

ATTACHMENT B: FINDINGS

CEQA FINDINGS

Findings Pursuant to Public Resources Code Section 21081 and the California Environmental Quality Act Guidelines Sections 15090 And 15091:

1. CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Board of Supervisors has considered the Addendum dated June 26, 2009, together with the previously certified EIR (06EIR-00000-00004; SCH# 2006071008) for the Lompoc Wind Energy Project. The Addendum reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA. The Addendum, together with the EIR (06EIR-00000-00004; SCH# 2006071008), is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Board of Supervisors finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment.

2. LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

3. 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 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. The approved project description and conditions of approval in the Conditional Use Permit (06CUP-00000-00009), with their corresponding permit monitoring requirements, are designed to ensure compliance during project implementation. The approved permit includes an Environmental Quality Assurance Program (Rules-2) and Mitigation Monitoring requirements (Rules-4). The project changes described in the Addendum involve no new environmental impacts, nor increases to previously identified impacts, nor do they require any new conditions of approval. Therefore, the environmental monitoring program, as adopted in the Conditional Use Permit, adequately fulfills the foregoing reporting and monitoring requirements.

4. FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed the following issues: Aesthetic/Visual Resources, Biological Resources, and Land Use (consistency with the County Comprehensive Plan and Land Use & Development Code).

ADMINISTRATIVE FINDINGS

The Board of Supervisors makes the following findings, consistent with the requirements of the Santa Barbara County Land Use and Development Code (LUDC) Section 35.82.110.E.1 Findings for all Land Use Permits:

a. The proposed development conforms:

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and
- (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

The Lompoc Wind Energy Project is consistent with the Comprehensive Plan and Land Use Code, as analyzed in detail in the staff report for final approval of the Conditional Use Permit (CUP) on February 10, 2009. The consistency analysis is contained in Attachment E, Sections 6.2 and 6.3, of staff report dated December 16, 2008, and the consistency finding is Finding 2.1.f of the same staff report, which is incorporated herein by reference.

As discussed in Section 6.0 of the staff report for the Planning Commission hearing on July 15, 2009, the project is consistent with the project description and conditions of the approved CUP, apart from changes to the schedule for removal of temporary meteorological towers and schedule for installation of one permanent meteorological tower. No new ground disturbance or construction is proposed. On the contrary, the project would limit build-out of meteorological towers on the project site to a single 30-meter tower instead of ten 80-meter towers, thereby reducing project impacts to less than those considered and evaluated for the approved CUP.

The proposed actions would not alter the previously adopted consistency findings, but would provide additional support to the consistency analysis. In particular, the reduction from ten 80-meter meteorological towers to a single 30-meter tower would further reduce grading impacts pursuant to Hillside and Watershed Policies, reduce visual impacts pursuant to Visual Resources Policy 2, reduce visual impacts and development on steep slopes pursuant to the Land Use Policies, reduce exceedances of height limits consistent with LUDC 35.30.090, and reduce visual impacts and ridgeline siting consistent with 35.57.050.k and 35.62.040.

Therefore, this finding is hereby made.

b. The proposed development is located on a legally created lot.

The finding that the development is located on a legal lot does not apply to this project. The finding is normally required, based on the Subdivision Map Act provisions that result in legalization of a parcel if development on it is approved. The County Surveyor, in consultation with County Counsel, found it unnecessary to establish parcel validity or issue a Certificate of Compliance in this case, based on California Government Code Section

66412(i), which exempts wind-powered electrical generation projects from provisions of the Subdivision Map Act. On the basis of this exemption, the project will not serve to legalize the underlying parcels. Therefore, although the Applicant provided title reports for the project parcels, certificates of compliance were not required to establish parcel validity.

- c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

The project properties are in compliance, based on a records search, which showed no violations.

The Board of Supervisors makes the following additional finding, consistent with the requirements of Section 35.84.040.C.3.b(1) of the LUDC, concerning approval of a Land Use Permit authorized by a Substantial Conformity Determination:

- (1) The Land Use Permit shall be approved only if the review authority first finds, in addition to the findings normally required for a Land Use Permit, that the Land Use Permit substantially conforms to the previously approved Conditional Use Permit.

Substantial conformance of the Land Use Permit for this project to the previously approved Conditional Use Permit is demonstrated in the Substantial Conformity Determination (SCD) dated April 16, 2009 and analysis in the staff report for the Planning Commission hearing on July 15, 2009 (Section 6.0), which are incorporated herein by reference. The extension of the removal deadline for four temporary meteorological towers (#2004, 2005, 2006, and 2007) until 45 days following issuance or denial of the LUP is a minor change, which substantially conforms to the approved CUP. This change was not analyzed in the SCD, but was necessitated by subsequent schedule delays resulting from this appeal, as discussed in the staff report for the Planning Commission hearing on July 15, 2009 (Sections 5.4 and 6.0). The analysis of the substantial conformity criteria (#a-o) in the approved SCD applies with equal validity for this brief schedule extension as for the longer extension of the removal deadline for towers #13, 15, 2003 and 2009. Therefore this finding is hereby made.