approval to reduce the likelihood of unauthorized fossil collection are condition 77 as described above and Condition 80 (MM PALEO-4) which requires conducting a pedestrian survey of parts of the Project footprint on high sensitivity sediments to determine where clearing, grubbing, and grading could affect paleontological resources. With implementation of these mitigation measures, impacts to paleontological resources will not be significant.

1.5.11 Recreation

Recreation activities along portions of San Miguelito Road could be interrupted or delayed by construction-related traffic and safety concerns (Impact REC-1). Mitigation to reduce adverse recreational impacts includes posting informational signs to inform the public of the construction-related traffic schedule and temporary traffic hazards. Condition 81 (MM REC-1) requires the Owner/Owner/Operator to provide current information on the construction schedule to identified recreational groups to use for their planning purposes. Project impacts to recreation during the construction phase will be short-term in nature and will be reduced to a less-than-significant level with implementation of Condition 81 (MM REC-1).

1.5.12 Transportation

Project-related traffic could result in excessive vehicle delays and unacceptable levels of service at the intersection of Ocean Avenue/Highway 1/Highway 246 at F Street in Lompoc (Impact TC-1). This impact could be mitigated by deploying a flag person at that intersection to facilitate the movement of trucks from northbound F Street onto Ocean Avenue and/or by prohibiting northbound truck movements at that intersection during the morning and afternoon peak traffic periods. The Project will require equipment, materials, and supplies to be transported to the Project site on public roadways and many of the loads will require the use of oversized and/or overweight trucks. These trucks will potentially result in safety issues (Impact TC-2) and will require special measures, particularly along constrained portions of San Miguelito Road and at intersections where the trucks will be turning. Physical modifications to such features as utility lines, poles, traffic signals, signs, trees, vegetation, and the roadway design will result in temporary blockages and delays to motorists at the affected locations. Use of oversized trucks could slow traffic and create temporary blockages of intersections during construction (Impact TC-4). Implementation of measures identified in the SEIR to address Impacts TC-1, TC-2 and TC-4 will be incorporated into the Traffic Management Plan required under Condition 82 (MM TC-1) and will mitigate these impacts to less than significant levels. Heavy equipment transporting the Project-related construction materials and components to the site could damage existing roadways (Impact TC-5). Impacts associated with roadway damage will be mitigated to a less than significant level with the implementation of adopted Condition 83 (MM TC-3) which requires that the Owner/Owner/Operator

enter into an agreement with affected jurisdictions to ensure that any damage to roadways attributable to the Project are repaired or reconstructed to original conditions. These requirements will also be included in the Traffic Management Plan (Condition 82).

1.5.13 Utilities and Services

Concrete waste from batch plant operations will be a major component of the construction waste stream for the Project. In addition, a significant amount of vegetative debris will be created by tree removal. Other construction wastes are described in detail in SEIR Section 4.18.4 under Impact USS-1. Operational waste generation will be minimal. Adopted Condition 84 (MM USS-1) requires implementation of a solid waste management plan that describes how waste generated from the Project will be reduced, recycled or disposed and includes a prohibition on disposing of vegetative waste in a landfill. Along with the Project's compliance with current standards for construction waste disposal, implementation of Condition 84 will reduce solid waste impacts to less than significant.

1.6 FINDINGS THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Mitigation measures that will avoid or substantially lessen the significant environmental impacts of the project have been adopted as conditions of Project approval and County departments will be responsible for monitoring compliance with these conditions. Certain mitigation measures adopted as conditions of approval require development and implementation of mitigation plans in consultation with the City of Lompoc, California Department of Transportation, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and/or the U.S. Army Corps of Engineers; however, the County will be responsible for monitoring and enforcing the approved mitigation plans. The California Department of Fish and Wildlife will be responsible for monitoring compliance with the Bird and Bat Conservation Strategy Plan in Condition 38.

The PG&E Upgrades associated with the Project will be implemented under the authority of the California Public Utilities Commission (CPUC) and enforcement of the Avoidance and Protection Measures summarized in the SWEP Final SEIR for the PG&E Upgrades is the responsibility of the CPUC. The Project Owner/Owner/Operator is required under adopted Condition 6 (SEIR MM VIS-5) to request a Reduced Hazard Lighting Plan from the Federal Aviation Administration (FAA) to ensure the minimum amount of FAA-required lighting is installed; the County will be responsible for ensuring that the request is made but will not enforce the requirements of the Hazard Lighting Plan approved by the FAA.

