

**ATTACHMENT F**

RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING AMENDMENTS TO)  
THE SANTA BARBARA COUNTY LOCAL COASTAL )  
PROGRAM TO AMEND THE COASTAL ZONING ) RESOLUTION NO.: \_\_\_\_\_  
ORDINANCE, ARTICLE II OF CHAPTER 35 OF THE ) CASE NO.: 02ORD-00000-00001  
SANTA BARBARA COUNTY CODE, TO ADD )  
REGULATIONS CONCERNING THE )  
CONSTRUCTION AND USE OF SMALL )  
WIND ENERGY SYSTEMS. )  
\_\_\_\_\_ )

WITH REFERENCE TO THE FOLLOWING:

A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and

B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and

C. It is deemed to be in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County, that the Board of Supervisors amends the Local Coastal Program as specified below:

02ORD-00000-00001: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

1. Amend DIVISION 7, General Regulations, to add a new Section 35-149 titled Small Wind Energy Systems.

Said ordinance (Case Number 02ORD-00000-00001) is attached hereto as Exhibit 1 and is incorporated herein by reference.

D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65854 of the Government Code, and the Planning

Commission has sent its written recommendations to the Board by its Resolution No. 02-3 pursuant to Section 65855 of the Government Code.

E. This Board has held duly noticed public hearings, as required by Section 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.

F. These amendments to the Local Coastal Program are consistent with the provision of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State planning and zoning laws as amended to this date, and are attached as Exhibit 1 (02ORD-00000-00001) and incorporated as though fully set out herein.

G. The Board will submit these amendments to the California Coastal Commission for certification at the next appropriate date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above-described changes are hereby adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
3. The Board certifies that these amendments are intended to be carried out in a manner fully in conformity with the said California Coastal Act.
4. The Board will submit these amendments to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBITS:

1. Proposed Ordinance - Article II (02ORD-00000-00001)



**EXHIBIT 1 OF ATTACHMENT F**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 7, GENERAL REGULATIONS, TO ADD A NEW SECTION 35-149, SMALL WIND ENERGY SYSTEMS, TO REGULATE THE CONSTRUCTION AND USE OF SMALL WIND ENERGY SYSTEMS AS PROVIDED IN GOVERNMENT CODE SECTION 65892.13.

Case No. 02ORD-00000-0001

The Board of Supervisors of the County of Santa Barbara ordains as follows:

**SECTION 1:**

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new Section 35-149 as follows:

**Sec. 35-149. Small Wind Energy Systems.**

**Sec. 35-149.1 Purpose and Intent.**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of small wind energy systems designed for onsite home, farm, and small commercial use that are used primarily to reduce onsite consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of small wind energy systems that comply with the standards as provided in Government Code Section 65892.13.

**Sec. 35-149.2 Definitions.**

Unless otherwise specified, the following definitions shall apply within this section:

Onsite: The premises upon which the small wind energy system and its associated structure(s) are located and the location upon which the generated electrical power is primarily used.

Primarily: Greater than 50 percent.

Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission, and which will be used primarily to reduce onsite consumption of utility power.

Tower: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a small wind energy system.

Tower Height: The height above grade of the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blades.

Urbanized Area: As defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code which states that urbanized area means a central city or cities and surrounding closely settled territory, as defined by the United States Department of Commerce Bureau of the Census in the Federal Register, Volume 39, Number 85, for Wednesday, May 1, 1974, at pages 15202 and 15203, and as periodically updated.

Wind Energy System Height: The height above grade of the fixed portion of the tower including the vertical length of any extensions such as the rotor blade.

**Sec. 35-149.3**      **Permitted Areas.**

1. Small wind energy systems may be located outside of urbanized areas unless prohibited by any of the following:
  - a. The Santa Barbara County Local Coastal Program and any implementing regulations adopted pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
  - b. The California Coastal Commission, pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
  - c. The Santa Barbara County Airport Land Use Plan and any implementing regulations adopted by the Santa Barbara County Airport Land Use Commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
  - d. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
  - e. The Santa Barbara County Board of Supervisors to protect the scenic appearance of a scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
  - f. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.

- g. The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
- h. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
- i. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
- j. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

**Sec. 35-149.4 Processing.**

No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

- 1. Small wind energy systems located in residential zone districts as identified in Section 35-52 may be allowed by a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-172 and approval and issuance of a coastal development permit pursuant to Sec. 35-169.
- 2. Small wind energy systems located in non-residential zone districts as identified in Section 35-52 may be allowed pursuant to a minor conditional use permit under the jurisdiction of the Zoning Administrator pursuant to Sec. 35-172 and approval and issuance of a coastal development permit pursuant to Sec. 35-169.

