APPENDIX A
ZONING ORDINANCE AMENDMENTS POD 10-007

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO WIND ENERGY SYSTEMS

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

Section 1. The Board of Supervisors finds and determines that wind power is an important renewable source of energy, and the Zoning Ordinance should be amended to update and streamline the provisions that regulate wind energy systems This ordinance is consistent with State laws that encourage the construction of wind energy systems. The amendments made by this ordinance are intended to set forth reasonable standards and procedures for the installation and operation of Wind Turbine Systems to improve and enhance public welfare and safety, and to implement the Energy Element of the San Diego County General Plan.

Section 2. Section1110, DEFINITIONS (A), of the Zoning Ordinance is amended to add a definition for A-Weighted Sound Level (dBA), to read as follows:

A-Weighted Sound Level (dBA). The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.

Section 3. Section1110, DEFINITIONS (B), of the Zoning Ordinance is amended to add a definition for Background Sound (L_{90}), to read as follows:

Background Sound Level (L_{90}). The measurement of the average sound level during the quietest continuous ten minutes during a 24-hour period. L90 may be measured relative to A-weighting or C-weighting, in which case it would be denoted as LA90 and LC90, respectively.

Section 4. Section1110, DEFINITIONS (C), of the Zoning Ordinance is amended to add a definition for C-Weighted Sound Level (dBC), to read as follows:

C-Weighted Sound Level (L_{Ceq}). The sound level in decibels as measured on a sound level meter using the C-weighting network. The C-weighting network measures sound that contains large low-frequency components. Sound measured using the C-weighting network is designated dBC.

Section 5. Section1110, DEFINITIONS (L), of the Zoning Ordinance is amended to add a definition for Long-Term Background Sound Level, to read as follows:

Long-Term Background Sound Level. The Background Sound Level measured as LA90 (A-weighting) plus 5 dBA.

Section 6. Section1110, DEFINITIONS (M), of the Zoning Ordinance is amended to add a definition for Military Operating Area, to read as follows:

Military Operating Area. A three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude) and ceiling (maximum altitude) above mean sea level.

Section 7. Section 1110, DEFINTIONS (N) of the Zoning Ordinance is amended to add a definition for Nacelle to read as follows;

Nacelle. Wind turbine component which typically houses internal mechanical and electrical parts, such as generators, gearboxes, drive trains, and brake assembly.

Section 8. Section1110, DEFINITIONS (R), of the Zoning Ordinance is amended to add a definition for Ridgeline, to read as follows:

Ridgeline. The plateau or maximum elevation which extends along the top of Steep Slope Lands.

Section 9. Section1110, DEFINITIONS (T), of the Zoning Ordinance is amended to add a definition for Trellis Tower, to read as follows:

Trellis Tower: A structure made of interwoven pieces of wood, metal or synthetic material to support an object, such as a wind turbine or antenna array.

Section 10. Section 1110, DEFINITIONS (W), of the Zoning Ordinance is amended to delete the definition of Wind Turbine System, Medium, add definitions for Wind Turbine Height, and Wind Turbine Tower Height, and to revise the definitions of Wind Turbine System ,Small~~,~~; Wind Turbine System, Large~~,~~; and Wind Turbine, Non Operational to read as follows:

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.

Wind Turbine Height: The distance from existing grade at the base of the tower to the highest point of the turbine blade when in use

Wind Turbine Tower Height: The distance from existing grade at the base of the wind turbine tower to the top of the tower excluding the nacelle and turbine blades.

Small Wind Turbine ~~System~~, ~~Small~~: ~~An installation consisting of no more than one wind turbine with a maximum blade swept area of 220 square feet. This area shall be measured in the vertical plan perpendicular to the wind direction. (A 220 square foot blade swept area corresponds approximately with a blade diameter of 16.5 feet for a conventional horizontal axis wind turbine).~~ A wind turbine with or without a tower, which has a rated capacity of not more than 50 kilowatts that generates electricity primarily for use on the same lot on which the wind turbine is located.

