

ORDINANCE NO. 10220 (NEW SERIES)

AN ORDINANCE AMENDING SAN DIEGO COUNTY ZONING ORDINANCE
SECTION 6951 RELATED TO HEIGHT AND SETBACK REQUIREMENTS FOR A
SPECIFIC LARGE WIND TURBINE PROJECT

REZ 3600 12-002

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

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be amended by providing specific height and setback limitations for the Tule Wind Project. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 6951, subdivision (a), of the Zoning Ordinance is amended to read as follows:

- 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 4 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 setback 9 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% 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.
 6. Notwithstanding of the setbacks listed in subsections 1, 2, 3, and 5 above, setbacks for wind turbines located on land subject to the Tule Wind Energy Project Major Use Permit (3300 09-019 (MUP)) shall comply with the following requirements:

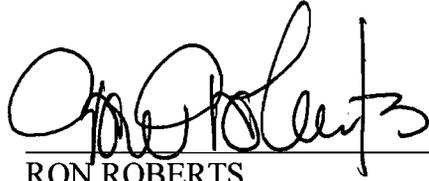
- (a) From any existing residence or buildings occupied by civic use types, four (4) times turbine tip height, when measured from center of turbine to residence or building occupied by civic use type; and
- (b) From any adjacent property line of a property owner that is participating in the project, 101% of the blade length, when measured from center of turbine to property line: unless either (i) written consent signed by the owner(s) of each lot or parcel affected by the proposed setback reduction is obtained or (ii) the lot or parcel affected by the proposed setback is owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the EIR/EIS for the Tule Wind Energy Project; and
- (c) From any adjacent property line of a property owner that is not participating in the project, 131% of the turbine tip height, when measured from center of turbine to property line; unless either (i) written consent signed by the owner(s) of each lot or parcel affected by the proposed setback reduction is obtained or (ii) the lot or parcel affected by the proposed setback is owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the EIR/EIS for the Tule Wind Energy Project; and
- (d) From the edge of public road right-of-way, 131% of the turbine tip height, when measured from center of turbine; and
- (e) From the edge of transmission line easement or right-of-way, 101% of turbine tip height, when measured from center of turbine.

Section 3. Section 6951, subdivision (e), of the Zoning Ordinance is amended to read as follows:

- 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 (turbine tip height). The system shall not exceed 80 feet, except for any wind turbine located on land subject to the Tule Wind Energy Project Major Use Permit (3300 09-019 (MUP)), which shall be permitted to exceed 80 feet so long as the Federal Aviation Administration has issued a Determination of No Hazard for the turbine.

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 8th day of August, 2012.



RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Roberts, Horn
NOES: Jacob, Slater-Price

ATTEST my hand and the seal of the Board of Supervisors this 8th day of August, 2012.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Catherine Santos, Deputy



Ordinance No. 10220 (N.S.)
Meeting Date: 8/08/12 (5)