**Sec. 35-149.5 Development Standards.**

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

- 1. A system shall be located on a lot a minimum of 40 acres in size.
- 2. Only one small wind energy system tower per legal lot shall be allowed, and the system shall be used primarily to reduce the onsite consumption of electricity.

3. Towers appurtenant to small wind energy systems are limited to 50 feet in height pursuant to Sec. 35-127.1 (General Regulations - Height). The tower height may be increased to a maximum of 80 feet provided a variance to the height limit of Sec. 35-127.1 is approved.

The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code.

4. The base of the tower shall be setback from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code. Additionally, the base of the wind energy system tower shall be located no closer than 10 feet to any other structure.

5. Noise levels generated by small wind energy systems shall not exceed the noise levels established for noise-sensitive uses by the Noise Element of the Santa Barbara County Comprehensive Plan, or 60 decibels (dBA), whichever is less, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

6. The system's turbine must be currently approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the Commission's Renewables Investment Plan or certified by a national program recognized and approved by the California Energy Commission. The maximum turbine power output is limited to 10 KW.

7. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

8. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails) to the greatest extent feasible. A small wind energy system:

a. Shall not project above the top of ridgelines when seen from public viewing areas.

- b. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening wherever feasible.
  - c. Shall not cause a significant adverse visual impact to a scenic vista as viewed from a County or State designated scenic corridor.
  - d. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
- 9. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- 10. All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
- 11. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
- 12. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner
- 13. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - a. Tower-climbing apparatus located no closer that 15 feet from the ground.
  - b. A locked anti-climb device installed on the tower.
  - c. A locked, protective fence at least six feet in height that encloses the tower.
- 14. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission

or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

15. Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.
16. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
17. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
18. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.

**Sec. 35-149.6**      **Notice.**

In addition to the requirements of Sec. 35-488 (Noticing), if deemed necessary by Planning and Development due to circumstances specific to the proposed installation, notice shall also be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Santa Barbara County. Examples of such circumstances include, but are not limited to, when the system would be substantially visible from public viewing areas, or where the standard notice requirement would not provide notice to nearby residential areas that might be adversely impacted by the system.

**Sec. 35-149.7**      **Application Requirements.**

In addition to the requirements of Sec. 35-172.6 (Conditional Use Permits - Contents of Application), the following materials shall also be submitted with an application for a small wind energy system.

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
2. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by California. However, a wet stamp shall not be required on the drawings and analysis, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by the Building and Safety Division.
3. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
4. Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including but not limited to a complete listing of onsite electrical demands.
5. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
6. A visual analysis of the proposed system as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from one or more strategic vantage points, if deemed necessary by Planning & Development. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

**Sec. 35-149.8**      **Repeal of Ordinance.**

This Section 35-149 of this Article shall become inoperative on July 1, 2005, and is repealed as of January 1, 2006, unless, on or before January 1, 2006, Government Code Section 65892.13 is extended by statute enacted by the State of California.

SECTION 2:

Except as amended by this Ordinance, Division 7 of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 3:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force thirty (30) days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, the \_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

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GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

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## ATTACHMENT G

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 8, ENERGY FACILITIES, TO ADD A NEW SECTION 35-301, SMALL WIND ENERGY SYSTEMS, TO REGULATE THE CONSTRUCTION AND USE OF SMALL WIND ENERGY SYSTEMS AS PROVIDED IN GOVERNMENT CODE SECTION 65892.13.

Case No. 02ORD-00000-00002

The Board of Supervisors of the County of Santa Barbara ordains as follows:

### SECTION 1:

DIVISION 8, Energy Facilities, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new Section 35-301 as follows:

#### **Sec. 35-301. Small Wind Energy Systems**

##### **Sec. 35-301.1 Purpose and Intent**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of small wind energy systems designed for onsite home, farm, and small commercial use that are used primarily to reduce onsite consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of small wind energy systems that comply with the standards as provided in Government Code Section 65892.13.

##### **Sec. 35-301.2 Definitions.**

Unless otherwise specified, the following definitions shall apply within this section:

Onsite: The premises upon which the small wind energy system and its associated structure(s) are located and the location upon which the generated electrical power is primarily used.

Primarily: Greater than 50 percent.

Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission, and which will be used primarily to reduce onsite consumption of utility power.

Tower: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a small wind energy system.