~~Wind Turbine System, Medium: An installation consisting of one to five wind turbines in which the sum of the blade swept area of the turbines is no more than 850 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A~~

~~850 square foot blade swept area corresponds approximately with a blade diameter of 33 feet for one conventional horizontal axis wind turbine).~~

Large Wind Turbine ~~System, Large~~: ~~An installation consisting of one or more wind turbines in which the sum of the blade swept area of all turbines is greater than 850 square feet. This area shall be measured in the vertical plane perpendicular to wind direction. No individual wind turbine shall have a blade swept area greater than 6400 square feet.~~ A wind turbine with or without a tower, which has a rated capacity of more than 50 kilowatts, that generates electricity for use on or off the same lot on which the turbine is located. ~~The~~ "Large Wind Turbine ~~System, Large~~" shall be classified as a Major Impact Services and Utilities use type.

Wind Turbine, Non-Operational: A~~ny~~ wind turbine~~(s) whose~~ ~~a power output (in kilowatt hours) for any consecutive 12 months is~~ that is mechanically inoperable or otherwise no longer converting the kinetic energy of wind into a usable form of electric energy ~~less~~ than 10% of the expected power output. The expected power output for ~~a commercial wind turbine(s) shall be the amount claimed in the company's~~

Section 11. Section1110, DEFINITIONS (Z), of the Zoning Ordinance is amended to add a definition for Zoning Verification, to read as follows:

Zoning Verification Permit. A ministerial permit issued by the Department of Planning and Land Use for purposes of verifying that a particular use or structure complies with all applicable Zoning Ordinance regulations.

Section 12. Section 6123 of the Zoning Ordinance is amended to read as follows:

6123 METEOROLOGICAL TESTING FACILITY

~~The temporary use of a~~A Meteorological Testing (MET) Facility is permitted as a temporary use if the following requirements are met:

a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

   1. ~~That t~~The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

      i. Harmony in scale, bulk, coverage and density;

      ii. The availability of public facilities, services and utilities;

      iii. The harmful effect, if any, upon desirable neighborhood character;

      iv. The generation of traffic and the capacity and physical character of surrounding streets;

      v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; ~~and~~

2. ~~That t~~The impacts, as described in paragraph "a.1" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. ~~That t~~The requirements of the California Environmental Quality Act have been complied with.

~~The applicant has provided the County with an owner consent letter demonstrating, to the satisfaction of the Director, that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.~~

b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.

c. Notification. Notice shall be provided pursuant to Section 7060c.

d. Setback. The MET Facility shall be set back from all property lines and roads by a minimum of the distance equal to the height of the ~~tower or other~~ tallest ~~piece of equipment~~ structure (tower, equipment, etc.) ~~extended above the ground. The MET Facility shall meet~~ or the applicable setback requirements of the zone, whichever is greater. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other ~~necessary~~ related equipment.

e. Minimum Spacing. The MET Facility shall be ~~spaced~~ located at least 500 feet ~~apart~~ from any other MET Facility.

f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sod~~n~~ar equipment. ~~It is preferred that the Facility be located as close as possible to an existing access road.~~ The entire area of disturbance shall be clearly shown on the plans.

g. Size. The MET Facility ~~is allowed~~ may include one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to ~~a size of~~ 120 square feet in size including fencing and noise attenuation walls and may be used ~~for~~ to stor~~age~~ ~~of~~ equipment for the MET Facility.

h. Illumination. ~~There shall be~~ ~~n~~No ~~outdoor~~ exterior lights ~~emissions associated~~ are allowed ~~with~~ on a MET Facility except as required by law ~~the Director, the Federal Aviation Administration or other government agency~~.

i. Height. The MET Facility shall be less than 200 feet in height.

j. Duration. The ~~period of operation of the~~ MET Facility shall not operate for more than ~~exceed~~ three years from the date of approval of the Administrative Permit unless the Director grants an extension. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification of the Administrative Permit pursuant to Section 7072. ~~A time extension is not longer needed if the~~ A MET Facility ~~is~~ approved by a Use Permit may operate for the time period specified in the Use Permit. ~~Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.~~ The MET Facility shall be removed within 30 days of the expiration ~~date~~ of the ~~permit~~ three-year period specified in the Administrative Permit or the time period specified in the Use Permit.

k. Security. The operator shall provide ~~a~~ security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

l. A MET Facility that complies with the height designator in the height schedule of the zone in which the facility is located, is allowed with a Zoning Verification Permit if the facility meets the requirements of subsections b, d, e, f, g, h, and k of this section. The MET Facility shall be removed within three years of the Zoning Verification Permit approval date.

