

FROM THE PLANNING COMMISSION MINUTES OF SEPTEMBER 23, 2010

8. ORDINANCE

OR10-0002/Wind Energy Conversion Systems initiated by EL DORADO COUNTY. Proposed amendment to County Ordinance, Title 17, to add provisions for wind energy conversion systems to comply with California Government Code Section 65893 which encourages local agencies to adopt zoning standards that enable construction of small wind energy conversion systems for on-site home, farm, and small commercial use. The intent is to provide standards and regulations for the safe and effective construction and use of these systems, as well as for larger, utility-scale systems that can potentially be developed within the County, based on the State Energy Commission's *Wind Resource Potential Maps*. [Project Planner: Lillian MacLeod] (Negative Declaration prepared)* [continued from 9/9/10 meeting]

Peter Maurer stated he had clarified the intent of the Ordinance and modified it accordingly as discussed in the Staff Memo dated September 13, 2010. He also edited language for better understanding.

Commissioner Pratt made the following comments:

- Questioned intent of language used in Section G.1.a;
- Proposed language does not encourage use; more focus and narrative should be on microturbines and Small WECS, thereby encouraging that type of use;
- Microturbines in the residential area is the biggest concern regarding visual blight and viewsheds;
- Definition of microturbines can change as technology advances;
- Proposed language appears to be from State law and doesn't address the rural, hilly climate of this County;
- Inquired on reasoning for 30 foot height;
- If a minimum height is needed, then safety issues need to be addressed;
- Not in favor of poles, as they are limiting; should encourage roof-mounted microturbines, which would be similar to satellite dishes;
- Suggested safety language if ground-mounted or have an access limitation program approved by a reviewing authority;
- Questioned how far is the County allowed to modify the State standards;
- Concerned on Section D.1.a wording as it could allow 10 kilowatts for residential areas; some areas of County need restrictions, where other areas need to be encouraged;
- Questioned urbanized vs non-urbanized and what that meant to agriculture; and
- Suggested that development standards have another threshold (i.e., 100-199 kw) that would be just under a Wind Farm.

Commissioner Mathews made the following comments:

- Ordinance should not make it difficult for homeowners but should still safeguard neighbors;
- Suggested that height limitations be used and if homeowner needs to go past that limit in order to achieve more efficiency, then a permit would be required; and

- Safety and visual blight are issues.

Chair Rain felt that a lot of assumptions are being used regarding physical size vs. kilowatts and that technology can change quite quickly. He also stated that the cumulative effect is an issue and that the Ordinance text, similar to wording in Section D.1.a, is a disconnect with the table that shows what is allowed.

Mr. Maurer stated the following:

- Ordinance is made up of 4 tiers (utility scale; mid-range; Small WECS; and microturbines);
- Sections H.1 and H.2 appear to be the biggest concern for the Commission as they are primarily manufacturer specifications which could put significant limitations on the homeowner; suggested deleting these sections; and
- Attempting to avoid case-by-case reviews in regards to suggestion of having an access limitation provision.

County Counsel Paula Frantz said that the State law states that the Ordinance can not be any more restrictive than in the standards. In response to Chair Rain's inquiry, she stated that CC&Rs are private contractual obligations and are not affected by this State law.

Valerie Zentner/El Dorado County Farm Bureau voiced concern on how this would be implemented on Williamson Act Contract lands and still maintain the integrity of the contracted land. She felt that this may be a potential issue as there are tax advantages to being in a Williamson Act Contract.

County Counsel Frantz responded that the WECS use could be inconsistent if the agricultural use was marginal on the Williamson Act Contract land and acreage was taken out for power generation since the State agency provides tax breaks for agricultural production and wants that use maximized. Significant discussion ensued on Williamson Act Contract lands and staff indicated that the proper place to address this would be in the AE and AP sections of the Zoning Ordinance.

No further discussion presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item to the October 14, 2010 meeting and directed staff to bring back the document with the modifications as discussed.

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AYES: Heflin, Pratt, Mathews, Rain
NOES: None
ABSENT: Tolhurst