Tower Height: The height above grade of the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blades.

Urbanized Area: As defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code which states that urbanized area means a central city or cities and surrounding closely settled territory, as defined by the United States Department of Commerce Bureau of the Census in the Federal Register, Volume 39, Number 85, for Wednesday, May 1, 1974, at pages 15202 and 15203, and as periodically updated.

Wind Energy System Height: The height above grade of the fixed portion of the tower including the vertical length of any extensions such as the rotor blade.

**Sec. 35-301.3**      **Permitted Areas.**

1. Small wind energy systems may be located outside of urbanized areas unless prohibited by any of the following:
  - a. The Santa Barbara County Airport Land Use Plan and any implementing regulations adopted by the Santa Barbara County Airport Land Use Commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
  - b. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
  - c. The Santa Barbara County Board of Supervisors to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
  - d. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
  - e. The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
  - f. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.

- g. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
- h. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

**Sec. 35-301.4 Processing.**

No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

- 1. Small wind energy systems located in residential zone districts as identified in Section 35-202 may be allowed by a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-315 and the approval and issuance of a land use permit pursuant to Sec. 35-314.
- 2. Small wind energy systems located in non-residential zone districts as identified in Section 35-202 may be allowed pursuant to a minor conditional use permit under the jurisdiction of the Zoning Administrator pursuant to Sec. 35-315 and the approval and issuance of a land use permit pursuant to Sec. 35-314.

**Sec. 35-301.5 Development Standards.**

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

- 1. A system shall be located on a lot a minimum of 40 acres in size.
- 2. Only one small wind energy system tower per legal lot shall be allowed, and the system shall be used primarily to reduce the onsite consumption of electricity.
- 3. Towers appurtenant to small wind energy systems are limited to a height of 80 feet. Such towers are not subject to Sec. 35-276 (General Regulations - Height).

The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code.

4. The base of the tower shall be setback from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code. Additionally, the base of the wind energy system tower shall be located no closer than 10 feet to any other structure.
5. Noise levels generated by small wind energy systems shall not exceed the noise levels established for noise-sensitive uses by the Noise Element of the Santa Barbara County Comprehensive Plan, or 60 decibels (dBA), whichever is less, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
6. The system's turbine must be currently approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the Commission's Renewables Investment Plan or certified by a national program recognized and approved by the California Energy Commission. The maximum turbine power output is limited to 10 KW.
7. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
8. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails) to the greatest extent feasible. A small wind energy system:
  - a. Shall not project above the top of ridgelines when seen from public viewing areas.
  - b. If visible from a public viewing area, shall use natural landforms and existing vegetation for screening wherever feasible.
  - c. Shall not cause a significant adverse visual impact to a scenic vista as viewed from a County or State designated scenic corridor.
  - d. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
9. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

10. All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
11. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
12. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner
13. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - a. Tower-climbing apparatus located no closer that 15 feet from the ground.
  - b. A locked anti-climb device installed on the tower.
  - c. A locked, protective fence at least six feet in height that encloses the tower.
14. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
15. Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.
16. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made

when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

17. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
18. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.

**Sec. 35-301.6 Notice.**

In addition to the requirements of Sec. 35-488 (Noticing), if deemed necessary by Planning and Development due to circumstances specific to the proposed installation, notice shall also be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Santa Barbara County. Examples of such circumstances include, but are not limited to, when the system would be substantially visible from public viewing areas, or where the standard notice requirement would not provide notice to nearby residential areas that might be adversely impacted by the system.

**Sec. 35-301.7 Application Requirements.**

In addition to the requirements of Sec. 35-172.6 (Conditional Use Permits - Contents of Application), the following materials shall also be submitted with an application for a small wind energy system.

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
2. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by California. However, a wet stamp shall not be required on the drawings and analysis, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by the Building and Safety Division.

3. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
4. Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including but not limited to a complete listing of onsite electrical demands.
5. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
6. A visual analysis of the proposed system as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from one or more strategic vantage points, if deemed necessary by Planning & Development. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

**Sec. 35-301.8 Repeal of Ordinance.**

This Section 35-301 of this Article shall become inoperative on July 1, 2005, and is repealed as of January 1, 2006, unless, on or before January 1, 2006, Government Code Section 65892.13 is extended by statute enacted by the State of California.

