

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Lompoc Wind Energy Project
Appeal of Land Use Permit for Temporary Meteorological Towers

Hearing Date: July 15, 2009
Staff Report Date: June 26, 2009

Deputy Director: Doug Anthony (568-2046)
Division: Energy
Energy Specialist: Kevin Drude (568-2519)
Planner: John Day (568-2045)

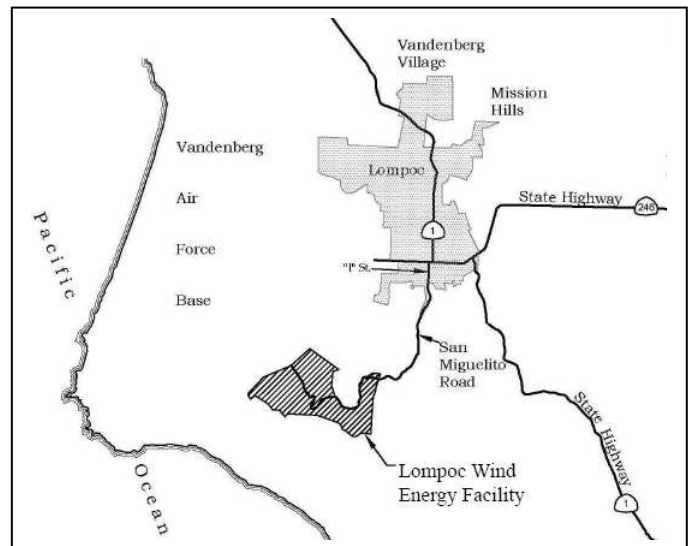
Case No.: 09APL-00000-00011
Land Use Permit: 09LUP-00000-00146
Substantial Conformity Determination: 09SCD-00000-00006
Conditional Use Permit: 06CUP-00000-00009
Environmental Document: 06EIR-00000-00004 (SCH# 2006071008)

Owner/Applicant:

Pacific Renewable Energy Generation, LLC
(Subsidiary of Acciona Wind Energy USA LLC)
420 Stevens Avenue, Suite 240
Solana Beach, CA 92075
Attn: K. Harley McDonald, Project Manager
(858) 793-5104

Agent

John V. Stahl
Gaviota Energy Group, Inc.
P.O. Box 930
Los Olivos, CA 93441



Land Use Permit Approved: April 17, 2009
Appeal Submitted: April 23, 2009

This site is identified as Assessor Parcel Numbers 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004, 083-100-008, 083-250-011, 083-250-019, 083-090-004, 083-100-007, located adjacent to San Miguelito Road near its southern terminus, from 3525 to 5555 San Miguelito Road, Lompoc area. Third Supervisorial District.

1.0 REQUEST

Hearing on the request of George and Cheryl Bedford (Case No. 09APL-00000-00011) to consider an Appeal of the Director's decision to approve a Land Use Permit based on a substantial conformity determination that approved changes to number and installation/removal timing of meteorological towers for the Lompoc Wind Energy Project, in compliance with Chapter 35.102 of the County Land Use and Development Code on property located in the Inland Zone.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve the Land Use Permit for changes to number and timing of meteorological towers for the Lompoc Wind Energy Project, based upon the project's consistency with the Comprehensive Plan and the previously approved Conditional Use Permit and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Deny the Bedford Appeal, Case No. 09APL-00000-00011;
2. Adopt the required findings contained in Attachment A of this staff report, including CEQA findings;
3. Accept the Addendum to the Environmental Impact Report (06EIR-00000-00004; SCH# 2006071008), contained in Attachment D of this staff report, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act.
4. Approve the Land Use Permit (09LUP-00000-00146), dated July 15, 2009, included as Attachment B of this staff report.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This case is the appeal of a decision by the Director to approve a Land Use Permit that followed the Director's determination that project changes were in substantial conformance with the previously issued Conditional Use Permit. Such appeals are under the jurisdiction of the Planning Commission (Land Use and Development Code, §35.102.040.A.2).

4.0 ISSUE SUMMARY

The Bedford appeal challenges the Land Use Permit (LUP) involving temporary meteorological towers ("met towers") that are part of the Lompoc Wind Energy Project. The LUP was approved on the basis of a Substantial Conformity Determination (SCD). The appeal claims that the proposed actions are not minor, do not conform to the approved Conditional Use Permit (CUP), and depart significantly from the certified EIR, so as to require further CEQA analysis. Staff analysis (Sec. 6.0 and Attachment E) concludes that 1) proposed changes in removal schedule for temporary met towers are a minor departure from the approved project; 2) the proposed project description change is a minor departure from the approved project, which will substantially lessen long-term environmental impacts; and 3) proposed modifications to two existing, temporary met towers are entirely consistent with the approved CUP project description and do not require further approval, other than land use clearance. Apart from this appeal, staff has received no adverse public comment letters about the SCD or LUP, although one other neighbor expressed some concern about the met towers in a phone call to staff.

The Bedfords, who own and reside on property located adjacent to the project site, also filed a lawsuit against the County on March 9, 2009, alleging that the project EIR is inadequate under CEQA and that the project conflicts with Santa Barbara County General Plan and Land Use and Development Code. The Superior Court hearing on this matter is tentatively scheduled for December 2009.

5.0 PROJECT INFORMATION

5.1 Site Information

Table 1. Site Information	
Comprehensive Plan Designation	AC (Agriculture Commercial)
Ordinance, Zone	AG-II-100
Site Size	2,950 acres (total of 10 parcels)
Present Use & Development	Mainly grazing; 45 acres of dryland farming
Surrounding Uses/Zone(s)	<i>North:</i> AC / AG-II-100; City of Lompoc (Frick Springs) <i>South:</i> Vandenberg AFB <i>East:</i> AC / AG-II-100 <i>West:</i> Vandenberg AFB
Access	San Miguelito Road
Other Site Information	The project area is entirely in the inland area, but abuts the Coastal Zone along the southern perimeter.
Public Services	<u>Water Supply:</u> None. Minor water will be supplied by an onsite well, to be constructed. <u>Sewage:</u> None. Onsite leach line system will be constructed as part of the project. <u>Fire:</u> County Fire Department Station #51 (Vandenberg Village); mutual aid agreements with City of Lompoc and VAFB fire departments.

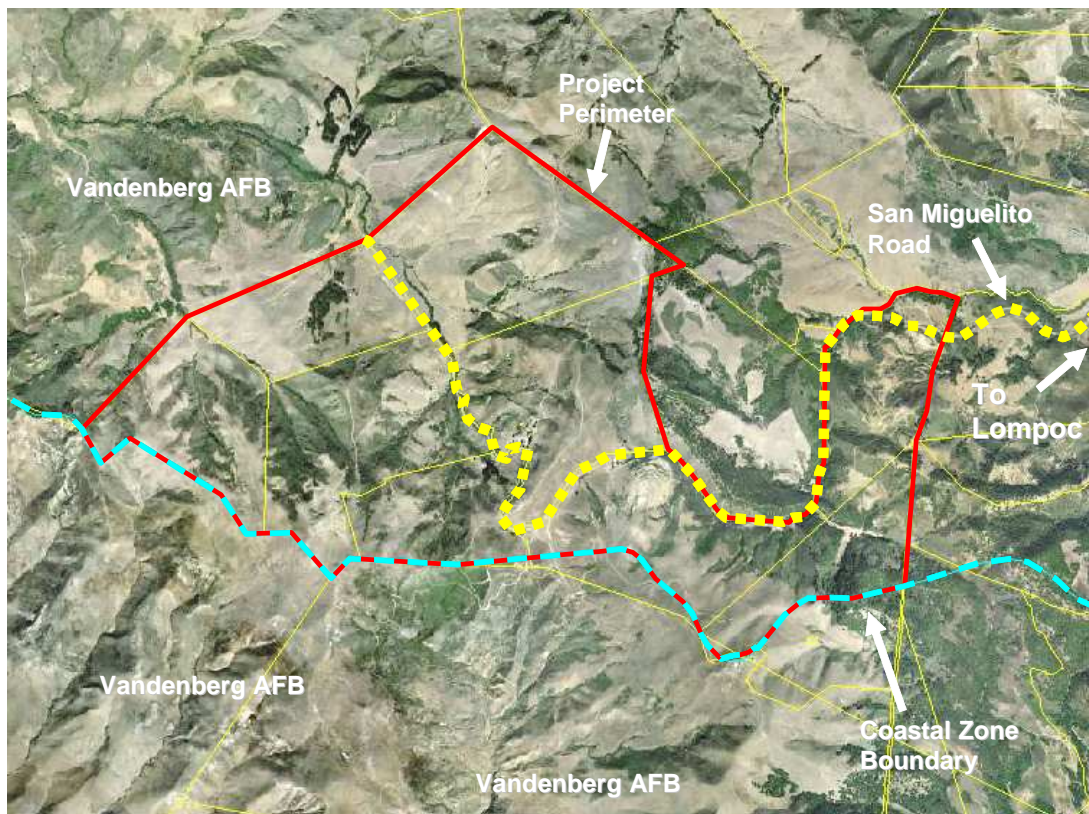
5.2 Setting

The project site is approximately 5 miles southwest of the City of Lompoc. It is located on the coastal ridges adjacent to Vandenberg Air Force Base (VAFB), near the western end of the Santa Ynez Mountains. The southern project perimeter is 2 miles northeast of Pacific ocean at the closest point, and the ocean is visible from locations along the ridges. The project area comprises 10 parcels on 2,950 acres of private, agricultural property. The land is rural in character and used principally for grazing. Some areas were used historically for rock quarrying. All parcels are zoned AG-II and all are under Agricultural Preserve contracts.

There are 9 residences located on the project properties. The landowners have signed lease agreements with the Applicant to allow project on their land. Five other residences are located on

the adjacent private properties, within approximately one half mile of the project perimeter. The adjacent VAFB property is undeveloped, except for the Sudden Peak Tracking Station, which is located immediately adjacent to the southeastern project perimeter.

Figure 1. Project Area



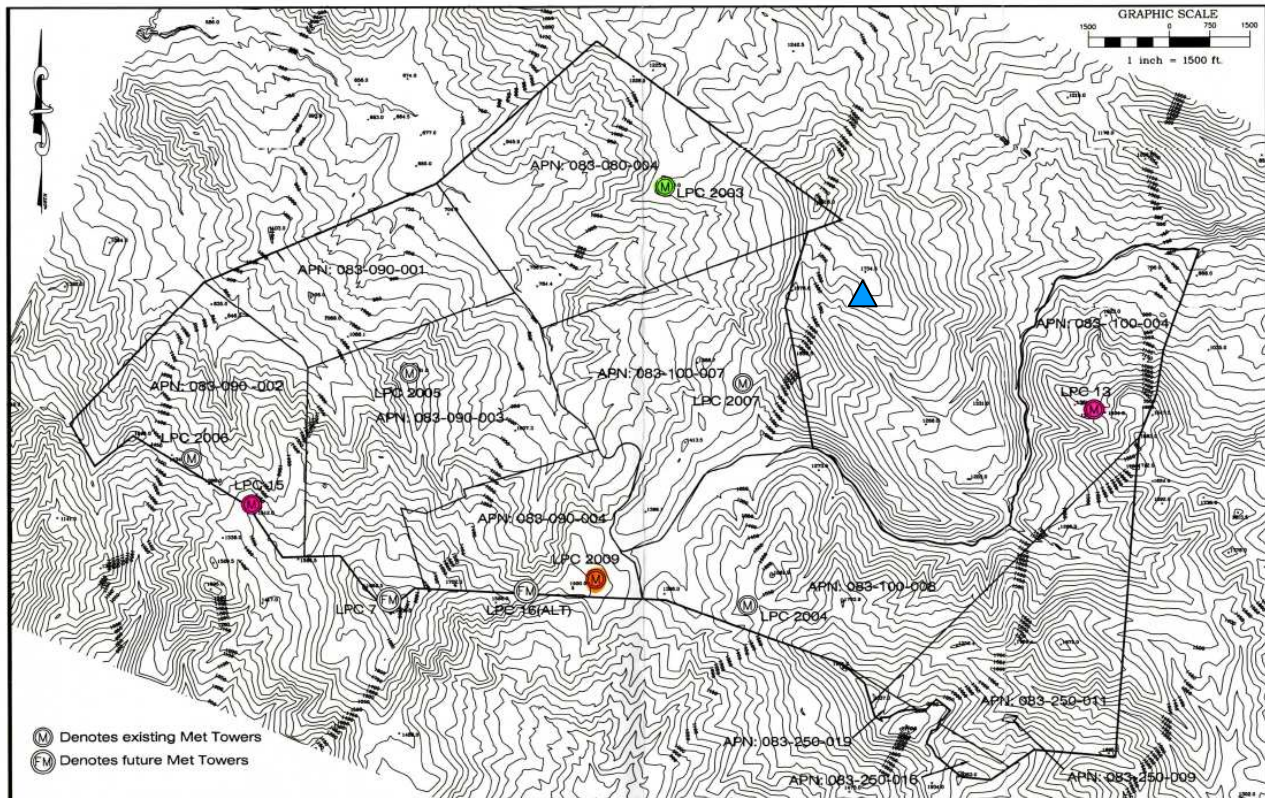
The only site access is via San Miguelito Road, which winds through the project area and dead-ends at the VAFB line at the western side of the project area. With no through traffic, the project area remains fairly remote, with limited public use for sightseeing, cycling, bird watching, etc. There is also some traffic to Sudden Peak Tracking Station via a road that leads up the mountain from Sudden Road; it is not open to the public.

5.3 Project Description

The LUP under appeal involves modifications to the Lompoc Wind Energy Project, to extend the schedule for removal of temporary met towers, reduce the number and height of permanent met towers, and install one permanent tower earlier than stated in the approved CUP project description. The LUP also includes modifications to two existing met towers, consistent with the approved project description. (See recommended changes to the LUP in Sec. 5.4, below.)

The met tower locations are shown on Figure 2, below. Photographs of existing met towers and proposed modifications are provided in Attachment G of this staff report. The following is an outline of the proposed project modifications and work.

Figure 2. Met Tower Layout



1. Proposed schedule changes:

- Extend the deadline for removal of met towers #13 and #15 from February 10, 2010 until December 31, 2010. (See Fig. 2, pink dots, east and southwest project areas.) The additional time is needed to allow additional characterization of the wind behavior and more exact placement of the turbines.
- Extend the deadline for removal of existing met tower #2003 from 90 days after CUP approval to December 31, 2010. (See Fig. 2, green dot, middle-north project area.) The tower would be reinstrumented, and bird flight diverters would be installed on the guy wires. The additional time is needed to obtain better correlations of wind patterns in the northern project area and optimize the wind models.
- Extend the deadline for removal of existing met tower #2009 from 90 days after CUP approval to December 31, 2010. (See Fig. 2, orange dot, middle-south project area.) Bird flight diverters would be installed on the guy wires. The additional time is needed to correlate wind behavior at this location with that at the 80-meter towers.

- Extend the deadline for removal of all other existing temporary met towers from 90 days following CUP approval (i.e., May 11, 2009) until 45 days following issuance or denial of the LUP. This applies to 4 towers: #2004, 2005, 2006, and 2007. (Note, this is a change from the applicant proposed schedule, as shown in the original 4/17/09 LUP. See Sec. 5.4, below)

2. Proposed project description change:

The SCD application includes a modification to the project description, such that only one permanent met tower would be installed and remain in place during the operational life of the project, rather than up to ten 80-meter towers permitted in the CUP. (See Table 1, below.) This sole permanent met tower would be unguyed, 30 meters in height, without FAA lighting, located near the southern project boundary in one of the two locations marked “FM” on Figure 2. It would be erected as soon as possible, prior to approval of final plans for the first construction phase of the wind farm project. Although this project description change is included in the SCD application, the application does not include a request to construct the tower, because the exact location, tower specifications, and construction details have not yet been resolved. The applicant will request the appropriate development clearances once these specifics are known.

The purpose of installing this permanent tower prior to final approval of the plans for the first construction phase is to correlate wind data at the permanent tower location with data from the temporary towers during the longest possible period. As explained in the SCD application:

“The objective of this project is to collect enough pre-construction wind data to establish strong correlations and alleviate any uncertainty of how the hub height wind behaves throughout the site, making it possible to remove all temporary met towers and replace them with a single 30 m self-supported permanent met tower that is shorter and requires no lighting or guy wires.”

Table 1. Proposed Project Description Changes

	Approved CUP Project Description	Proposed Modification
Configuration	<ul style="list-style-type: none"> – Up to 10 permanent met towers – Up to 80 meters high – FAA lighting may be required 	<ul style="list-style-type: none"> – Only 1 permanent met tower – 30 meters high – No FAA lighting required
When to be installed	After final plan approval for 1 st phase	Prior to final plan approval
Approval Process	Met tower plans submitted as part of 1 st phase plan submittal. An SCD or other approval will be required, consistent with LUDC Sec. 35.84.040 and CUP Condition 4.	Separate submittal of met tower plan for LUP and Building Permit. An SCD or other approval may be required, consistent with LUDC Sec. 35.84.040

3. Proposed met tower modifications (entirely consistent with approved CUP):

The applicant also proposes to extend the height of met towers #13 and #15 by 20 meters, from 60 to 80 meters high. The work involves installation of six new guy wires for each tower, addition of bird flight diverters, FAA-required nighttime obstruction lighting (flashing red beacons), painting of the towers in alternating aviation orange and white bands, and addition of solar panels and electrical equipment to power the lighting. None of the proposed work involves ground disturbance or utility connections. The met tower modifications are included in the approved CUP project description, and require no further analysis or approval, apart from land use clearance. (Please see Sec. 5.5, last paragraph.) Therefore, the applicant may proceed with these project changes without further review and approval by the County, other than a ministerial zoning clearance.

5.4 Recommended Modifications to the LUP

The LUP recommended by staff for approval (Attachment B) includes revisions from the original version approved on April 17 (Attachment F). The substantive changes to the revised LUP *Project Description Summary* are summarized below. Other changes are as follows: Revised LUP dates; Revised information for appeals; and reordered and reworded *Project Description Summary* for clarity.

Revised met tower removal date

The application states that all temporary met towers other than #13, 15, 2003, and 2009 will be removed by April 30, 2009. The applicant wishes to remove the other towers (#2004, 2005, 2006, and 2007), consistent with the approved CUP, which requires removal within 90 days following CUP approval (i.e. May 11, 2009). The only reason that they have not already done so is that the appeal has delayed the mobilization for met tower related activities. Until the appeal is resolved the applicant cannot be sure how many met towers will have to come down or when. They actually could engage the contractor to remove these four towers now (without waiting for the appeal to be resolved), but that would entail a second mobilization of the equipment and crew to do the work and cause additional expense. The LUP has been revised to require removal of the four affected towers within 45 days following issuance or denial of the LUP. This change does not alter the conclusion of the SCD analysis that the proposed project substantially conforms to the approved project.

Added change in timing of 30-meter met tower construction

The original LUP inadvertently omitted that the 30-meter tower may be constructed prior to approval of the final plans for Phase I project construction, as requested in the application and analyzed in the SCD. The earlier installation of one permanent 30-meter tower is a minor change, especially as it is coupled with the reduction from ten 80-meter permanent (30-year life) towers to a single, permanent 30-meter tower. The revised LUP states that the 30-meter tower may be permitted and constructed prior to approval of the final plans for Phase I project construction.

Deleted met tower modifications

The original LUP project description included increasing the height of met towers #13 and #15 from 60 to 80 meters. Although included in the application, these met tower modifications do not require SCD analysis, because they are already authorized in the approved CUP project description. Therefore, on reconsideration, the met tower modifications have been deleted in the revised LUP and will be approved through a Zoning Clearance, which is a more appropriate approval mechanism.

5.5 Background

The CUP for the Lompoc Wind Energy Project was approved and the EIR was certified by the Planning Commission on a 5-0 vote in a special hearing on September 30, 2008. The project was appealed to the Board of Supervisors by George and Cheryl Bedford, who own and reside on property located adjacent to the project site (see blue triangle on Figure 2). A separate appeal was filed by the California Department of Fish and Game, but was subsequently withdrawn. The Board denied the Bedfords' appeal on a 4-0-1 vote (Supervisor Gray recused) in a hearing on February 10, 2009. The Board approved the CUP and certified the EIR. The findings and conditions of approval are provided in Attachment C of this staff report.

On March 9, 2009, the Bedfords filed a lawsuit against the County in the Superior Court of California, Santa Maria Branch (Case No. 1313465). The lawsuit alleges that the EIR is inadequate under CEQA and that the project conflicts with Santa Barbara County General Plan and Land Use and Development Code. The County Counsel's Office is currently in the process of preparing the administrative record for the case. A hearing on the merits is tentatively scheduled for December 2009.

An application for an SCD for the met tower modification project was initially submitted on March 5, 2009, was revised and resubmitted, and was found complete on March 30. The SCD and LUP were approved on April 16 and 17, respectively. The Bedfords appealed the LUP approval on April 23, 2009 (Attachment H of this staff report). The grounds for appeal are as follows:¹

- ▶ "Significant alteration to approved EIR."
- ▶ "Not minor alterations."
- ▶ "Requires further CEQA analysis."
- ▶ "This is not what was approved!"

The County Land Use and Development Code (LUDC, Sec. 35.84.040) provides several mechanisms for evaluating and approving changes to an approved CUP, along with an appeal path for each. SCDs are applicable for minor project changes that substantially conform to the approved project. The SCD Guidelines provide clarification on what constitutes a "minor change," as follows: "*e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action...*" (LUDC Appendix H, paragraph 5.) Permit Amendments

¹ This is quoted directly from the appeal, as submitted. No further details or specifics were offered.

or Revisions are required for more substantial project description changes or for changes that call for additional environmental review. A permit Amendment or Revision may be required pursuant to the LUDC section cited above, if proposed changes fail to meet the SCD approval criteria.

The SCD application includes project components that depart slightly from the approved project description (i.e., extension of met tower removal dates; project description change for permanent met towers). These changes must be evaluated for approval by means of an SCD. The application also contains components that are entirely consistent with the project description, and do not depart from it in any way (i.e., increasing height of two temporary met towers from 60 to 80 meters high). Although included in the application, these met tower modifications do not require SCD analysis or County approval (apart from zoning clearance), because they are already in the approved CUP project description.

Further information on this project, including staff reports and environmental documents, is available on County websites, as follows:

<http://www.countyofsb.org/energy/projects/LompWindEnergy.asp>

http://www.sbcountyplanning.org/boards/pc/cpc_documents_archive.cfm?DocID=4443

<http://santabarbara.legistar.com/Calendar.aspx> (Navigate to the 2/10/09 Board hearing. Item 6 on Page 10 of the Agenda includes a File Reference link to the hearing documents.)

6.0 PROJECT ANALYSIS

The following is a brief , summary analysis. A more detailed staff analysis is presented in the SCD, provided in Attachment E of this staff report. The SCD concludes that the proposed actions substantially conform to the approved project according to established P&D criteria.

The proposed actions involve no additional environmental impacts nor increases in previously identified impacts. However, because they do involve slight adjustments to the project description in the EIR, an EIR Addendum has been prepared (Appendix D) and the appropriate CEQA findings are included in Attachment A.

1. Proposed schedule changes for temporary met towers:

The extension of operation of four existing temporary towers (#13, 15, 2003 and 2009) to December 31, 2010, is a minor change from the approved project description. Towers #13 and #15 would remain in place up to approximately 11 months longer than previously analyzed and approved. Towers #2003 and #2009 would remain approximately 1 year and 8 months longer than previously analyzed and approved. The extension of operation of these met towers would not involve any new ground disturbance or construction beyond that considered in the approved project description. The addition of bird diverters on all towers would minimize impacts to birds and bats from possible collisions with the guy wires.

The extension of operation of the other four existing, temporary 60-meter met towers (#2004, 2005, 2006, and 2007) is also a minor change from the project description, which substantially conforms to the approved project description, based on the established SCD criteria. The removal deadline would be extended from May 11 until 45 days following issuance or denial of the LUP. The delay is a result of this appeal. Staff recommends this extension of the deadline for removing these towers so that the tower removals and modifications can be accomplished with a single mobilization.

2. Proposed project description change for permanent met towers:

The proposed changes to the project description for the permanent met tower configuration and construction timing are also judged to be a minor change from the approved project description. The permanent met towers would be reduced from up to ten 80-meter towers with possible FAA lighting, as approved in the CUP, to a single 30-meter tower without lighting. The reduced configuration is allowed under the approved CUP, which limits the maximum number and height of towers, but does not limit the minimum. The applicant also proposes to construct the 30-meter tower prior to approval of the final plans for the first project construction phase (subject to all CUP conditions). The early construction departs from the approved CUP, which assumes that the permanent met towers will be approved with the final plans for first project phase. Thus the only proposed deviation from the approved project description concerning permanent towers is that one tower would be installed earlier. These changes to the permanent met towers are considered minor in the context of a Substantial Conformity Determination. As noted above (Sec. 5.5), a “minor” change is one for which “*no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action...*”

Although these proposed project description changes are minor in the SCD sense, they are important in terms of limiting the maximum allowable build-out of met towers. The proposed changes will substantially reduce potential visual and biological impacts over the estimated 30-year project life. The project description changes offer further justification for extending the removal deadline for the temporary met towers, because the temporary towers provide data needed to implement the proposed reduction of permanent towers.

3. Proposed met tower modifications:

The approved CUP project description authorizes extending the height of the existing, temporary met towers #13 and 15 from 60 to 80 meters high. No SCD approval is required, because the met tower modifications do not deviate from the approved permit. However, the modifications are briefly discussed here, because they were included in the SCD application, are related to the other proposed actions, constitute development, and require zoning clearance.

The approved project description provides for pre-construction modifications to these temporary met towers. Specifically:

“Eight 50-60 meter (197 feet) temporary, guyed meteorological towers were installed on the project site for wind resource studies. The applicant plans to increase the height of two of these existing towers to 80 meters (262 feet) for the interval following project approval to commencement of operations. FAA obstruction lighting would be required on the towers. The towers would be equipped with bird flight diverters.” [FEIR §2.3.4]

The towers would be equipped with bird flight diverters, consistent with the project description. To minimize visual impacts, the applicant requested and obtained FAA approval to paint the towers for visibility to aircraft. Painting is in lieu of installing high intensity white xenon strobe lights, which are visible from a greater distance and would draw the eye due to their intense flashes. Although the FAA lighting plan is outside the County jurisdiction, Condition LU-1 of the CUP states that the lighting must not exceed the minimum FAA requirements. By minimizing the FAA lighting, the met tower modifications conform strictly to this condition.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$443.

ATTACHMENTS

- A. Recommended Findings for Approval
- B. Revised Land Use Permit (July 15, 2009)
- C. Conditional Use Permit
- D. Addendum to EIR (SCH# 2006071008)
- E. Substantial Conformity Determination (April 16, 2009)
- F. Original Land Use Permit (April 17, 2009)
- G. Met tower photographs
- H. Bedford appeal

ATTACHMENT A: 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 Planning Commission 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 Planning Commission 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 Planning Commission 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 planning Commission 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 Planning Commission 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.