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

The Final SEIR evaluated a no-project alternative and three reconfigured project alternatives as a means of reducing or eliminating potentially significant environmental

impacts. As discussed in Chapter 5 of the Final SEIR, five other potential alternatives to the proposed project were considered but not carried forward for analysis because they would not meet the project's objectives or are infeasible. The Board of Supervisors adopted a combination of two of the alternatives evaluated in the SEIR, the Modified Project Layout and the Alternative Surface Transport Route, as the approved Project (Modified SWEP). This Modified SWEP configuration was identified as the environmentally superior alternative in the Final SEIR (SEIR Section 5.6). The remaining two alternatives are infeasible for the reasons stated below.

No Project Alternative. Under the No Project Alternative, the SWEP and associated transmission line will not be constructed, and the underlying land uses (agriculture) at the Project site will remain unchanged. PG&E will not interconnect an additional 98 MW of renewable generating capacity from wind energy development in the Lompoc area. However, PG&E and other electric utilities will continue to seek alternative locations for development of renewable energy sources to meet the State's mandated goal of 60 percent of electricity sales from renewable sources by 2030. The precise locations of future renewable energy development are currently unknown, but will most likely occur outside of the Lompoc area. The Board of Supervisors rejects the No Project Alternative because it will not meet any of the Project objectives, including providing increased supply of renewable energy in the State.

Alternative Switchyard Location. This alternative was identified to reduce the severity of the significant but mitigable impact associated with views of the proposed switchyard from State Highway 1 and to reduce the significant and unavoidable visual impact associated with the section of the transmission line along the ridge entering the proposed switchyard location. Under this alternative, the Project's switchyard will be constructed at a location approximately 1.1 miles south and west of the proposed switchyard location at the top of the foothills south of the City of Lompoc. This location will reduce the total length of the Project's 115-kV transmission line to 6.2 miles, compared to 7.3 miles in length for the Modified SWEP. All other components, activities, and impacts associated with Project would be built and operated as for the Modified SWEP. During environmental review of the Project, the County Fire Department indicated that this alternative will result in longer emergency response times to the switchyard in case of emergency because its location is more remote and will delay the Fire Department's ability to protect it from wildfire or to contain a fire-related incident at the switchyard. For this reason, the Board of Supervisors rejects the Alternative Switchyard Location.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Strauss Wind Energy Project, along with the FSEIR Alternatives Revision Letter No. 1 dated November 12, 2019, identifies project impacts to Aesthetic/Visual Resources and Biological Resources as significant environmental impacts which are considered unavoidable. The Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrant approval of the project notwithstanding that all identified significant impacts are not fully mitigated. Pursuant to CEQA Guidelines Sections 15043, 15092

