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DEPARTMENT OF PLANNING AND LAND USE

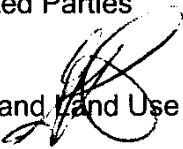
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May 22, 2003

TO: Community Planning Groups/
Sponsor Groups/Interested Parties

FROM: Gary L. Pryor, Director
Department of Planning and Land Use 

RE: REQUEST FOR COMMENTS CONCERNING AN ORDINANCE
AMENDMENT CLARIFYING THE REQUIREMENT FOR WIND ENERGY
SYSTEMS (POD 02-02)

The San Diego County Department of Planning and Land Use is proposing to amend the County's Zoning Ordinance. The proposed amendment (POD 02-02) would bring the County Zoning Ordinance into compliance with the new State law for Wind Energy Systems and increase aesthetic protection for neighbors. The proposed amendment is described below:

POD 02-02

1. The proposed Zoning Ordinance amendment to Section 6156(z), Small Wind Turbine Systems, establishes a minimum parcel size for Small Wind Energy Systems as required by State law and a reduction of setbacks, noise limits, and establish allowable heights.
2. The proposed amendment to Section 6950 of The Zoning Ordinance, Medium Wind Turbine Systems, would establish a minimum parcel size and allowable height and a change in setbacks for Medium Wind Energy Systems.
3. The proposed amendment to Section 6951, Large Wind Turbine Systems, establishes a minimum parcel size and allowable height and a change in setbacks for Large Wind Energy Systems.

ORDINANCE NO. _____ (NEW SERIES)

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

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 Zoning Ordinance into compliance with the new State law for Wind Energy Systems.

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 wind turbine system, small shall be permitted on ~~building sites~~ 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 2 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. Height of small wind turbine system shall not exceed the applicable height standards of the zone. See Subsection 7 for the exception to this height standard.
6. Any non-operational wind turbines shall be removed pursuant to Sections 6951(g) and (h).
7. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.12 (c)(1), the requirements for setbacks height and noise are reduced as follows:
 - (a) The system shall be setback from property lines and roads 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 Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control), except during short-term events such as utility outages and severe wind storms.
 - (c) 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.
 - (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.

aa-zz [No Change]

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

6950 WIND TURBINE SYSTEM, MEDIUM.

A wind turbine system, medium 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. [No Change]

- b. Setback. The wind turbines shall be set back from property lines and roads at least 3 times the height of the wind turbine (to the top of blade in vertical position). See Section 6156 (z)(7) of the County Zoning Ordinance for the exception to this setback requirement.
- c-e [No Change]
- 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 Section 6156 (z)(7) of the County Zoning Ordinance for the exception to this noise standard.
- g. Height. The system shall not exceed the applicable height standards of the zone. See Section 6156 (z)(7) of the County Zoning Ordinance for the exception to this height standard.
- h. It shall be a condition of the permit that non-operational wind turbines shall be removed pursuant to Sections 6951(g) and (h).
- 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 setback for the system shall be at least the height of the 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 comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code. See Section 6156 (z)(7) of the County Zoning Ordinance for the exception to this setback requirement.
 - 2. Decibel levels for the system shall not exceed the lesser of 60 decibels or the sound limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control), except during short-term events such as utility outages and severe wind storms.
 - 3. 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.
 - (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.

Wind turbine systems, large shall be permitted on a parcel of at least one acre 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-d [No Change]

e. Height. The system shall not exceed the applicable height standards of the zone. See Section 6156 (z)(7) of the County Zoning Ordinance for the exception to this height standard.

f-j [No Change]

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 San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

BOARD03\MISC\POD 0202 ORDINANCE-0103;tf