Lompoc Wind Energy Project / 09APL-00000-00011
Appeal of LUP for Met Tower Modification
Planning Commission Hearing Date: July 15, 2009

Staff Report

Attachment B

ATTACHMENT B

REVISED LAND USE PERMIT

LAND USE PERMIT

Case No.: 09LUP-00000-00146 **Planner:** John Day **Initials** ___
Project Name: Lompoc Wind Energy Project Meteorological Towers
Project Address: 3525-5555 San Miguelito Rd., Lompoc
A.P.N.: 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004,
083-100-008, 083-250-011, 083-250-019, 083-090-004, 083-100-007.
Zone District: AG-II-100



Planning & Development (P&D) *grants final approval and intends to issue* this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: July 15, 2009

APPEAL PERIOD BEGINS: July 16, 2009

APPEAL PERIOD ENDS: July 25, 2009

DATE OF PERMIT ISSUANCE: *(if no appeal filed)* July 26, 2009

NOTE: This final approval may be appealed to the Board of Supervisors by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appeal fee of \$443 to Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA, within (10) calendar days following the **Final Approval Date** identified above. (Sec. 35.102) If you have questions regarding this project please contact the planner John Day at (805) 568-2045.

PROJECT DESCRIPTION SUMMARY:

This is a follow-on Land Use Permit for a Substantial Conformity Determination (09SCD-00000-00006) pertaining to the approved Conditional Use Permit [06CUP-00000-00009], permitting the following:

1. Extend the removal deadline for two temporary meteorological towers ("met towers") #13 and #15 from February 10, 2010, until December 31, 2010. Bird flight diverters shall be installed on the guy wires.
2. Extend the removal deadline for two temporary met towers #2003 and #2009 from 90 days after CUP approval to December 31, 2010. Bird flight diverters shall be installed on the guy wires.
3. Extend the removal deadline for all other existing temporary met towers from 90 days following CUP approval until 45 days following issuance or denial of this Land Use Permit.
4. Modify the project description to include only one permanent 30-meter, unguyed met tower without lighting for the project, instead of up to ten 80-meter towers as described in the Board-approved project description, which may be permitted and constructed prior to approval of the final plans for Phase I project construction.

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 06CUP-00000-00009; 09SCD-00000-00006; 07BAR-00000-00156; 08VAR-00000-00003; 06EIR-00000-00004; 08APL-00000-00034; 08APL-00000-00035.

PERMIT COMPLIANCE CASE:

___ No Yes; Permit Compliance Case (PMC) #: 09PMC-00000-00037

BOARD OF ARCHITECTURAL REVIEW (BAR): No (The met towers are outside the scope of BAR review.)

TERMS OF PERMIT ISSUANCE:

1. Mailing and Posting Notice. Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

2. Work Prohibited Prior to Permit Issuance. No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**


3. Date of Permit Issuance. This Permit shall be deemed effective and issued on the **Date of Permit Issuance** as identified above, provided:

- a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
- b. The **Affidavit of Posting Notice** was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and
- c. No appeal has been filed.

4. Time Limit. Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

NOTE: This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

K. Harley McDonald  6/26/09

Print Name Signature Date

Planning & Development Issuance by:

Planner Date

ATTACHMENT A
CONDITIONS OF APPROVAL

1. All conditions of 06CUP-00000-00009 shall apply.

Lompoc Wind Energy Project / 09APL-00000-00011
Appeal of LUP for Met Tower Modification
Planning Commission Hearing Date: July 15, 2009

Staff Report

Attachment C

ATTACHMENT C

CONDITIONAL USE PERMIT



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

February 18, 2009

Pacific Renewable Energy Generation, LLC
Attn: K. Harley McDonald, Project Manager
420 Stevens Ave, Ste 240
Solana Beach, CA 92075

BOARD OF SUPERVISORS
HEARING OF FEBRUARY 10, 2009

RE: *Appeal of Lompoc Wind Energy Project Case #08APL-00000-00034*

Hearing on the request of appellants George and Cheryl Bedford, Appeal Case No. 08APL-00000-00034 [Appeal filed October 9, 2008] to consider their appeal of the County Planning Commission's September 30, 2008, decision to conditionally approve the Lompoc Wind Energy Project. The Planning Commission's actions included 1) Certification of the Final Environmental Impact Report for the Lompoc Wind Energy Project, including the proposed wind energy generation facility and the associated PG&E power line (06EIR-00000-00004, SCH# 2006071008); 2) Approval of a Conditional Use Permit for the wind energy generation facility (06CUP-00000-00009); and 3) Approval of a Variance from property line setback regulations on the project site (08VAR-00000-00003).

The project is a wind farm consisting of up to 65 wind turbine generators, onsite access roads, and ancillary facilities. The PG&E power line is analyzed in the EIR, but is not included in the permit, as it is outside the County's permitting jurisdiction. The project involves 10 parcels adjacent to San Miguelito road near its southern terminus, from 3525 to 5555 San Miguelito Road, APN #s 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004, 083-100-008, 083-250-011, 083-250-019, 083-090-004, 083-100-007. Lompoc area. Third Supervisorial District.

Dear Ms. McDonald:

At the Board of Supervisors' hearing of February 10, 2009, Supervisor Farr moved, seconded by Supervisor Wolf and carried by a vote of 4-0-1 (Supervisor Gray recused) to:

1. Deny the Bedford Appeal, Case No. 08APL-00000-00034.
2. Certify that the Lompoc Wind Energy Project Environmental Impact Report (August 2008) (06EIR-00000-00004; SCH #2006071008) reflects the independent judgment of the Board, has been completed in compliance with the California Environmental Quality Act (CEQA), and is adequate for the Lompoc Wind Energy Project.

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St. 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

3. Adopt the required findings for the project, including CEQA findings, attached to the Planning Commission Action Letter dated October 7, 2008, including modifications to findings, and including any modifications made by the Board in the public hearing.
4. Grant approval of Conditional Use Permit 08CUP-00000-00009 and Variance 08VAR-00000-00003, subject to the conditions of approval specified in the Planning Commission Action Letter and attachments dated October 7, 2008, including modifications to permit conditions, and including any modifications made by the Board in the public hearing.

REVISIONS TO THE FINDINGS

CEQA Finding 1.7 (paragraphs 7 and 8) is amended as follows:

~~The Planning Commission finds Project Alternatives 1 and 2 infeasible and rejects them in favor of the proposed project, for the following reasons. These alternatives would prohibit WTGs in areas of prime wind resources and limit the generation capacity of the project in the most productive areas, making it infeasible to accomplish the Applicant's first project objective, which is: "To develop a wind energy project that will produce from 80 up to 97.5 MW in an area where the wind resources are known to be sufficient to do so." The project proponent states that the restriction of WTGs along the southern ridges would make these project alternatives economically infeasible. Although the County has not been provided with the proponent's proprietary wind study data or financial analysis,~~

The Applicant's wind resource expert, who has studied the wind patterns at the project site in detail, attests that the turbines proposed in areas excluded in Project Alternatives 1 and 2 are expected to generate 19% more power on average than turbines in other project areas. The loss of capacity cannot be compensated, because relocating the turbines to other areas of the project site is prevented by steep slopes and ridgeline-related turbulence. Elimination of the turbines would reduce the project generating capacity to 76.5 megawatts, thereby failing to accomplish the Applicant's first project objective. County staff have independently verified that the southern ridge has much greater wind resource potential than the rest of the project site. Wind resource maps obtained from the California Energy Commission show that the wind power potential along the southern ridge ranges from Class 3 to 6, on a scale of 1 to 7, whereas the rest of the project site is in the range of Class 1-4. The only large acreages in buildable areas with Class 5-6 wind potential are located on the western part of the southern ridge. The wind resource maps strongly support the proponent's contention that the alternatives are economically infeasible independently corroborate that Project Alternatives 1 and 2 would fail to accomplish the basic project objective of 80MW capacity.

Furthermore, the reduction in limiting the project to less than its commercial power generation potential would not fully realize the public and private project objectives or benefits, as listed in EIR §1.3, including development of alternative energy sources, sustained viability of agricultural uses, and additional tax revenues. The Alternatives would also likely make the project economically infeasible, potentially preclude financing, and fail to satisfy the Applicant's 82.5 MW power purchase agreement with PG&E.

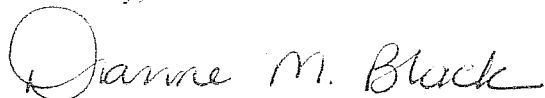
REVISIONS TO THE CONDITIONS OF APPROVAL

The Conditional Use Permit is amended to add an indemnity clause as Condition 11, as follows:

Indemnity Clause for Violation of the Endangered Species Act: The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, officers or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the Federal or California Endangered Species Acts (16 U.S.C. Sec.1531 et seq.; Cal. Fish & Game Code Sec. 2050 et seq.). This permit does not authorize, approve or otherwise support a "take" of any listed species as defined under the Federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the Endangered Species Act.

The Board of Supervisors adopted the findings and conditions of approval as approved by the Planning Commission on September 30, 2008, with the above revisions. The attached findings and conditions reflect the Planning Commission's actions of September 30, 2008, including errata submitted by staff before the hearing and modifications made at the hearing, and the Board of Supervisors' actions of February 10, 2009, including the above revisions.

Sincerely,



Dianne M. Black
Director of Development Services

cc: Case File: 06CUP-00000-00009, 08VAR-00000-00003
Planning Commission File
Representative: John V. Stahl, Gaviota Energy Group, Inc., PO Box 930, Los Olivos, CA 93441
Records Management
Owner: John Larsen, 310 S. F Street, Lompoc, CA, 93436
Owner: Joanna Signorelli, PO Box 1124, Lompoc, CA, 93438
Owner: Joseph Signorilli Jr., 1204 Diana Road, Santa Barbara, CA, 93103
Owner: Joseph and Sylvia Signorelli, PO Box 173, Lompoc, CA, 93438
Owner: LeRoy Scolari, 423 North "G" Street, Lompoc, CA, 93436
Owner: Adam Signorelli, PO Box 904, Lompoc, CA, 93438
Owner: Rosebel Scolari, 1308 West Walnut Ave, Lompoc, CA, 93436
Owner: Gerald Scolari, 1228 North First Place, Lompoc, CA, 93436-3533
County Chief Appraiser
County Surveyor
Fire Department

Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Bill Dillon, Deputy County Counsel
John Day, Planner

- Attachments:**
- A. Board of Supervisors' Minute Order dated February 10, 2009**
 - B. Findings**
 - C. Conditions of Approval**



County of Santa Barbara
BOARD OF SUPERVISORS

Minute Order

February 10, 2009

Present: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray
and Supervisor Centeno

PLANNING AND DEVELOPMENT

File Reference No. 08-01017

RE:

HEARING - Consider recommendations regarding the Bedford Appeal, Case No. 08APL-00000-00034, of County Planning Commission approval of the Lompoc Wind Energy Project, Case No. 06CUP-00000-00009; 08VAR-00000-00003, Third District, as follows: (EST. TIME: 1HR. 30 MIN.)

- a) Deny the Bedford Appeal, Case No. 08APL-00000-00034;
- b) Certify that the Lompoc Wind Energy Project Environmental Impact Report (August 2008) (06EIR-00000-00004; SCH #2006071008) reflects the independent judgment of the Board, has been completed in compliance with the California Environmental Quality Act (CEQA), and is adequate for the Lompoc Wind Energy Project;
- c) Adopt the required findings for the project, including CEQA findings, attached to the Planning Commission Action Letter dated October 7, 2008, including modifications to findings, and including any modifications made by the Board in the public hearing; and
- d) Grant approval of Conditional Use Permit 08CUP-00000-00009 and Variance 08VAR-00000-00003, subject to the conditions of approval specified in the Planning Commission Action Letter and attachments dated October 7, 2008, including modifications to permit conditions, and including any modifications made by the Board in the public hearing.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Acted on as follows:

February 10, 2009

Present: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray
and Supervisor Centeno

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Farr, Seconded by Supervisor Wolf as follows:

- a) Denied the appeal;**
- b) Certified;**
- c) Adopted; and**
- d) Granted.**

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr and Supervisor Centeno

Recused: 1 - Supervisor Gray

HEARING TIME: 2:20 P.M. 4:50 P.M. (2 HRS. 30 MIN.)

ATTACHMENT B: FINDINGS FOR APPROVAL

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

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

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

Aesthetic/Visual Significant Impacts (EIR Section 3.2.5.6):

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

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

Biological Resources Significant Impacts (EIR Section 3.5.7.3):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Planning Commission finds Project Alternatives 1 and 2 infeasible and rejects them in favor of the proposed project, for the following reasons. These alternatives would prohibit WTGs in areas of prime wind resources and limit the generation capacity of the project in the most productive areas, making it infeasible to accomplish the Applicant's first project objective, which is: "To develop a wind energy project that will produce from 80 up to 97.5 MW in an area where the wind resources are known to be sufficient to do so."

The Applicant's wind resource expert, who has studied the wind patterns at the project site in detail, attests that the turbines proposed in areas excluded in Project Alternatives 1 and 2 are expected to generate 19% more power on average than turbines in other project areas. The loss of capacity cannot be compensated, because relocating the turbines to other areas of the project site is prevented by steep slopes and ridgeline-related turbulence. Elimination of the turbines would reduce the project generating capacity to 76.5 megawatts, thereby failing to accomplish

the Applicant's first project objective. County staff have independently verified that the southern ridge has much greater wind resource potential than the rest of the project site. Wind resource maps obtained from the California Energy Commission show that the wind power potential along the southern ridge ranges from Class 3 to 6, on a scale of 1 to 7, whereas the rest of the project site is in the range of Class 1-4. The only large acreages in buildable areas with Class 5-6 wind potential are located on the western part of the southern ridge. The wind resource maps independently corroborate that Project Alternatives 1 and 2 would fail to accomplish the basic project objective of 80MW capacity.

Furthermore, the reduction in power generation potential would not fully realize the public and private project objectives or benefits, as listed in EIR §1.3, including development of alternative energy sources, sustained viability of agricultural uses, and additional tax revenues. The Alternatives would also likely make the project economically infeasible, potentially preclude financing, and fail to satisfy the Applicant's 82.5 MW power purchase agreement with PG&E.

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

- 1.8 STATEMENT OF OVERRIDING CONSIDERATIONS:** The Final EIR for the Lompoc Wind Energy Project identifies project impacts to Aesthetic/Visual Resources and Biological Resources as significant environmental impacts which are considered unavoidable. The Planning Commission therefore makes the following Statement of Overriding Considerations which warrant approval of the project notwithstanding that all identified significant impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:
1. The project will generate up to 285 million kilowatt hours of clean, renewable wind power annually, which will help meet regional energy needs in an efficient, sustainable, and environmentally sound manner. (See Class IV Impact *EEU-1*, EIR Section 3.7.3.3.) This will support the United States Department of Energy goal of increasing the overall use of wind power to generate electricity and assist California in meeting its legislated Renewable Energy Portfolio standards for the generation of renewable energy in the state. The Energy Element of the Santa Barbara County Comprehensive Plan recognizes the environmental and economic benefits of alternative energy generation and encourages development of alternative energy technologies in the County. (See EIR Sections 3.7.2.1 to 3.7.2.3.)
 2. The project will offset the need for additional electricity generated from fossil fuels and thereby assist the California in meeting its air quality goals and reducing greenhouse gas emissions. (EIR Section 4.5.3.1.)
 3. The project is compatible with the existing agricultural use. It will promote the long-term economic viability of agricultural uses in the Santa Barbara County by providing financial support to property owners, who can use the funding to enhance agricultural operations. Project road maintenance will also enhance agricultural operations by improving access throughout the project properties. (See Class IV Impact *AG-1*, EIR Section 3.3.3.3.)

4. The project will provide Santa Barbara County, school districts, and special districts, including the Lompoc Hospital with additional tax revenues. (See Staff Report for Planning Commission hearing September 30, 2008, Section 6.1.1.4).

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

These conditions also require that an Environmental Quality and Assurance Program (EQAP) be prepared to ensure compliance during project implementation with those measures included in the project description and with those conditions imposed on the project in order to mitigate or avoid significant effects on the environment.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.2 VARIANCE FINDINGS

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

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

County Land Use and Development Code (Sec. 35.57.050.G) requires wind turbine generators (WTGs) to be set back from property lines a distance equal to the full system height, including blades (up to 397 feet). The variance application requests that the setback be reduced to the WTG blade length (up to 135 feet) from adjacent properties that are project participants and along the Vandenberg property line. The WTG blades would in no case overhang the property lines. The variance would not apply along property lines of adjacent properties that are not project participants, on the north and east project perimeter. The reason for the variance request is that in some cases the property lines follow ridge line, and it is necessary to site the WTGs close to the ridgeline in order to best exploit the wind resource. Shifting WTGs up to 397 feet away from the ridgeline to comply with Code would fail to capture the maximum wind energy and place the WTGs on steeper slopes, creating engineering difficulties, unnecessary environmental impacts, and increased costs. Thus, the location of the property lines in relation to ridgelines deprives some project properties of the use of prime WTG sites. The variance would remedy this situation to the extent feasible.

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

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

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

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

ATTACHMENT C

February 10, 2009

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT *County Land Use & Development Code Section 35-1 of Chapter 35 of the County Code*

CASE NO. 06CUP-00000-00009

I. A Conditional Use Permit is Hereby Granted:

TO: Pacific Renewable Energy Generation, LLC, a subsidiary of Acciona Wind Energy, USA LLC

APN #: 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004, 083-100-008, 083-250-011, 083-250-019, 083-090-004, and 083-100-007.

PROJECT ADDRESS: 3525, 4700, 4705, 5500, and 5555 San Miguelito Road and 5 adjacent parcels without street addresses

ZONE DISTRICT: AG-II-100

AREA/SUPERVISORIAL DISTRICT: Lompoc / Third

FOR: Lompoc Wind Energy Project

II. This permit is subject to compliance with the following conditions:

1. This Conditional Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning Commission for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project is a commercial wind farm consisting of wind turbine generators (WTGs) plus the infrastructure and support facilities necessary for operation. The

following is a brief summary of the project description. The complete project description is contained in the final EIR for this project dated August 2008, which is incorporated by reference.

The WTGs will be sited along ridges entirely within the County's Inland Zone. The property comprises 10 privately owned parcels. The project owner/operator is constructing the project under lease agreements with the landowners. Project access is via San Miguelito Road. Project development may be in up to 3 phases, with the final phase beginning no later than 7 years following issuance of this CUP. Construction of the first phase will require 6-10 months; subsequent phase(s) would be shorter. Construction will require grading of 490,000 c.y., temporary ground disturbance of 196 acres, and permanent disturbance of 40 acres. A maximum of 10 people would be employed onsite during the operational phase. The anticipated project life is 30 years. At the end of its useful life, several options are available, including "repowering" (i.e., replacement of WTGs) or decommissioning. Additional permitting will be required at that time.

The project includes the following components:

- **Wind Turbine Generators (WTGs).** Up to 65 WTGs, to be located in specified construction corridors. The WTGs shall not exceed 397 feet in overall height, including tower (up to 262 feet) and blades (up to 135 feet).
- **Access Roads.** Approximately 5.5 miles of new, gravel access roads and widening/ improvement of 5.5 miles of existing roads. Bridge spanning Honda Creek.
- **Operations and Maintenance Facility (O&M).** A 5,000 square foot building located on approximately 2 acres at the intersection of San Miguelito Road and Sudden Road. Includes office, maintenance facility, parts storage, and two 5,000 gallon water tanks, one reserved exclusively for fire water. Water supply from an onsite well and/or trucked in; sewage disposal by leach line system.
- **Project Substation.** Substation to transform the generated electricity from 34.5 kV to 115 kV; connects to a new 115 kV PG&E power line. (The PG&E power line is not part of the project permitted under this CUP.)
- **Electrical Collection Lines and Communication System.** 34.5-kV collection lines and communication cables running underground, or in some cases aboveground where undergrounding is infeasible.
- **Meteorological Tower(s).** Up to 10, unguyed lattice towers up to 262 feet in height. Two temporary, guyed towers that will be removed before start of operations.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the

protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Within 24 months after granting this permit, construction and/or the use shall commence. (24 months is measured from expiration of a 10 day appeal period, or the date after the matter is heard and approved on appeal to the Board of Supervisors.)

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
4. A Substantial Conformity Determination (SCD) shall be required following approval of final project plans for each project development phase, including the final layout of wind turbine generators and other project components and mitigation plans, prior to issuance of a Land Use Permit (LUP) for that development phase. A separate SCD and follow-up LUP may be issued for temporary meteorological towers prior to submittal of final plans for the entire, first development phase.
5. This Conditional Use Permit is not valid until the SCD and LUP for the development and/or use has been obtained. Failure to obtain said SCD and LUP shall render this Conditional Use Permit null and void. Prior to the issuance of the SCD and LUP, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the LUP must be satisfied. Upon issuance of the LUP, the Conditional Use Permit shall be valid. The effective date

of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.

6. If the Planning Commission determines at a Noticed Public Hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Subsection 35.84.060.B of the County Land Use & Development Code, the Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
7. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any LUP issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP.
8. The Applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
9. Within 24 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until an LUP has been issued.
10. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of the LUP.
11. Indemnity Clause for Violation of the Endangered Species Act: The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, officers or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the Federal or California Endangered Species Acts (16 U.S.C. Sec.1531 et seq.; Cal. Fish & Game Code Sec. 2050 et seq.). This permit does not authorize, approve or otherwise support a "take" of any listed species as defined under the Federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the Endangered Species Act.

III. Additional Required Conditions from EIR Mitigation Measures:

AESTHETICS/VISUAL RESOURCES

Aest-1 **Materials Storage.** All construction materials and excavated materials shall be stored away from San Miguelito Road to reduce impacts on mountain views. Materials storage shall be confined to within the Wind Turbine Generator (WTG) corridors, staging areas, and Project substation and Operations and Maintenance (O&M) facility areas. **Plan Requirement:** P&D will confirm that a notation regarding materials storage is denoted on building plans. **Timing:** P&D will review and approve the plan notation prior to approval of the Land Use Permit for each phase of Project construction.

MONITORING: P&D staff will conduct inspections as needed during construction activities along San Miguelito Road to confirm and enforce compliance. (*Mitigation Measure Vis-1*)

Aest -2 **Location of Construction Activities.** Construction activities shall be confined to within the WTG corridors, staging areas, and the Project Substation and O&M facility areas. **Plan Requirement:** P&D staff will confirm that a notation regarding construction activities and materials storage is denoted on building plans. **Timing:** P&D staff will review and approve the plan notation prior to approval of the Land Use Permit for the first phase of Project construction and prior to approval of the Land Use Permit for construction of subsequent project phases.

MONITORING: P&D staff will conduct inspections as needed during construction activities to confirm and enforce compliance (*Mitigation Measure Vis-2*)

Aest -3 **Contribution to County Parks Fund.** The Project owner/operator shall make a one-time \$100,000 payment to the County Parks Department. The County Parks Department shall use these funds exclusively to preserve and enhance the natural beauty of Miguelito County Park and Jalama Beach County Park. **Plan Requirement and Timing:** The Project owner/operator shall provide the payment to County Parks Department prior to approval of the Land Use Permit for the first phase of construction.

MONITORING: P&D staff will confirm receipt of payment prior to approval of the Land Use Permit for the first phase of construction. (*Mitigation Measure Vis-3*)

Aest -4 Landscape and Lighting Plan.

The Project owner/operator shall submit a Landscaping and Lighting Plan to P&D for review and approval. All exterior facility night lighting shall be included in the Plan, with the exception of FAA-required obstruction lighting on WTGs (see Condition *Lu-1*). The plan shall include the following provisions: Project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately screen the O&M building and storage yard from public roads and surrounding land uses. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure. Exterior night lighting shall be of low intensity, low glare design, minimum height, and hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Lights to be dimmed after 10:00 p.m. Measures to minimize the attraction of birds to facility lighting shall be developed and presented in the Plan. **Plan Requirements and Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on the plan. Prior to approval of the Land Use Permit for the first phase of construction and subsequent phases of construction, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall submit three copies of a final Landscape and Lighting Plan to P&D and BAR for review and approval. The landscape and irrigation shall be installed prior to start of operations. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified in the approved Landscape and Lighting Plan. P&D shall inspect landscaping and improvements for compliance with plan prior to authorizing release of both installation and maintenance securities.

MONITORING: P&D staff shall conduct inspections as needed during construction and operations to confirm and enforce compliance. (*Mitigation Measure Vis-4*)

Aest -5 Construction Debris. The Project owner/operator shall ensure that all excess construction debris is cleared from the site. **Plan Requirement and Timing:** This requirement shall be noted on final construction plans. Debris clearance shall be completed prior to initial operation of each phase.

MONITORING: P&D shall site inspect after construction and prior to initial operations. (*Standard Condition Aest-9*)

AIR QUALITY

AQ-1 Construction Equipment Emission Reduction Plan. A Construction Equipment Emission Reduction Plan shall be prepared by the Project owner/operator and shall contain the following elements. These measures are based on the construction impact mitigation measures for equipment exhaust summarized in the SBCAPCD guide (SBCAPCD, 2007).

- a. **Catalytic Converters** – Ensure that catalytic converters are installed on all gasoline-powered equipment, if feasible. Install diesel catalytic converters, diesel oxidation catalysts, and diesel particulate filters as certified and/or verified by EPA or California on diesel equipment, if available.
- b. **High Pressure Fuel Injectors** – Use high-pressure fuel injectors on Caterpillar engine types 3306 and 3406 DITA to reduce NO_x emissions.
- c. **Engine Maintenance** – Maintain engines and emission systems in proper operating condition.
- d. **Engine Model Year** – Utilize heavy-duty diesel-powered construction equipment manufactured after 1996, whenever feasible.
- e. **Engine Size** – The engine size of construction equipment will be the minimum practical size.
- f. **Number of Equipment** – The number of construction equipment operating simultaneously will be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- g. **Engine Timing** – Construction equipment operating onsite will be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- h. **Equipment Replacement** – Diesel-powered equipment will be replaced by electric equipment whenever feasible.
- i. **Truck Idle Time** – Idling of heavy-duty diesel trucks during loading and unloading will be limited to 5 minutes; auxiliary power units will be used whenever possible.
- j. **Worker Trips** – Construction worker trips will be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: P&D staff shall confirm that these requirements are shown on the grading and building plans. **Timing:** P&D staff shall ensure measures are included in the Construction Equipment Emission Reduction Plan and noted on building plans prior to approval of the Land Use Permit for each phase of construction. The requirements shall be enforced throughout all construction periods.

~~**MONITORING:** County staff shall perform periodic site inspections of construction contractor maintenance activities. (Mitigation Measure AQ-1)~~

AQ-2

Dust Control Plan. A Dust Control Plan shall be prepared by the Project owner/operator that contains the following directives:

- a. **Water Application** – Apply water sprays to all disturbed, active construction areas a minimum of two times per day, except when soil water content would exceed the level recommended by the soils engineer for compaction, or when weather conditions warrant a reduction in water application. Use adequate dust control to keep fugitive dust from being transmitted outside of the construction right-of-way. Perform increased dust control watering when wind speeds exceed 15 miles per hour, or as directed by the EQAP OEC. The amount of additional watering will depend upon soil moisture content.
- b. **Soil Stabilization** – Stabilize any disturbed area that would not be covered with base or paving within 14 days after completion of disturbing activities by use of soil coating mulch, dust palliatives, compaction, reseeding, or other approved methods. Soil stockpiled for more than 2 days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting soil shall be covered while in transit.
- c. **Construction Monitoring** – The contractor or builder shall designate a person or persons to monitor the Dust Control Program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties will include holiday and weekend periods when work may not be in progress.
- d. **Limit Traffic Speed** – Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

Plan Requirements: All requirements shall be shown on grading and building plans prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent Project phases. **Timing:** The requirements of the Dust Control Plan shall be enforced throughout all construction periods.