Section 13. Subsection z of Section 6156 of the Zoning Ordinance is amended to read as follows:

z. Small 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 blade 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 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.~~

allowed in accordance with the Renewable Energy Regulations commencing at Section 6951

Section 14. Subsection b of Section 6158 of the Zoning Ordinance is amended to read as follows:

b. Small Wind Turbine ~~System, Small~~. A small wind turbine ~~system, small~~ shall be ~~permitted as an accessory use in all zones where the Civic, Commercial, Industrial or Extractive use types are permitted~~ allowed ~~provided the system complies with the conditions specified in Section 6156z~~ in accordance with the Renewable Energy Regulations commencing at Section 6951.

Section 15. Section 6861of the Zoning Ordinance is repealed.

~~6861 NONCONFORMING LARGE WIND TURBINE SYSTEMS.~~
~~Notwithstanding other provisions of the nonconformity regulations, no large wind turbine system large, which is nonconforming due to the lack of permit shall be allowed to add~~

~~additional wind turbine structures or increase size of existing wind turbines without obtaining a permit as specified in Section 6951.~~

Section 16. Section 6862 of the Zoning Ordinance is amended to read as follows:

6862 ~~ABANDONED~~ NONCONFORMING WIND TURBINES.

~~a. A nonconforming wind turbine shall be considered to be abandoned if its energy output (in kilowatt-hours) for any consecutive twelve months is less than 10% of the expected energy output. (See Definitions "Wind Turbine, Non-Operational")~~

~~b~~a. A nonconforming wind turbine, or a series of wind turbines, which meets the definition of "Wind Turbine, Non-Operational" in Section 1110 ~~has been abandoned~~ shall be removed within 60 days of becoming non-operational~~.~~ ~~The foundation for the wind turbine(s) need not be removed if it does not present a safety hazard, and the top of the foundation is no higher than six inches above ground level.~~ at the property owner's expense, and the site shall be restored to a condition compatible with surrounding properties as determined by the Director of Planning and Land Use. Upon written request by the Department of Planning and Land Use, the owner of a property on which a nonconforming wind turbine is located shall provide documentation to the satisfaction of the Director of Planning and Land Use that the Director may use to determine the operational status of the wind turbine.

Section 17. Section 6950 of the Zoning Ordinance is 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 purpose 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.~~

6950 RENEWABLE ENERGY
The provisions of Section 6950 thru 6959 shall be known as the Renewable Energy Regulations. The purpose of these provisions is to prescribe reasonable standards and procedures for the installation and operation of Solar Energy Systems and Wind Turbines.

Section 18. Section 6951 of the Zoning Ordinance is amended to read as follows:

6951 SMALL WIND TURBINE ~~SYSTEM, LARGE.~~
Small wind turbines shall comply with the following provisions:

a. A maximum of three small wind turbines is allowed on a legal lot as an accessory use to the primary use of the lot in accordance with the following requirements:

1. Setbacks.
   i. A wind turbine that meets the height limit of the zone shall comply with the main building setbacks and may be mounted on a permitted structure, such as an accessory structure allowed pursuant to the accessory use regulations in section 6150.

   ii. A wind turbine that exceeds the height limit of the zone shall be setback from all property lines, open space easements, conservation easements, private road easements and public roads by a minimum of the distance equal to the wind turbine height or the applicable setback requirements of the zone, whichever is greater.

   iii. No part of the wind turbine shall be closer than 30 feet to any property line. No part of the wind turbine when installed at grade shall be closer than 10 feet to any existing structure. The wind turbine shall also meet fire code setback requirements.

   iv. No part of the wind turbine shall be closer than 300 feet or five times the turbine height, whichever is greater, from the following:

      a. Electric power transmission towers and lines.

      b. Blue line watercourses or water bodies as identified on the United States Geological Survey Topographic Map.

      c. Significant roost sites for sensitive bat species as mapped on the California Natural Diversity Database.

   v. No part of a wind turbine shall be closer than 4,000 feet from a known golden eagle nest site.

