

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 4/25/2002  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 5/7/2002  
**Placement:** Administrative  
**Estimate Time:** N/A  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** John Patton, Director  
Planning & Development

**STAFF CONTACT:** Noel Langle, Management Specialist  
568-2073

**SUBJECT:** Set hearing to consider zoning ordinance text amendments to implement Government Code Section 65892.13 by adopting regulations allowing for the installation of small wind energy systems in the unincorporated portions of the County outside of urbanized areas: Case Nos. 02ORD-00000-00001 (Article II Coastal Zoning Ordinance); 02ORD-00000-00002 (Article III Inland Zoning Ordinance) and 02ORD-00000-00003 (Article IV Montecito Zoning Ordinance). The amendment to Article III also proposes to revise the existing permitting process regarding wind energy conversion systems.

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## Recommendation:

That the Board of Supervisors set for hearing of May 21, 2002 to consider the Planning Commission's recommendations to:

- A. Find that these amendments are categorically exempt from the California Environmental Quality Act pursuant to Section 15308 of the Guidelines for Implementation of CEQA.
- B. Adopt findings for approval of the proposed amendments.
- C. Adopt a Resolution and Ordinance 02ORD-00000-00001 amending Article II.
- D. Adopt 02ORD-00000-00002 amending Article III.
- E. Adopt 02ORD-00000-00003 amending Article IV.

*Estimated hearing time: staff presentation 20 minutes; total time one hour, 15 minutes.*

## Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

## **Executive Summary and Discussion:**

The California State legislature enacted Assembly Bill 1207 in 2001 as a measure to reduce California's dependence on electricity supplied by utilities by encouraging the development of small, private wind energy systems (SWES). AB 1207 added Government Code Section 65892.13 that allows the development of SWES that primarily serve the property where they are located, provided the lot is at least one acre in size and located outside of urbanized areas as defined by the United States Department of Commerce, Bureau of the Census. Section 65892.13 also allows local jurisdictions to adopt a permit process to regulate the installation of SWES provided the regulations comply with the restrictions of the section regarding notice, tower height, setbacks, noise level, turbine approval, tower drawings, engineering analysis, or line drawings. The local permit process may include development standards that address potential visual and aesthetic impacts. However, if the local jurisdiction fails to adopt such a permit process by July 1, 2002, then the jurisdiction must permit SWES as a matter of right subject to only the development standards contained in Section 65892.13 until such time as a local ordinance is adopted. Government Code Section 65892.13 becomes inoperative on July 1, 2005 and is repealed on January 1, 2006 unless extended by statute.

A complete Board Agenda Letter, along with the necessary resolutions and ordinances, will be provided after Planning Commission action on the proposed amendments. The Planning Commission will consider these amendments at their hearing on May 1, 2002.

## **Mandates and Service Levels:**

Amendments to Article II, III and IV of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Sections 35-180, 35-325 and 35-487 (Article II, III and IV respectively) provide that the recommendation of the Planning Commission shall be transmitted to the Board of Supervisors, and that the Board shall schedule and hold a public hearing on the matter.

## **Fiscal and Facilities Impacts:**

The work effort associated this ordinance amendment is accounted for in Planning & Development's budget for fiscal year 2001 - 2002. There are no facilities impacts.

## **Special Instructions:**

Planning & Development will satisfy all noticing requirements.

## **Concurrence:**

County Counsel