MONITORING: P&D staff will ensure measures are included in the Dust Control Plan and shall perform periodic site inspections to ensure compliance. SBCAPCD shall respond to nuisance complaints. (Mitigation Measure AQ-2)

BIOLOGICAL RESOURCES

- Bio-1 Worker Education and Awareness Plan.** The Project owner/operator shall fund a County-approved biologist to develop and implement a worker education and awareness program (WEAP) specific to the Project. The program shall be presented to contractors, project personnel, and others for which it is applicable due to their activities around the project site during project construction or operational phases. The program shall include information focused on sensitive habitats and species and shall include, but not be limited to, the following:
- a. The natural history, including sensitive species and habitats, shall be described as well as the current status, reasons for decline, and protection measures relevant to the species and habitats.
 - b. Contact points shall be provided for WEAP attendees to report sightings of sensitive biological resources such as Gaviota tarplant, active bird nests, badger dens, and roosting bats and raptors in the vicinity of Project facilities.
 - c. Attendees shall be provided with photographs of sensitive biological resources including sensitive wildlife and plant species, den and burrow entrances, and nest structures. Qualified biologists, familiar with El Segundo blue butterfly (ESBB) and Gaviota tarplant, will provide a brief educational program for all personnel prior to initiation of any construction activities within the project site. The program will include identification of ESBB, its host plant, coast buckwheat, and Gaviota tarplant; the general provisions and protections afforded to ESBB and Gaviota tarplant by the Endangered Species Act; and measures to be implemented during the Project to avoid and minimize adverse effects to ESBB and Gaviota tarplant.
 - d. Attendees shall be informed verbally and in writing of the various Project tasks that require biological surveys and monitoring for resource protection.
 - e. Attendees shall be provided with a photograph or description of the markers for active bird nests, trees, salvaged topsoil piles and windrows, or other mitigation areas, so that they shall know these are not to be disturbed without a biological monitor present.
 - f. Attendees shall be provided with photographs of invasive weeds and instructed to report to the biologist any new populations observed near Project facilities.
 - g. Attendees shall be informed not to litter. All trash and litter shall be picked up and removed from the construction sites at the end of each day.
 - h. Attendees shall be informed to obey a speed limit of 15 miles per hour while traveling on the Project site to avoid collisions with wildlife and to

avoid driving over or otherwise disturbing areas outside the designated construction areas.

Plan Requirements: The Project owner/operator shall submit the WEAP to P&D for review and approval 30 days prior to implementation. All contractors, project personnel, and others for which the program is applicable due to their activities around the project site during project construction or operational phases shall attend the WEAP prior to entering the Project site unescorted. The Project owner/operator shall provide copies of the training attendance sheets to P&D staff as a record of compliance with this measure on a monthly basis. Trained crew members shall receive a sticker for their hardhat from the County EQAP OEC demonstrating WEAP training. **Timing:** The WEAP shall be reviewed and approved by the County prior to approval of the first Land Use Permit. Implementation of WEAP training shall occur prior to the start of construction and as new crew members are added to the project.

MONITORING: P&D staff shall ensure compliance with the WEAP throughout all phases of construction and operation by review of attendance sheets and hardhats, inspection of the site, and interviewing workers, as appropriate. (*Mitigation Measure Bio-1*)

Bio-2

Ground Disturbance. The Project owner/operator shall minimize the amount of disturbance to the extent feasible including in areas devoted to WTGs; power line poles; temporary and permanent access roads; stockpiles; staging, parking and lay down areas; areas where spoil shall be used to control erosion; and areas for associated facilities. Construction activities shall avoid sensitive areas, such as riparian zones, forests, etc., where feasible. Construction shall avoid all wetlands regulated by Santa Barbara County, California Department of Fish and Game, and the U.S. Army Corps of Engineers to the extent feasible (see Condition *Bio-9*).

Where feasible, parking, lay down, storage areas, and other sites of surface disturbance shall be located in previously disturbed areas or in annual grassland (except in Gaviota tarplant habitat) and will be mowed rather than graded to keep root structures in place and thereby facilitating future revegetation. Permanent access roads shall follow routes used for construction access to reduce the amount of new road construction. Vehicles and equipment access shall follow marked routes and indiscriminate cross-country vehicle travel shall not be allowed.

Plan Requirements: Limits of ground disturbance, grading, access, and areas for installation of facilities shall be clearly shown on Project building plans. **Timing:** Building plans shall be submitted by the Project

owner/operator and reviewed and approved by P&D staff prior to approval of the Land Use Permit for each construction phase.

MONITORING: P&D staff will review Project building plans and inspect the Project site as needed during construction. P&D staff shall ensure the approved Project plans are consistent with the Site Restoration and Revegetation Plan (See Condition *Bio-3*). P&D staff shall monitor construction and revegetation activities to verify compliance and ensure requirements are fully implemented. (*Mitigation Measure Bio-2*)

Bio-3 **Site Restoration and Revegetation Plan.** The Project owner/operator shall retain a County-approved botanist to prepare and implement a Site Restoration and Revegetation Plan. The Plan shall include the following requirements and other provisions as appropriate:

- a. Top soil, and the seed bank it contains, shall be conserved on areas where soil is excavated such as WTG sites, access roads, and transmission pole locations. Salvage shall be accomplished by:
 1. Woody material shall be removed from the soil surface and piled in an area that will be out of the way during construction.
 2. The upper 6 to 8 inches of soil shall be scraped from the disturbance footprint and piled into a windrow in an area that will not be disturbed during construction.
 3. Topsoil stockpiles shall be clearly marked for avoidance.
 4. Windrows shall be immediately protected from wind erosion by covering them or hydromulching them to protect the pile from wind erosion. Wind erosion protection shall be renewed as needed.
 5. Salvaged topsoil shall be re-spread on areas that will be revegetated following construction. Salvaged topsoil rather than subsoil shall be used for this purpose unless the location is very weedy.
- b. At final grade, the last few inches shall not be compacted to more than 75 percent to facilitate penetration by plant roots. Salvaged topsoil shall be spread over the finish grade. The grade shall not be completely smoothed. Small ridges shall be provided for seedling wind protection and to collect moisture from rain and fog. Hydroseed with soil stabilization seed mixture shall be applied between September 30 and mid-November. (Other methods of applying native seed (e.g., drill seeding, broadcast seeding followed by incorporation) may be implemented at other times, however it is preferable to apply the seed to coincide with the onset of the fall-winter rainy season.) The hydroseed mix shall contain a mulch and binder to retard wind erosion by providing a crust over the soil surface. Native plant seeds shall be added to the hydroseed mixture or hand-

broadcasted onto the site just prior to hydroseeding. Care shall be taken to avoid premature germination of native species caused by prolonged immersion in the hydroseeder. On slopes, the Project owner/operator shall augment the erosion control seed mixture with seed of native coastal scrub species native to the site and collected from the Project region. Appropriate seed mixtures for use on grassland and coastal scrub areas shall be developed in consultation with and approved by CDFG and County staff using seed of native species originating from the area between the Santa Ynez River and Hollister Ranch, and inland as far as California State Highway 1. Recommendations from the U.S. Department of Agriculture Natural Resources Conservation Service for reseeded agricultural grazing areas shall be sought and incorporated as approved by the above agencies. The use of non-native species considered detrimental to agricultural grazing shall be avoided.

- c. For localized areas dominated by weedy species not palatable to livestock, the Plan shall consider a “grow-kill” approach that includes cycles of irrigation followed, after a suitable delay, by physical or chemical weed control methods to reduce the seedbank of weedy species by germinating them and killing the resulting seedlings prior to final seeding of the treated area.
- d. Where Central Coast scrub or Central Coast scrub/grassland mosaic has been removed by construction, revegetation will include coast buckwheat in the seed mix.
- e. The restoration areas shall be monitored for a minimum of three (3) years by a qualified botanist. Weed control shall be started within three (3) months of planting, or earlier if weeds have begun to flower. Weeding shall proceed as frequently as necessary to prevent weeds from spreading off the Project site into the adjacent area and to prevent seed set. An effort shall be made to cut weeds before they develop seeds to minimize the spread of invasive weeds. Cut mustard shall be hauled off the site and disposed of where the toxins in the stems will not affect other plants. Any new weed species not present in the Project area prior to construction shall be eradicated. At the end of the three-year monitoring period, the qualified biologist shall prepare a monitoring report detailing the success of the restoration efforts and shall provide recommendations, if needed. This monitoring report shall be submitted to the County for review and approval.
- f. Performance criteria for restoration shall be identified in the Site Restoration and Revegetation Plan to determine whether site restoration is proceeding as planned and for performance security release.
- g. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and

maintaining the specific measures identified in the Site Restoration and Revegetation Plan.

Plan Requirements: The Project owner/operator shall prepare the Site Restoration and Revegetation Plan and submit it to P&D staff for review and approval prior to approval of the Land Use Permit for the first construction phase. The detailed grading plan showing the limits of the grading shall be reviewed and approved by P&D staff prior to approval of the Land Use Permit for the first construction phase. The Project owner/operator shall post the site restoration performance security prior to approval of the Land Use Permit for the first construction phase and shall maintain the security until it is released by the County. **Timing:** The Plan shall be approved by the County prior to approval of the Land Use Permit for the first and all subsequent construction phases. The Plan shall be implemented during and after construction of the first and all subsequent Project phases. The Monitoring Report shall be submitted to the County at the end of the three-year monitoring period.

MONITORING: P&D staff shall review and approve the Project building plans and the Site Restoration and Revegetation Plan, and the final monitoring report for compliance with this measure. P&D staff shall monitor construction and revegetation activities to ensure the Plan is fully implemented. (*Mitigation Measure Bio-3*)

Bio-4

Tree Protection and Replacement Plan. The Project owner/operator shall retain a County-approved botanist or arborist to design and implement a Tree Protection and Replacement Plan in order to protect existing native trees and minimize adverse effects of grading and construction. No ground disturbance, including grading for buildings, access ways, easements, and subsurface grading, shall occur within the critical root zone of any native tree unless specifically authorized by the approved Tree Protection and Replacement Plan. The Tree Protection and Replacement Plan shall include the following measures:

- a. The Plan shall show the location, diameter at breast height (DBH), and critical root zone of all native and specimen trees that are potentially subject to disturbance due to Project construction and operational activities, including transport of large loads on San Miguelito Road or onsite access roads.
- b. The Plan shall clearly identify any areas where grading, trenching, or other construction related activities would encroach within the critical root zone of any native or specimen tree and within 6 feet of the drip line for blue oaks and valley oaks. All encroachment is subject to review and approval by the County.

- c. Temporary fencing of all native and specimen trees shall be installed to protect the critical root zone. All onsite oaks shall be fenced outside of the critical root zone and all blue oaks and valley oaks shall be fenced at least 6 feet beyond the drip line. Fencing of chain link or other material acceptable to P&D shall be at least 3 feet in height and shall be staked every 6 feet. The Project owner/operator shall place signs stating “Tree Protection Area” at 15-foot intervals on the fence. Fencing and signs shall be included in Project building plans as a Tree Protection Plan Exhibit, shall be installed prior to issuance of the Land Use Permit for construction, and shall remain in place throughout all grading and construction activities.
- d. Any encroachment within the critical root zone of native trees and within 6 feet of the drip line for blue oaks and valley oaks shall adhere to the following standards:
 - 1. Any paving shall be of pervious material (gravel, brick without mortar, or turf block).
 - 2. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - 3. Any roots 1 inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- e. Construction equipment staging and storage areas shall be located in designated staging and lay-down areas depicted on Project plans submitted for Land Use Permit. No construction equipment shall be parked, stored, or operated within the protected areas. No fill soil, rocks, or construction materials shall be stored or placed within the protected area.
- f. All utility corridors and irrigation lines shall be shown on the Tree Protection Plan Exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- g. Any tree wells or retaining walls shall be shown on the Tree Protection Plan Exhibit as well as on grading and construction plans and shall be located outside of the critical root zone of all native trees and 6 feet beyond the drip line for blue oaks and valley oaks unless specifically authorized by the County.
- h. Access routes for equipment shall be checked for clearance prior to bringing any equipment onto the site. All trees and shrubs that require limbing or pruning shall be prepared at least 2 days prior to the arrival of the equipment and adhere to the following standards:
 - 1. All limbing shall be done under the supervision of a licensed arborist or qualified biologist.

2. Any inadvertently broken limbs shall be cleanly cut under the direction of a licensed arborist or qualified biologist.
3. In the event that damage to a native tree is so severe that its survival is compromised, the tree shall be replaced in kind as mentioned below for native trees.
 - i. Only trees designated for removal on the approved Tree Protection Plan Exhibit may be removed. Any native trees which are removed, relocated, or damaged (more than 20 percent encroachment into the critical root zone or drip line for blue oaks and valley oaks) shall be replaced on a 10:1 (15:1 for blue oak and valley oak trees) basis with 1 gallon size saplings of the same species grown from seed obtained from the same watershed as the Project site. Where it is necessary to remove a tree and feasible to replant it, trees shall be boxed and replanted and a drip irrigation system with a timer shall be installed. No permanent irrigation shall occur within the critical root zone of any native or specimen tree or within 6 feet of the drip line of blue oak and valley oak trees. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. Trees shall be planted, irrigated, and maintained until established (up to 5 years). The plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing, and gopher fencing during the maintenance period.
 - j. Any unanticipated damage that occurs to trees as a result of construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include, but is not limited to, posting of a performance security, replacing native trees on a 10:1 (15:1 for blue oak and valley oak trees) ratio, and hiring a County-qualified arborist/biologist to evaluate all proposed native tree and shrub removals within 25 feet of potential ground disturbances. The arborist/biologist's report shall present biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with an emphasis on preservation. All development and potential ground disturbances shall be designed to avoid the maximum number of native trees feasible. The required mitigation shall be undertaken immediately as directed by P&D, and a specific and detailed plan for replacement of all affected trees, including location and timing, shall be approved by P&D prior to any further work occurring on site.
 - k. To guarantee tree replacement, the Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining the specific measures identified in the Tree Protection and Replacement Plan. Performance securities required for installation of replacement trees shall be released by the County after its inspection and approval of such installation. Performance securities required for maintenance of replacement trees shall be released by the

~~County after successful achievement of release criteria, as determined by the County.~~

Plan Requirements: The Tree Protection and Replacement Plan shall be submitted by the Project owner/operator to P&D for review and approval. All aspects of the Tree Protection and Replacement Plan shall be implemented by the Project owner/operator as approved. **Timing:** The Tree Protection and Replacement Plan shall be approved by P&D, and evidence of having obtained the performance security shall be provided to P&D prior to approval of the Land Use Permit for the first and all subsequent Project phases. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading, construction, and operational activities.

MONITORING: P&D staff shall review building plans and the Tree Protection and Replacement Plan as necessary, and shall inspect the Project site, throughout all phases of development to ensure compliance with all tree protection and replacement measures. (*Mitigation Measure Bio-4*)

Bio-5

Pre-construction Plant Surveys. The owner/operator shall retain a County approved botanist to conduct appropriately timed pre-construction surveys for sensitive native plant species, including lichens, in all areas to be disturbed, including power line pole locations and access roads. In the event that a federally listed plant species is found on or near an area to be disturbed by the project, the FWS will be notified, the project will be adjusted to avoid impact, and other species protection measures recommended by the Service will be implemented. If a substantial portion of a “stand” of CNPS-listed or locally rare species needs to be removed for the Project and adjustment of the disturbance area boundaries to avoid the impact is not feasible, the loss will be mitigated by collection of seeds or other propagules from the plants during the appropriate time of the year. The seed or propagules shall be used for restoration in the immediate area (if suitable habitat continues to be present) or on a nearby, suitable location. In the case of lichens having regional significance, the County approved botanist shall make recommendations of feasible methods to relocate and re-establish the lichens at a suitable nearby site, if avoidance is not feasible. Methods may include collecting, moving, and emplacing a sample of substrate supporting the lichen at a suitable site nearby. The upper 3 to 6 inches of soil (topsoil and seedbank) shall be salvaged in all areas where the terrain allows it. Topsoil shall be windrowed and marked to keep it separated from other spoil. Topsoil piles shall be stabilized by covering the windrows or by spraying with hydromulch and binder to protect the soil from wind erosion. Salvaged topsoil shall be spread over all restored areas.

Plan Requirements: The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by County staff prior to approval of the tentative Project map. If surveys indicate that replacement of sensitive native plants is necessary, the owner/operator shall prepare a detailed mitigation plan and submit it to the County for approval. The owner/operator shall file a performance security with the County to complete restoration. **Timing:** The mitigation plan shall be approved by the County prior to approval of the Land Use Permit for the first and all subsequent construction phases.

MONITORING: County staff will inspect the Project plans and site as well as review the mitigation plan to ensure compliance with this measure as appropriate. County staff will monitor construction and revegetation activities to ensure the plan is fully implemented. (*Mitigation Measure Bio-5*)

Bio-6

Gaviota Tarplant Disturbance. The Project owner/operator shall retain a qualified botanist approved by the California Department of Fish and Game (CDFG) and P&D to prepare a Gaviota Tarplant Mitigation Plan to address impacts to Gaviota tarplant and to oversee flagging of the perimeter of all approved work areas in Gaviota tarplant habitat. This Plan shall incorporate the requirements presented herein and submit it to P&D for review and approval. Gaviota tarplant habitat includes all areas of previously identified habitat plus any additional areas that are discovered during pre-construction surveys prior to ground disturbance. Gaviota tarplant is assumed to be present within all areas where it has been previously mapped even if it is not evident during pre-construction surveys because seedbank may be present that could germinate and establish under different environmental conditions. The Project design shall continue to be refined to minimize Gaviota tarplant habitat disturbance, the size of temporary excavation areas, and the size of areas where permanent loss shall occur. A determination shall be made of the total areas of (1) permanent habitat loss, (2) temporary excavations, and (3) surface disturbance for the construction phase of the Project. Site-specific mitigation measures shall be developed, in consultation with CDFG botanists, to minimize the extent of habitat disturbance and to minimize potential “take” of individuals of this species which is protected under the California Endangered Species Act (CESA). Measures and procedures shall be developed that address potential future impacts during the operations phase of the Project. Areas of temporary disturbance shall be mitigated at a 1:1 ratio using the measures described below. The Project owner/operator shall obtain a CESA permit from CDFG and shall prepare a mitigation monitoring and reporting plan meeting the requirements of CESA, as required by CDFG.

Where construction activities may impact occupied Gaviota tarplant habitat during the growing season (between the first rain and the middle of September), standing drying plants that still have ripening seed during the late fall of the year shall be collected prior to construction. Plants shall be collected by hand or in a basket mounted behind a mower. The collected material shall be dried immediately and stored dry to preserve the seeds. The salvaged plant material shall be spread on restored habitat prior to final soil stabilization. The “triple-lift topsoil salvage” procedures described below shall be employed to conserve the soil profile and soil seed bank. All topsoil handling in Gaviota tarplant habitat shall be monitored by a qualified botanist approved by CDFG and the County to work with Gaviota tarplant. Seedbank material shall be developed using the following procedures:

- a. All woody vegetation shall be cleared and stockpiled separately in a location where it shall be out of the way during construction.
- b. A 3- to 6-inch lift of soil shall be scraped from the area of Gaviota tarplant habitat where soil shall be excavated. The seedbank shall be stored in a location where it shall be out of the way during construction. The seedbank stockpile shall be clearly marked for identification and avoidance.
- c. A second 6- to 8-inch lift of the sandy soil horizon (shallower if bedrock or other soil type is encountered, such as clay) shall be scraped from the area. The topsoil lift shall be stockpiled in a location where it shall not be disturbed during construction and shall be clearly marked for identification and avoidance. The stockpiles shall be shaped to maximize water runoff.
- d. The stockpiled seedbank shall be kept dry and protected from wind erosion and disturbance per the measures for topsoil conservation throughout construction and until it is replaced on the restored sites. The stockpiles will be covered or treated with hydromulch and binder to form a crust over the soil and reduce loss to wind erosion, but the spray shall not be heavy enough to soak into the pile (to avoid soaking seeds and triggering seed germination).
- e. If the salvaged seedbank is being eroded by the wind, it shall be stabilized by spraying it with an organic soil binder used for hydroseeding.

Following excavations and other types of temporary ground disturbance in Gaviota tarplant habitat, the soil profile shall be rebuilt using salvaged and stockpiled materials by replacing them in reverse order as described below. The salvaged and dried Gaviota tarplants shall be spread on top. Procedures to be followed are:

- a. The layers beneath the final seedbank layer shall be well compacted.
- b. The seedbank layer shall be more loosely compacted by spreading it dry or with minimal water. Tracking, rather than spraying, shall be used to pack the seedbank layer into place.
- c. Soil stabilization shall follow immediately.
- d. The replacement of seedbank and topsoil stockpiles shall be monitored by a botanist acceptable to CDFG and the County for work with Gaviota tarplant.
- e. Restored Gaviota tarplant sites shall be stabilized with a hydraulically applied mixture of biodegradable soil binder and wood fiber. The mulch shall be minimized so that light shall not be blocked from the tarplant seeds in the salvaged and replaced seed bank. No seed is required since the top layer on the restored site shall be composed of salvaged seed bank.

Permanent Gaviota tarplant habitat loss shall be mitigated by continuing to contribute toward the understanding of the taxonomy and ecology of this species by:

- a. Contributing to the accumulation of additional data on the range and size of subpopulations.
- b. Contributing to taxonomic research to clarify limits and relationships of Gaviota tarplant populations versus close relatives.
- c. Requesting that CDFG review the status of this species in light of recent discoveries of extensive populations.
- d. Contributing to baseline ecological research, such as germination or pollinator studies, that shall be useful for future management decisions, or participating in the regional Gaviota tarplant preserve on the Gaviota Coast.

The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified to protect Gaviota tarplant habitat. Performance securities may be released by the County after successful achievement of approved release criteria.

Plan Requirements: The Project owner/operator shall submit the Gaviota Tarplant Mitigation Plan that includes the above requirements to P&D for review and approval. The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by P&D staff prior to approval of the Land Use Permit for construction. The Project owner/operator shall file a performance security with the County to complete restoration.

Timing: The Gaviota Tarplant Mitigation Plan shall be submitted by the Project owner/operator and reviewed and approved by P&D prior to

approval of the Land Use Permit for the first and all subsequent construction phases.

MONITORING: P&D shall monitor construction, restoration, and revegetation activities to ensure Gaviota tarplant protections are fully implemented. P&D staff shall verify that the perimeter of all approved work areas in Gaviota tarplant habitat are properly flagged prior to any ground disturbance in the area and shall monitor construction and revegetation activities to ensure the plan is fully implemented. (*Mitigation Measure Bio-6*)

Bio-7

Kellogg's and Mesa Horkelia. For Kellogg's and Mesa Horkelia habitats identified during pre-construction surveys (see Condition *Bio-5*), the Project owner/operator shall track over Kellogg's and Mesa Horkelia habitat, where the terrain shall safely allow it, rather than widening roads beyond the permanent road width, to minimize plant removal. The seedbank shall be salvaged and stockpiled separately from other spoil along roads and adjacent to other facilities constructed in Kellogg's and Mesa Horkelia habitat as described in Condition *Bio-3, Site Restoration and Revegetation Plan*, and Condition *Bio-6, Gaviota Tarplant Mitigation Plan*. Salvaged stockpiles shall be covered or sprayed with hydromulch and binder to crust the surface to minimize soil loss to wind erosion. Salvaged seedbank shall be spread over restored areas as described for Gaviota tarplant, except that a normal mixture of mulch and binder shall be used. If the area is within Gaviota tarplant habitat, methods for the latter shall be used. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified to protect Kellogg's and Mesa Horkelia habitat. The performance security may be released by the County after successful achievement of approved release criteria.

Plan Requirements: The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by P&D staff prior to approval of the final plans. If surveys indicate that replacement of Horkelia is necessary, the Project owner/operator shall prepare a detailed mitigation plan and submit it to the County for approval. The Project owner/operator shall file a performance security with the County to complete restoration.

Timing: The Mitigation Plan and performance security shall be submitted by the Project owner/operator and reviewed and approved by P&D prior to approval of the Land Use Permit for the first and all subsequent construction phases.

MONITORING: P&D shall monitor construction, restoration, and revegetation activities to ensure Kellogg's and Mesa Horkelia habitat protections are fully implemented. (*Mitigation Measure Bio-7*)

Bio-8

Native Grasslands. The Project owner/operator shall retain a County-approved botanist to resurvey the potentially affected area during the appropriate season and determine the total area with at least 10 percent coverage of native grassland species on the site (10% coverage defines "native grassland" habitat). If the total area of native grassland habitat that would be permanently removed is less than 10 percent of the total area of native grassland habitat within the Project area, loss of native grasses shall be mitigated by seedbank salvage and replacement as described for Horkelia (Condition *Bio-7*).

If the total area of native grassland habitat that would be permanently removed for the Project exceeds 10 percent of the total area of native grassland habitat within the Project area, seed shall be collected from the populations of native grasses and native grassland species on the Project sites prior to the start of construction. The seed shall be stored dry and included in the seed mixture applied to the restored areas. Drill seeding shall be performed for mixtures that include native grass seed.

The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified to protect native grasslands. Performance securities may be released by the County after successful achievement of approved release criteria.

Plan Requirements: P&D staff shall review and approve the detailed grading plan, showing the limits of the grading. If pre-construction surveys indicate that replacement of native perennial bunchgrass is necessary, the Project owner/operator shall prepare a detailed mitigation plan and a performance security and submit both to P&D for review and approval. The plan shall require replacement of the permanently impacted native grassland habitat at a minimum ratio of 1:1 and the replacement acreage must meet the County definition of native grassland. Determination of mitigation success must be based on quantitative sampling by a qualified biologist. **Timing:** Detailed native grassland mitigation plans and performance securities shall be submitted to P&D for review and approval, and shall be approved, prior to approval of the Land Use Permit for each construction phase, as applicable.

MONITORING: P&D staff shall monitor construction and revegetation activities to ensure required protections of native grasslands are fully implemented. (*Mitigation Measure Bio-8*)

Bio-9

Wetland and Creeks Avoidance and Restoration. The Project owner/operator shall make every effort to avoid impacts or to minimize to the maximum extent feasible the area and degree of impact to State and Federal wetlands and other Waters of the U.S. associated with placement of bridges, siting of the Operations and Maintenance (O&M) facility, and other construction-related tasks. All potential jurisdictional areas that may be disturbed by construction shall be delineated following all applicable standards associated with features regulated by the State of California, Santa Barbara County, and U.S. Army Corps of Engineers (USACE) for regulated wetlands, including documentation of specific surveys for presence of listed plant, invertebrate, or wildlife species that may occur there. The delineations shall apply the Arid West Supplement to the USACE Wetland Delineation Manual guidelines and shall map all features using a sub-meter differential global positioning system (DGPS). Based on the delineation, the Project owner/operator shall consult with a wetland hydrologist and botanist to design construction so that direct loss of wetland communities shall be minimized and hydrological conditions supporting the wetland shall be conserved to the maximum extent feasible, consistent with Project objectives. All final construction design plans and mapped wetland features shall be clearly presented in a Wetland and Creeks Avoidance and Restoration Plan submitted to P&D for review and approval. The Wetland and Creeks Avoidance and Restoration Plan shall include the WTG corridors as well as other project components and shall specify methods, including those referenced herein, for the restoration of lost and/or disturbed features associated with bridge crossings and siting of the O&M facility, including calculations, proposed restoration locations, cattle or other disturbance barriers, plant mixes, quantitative restoration goals (maximum criteria for weedy species and minimum criteria for native hydrophytic plants), and temporal and native plant composition success criteria.