and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

1. The 98 MW project will generate approximately 288,000 megawatt-hours of clean, renewable wind power annually, enough power to supply about 43,000 homes with electricity annually and help meet statewide energy needs in an efficient, sustainable, and environmentally sound manner. (See Class IV Impact EEU-1, SEIR Section 4.7.4.) This will support the United States Department of Energy goal of increasing the overall use of wind power to generate electricity and assist California in meeting its legislated Renewable Energy Portfolio standards for the generation of renewable energy in the state. The Energy Element of the Santa Barbara County Comprehensive Plan recognizes the environmental and economic benefits of alternative energy generation and encourages development of alternative energy technologies in the County. The SWEP furthers the County's Energy and Climate Action Plan (ECAP) Measure RE 4 that encourages the development of utility-scale renewable energy projects. (See SEIR Sections 4.7.2.1 through 4.7.2.3.)
2. The project will offset the need for additional electricity generated from fossil fuels and thereby assist the California in meeting its air quality goals and reducing greenhouse gas emissions. The project will reduce carbon dioxide emissions by as much as 60,000-73,000 metric tons annually. (See Class IV Impact GHG-1, SEIR Section 4.10.4.)
3. The project is compatible with the existing agricultural use. It will promote the long-term economic viability of agricultural uses in the Santa Barbara County by providing financial support to property owners, who can use the funding to enhance agricultural operations. Project road maintenance will also enhance agricultural operations by improving access throughout the project properties. (See SEIR Section 4.3.4 and the Planning Commission Staff Report dated November 12, 2019, Table 6, Comprehensive Plan Consistency Analysis - Agricultural Element Goal I.)
4. The project will provide Santa Barbara County with additional tax revenues. The Applicant estimates the Project will generate over 40 million dollars in tax revenue over the life of the Project. The Applicant developed this estimate by multiplying the total project value by the estimated tax rate and then applying applicable value decreases over time using factors applied by the County Tax Assessor.
5. The project will provide temporary construction work to 50-100 employees. The Applicant states that approximately 90% of the Project's contracted work force are members of unions. Some of the unions' members are out of state and some local (e.g., the electrical contractors include local branches 1245 and 413). The Applicant states that 80% of the Project's workforce is expected to live or stay in the Lompoc area during construction since the Project area is remote and Lompoc is the closest city to the Project site. The Applicant states that salaries will be higher when compared to other employment sectors in the region. Although an economic analysis was not conducted and economic benefits to the City of Lompoc and County are not analyzed in the SEIR, the project will benefit the City of Lompoc and the County's local economies.

1.9 MITIGATION MONITORING AND REPORTING

Public Resources Code §21081.6 and CEQA Guidelines §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. This monitoring program is designed to ensure compliance during all phases of project implementation. The approved project description, including the adopted conditions of approval with their corresponding permit monitoring requirements as described in Final SEIR Chapter 9 and as modified by adopted conditions of approval, including Condition 96 (Mitigation Monitoring), is hereby adopted as the reporting and monitoring program for the project. These conditions also require that an Environmental Quality and Assurance Program (EQAP) be prepared to ensure compliance during project implementation with those measures included in the project description and with those conditions imposed on the project in order to mitigate or avoid significant effects on the environment. The EQAP is required under adopted Condition 93.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

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

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

The project properties encompass 2,915 acres for the wind turbine sites and 2,647 acres for the transmission line route, which will accommodate the Modified SWEP without adversely affecting the primary use of this acreage for commercial agriculture, mining and residential uses. The site is well-suited for a wind farm, due to high wind resource potential on and over the site's ridges and its relatively remote, rural location, which minimizes compatibility issues and visual, noise, and safety impacts. While rural in nature, the site has an existing road network that will be utilized and improved to meet the access needs of the project. Therefore, the site is adequate in terms of location, physical characteristics, shape and size to accommodate the wind energy project.

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

As discussed in Section 6.1 of the Planning Commission Staff Report dated November 12, 2019, and the CEQA findings 1.4 and 1.5 above and hereby incorporated by reference, the potential impacts that would result from implementation of the Modified SWEP and the specific mitigation measures which have been adopted as conditions of approval to mitigate each of these impacts. Impacts that cannot be mitigated to less than significant levels are related to visual intrusion of the construction and operation of the

427-ft and 492-ft high wind turbine generators (WTGs) as seen from public viewing areas; likely bird and bat mortality resulting from collisions with the operating WTGs; and removal of approximately 225 oak trees. Conditions of approval have been adopted to mitigate these impacts to the extent feasible as described in CEQA Findings 1.4 and 1.5 above. Based on the analyses in the Final EIR, the discussion presented in Section 6.1 of the Planning Commission Staff Report dated November 12, 2019, CEQA Findings 1.4 and 1.5 above, and as discussed at the November 20, 2019 Planning Commission public hearing and the January 28, 2020 Board hearing and incorporated herein by reference, the Board of Supervisors finds that, with implementation of the adopted conditions of approval, significant adverse impacts associated with the Modified SWEP will be mitigated to the maximum extent feasible.

c. Streets and highways are adequate and properly designed.

