

ORDINANCE NO. 9596 (NEW SERIES)

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO CLARIFY THE
REQUIREMENTS FOR WIND ENERGY SYSTEMS

REF: POD 02-02

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose. The following amendments to The Zoning Ordinance are intended to bring the County Zoning Ordinance into compliance with the new State law for Wind Energy Systems and increase aesthetic protections for neighbors.

Section 2. 6156 is hereby amended to read as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

a-y [No Change]

- z. Wind Turbine Systems, Small: A small wind turbine system shall be permitted on a parcel of at least one acre and in compliance with the following conditions:
1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blades in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements. See Subsection 7 for the exception to this setback requirement.
 2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
 3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.
 4. Noise. The wind turbine shall be operated in such a manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control). See Subsection 7 for the exception to this noise standard.

5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. See Subsection 7 for the exception to this height standard.
6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.
7. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.13 (c)(1), the requirements for setbacks, noise and height are reduced as follows:
 - (a) The system shall be set back from property lines at least the height of the wind system. The system must also comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
 - (b) Decibel levels for the system shall not exceed the lesser of 60 decibels or the sound limits of the Noise Element of the San Diego County General Plan, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
 - (c) Height. Height of a small wind turbine system shall not exceed either of the following:
 - (1) Up to 65 feet on parcels less than 5 acres in size, and up to 80 feet on parcels 5 acres or more.
 - (2) Height cannot exceed manufacturer's recommendations.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

aa-zz [No Change]

Section 3. 6950 is hereby amended to read as follows:

6950 WIND TURBINE SYSTEM, MEDIUM.

A medium wind turbine system shall be permitted on a parcel of at least one acre and require an Administrative Permit approved in accordance with the Administrative Permit Procedure commencing at Section 7050 and the following requirements:

- a. Notification. Notification shall be in accordance with paragraph c of Section 7060.

- b. **Setback.** The wind turbines shall be set back from property lines and roads at least three times the height of the wind turbine (to the top of blade in vertical position) and shall meet the applicable setback requirements of the zone. The system must also meet fire setback requirements. See paragraph i below for the exception to this setback requirement.
- c. **Fencing.** Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- d. **Signs.** Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.
- e. **Review.** Review shall include an assessment of the impact on adjacent property with regard to:
 - 1. Location of installation in its relation to topographic features which would constitute an unusual safety hazard.
 - 2. Sensitivity of adjacent uses to noise and electrical interference and visual impact.
- f. **Noise.** The system shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control). See paragraph i below for the exception to this noise standard.
- g. **Height.** For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 60 feet. See paragraph i below for the exception to this height standard.
- h. It shall be a condition of the permit that non-operational wind turbines shall be removed within 12 months after becoming non-operational.
- i. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.13(c)(1), the requirements for setbacks, noise and height are reduced as follows:
 - 1. The system shall be set back from property lines at least the height of the wind system. The system must also comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.

2. Decibel levels for the system shall not exceed the lesser of 60 decibels or the sound limits of the Noise Element of the San Diego County General Plan, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.
3. Height of a small wind turbine system shall not exceed either of the following:
 - (a) Up to 65 feet on parcels less than 5 acres in size, and up to 80 feet on parcels 5 acres or more.
 - (b) Height cannot exceed manufacturer's recommendations.

Any waiver of modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

Section 4. 6951 is hereby amended to read as follows:

6951 WIND TURBINE SYSTEM, LARGE.

Large wind turbine systems shall be permitted on a parcel of at least five acres and considered a Major Impact Services and Utilities use type requiring a Major Use Permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and the following requirements:

- a. Setbacks. The wind turbines shall observe the following setbacks measured from the closest point on the base or support structure. For purposes of calculating setbacks, height of the wind turbines shall mean the distance from ground to the top of blade in vertical position:
 1. From property lines or public road setback four times the height.
 2. From all existing residences or buildings occupied by civic use types setback 8 times the height.
 3. From the furthestmost property line of adjacent parcels which are vacant setbacks nine times the total height.
 4. Setbacks for experimental wind turbines (those which are not produced by an established wind turbine manufacturer on a production basis) may be greater than those specified above based on the discretion of the permit granting authority.
 5. Setbacks may be reduced up to a maximum of 50 percent with the written consent to the granting of a setback reduction signed by the owner or owners of each lot or parcel affected by the proposed setback reduction.

See paragraph k below for the exception to this setback requirement.

- b. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- c. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.
- d. Noise. The project shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control). See paragraph k below for the exception to this noise requirement.
- e. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 80 feet. See paragraph k below for the exception to this height requirement.
- f. Visual. The following measures should be followed whenever possible in order to minimize the visual impact of the project:
 - 1. Removal of existing vegetation should be minimized.
 - 2. Internal roads should be graded for minimal size and disruption.
 - 3. Any accessory buildings should be painted or otherwise visually treated to blend with the surroundings.
 - 4. The turbines and towers should be painted with non-reflective paint to blend with the surroundings.
- g-j [No Change]
- k. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.13(c)(1), the requirements for setbacks, noise and height are reduced as follows:
 - 1. The system shall be set back from property lines at least the height of the wind system. The system must also comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.

2. Decibel levels for the system shall not exceed the lesser of 60 decibels or the sound limits of the Noise Element of the San Diego County General Plan, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.
3. Height of a small wind turbine system shall not exceed either of the following:
 - (a) Up to 65 feet on parcels less than 5 acres in size, and up to 80 feet on parcels 5 acres or more.
 - (b) Height cannot exceed manufacturer's recommendations.

Section 5. Effective Date. The Ordinance shall take effect and be in force thirty days after the date of its passage, and before the expiration of fifteen days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

BOARD09-17\POD0202-ORDCLN;tf

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY Paul McQuinn
SENIOR DEPUTY 8/27/03

PASSED, APPROVED and ADOPTED this 17th day of September, 2003.



GREG COX, CHAIRMAN

Board of Supervisors, County of San Diego, State of California

The above Ordinance was adopted by the following vote:

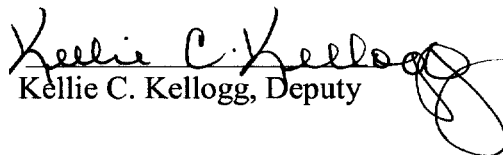
AYES: Cox, Jacob, Slater, Roberts, Horn

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ATTEST my hand and the seal of the Board of Supervisors this 17th day of September, 2003.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By



Kellie C. Kellogg, Deputy