At a minimum, any temporarily disturbed wetlands associated with bridge crossings or siting of the O&M facility shall be restored to pre-construction conditions at an areal ratio of 1:1, with a clearly defined temporal goal and success criteria. If any jurisdictional feature is permanently lost, it shall be mitigated by the creation of the same type of wetland in the Project area at an areal ratio of 2:1 and replacement habitat creation shall be done in suitable habitat within the project site. All wetland areas within 50 feet of Project-related ground disturbance shall be protected from siltation by placement of silt fence, straw bales (composed of certified weed-free straw), or other barriers. Barriers shall be in place prior to ground disturbance.

~~No fueling of vehicles or equipment shall occur within 100 feet of the top of any creek bank or within 100 feet of any seep or spring. Spill containment measures shall be implemented at all refueling sites. In the event that petroleum products escape into a creek, seep, or spring, every effort shall be made to immediately remove the material using plastic sheets, absorbent blankets, or other materials, as necessary.~~

Runoff from fresh concrete shall be directed away from the top of any creek bank and from any seep or spring into a plastic-lined hollow. Any washout from concrete trucks shall be collected within a designated contained and lined area and removed from the site. Dried concrete scraps shall be removed and all trash and litter shall be picked up and removed from the construction sites at the end of each day.

Performance criteria for restoration shall be identified in the Wetland and Creeks Avoidance and Restoration Plan. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining the specific restoration measures identified in the Wetlands and Creeks Avoidance and Restoration Plan.

Plan Requirements: The Wetland and Creeks Avoidance and Restoration Plan and the Project grading plan showing the limits of the grading shall be reviewed and approved by P&D prior to approval of the Land Use Permit for construction. The performance criteria shall include a maximum cover criterion for weedy species and ~~a~~ minimum cover criterion for native hydrophytic plants. These criteria shall be objectively based on quantitative sampling of the habitat to be replaced prior to construction activities. The maximum cover criterion for weedy species shall not be set to greater than the measured cover, and the minimum cover of hydrophytic species shall not be less than the measured cover of hydrophytic species. The Project owner/operator shall file the performance security with the County prior to P&D approval of the Land Use Permit for construction. **Timing:** The Wetland Delineation and Avoidance and Restoration Plan shall be submitted to the County for approval prior to approval of the Land Use Permit for any project construction that may affect wetlands. Any proposed removal or temporary disturbance to jurisdictional features shall be approved by the County, CDFG, and the USACE prior to any construction that may affect wetland features. Site-specific wetland creation/restoration plans shall be developed and approved by the County, in consultation with CDFG and USACE, as appropriate, prior to approval of the Land Use Permit for construction. The Project owner/operator shall independently consult with CDFG and USACE as necessary. The Plan shall be implemented within one year of

...the disturbance and in consultation with CDFG and P&D-staff. The Plan shall be implemented as required throughout all Project phases.

MONITORING: A County-approved biological/wetland monitor shall be present for all activities that have the potential to directly or indirectly affect regulated wetland features. P&D staff shall monitor construction and restoration activities to ensure the plan is fully implemented. Progress of the restoration shall be monitored by a qualified biologist. (*Mitigation Measure Bio-9*)

Bio-10

Riparian Habitat Restoration. The Project owner/operator shall consult with the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG) and the County regarding impacts to Honda Creek, and other crossings if applicable. During this consultation, a determination shall be made as to whether a Riparian Habitat Restoration Plan will be required. If so, the Project owner/operator shall retain a qualified ecologist to prepare and implement a site-specific Riparian Habitat Restoration Plan for those creeks that may be disturbed by Project construction or operations. This Plan shall include, but is not limited to, the following elements:

- a. Restoration shall include native riparian species from locally obtained plants and seed stock.
- b. The new plantings shall be monitored for a period of 2 to 3 years to ensure successful establishment. Dead plants shall be replaced in kind.
- c. The new plantings shall be irrigated with drip irrigation on a timer and shall be weaned off of irrigation when root zones are established.
- d. Removal of native species in the creek shall be prohibited.
- e. Non-native species located in the work area shall be removed from the creek.

Plan Requirements: If such plan is required, the Project owner/operator shall submit a Riparian Habitat Restoration Plan to P&D for review and approval, in consultation with the USACE and CDFG. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing the Plan to ensure restoration.

Timing: If required, the Plan shall be approved by P&D, USACE, and CDFG prior to approval of the Land Use Permit for each Project phases, as appropriate.

MONITORING: P&D staff shall review Project plans and conduct site inspections as necessary inspect the Project plans and site as well as review the restoration plan for compliance with this measure as appropriate. The County staff will monitor plan implementation to ensure

compliance. Permit compliance signature is required for performance security release. (*Mitigation Measure Bio-10*)

WILDLIFE PROTECTION

Bio-11.a Pre-Construction Wildlife Surveys. The Project owner/operator shall retain a County-approved biologist to perform a wildlife survey prior to disturbance of WTG sites. The biologist shall survey the surrounding area out to a 300-foot radius from the WTG site, the WTG footings, access roads, and staging, parking, and lay down areas prior to grading or the use of any explosives. Surveys shall be completed within 3 days before the start of initial vegetation clearance or ground disturbance in any affected area. Results of the surveys shall be provided to P&D prior to ground disturbance. If any wildlife species are found, they shall be relocated by a qualified individual to similar habitat at least 300 feet away from construction activity.

Plan Requirements: Project owner/operator shall provide at least 48-hour prior notification to P&D staff and the County's EQAP OEC of each pre-construction survey. The EQAP OEC may attend all or part of each survey and shall report to P&D at least monthly on survey and wildlife relocation activities. This condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report compliance with this measure in writing to County staff on survey and relocation activities. **Timing:** This measure shall be implemented prior to ground disturbances during all construction phases.

MONITORING: P&D staff shall review reports and site inspect as necessary during construction. County staff will inspect the Project plans and site, as well as review the monthly reports to ensure compliance with this measure, as appropriate. (*Mitigation Measure Bio-11a*)

Bio-11.b Fencing Plan. To minimize the amount of disturbance to wildlife habitat, construction boundaries shall be clearly marked with fencing or staking that shall be replaced as needed during construction. Fencing shall clearly delineate the project construction areas, including areas devoted to WTGs; power line poles; temporary and permanent access roads; stockpiles; staging, parking and lay down areas; areas where spoil shall be used to control erosion; and areas for associated facilities.

Plan Requirements: A detailed Fencing Plan, showing the location of required fencing shall be reviewed and approved by P&D staff. A specific reference to the Fencing Plan and the requirement to comply with it shall be printed on all Project grading and building plans. **Timing:** The detailed fencing plan shall be submitted to P&D for review and approval, and shall

receive such approval, prior to P&D approval of the Land-Use Permit for construction.

MONITORING: P&D staff and the EQAP OEC shall site inspect as needed. P&D shall review construction monitoring reports to ensure the Plan is fully implemented. (*Mitigation Measure Bio-11b*)

Bio-11.c Biological Monitoring. The Project owner/operator shall retain a County-approved environmental monitor (“LWEP Monitor”) during project construction to monitor construction activities and to ensure compliance with all mitigation measures.

The LWEP Monitor shall be present onsite during all vegetation removal and during all of the initial ground disturbance activities for all aspects of the project, and shall regularly inspect the project site as needed after the initial ground disturbances to ensure that all mitigation measures are being implemented. The LWEP Monitor shall ensure that wildlife do not become entrapped in the excavations during installation of the WTGs and associated underground collection system from the WTGs to the substation (i.e., open trenches). Safeguards shall be implemented during daytime periods of non-activity and overnight, such as a placing a platform over the entire excavation site, flush with the ground surface, or exclusionary fencing. A form of egress (such as a ramp) shall be placed within the excavated area to provide an exit to accidentally trapped wildlife. The LWEP Monitor shall be responsible for ensuring these safeguards are in place on a daily basis.

Plan Requirements: The LWEP Monitor shall work closely and cooperatively with County staff and County’s consultants on a daily basis or as needed. **Timing:** The LWEP Monitor shall be designated prior to the start of construction and shall be retained throughout all construction phases.

MONITORING: County staff will confirm that the LWEP Monitor is employed prior to start of construction and continues throughout all construction phases. (*Mitigation Measure Bio-11c*)

Bio-11.d Monitoring Report. The LWEP Monitor shall provide the County with Construction Monitoring and Biological Resources Mitigation Reports on a bi-weekly basis. The reports shall include a description of the activities that have occurred onsite, wildlife species encountered, relocation efforts, wildlife mortalities and injuries, violations or issues with construction activities, and any project-related resolutions.

Plan Requirements: The owner/operator shall consult and obtain any necessary permits from the appropriate regulatory agencies and provide copies to County staff. The LWEP Monitor shall report compliance with this measure in writing to County staff on survey and monitoring activities on a bi-weekly basis. Reports may be submitted electronically. **Timing:** The reports shall be submitted in the first and third week of each month to detail the previous two weeks' activities, during the first and subsequent construction phases.

MONITORING: P&D will review the biweekly reports and inspect the Project site as appropriate to ensure compliance with this measure. *(Mitigation Measure Bio-11d)*

BIO-12 NESTING BIRDS AND ROOSTING BATS

Bio-12.a Schedule Ground Disturbance to Avoid Nesting Season. All construction-related activities that include vegetation removal and initial ground disturbances in habitats where a biological monitor does not have a clear view of the ground shall be scheduled, as feasible, to avoid the bird nesting season (February 1 through August 31) to reduce impacts to nesting birds in the Project vicinity. If construction activities are scheduled to begin during the nesting season, the owner/operator shall still attempt to remove or mow vegetation before the onset of nesting season to reduce the threat of violating the Migratory Bird Treaty Act.

Plan Requirements: This Condition shall be printed on all Project plans. The LWEP Monitor shall be designated to monitor the implementation of this Condition and shall be retained throughout all construction phases. **Timing:** Construction-related activities subject to this Condition shall be scheduled, as feasible, from August 31 through February 1.

MONITORING: P&D staff shall review and approve Project plans prior to approval of the Land Use Permit for construction. P&D staff shall review the monthly compliance reports to ensure implementation of the requirements of this Condition. *(Mitigation Measure Bio-12a)*

Bio-12.b Buffer Zones. If ground disturbance or vegetation removal is scheduled to occur during the avian nesting or bat roosting season (from February 1 through August 31), the Project owner/operator shall fund a County-approved biologist to survey for active avian nests and roosting bats immediately prior to the start of construction in a given area (including removal or trimming of trees and shrubs). The survey shall occur at the sites of construction activity, as well as up to 500 feet away. If an active raptor nest is found, no construction activity shall occur within 500 feet of the nest or as directed by the County-approved biologist unless otherwise

directed by CDFG. The County-approved biologist shall conduct a study to collect more detailed information on nesting raptors in the Project area. Areas of dense vegetation, including the riparian corridors along Miguelito Creek, the eucalyptus groves onsite, and mixed evergreen forest within 500 feet of Project facilities shall be surveyed at weekly intervals to collect data on nesting activities.

If any other active avian species nest or roosting bats are found, construction activity shall not occur within 150 feet of the area or as directed by the County-approved biologist unless otherwise directed by CDFG. The CDFG shall be consulted prior to any disturbance of bat maternity roosts. During the breeding season (February 1 through August 31,) efforts shall be made as directed by the biological monitor to dissuade birds from using facilities and construction equipment. Active nests and roosts shall be temporarily marked with flagging to warn workers and monitored by a biologist to ensure that construction activities do not impact these sites. The Project owner/operator shall provide all workers on the site an updated map of active nests so that construction activities within the buffers can be avoided. Construction activities and timing shall be modified to avoid impacts to nesting avian species, and bat maternity roosts. Buffer areas shall be maintained until fledglings have left the nest and the biological monitor has cleared the area.

Plan Requirements: The Project owner/operator shall consult with and obtain any necessary permits from the appropriate regulatory agencies and provide copies to P&D of all permits. On a bi-weekly basis, the Project owner/operator shall report on survey and monitoring activities conducted in compliance with this measure in writing to P&D staff (electronic submittal is acceptable). **Timing:** The Project owner/operator shall submit the Monitoring Report in the first and third week of each month to detail the previous two weeks, activities. This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D shall review the bi-weekly reports and inspect the Project site as necessary to ensure compliance with this measure. (*Mitigation Measure Bio-12b*)

Bio-13

El Segundo Blue Butterfly Habitat. The Project owner/operator shall retain a qualified, County-approved entomologist to conduct directed surveys for the El Segundo Blue Butterfly (ESBB) during the flight season (approximately mid-June to August) within all areas of coast buckwheat known to occur on the Project site, including areas that could be affected by construction, operation, or maintenance of the project. The surveys shall be documented and shall include a description of survey methodology, description and maps of the surveyed areas, and

—identification of locations of any ESBB observed within the Project area (including maps and GPS coordinates). Conditions at the sites where ESBB are located shall be described by the entomologist, including vegetation, soils, exposure, and other factors that may influence the occurrence of ESBB at that site.

A Plan to restore and/or enhance ESBB habitat shall be prepared by a County-approved botanist with input from a County-approved entomologist. The goal of the Plan shall be to establish coast buckwheat with other Central coast scrub species on areas having sandy soils and judged suitable for this type of restoration or enhancement by the Project biologist and County-approved entomologist. The restoration or enhancement shall, to the extent feasible, occur in or adjacent to an area of existing habitat supporting coast buckwheat on sandy soils or in a suitable area disturbed by the project. The Plan shall identify sites to be restored or enhanced and describe the approach to restoration and enhancement, including proposed density of coast buckwheat plants, which shall be generally consistent with the density of coast buckwheat in occupied ESBB habitat in the Project region, and performance criteria reflecting that density. Restoration or enhancement shall be conducted on an acre-for-acre basis. If ESBB has been found on the site, the Plan shall be submitted to the U.S. Fish and Wildlife Service approval prior to implementation.

Suitable ESBB habitat adjacent to construction areas shall be clearly marked for avoidance (e.g., by orange plastic construction fencing). The delineation shall be directed and approved by a County-approved biologist.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report on surveying and monitoring activities conducted in compliance with this measure in writing to County staff. **Timing:** This measure shall be implemented during all Project phases.

MONITORING: P&D shall review the Project plans and the monthly reports for compliance with this measure, and conduct site inspections as appropriate. (*Mitigation Measure Bio-13*)

SENSITIVE WILDLIFE SPECIES

Bio-14.a California Horned Lizard. The Project owner/operator shall fund a County-approved biologist to survey construction areas including the sites of footings for the WTGs and power poles, access roads, and staging, parking, and lay down areas, for California horned lizards. Surveys shall

be completed within 3 days before the start of initial vegetation clearance or ground disturbance in any affected area. The survey may be done in conjunction with surveys for ground-nesting birds. However, the survey for horned lizards shall be performed regardless of season of the year. If horned lizards are found, they shall be relocated by a qualified individual to similar habitat at least 300 feet away from construction activity.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report on survey and relocation activities conducted in compliance with this measure in writing to County staff. **Timing:** This measure shall be implemented throughout all construction phases.

MONITORING: P&D staff shall review the Project plans and the monthly reports for compliance with this measure, and conduct site inspections as necessary. (*Mitigation Measure Bio-14a*)

Bio-14.b

Silvery Legless Lizard. The Project owner/operator shall retain a County-approved biologist to survey for silvery legless lizards that could potentially occur in areas with Central Coast scrub and annual grassland with a shrub component. The biologist shall work with the equipment operator during initial vegetation clearance to identify those areas that would require legless lizard mitigation, and then to salvage and relocate exposed animals. The following technique shall be employed to avoid impacts to the silvery legless lizard:

- a. Following initial vegetation clearance in pre-identified areas, grading shall be done in two consecutive 6-inch layers.
- b. With each lift, the biologist shall check the areas for possible relocation of silvery legless lizards. If any are found, they shall be moved to similar habitat near shrubs at least 100 feet from the construction sites.
- c. Monitoring for legless lizards shall be discontinued when grading reaches depths greater than 12 inches.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report in writing to P&D staff on compliance with the monitoring and relocation activities required by this Condition. **Timing:** This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D staff shall review Project plans, site inspect as necessary, and review the monthly reports to ensure compliance with this measure. (*Mitigation Measure Bio-14b*)

Bio-14.c ~~San Diego Desert Woodrat.~~ The Project owner/operator shall retain a County-approved biologist to survey the locations of the WTGs and access routes prior to construction, as well as for a distance of 50 feet away for signs of the San Diego desert woodrat. The following techniques shall be employed to avoid impacts to the San Diego desert woodrat:

- a. If signs of this species are found at or near the areas to be disturbed (such as a small stick nest within a rock overhang), it shall be evaluated for potential impact due to construction activities.
- b. If disturbance to a nest is likely to occur, the animal shall be live-trapped and relocated to a distance of 300 feet from Project activities and within similar habitat.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report in writing to P&D staff on compliance with the monitoring and relocation activities required by this Condition. **Timing:** This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D staff shall review Project plans, site inspect as necessary, and review the monthly reports to ensure compliance with this measure. (*Mitigation Measure Bio-14c*)

Bio-14.d **American Badger.** The Project owner/operator shall retain a County-approved biologist to survey, prior to construction, for badger dens in the Project area, including areas within 250 feet of all Project facilities, Wind Turbine Generator (WTG) sites, and access roads. The survey shall be performed regardless of season of the year. If badger dens are found, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens shall be excavated by hand and backfilled to prevent reuse by badgers. Potentially and definitely active dens shall be monitored for 3 consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) at the entrance. If no tracks are observed in the tracking medium after 3 nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next 3 to 5 nights to discourage the badger from continued use. The den shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report in writing to P&D staff on compliance with the survey and burrow excavation

~~requirements~~ of this Condition. **Timing:** This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D staff shall review Project plans, site inspect as appropriate, and review the monthly reports to ensure compliance with this measure. (*Mitigation Measure Bio-14d*)

Bio-14.e Sensitive Avian Species. A County-approved biologist shall conduct a study in the spring season prior to the onset of construction activities to assess the density of special status passerines and other ground-nesting birds in areas of the Project site potentially subject to disturbance. Plots shall be established in various habitats and checked at weekly intervals to monitor for new nests of ground-nesting birds that are sensitive species, including California horned lark, California rufous-crowned sparrow, grasshopper sparrow, and burrowing owls. The surveys shall be conducted as long as birds are nesting in the Project area between February 1 and August 31. The surveys shall be discontinued when it is apparent that nesting has ceased for the season. Surveys for burrowing owls shall be conducted prior to construction in the Project area, including areas within 300 feet of all Project facilities, WTG sites, and access roads. The survey shall be performed regardless of season of the year due to this species' being present in the winter.

If construction is to occur between February 1 and August 31, all sites to be disturbed shall be surveyed for ground-nesting and shrub-nesting birds immediately prior to construction in a given area. The emphasis shall be on California horned lark, western burrowing owl, California rufous-crowned sparrow, and grasshopper sparrow. The survey shall occur at the sites of construction activity, as well as up to 300 feet away. If an active nest is found, no construction activity shall occur within 300 feet of the nest or as determined by the biological monitor and updated maps showing active nesting locations shall be distributed to the biological monitors, EQAP OEC, and crew foreman on a weekly basis. The nest shall be monitored to record any potential construction-related effects. Construction activities and timing may be modified as directed by the County to avoid impacts to nesting passerines or other ground-nesting birds.

Frequent disturbance (every few days) may be initiated in some Project areas just prior to the nesting season to discourage nesting in the construction corridor.

During both the construction and operational phases, a speed limit of 15 mph shall be established and enforced. The speed limit shall reduce the

potential for loss of bird species, including passerines, due to collisions with vehicles.

Plan Requirements: This Condition shall be printed on all Project plans. On a bi-weekly basis, the Project owner/operator shall report on survey results and buffer area design in writing to P&D. The reports may be submitted electronically. **Timing:** The requirements of this Condition shall be implemented throughout the first nesting season from February 1 through August 31 for nesting species, and year-round for western burrowing owls and all subsequent nesting seasons during the Project construction phases. The reports shall be submitted in the first and third week of each month to detail the previous two weeks' activities.

MONITORING: P&D staff shall review Project plans, site inspect as necessary, and review the bi-weekly reports to ensure compliance with this Condition. (*Mitigation Measure Bio-14e*)

BIO-15 AVIAN AND BAT OPERATIONAL IMPACTS MITIGATION

Bio-15.a Turbine Siting. The turbines shall be sited so that each tower is located at least 500 feet away from critical biological resources identified in preconstruction surveys, specifically: active raptor nest sites, active state or federally listed species' nests, open water which would attract birds or bats (including stock-ponds), thicker riparian habitat in Canada Honda and Miguelito creeks, eucalyptus tree groves, or vernal pools, if present. The turbines shall be sited so that each tower is located at least 250 feet from the un-named intermittent tributaries containing Central Coast Riparian Scrub habitat located up-gradient of major streams and from active wintering burrowing owl burrows identified during pre-construction surveys. Preconstruction surveys (see Condition *Bio-11.a*) shall identify existing raptor nests and other sensitive resources. The Project owner/operator shall, in consultation with the California Department of Fish and Game, attempt to dissuade raptors from building new nests within 500 feet of any turbine.

Plan Requirements: This measure shall be printed on all Project plans. **Timing:** During the preconstruction and construction phases, the Project owner/operator shall submit weekly written survey results and buffer area design to P&D. These reports may be provided electronically. The requirements of this Condition shall be implemented throughout the first and all subsequent construction phases.

MONITORING: County staff will inspect the Project plans and site and review the weekly reports to ensure compliance with this measure. (*Mitigation Measure Bio-15a*)

Bio-15.b WTG and Project-Element Design. To minimize the likelihood of collisions of birds with Wind Turbine Generators (WTGs), onsite power collection lines, the design features of all WTGs and project facilities shall include the following:

- a. Collection lines shall be placed underground (rather than overhead) to minimize perching locations and electrocution hazards to birds, except where undergrounding would create potential for serious erosion (e.g., crossing steep canyons) or other serious impacts that could be avoided with overhead lines.
- b. All overhead collection line conductors shall be spaced to minimize the potential for raptor electrocution using the latest APLIC (2006) guidelines for line spacing. Further, construction and work procedures shall be consistent with the Avian Power Line Interaction Committee (APLIC) guidelines entitled “*Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.*”
- c. WTGs with low rotational speed (approximately 10 to 23 revolutions per minute [RPM]) and tubular towers shall be used. WTG blades shall not rotate when the WTG is not in operation.
- d. All permanent meteorological towers shall be unguyed.

Plan Requirements: These requirements shall be printed on Project plans. The Project owner/operator shall provide final plans, including design element plans to P&D for review and approval. **Timing:** P&D shall review and approve Project plans prior to approval of the Land Use Permit for each construction phase. The requirements of this Condition shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D shall inspect in the field as necessary to ensure compliance with this Condition. (*Mitigation Measure Bio-15b*)

BIO-16 BIRD AND BAT MONITORING AND ADAPTIVE MANAGEMENT PLAN

A Monitoring and Adaptive Management Plan is required, due to the uncertainty of the project’s operational impacts to birds and bats. The Plan shall be developed and implemented in an effort to provide maximum feasible mitigation for those impacts. Monitoring studies of bird activity and fatalities at the site shall be required to collect information on bird activity and fatalities caused by wind farm operations. In addition, an

Adaptive Management Plan (AMP)-shall be implemented if the bird or bat mortalities trigger specified thresholds.

The County will enforce the following measures unless CDFG adopts them as part of a Sec. 2081 incidental take permit or Sec. 1602 streambed alteration agreement.^{1,2} In reviewing and approving the final plan and applying the required measures, the County will consult with CDFG and USFWS, as appropriate.

The Plan shall be prepared by a County-approved biologist and be subject to County approval. The Plan shall include the four elements outlined in subsections 16.a to 16.d below.

BIO-16.a Before-After/Control-impact (BACI) Study.

Conduct BACI surveys under direction of a County-approved biologist. The purpose of the BACI surveys is to compare pre- and post-construction bird use on the site; to assess the effects of the project on avian species; to assist in determining whether additional mitigation elements are necessary; and to collect research data to better understand wind power industry impacts and provide regulatory agencies with data for future projects. Study reports shall include estimates of average bird usage on the site and information on the location of species within the site, flight elevations and patterns of activity, temporal trends, and WTG avoidance behavior. The study data and reports shall be provided to the County for review. The surveys shall be conducted from the time of project approval through each project construction phase and for two years following first delivery of power for that phase.

The methodology shall include methods for interpreting and summarizing the data, and the contents, format and schedule for reports. The methodology should follow the recommendations of the CEC Guidelines (2007)³, insofar as feasible without causing delays to the project construction schedule or start of operations. The methodology may incorporate the Applicant's current BACI methods as appropriate and explain any substantive changes between the studies currently being conducted by the Applicant and the methodology proposed for approval. The methodology could be modified during the course of the BACI study, with concurrence of the County and project operator.

¹ Section references are to sections of the California Fish and Game Code.

² If CDFG, as a Responsible Agency, enforces Mitigation Measure Bio-Wildlife-16, the County would not be involved in oversight or monitoring. The measure is written assuming it is under County jurisdiction, but if CDFG assumes responsibility references to the County would be replaced with CDFG.

³ California Guidelines for Reducing Impacts To Birds And Bats From Wind Energy Development (2007)

BIO-16.b Bird/Bat Mortality Study.

Conduct a bird and bat mortality study under direction of a County-approved biologist. The purpose of mortality surveys is to estimate mortality rates for different species on the site attributable to collisions with WTGs and to identify individual WTGs or groups/strings of WTGs that cause unanticipated levels of mortality. The information will be used to determine whether the mortality thresholds of the Adaptive Management Plan (see AMP, below) have been reached. In addition, the collected data will add to the body of knowledge to provide regulatory agencies with data for future projects. Brief quarterly reports including tabulated search data and annual reports including analysis of the year's data shall be prepared. The study data and reports shall be provided to the County for review. Monitoring shall be conducted for the first full 2 years after all WTGs are in operation for each project construction phase and 2 additional years at year 6 and year 10 of turbine operation unless climatic factors suggest another schedule as determined by the P&D Director. Additional years of monitoring could be required if the mortality of special status bird and bat species exceeded thresholds (see AMP, below).

The general design of the study should follow recommendations of the CEC Guidelines (2007), or improved methodologies if appropriate, including methods for carcass search surveys, scavenger studies, evaluation of researcher efficiency, data analysis and reporting methodology. Specifically, carcass searches shall occur once every two weeks at 30% of the WTGs, as recommended in the CEC Guidelines. Reports shall include mean estimated fatalities and 90% confidence intervals for species or appropriate bird and bat groups. The plan shall include training of project operations staff in handling and reporting avian fatalities encountered in the course of their regular activities. The selection of which WTGs to monitor may be adjusted from year to year (or as appropriate). Sampling methodology and sample locations to be approved by the County. If the AMP were triggered by excess fatalities, the frequency or design of carcass searches could be modified, as provided in the AMP.

BIO-16.c Reduce Prey Base Near Turbines.

Conduct a program under direction of a County-approved biologist to reduce the densities of California ground squirrels, rabbits, and other small mammals in the Project area. Limiting the number of burrowing mammals is intended to reduce the attraction of raptors to the Project area, and thus lower the potential for mortality resulting from collisions with WTGs and power lines on the project site. The program plan should emphasize, but not be limited to existing, mapped small mammal colonies. The plan shall be subject to County approval. Brief quarterly reports including the study data shall be provided to the County for review. The reports may be

provided electronically. The program shall begin during the construction phase and continue for 2 years of Project operation. The County could modify or discontinue the program if new information indicates it is ineffective or harmful.

