



## LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: October 4, 2012

AGENDA ITEM NO: 3

### Project Description:

**Applicant:** Land Use Services Department  
**Proposal:** A Development Code Amendment to revise the regulations relative to small wind energy systems and the Accessory Wind Energy Systems Permit.  
**Community:** Countywide  
**Location:** Countywide  
**JCS:** P200900407  
**Staff:** Jim Squire

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### Background

In October 2001, Assembly Bill 1207 was passed by the State legislature pertaining to small wind energy systems, commonly referred to as "windmills" or "wind turbines." This bill became effective July 1, 2002 and provided development standards for these systems for "non-urbanized" areas. It also allowed any local agency to adopt an ordinance that established procedures and development standards for the installation of these systems within its jurisdiction. Such ordinance could not be more restrictive than State law relative to notice, tower height, setbacks, turbine approval and engineering analysis.

The new State law prompted the County to reevaluate its provisions for these systems. The Board of Supervisors adopted a more comprehensive set of regulations on November 5, 2002, following review and recommendation by the Planning Commission. The Development Code regulations adopted by the Board provided a streamlined approval process that lessened the inconvenience to consumers by allowing installation of these systems with just a building permit rather than requiring a Conditional Use Permit (CUP) as allowed by the State law. This was intended to minimize the time and cost required to obtain approval for wind turbines.

These adopted regulations proved to be inadequate for the protection of the residents within the County. Primarily, the visual impacts of these wind energy systems and the lack of notice to the surrounding property owners had the most dramatic and emotional reactions from the residents within the various neighborhoods of the County, particularly in the Oak Hills area.

Due to the numerous complaints from local residents, staff reevaluated the 2002 Development Code procedures to address these issues associated with the permitting process for wind turbines. On September 8, 2005, staff presented a set of revisions to the Planning Commission, which were ultimately adopted by the Board on December 20, 2005, to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of these systems in a manner that minimizes visual and

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Action taken by the Planning Commission on this item may be appealed to the Board. Yes ☐ No ☒  
Note: Recommendations to the Board of Supervisors are not appealable.

safety impacts on the surrounding neighborhoods and the community. The proposed changes would allow the use of proven wind-driven generators for energy recovery and require safeguards to ensure the maintenance of the health, safety and welfare of the citizens of the county.

Since that time, new technologies have been developed to generate electricity with smaller, less impactful systems that need to be recognized by the County in its development standards for these systems. Recently wind energy proponents have been frustrated by development standards that they believed hampered their attempts to employ new wind electrical generation technologies such as roof-mounted systems and small-blade technology. Limitations on the number of turbines permitted and separation requirements made it difficult to design effective new roof- or building-mounted systems.

In response to requests from various industry representatives, staff has evaluated the current regulations relative to these systems, along with those from other jurisdictions, and has determined that the County should amend the Code to reflect these new technologies and to clarify other provisions of the Code.

The proposed code amendment would revise the regulations for accessory wind energy systems relative to the following issues:

### **Number of Accessory Wind Energy Units**

**Existing:** Limited to one per parcel unless property is 20 acres or greater. Then, limit is one/10 acres up to a maximum of 3. If systems are 50' or less, the limitation is two/five acres.

**Proposed:** Deletes the limitation by number of systems only. Limits the number of systems to a maximum of produced wattage of the combined systems (10 kW for residential and 50 kW for non-residential or the demonstrated/ verified use of energy onsite (Note: 2.7 kW is the smallest industry-approved standard.)

**Explanation:** The goal was to not necessarily limit the number of units, but to ensure that energy generation remained an accessory use.

The County proposal will ensure that wind energy systems remain accessory uses by limiting the amount of energy produced to energy that could be used on-site. The maximum power generation was based on typical usage estimated by the American Wind Energy Association.

### **Building-mounted Systems**

**Existing:** Does not define building-mounted systems and separation requirements prohibit more than one building-mounted system per parcel.

**Proposed:** Requires applicants to meet manufacturer's separation requirements, but allows the possibility of multiple units to be located on one parcel.

**Explanation:** The proposed change addresses the new technologies (i.e., smaller units but greater numbers of units needed).

### Separation Requirements

**Existing:** Requires separation of 240 ft. between systems on the same parcel.

**Proposed:** Requires applicants to meet manufacturer's separation requirements.

**Explanation:** Both towers and building mounted systems need to be located appropriately to function efficiently. It is not just a matter of separation between the units, but in the case of tower-mounted systems, minimum separation between buildings, trees and other towers to avoid regions of high turbulence flow. The setback can be up to 500 feet from structures or trees.

