

Proposed Development Code Change

Small Wind Energy Systems

**Table 82-17
Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD-RES ⁽⁵⁾	SD-COM ⁽⁵⁾	SD-IND ⁽⁵⁾	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Broadcasting studio	M/C	M/C	M/C	CUP ⁽³⁾	CUP ⁽³⁾	CUP ⁽³⁾	
Communication contractor	M/C	M/C	M/C	M/C ⁽⁷⁾	M/C ⁽⁷⁾	M/C ⁽⁷⁾	
Electrical power generation ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
Parking lots, accessory	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Parking structures	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations ⁽⁴⁾	(4)	(4)	(4)	(4)	(4)	(4)	
Sewage treatment and disposal facility ⁽⁶⁾	—	—	CUP	—	—	—	
Solid waste disposal ⁽⁶⁾	—	—	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

CHAPTER 84.26 ACCESSORY WIND ENERGY SYSTEMS -

Sections:

- 84.26.010 Purpose
- 84.26.020 Applicability
- 84.26.030 Development standards

84.26.010 Purpose

As allowed by Government Code Section 65892.13, the purpose of this Chapter is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

Adopted Ordinance 4011 (2007)

84.26.020 Applicability

This Chapter provides development standards for accessory wind energy systems.

Adopted Ordinance 4011 (2007)

84.26.030 Development Standards

- (a) **Maximum Number of Accessory Wind Energy Systems.** . . The maximum number of Accessory Wind Energy Systems on a single parcel is determined by the total combined rated kW hours for all the wind turbines in a system. Wind turbines are defined in Section 810.010.250 (m)(4) of this Title. The maximum number of Accessory Wind Energy Systems is as follows:

Table 84-14a
Maximum Number of Accessory Wind Energy Systems

	Type of System	Requirements
Maximum Number of kW	Residential	10 kW
	Non-Residential	50 kW or verified actual energy use
Maximum Number of Turbines in the System	Building-Mounted Turbines	Based on the maximum number of kW
	Tower-Mounted Turbines	Based on the maximum number of kW Only 1 turbine shall be attached to each tower
	Combined Building Mounted and Tower Turbines	Based on the maximum number of kW Only 1 turbine shall be attached to a tower

- (b) **Maximum tower height.** The tower height limitations in Table 84-14b (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

Table 84-14b
Maximum Tower Heights for Accessory Wind Energy Systems

Land Use Zoning District (parcel size within zoning district)	Region		
	Valley	Mountain	Desert
AG	80'	80'	120'
RC	80'	80'	120'
RL (minimum one-half acre)	65'	65'	80'
RL-5, RL-10, RL-20, RL-40	80'	80'	100'
RM (minimum one-half acre)	52.5'	52.5'	52.5'
RS (minimum one-half acre)	52.5'	52.5'	52.5'
All other land use zoning districts	65' ⁽¹⁾	65' ⁽¹⁾	80' ⁽¹⁾
Note: (1) Or the maximum structure height specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning district in which the system is located, whichever is greater.			

- (c) **System Separation Requirements.** All units located on the same parcel shall be separated from each other in accordance with the manufacturer's recommended distances.
- (d) **Setbacks.** The minimum setback from any property line shall be equal to the system height.
- (e) **Climbing apparatus.** Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

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- (f) **Lighting.** Tower structure lighting shall be prohibited unless required by another code or regulation.
- (g) **Noise.** The noise performance standards in Section 83.01.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.). The noise ratings as published by the manufacturer of a system proposed for installation shall be submitted to the County for review at the time of the submittal of an application for an Accessory Wind Energy System Permit. If multiple systems are being proposed, the noise ratings shall be modified to address the number of systems being installed.
- (h) **Visual effects.** An accessory wind energy system shall not substantially obstruct views of adjacent property owners.
- (i) **Location.**
- (1) An accessory wind energy system shall be placed or constructed below any major ridgeline when viewed from any designated scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).
 - (2) An accessory wind energy system shall not be:
 - (A) Located within a scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).
 - (B) Allowed where otherwise prohibited by any of the following:
 - (I) The Alquist-Priolo Earthquake Fault Zoning Act.
 - (II) The terms of any easement.
 - (III) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.
- (j) **Turbine certification.** All Wind Turbines in an Accessory Wind Energy System shall be approved by the California Energy Commission as eligible in its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or has been certified by a national program recognized and approved by the Energy Commission including the Clean Energy States Alliance.
- (k) **Engineering analysis.** The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code (CBC) or the California Residential Code (CRC) and certification by a professional mechanical, structural, or civil engineer licensed by the State. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the:
- (1) CBC or CRC requirements for the applicable wind speed and exposure;

- (2) CBC or CRC requirements for the applicable seismic design category;
- (3) Requirements for a soil strength of not more than 1,000 pounds per square foot;
or
- (4) Other relevant conditions normally required by a local agency.
- (l) **Compliance with aviation law.** The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code Section 21001 et seq.).
- (m) **Compliance with electrical code.** The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the installation conforms to the California Electric Code (CEC).
- (o) **Reduction in onsite electricity consumption.** The system shall be used primarily to reduce onsite consumption of electricity.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010); Amended Ordinance XXXX (2012)

CHAPTER 85.18 ACCESSORY WIND ENERGY SYSTEM PERMIT

Sections:

- 85.18.010 Purpose
- 85.18.020 Applicability
- 85.18.030 Procedures
- 85.18.040 Abandonment