**SECTION 2:**

Except as amended by this Ordinance, Division 8 of Article III of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

**SECTION 3:**

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

## ATTACHMENT H

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 35 OF THE COUNTY CODE BY AMENDING DIVISION 7, GENERAL REGULATIONS, TO ADD A NEW SECTION 35-474D, SMALL WIND ENERGY SYSTEMS, TO REGULATE THE CONSTRUCTION AND USE OF SMALL WIND ENERGY SYSTEMS AS PROVIDED IN GOVERNMENT CODE SECTION 65892.13.

Case No. 02ORD-00000-00003

The Board of Supervisors of the County of Santa Barbara ordains as follows:

### SECTION 1:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to add a new Section 35-474D as follows:

#### **Sec. 35-474D.            Small Wind Energy Systems.**

##### **Sec. 35-474D.1            Purpose and Intent**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of small wind energy systems designed for onsite home, farm, and small commercial use that are used primarily to reduce onsite consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of small wind energy systems that comply with the standards as provided in Government Code Section 65892.13.

##### **Sec. 35-474D.2            Definitions.**

Unless otherwise specified, the following definitions shall apply within this section:

Onsite: The premises upon which the small wind energy system and its associated structure(s) are located and the location upon which the generated electrical power is primarily used.

Primarily: Greater than 50 percent.

Small Wind Energy Systems: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission, and which will be used primarily to reduce onsite consumption of utility power.

Tower: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a small wind energy system.

Tower Height: The height above grade of the upper-most fixed portion of the tower excluding the wind energy system and the length of its blades.

Urbanized Area: As defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code which states that urbanized area means a central city or cities and surrounding closely settled territory, as defined by the United States Department of Commerce Bureau of the Census in the Federal Register, Volume 39, Number 85, for Wednesday, May 1, 1974, at pages 15202 and 15203, and as periodically updated.

Wind Energy System Height: The height above grade of the fixed portion of the tower including the vertical length of any extensions such as the rotor blade.

**Sec. 35-474D.3**      **Permitted Areas.**

1. Small wind energy systems may be located outside of urbanized areas unless prohibited by any of the following:
  - a. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
  - b. The Santa Barbara County Board of Supervisors to protect the scenic appearance of scenic highway corridors designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
  - c. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
  - d. The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
  - e. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
  - f. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.

- g. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

**Sec. 35-474D.4**      **Processing.**

No permits for development subject to the provisions of this Section shall be approved except in conformance with the following requirements:

1. Small wind energy systems located in residential zone districts as identified in Section 35-402 may be allowed by a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-483 and approval and issuance of a land use permit pursuant to Sec. 35-482.
2. Small wind energy systems located in non-residential zone districts as identified in Section 35-402 may be allowed by a minor conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-483 and approval and issuance of a land use permit pursuant to Sec. 35-482.

**Sec. 35-474D.5**      **Development Standards.**

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

1. A system shall be located on a lot a minimum of 40 acres in size.
2. Only one small wind energy system tower per legal lot shall be allowed, and the system shall be used primarily to reduce the onsite consumption of electricity.
3. Towers appurtenant to small wind energy systems are limited to a height of 80 feet. Such towers are not subject to Sec. 35-459 (General Regulations - Height).

The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code.

4. The base of the tower shall be setback from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with

- any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code. Additionally, the base of the wind energy system tower shall be located no closer than 10 feet to any other structure.
5. Noise levels generated by small wind energy systems shall not exceed the noise levels established for noise-sensitive uses by the Noise Element of the Santa Barbara County Comprehensive Plan, or 60 decibels (dBA), whichever is less, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
  6. The system's turbine must be currently approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the Commission's Renewables Investment Plan or certified by a national program recognized and approved by the California Energy Commission. The maximum turbine power output is limited to 10 KW.
  7. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
  8. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails) to the greatest extent feasible. A small wind energy system:
    - a. Shall not project above the top of ridgelines when seen from public viewing areas.
    - b. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening wherever feasible.
    - c. Shall not cause a significant adverse visual impact to a scenic vista as viewed from a County or State designated scenic corridor.
    - d. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
  9. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
  10. All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission

- poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
11. The system shall be operated such that no electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
  12. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
  13. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
    - a. Tower-climbing apparatus located no closer that 15 feet from the ground.
    - b. A locked anti-climb device installed on the tower.
    - c. A locked, protective fence at least six feet in height that encloses the tower.
  14. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
  15. Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to the pre-existing natural condition after completion of installation.
  16. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

17. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
18. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.