### Permit Requirement

**Existing:** Requires an approved Accessory Wind Energy Permit (a discretionary permit) for all systems that are greater than 35 feet in height.

**Proposed:** Maintains the exemption from the permit requirement if only a single unit is proposed for a parcel. However, if multiple units are proposed for a parcel, the exemption from the permit requirement would not apply even if the units are 35 feet or less in height.

**Explanation:** The revision allows for the notification of neighbors when multiple units are proposed.

### Noise

**Existing:** Requires the noise performance standards in Section 83.01.080 (Noise) be applicable for these systems, except during short-term events (e.g., utility outages, windstorms, etc.).

**Proposed:** Maintains the applicability of the County noise standards. However, the code amendment would add a requirement for an applicant to submit the noise ratings as published by the manufacturer of a system proposed for installation at the time of the submittal of an application for an Accessory Wind Energy System Permit so these noise ratings can be evaluated. If multiple systems are being proposed, the noise ratings shall be modified to address the number of systems being installed.

**Explanation:** This code section was drafted to recognize that when multiple wind energy systems are installed on a site, noise impacts will increase as well.

### Turbine Certification

**Existing:** Requires the approval of the system's turbine by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL)).

**Proposed:** Requires the approval of the system's turbine by the California Energy Commission as eligible in its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or have been certified by a national program recognized and approved by the California Energy Commission including the Clean Energy States Alliance.

**Explanation:** Staff from the California Energy Commission recommended revising the language to more accurately reflect the industry standards for system review.

## Definitions

**Existing:** Defines relative terms for accessory wind energy systems.

**Proposed:** Makes minor language changes to ensure that systems are truly accessory by requiring that the energy produce must be more than 50% of that used onsite.

**Explanation:** These changes ensure that these systems are truly accessory.

## Miscellaneous

**Existing:** Accessory wind energy systems were omitted from the Industrial and Special Purpose Land Use Zoning district Land Use Table.

**Proposed:** Adds these uses in the table.

**Explanation:** The omission of these uses from the table was clearly an oversight by staff. These zones are referred to in Chapter 84.26 so this correction is necessary to allow accessory systems in all districts in this table subject to the requirements for an Accessory Wind Energy Permit.

These proposed changes will allow greater flexibility in the design of wind energy systems to produce the needed energy while minimizing the impacts to the local neighborhoods.

These proposed changes have been prepared after reviewing the regulations of various other jurisdictions and industry developments and requirements. Recently adopted wind energy system ordinances by the following communities were reviewed in the development of this draft code amendment: Town of Apple Valley, City of Hesperia, Kern County, Marin County, Riverside County, San Diego County and Santa Barbara County. County staff consulted with representatives from the California Energy Commission, County of San Diego Land Use Planning Department, City of Hesperia and the County of Santa Barbara Planning Department. Documents on wind energy regulations prepared by the American Planning Association, the American Wind Energy Association and US Department of Energy were also consulted.

A public meeting was conducted on September 18<sup>th</sup> in the community of Oak Hills with approximately 32 people in attendance to present this proposed ordinance and one other project. Staff explained the intent of the ordinance and there was no strong opposition to the proposed changes.

**FINDINGS:**

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan because these changes only revise the existing regulations relative to small wind energy systems to recognize the use of small, less impactful systems;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County;
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code; and
4. The proposed amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the proposed change does not have the potential to cause a significant effect on the environment.

**RECOMMENDATION:** The Planning Commission recommends that the Board of Supervisors:

- A. ADOPT the proposed ordinance to amend the Development Code regulations relative to accessory wind energy systems and permits;
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

**ATTACHMENTS:**

1. [Proposed Development Code Changes](#)
2. [Notice of Exemption](#)

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# Proposed Development Code Change

## Small Wind Energy Systems

**Table 82-17**  
**Allowed Land Uses and Permit Requirements**  
**for Industrial and Special Purpose Land Use Zoning Districts (continued)**

	PERMIT REQUIRED BY DISTRICT						
LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	IC	IR	IN	SD-RES <sup>(5)</sup>	SD-COM <sup>(5)</sup>	SD-IND <sup>(5)</sup>	Specific Use Regulations
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Broadcasting studio	M/C	M/C	M/C	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	
Communication contractor	M/C	M/C	M/C	M/C <sup>(7)</sup>	M/C <sup>(7)</sup>	M/C <sup>(7)</sup>	
Electrical power generation <sup>(6)</sup>	CUP	CUP	CUP	—	—	—	
Parking lots, accessory	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Parking structures	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations <sup>(4)</sup>	(4)	(4)	(4)	(4)	(4)	(4)	
Sewage treatment and disposal facility <sup>(6)</sup>	—	—	CUP	—	—	—	
Solid waste disposal <sup>(6)</sup>	—	—	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27
OTHER							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed



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**CHAPTER 84.26   ACCESSORY WIND ENERGY SYSTEMS - ACCESSORY**

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**Sections:**

- 84.26.010   Purpose
- 84.26.020   Applicability
- 84.26.030   Development standards

**84.26.010   Purpose**

As allowed by Government Code Section 65892.13, the purpose of this Chapter is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

Adopted Ordinance 4011 (2007)

**84.26.020   Applicability**

This Chapter provides development standards for accessory wind energy systems.

Adopted Ordinance 4011 (2007)

**84.26.030   Development Standards**

- (a) Maximum Number of Accessory Wind Energy Systems. ~~Number of units and required separation.~~** ~~Normally, only one unit per parcel shall be allowed. However, additional units may be allowed at the rate of one unit for every 10 acres to a maximum of three units. The acreage requirement may be met by one parcel or the total acreage of multiple parcels held under common ownership. Units shall be installed with at least 240 feet separation from each other. If the units are to 50 feet in height, a maximum of two units may be installed per five acres. For every additional five acres, one additional unit may be added not to exceed a maximum of five units. Additionally, the separation between the units may be reduced to twice the height of the systems. The maximum number of Accessory Wind Energy Systems on a single parcel is determined by the total combined rated kW hours for all the wind turbines in a system. Wind turbines are defined in Section 810.010.250 (m)(4) of this Title. The maximum number of Accessory Wind Energy Systems is as follows:~~

**Table 84-14a**  
**Maximum Number of Accessory Wind Energy Systems**

	Type of System	Requirements
<b>Maximum Number of kW</b>	Residential	10 kW
	Non-Residential	50 kW or verified actual energy use
<b>Maximum Number of Turbines in the System</b>	Building-Mounted Turbines	Based on the maximum number of kW
	Tower-Mounted Turbines	Based on the maximum number of kW Only 1 turbine shall be attached to each tower
	Combined Building Mounted and Tower Turbines	Based on the maximum number of kW Only 1 turbine shall be attached to a tower

- (b) **Maximum tower height.** The tower height limitations in Table 84-~~12~~**14b** (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. ~~For roof mounted systems, refer to Subsection 83.02.040(c)(2)(V) relative height limit exceptions.~~

**Table 84-~~14~~**14b****  
**Maximum Tower Heights for Accessory Wind Energy Systems**

Land Use Zoning District (parcel size within zoning district)	Region		
	Valley	Mountain <del>62</del>	Desert
AG	80'	80'	120'
RC	80'	80'	120'
<del>RL (1 acre to less than 2.5 Acres)</del>	<del>65'</del>	<del>65'</del>	<del>80'</del>
<del>RL (acres to less than 5 acres)</del> (minimum one-half acre)	65'	65'	80'
<del>RL-5, RL-10, RL-20, RL-40 (5 acres or greater)</del>	80'	80'	100'
RM (minimum one-half acre)	52.5'	52.5'	52.5'
RS (minimum one-half acre)	52.5'	52.5'	52.5'
All other land use zoning districts	65' <sup>(1)</sup>	65' <sup>(1)</sup>	80' <sup>(1)</sup>
Note: (1) Or the maximum structure height specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning district in which the system is located, whichever is greater.			

- (c) **System Separation Requirements.** All units located on the same parcel shall be separated from each other in accordance with the manufacturer's recommended distances.
- (ed) **Setbacks.** The minimum setback from any property line shall be equal to the system height.

- (de) **Climbing apparatus.** Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.
- (ef) **Lighting.** Tower structure lighting shall be prohibited unless required by another code or regulation.
- (fg) **Noise.** The noise performance standards in Section 83.01.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.). **The noise ratings as published by the manufacturer of a system proposed for installation shall be submitted to the County for review at the time of the submittal of an application for an Accessory Wind Energy System Permit. If multiple systems are being proposed, the noise ratings shall be modified to address the number of systems being installed.**
- (gh) **Visual effects.** An accessory wind energy system shall not substantially obstruct views of adjacent property owners.
- (hi) **Location.**
- (1) An accessory wind energy system shall be placed or constructed below any major ridgeline when viewed from any designated scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).
  - (2) An accessory wind energy system shall not be:
    - (A) Located within a scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).
    - (B) Allowed where otherwise prohibited by any of the following:
      - (I) The Alquist-Priolo Earthquake Fault Zoning Act.
      - (II) The terms of any easement.
      - (III) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.
- (ij) **Turbine certification.** ~~The system's turbine shall be approved or shall have been approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL)).~~ **All Wind Turbines in an Accessory Wind Energy System shall be approved by the California Energy Commission as eligible in its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or has been certified by a national program recognized and approved by the Energy Commission including the Clean Energy States Alliance.**
- (jk) **Engineering analysis.** The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with ~~the Uniform~~

~~Building Code (UBC)~~ or the California Building Code (CBC) or the California Residential Code (CRC) and certification by a professional mechanical, structural, or civil engineer licensed by the State. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the:

- (1) ~~UBC~~CBC or CRC requirements for the applicable wind speed and exposure ~~D~~;
- (2) ~~UBC~~CBC or CRC requirements for ~~Seismic Zone 4~~the applicable seismic design category;
- (3) Requirements for a soil strength of not more than 1,000 pounds per square foot; or
- (4) Other relevant conditions normally required by a local agency.

**(kl) Compliance with aviation law.** The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code Section 21001 et seq.).

**(lm) Compliance with electrical code.** The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the installation conforms to the ~~National~~California Electric Code (CEC).

**(mo) Reduction in onsite electricity consumption.** The system shall be used primarily to reduce onsite consumption of electricity.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010); Amended Ordinance XXXX (2012)

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**CHAPTER 85.18 ACCESSORY WIND ENERGY SYSTEM PERMIT**

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**Sections:**

- 85.18.010 Purpose
- 85.18.020 Applicability
- 85.18.030 Procedures
- 85.18.040 Abandonment

**85.18.010 Purpose**

As allowed by Government Code Section 65892.13, the purpose of this Chapter is to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

Adopted Ordinance 4011 (2007)

**85.18.020 Applicability**

- (a) **Accessory Wind Energy System Permit.** An accessory wind energy system, **as defined by Section 810.010.250 (Definitions, “W”) and** where allowed by Division 2 (Land Use Zoning Districts and Allowed Land Uses), shall require an Accessory Wind Energy System Permit and shall be subject to the requirements and standards in this Chapter.
- (b) **Exemptions.** **A single** accessory wind energy system that is 35 feet or less in height shall be exempt from the requirement to obtain an Accessory Energy System Permit. **Multiple systems on the same parcel, even if they are 35 feet or less in height, shall be required to obtain an Accessory Wind Energy System Permit. All accessory wind energy systems shall comply with the standards outlined in this chapter, including those systems exempted from the Accessory Wind Energy System Permit Process pursuant to Section 85.18.020(b).**

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010); **Amended Ordinance XXXX (2012)**

**85.18.030 Procedures**

- (a) **Action.** The Director shall review and act upon an application for approval of an Accessory Wind Energy System Permit.

- (b) **Procedure.** Staff Review With Notice in compliance with Section 85.02.030 (Staff Review with Notice).
- (c) **Notification.**
- (1) **Surrounding property owners.** Notice shall be given by first class mail or delivery to all surrounding property owners within 300 feet of the boundaries of the parcel of the subject site when ~~a request is submitted to the Department for review~~ the application is accepted as complete.
  - (2) **Electric utility service provider.** If the applicant plans to connect the system to the electricity grid, the applicant shall submit documentation from the electric utility service provider that serves the proposed site confirming they have been informed of the applicant's intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, notice to the electric utility service provider shall not be required.
  - (3) **Pest control service providers.** In the event an accessory wind energy system is proposed to be sited ~~in~~ as an accessory to an agricultural ~~use~~ area that may have aircraft operating at low altitudes, the applicant shall take reasonable steps to notify pest control aircraft pilots registered to operate in the County.
  - (4) **Military airspace authority.** An accessory wind energy system shall not be sited on land within a restricted military airspace without first giving adequate notice to the governing authority of that airspace.
- (d) **Review Authority.** Director.
- (e) **Findings required.** Before approving an application for an Accessory Wind Energy Permit, the Director shall find and justify that all of the following are true:
- (1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the proposed use.
  - (2) The site for the proposed use has adequate access (i.e., the site design incorporates street and highway limitations).
  - (3) The proposed use will not have a substantial adverse effect on adjacent property or the use of the adjacent property (e.g., excessive noise, vibration, traffic, other disturbance, etc.) and will not have a substantial visual impact on adjacent property.
  - (4) The proposed use is consistent with the goals, policies, standards and maps of the General Plan and any applicable Community Plan or Specific Plan.