Minimum program elements:

- a. Monitoring within the permanent disturbance area around WTGs and collection line pad locations for small mammal (including California ground squirrel) activity. If burrows are found at the pads, those holes shall be filled. Pad overhangs shall be filled with soil. Gravel shall be placed in a perimeter at least 5 feet out from the edges of the pad to discourage small mammals from burrowing.
- b. Removal of accumulated material under and near WTGs and collection line power poles, such as piles of rocks from construction and extra equipment or parts. Such accumulated material may attract prey for raptors such as California ground squirrels and brush rabbits.
- c. Implementation of other feasible measures to control small mammal populations could be required, based on recommendations of the biologist and results of the Bird/Bat Mortality Study, described below.

BIO-16.d Adaptive Management Plan (AMP).

Develop an Adaptive Management Plan (AMP) to be activated in the event that bird or bat mortality reaches specified threshold levels. The AMP provides a structured framework to guide response, in case project operations result in excessive mortality that was unforeseeable at the time of EIR certification and project approval. The AMP defines two impact categories and corresponding response options, as described below. The *Adaptive Management Threshold Criteria* table below summarizes the thresholds that will trigger Level 1 and Level 2 actions by the County.

Level 1 – First Alert and Enhanced Survey.

If recorded bird or bat fatalities reach the threshold criteria for Level 1 (*Adaptive Management Threshold Criteria*), the project operator shall notify the County within 24 hours and make any required notifications to CDFG and USFWS.

The carcass search frequency shall be increased in the vicinity of the specific WTG(s) suspected of being responsible, to determine whether WTG(s) are at cause and to better understand the causal factors and circumstances contributing to the fatalities. Intensified searches shall commence as soon as practicable, but no later than 2 weeks after triggering of the Level 1 Threshold. Carcass search patterns and extent may be modified, survey frequency may be increased up to twice per week, and supplementary field observations may be required for up to six months, if

necessary to assess the pattern or frequency of fatalities. The additional information would facilitate a more informed response in the event that mortality levels reach Level 2. The project operator shall provide wind velocity data for the area of the fatalities if the County determines that the data are important for assessing the cause of fatalities or for designing enhanced search patterns.⁴ Details of the enhanced monitoring program will be subject to County approval.

Mortality monitoring shall conclude if fatalities remain below Level 2 thresholds for 2 consecutive years. If Level 2 thresholds are reached or exceeded, the County shall require additional monitoring until fatalities fall below Level 2 thresholds. The additional monitoring may include up to two 1-year periods of long-term, periodic monitoring (except where WTGs are shutdown), if the County determines that long-term monitoring is warranted to evaluate effectiveness of mitigation.

Level 2 – Response Options.

If recorded bird or bat fatalities reach the threshold criteria for Level 2 (*Adaptive Management Threshold Criteria*), the project operator shall notify the County within 24 hours and make any required notifications to CDFG and USFWS.

The cause of bird and bat fatalities at wind farms is often indeterminate, due to the condition of the carcasses, activity of scavengers, and wide radius of land-fall. The County shall require Level 2 response options if the County determines, based on substantial evidence, that the fatalities are caused by wind farm operations and identifies which WTGs are at cause. Changes in bird use of the site observed in the BACI studies should be taken into account in the evaluation of impacts and response options.⁵ Measures required must be reasonable, feasible, and specifically targeted to reduce fatalities at the particular problem WTG(s).

The following Level 2 response options shall be considered by the County, in consultation with CDFG, and implemented as soon as feasible if determined to be feasible and likely to reduce or compensate for further fatalities similar to those that triggered the Level 2 response. Such measures shall not be undertaken without appropriate environmental

⁴ The data may be provided as hourly average wind speed and direction in the project area, or as otherwise agreed with the County. If the data is considered proprietary, it may be provided under a confidentiality agreement with the County.

⁵ One of the primary objectives for operations monitoring stated in the CEC Guidelines is to determine whether the avoidance, minimization, and mitigation measures implemented for the project were adequate or whether additional corrective action or compensatory mitigation is warranted.

review, if applicable. Less extreme, less costly measures shall be exhausted before more extreme or costly measures are required.⁶

1. Habitat modifications to make the site less attractive to impacted species, including intensified efforts to reduce the prey base (e.g., ground squirrels), weed control, grazing management.
2. Project modifications. Modifications must have a sound scientific basis, but need not be proven definitely effective, such as installing “dummy towers” at end of WTG rows; painting of WTG blades on selected WTGs to increase their visibility; audible warnings on towers; or other new or experimental technologies to divert birds/bats or react to the presence of at-risk species. If appropriate, a modification may be implemented as a controlled experiment to test efficacy in reducing mortality.
3. Implementation of a mitigation research component at the LWEP site at an appropriate department of a local college or university (e.g., Environmental Science or Wildlife Biology department); species-related research to improve knowledge of a species and conservation needs.
4. Contribution to a program to enhance recovery of the special status species impacted by the project; contribution to research program on wind project impacts to birds and bats.

If any of these measures are implemented, the project operator, in consultation with the County, should implement an effectiveness evaluation program to assess the intended and unintended effects of the measure. The measure should be reversed, discontinued, or modified if little or no reduction in mortality is demonstrated within a reasonable time or if it leads to unintended, adverse consequences, as determined by the County.

5. WTG Shutdowns. Special preventative measures shall be implemented if large-scale bird or bat mortality events are foreseeable. Shutdown or operational restrictions shall be required for specific WTG(s) if the Director of Planning and Development, in consultation with the California Department of Fish and Game, makes all of the following determinations:
 - i. Fatalities of Federal or California Listed Species, California Fully Protected Species, or non-listed sensitive bird or bat species, resulting from WTG collisions at a specific location (i.e., a single WTG or group of up to 3 WTGs), exceed the *Level 2 Thresholds* established for

⁶ If excessive fatalities of endangered or protected bird or bat species, as determined by CDFG or USFWS, were to occur, these agencies could require curtailment of operations of the offending WTG(s). In such a case, any negotiations with the Applicant or possible enforcement actions would be the responsibility of CDFG and USFWS, and not the County.

- the entire project⁷ (e.g., more than 2 golden eagle fatalities at a location within a year);
- ii. The mortality monitoring studies conducted pursuant to Condition Bio-16.b demonstrate that the fatalities are caused by the identified WTG(s) and the fatalities follow a distinct pattern that indicates excessive fatalities (as defined in Subsection (i) above) will predictably recur at that location, and that operational restrictions on the specific WTG(s) will significantly reduce future fatalities;
 - iii. All other Level 2 Response Options that could potentially reduce fatalities have been considered and cannot be implemented within the time required to reduce the impending, excessive fatalities;
 - iv. The required WTG shutdowns or operational restrictions have not been found infeasible.

The owner/operator shall implement the required shutdown(s) or operational restrictions within 24 hours of notification by the Director. Shutdowns or operational restrictions shall be limited to the specific WTG(s) responsible for excessive fatalities. Shutdowns may include temporary or permanent shutdowns. Operational restrictions means restricted operating hours during periods of elevated risk to birds and bats, based on substantiated, case-specific risk factors (which could include time of day, season, weather, etc.). Shutdown or operational restriction requirements shall be designed to minimize impacts to electrical generation to the maximum extent feasible, consistent with reducing excessive fatalities of protected and sensitive species.

Upon request by the permittee, the Director shall hold a hearing within 4 business days to consider whether the shutdown or operational restriction should continue. The permittee's request shall include all evidence supporting the request. The Director shall determine whether continuation of the shutdown(s) or operational restrictions are warranted, based on the above criteria (i. to iv.), including financial feasibility. The Director may amend, lift, or extend the shutdown or operational restrictions at the hearing or subsequently.

The owner/operator may appeal the Director's decision to the Planning Commission, as provided in Section 35.102.040 of the Land Use and Development Code. The Planning Commission shall hold a noticed public hearing on the appeal no later than the first regularly scheduled hearing at or after 45 days of the filing of an appeal. The appeal shall include a detailed explanation of the objection, which may include financial infeasibility, and any relevant supporting information or data. Technical or

⁷ See *Adaptive Management Threshold Criteria*, below.

financial information pertinent to the Planning Commission decision, but which the owner/operator claims to be confidential or proprietary, may be provided to the Director under a claim of confidentiality. Any financial information provided shall be certified by the owner/operator's chief financial officer. The Planning Commission decision may be appealed to the Board of Supervisors. If so, the Planning Commission decision shall remain in force pending a final decision by the Board.

Further WTG shutdowns or restricted operations shall not be required after the conclusion of mortality monitoring, as provided above (see Condition Bio-16.d., *Level 1 – First Alert and Enhanced Survey*).

Adaptive Management Threshold Criteria⁸

Actions required if number of fatalities caused by WTGs reaches these thresholds in any consecutive 12-month period.

	Level 1	Level 2
	<ul style="list-style-type: none"> • Notify County • Increase carcass search frequency in specified area(s) 	<ul style="list-style-type: none"> • Notify County • Adaptive measures to reduce fatalities
Federal or Calif. listed species or Calif. Fully Protected Species	1 fatality	2 fatalities
Non-listed Sensitive Species (CSC, WL, and Local Species of Concern)	2 fatalities (birds) 2 fatalities (bats)	3 fatalities (birds) 3 fatalities (bats)
Non-sensitive Raptors	3 fatalities	5 fatalities

These thresholds apply to the actual numbers of carcasses attributable to project facilities or operations recovered in the regular biweekly carcass searches. However, incidental finds (i.e., outside of the regular biweekly searches) of carcasses attributable to the project of federally or state listed bird or bat species or California FPS shall also count toward the thresholds. The numbers assume the carcass searches comprise a 30% random sample of the 65 WTG locations, or 20 WTGs.

Plan Requirements and Timing (for Mitigation Measures Bio-16a-16d): Approval of the entire Bird and Bat Monitoring and Adaptive Management Plan by the County, in consultation with CDFG, is required prior to approval of the Land Use Permit for the first and subsequent project phases.

MONITORING: The County will ensure that the BACI, mortality monitoring, and prey base reduction measures are implemented. The County will review all monthly, quarterly, and annual reports provided pursuant to the Avian and Bat Mitigation Plan and ensure that appropriate adaptive management measures are undertaken if AMP thresholds are reached. (*Mitigation Measure Bio-16*)

⁸ The basis of these criteria is discussed in the Final EIR, Section 3.5.7.5.

CULTURAL RESOURCES

CulRes-1 Additional Archaeological Resources. If a Project element requiring ground disturbance cannot be located at least 500 feet from the mapped boundaries of an archaeological site, then an Extended Phase 1 investigation shall be conducted by employing a small number of shovel test units (STU). These STUs shall be used to determine the actual subsurface boundary of the archaeological site relative to the proposed disturbance, and therefore verify whether or not the site would be affected by the disturbance. The STUs shall be 20 inches in diameter and excavated in arbitrary 8-inch levels.

If the presence of cultural materials is confirmed in areas that would be disturbed by Project construction, then Project construction activities shall be reviewed and redesigned to the greatest extent feasible, consistent with Project objectives, to avoid impacts on confirmed cultural resource sites (see Mitigation Measure *CulRes-7*).

If a recorded archaeological site can not be avoided through Project redesign, then Phase 2 subsurface testing shall be conducted to evaluate the nature, extent, and significance of the cultural resources. This evaluation program shall be designed to assess each archaeological site consistent with County Archaeological Guidelines and shall involve the following:

- a. Controlled hand excavation and surface collection of a representative sample of the site deposit determined by a County-approved archaeologist
- b. A detailed analysis of the material recovered
- c. An assessment of cultural resource integrity
- d. Preparation of a final report with recommendations for impact mitigation if necessary.

Should this program determine that the affected archaeological sites are significant, Phase 3 mitigation in the form of data recovery excavation shall be implemented consistent with County Archaeological Guidelines.

Plan Requirements and Timing: All work shall be funded by the Project owner/operator. The scope of work for the study(s) shall be prepared by P&D or by a County-approved archaeologist and reviewed and approved by P&D. The study(s) shall be performed prior to final design so that any necessary modifications can be incorporated into the plans. The County archaeological specialist or the County-approved archaeologist shall submit a final report to the P&D detailing the results of the study(s) prior to approval of the Land Use Permit for construction. Any subsequent modifications resulting from the study(s) shall be incorporated into the final plans and be subject to review and approval by the County prior to

approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent project phases.

MONITORING: P&D will review results of study, determine the course of action, and ensure that approved recommendations are carried out. (*Mitigation Measure CULT-1*)

CulRes-2 **Archaeological Isolates.** Where ground disturbance is proposed within 100 feet of Archaeological Isolates LWF Iso-1, Iso-8, Iso-9, Iso-10, and Iso-11, a single STU shall be excavated within 3 feet of the isolate in order to determine if there are subsurface deposits present. If the isolate cannot be relocated, the STU shall be placed in the general vicinity of its mapped location. If subsurface cultural deposits are identified, they shall be assessed and characterized in accordance with Condition E-1.

Plan Requirements and Timing: The Project owner/operator shall fund the above-referenced study. The scope of work for the study shall be prepared by a County-approved archaeologist and reviewed and approved by P&D. The findings of the study shall be submitted to P&D and P&D shall determine if additional protective measures shall be required. The study shall be performed prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent Project phases that involve disturbance in this area.

MONITORING: P&D will review results of study, determine follow-up courses of action, and conduct site inspections as needed during construction. (*Mitigation Measure CULT-2*)

CulRes-3 **Unanticipated Discoveries.** Should human remains, historic or prehistoric artifacts, or other potentially important cultural materials be unearthed or otherwise discovered at any time during activities associated with the development of the Project area, work in the immediate vicinity of the discovery shall be suspended until a County-approved archaeologist and Native American representative evaluate the significance of the find pursuant to Phase 2 investigations as specified in the County's Cultural Resource Guidelines (1993). If the cultural resources are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with these Guidelines and funded by the Project owner-operator. In the event that suspected human remains are discovered, the County Coroner shall be contacted in accordance with state law.

Plan Requirements and Timing: This Condition shall be printed on all building and grading plans prior to approval of Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent project phases.

MONITORING: P&D shall review plans to confirm that this measure is printed on the plans and shall spot check that this measure is noted on the plans in the field. (*Mitigation Measure CULT-3*)

CulRes-4 **Archaeological and Native American Monitors.** A County-approved archaeologist and Native American monitor shall monitor all ground disturbances to ensure that any previously unidentified cultural resources are recorded.

Plan Requirements and Timing: Prior to the start of construction, a contract or Letter of Commitment between the Project owner/operator and a County-approved archaeologist, consisting of a project description and scope of work, shall be executed. The contract shall be executed and submitted to P&D for review and approval prior to the issuance of the Land Use Permit for the first phase of construction and prior to the issuance of the Land Use Permits for subsequent project phases.

MONITORING: P&D staff shall confirm monitoring by the County-approved archaeologist and P&D grading inspectors and the EQAP OEC will spot-check field work. (*Mitigation Measure CULT-4*)

CulRes-5 **Pre-Construction Workshop.** The EQAP OEC shall conduct a pre-construction workshop with cultural resource specialists, Native American monitors, and construction workers and personnel. This workshop shall stress the importance of cultural resources and discuss penalties for their illicit disturbance.

Plan Requirements and Timing: The pre-construction workshop shall occur prior to commencement of any construction-related activity. All construction personnel shall attend the workshop and receive training. The Project owner/operator shall keep workshop training records available for review by the County upon request.

MONITORING: P&D staff shall review the training material prior to any trainings, spot-check during construction to ensure compliance with this requirement, and request and review training attendance records, if determined necessary. (*Mitigation Measure CULT-5*)

CulRes-6 **Avoidance of Cultural Resources.** Avoidance of cultural resource sites is the preferred measure, and all impacts to California Register of Historical Resources (CRHR) eligible sites shall be avoided to the greatest extent feasible, consistent with Project objectives.

Plan Requirements and Timing: As Project design plans are being finalized, the County and its qualified archaeologist shall review 1 inch to 400 feet (1":400') or better scale orthotopo maps of the areas of known Project impacts and provide an assessment of direct adverse effects to CRHR-eligible or unevaluated cultural resources. Recommendations for plan adjustments to avoid all eligible resources to the extent feasible shall be made and design adjustments may be necessary. Final Project layout (for example, Wind Turbine Generator placement, access road alignment, power pole locations, and staging areas) shall include measures to avoid eligible sites where feasible. All work shall be completed as part of final design, and any necessary modifications shall be incorporated into the final plans. The County shall confirm that this measure has been conducted prior to approval of the Land Use Permit for the first phase of construction and prior to Land Use Permit approvals for subsequent Project phases.

MONITORING: P&D staff shall review and approve plans prior to approval of the Land Use Permit and shall spot-check in the field during ground-disturbing activities. (*Mitigation Measure CULT-6*)

CulRes-7

Final Plan Notification. The Project owner/operator shall include a note on a separate informational sheet to be recorded with the final plans for each construction phase designating the known archaeological sites as unbuildable areas, unless the archaeological site is formally evaluated by a County-approved archaeologist as ineligible for the California Register of Historical Resources or a Phase 3 data recovery program has been implemented. The areas shall not be identified as archaeological sites on the informational sheet.

Plan Requirements and Timing: P&D staff shall review the informational sheet prior to approval of the Land Use Permit for the first phase of construction and prior to approval of Land Use Permits for subsequent Project phases.

MONITORING: P&D staff shall spot-check in the field to ensure compliance. (*Mitigation Measure CULT-7*)

CulRes-8

Temporary Fencing. Known, unevaluated, or determined significant archaeological sites and 50-foot buffer areas shall be temporarily fenced with chain link flagged with color or other material authorized by the County where ground disturbance is proposed within 500 feet of the site and buffer.

Plan Requirements and Timing: The fencing requirement shall be shown on approved grading and building plans. Plans are to be approved

—prior to approval of the Land Use Permit for the first phase of construction and prior to Land Use Permits for subsequent project phases. Fencing shall be in place prior to start of construction. The areas to be fenced shall not be identified as archaeological sites on the informational sheet.

MONITORING: P&D staff shall verify installation of fencing by reviewing photo documentation or by site inspection prior to initiation of construction and shall verify that the fencing remains in place throughout grading and construction through site inspections. (*Mitigation Measure CULT-8*)

FIRE PROTECTION

Fire-1 **Fire Protection Plan.** The Project owner/operator shall prepare a Fire Protection Plan that meets SBC Fire Department requirements. The plan shall contain, but is not limited to, the following provisions:

- a. All construction equipment shall be equipped with appropriate spark arrestors and carry fire extinguishers.
- b. A fire watch with appropriate fire fighting equipment shall be available at the Project site at all times when welding activities are taking place. Welding shall not occur when sustained winds exceed that set forth by the SBCFD unless a SBCFD-approved wind shield is onsite.
- c. A vegetation management plan shall be prepared to address vegetation clearance around all WTGs and a regularly scheduled brush clearance of vegetation on and adjacent to all access roads, power lines, and other facilities.
- d. Operational fire water tanks shall be installed prior to construction.
- e. Provisions for fire/emergency services access if roadway blockage occurs due to large loads during construction and operation.
- f. Cleared, maintained parking areas shall be designated; no parking shall be allowed in non-designated areas.
- g. The need for and/or use of dedicated repeaters for emergency services.

Plan Requirements: The Fire Protection Plan shall be provided to the SBCFD and the County for approval. **Timing:** The plan shall be approved prior to Land Use Permit for the first phase of construction.

MONITORING: The onsite monitor shall confirm that appropriate measures are implemented during construction. County fire inspectors shall verify that operations measures and periodically spot check for compliance during operations. (*Mitigation Measure FPES-1*)

Fire-2 **Smoking and Open Fires.** Smoking and open fires shall be prohibited at the Project site during construction and operations, except that during operations smoking may be permitted in clearly signed, designated areas.

Plan Requirements: All contractors and sub-contractors shall be notified in writing prior to or upon arrival at the site that smoking and open fires are prohibited at all times on the Project site. **Timing:** A copy of the notification shall be provided to P&D prior to issuance of the Land Use Permit for the first and subsequent phases of construction.

MONITORING: The County staff shall verify the notification prior to Land Use Permits for each phase of construction, and the onsite monitor shall confirm compliance during construction. *(Mitigation Measure FPES-2)*

Fire-3 **Gravel Around Substation.** Gravel shall be placed around the perimeter of the Project Substation as a fire prevention measure.

Plan Requirements: This requirement shall be noted on building plans. **Timing:** Gravel shall be installed prior to the start of operations.

MONITORING: The County shall verify that gravel has been installed. *(Mitigation Measure FPES-3)*

Fire-4 **Access Roads.** Access roads shall remain passable by emergency vehicles for the duration of the Project. Turn-around requirements at the terminus of access roads shall be included in roadway designs. The final design shall be approved by the SBC Fire Department, and the final access road map (including topographic map) shall be provided to both the SBC Fire Department and the City of Lompoc Fire Department.

Plan Requirements: The approved access road design shall be included on the final building plans with a notation that the roads shall remain passable at all times. **Timing:** The plans shall be approved prior to approval of the Land Use Permit for the first phase and all subsequent phases of construction.

MONITORING: P&D staff shall verify SBC Fire Department approval of the access road design plan prior to construction approval and confirm compliance upon completion of construction. SBC Fire Department inspectors shall periodically verify that the access roads are maintained in an acceptable condition. *(Mitigation Measure FPES-4)*

Fire-5 **Water Supply.** The Project owner/operator shall demonstrate to the County that sufficient water can be obtained from the new shallow well or

existing spring on the property and/or by trucking water in from offsite supplies to adequately supply the Operations & Maintenance facility needs while maintaining 5,000 gallons of stored water for fire-fighting purposes.

Plan Requirements: Evidence demonstrating adequate water supply shall be submitted to P&D and SBC Fire Department for review and approval.

Timing: The evidence demonstrating adequate water supply shall be submitted for review and approval prior to approval of the Land Use Permit for the first phase of construction.

MONITORING: County inspectors shall confirm compliance during operations. (*Mitigation Measure FPES-5*)

GEOLOGY AND SOILS

Geo-1 Seismicity. Project facilities shall be designed to Uniform Building Code Seismic Zone 4 standards.

Plan Requirements and Timing: The Project owner/operator shall submit plans for buildings and structures to P&D indicating standards to the satisfaction of the County. P&D shall review and approve the plans prior to approval of the Land Use Permit for the first and subsequent phases of construction.

MONITORING: P&D building staff shall inspect the site prior to occupancy clearance for the Operations & Maintenance facility and prior to operation of the WTGs and power line. (*Mitigation Measure Geo-1*)

Geo-2 Grading and Drainage Plan. The Project owner/operator shall prepare a final Grading and Drainage Plan, designed to minimize erosion and landslides, which includes the following measures:

- a. Use diversion structures and spot grading to reduce siltation into adjacent streams during grading and construction activities
- b. Design grading on slopes steeper than 3:1 to minimize surface water runoff
- c. Limit grading during construction to the dry season (April 15 to November 1) to the extent practicable. If grading needs to be done outside of the dry season, the owner/operator will coordinate grading work with the County and will follow all applicable guidelines
- d. Keep soil damp during grading activities to reduce the effects of dust generation
- e. Stockpile excess topsoil on site and segregate it from other soils to facilitate future land restoration

- f. Install erosion control structures where appropriate, including temporary erosion control structures, such as trench plugs and water bars, on moderately steep slopes
- g. If slope stabilization impacts cannot be avoided, submit detailed plans of the excavation (with limits of cut and fill and slope restoration method) prior to construction for review and approval.
- h. Restore soil elevation/topography consistent with the approved grading and erosion control plans.
- i. Reseed all exposed graded surfaces with deep-rooted, native, drought-tolerant ground cover to minimize erosion. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- j. Construct cut slopes no steeper than 1.5:1 unless topographic constraints prevent this possibility; then, incorporate special design features to prevent slope failure.
- k. Construct fill slopes no steeper than 2:1 unless topographic constraints prevent this possibility; then, incorporate special design features to prevent slope failure.
- l. Strip areas to receive fill of vegetation, organic topsoil, debris, and other unsuitable material. Place engineered fill in layers not exceeding 12 inches in loose thickness, properly moistened and compacted, and tested for 90 percent compaction.
- m. Where fill is placed upon a natural or excavated slope steeper than about 5:1 (20 percent), construct a base key at the toe of the fill and bench the fill into the existing slopes. Embed the base key at least 2 feet into competent inorganic soils; then bench the fill horizontally into the existing slope at least 2 feet normal to the slope as the fill is brought up in layers.
- n. Designate a place for temporary storage of construction equipment at least 100 feet from any water bodies.
- o. Project grading and earthwork shall be observed and tested by a geotechnical engineer or his representative to verify compliance with these mitigation measures.

Plan Requirements: The Grading and Drainage Plan shall be submitted for review and approval by the County, including County Flood Control, prior to approval of the Land Use Permit for the first phase of construction and prior to the Land Use Permit for subsequent Project phases. The Plan shall be designed to address erosion and sediment control during all Project phases. The Project owner/operator shall ensure consistency between the Plan and the Site Restoration and Revegetation Plan (Condition *Bio-3*). Plan requirements shall be noted on all grading and

building plans. The Project-owner/operator shall notify P&D prior to commencement of grading.

Timing: Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized. Graded surfaces shall be reseeded within 60 days of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 60 days of grading completion.

MONITORING: The EQAP OEC shall photo-document revegetation and ensure compliance with the plan. P&D grading inspectors shall monitor technical aspects of the grading activities. (*Mitigation Measure Geo-2*)

Geo-3

Expansive Soils. Soil analyses shall be completed to assess site-specific expansion potential. Once Project design has been finalized and the criteria for the facility performance have been established, the Project soils engineer and P&D shall review the mitigation measures and modify them as appropriate. If further measures are considered necessary to mitigate problems posed by expansive soils, the following alternatives shall be considered:

- a. Over-excavation of expansive soils and replacement with non-expansive fill.
- b. Support of structures on drilled shaft foundations.
- c. Lime treatment of expansive subgrades.

Plan Requirements: Soil analyses and performance criteria shall be completed and submitted to the County for review and approval. **Timing:** Prior to approval of the Land Use Permits for the first and subsequent construction phases.

MONITORING: County building inspectors shall inspect the site to ensure that construction complies with the appropriate performance standards. (*Mitigation Measure Geo-3*)

Geo-4

Project Support Facilities. Project support facilities such as bridge foundations shall be sited on cut pads to provide relatively uniform foundation support and reduce differential settlement. Alternatively, structure foundations shall be designed to tolerate potential differential settlement.

Plan Requirements and Timing: Building plans shall be submitted to P&D for review and approval prior to approval of the Land Use Permit for

the first phase of construction and prior to approvals of Land Use Permits for subsequent Project phases.

MONITORING: County building inspectors will inspect the site to ensure that construction complies with the appropriate standards. (*Mitigation Measure Geo-4*)

LAND USE

Lu-1 **Compliance with FAA Regulations.** The WTG lighting plan shall comply with FAA requirements (see also Condition C-4).

Plan Requirements: The Project owner/operator shall demonstrate that the FAA-required WTG lighting plan complies with FAA requirements, but does not exceed required visibility. The Project owner/operator shall submit copies of the following to the County, as evidence of compliance with FAA requirements: (1) FAA Form 7460-1 as submitted to FAA; (2) all communications with the FAA concerning the proposed lighting plan; and, (3) the final FAA-approved lighting plan. **Timing:** The final lighting plan shall be reviewed and approved by P&D (excepting FAA requirements) prior to approval of the Land Use Permit for the first phase and subsequent phases of Project construction.

