

ORDINANCE NO. 1700

ORDINANCE AMENDING TITLE 19 (ZONING) OF THE AMADOR COUNTY CODE
BY ADDING SECTION 19.48.170 PERTAINING TO THE INSTALLATION OF SMALL
WIND ENERGY SYSTEMS.

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION I. The Amador County Board of Supervisors considers the establishment of an ordinance to regulate the installation of small wind energy systems to promote the safe, effective, and efficient use of small wind energy systems designed to reduce the on-site consumption of utility supplied electricity a benefit to the welfare of the County's residents.

SECTION II. Section 19.48.170 is hereby added to the Amador County Code as follows:

19.48.170 Small wind energy systems.

A. Purpose.

The purpose of this Section is to provide for the installation of small wind energy systems to promote the safe, effective, and efficient use of small wind energy systems to reduce the on-site consumption of utility supplied electricity. These regulations are intended to ensure that small wind energy systems are designed and located in a manner that minimizes visual, noise, and safety impacts on the surrounding community.

B. Definitions.

For purposes of this Section, the following definitions apply:

1. "Small wind energy system" shall mean a structure consisting of a turbine tower, nacelle, and rotor blades designed to capture energy from the wind and be used primarily to reduce onsite consumption of utility power. Roof mounted systems are not included in this ordinance.

2. "System height" means the total height of the tower at the existing grade to the furthest vertical extension of any axial-rotating turbine blades.

C. Use permit required.

Small wind energy systems may be installed and operated on parcels ten (10) acres in size or larger in the following zone districts: AG, A, R1A, RE, X, and TPZ, provided that a use permit is first obtained pursuant to Chapter 19.56.

D. Development standards.

Small wind energy systems shall be subject to the following development standards:

1. System height to be permitted shall be determined on a case-by-case basis by the Planning Commission to minimize impacts on neighboring properties. Application shall include evidence that the proposed height of the system does not exceed the height recommended by the manufacturer or distributor of the system.
2. Setbacks shall be determined on a case-by-case basis by the Planning Commission to minimize impacts on neighboring properties. In no case shall the system be closer to the property line or any habitable structure than 1.25 times the system height.
3. No more than one (1) system shall be allowed on parcels less than twenty (20) acres in size and no more than two (2) systems shall be allowed on parcels twenty (20) acres or more in size.
4. The visual impacts of the system shall be minimized to surrounding properties. Towers and blades shall be painted a non-reflective, unobtrusive color that blends the systems and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption. Colors and screening will be determined on a case-by-case basis through the permitting process.

Notwithstanding the above, in the event a small wind energy system is proposed to be sited in an area that may have aircraft operating at low altitudes, the County may impose reasonable precautions, such as requiring marking of the systems to increase visibility for pilots, or other conditions.

5. Noise emitted from the system shall not exceed the lesser of (a) sixty (60) dBA CNEL at any property line, or (b) any existing maximum noise levels established pursuant to the noise element of the General Plan for the applicable land use category.
6. System lighting shall be prohibited unless required to meet FAA requirements pursuant to No. 11 below.
7. System climbing apparatus and blade tips of the turbine shall be no closer than twelve feet from ground level.
8. The system's utility lines shall be underground where economically practical.
9. The system's maximum power shall not exceed 50 kilowatts.
10. The system shall be designed and constructed in compliance with the then-current edition of the California Building Standards Code. The safety of the design and construction shall be certified by a California-licensed mechanical, structural or civil engineer.

11. 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).

E. Limitation on location of systems.

Small wind energy systems shall not be located in any of the following areas:

1. Visible from any scenic highway corridor identified in the County's General Plan;
2. On a site that is listed in the National Register of Historic Places, or the California Register of Historic Resources; or
3. Within the area covered by an adopted airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport.

F. Notice to electric utility service provider.

The applicant shall provide information demonstrating the system will be used primarily to reduce on site consumption of electricity. If the applicant plans to connect the system to the electricity grid, the applicant must include evidence that the electric utility service provider serving the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

G. Abandonment.

The County may require the removal of any small wind energy system that remains inoperable for twelve (12) consecutive months. The permittee shall remove the small wind energy system, along with any associated equipment or debris within ninety (90) days following notice from County to remove the system. In the event the permittee fails to remove the small wind energy system along with any associated equipment or debris from the site as required by the written notice, the County may cause the removal of the systems, along with any associated equipment and debris by utilizing the performance security as provided in this Chapter. .

H. Performance security.

At the time a permittee obtains a building permit for the small wind energy system, permittee shall provide to County a performance security in the form of cash, cashier's check, certified check, or other form acceptable to the County. The amount of the security shall be 100% of the county's estimated cost to remove the small wind energy system and equipment, which shall also include the County's anticipated administrative costs. The security shall guarantee the faithful performance of all terms and conditions of the use permit.

I. Costs of removal deducted from performance security.

If the County causes the removal of a small energy system as provided in this Chapter, the cost of the associated work and the County's administrative costs shall be deducted from the permittee's performance security. If the performance security is insufficient to fully reimburse the County for the cost of the work, the landowner, if different than the permittee, shall be jointly responsible for removing any remaining portion of the small wind energy system, along with any related equipment and debris.

J. Performance security – Refund.

Upon satisfactory removal of the small wind energy systems, along with any associated equipment or debris, any remaining portion of the performance security shall be returned to the permittee. Unless required by prior agreement or law, the amount returned will not include interest.

SECTION III. This ordinance or a summary thereof shall be published in the manner prescribed in Government Code Section 25124 and shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 9th day of November 2010, by the following vote:

AYES: Brian Oneto, John Plasse, Theodore F. Novelli,
Louis D. Boitano and Richard M. Forster

NOES: None

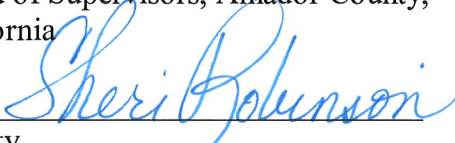
ABSENT: None



Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy