



**DATE:** October 5, 2012

**TO:** Planning Commission

**SUBJECT:** WIND ENERGY ZONING ORDINANCE AMENDMENT - REVIEW OF BOARD OF SUPERVISORS AMENDMENTS; POD 10-007 (District: All)

**SUMMARY:**

**Overview**

On July 20, 2012 the Planning Commission recommended approval of the wind energy ordinance amendment with the incorporation of some modifications. Subsequent to the Planning Commission's action, the Board of Supervisors adopted amendments to the same sections of the Zoning Ordinance in connection with the Tule Wind project on August 8, 2012. Pursuant to State Government Code Section 65857, changes made by the Board to the ordinance resulting from the Tule Wind action must be referred back to the Planning Commission as they were not previously considered by the Planning Commission as part of the wind energy zoning ordinance amendment project. This action requests that the Planning Commission provide a recommendation on the amended wind energy ordinance amendment resulting from the Board's approval of the Tule Wind project.

**Recommendation(s)**

**DEPARTMENT OF PLANNING AND LAND USE**

That the Planning Commission take the following actions:

1. Review and consider the (attached) Form of Ordinance (Attachment A) and recommend the Board of Supervisors adopt:

“AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATED TO WIND ENERGY SYSTEMS (POD 10-007)”

**Business Impact Statement**

N/A

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**Advisory Board Statement**

N/A

**Involved Parties**

County of San Diego

**BACKGROUND:**

On July 20, 2012 the Planning Commission recommended approval of the wind energy ordinance amendment with the incorporation of some modifications. The project is composed of amendments to the County's Zoning Ordinance related to wind turbines and meteorological testing facilities (MET) facilities.

Today's action is a procedural matter and largely the result of two separate projects involving amendments to the Zoning Ordinance related to wind energy being processed independent of each other but during the same time frame. Although the Tule Wind project Zoning Amendment language has already been adopted and is in effect, it was not reviewed by the Planning Commission during the course of the wind energy zoning ordinance amendment project. State Government Code Section 65857 as shown below, requires that it first be referred to the Planning Commission for recommendation prior to the Board of Supervisors taking action on the wind energy zoning ordinance amendment project. The Tule Wind project Zoning Amendment provided project specific provisions to implement the Tule Wind project and will not impact or alter any of the wind energy zoning amendment provisions previously considered by the Planning Commission.

*State Government Code Section 65857 - The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.*

Please note the Tule Wind project Zoning Amendment language that has been incorporated into the wind energy ordinance amendment has been highlighted in Attachment B.

cc:

All Community Planning and Sponsor Groups

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**ATTACHMENTS:**

Attachment A – Resolution or Form of Decision Approving (POD10-007)

Attachment B – Resolution or Form of Decision Approving (POD10-007)-Strikeout/Underline

**CONTACT PERSON:**

Jeff Murphy

Name

858-694-3765

Phone

858-694-2485

Fax

O650

Mail Station

Jeff.Murphy@sdcountry.ca.gov.

E-mail

Matthew Schneider

Name

858-694-3714

Phone

858-694-2485

Fax

O650

Mail Station

Matthew.Schneider@sdcountry.ca.gov.

E-mail

**AUTHORIZED REPRESENTATIVE:**

  
MARK WARDLAW, DIRECTOR