**Sec. 35-474D.6**      **Notice.**

In addition to the requirements of Sec. 35-488 (Noticing), if deemed necessary by Planning and Development due to circumstances specific to the proposed installation, notice shall also be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Santa Barbara County. Examples of such circumstances include, but are not limited to, when the system would be substantially visible from public viewing areas, or where the standard notice requirement would not provide notice to nearby residential areas that might be adversely impacted by the system.

**Sec. 35-474D.7**      **Application Requirements.**

In addition to the requirements of Sec. 35-483.6 (Conditional Use Permits - Contents of Application), the following materials shall also be submitted with an application for a small wind energy system.

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
2. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by California. However, a wet stamp shall not be required on the drawings and analysis, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by the Building and Safety Division.

3. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
4. Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including but not limited to a complete listing of onsite electrical demands.
5. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
6. A visual analysis of the proposed system as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from one or more strategic vantage points, if deemed necessary by Planning & Development. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
7. Evidence that the proposed system will not exceed the noise standards listed in Sec. 35-474D.5.

**Sec. 35-474D.8**      **Repeal of Ordinance.**

Section 35-474D of this Article shall become inoperative on July 1, 2005, and is repealed as of January 1, 2006, unless, on or before January 1, 2006, Government Code Section 65892.13 is extended by statute enacted by the State of California.

**SECTION 2:**

Except as amended by this Ordinance, Division 7 of Article IV of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

**SECTION 3:**

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall

be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, the \_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
GAIL MARSHALL  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

## ATTACHMENT I: GOVERNMENT CODE SECTION 65892.13

(a) The Legislature finds and declares all of the following:

- (1) California has a shortage of reliable electricity supply, which has led the Governor to proclaim a state of emergency and to issue numerous executive orders to lessen, and mitigate the effects of, the shortage. The executive orders, among other things, expedite and shorten the processing of applications for existing and new powerplants, establish an emergency siting process for peaking and renewable powerplants, and relax existing air pollutant emission requirements in order to allow power generation facilities to continue generating much needed electricity.
- (2) Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed small wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands, increase in-state electricity generation, diversify the state's energy supply portfolio, and make the electricity supply market more competitive by promoting consumer choice.
- (3) In 2000, the Legislature and Governor recognized the need to promote all feasible adoption of clean, renewable, and distributed energy sources by enacting the Reliable Electric Service Investments Act (Article 15 (commencing with Section 399) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code). As set forth in Section 399.6 of the Public Utilities Code, the stated objectives of the act include to "increase, in the near term, the quantity of California's electricity generated by in-state renewable energy resources while protecting system reliability, fostering resource diversity, and obtaining the greatest environmental benefits for California residents."
- (4) Small wind energy systems, designed for onsite home, farm, and small commercial use, are recognized by the Legislature and the State Energy Resources Conservation and Development Commission as an excellent technology to help achieve the goals of increased in-state electricity generation, reduced demand on the state electric grid, increased consumer energy independence, and nonpolluting electricity generation. In June 2001, the commission adopted a Renewable Investment Plan that includes one hundred one million two hundred fifty thousand dollars (\$101,250,000) over the next five years, in the form of a 50 percent buydown incentive for the purchasers of "emerging renewable technologies," including small wind energy systems.
- (5) In light of the state's electricity supply shortage and its existing program to encourage the adoption of small wind energy systems, it is the intent of the Legislature that any ordinances regulating small wind energy systems adopted by local agencies have the effect of providing for the installation and use of small wind energy systems and that provisions in these ordinances relating to matters including, but not limited to, parcel size, tower height, noise, notice, and setback requirements do not unreasonably restrict the ability of homeowners, farms, and small businesses to install small wind energy systems in zones in which they are authorized by local ordinance. It is the policy of the

state to promote and encourage the use of small wind energy systems and to limit obstacles to their use.

- (b) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of small wind energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that this section apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties.
- (c) The following definitions govern this section:
  - (1) "Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce onsite consumption of utility power.
  - (2) "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine.
- (d) Any local agency may, by ordinance, provide for the installation of small wind energy systems in the jurisdiction outside an "urbanized area," as defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code pursuant to this section. The local agency may establish a process for the issuance of a conditional use permit for small wind energy systems.
  - (1) The ordinance may impose conditions on the installation of small wind energy systems that include, but are not limited to, notice, tower height, setback, view protection, aesthetics, aviation, and design safety requirements. However, the ordinance shall not require conditions on notice, tower height, setbacks, noise level, turbine approval, tower drawings, and engineering analysis, or line drawings that are more restrictive than the following:
    - (A) Notice of an application for installation of a small wind energy system shall be provided to property owners within 300 feet of the property on which the system is to be located.
    - (B) Tower heights of not more than 65 feet shall be allowed on parcels between one and five acres and tower heights of not more than 80 feet shall be allowed on parcels of five acres or more, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