2. Area of Disturbance. A small wind turbine shall not result in an area of ground disturbance (including grading, clearing, brushing, or grubbing) that is larger than a 25 foot radius around the base of a tower, and an access path to the tower that is a maximum of four feet wide. The entire area of disturbance shall be clearly defined on the plans submitted for Zoning Verification Permit review.

3. Barriers. Public access to a small wind turbine shall be restricted through the use of a fence with locked gates or non-climbable towers.

4. Noise. A small wind turbine shall comply with the applicable sound level limits in the Noise Ordinance, County Code section 36.401 et seq.

5. Height. The small wind turbine height may exceed the height limit of the zone in accordance with section 4620.j, but shall not exceed 80 feet.

6. Lighting. The small wind turbine shall not include any exterior lights unless required by law.

7. Turbine Certification. The small wind turbine shall be certified by the California Energy Commission.

8. Historic Resources. A small wind turbine shall not be located on a parcel listed in the National Register of Historic Places or the California Register of Historical Resources.

9. Ridgelines. Small wind turbines towers shall not be located on ridgelines.

10. Design. The small wind turbine shall meet the following design criteria:

    i. Trellis. Use of trellis style towers is prohibited.

    ii. Guy -Wires. Use of guy-wires is prohibited; turbine towers shall be self supporting.

    iii. Tower Base. The entire area within 10 feet of the base of a turbine tower shall be cleared of all vegetation and shall be covered with gravel, mulch or other similar material to prevent the growth of vegetation.

    iv. Power lines. All power lines connecting turbine towers and/or generators to a structure(s) shall be installed underground.

    v. Safety. The small wind turbine shall be equipped with manual and automatic over speed controls.

    vi. Non-Operational. Except for periods of maintenance, a small wind turbine that which meets the definition of "Wind Turbine, Non-Operational" in Section 1110.shall be removed from the site within 180 days of becoming non-operational Upon written request by the Department of Planning and Land Use, the owner of the property on which a turbine is located shall provide documentation to the satisfaction of the Director of Planning and Land Use that that the Director may use to determine the operational status of the small turbine.

11. Military Operating Areas. The Department of Planning and Land Use shall provide written notice to the appropriate branch of the United States military prior to the issuance of a Zoning Verification Permit for a small wind turbine located in a Military Operating Area. The notice shall include a description of the location and height of the proposed small wind turbine.

12. Pre-Approved Mitigation Area. No more than one small turbine is allowed on a legal lot designated as Pre-Approved Mitigation Area within the boundaries of the Multiple Species Conservation Program Subarea Plan. An Administrative Permit may be approved for more than one turbine if all of the requirements of subsection "a" of this section are met and the cumulative rated capacity of the turbines does not exceed 50 kilowatts

b. Up to two additional small wind turbines (five total) are allowed when all wind turbines comply with the requirements of subsection "a" above and all turbines:

1. Meet the height limit of the zone; and

2. Are mounted on an existing permitted structure, such as an accessory structure, allowed pursuant to the Accessory Use Regulations in section 6150.

c. An Administrative Permit may be approved for more than three tower-mounted small wind turbines or more than five roof-mounted small wind turbines if all of the requirements of subsection "a" of this section are met and the cumulative rated capacity of all of the turbines does not exceed 50 kilowatts.

d. The cumulative rated capacity of all small wind turbines on single legal lot shall not shall not exceed 50 kilowatts.

e. Before a building permit is issued for a small wind turbine, the applicant shall obtain a Zoning Verification Permit to verify that each small wind turbine complies with the requirements listed in Section 6951.

