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Riverside County, CA
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RIVERSIDE COUNTY, CALIFORNIA CODE Volume 1

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Chapter 17.224 - COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) PERMITS

Sections:

Article 1. - WECS Permits*

* Prior ordinance history: Ord. 348.3752, 1995; Ord. 348.3567, 1993; Ord. 348.3029, 1989; Ord. 348.2686, 1987; Ord. 348.2592, 1986; Ord. 348.2534, 1985; Ord. 348.2500, 1985; Ord. 348.2338, 1984; Ord. 348.2218, 1983; Ord. 348.2174, 1983; Ord. 348.2104, 1982.

17.224.010 - Applicability.

- A. Notwithstanding any other provision of this title, commercial WECS or WECS arrays having a total rated power output of one hundred (100) kw or less are permitted in all zoning classifications, provided a commercial WECS permit is granted pursuant to this article.
- B. Commercial WECS or WECS arrays having a total rated power output of more than one hundred (100) kw are permitted in the W-E zone, and in the W-1 zone, provided a commercial WECS permit is granted pursuant to this article.

(Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.41(a))

17.224.020 - Procedure.

A public hearing shall be held on an application for commercial WECS permit in accordance with the provisions of [Chapter 17.192](#) and all of the procedural requirements and rights of appeal as set forth therein shall apply. In addition to the notice of hearing provided under [Chapter 17.192](#), notice of hearing shall be given by mailing to all owners of real property which is located within one-half mile of the exterior boundaries of the proposed project, as such owners are shown on the last equalized assessment roll and any update. The hearing body shall be the planning commission.

(Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.41(b))

17.224.030 - Application.

Every application for a commercial WECS permit shall be made in writing to the planning director on the forms provided by the planning department and shall be accompanied by the filing fee set forth in county Ordinance No. 671. The permit application shall include the following information:

- A. Name and address of the applicant;
- B. Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application;
- C. A plot and development plan drawn in sufficient detail to clearly describe the following:
 - 1. Physical dimensions of the property, existing structures, and proposed structures,
 - 2. Location of existing and proposed structures,
 - 3. Location of electrical lines and facilities,
 - 4. Existing topography,
 - 5. Proposed grading and removal of natural vegetation,
 - 6. Wind characteristics and dominant wind direction is the direction from which fifty (50) percent or more of the energy contained in the wind flows,
 - 7. Setbacks,
 - 8. Methods of circulation,
 - 9. Ingress and egress identifying the following factors:
 - a. Location and distance to the nearest county maintained road,
 - b. A description of the access route from the nearest County maintained road to include:
 - i. Road surface material stating the type and amount of surface cover,
 - ii. Width and length of access route,
 - iii. Dust control procedures,
 - iv. A road maintenance schedule or program,
 - v. Utilization of the property under the requested permit;
- D. Utility interconnection data and a copy of written notification to the utility of the proposed interconnection;
- E. Specific information on the type, size, height, rotor material, rated power output, performance, safety and noise characteristics of each WECS model, tower and electrical transmission equipment;
- F. A geotechnical report that shall at a minimum include the following:
 - 1. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing,
 - 2. Foundation design criteria for all proposed structures,
 - 3. Slope stability analysis,
 - 4. Grading criteria for ground preparation, cuts and fills, soil compaction,

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5. Detailed fault hazard evaluation prepared by a California registered geologist or certified geologist for WECS located within an Alquist-Priolo special studies zone, county fault one hundred fifty (150) feet of any other active or potentially active fault,
 6. Seismic hazards evaluation to include regional seismicity, potential for strong groundshaking, and all appropriate primary and secondary seismic hazards,
 7. Recommendations regarding the need for automatic shutdown systems in event of groundshaking greater than the seismic design specifications of the WECS and tower;
- G. A location map to scale of all dwellings within one-half mile of the boundary of the property upon which the WECS are to be located;
 - H. An analysis to reduce air navigation clutter on airport radar facilities;
 - I. If the planning director determines it is necessary, the application shall be accompanied by a photograph or detailed drawing of each model of WECS including the tower and foundation; and one or more detailed computer or photographic simulation drawing showing the site fully developed with all proposed WECS and accessory structures;
 - J. If the application includes any WECS with a total height over two hundred (200) feet or any WECS which is located within twenty thousand (20,000) feet of the runway of any airport, the application shall be accompanied by a copy of written notification to the Federal Aviation Administration;
 - K. If the application includes any WECS which requires the approval of a greater height limit pursuant to [Section 17.172.220](#), the two applications shall be filed concurrently;
 - L. An application including any WECS which is located within a two miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link;
 - M. An application including any WECS which is located within a one hundred (100) year flood plain area, as such flood hazard areas are shown on the maps designated in county Ordinance No. 458, shall be accompanied by a detailed report which shall address the potential for wind erosion, water erosion, sedimentation and flooding, and which shall propose mitigation measures for such impacts;
 - N. Such additional information as shall be required by the planning director.