MONITORING: P&D staff shall ensure that coordination with the FAA occurs during final design engineering. P&D staff shall inspect the WTGs upon completion to ensure that the installed lighting conforms to the approved Lighting Plan. (*Mitigation Measure LU-1*)

Lu-2 **Staking of Coastal Zone.** The Project owner/operator shall install exclusion fencing or stake the coastal zone boundary to ensure that no construction activities enter the coastal zone area.

Requirements and Timing: The installation of exclusion fencing or staking shall be completed prior to the start of construction activities within the WTG corridors adjacent to the coastal zone.

MONITORING: P&D staff shall conduct site inspections prior to and during construction to confirm and enforce compliance. (*Mitigation Measure LU-2*)

Lu-3 **Decommissioning and Reclamation Plan.** The Project owner/operator shall develop a Decommissioning and Reclamation Plan that addresses facility decommissioning, abandonment, and post-abandonment reclamation efforts.

Plan Requirements and Timing: The Decommissioning and Reclamation Plan shall be submitted to the County for review and approval as part of the Project owner/operator's permit application for a discretionary permit for facility decommissioning and abandonment. The Plan shall be implemented during facility abandonment, with reclamation efforts following. This requirement shall apply in the case of partial decommissioning as well as decommissioning of the entire project.

MONITORING: P&D staff shall review and approve the Decommissioning and Reclamation Plan as part of discretionary permit review for project decommissioning and abandonment. The plan shall be implemented during County inspections of abandonment and reclamation activities. (*Mitigation Measure LU-3*)

NOISE

Noise-1 **WTG Maintenance.** The Project owner/operator shall maintain all Wind Turbine Generators in excellent working order to minimize operational noise impacts.

Plan Requirements: The Project owner/operator shall provide maintenance records to P&D, upon request, demonstrating that the WTGs are being maintained appropriately. **Timing:** This requirement shall be enforced throughout the life of the Project.

MONITORING: P&D staff shall enforce compliance with this condition. (*Mitigation Measure NOI-1*)

Noise-2 **Construction Hours.** All Project construction activities, including those that involve use of heavy equipment (i.e., greater than 2-axle vehicles) along San Miguelito Road, shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday, unless otherwise approved by the County, except that construction at the project site within 1,600 feet of nonparticipating residences shall be limited to 7:00 a.m. to 6:00 p.m. Work may occur within the WTG sites after hours or on weekends and holidays, subject to at least 48 hours written authorization from the County. Weekend and holiday work shall be limited to 8:00 a.m. to 5:00 p.m. Requests for weekend and holiday work shall be submitted to the County for approval one week in advance, and shall include a description of the activity to occur, including equipment usage and duration. All complaints received regarding weekend and holiday work shall be immediately submitted to the County.

Plan Requirements: The owner/operator shall include notes on the final plans requiring compliance with the construction time limits for blasting

or pile driving. County staff will confirm that the notification is included on the final plans prior to issuance of the Land Use Permit for the first phase of construction and prior to issuance of the Land Use Permits for subsequent phases of the Project. County staff shall review all requests for weekend and holiday work, and issue written approvals or denials as applicable. County staff shall consider all noise complaints when reviewing subsequent requests for weekend/holiday work. **Timing:** Conditions will be enforced throughout all construction periods.

MONITORING: P&D staff shall inspect the site during construction to enforce compliance with this condition. (*Mitigation Measure NOI-2*)

Noise-3

Telephone Number for Noise Complaints. The Project owner/operator shall establish a telephone number for use by the public to report any significant undesirable noise conditions associated with the construction and operation of the Project. If the telephone is not staffed 24 hours per day, the Project owner/operator shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. The Applicant shall respond to all calls within 8 hours. This telephone number shall be posted at the Project site during construction in a manner visible to passersby, and shall be maintained until the Project has been operational for at least 1 year.

Plan Requirements: The owner/operator shall establish a phone number and required features prior to Land Use Permit for the first phase of construction and prior to Land Use Permits for subsequent Project phases. **Timing:** Conditions will be enforced throughout all construction periods.

MONITORING: County staff will inspect the site during construction to enforce compliance with this condition. (*Mitigation Measure NOI-3*)

Noise-4

Noise Complaint Resolution Plan. Throughout the construction and operation of the Project, the Project owner/operator shall document, investigate, and evaluate all complaints and attempt to resolve all Project-related noise complaints.

Plan Requirements and Timing: The Project owner/operator shall submit a Noise Complaint Resolution Plan to P&D for review and approval prior to approval of the Land Use Permit for the first phase of construction and prior to approval of Land Use Permits for subsequent phases of the Project. The Plan shall describe the specific steps that shall be carried out by the Project owner/operator in response to noise complaints and shall include a provision requiring the Applicant to respond to all calls within 8 hours. The final determination as to whether the response is adequate shall be made by P&D. The noise complaint

~~forms~~ shall include instructions for filing the form with the Project owner/operator and with P&D. Plan requirements shall be enforced throughout all construction and operation periods.

MONITORING: P&D staff shall review forms submitted and ensure that complaints are being resolved. The County may require further noise analyses and require additional mitigation measures, if appropriate. *(Mitigation Measure NOI-4)*

Noise-5 **Maintenance of Construction Equipment.** Construction contractors shall be required to ensure that construction equipment is well-tuned and maintained according to the manufacturer's specifications, and that the standard noise reduction devices on the equipment are in good working order at all times.

Plan Requirements: The Project owner/operator shall ensure that equipment is maintained in good working order during construction.
Timing: These requirements shall be enforced throughout all construction periods.

MONITORING: P&D staff shall inspect the site during construction to enforce compliance with this Condition. *(Mitigation Measure NOI-5)*

Noise-6 **Resident Notification.** In coordination with P&D, the Project owner/operator shall hold a pre-construction meeting for residents of Miguelito Canyon Road to review upcoming construction activities and associated noise and traffic. The Project owner/operator shall notify residences within 1 mile of any unusually loud construction activities, including the use of helicopters, blasting or pile driving, at least 1 week prior to their scheduled occurrence. In addition, the San Miguelito Road residents shall be notified at least one week prior of any anticipated road/lane closures and property owner ingress/egress restrictions. Such activities shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by P&D.

Plan Requirements: The Project owner/operator shall provide proof of notification to the County 1 week prior to the schedule occurrence of loud construction activities. An example of the notification shall be provided to P&D prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent phases of the Project. **Timing:** These requirements shall be enforced throughout all construction periods.

MONITORING: P&D staff shall review the notice and enforce compliance with this Condition. *(Mitigation Measure NOI-6)*

Noise-7 **Acoustical Analysis.** Project facilities shall be designed and operated to ensure the noise level attributable to the Project does not exceed 43.3 dBA L_{eq} (1-hour) under normal operating conditions at any existing nonparticipating residences, or 58.3 dBA L_{eq} at participating residences. The Project owner/operator shall submit a detailed acoustical analysis of the final site layout and selected Wind Turbine Generators (WTGs) to P&D for review. All calculations or modeling input and output files shall be made available to P&D. The analysis shall include all available vendor sound-level data (specified as either guaranteed or expected), including a site-specific analysis of how sound power levels increase with wind speed.

If a stall-controlled WTG is selected, sound power level data must be sufficient to estimate maximum sound levels under any stall condition because this could fall outside the range reported by IEC 61400-11 (IEC, 2006). Control strategies, if available, to reduce Project noise levels also shall be discussed and evaluated.

Plan Requirements: The acoustical analysis and final layout and specification of WTGs shall be submitted to P&D for review and approval. P&D acceptance of the acoustical analysis and WTG layout does not constitute endorsement nor relieve the Project owner/operator from ensuring the actual WTG operating noise levels are in compliance with the limits of 43.3 dBA L_{eq} (1-hour) at nonparticipating residences, and 58.3 dBA L_{eq} at the participating residences. **Timing:** The County shall review and approve the acoustical study and final WTG layout prior to approval of the Land Use Permits for the first and all subsequent project phases.

MONITORING: P&D staff shall ensure that the final Project building plans incorporate the WTG layout and turbine specifications, as used for the approved acoustical analysis. (*Mitigation Measure NOI-7*)

Noise-8 **Noise Monitoring and Control Plan.** The Project owner/operator shall prepare and submit a Noise Monitoring and Control Plan to P&D for review and approval prior to approval of the first Land Use Permit for the Project. The Project owner/operator shall be responsible for all expenditures associated with this analysis and post-construction monitoring, including County staff time.

Plan Requirements: The Plan shall be authored and implemented under the direction of a County-approved professional acoustical engineer or an engineer who is certified by the Institute of Noise Control Engineering to characterize the existing ambient noise levels in terms of CNEL, L_{dn} , and L_{eq} (1-hour) and determine the actual noise level generated by the Project

at the participating and nonparticipating residences. Monitoring existing conditions shall occur for sufficient periods to characterize the existing noise levels during daytime and nighttime conditions and a range of wind speeds that includes calm conditions and wind speeds typical for WTG operation. Operational noise monitoring shall occur at the same locations for a period of at least 72 continuous hours of WTG operation. If the analysis finds that the noise generated by the WTGs exceeds 43.3 dBA L_{eq} (1-hour) or causes an increase of greater than 10 dBA CNEL at nonparticipating residences or exceeds 58.3 dBA L_{eq} at the participating residences, the Project owner/operator shall develop and implement measures to reduce Project noise levels to comply with these limits. Such measures shall be submitted to P&D for review and approval prior to implementation. Post-mitigation noise monitoring may be conducted at the County's discretion by the County's acoustical consultant.

Timing: P&D staff shall review and approve the Plan prior to approval of the Land Use Permit for the first and all subsequent development phases. Noise measurements to characterize baseline ambient noise levels shall commence at least 3 months prior to site grading, or as otherwise approved by P&D. Operational noise monitoring shall commence within 3 months following startup of commercial operations.

MONITORING: P&D staff shall verify that the acoustical analysis and post-construction mitigation measures are implemented as required by this Condition. (*Mitigation Measure NOI-8*)

Noise-9

Maintenance Hours During Operations. Maintenance or other routine noise-generating operations activities within 1,600 feet of nonparticipating residences shall be limited to weekdays between the hours of 8:00 a.m. to 5:00 p.m. only, unless activities are for emergency repairs or as otherwise approved by the County.

Plan Requirements: This requirement shall be noted on all final plan sets for Project components that are within 1,600 feet of nonparticipating residences. **Timing:** Restrictions on maintenance hours shall be in place during the operational phase of the Project. P&D shall verify restrictions are printed on Project plans prior to approval of applicable Land Use Permit(s) for construction and/or operations.

MONITORING: P&D shall verify that maintenance hour restrictions are enforced throughout operation of the Project. The Project owner/operator shall provide documentation of timing of maintenance work upon request from P&D. (*Mitigation Measure NOI-9*)

PALEONTOLOGICAL RESOURCES

Paleo-1 Pre-Construction Workshop. The Project owner/operator shall conduct a pre-construction workshop with a County-qualified paleontologist, or individual qualified to identify paleontological resources, and construction workers and other Project personnel.

Plan Requirements: The workshop shall inform personnel what fossil resources are and what they look like, what to do and who to notify in case of a paleontological discovery, and penalties for the illicit disturbance of fossils. All construction personnel shall receive training and attendance at the training shall be documented. The Project owner/operator shall maintain training records onsite for review by P&D, if requested. **Timing:** The training workshop shall occur prior to commencement of any construction-related activity.

MONITORING: P&D staff shall receive and review the workshop training materials prior to any training, spot check in the field to ensure compliance with this requirement, and request and review training attendance records, if determined necessary. (*Mitigation Measure PALEO-1*)

Paleo-2 Monitoring Program. Paleontological resources monitoring of mechanical disturbance only in Project areas known to have moderate to high sensitivity sediments shall occur concurrently with those construction activities. Monitoring shall be performed by an individual determined by the County to be qualified to identify paleontological resources. Based on field data, a decrease or increase in the monitoring of specific activities and areas may be identified.

Plan Requirements and Timing: Prior to start of construction, a contract or Letter of Commitment between the owner/operator and the monitor, consisting of a project description and scope of work, shall be prepared. The contract shall be executed and submitted to the County for review and approval prior to the issuance of the Land Use Permit for the first phase of construction and all subsequent construction phases.

MONITORING: P&D staff shall verify field monitoring by the County-qualified archaeologist and P&D grading inspectors shall spot check field work. (*Mitigation Measure PALEO-2*)

Paleo-3 Discovery of Fossils. If fossils are found by the paleontological monitor, EQAP OEC, or construction personnel, the following actions shall be taken:

- a. Follow appropriate notification procedures;

- b. Assessment of the find, usually ~~in the field~~ by the Project paleontologist and determination of recovery procedures;
- c. Provisions for construction avoidance until a find is assessed and, if recovery is called for, scientifically recovered; construction-related excavations would continue in other areas away from the discovery;
- d. Provisions for continued monitoring of construction in all appropriate areas while the find is being recovered;
- e. Post-field initial study and curation preparation and subsequent curation.

Plan Requirements: Fossils that may be discovered during construction shall first be assessed to determine whether they are scientifically significant and whether recovery measures are warranted. If recovery is recommended, it shall be completed in a manner reflecting scientific standards currently applied to paleontological excavations. Within those limits, all appropriate measures shall be taken to expedite recovery and to minimize interference with construction scheduling. P&D shall be notified within 48 hours of a paleontological resources discovery assessed by the Project paleontologist to be significant and warranting recovery. The paleontological monitor shall periodically update the P&D during the recovery, and notify P&D upon completion of recovery. **Timing:** This measure shall be in effect throughout all construction phases.

MONITORING: P&D staff shall verify that this requirement is properly implemented through regular contact with the paleontological monitor, Project owner/operator, and site visits as appropriate. *(Mitigation Measure PALEO-3)*

RISK OF ACCIDENTS, HAZARDOUS MATERIALS, AND SAFETY

Risk-1 Hazardous Materials Management Plan. The Project owner/operator shall prepare a Hazardous Materials Management Plan that meets SBC Fire Department requirements.

Plan Requirements and Timing: A copy of the final Plan and evidence of Fire Department approval shall be filed with P&D prior to approval of the Land Use Permit for the first phase of construction.

MONITORING: P&D staff shall verify the completion and approval of the Plan and the SBC Fire Department shall enforce the requirements of, and verify compliance with, the Plan throughout construction and operation of the Project. *(Mitigation Measure RISK-1)*

Risk-2 Refueling Vehicle Signs. Refueling vehicles shall have a sign listing pertinent contacts to notify in the event of a spill.

Plan Requirements and Timing: A copy of the notification to all contractors regarding this requirement shall be provided to P&D prior to approval of the Land Use Permit for each construction phase.

MONITORING: P&D staff shall verify the notification and confirm compliance during construction. (*Mitigation Measure RISK-2*)

Risk-3 Construction Fueling Location. Construction fueling shall be designated such that sensitive areas are avoided. The Project owner/operator shall provide written notification of this requirement to all contractors.

Plan Requirements and Timing: The notification shall be provided to contractors prior to their arrival onsite and a copy of the notification shall be filed with P&D prior to approval of the Land Use Permit for the first and subsequent phases of construction.

MONITORING: P&D staff shall verify the notification has been filed and shall spot-check during construction to verify compliance with this Condition during construction. (*Mitigation Measure RISK-4*)

Risk-4 Equipment Maintenance. All equipment shall be adequately maintained to minimize operational losses of hazardous materials and to reduce the risk of accidental spillage.

Plan Requirements and Timing: The Project owner/operator shall notify all contractors of this requirement in writing prior to their arrival at the Project site. A copy of the notification shall be filed with P&D prior to approval of the Land Use Permit for each phase of construction.

MONITORING: P&D staff shall confirm the notification has been filed and shall spot-check during construction to verify compliance with this Condition during construction. (*Mitigation Measure RISK-3*)

Risk-5 Tower Failure and Blade Throw. All WTGs along public roadways shall adhere to the public road setback of the combined WTG tower and blade height. (Note: At this time, this requirement prevents siting of WTGs along the southern portion of the Middle turbine corridor as shown on Figure 2-2 in the final EIR. However, if San Miguelito Road and Sudden Road are converted to private roads beyond their intersection, siting of WTGs will be restricted but not prevented in this area.)

—**Plan Requirements:** This requirement shall be included as a note on final design plans showing the WTG layout. **Timing:** The final plans shall be provided to the County for review and approval prior to approval of the Land Use Permit for the first and subsequent construction phases.

MONITORING: P&D staff shall confirm compliance during construction. (*Mitigation Measure RISK-5*)

TRAFFIC AND CIRCULATION

Traf-1 Traffic Management Plan (TMP). The Project owner/operator shall prepare a TMP for submittal to the County of Santa Barbara, City of Lompoc, and Caltrans. The purpose of the TMP is to address potential hazards associated with Project truck traffic. The Plan shall include required measures such as informational signs, flagmen when equipment may result in blockages of throughways, and traffic control to implement any necessary changes in temporary lane configuration. Specific provisions of the Plan shall include:

- f. Location and use of flag persons and pilot cars during the delivery of large loads.
- g. Requirements to limit the hours for transporting heavy loads to minimize traffic impacts.
 - a. Limit on the number of heavy loads per day, or to specific days.
 - b. Advance notification of residents, emergency providers, and hospitals when roads may be partially or completely closed.
 - c. Protocols for passage of emergency vehicles and regular traffic when heavy vehicles are traveling at slow speeds.
 - d. Provision of adequate parking for workers, construction vehicles, and trucks.
 - e. Encouragement of measures for using carpooling, shuttle buses, cycling, or motorcycling to travel to the construction site.
 - f. Transportation Demand Management (TDM), including agreements, employee information, reporting, and traffic count monitoring.
 - g. Protocols for road repair pursuant to Condition *Traf-2* and handling oversize loads pursuant to Condition *Traf-3*, below.

Plan Requirements and Timing: Provisions of the TMP shall be noted on grading and building plans. The TMP and grading and building plans shall be submitted to P&D and reviewed and approved by P&D prior to approval of the Land Use Permit for the first and all subsequent

construction phases. TMP requirements shall be in force throughout all construction phases.

MONITORING: P&D staff shall ensure that measures are included in the TMP and plans and shall verify compliance with the TMP requirements throughout construction. (*Mitigation Measure TC-1*)

Traf-2

Roadway Repairs. The Project owner/operator shall enter into an Agreement with affected jurisdictions to ensure that any damage to roadways attributable to Project traffic is mitigated through repair or reconstruction to original conditions. The Project owner/operator shall photograph or videotape roads prior to construction to ensure that final repairs are sufficient to return the road to pre-construction conditions. The Project owner/operator shall comply with the requirements of the hauling permits from affected jurisdictions.

Plan Requirements: All road repair requirements shall be included in the TMP (see Condition *Traf-1*). The Project owner/operator shall pay for any repairs needed during the construction phase to maintain the roads in acceptable condition, as determined by the TMP. At the conclusion of each major construction phase, all affected roads shall be restored to pre-construction conditions in consultation with the affected jurisdictions. In addition, prior to the start of the rainy season, the roadways impacted by construction activities and heavy load delivery shall be surveyed to ensure that any roadway damage will not be subject to further damage from erosion caused by precipitation. If roadways are determined to need repair, interim repairs shall be proposed for review and approval by the affected jurisdictions and implemented in an approved timeframe to avoid further roadway damage.

Timing: The TMP shall be approved prior to approval of the Land Use Permit for the first and all subsequent Project phases. Conditions shall be enforced throughout all construction phases.

MONITORING: P&D and Public Works staff, as appropriate, shall confirm that requirements are included in the approved TMP, road damage is adequately documented, and required repairs are completed. (*Mitigation Measure TC-3*)

Traf-3

Oversize Loads. The Project owner/operator shall implement special traffic control measures and obtain all necessary permits for oversize loads from Caltrans, the City of Lompoc, and the County of Santa Barbara, as appropriate. The Project owner/operator shall obtain permits from the County of Santa Barbara to trim or remove trees, or both, on San Miguelito Road for the safe movement of oversized trucks. Longer

—trucks may be restricted to specific routes if turning radii are not sufficient on current truck routes. The Project owner/operator shall prepare a survey, which shall be conducted by a qualified, County-approved engineer, to determine if the large loads required for this project may be transported along southern San Miguelito Road without grading of embankments or damage to trees or other vegetation (apart from minor trimming of overhead branches). The survey shall be based on the actual load dimensions and vehicles to be used in transporting the largest turbine parts and other Project parts and materials. If the survey indicates that grading, tree removal, or other vegetation damage may occur, all potentially affected areas shall be included in the Project grading and drainage plans, and other applicable plans, including the Erosion Control Plan, Site Restoration Plan, and Tree Protection and Replacement Plan. (see Conditions *Wat-1*, *Bio-3*, and *Bio-4*). County oak tree replacement requirements and any other applicable permit conditions relating to biological, cultural, geological, and water resources shall apply.

Plan Requirements: All requirements shall be included in the TMP. The Project owner/operator shall file copies of all oversize load/heavy haul permits with P&D prior to the first delivery. The Project owner/operator shall provide the County with the large load transportation survey, including all information on load sizes, for review and approval. **Timing:** Conditions shall be enforced throughout all construction phases. TMP and large load transportation survey shall be submitted to, and approved by, P&D prior to the issuance of the Land Use Permit for the first phase of construction and for subsequent Project phases, as applicable.

MONITORING: P&D staff shall verify that all required permits have been filed. P&D staff shall review the large load survey and verify that the all applicable plans, conditions, and requirements are included in the Plan and implemented as necessary to mitigate damage to embankments, trees, or vegetation. (*Mitigation Measure TC-4*)

WATER RESOURCES

Wat-1 Erosion Control Plan. An Erosion Control Plan for Project construction shall be developed by a registered engineer to minimize potential impacts to surface water quality during construction activities. A Storm Water Pollution Prevention Plan (SWPPP) that incorporates Regional Water Quality Control Board requirements/ BMPs and the measures listed below will be acceptable to comply with this requirement.

Best available erosion and sediment control measures shall be implemented during grading and construction, which could include but are not limited to:

- Use of sediment basins;
- Gravel bags;
- Silt fences;
- Geo-bags or gravel and geotextile fabric berms;
- Erosion control blankets;
- Coir rolls;
- Jute net;
- Certified straw bales (to avoid the introduction of noxious or invasive weeds).

Additional measures could include:

- Minimizing the size of the disturbed area associated with grading/construction;
- Stockpiling all excavated soils and protecting them from wind and water erosion;
- Revegetating disturbed areas;
- Limiting grading during construction to the dry season to the extent practicable.

If grading needs to be done outside of the dry season, the Project owner/operator shall coordinate grading work with P&D and the County Public Works Department and shall follow all applicable guidelines. Rainy season erosion control measures shall be implemented to control runoff and erosion in the event that revegetation is not completed prior to the rainy season.

Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.

Plan Requirements and Timing: The Erosion Control Plan (or SWPPP) shall be submitted to P&D for review and approval prior to approval of the Land Use Permit for the first and subsequent phases of construction. The Plan shall be designed to address erosion and sediment control during all Project phases. Plan requirements shall be noted on all grading and building plans. The Project owner/operator shall notify P&D and the EQAP OEC prior to commencement of grading. Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized.

MONITORING: P&D staff shall verify compliance with requirements of the Erosion Control Plan. P&D grading inspectors shall monitor technical aspects of the construction activities in the field. (*Mitigation Measure WAT-1*)

Wat-2

Road Widening Plan. The Project owner/operator shall prepare a Road Widening Plan showing all watercourse encroachments and submit the Plan to P&D for review and approval. The Plan shall demonstrate that any roadway widening within or adjacent to a watercourse is the minimum practicable, and that the widening does not adversely affect the creek channel or flow pattern. The road widening plan shall also demonstrate that access to the City of Lompoc Frick Springs Water Treatment Facility, and its operations and delivery systems, will not be compromised.

Plan Requirements: Plan requirements shall be noted on all grading and building plans and shall be reviewed and approved by P&D. The Project owner/operator shall notify P&D and the EQAP OEC prior to commencement of grading. **Timing:** The Road Widening Plan shall be submitted for review and approval by P&D prior to approval of the Land Use Permit for the first and subsequent construction phases, as applicable.

MONITORING: P&D shall verify compliance with the Road Widening Plan through site inspections as needed during construction. Grading inspectors shall monitor technical aspects of the construction activities. (*Mitigation Measure WAT-2*)

IV. Additional Required Project-Specific Conditions:

DECOMMISSIONING AND ABANDONMENT

Decom-1 Decommissioning and Abandonment. Upon abandonment of project operations the Project owner/operator shall submit a Demolition and Restoration Plan to restore the Project site to pre-construction conditions.

The Project shall be deemed abandoned if either of the following occurs:

- a. Not more than 10 percent of the turbines have produced electricity in more than one year, unless the cessation is due to one or more of the following conditions:
 1. Unresolved mechanical or technical problems;
 2. One or more force majeure events (e.g., major earthquake or fire);
 3. Turbines are required to shut down to comply with other requirements of this Conditional Use Permit or the requirements of

other jurisdictional authorities, and the Project owner/operator has provided a plan including timetable, satisfactory to the Director of Planning and Development, to address the conditions and return the turbines to service.

- b. The County has established that more than 50 percent of the installed turbines are actively being removed or are in disrepair and there is no demonstrated plan, including timetable, satisfactory to the Director and the Project owner/operator and endorsed by a qualified engineer familiar with wind turbine technology, to restore the equipment and return the turbines to service.

Upon determination by the Director that either of the above criteria is present on the project site, the Director shall give written notice to the Project owner/operator that the Project has been deemed abandoned. The Project owner/operator shall submit an Abandonment and Restoration Plan for review and approval and obtain the appropriate permit applications applicable at that time to the County required to demolish, restore and revegetate the site. The Plan shall specifically identify a schedule for equipment and structure removal any site restoration and any facilities, including roadways, proposed to be left on site.

The County shall take appropriate action in the event the Project owner/operator fails to comply with this condition. This action may include pursuit of legal remedies for zoning violation and use the abandonment/decommissioning financial assurance to remove the turbines and restore the site to pre-construction conditions.

Decom-2 Financial Assurance for Abandonment and Restoration. The Project owner/operator shall submit to the Director:

- a. An itemized cost estimate for removal of all structures and equipment and restoration of the project site and an estimate from a qualified party of the reclamation value of the turbines and electrical infrastructure. The bases for all estimates shall be identified and documented. The estimates shall be revised and updated and resubmitted to P&D every five years.
- b. Prior to issuance of the land use permit for each phase of construction, the Project owner/operator shall submit to the County a financial assurance mechanism acceptable to the County for the cost of removal of structures and equipment and restoration of the project site. The amount of the assurance shall be based on the itemized cost estimate minus the reclamation value of the turbines and electrical equipment. The reclamation value may only be credited to the cost of removal of structures and equipment and not to site restoration costs. The financial security shall be in place for the life of the Project. The County will release the

security upon successful completion of structure and equipment removal and site restoration, as determined by the County.

RECLAIMED WATER

RecWat-1 Reclaimed water shall be subject to the following hauling and use controls:

- a. Use sites shall be approved by the Regional Water Quality Control Board and the State and local health departments.
- b. Truck drivers shall be instructed as to the requirements contained herein and the potential health hazards involved with the reuse of wastewater.
- c. Tank trucks and other equipment which contain or come in contact with reclaimed water shall be clearly identified with warning signs.
- d. Tank trucks used for reclaiming water shall be thoroughly cleaned of septage or other contaminants prior to use.
- e. Use of reclaimed water shall not create any odor or other nuisance.
- f. Reclaimed water shall be confined to the authorized use area.
 1. Ponding or runoff of reclaimed water shall not occur.
 2. Aerosol formation during uses involving spraying must be minimized.
- g. Reclaimed water shall be applied so as to prevent public or employee contact with the water.
- h. Reclaimed water must not be introduced into any permanent piping system and no connection shall be made between the tank truck and any part of a domestic water system.
- i. Tank trucks shall be cleaned and disinfected after the project is completed.
- j. Tank trucks used to transport reclaimed water shall not be used to carry domestic water.