Section 19. Section 6952 of the Zoning Ordinance is amended to read as follows:

6952. LARGE WIND TURBINE

~~Large wind turbine systems~~ Any number of large wind turbines ~~shall~~ may be allowed ~~on a parcel of at least five acres identified on the and considered~~ as a Major Impact Services and Utilities use type ~~requiring~~ with a ~~m~~Major ~~u~~Use ~~p~~Permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and subject to the following requirements:

a. Lot size and status. The lot on which the large wind turbine(s) is to be located shall be at least five acres in size and shall be a legal lot.

b. Location. The lot shall be located in a wind resources area shown on the Wind Resources Map approved by the Board of Supervisors on and on file at the Clerk of the Board of Supervisors as document number .

~~a~~c. Setbacks. The ~~wind turbines shall observe the following~~ minimum setbacks listed below shall apply. All setbacks shall be measured from the property line to the closest point on the base or support structure of each tower. ~~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~~ private road easements, open space easements, conservation easements ~~or~~ and public roads, the minimum setback ~~4 times~~ shall be a distance equal to 1.1 times the wind turbine height.

2. From all property lines and existing residences or buildings occupied by civic use types, the minimum setback shall be a distance equal to 1.1 times ~~8 times~~ the wind turbine height.

3. ~~From the furthermost property line of adjacent parcels which are vacant setback 9 times the total height.~~ Additional setbacks may be required to meet the noise requirements in subsection "f" below.

4. Setback Reduction. A reduction to the setback requirements in subsections 6952.c.2 and 3 may be allowed in accordance with the following provisions:

    i. A minimum setback equal to 1.1 times the wind turbine height shall be maintained from all existing residences or buildings occupied by civic use types, private road easements, open space easements, conservation easements and public roads; and

    ii. The applicant has submitted to the Department of Planning and Land Use a document titled, "Consent to Reduce Setbacks" from the owner of each property affected by the proposed setback reduction. The Consent to Reduce Setbacks shall identify the affected property, the owner of the affected property, the property line(s) to which the reduced setback would apply, the reduced setback distance to which the property owner consents and shall include any other information specified by the Director. The property owner's signature shall be acknowledged. The Consent to Reduce Setbacks shall meet the requirements of state law for a recordable document and will be recorded by the Department of Planning and Land Use with the San Diego County Recorder's Office if the setback reduction is approved.

    iii. If the adjoining property that would be affected by a setback reduction is not subject to the County's land use regulations, the applicant shall submit documentation to the satisfaction of the Director that the adjoining property owner does not object to the setback reduction. Section 6952.c.4.i shall apply, but section 6952c.4.ii.shall not apply.

5. ~~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.~~

6. ~~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.~~

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

~~b~~d. ~~Fencing~~ Barriers. Public access to a large wind turbine shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable ~~methods~~ measures.

~~c~~e. Signs. ~~Suitable~~ A warning sign~~s~~ containing only a telephone number and an address for emergency calls and informational inquiries shall face ~~all approaches~~ each vehicular access point to the ~~project~~turbine. Individual signs shall be between ~~5~~ five and 16 square feet in size.

~~d~~f. 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).~~ The applicant shall prepare and submit an acoustical study. The study shall be conducted by a County-approved acoustical consultant and shall demonstrate that each large wind turbine complies with all applicable sound level limits in the Noise Ordinance, County Code section 36.401 et seq., and also meets the following low-frequency sound limit:

1. C-Weighted Sound Limit. The C-weighted sound level from each large wind turbine while operating shall not exceed the long-term background sound level by more than 20 decibels as both sound levels are measured at each property line of the lot on which the large turbine is located.