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.41(c))

17.224.040 - Standards and development criteria.

No person shall erect or maintain a commercial WECS in the unincorporated area of the county of Riverside except in accordance with the following provisions.

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A. Safety Setbacks.



1. No commercial WECS shall be located where the center of the tower is within the distances indicated in the following table:

ABOVEGROUND ELECTRICAL TRANSMISSION LINE OF MORE THAN 12kV*	PUBLIC ROAD, PUBLIC HIGHWAY OR RAILROAD**	PUBLIC ROAD OR PUBLIC HIGHWAY CLASSIFIED AS AN ARTERIAL OR GREATER WITH ADT OF 7,000 OR MORE***	LOT LINE ADJOINS A LOT ZONED W-E OR W-1	LOT LINE OF ANY LOT CONTAINING A "HABITABLE DWELLING"****	ALL OTHER LOT LINES
1.25 × TOTAL WECS HEIGHT*****	1.25 × TOTAL WECS HEIGHT	1.5 × TOTAL WECS HEIGHT or 500 feet whichever greater	1.1 × TOTAL WECS HEIGHT	3 × TOTAL WECS HEIGHT or 500 feet whichever greater	1.1 × TOTAL WECS HEIGHT

NOTES:

* Measured from the outer boundary of the public utility right-of-way or easement.

** Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way.

*** "ADT" means average daily trips; based on traffic field measurements as determined by the director of the department of transportation (Information: in 1999, public roads or highways with ADT of 7,000 or more included 1-10, Hwy 62, Hwy 111 & Indian Avenue).

**** For the purposes of this subsection, a "habitable dwelling" shall be a dwelling which contains a kitchen and which is deemed fit for human occupancy as determined by the director of the department of building and safety.

***** Measurement of the WECS and tower with the blade of a horizontal WECS at 12 o'clock position; measurement of a vertical axis WECS shall be the height of the tower.

B. Wind Access Setbacks.

1. No commercial WECS shall be located where the center of the tower is within a distance of five rotor diameters from a lot line that is perpendicular to and

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- 2. Notwithstanding the provisions of subsection (B)(1) of this section, such setbacks from lot lines do not apply if the application is accompanied by a legally enforceable agreement for a period of twenty-five (25) years or the life of the permit, whichever is longer, that the adjacent landowner agrees to the elimination of the setback and will not develop his or her land in such a way as to decrease wind velocity or increase wind turbulence at the location of the proposed WECS. In addition the provisions of (B)(1) of this section, regarding setbacks from lot lines do not apply if planning commission determines that the characteristics of the downwind property, such as, but not necessarily limited to, topography or use of such property as a transportation corridor, eliminate the ability to develop said downwind property with commercial WECS. Whenever a wind access setback reduction is proposed to the planning commission based on the characteristics of the downwind property, the wind access setback reduction shall be included in all notices regarding the commercial WECS permit, and, if granted, the commercial WECS permit shall specifically state the required alternative wind access setback.

C. Scenic Resource Protection.

- 1. No commercial WECS array shall be located easterly of Indian Avenue or northerly of Pierson Boulevard and its extension westerly of Highway 62.
- 2. No commercial WECS array shall be located southerly of Interstate 10 or southerly of Highway 111 in any area that meets both of the following requirements:
 - a. The area is within Sections 8, 9, 15, 16, 17, 19, 20 and 21, Township 3 South, Range 3 East, San Bernardino Base and Meridian; and
 - b. The area is within the boundaries of the Santa Rosa and San Jacinto Mountains National Monument, as those boundaries existed on the effective date of this ordinance codified in this section.
- 3. No commercial WECS shall be located where the center of the tower is within the distances indicated in the following table:

SCENIC SETBACKS	I-10 easterly of Highway 111	State Highway 111 south of I-10 and north of the City of Palm Springs	All other state or county eligible or designated scenic highways*
	WECS total height of 150 feet or less: 500 foot setback	2/3 mile setback	¼ mile setback

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NOTES:

* Scenic highways are those designated in the Scenic Highway Element of the Comprehensive General Plan (Information: in 1999, other designated scenic highways included Hwy 62, I-10 westerly of Highway 111 and Whitewater Canyon Road), and, for the purpose of this subsection, Snow Creek Road.

4. The setback specified in subdivision 3 of this subsection, shall be measured from the outer boundary of the public right-of-way of the designated highway.
5. Notwithstanding the provisions of subdivision 3 of this subsection, the setbacks therein specified may be reduced to 1.25 times the total WECS height if the planning commission determines that the characteristics of the surrounding property eliminate or substantially reduce considerations of scenic value. Whenever a setback reduction is proposed pursuant to this subsection, the setback reduction shall be included in all notices regarding the commercial WECS permit, and, if granted, the commercial WECS permit shall specifically state the required setback.