- (C) Setbacks for the system tower shall be no farther from the property line than the height of the system, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
  - (D) Decibel levels for the system shall not exceed the lesser of 60 decibels (dBA), or any existing maximum noise levels applied pursuant to the noise element of a general plan for the applicable zoning classification in a jurisdiction, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
  - (E) The system's turbine must have been approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
  - (F) The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.
  - (G) The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).
  - (H) The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- (2) The ordinance may require the applicant to provide information demonstrating that the system will be used primarily to reduce onsite consumption of electricity. The ordinance may also require the application to include evidence, unless the applicant does not plan to connect the system to the electricity grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.
  - (3) A small wind energy system shall not be allowed where otherwise prohibited by any of the following:

- (A) A local coastal program and any implementing regulations adopted pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
- (B) The California Coastal Commission, pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
- (C) The regional plan and any implementing regulations adopted by the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact, Title 7.4 (commencing with Section 66800) of the Government Code.
- (D) The San Francisco Bay Plan and any implementing regulations adopted by the San Francisco Bay Conservation and Development Commission pursuant to the McAteer-Petris Act, Title 7.2 (commencing with Section 66600) of the Government Code.
- (E) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
- (F) The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
- (G) A local agency to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
- (H) The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
- (I) The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
- (J) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
- (K) The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
- (L) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

- (4) In the event a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the local agency shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code.
  - (5) Notwithstanding the requirements of paragraph (1), a local agency may, if it deems it necessary due to circumstances specific to the proposed installation, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the installation is proposed.
  - (6) Nothing in this section shall be construed to alter or affect existing law regarding the authority of local agencies to review an application.
- (e) Notwithstanding subdivision (f), any local agency that has not adopted an ordinance in accordance with subdivision (d) by July 1, 2002, may adopt such ordinance at a later date, but any applications that are submitted between July 1, 2002, and the adopted date of the ordinance must be approved pursuant to subdivision (f).
- (f) Any local agency which has not adopted an ordinance pursuant to subdivision (d) on or before July 1, 2002, shall approve applications for a small wind energy systems by right if all of the following conditions are met:
- (1) The size of the parcel where the system is located is at least one acre and is outside an "urbanized area," as defined in paragraph (2) of subdivision (b) of Section 21080.7 of the Public Resources Code.
  - (2) The tower height on parcels that are less than five acres does not exceed 80 feet.
  - (3) No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
  - (4) The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
  - (5) The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
  - (6) The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the

most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

- (7) The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code).
- (8) The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- (9) Unless the applicant does not plan to connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.
- (10) A small wind energy system shall not be allowed where otherwise prohibited by any of the following:
  - (A) A local coastal program and any implementing regulations adopted pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
  - (B) The California Coastal Commission, pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
  - (C) The regional plan and any implementing regulations adopted by the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact, Title 7.4 (commencing with Section 66800) of the Government Code.
  - (D) The San Francisco Bay Plan and any implementing regulations adopted by the San Francisco Bay Conservation and Development Commission pursuant to the McAteer-Petris Act, Title 7.2 (commencing with Section 66600) of the Government Code.
  - (E) A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
  - (F) The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.

- (G) A local agency to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
  - (H) The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
  - (I) The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
  - (J) The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
  - (K) The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
  - (L) On a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.
- (11) In the event that a proposed site for a small wind energy system is in an agricultural area that may have aircraft operating at low altitudes, the local agency shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code.
  - (12) No other local ordinance, policy, or regulation shall be the basis for a local agency to deny the siting and operation of a small wind energy system under this subdivision.
  - (13) No changes in the general plan shall be required to implement this subdivision. Any local agency, when amending its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the approval of small wind energy systems, must do so in a manner consistent with the requirements of this subdivision and the Permit Streamlining Act (commencing with Section 65920).
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the siting and operation of small wind energy systems.
  - (h) A local agency shall review an application for a small wind energy system as expeditiously as possible pursuant to the timelines established in the Permit Streamlining Act (commencing with Section 65920).
  - (i) Fees charged by a local agency to review an application for a small wind energy system shall be determined in accordance with Chapter 5 (commencing with Section 66000).

- (j) Any requirement of notice to property owners imposed pursuant to subdivision (d) shall ensure that responses to the notice are filed in a timely manner.
- (k) This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2006, deletes or extends that date.