- (5) The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.

~~The design of the site has taken into consideration the potential for the use of solar energy systems and passive or natural heating and cooling opportunities in compliance with Government Code Section 65850.5.~~

Adopted Ordinance 4011 (2007)

**85.18.040 Abandonment**

Under normal occupancy, an accessory wind energy system that is not operated for a continuous period of 12 months shall be considered abandoned. The owners of the system shall remove all structures within 90 days of receipt of notice from the County advising the owner of the abandonment. If the system is not removed within 90 days, the County may remove all structures at the owner's expense.

Adopted Ordinance 4011 (2007)

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**810.01.250 Definitions, “W.”**

- (a) **Wall Sign.** See “Sign.”
- (b) **Warehouse.** See “Storage Warehouse.”
- (c) **Warehouse Retail (see Land Use Tables).** A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.
- (d) **Watercourse.** Any natural or man-made channel where water is concentrated or collected from a tributary drainage area. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- (e) **Water-Intensive Landscaping.** Landscaping that has a plant factor of 0.7 or greater.
- (f) **Watering Window.** The time within a 24 hour period in which an irrigation system is allowed to operated.
- (g) **Water Use Classification of Landscape Species (WUCOLS).** The third edition of the publication from the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation regarding plant material and their water use needs.
- (h) **Weather Sensing Devices.** Irrigation components that detect adverse weather conditions (e.g. rain, wind, frost, etc.) and will automatically override the pre-programmed irrigation schedule during adverse weather events.
- (i) **Wholesale.** A sale of commodities or goods to others for resale and not normally to the ultimate consumer. Sales can normally employ warehouses, open enclosures and office space for the assembly, storage, distribution and display of merchandise for large quantity sales to community or regional retailers, manufacturers, and agricultural, commercial, industrial, institutional and professional uses. Sales may include the rendering of services incidental to and supportive of the sale of merchandise.
- (j) **Wholesaling and Distribution (see Land Use Tables).** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Examples of these establishments include:
  - agents, merchandise or commodity brokers, and commission merchants

- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

- (k) **Wine Tasting.** A facility or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.
- (l) **Wildland.** Timber, range, watershed and brush lands not under cultivation and in which development is essentially nonexistent; usually rugged open space terrain.
- (m) **Wind Energy System (see Land Use Tables).** A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

- (1) **Accessory Wind Energy System.** ~~A wind energy conversion system consisting of a wind turbine and blades, a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power.~~ An Accessory Wind Energy System consists of one or more wind turbines that generate electricity primarily for the principal use on a site. (When referring to accessory wind energy systems, primarily means that more than 50% of the energy shall be used on site.) An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An Accessory Wind Energy System typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.
- (2) **System Height.** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.
- (3) **Tower Height.** The height above grade of the fixed portion of the tower, excluding the wind turbine.
- (4) **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.

# Notice of Exemption

To: ☐ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: County of San Bernardino  
Land Use Services Department  
Advance Planning Division  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0182

☒ Clerk of the Board of Supervisors  
County of San Bernardino  
385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130

## Project Description

**Applicant:** Land Use Services Department  
**Proposal:** A Development Code Amendment to revise the regulations relative to small wind energy systems and the Accessory Wind Energy Systems Permit.  
**Community:** Countywide  
**JCS:** L612  
**Staff:** Jim Squire

## **Applicant**

County of San Bernardino  
Land Use Services Department

385 N. Arrowhead Ave., First Floor  
Address

San Bernardino, CA 92415-0182

(909) 387-4237  
Phone

## **Representative**

Terri Rahhal, Planning Director  
Name

Same as Applicant  
Address

Terri Rahhal, Planning Director  
Lead Agency Contact Person

(909) 387-4237  
Area Code/Telephone Number

Same As Applicant  
Phone

Exempt Status: (check one)

- ☐ Ministerial [Sec. 21080(B)(1); 15268];  
☐ Declared Emergency [Sec. 21080(B)(3); 15269(a)];  
☐ Emergency Project [Sec. 21080(B)(4); 15269(b)];  
☒ Categorical Exemption. State type and section: Review of Exemption § 15061(b)(3)

- ☐ Statutory Exemptions. State code number: \_\_\_\_\_  
☐ Other Exemption: \_\_\_\_\_

Reasons why project is exempt: Since the proposed changes are simply recognizing building-mounted wind energy systems and small blade technologies and making minor revisions to the development standards for these systems, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and thus, the project is also exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3).

Signature

Title

Date

☒ Signed by Lead Agency ☐ Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_