Plan Requirements and Timing: This condition shall be printed on all grading and construction plans. All conditions to be carried out whenever reclaimed water is on site.

MONITORING: P&D will site inspect throughout grading and construction activities.

SOLID WASTE MANAGEMENT

SolidW-1 Construction Waste Recycling. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite.

Plan Requirements: This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance.

Monitoring: P&D shall review receipts throughout construction.

V. County Rules & Regulations / Legal Requirements

Rules-1 Agreement to Comply. Prior to approval of the first Land Use Permit for the Project, the Project owner/operator shall sign and record an Agreement to Comply with the project description and all conditions of approval.

Rules-2 Environmental Quality Assurance Program (EQAP). Prior to issuance of the Land Use Permit for the first phase of construction, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by Santa Barbara County P&D, paid for by the Project owner/operator and submitted for review and approval to P&D.

Plan Requirements: The EQAP shall include, at a minimum, the following:

- a. All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area.
- b. A plan for coordination and implementation of all measures and the plans and programs required therein.
- c. A description of all measures the Project owner/operator will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including P&D. Contractor feedback responsibilities include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading, construction, and operations. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data.
- d. A contractor to carry out the EQAP shall be selected by P&D. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the Project owner/operator. The EQAP contractor shall appoint at least one On-site Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by P&D, to oversee specific

mitigation areas (e.g. archaeologists, biologists). In addition, the monitor has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency.

- e. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.

Timing: The EQAP shall be submitted to P&D for review and approval, and shall be approved, prior to issuance of the first Land Use Permit for the Project. The Project owner/operator shall implement the requirements of the EQAP throughout all development phases of the Project.

Rules-3 Compliance with Departmental letters required as follows:

- a. Air Pollution Control District, dated 7/25/07 (attached)
- b. Fire Department, dated 9/12/08 (attached)
- c. Public Works Road Division, dated 9/25/08 (attached)

Rules-4 Mitigation Monitoring required: The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
- c. The owner/operator shall provide an initial deposit of \$25,000 and execute an Agreement for Payment of Compliance Fees and Consultant Costs with the County to adequately fund project permit compliance. All reasonable expenses incurred by the County or County contractors for permit condition implementation and enforcement of permit conditions shall be reimbursed by the owner/operator within 30 days of invoicing by County. All such activities may be conducted by an independent consultant under contract to the County, if deemed necessary by County.

VI. This permit is issued pursuant to the provisions of Section 35.82.060 of the County Land Use & Development Code and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional-Use Permit are not complied with, the Commission, after written notice to the permittee and a noticed public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.
- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. Said time may be extended by the Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



September 25, 2008

TO: John Day, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: Conditions of Approval (2 pages)
Lompoc Wind Energy Project
06CUP-00000-00009
APN: 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004,
083-100-008, 083-250-011, 083-250-019, 083-090-004, 083-100-007

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Unincorporated Planning Areas of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$3,944 (8 new PHT's x \$493 Traffic Fee). Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Encroachment/Excavation/Haul Permit

2. An Excavation or Encroachment Permit shall be required for any work performed in the County right of way, including road construction, driveways, utilities, connections and hauling more than 1000 cubic yards of earthwork.

The developer shall comply will all applicable Public Works Standard Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic or Permit Sections, prior to issuance of an Encroachment Permit.

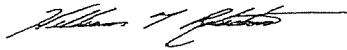
Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-739-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

If you have any questions, please contact me at 739-8785.

Sincerely,



William T. Robertson

cc: 06CUP-00000-00009
Charlie Ebeling, Transportation Manager, County of Santa Barbara, Public Works Department
F:\GROUP\TRAFFIC\WINWORD\PLANNING\Lompoc\Lompoc Wind Energy Project 06CUP-Cond.doc

Memorandum

Date: September 12, 2008

To: John Day
Planning & Development
Santa Maria

From: Martin Johnson, Captain
Fire Department

Subject: APN: 083-080-004, et al; Case No: 06CUP-00009;
Site: Lompoc Wind Energy
Project Description: 60 Wind Turbines and Construction of an Operations & Maintenance Building



A handwritten signature in black ink, appearing to read "MJ", is written over the "From:" line of the memorandum.

*This Memorandum Supersedes the Previous Memorandum Dated May 8, 2006
Memorandum Includes Projection of Required Conditions for Any Potential Future
Construction*

All Conditions for Wind Turbines Remain the Same

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

**PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET**

1. Annual permits for the use and storage of hazardous and/or flammable materials/wastes are required. To determine if your business requires the issuance of an annual permit, please contact the Hazardous Materials Unit for additional information and application procedures (805-686-8167).

A Hazardous Materials Business Plan shall be required if your business stores or handles any hazardous materials or hazardous waste at any one time during a calendar year in quantities equal to or greater than: 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at standard temperature and pressure. Please contact the Hazardous Materials Unit for additional information and application procedures.

083-080-004

2

September 12, 2008

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

The following conditions only apply to any *future* construction of buildings and do not apply to the individual wind turbines:

GENERAL NOTICE

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.
3. One (1) fire hydrant shall be installed. The hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrants, valves, main lines and lateral lines shall be approved by the fire department.
4. Santa Barbara County High Fire Hazard Area Requirements must be met.

PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET

5. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
6. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
7. Building address numbers shall be posted in conformance with fire department standards.
8. When access ways are gated a fire department approved locking system shall be installed.

083-080-004

3

September 12, 2008

9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

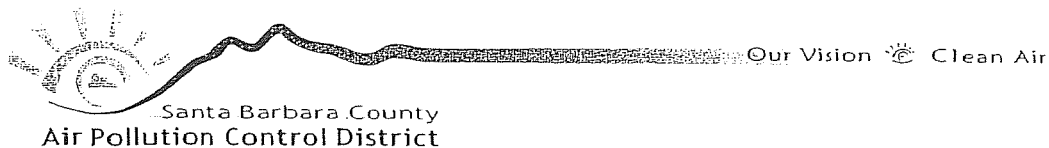
Fees will be calculated as follows:

- Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems

As always, if you have any questions or require further information please call 681-5500.

Mj:md

c: Michelle K. Conway, Pacific Renewable Energy Generation LLC
4225 Executive Square, # 1620, La Jolla, CA 92037
APN/Chron



July 25, 2007

John Day, Project Planner
Energy Division
Planning & Development Dept.
County of Santa Barbara
123 E. Anapamu St.
Santa Barbara, CA 93101

SUBJECT: Lompoc Wind Energy Project: Draft EIR

Dear John:

The Santa Barbara County Air Pollution Control District (SBCAPCD), as a responsible agency under CEQA, appreciates the opportunity to provide comments on the Draft EIR for the Lompoc Wind Energy Project.

In general, we concur with the conclusion in the DEIR regarding the classification of the air quality impacts of the project. The project is subject to all APCD prohibitory Rules and Regulations even if APCD permits may not be required.

Please note the following in the DEIR:

If the portable concrete batch plants (and associated engines, if any) will be present at the project site for more than 12 months they will need to be permitted by the APCD even if they are registered in the State's Portable Equipment Registration Program.

Although the DEIR states that gasoline fuel will be supplied by a mobile fuel service truck, if 250 gallons or greater of gasoline are stored onsite, an APCD permit will be required.

We look forward to receiving the Final EIR for this important project. If you have questions regarding the comments please call me at (805) 961-8893 or e-mail me: VLJ@sbcapcd.org.

Sincerely,

Vijaya Jammalamadaka
Air Quality Specialist
Technology and Environmental Review Division

cc: Project File (P&D Lompoc Wind Energy Project)
TEA Chron File
Michael Goldman, SBCAPCD

Terence E. Dressler - Air Pollution Control Officer

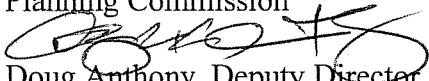
Lompoc Wind Energy Project / 09APL-00000-00011
Appeal of LUP for Met Tower Modification
Planning Commission Hearing Date: July 15, 2009

Staff Report
Attachment D

ATTACHMENT D

ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

(06EIR-00000-00004; SCH# 2006071008)

TO: Planning Commission

FROM: Doug Anthony, Deputy Director
Energy Division, Planning and Development
Staff Contact: John Day (568-2045)

DATE: June 26, 2009

RE: CEQA Determination: Finding that CEQA section 15164 (Addendum) applies to Lompoc Wind Energy Project Temporary Meteorological Towers (Case #09APL-00000-00011; 09LUP-00000-00146). CEQA section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result. The Environmental Impact Report (06EIR-00000-00004; SCH# 2006071008) prepared for the Lompoc Wind Energy Project (Case #06CUP-00000-00009) is hereby amended by this 15164 letter for Lompoc Wind Energy Project Temporary Meteorological Towers (Case #09APL-00000-00011; 09LUP-00000-00146).

Location: The project is located adjacent to San Miguelito Road near its southern terminus, from 3525 to 5555 San Miguelito Road, Lompoc area; Third Supervisorial District; APN #s 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004, 083-100-008, 083-250-011, 083-250-019, 083-090-004, 083-100-007.

Background:

The Environmental Impact Report (06EIR-00000-00004; SCH# 2006071008) for the Lompoc Wind Energy Project was certified by the Santa Barbara County Board of Supervisors in a public hearing on February 10, 2009. A Conditional Use Permit for the project was approved at the same hearing. As a result of this project, significant effects on the environment are anticipated in the following areas: Aesthetic/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Fire Hazards and Emergency Services, Geology/Soils, Land Use, Noise, Paleontological Resources, Risk/Safety, Traffic/Circulation, and Water Resources. Implementation of the recommended mitigation measures would reduce the environmental effects to less than significant, except for effects on Aesthetic/Visual Resources and Biological Resources, which would be significant and unavoidable.

The proposed actions involve minor modifications to the Lompoc Wind Energy Project, to extend the schedule for removal of temporary meteorological towers ("met towers"), reduce the number and height of permanent met towers, and install one permanent tower earlier than stated in the project description in the final EIR (§2.3.4). The changes are as follows:

1. Extend the removal deadline for two met towers from February 10, 2010, until December 31, 2010.
2. Extend the removal deadline for two temporary met towers from 90 days after CUP approval to December 31, 2010.

3. Extend the removal deadline for all other existing temporary met towers from 90 days following CUP approval until 45 days following issuance or denial of the Land Use Permit for this project.
4. Modify the project description to allow only one permanent 30-meter, unguyed met tower without lighting for the project, instead of up to ten 80-meter towers, which may be permitted and constructed prior to approval of the final plans for Phase I project construction.

These modifications are described and analyzed in detail in the Substantial Conformity Determination dated April 16, 2009, and the staff report for the Planning Commission hearing July 15, 2009, which are incorporated herein by reference.

Changes in Project Impacts:

The proposed project changes, as described above, will not cause any new environmental impacts, nor increase previously identified impacts, nor require any new or modified mitigation. The changes will reduce long term impacts to visual and biological resources and will support County Comprehensive Plan policies and Land Use and Development Code regulations.

The proposed changes should be considered as a whole. Two existing, 80-meter high temporary met towers would remain in place up to approximately 11 months longer than previously approved; two existing 60-meter towers would remain approximately 1 year and 8 months longer than previously approved; and four other existing, 60-meter towers would remain until 45 days following LUP issuance. In contrast, the permanent met towers, to be installed for the 30-year project life, would be reduced from up to ten 80-meter towers (with possible FAA obstruction lights) to a single, 30-meter tower (without lighting), which would be installed prior to the main project construction.

The environmental impacts of the temporary met towers are not analyzed separately from the permanent met towers in the EIR. However, the met towers will contribute to significant impacts to birds and bats, due to potential for fatal collisions (Impact Bio-11, EIR p. 3.5-82). The met towers will also contribute to significant impacts to visual resources (Impact Vis-1, EIR p. 3.2-31). (Note that the primary biological and visual impacts described in the EIR are from wind turbines, not met towers.) Although the delay in removal of the temporary met towers will extend slightly the short-term impacts to the affected resources, the reduction in permanent met towers to a single, 30-meter tower represents a major reduction of the permanent towers on the site and a corresponding reduction of biological and visual impacts. The reduced configuration of permanent met towers will also reduce impacts to geology and soils (EIR §3.9.3.3), due to avoidance of the substantial excavation and grading required for the foundations of free-standing, 80-meter, permanent towers.

The extension of operation of the temporary towers would not involve any new ground disturbance or construction beyond that considered in the approved project description. The proposed addition of bird diverters on the guy wires will minimize impacts to birds and bats from possible collisions with the wires.

The reduction of permanent, tall structures on ridges and steep slopes is also beneficial and consistent with the County Comprehensive Plan policies and Land Use and Development Code regulations that prohibit development on ridgelines and steep slopes, except where infeasible or where technical requirements dictate otherwise (EIR §3.10.4). In particular, the reduced met tower configuration would reduce grading impacts pursuant to Hillside and Watershed Policies (EIR p. 3.10-16), reduce visual impacts pursuant to Visual Resources Policy 2 (EIR p. 3.10-18), reduce visual impacts and development on steep slopes pursuant to the Land Use Policies (EIR p. 3.10.20), reduce exceedances of height limits consistent with LUDC §35.30.090 (EIR p. 3.10-23), and reduce visual impacts and ridgeline development consistent with LUDC §§35.57.050.k and 35.62.040 (EIR p. 3.10-25; 3.10-26).

Findings:

It is the finding of the Planning and Development Department that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or ND is not required.

Discretionary processing of Lompoc Wind Energy Project Temporary Meteorological Towers (Case #09APL-00000-00011; 09LUP-00000-00146) may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

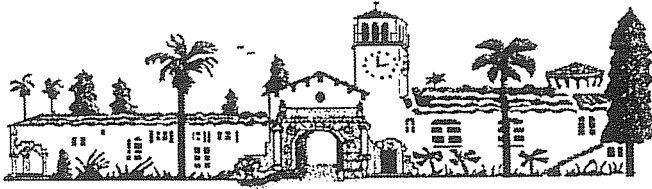
Lompoc Wind Energy Project / 09APL-00000-00011
Appeal of LUP for Met Tower Modification
Planning Commission Hearing Date: July 15, 2009

Staff Report

Attachment E

ATTACHMENT E

SUBSTANTIAL CONFORMITY DETERMINATION



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

April 16, 2009

Harley McDonald
Project Manager
Pacific Renewable Energy Generation, LLC
420 Stevens Avenue, Suite 240
Solana Beach, CA 92075

RE: Lompoc Wind Energy Project
Temporary Meteorological Towers
APN #s 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004,
083 -100-008, 083-250-011, 083-250-019, 083-090-004, & 083-100-007.
Case # 09SCD-00000-00006; 06CUP-00000-00009
Substantial Conformity Determination

Dear Ms. McDonald:

Planning and Development has reviewed your request for a Substantial Conformity Determination (SCD) to:

1. Increase the height of meteorological towers (“met towers”) #13 and #15 from 60 to 80 meters. The work involves installation of 6 new guy wires for each tower, addition of bird flight diverters, FAA-required nighttime obstruction lighting (flashing red beacons), painting of the towers in alternating aviation orange and white bands, and addition of solar panels and electrical equipment to power the lighting.
2. Extend the latest removal date of met towers #13 and #15 from February 10, 2010, until December 31, 2010.
3. Extend the latest removal date of the existing met tower #2009 from 90 days after CUP approval to December 31, 2010. Bird flight diverters will be installed on the guy wires.
4. Re-instrument the existing met tower #2003 and extend the latest removal date of met tower #2009 from 90 days after CUP approval to December 31, 2010. Bird flight diverters will be installed on the guy wires.
5. Remove all other existing temporary met towers by April 30, 2009.

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

6. Modify the project description to include only one permanent 30-meter, unguyed met tower for the project, instead of up to ten 80-meter towers as described in the Board-approved project description.

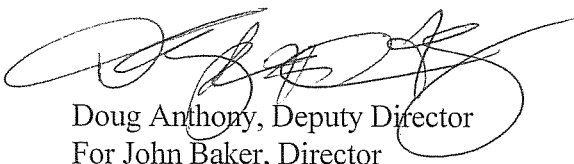
It has been preliminarily determined by the Director of Planning and Development that your request for substantial conformity to case number 06CUP-00000-00009 can be made based upon the information in the attached memorandum.

This preliminary SCD approval is based on an evaluation of current conditions and policy and environmental issues. The proposed modification requires issuance of a Land Use Permit (LUP) in order for this preliminary SCD approval to become final. At the time of approval of the LUP all of the required findings must be made. The approval of this SCD does not affect the time limits for submittal of final plans and commencement of construction/use associated with the originally approved permit.

Under separate cover I will send the follow-up Land Use Permit, together with a copy of the public notice, notification mailing labels, and an affidavit of posting. Posting of a notice on site and notification of adjacent property owners is your responsibility under §35.106.050 of the County's Land Use and Development Code. Please sign and return the permit and affidavit to demonstrate compliance. The notice must be posted at a minimum of one location at the project site so that it can be viewed from the public street. The notice must be posted continuously until the 10-day appeal period is finished. We will send additional notices to interested parties.

Please contact John Day at (805) 568-2045 with any questions regarding this letter.

Sincerely,




Doug Anthony, Deputy Director
For John Baker, Director

Attachment: SCD criteria memo

cc: case file #
Planning Commissioner, Third District

**PLANNING AND DEVELOPMENT
MEMORANDUM**

TO: Doug Anthony, Deputy Director
Energy Division

FROM: John Day 

DATE: April 16, 2009

RE: Lompoc Wind Energy Project
Temporary Meteorological Towers
APN #s 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004,
083-100-008, 083-250-011, 083-250-019, 083-090-004, & 083-100-007.
Case # 09SCD-00000-00006; 06CUP-00000-00009
Recommendation for Finding of Substantial Conformity Determination

Background

The Conditional Use Permit (CUP) for the Lompoc Wind Energy Project was approved by the Board of Supervisors on February 10, 2009. Condition #4 of the permit requires a Substantial Conformity Determination (SCD) following approval of final plans for each project development phase. Consistent with this conditional requirement, an SCD is also required for temporary meteorological towers (“met towers”) installed prior to submittal of final plans for the first development phase. This SCD requirement was adopted to ensure that the final as-built project conforms to the approved project description and provide an appeal pathway to the public, should any project construction or compliance plan appear to deviate from the Board-approved project. This was an important consideration, given that the permit allows a degree of flexibility in specifications and location of the wind turbines and met towers.

The approved project description provides for pre-construction modifications to existing, temporary project met towers. Specifically:

“Eight 50-60 meter (197 feet) temporary, guyed meteorological towers were installed on the project site for wind resource studies. The applicant plans to increase the height of two of these existing towers to 80 meters (262 feet) for the interval following project approval to commencement of operations. FAA obstruction lighting would be required on the towers. The towers would be equipped with bird flight diverters. All meteorological towers, except the two 80 meter towers, would be removed within 90 days following final CUP approval. The 80 meter temporary towers would be removed prior to first delivery of power or one year after CUP approval, whichever comes first. Any permanent meteorological tower(s) would be unguyed.”
[FEIR §2.3.4]

The project description describes the permanent met towers as follows:

“As many as 10 meteorological towers would record weather data necessary to determine the most efficient operational strategy for the WTGs... The towers are proposed to be free-standing

lattice structures, up to 262 feet in height. No guy wires would be required for these types of towers...”

These permanent, unguyed 80-meter towers would be erected following approval of final construction plans and would remain in place for the estimated 30-year life of the project.

The main environmental impact issues of the met towers will be: 1) Visual impacts, due in part to FAA-required obstruction lighting, which is required on towers that exceed 200 feet (61 meters) in height; and 2) impacts to birds and bats that may collide with the met towers and guy wires. These impacts are expected to be minor, in comparison to the visual and bird/bat impacts of the (up to 65) wind turbine generators, which will be up to 397 feet high. The Board approved the project and certified the EIR, based on findings of overriding consideration for significant, unavoidable impacts to visual resources and potential fatalities of birds and bats. Although the meteorological towers contribute to the Class I impacts to visual resources and birds and bats, the findings of overriding consideration focused mainly on the wind turbines, which are the primary cause for the Class I impacts.

In order to mitigate the anticipated impacts to the extent feasible, the approved project description stipulates that 6 of the existing met towers shall be removed within 90 days of CUP approval and the remaining two (which will be increased to 80 meters high) be removed within 1 year of CUP approval. In addition, Condition LU-1 requires that the obstruction lighting comply with but not exceed FAA requirements.

Proposed Actions:

The Applicant requests modifications to the approved description of met tower installations and timing, as detailed in the SCD application project description and shown on the met tower site map (Attachment 1). The following is a summary of the proposed actions, some of which are entirely consistent with the approved project description., as noted:

1. Extend met towers #13 and #15 from 60 to 80 meters high. The work involves installation of 6 new guy wires for each tower, addition of bird flight diverters, FAA-required nighttime obstruction lighting (flashing red beacons), painting of the towers in alternating aviation orange and white bands, and addition of solar panels and electrical equipment to power the lighting. These towers are shown as pink dots on the Attachment 1. (This is entirely consistent with the approved project description.)
2. Extend the latest removal date of met towers #13 and #15 from February 10, 2010 until December 31, 2010. The additional time is needed to allow additional characterization of the wind behavior and more exact placement of the turbines.
3. Extend the latest removal date of the existing met tower #2009 from 90 days after CUP approval to December 31, 2010. Bird flight diverters would be installed on the guy wires. The

additional time is needed to correlate wind behavior at this location with that at the 80 meter towers.

4. Re-instrument the existing met tower #2003 and extend the latest removal date from 90 days after CUP approval to December 31, 2010. Bird flight diverters would be installed on the guy wires. The additional time is needed to obtain better correlations of wind patterns in the northern project area and optimize the wind models.
5. All other existing temporary met towers would be removed by April 30, 2009. (This is entirely consistent with the approved project description.)

In addition, the Applicant proposes a modification to the project description, such that only one permanent met tower would be installed and remain in place during the operational life of the project. This would be an unguyed, 30-meter tower, without FAA lighting. It would be installed on the southern ridge within the next 3 months. This tower is not part of the current SCD application. It will require a separate application, as the exact specifications and location have not yet been determined. The tower would need to be erected as soon as possible, so as to correlate wind data with that of the temporary towers over the longest possible period.

General Analysis:

Extending towers #13 and #15 to 80 meters is entirely consistent with the approved project description and within the scope of the EIR analysis. The work would not require any new anchors or involve any ground disturbance. The towers would be equipped with bird flight diverters, consistent with the project description. To minimize visual impacts, the applicant requested and obtained FAA approval to paint the towers for visibility to aircraft. Painting is in lieu of installing high intensity white xenon strobe lights, which are visible from a greater distance and would draw the eye due to their intense flashes.

The proposed removal of the existing 60-meter met towers by April 30 is consistent with the project description, which calls for their removal within 90 days of CUP approval. The extension of operation of four of the temporary towers to December 31, 2010, deviates from the approved project description. Towers #13 and #15 would remain in place up to approximately 11 months longer than previously analyzed and approved. Towers #2003 and #2009 would remain approximately 1 year and 8 months longer than previously analyzed and approved.

The extension of operation would not involve any new ground disturbance or construction beyond that considered in the approved project description. The addition of bird diverters on all towers would minimize impacts to birds and bats from possible collisions with the guy wires.

Finally, the reduction of permanent met towers from up to ten 80-meter towers to a single 30-meter tower would result in a substantial reduction in both visual and biological impacts, as compared to the approved project.

Consistency with SCD Criteria:

I have reviewed the above-referenced request for substantial conformity and recommend that you find this change in substantial conformity based upon the following evaluation of the approved criteria:

- a. *Does not conflict with project conditions of approval and/or final map conditions.*

The only permit conditions relevant to the increase in height and extension of life of the 4 met towers are the project description and Condition LU-1. The project description requires installation of bird flight diverters on towers #13 and #15. All four towers will be equipped with diverters. Condition LU-1 requires that obstruction lighting comply with but not exceed FAA requirements. The lighting would be minimized by using FAA-required red night lights on the 80-meter towers and painting the towers in lieu of adding white daytime strobe lights. The 60-meter towers would not be lit.

- b. *Does not result in health and safety impacts.*

No health or safety impacts have been identified with the project changes. Any remote, long term risks to either the public or environment would be further reduced by limiting the project to a single 30-meter tower, as proposed.

- c. *That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the County.*

Increasing the height of towers #13 and #15 to 80 meters is wholly in accordance with the approved project. Extending the operational life of the 4 temporary towers for 1 to 2 years, while limiting the final plan to a single, 30-meter permanent tower represents a reduction of proposed facilities. The changes would reduce both visual impacts and impacts to birds and bats. The changes conform to all policies and findings of the originally approved project.

- d. *That the changes proposed can be effectuated through existing permit conditions.*

No new permit conditions are needed for the height change or time extension.

- e. *That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original project.*

The changes will result in a net reduction of visual and biological impacts, due to replacement of up to ten, permanent, 80-meter towers with one 30-meter tower. The findings made by the Board that the benefits of the project outweigh the adverse impacts stand.

- f. *Does not result in an increase of 1,000 sq. ft. or more than 10% of building coverage of new structures over total project approvals, whichever is less.*

No new structure or increase in building coverage is proposed. The reduction from ten to one permanent met tower represents a reduction in development footprint.

- g. *Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.*

The project EIR (06EIR-00000-00004) evaluated temporary met towers, some of which would be increased in height, and all of which would be replaced with unguyed, permanent towers. The EIR evaluated up to ten permanent, 80-meter towers. The changes will result in a net reduction of impacts, due to limiting the permanent towers to a single 30-meter tower.

- h. *Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.*

No new ground disturbance is proposed. The reduction of permanent met towers from ten 80-meter towers to one 30-meter tower will reduce the construction footprint and ground disturbance.

- i. *Is consistent with Comprehensive and/or Coastal Plan policies and applicable zoning ordinances.*

The changes are consistent with both the findings and policy consistency analysis in the staff report for project approval and with the Board's final approval.

- j. *Does not result in more than 1500 cubic yards of net cut and/or fill (LUDC and MLUDC) or 50 cubic yards (Article II), and avoids slopes of 30% or greater (unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional impacts).*

The changes do not involve any new grading. The reduction of permanent met towers from ten to one would reduce grading and ground disturbance, compared to the approved project.

- k. *Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10% closer to a property line than the originally approved development.*

No change of location is proposed. Four of the temporary towers would remain in the same location for up to approximately 1 year and 8 months beyond the removal date stated in the approved project. Only one of the ten towers in the approved project would be built, resulting in a reduced project footprint.

- l. Does not result in an overall height which is greater than 10% above the approved height. The project must remain consistent with height requirements of the zoning district.*

No increase in the approved height is proposed. The increase in height of two temporary towers to 80 meters is entirely consistent with the approved project description. The permanent met towers would be reduced from ten 80-meter towers, as described in the approved project description, to a single, much shorter, 30-meter tower.

- m. Receives BAR approvals for landscaping and structures, if necessary.*

In a hearing March 13, 2009, the Central BAR determined that the met towers are not within their review authority, as the lighting and painting are regulated by the FAA, and the design and location are dictated by technical requirements.

- n. Does not result in intensification of use; e.g., no new employees, no increases in traffic, etc., if these were important to the previous environmental/policy analysis.*

The changes would not increase intensity of use during operations. The reduction in height and number of towers would reduce required maintenance activities to less than the approved project.