85.18.010 Purpose

As allowed by Government Code Section 65892.13, the purpose of this Chapter is to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

Adopted Ordinance 4011 (2007)

85.18.020 Applicability

- (a) **Accessory Wind Energy System Permit.** An accessory wind energy system, as defined by Section 810.010.250 (Definitions, “W”) and where allowed by Division 2 (Land Use Zoning Districts and Allowed Land Uses), shall require an Accessory Wind Energy System Permit and shall be subject to the requirements and standards in this Chapter.
- (b) **Exemptions.** A single accessory wind energy system that is 35 feet or less in height shall be exempt from the requirement to obtain an Accessory Energy System Permit. Multiple systems on the same parcel, even if they are 35 feet or less in height, shall be required to obtain an Accessory Wind Energy System Permit. All accessory wind energy systems shall comply with the standards outlined in this chapter, including those systems exempted from the Accessory Wind Energy System Permit Process pursuant to Section 85.18.020(b).

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010); Amended Ordinance XXXX (2012)

85.18.030 Procedures

- (a) **Action.** The Director shall review and act upon an application for approval of an Accessory Wind Energy System Permit.

- (b) **Procedure.** Staff Review With Notice in compliance with Section 85.02.030 (Staff Review with Notice).
- (c) **Notification.**
- (1) **Surrounding property owners.** Notice shall be given by first class mail or delivery to all surrounding property owners within 300 feet of the boundaries of the parcel of the subject site when the application is accepted as complete.
 - (2) **Electric utility service provider.** If the applicant plans to connect the system to the electricity grid, the applicant shall submit documentation from the electric utility service provider that serves the proposed site confirming they have been informed of the applicant's intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, notice to the electric utility service provider shall not be required.
 - (3) **Pest control service providers.** In the event an accessory wind energy system is proposed to be sited as an accessory to an agricultural use that may have aircraft operating at low altitudes, the applicant shall take reasonable steps to notify pest control aircraft pilots registered to operate in the County.
 - (4) **Military airspace authority.** An accessory wind energy system shall not be sited on land within a restricted military airspace without first giving adequate notice to the governing authority of that airspace.
- (d) **Review Authority.** Director.
- (e) **Findings required.** Before approving an application for an Accessory Wind Energy Permit, the Director shall find and justify that all of the following are true:
- (1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the proposed use.
 - (2) The site for the proposed use has adequate access (i.e., the site design incorporates street and highway limitations).
 - (3) The proposed use will not have a substantial adverse effect on adjacent property or the use of the adjacent property (e.g., excessive noise, vibration, traffic, other disturbance, etc.) and will not have a substantial visual impact on adjacent property.
 - (4) The proposed use is consistent with the goals, policies, standards and maps of the General Plan and any applicable Community Plan or Specific Plan.
 - (5) The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.

Adopted Ordinance 4011 (2007)

85.18.040 Abandonment

Under normal occupancy, an accessory wind energy system that is not operated for a continuous period of 12 months shall be considered abandoned. The owners of the system shall remove all structures within 90 days of receipt of notice from the County advising the owner of the abandonment. If the system is not removed within 90 days, the County may remove all structures at the owner's expense.

Adopted Ordinance 4011 (2007)

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810.01.250 Definitions, "W."

- (a) **Wall Sign.** See "Sign."
- (b) **Warehouse.** See "Storage Warehouse."
- (c) **Warehouse Retail (see Land Use Tables).** A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.
- (d) **Watercourse.** Any natural or man-made channel where water is concentrated or collected from a tributary drainage area. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- (e) **Water-Intensive Landscaping.** Landscaping that has a plant factor of 0.7 or greater.
- (f) **Watering Window.** The time within a 24 hour period in which an irrigation system is allowed to operated.
- (g) **Water Use Classification of Landscape Species (WUCOLS).** The third edition of the publication from the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation regarding plant material and their water use needs.
- (h) **Weather Sensing Devices.** Irrigation components that detect adverse weather conditions (e.g. rain, wind, frost, etc.) and will automatically override the pre-programmed irrigation schedule during adverse weather events.
- (i) **Wholesale.** A sale of commodities or goods to others for resale and not normally to the ultimate consumer. Sales can normally employ warehouses, open enclosures and office space for the assembly, storage, distribution and display of merchandise for large quantity sales to community or regional retailers, manufacturers, and agricultural, commercial, industrial, institutional and professional uses. Sales may include the rendering of services incidental to and supportive of the sale of merchandise.
- (j) **Wholesaling and Distribution (see Land Use Tables).** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Examples of these establishments include:
 - agents, merchandise or commodity brokers, and commission merchants

- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

- (k) **Wine Tasting.** A facility or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.
- (l) **Wildland.** Timber, range, watershed and brush lands not under cultivation and in which development is essentially nonexistent; usually rugged open space terrain.
- (m) **Wind Energy System (see Land Use Tables).** A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:
- (1) **Accessory Wind Energy System.** An Accessory Wind Energy System consists of one or more wind turbines that generate electricity primarily for the principal use on a site. (When referring to accessory wind energy systems, primarily means that more than 50% of the energy shall be used on site.) An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An Accessory Wind Energy System typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.
 - (2) **System Height.** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.
 - (3) **Tower Height.** The height above grade of the fixed portion of the tower, excluding the wind turbine.
 - (4) **Wind Turbine.** A device which converts the kinetic energy of wind into a usable form of electric energy. A wind turbine may consist of a tower, turbine, support structures, electrical wires, guy wires and other related equipment.