2. Noise Waiver. An increase in the C-weighted sound level limit specified in section 6259.f.1 for one or more turbines may be approved in accordance with the following provisions:

   a) The large wind turbine complies with all other applicable sound level limits in the Noise Ordinance, County Code section 36.401 et seq.; and

   b) The higher C-weighted sound limit is acceptable due to specific economic, social, technological or other benefits that will result from approval of the Major Use Permit and implementation of the Proposed Project,

3. Post-construction Sound Measurements. Within 12 months after the date that each large turbine begins to operate, the recipient of the Major Use Permit (Permittee) shall prepare a post-construction sound study and submit the study to the Department of Planning and Land Use. The purpose of the study is to determine if each large turbine is operating in compliance with all applicable noise regulations. The post-construction sound study shall be conducted by a County-approved acoustical consultant chosen by the Department of Planning and Land Use. The Permittee shall enter into a secured agreement with the County to ensure that the study will be performed. The security provided with the agreement shall be in an amount sufficient to cover the County's costs, as determined by the Director, to prepare the noise study in case the owner or operator fails to prepare the study. The security shall be in a form approved by the Director. Typical forms of security include a surety bond, irrevocable letter of credit or trust funds. The security shall remain in effect until the required noise study has been completed and submitted to the Department. The Director is authorized to sign the agreement on behalf of the County. No building permit for any component of a large wind turbine may be issued until the Director signs the agreement and accepts the security. The Permittee shall provide all technical information requested by the Department of Planning and Land Use or the acoustical consultant to complete the study. After

completion of the first post-construction sound study, the Permittee shall prepare an additional study at least once every five years until the large wind turbine permanently ceases to operate.

~~e~~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 80 feet.~~ A large wind turbine shall comply with Federal Aviation Administration height requirements and day and night marking requirements and shall not create an airport hazard or interfere with military or emergency services aviation operations, such as aerial firefighting.

~~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~~h. Turbine Description. The Major Use Permit shall include the following information ~~shall be specified as part of the permit~~:

1. The wind turbine manufacturer(s), model(s), power rating(s) and blade dimensions.

2. The tower manufacturer and model.

~~h~~i. Manufacture Specifications. An application for one or more large wind turbine(s), shall include a copy of the manufacturer's specifications for each proposed wind turbine. The applicant may submit multiple manufactures specifications.

~~i~~j. Nonoperational Wind Turbine~~s~~. ~~It shall be a condition of the permit that non-operational wind turbines shall be removed~~ Except for periods of maintenance, a large wind turbine that is non-operational for 180 consecutive days shall be decommissioned as specified in subsection 2 below.

~~1. The project owner shall insure that a copy of all prospectuses shall be placed in the County's permit file.~~

~~2. County staff may at any time in the future, compare the amount of power stated (in kilowatt hours) in the appropriate prospectus with the actual power sold to the utility (as reported in the California Energy Commissions' "Wind Project Performance Reporting System") and determine if any wind turbine systems meets the definition for "wind turbine non-operational wind turbine.~~

~~3. County staff may collect other data as necessary to determine if any wind turbine systems meet the definition for wind turbine non-operational~~

4~~1~~. Upon written request by the Department of Planning and Land Use, the ~~Applicant~~ Permittee of a Major Use Permit for a large wind turbine ~~may propose alternative methods to monitor~~ shall provide data to the satisfaction of the Director to allow the Director to determine the ~~"non-~~operational~~"~~ status of the ~~wind turbines~~ large wind turbine.

~~i. Removal Surety. The project owner shall post a bond, lien contract agreement, cash deposit, or other form of surety acceptable to the Director of Planning and Land Use, sufficient to allow for the removal of non-operational wind turbines. If a bond surety is provided, such bond shall comply with Section 7612, and shall be for a minimum of 10 years (unless the permit is for a shorter period of time). Posting of bond(s) and/or other surety may be phased with the installation of wind turbines.~~

2. Decommissioning Plan. The applicant shall prepare and submit a decommissioning plan to the Director for his review and approval. The plan shall provide for the removal of all components of each large wind turbine and the restoration of the site to a condition compatible with surrounding properties within 180 days of the wind turbine becoming non-operational.