- o. Does not affect easements for trails, public access, or open space.*

The project is on private property, without public access. There would be no effect on easements and no effect on open space, except for long-term reduction of visual impacts from both public and private viewing locations.

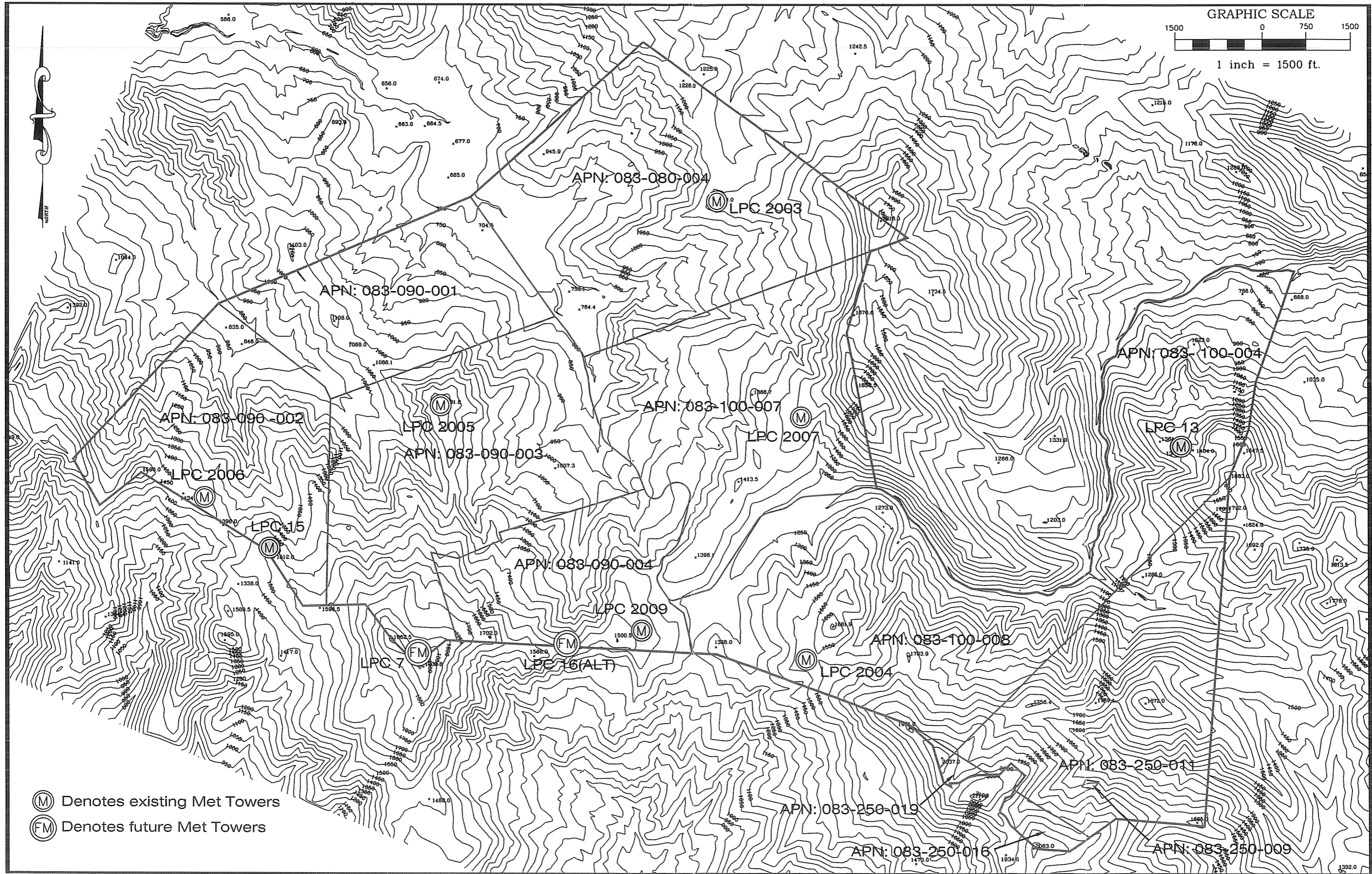
If you agree with my analysis, please sign the attached letter to the applicant indicating that the substantial conformity determination has been approved. Let me know if you want to discuss any issues prior to making a final determination.

Attachment: Site Plan

GRAPHIC SCALE



1 inch = 1500 ft.



- (M) Denotes existing Met Towers
- (FM) Denotes future Met Towers

ATTACHMENT #1

Lompoc Wind Energy Project / 09APL-00000-00011
Appeal of LUP for Met Tower Modification
Planning Commission Hearing Date: July 15, 2009

Staff Report

Attachment F

ATTACHMENT F

ORIGINAL LAND USE PERMIT

LAND USE PERMIT

Case No.: 09LUP-00000-00146 **Planner:** John Day **Initials** JLD
Project Name: Lompoc Wind Energy Project Meteorological Towers
Project Address: 3525-5555 San Miguelito Rd., Lompoc
A.P.N.: 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004,
083-100-008, 083-250-011, 083-250-019, 083-090-004, 083-100-007.
Zone District: AG-II-100



Planning & Development (P&D) *grants final approval and intends to issue* this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: April 17, 2009

APPEAL PERIOD BEGINS: April 18, 2009

APPEAL PERIOD ENDS: April 27, 2009

DATE OF PERMIT ISSUANCE: *(if no appeal filed)* April 28, 2009

NOTE: This final approval may be appealed to the Planning Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the **Final Approval Date** identified above. (Secs. 35.102 & 35.492) If you have questions regarding this project please contact the planner John Day at (805) 568-2045.

PROJECT DESCRIPTION SUMMARY:

This is a follow-on Land Use Permit for a Substantial Conformity Determination (09SCD-00000-00006) pertaining to the approved Conditional Use Permit [06CUP-00000-00009], permitting the following:

1. Increase the height of meteorological towers ("met towers") #13 and #15 from 60 to 80 meters. The work involves installation of 6 new guy wires for each tower, addition of bird flight diverters, FAA-required nighttime obstruction lighting (flashing red beacons), painting of the towers in alternating aviation orange and white bands, and addition of solar panels and electrical equipment to power the lighting.
2. Extend the latest removal date of met towers #13 and #15 from February 10, 2010, until December 31, 2010.
3. Extend the latest removal date of the existing met tower #2009 from 90 days after CUP approval to December 31, 2010. Bird flight diverters will be installed on the guy wires.
4. Re-instrument the existing met tower #2003 and extend the latest removal date of met tower #2009 from 90 days after CUP approval to December 31, 2010. Bird flight diverters will be installed on the guy wires.
5. Remove all other existing temporary met towers by April 30, 2009.
6. Modify the project description to include only one permanent 30-meter, unguyed met tower for the project, instead of up to ten 80-meter towers as described in the Board-approved project description.

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 06CUP-00000-00009; 09SCD-00000-00006; 07BAR-00000-00156; 08VAR-00000-00003; 06EIR-00000-00004; 08APL-00000-00034; 08APL-00000-00035.

PERMIT COMPLIANCE CASE:

No Yes; Permit Compliance Case (PMC) #: 09PMC-00000-00037

BOARD OF ARCHITECTURAL REVIEW (BAR): No (The met towers are outside the scope of BAR review.)

TERMS OF PERMIT ISSUANCE:

1. Mailing and Posting Notice. Mailed notice of the subject Land Use Permit application shall be provided to neighboring property owners as required by ordinance. The applicant shall provide proof of mailing and posting of the required notice by filing an affidavit of noticing with the Planning and Development Department no later than 10 days following an action by the Director to approve the permit. A weather-proofed copy of the notice shall be posted by the Applicant in one conspicuous place along the perimeter of the subject property. The notice shall remain posted continuously until at least 10 calendar days following approval of the permit. (Sections 35.106.030 & 35.496.030)

2. Work Prohibited Prior to Permit Issuance. No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

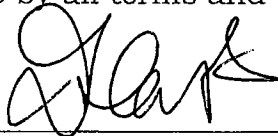
3. Date of Permit Issuance. This Permit shall be deemed effective and issued on the **Date of Permit Issuance** as identified above, provided:

- a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
- b. The **Affidavit of Posting Notice** was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and
- c. No appeal has been filed.

4. Time Limit. Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

NOTE: This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

DAVID HASTINGS

/ 17 Apr 2009

Print Name
Signature
Date

Planning & Development Issuance by:

Planner
Date

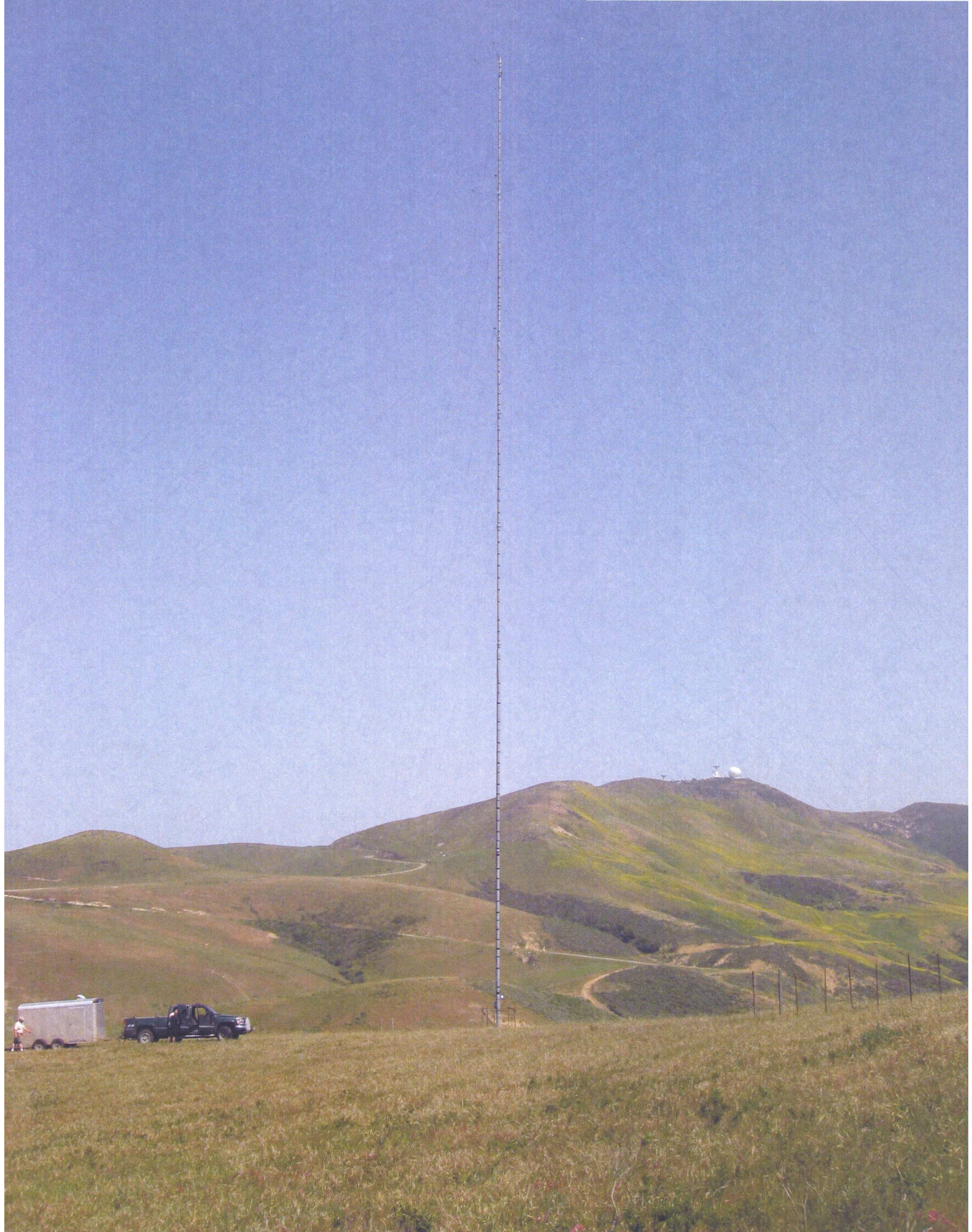
ATTACHMENT A
CONDITIONS OF APPROVAL

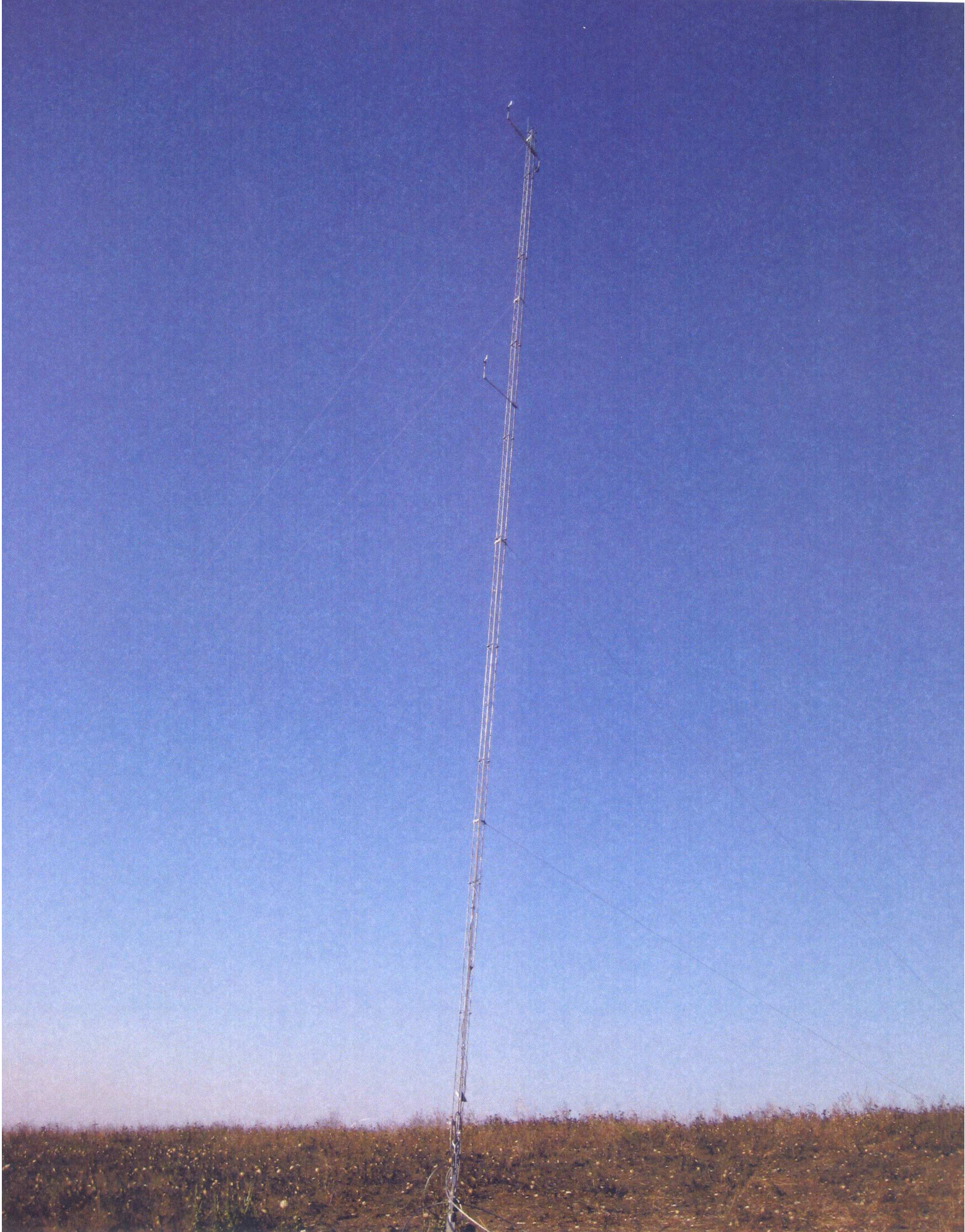
1. All conditions of 06CUP-00000-00009 shall apply.

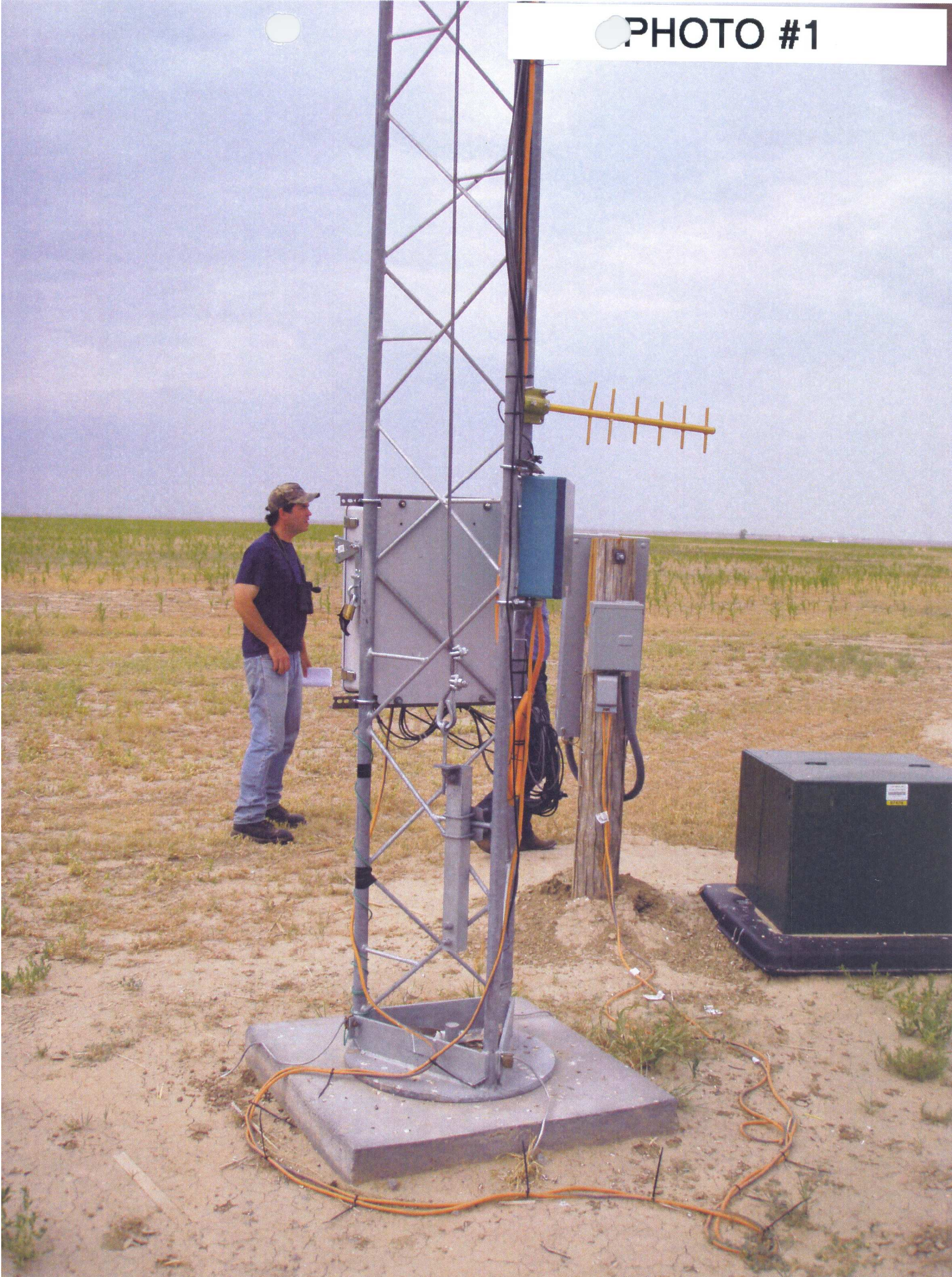
ATTACHMENT G

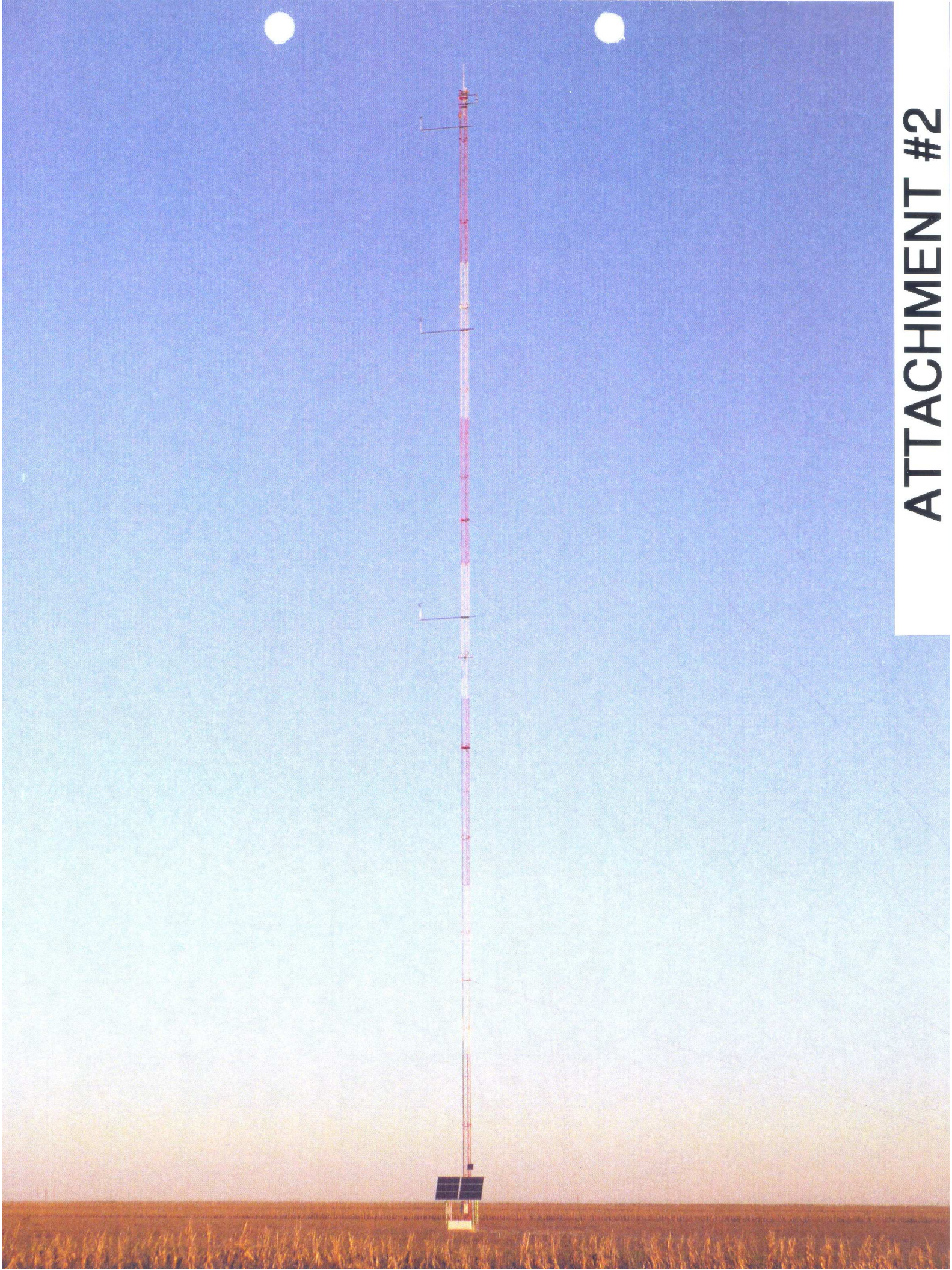
METEOROLOGICAL TOWER PHOTOGRAPHS

- | | |
|-----------------------|---|
| “Photo 11” | Existing 60-meter tower #2009 |
| “Photo 9” | Existing 60-meter tower #15 (to be increased to 80 meters) |
| “Photo 1” | Base of 60 meter tower |
| “Attachment 2” | Example of 80-meter tower (same model as #15 after modification) |
| “Photo 7” | Base of 80-meter tower (same model as #15 after modification) |









ATTACHMENT #2

PHOTO #7



Lompoc Wind Energy Project / 09APL-00000-00011
Appeal of LUP for Met Tower Modification
Planning Commission Hearing Date: July 15, 2009

Staff Report
Attachment H

ATTACHMENT H

BEDFORD APPEAL OF LAND USE PERMIT



Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of :

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

- ✓ APPLICATION FORM
- ✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

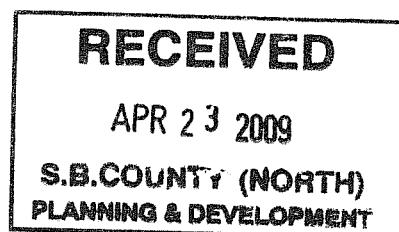
South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	Energy Division 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2040 Fax: (805) 568-2522	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax : (805) 568-2249
Website: www.sbcountyplanning.org			

SUBMITTAL REQUIREMENTS

- ✓ 8 Copies of the attached application.
- ✓ 8 Copies of a written explanation of the appeal including:
 - If you are not the applicant, an explanation of how you are an **"aggrieved party"** ("Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.");
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- ✓ 1 Check payable to Planning & Development.

✓
✓ Note: There are additional requirements for certain appeals including:

- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).





PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 3525-5555 San Miguelito Rd Lompoc Ca 93436
 ASSESSOR PARCEL NUMBER: 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004, 083-100-008, 083-250-011, 083-250-012
 PARCEL SIZE (acres/sq.ft.): Gross N/A Net N/A
 COMPREHENSIVE/COASTAL PLAN DESIGNATION: N/A ZONING: Aq-2-100
 Are there previous permits/applications? no yes numbers: 09 PMC - 00000 - 00037
06 LUP - 00000 - 00009 (include permit# & lot # if tract)
 Are there previous environmental (CEQA) documents? no yes numbers: _____

1. **Appellant:** George + Cheryl Bedford Phone: 905 698 9712 FAX: _____
 Mailing Address: 1300 N "H" St. Lompoc Ca 93436 E-mail: Suuser@Verizon.net
Street City State Zip

2. **Owner:** _____ Phone: _____ FAX: _____
 Mailing Address: _____ E-mail: _____
Street City State Zip

3. **Agent:** _____ Phone: _____ FAX: _____
 Mailing Address: _____ E-mail: _____
Street City State Zip

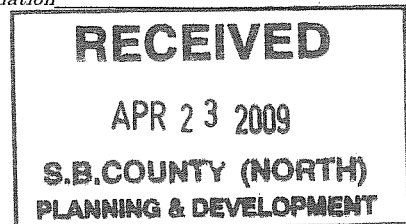
4. **Attorney:** _____ Phone: _____ FAX: _____
 Mailing Address: _____ E-mail: _____
Street City State Zip

083, 090, 004, 083 - 100 - 007

COUNTY USE ONLY

Case Number 09APL-00000-00011 of 09LUP-00146
 Supervisorial Bedford Appeal of Wind Energy
 Applicable Zc 3523-55555 San Miguelito Road
 Project Plan 083-080-004 and others
 Zoning Design Planner: John Day

Companion Case Number: _____
 Submittal Date: 4-23-09
 Receipt Number: _____
 Accepted for Processing _____
 Comp. Plan Designation _____



COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title Lompoc Wind Energy Project

Case No. Meteorological Towers - 09 LUP - 00000 - 00140

Date of Action 4-23-09

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? _____

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

Neighboring property owner

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

Significant Alteration To Approved EIR.
 NOT MINOR Alterations
 Requires Further CEQA Analysis
 This is Not what was Approved!

Specific conditions imposed which I wish to appeal are (if applicable):

- Project appealed based on
- 09LUP-00000-00146
-
-

Please include any other information you feel is relevant to this application.