Approximately 1.76 miles of existing onsite roads will be improved, widened and surfaced with gravel to provide access during construction and operations for oversized and heavy vehicles needed to transport large Project components to the site. An additional 7.05 miles of new roads will be constructed and left unpaved at the site, except in steep areas where they will be paved with asphalt. All new and improved onsite roads will be left in place once construction is completed and temporarily disturbed areas will be revegetated following the road work. San Miguelito Road will be widened or modified in 34 separate locations in order to transport the WTG blades to the site. The longest blade lengths are approximately 225 feet, and the trucks transporting the blades are too long to make certain turns along San Miguelito Road where corners are too sharp for the turning radii of transport trucks.

During construction, Project-related traffic will temporarily affect levels of service on project area roadways, in particular within the City of Lompoc. Special permits will be obtained from Caltrans and affected local authorities for the operation of oversized and overweight vehicles on the designated roadways. Condition 73 requires implementation of a Traffic Management Plan to address potential hazards and level-of-service impacts associated with Project-related construction traffic and Condition 74 requires that any Project-related damage to roadways be repaired or mitigated pursuant to executed agreements between the Owner/Owner/Operator and the affected jurisdictions (CALTRANS, County of Santa Barbara and City of Lompoc). No more than 10 employees will be present on the Project site during normal operations, and the additional traffic generated on San Miguelito Road during operations will not affect its level of service. Therefore, the Board of Supervisors finds that existing streets and highways, including improvements, are adequate and properly designed to carry the type and quantity of traffic generated by construction and operation of the Project.

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

As discussed in detail in Section 6.2 of the Planning Commission Staff Report dated November 12, 2019 and incorporated herein by reference, the project will have adequate public and private services. Fire, police, and emergency services are discussed in Section

4.8 of the SEIR. The project is not expected to significantly increase demand for services. Condition 43 requires that the Project proponent submit a fire protection plan for approval before the issuance of zoning clearance, which among other things will address the need for “dedicated repeaters” to summon fire or emergency services in case of phone system outages. During operations, the Project will have low water needs, estimated at up to 250 gallons per day, which will be supplied by an onsite well reviewed and approved as adequate by Environmental Health. During project construction, onsite well(s) will be developed to provide water for dust control and concrete mixing. In order to ensure the provision of water for construction purposes the Owner/Operator also has a commitment from the City of Lompoc to supply recycled water in the instance that onsite well water is not available. Project water use will not affect any mapped groundwater basin. Water to fill the fire water tank may be trucked in to the site if necessary. Sewage disposal will be by means of a leach line system near the Operations and Maintenance building, which will be installed pursuant to County Code. Therefore, the project will have adequate public services including fire protection, police protection, sewage disposal and water supply.

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

The project is situated in a relatively remote, rural location, surrounded by agriculturally zoned properties and undeveloped Vandenberg Air Force Base land. Most of properties where WTGs are sited are in the immediate project vicinity and will be within view of the WTGs or exposed to the project during ongoing operations are project participants, which will minimize visual compatibility issues. Potential noise and safety impacts will be mitigated to less than significant by the mitigation measures identified in FSEIR, 18EIR-00000-00001 hereby incorporated by reference and which are adopted as the project conditions of approval. Therefore, the project will be compatible with the surrounding agricultural uses, and will not be detrimental to the comfort, convenience, general welfare, health, or safety of the neighborhood. Based on the foregoing, the Board of Supervisors finds that construction and operation of the Project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

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

As discussed in detail in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated November 12, 2019, the project, as conditioned and with adoption of the requested Variance, is consistent with the County’s Comprehensive Plan and complies with the County’s Land Use and Development Code, in particular Chapter 35.57 Wind Energy Systems, as discussed in Section 6.3.1 of the Staff Report. Therefore, the Board of Supervisors finds that the Project complies with all applicable requirements of County’s Comprehensive Plan and complies with the County’s Land Use and Development Code.

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

Commercial wind farms are a conditionally permitted use in rural agriculturally zoned areas, and are exempted from restrictions on height and ridgeline placement of WTGs based on technical feasibility (County Land Use and Development Code Sec. 35.30.090.E.3.d; 35.57.050.K). Six of the WTG's will be 427 feet and 23 WTGs will be 492 feet in height, and all 29 WTGs would be spread across 2,915 acres. The meteorological tower will be 295 feet in height. The height, scale, and design of the WTGs and power poles are dictated by technical requirements, and impacts will be mitigated to the maximum extent feasible. Therefore, the Project is consistent with County policy and compatible with the rural character, to the maximum extent feasible in consideration of technical requirements. (See also Section 6.2 of the Planning Commission Staff Report dated November 12, 2019.)