3. Secured Agreement. The applicant shall also enter into a secured agreement with the County that requires the decommissioning plan to be implemented and completed. The terms and conditions of the agreement shall be to the satisfaction of the Director. The Director is authorized to sign the agreement on behalf of the County. The security provided with the agreement shall be in an amount sufficient to cover the County's costs, as determined by the Director, to implement and complete the decommissioning plan in case the owner or operator fails to implement and/or complete the plan. The security shall be in a form approved by the Director. Typical forms of security include a surety bond, irrevocable letter of credit or trust funds. The security shall remain in effect for the entire time that the large wind turbine is operational and for any additional time until the decommissioning has been completed in accordance with the decommissioning plan.

4. Building Permit. No building permit for any component of a large wind turbine may be issued until the Director approves the decommissioning plan, signs the secured agreement and accepts the security.

~~j~~k. Existing Administrative Permits for Wind Turbine Projects - Modification or Revocation. Administrative permits for wind turbine projects granted pursuant to Section 7060 prior to January 1, 1986, shall be treated for all purposes as if they are ~~m~~Major ~~u~~Use ~~p~~Permits and shall be subject to all the provisions of the Zoning Ordinance which apply to Major Use Permits for purpose of modification or revocation.

l. Design. When a Major Use Permit authorizes more than one large wind turbine, all of the large wind turbines subject to the Major Use Permit shall be uniform in

color and tower and turbine design (pole, nacelle, etc.). In addition if there are existing large wind turbines on a lot that abuts the lot on which proposed large wind turbines would be located, the color and tower and turbine design of the proposed large wind turbines shall be uniform with that of the existing large wind turbines. Tower and turbine design does not include turbine height which may vary.

Section 20. Section 7359 of the Zoning Ordinance is amended to read as follows:

7359 FINDINGS REQUIRED FOR PARTICULAR USE PERMITS.

Before a use permit may be granted or modified for a "Specific Hazardous Waste Facility Project" as defined in Health and Safety Code Section 25199.1 or a "Large Wind Turbine" as defined in Section 1110, the following provisions shall be met:

a. ~~Before any use permit for a~~ "Specific Hazardous Waste Facility Project." ~~, as defined in Health and Safety Code Section 25199.1, may be granted or an existing facility modified,~~ In addition to the findings required by Section 7358, it shall be found that the proposed facility complies with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan 1989-2000, all of which documents are on file with the Clerk of the Board of Supervisors as Exhibit A to Ordinance No. 8093 (N.S.):

~~a~~1. Section E, entitled "Local and Regional Facility Needs", of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);

~~b~~2. Appendix IX-A, entitled "Siting Criteria For Evaluating Hazardous Waste Management Facility Siting Proposals in San Diego County", and

~~c~~3. Appendix IX-B, entitled "'General Areas' For Siting Hazardous Waste Management Facilities."

b. Large Wind Turbine. In lieu of the findings required by Section 7358, it shall be found that the location, size and design of the proposed large wind turbine project will not adversely affect or be materially detrimental to the surrounding community with consideration given to:

1. The physical suitability of the site for the type and intensity of the wind turbine project which is proposed;

2. Any harmful effect from the wind turbine project on desirable neighborhood character;

3. The availability of public facilities, services and utilities to serve the wind turbine project;

4. The generation of traffic and the capacity and physical character of surrounding streets;

5. The requirements of the California Environmental Quality Act;

6. The wind turbine project's contribution to the renewable energy and sustainability goals of the San Diego region; and

7. The San Diego County General Plan.

Section 21. Section 1380 of the Zoning Ordinance is repealed.

~~1380 WIND TURBINE SYSTEM, MEDIUM.~~
~~The wind turbine system (medium sized) use type refers to the production of electric power by up to five wind turbines, or systems in which the total blade swept area is no more than 850 square feet. The blade swept area shall be measured in the vertical plane perpendicular to the wind direction. This use type is permitted in all zones (except those having the S81 Ecological Resource Area Use Regulations) upon issuance of an administrative permit. This use type does not include uses classified as Major Impact Services and Utilities. Typical uses include wind turbine installation of medium size for residential or small scale commercial use.~~

Section 22. Section 2990 (page 1 of 6) of the Zoning Ordinance is amended to read as follows:

Section 23. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____ a newspaper of general circulation published in the County of San Diego.