

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.**

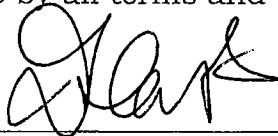
3. Date of Permit Issuance. This Permit shall be deemed effective and issued on the **Date of Permit Issuance** as identified above, provided:

- 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.