2.2 VARIANCE FINDINGS

Pursuant to Subsection 35.82.200.E of the Santa Barbara County Land Use and Development Code, a Variance application shall be approved or conditionally approved only if the review authority first makes all of the following findings. Each of these findings can be made for the Project, as discussed below.

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

LUDC Section 35.82.200(A) states the purpose and intent of variances is to allow variances from the strict application of the provisions of the Development Code where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of the Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of the Development Code. The County Land Use and Development Code (Sec. 35.57.050.G) requires wind turbine generators (WTGs) to be set back from property lines a distance equal to the full system height, including blades (up to 492 feet for this project).

The Modified SWEP Variance application requests that the setback requirements be reduced in the following ways: (1) To allow the base of 10 wind turbine towers to be setback not less than 230 feet from property lines adjoining Vandenberg Air Force Base; and (2) To allow the base of five wind turbine towers a reduction of setback requirements from internal contiguous participating property lines to 194 feet on property zoned AG-II-100, in compliance with Sections 35.82.200 and 35.57.050 of the County Land Use and Development Code.

The requested Variance would allow 15 of the Modified SWEP's 29 WTGs to be located within setbacks otherwise required by the LUDC. The reason for the Variance request is that in some cases the property lines follow a ridgeline or ridge top and observation of the

required setbacks would prohibit the placement of WTGs along these ridgelines/ridge tops. However, it is necessary to site the WTGs on or close to these ridgelines/ridge tops in order to best exploit the wind resource. The Applicant needs to most effectively capture the wind resources on the site for the Project to be feasible.

Strict compliance with the Land Use Development Code would shift the WTGs up to 492 from all project property lines and the project would fail to capture the maximum wind energy resource which would potentially make the Modified SWEP infeasible. In addition, strictly observing the setbacks required by the LUDC would necessitate the relocation of WTGs on steeper slopes, which would create engineering difficulties and unnecessary environmental impacts, and increase costs.

Neighboring participating properties under identical zone classification have ridgelines and ridge tops outside of setbacks that will be used to capture the maximum wind energy resource for the project. Therefore, granting the Variance would allow deployment of the WTGs on the affected properties comparable to the privileges enjoyed by other participating property in the vicinity and under identical zone classification with ridgelines/ridge tops outside the applicable setback requirement. Therefore, this finding can be made.

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

A variance similar to that requested for the SWEP was approved by the County in 2009 for the Lompoc Wind Energy Project (LWEP), which was the first large-scale wind farm in the County and the first variance request of its kind to be approved. At the time the LWEP project was approved, the findings of approval anticipated “that similar variances will be granted for future projects under the same circumstances.” The same is true for the SWEP. The requested Variance applies only to reducing site setbacks for the purposes of placing WTGs in order capture the maximum wind energy resource and does not apply to other types of structures. The Variance application requests that the setback requirements be reduced from 492 feet: (1) To allow the base of 10 wind turbine towers to be setback not less than 230 feet from property lines adjoining Vandenberg Air Force Base; and (2) To allow the base of five wind turbine towers a reduction of setback requirements from internal contiguous participating property lines to 194 feet on property zoned AG-II-100, in compliance with Sections 35.82.200 and 35.57.050 of the County Land Use and Development Code. All setback requirements will be met for portions of the WTG areas adjacent to private non-participating properties.

Granting the Variance would allow deployment of the WTGs on the affected properties comparable to other participating properties in the vicinity and zone classification and would not constitute a special privilege. Also, other non-participating property owners in the vicinity of the SWEP and with the same zoning as the SWEP sites will remain free to propose or participate in future large scale wind energy projects. As such, the Variance granted herein will not grant special privileges to the participating properties or Project

owner that would not be available to other land owners in the vicinity or zone proposing a property use of a similar nature. Therefore, this finding can be made.

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

The Variance will not conflict with the Development Code or Comprehensive Plan, will not create any safety concerns, and will support Comprehensive Plan Energy Element Goal 5, which encourages development of alternative energy sources. Therefore, this finding can be made.