D. Safety and Security.

1. Fencing or other appropriate measures shall be required to prevent unauthorized access to the WECS or WECS array.
2. Guy wires shall be distinctly marked.
3. Signs in English and Spanish warning of the electrical and other hazards associated with the WECS shall be posted at the base of each tower and on fences or barriers.
4. Horizontal-Axis WECS. The lowest extension of the rotor of a horizontal-axis WECS shall be at least twenty-five (25) feet from the ground.
5. Vertical-Axis WECS. A fence or other barrier shall be erected around a vertical-axis WECS whose rotors are less than fifteen (15) feet from the ground.
6. A security patrol or other security measure may be required if specified within the conditions of approval of a commercial WECS permit.

E. Seismic Safety. All WECS including the tower, foundation and accessory structures, shall comply with the requirements of the applicable seismic zone of the Uniform Building Code, the applicable groundshaking zone in the Riverside County Comprehensive General Plan, and with the seismic design recommendation in an approved geotechnical report on the project.

F. Fire Protection. Upon recommendation of the county fire department, commercial WECS

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and WECS arrays shall include fire control and prevention measures. No construction permit shall be issued for any human occupancy structure upon the property containing commercial WECS and WECS arrays without first establishing fire protection requirements; this requirement includes the establishment of a minimum fire flow per Riverside County Ordinance No. 787. Additional measures required for fire control and prevention shall be stated in the conditions of approval of a commercial WECS permit, and such measures may include, but are not limited to, the following:

1. Areas indicated below to be cleared of vegetation and maintained as a fire/fuel break as long as the WECS or WECS array is in operation:
 - a. Thirty (30) feet around the periphery of the WECS or WECS array; access driveways and roads that completely surround the project may satisfy this requirement as approved by the county fire department;
 - b. Ten (10) radius feet around all transformers and WECS towers and their foundations;
 - c. Thirty (30) feet around all buildings;
 - d. All buildings or equipment enclosures of substantial size containing control panels, switching equipment, or transmission equipment, without regular human occupancy, shall be equipped with an automatic fire extinguishing system of a Halon or dry chemical type, as approved by the county fire department.
 2. Service vehicles assigned to regular maintenance or construction at the WECS or WECS array shall be equipped with a portable fire extinguisher of a 4A40 BC rating.
 3. All motor-driven equipment shall be equipped with approved spark arrestors.
- G. Interconnection and Electrical Distribution Facilities. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the utility. Interconnection shall conform to procedures and standards established by the Federal Energy Regulatory Commission, the California Independent System Operator and/or the California Public Utilities Commission, as applicable.
- H. Unsafe and Inoperable WECS.
1. Unsafe commercial WECS, inoperable commercial WECS, and commercial WECS for which the permit has expired shall be removed by the owner. All safety hazards created by the installment and operation of the WECS shall be eliminated and the site shall be restored to its natural condition to the extent feasible. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration.
 2. Every unsafe commercial WECS and every inoperable commercial WECS is declared to be a public nuisance which shall be subject to abatement by repair, rehabilitation,

demolition, or removal in accordance with the procedure contained in Section 3 of county Ordinance No. 457. Every commercial WECS shall be subject to the provisions of this subsection commencing with the date of issuance of final building permit inspection approval. An inoperable commercial WECS shall not be considered a public nuisance provided the owner can demonstrate that modernization, rebuilding or repairs are in progress or planned and will be completed within no more than six months.

- a. A commercial WECS constructed pursuant to a commercial WECS permit with an effective date prior to July 23, 1985, shall be deemed inoperable if it has not generated power for twelve (12) consecutive months.
 - b. A commercial WECS permit constructed pursuant to a commercial WECS permit with an effective date on or after July 23, 1985, shall be deemed inoperable if it has not generated power within the preceding two calendar quarters equal to at least sixty (60) percent of the total projected quarterly production per turbine (kWh) for the two calendar quarters. As used herein, the term "projected quarterly production per turbine (kWh)" shall be defined as provided in Section 1382 of Title 20 of the California Administrative Code.
3. All notices required under Section 3 of county Ordinance No. 457 shall also be given to the concerned utility.
- I. Interference with Navigational Systems.
 1. No commercial WECS or WECS array shall be installed or operated in a manner that causes interference with the operation of the VORTAC installation on Edom Hill.
 2. All WECS siting shall comply with Federal Aviation Administration regulations for siting structures near an airport or VORTAC installation.
 3. All WECS shall include a locking mechanism which prevents the blades from rotating when not producing power, in order to limit airport radar interference or clutter. The planning commission may modify or eliminate the requirement for a locking mechanism if sufficient evidence is presented that no significant airport radar interference or clutter will be caused by the WECS or WECS array.
- J. Site Disruption. Prior to the issuance of building permits for a commercial WECS development, all areas where significant site disruption is proposed shall be temporarily marked off. All construction activities shall be limited to the areas marked off.
- K. Certification.
 1. The foundation, tower and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in California that they conform with good engineering practices and comply with the

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2. The electrical system shall be certified in writing by an electrical engineer, registered in California, that it conforms with good engineering practices and complies with the appropriate provisions of the National Electrical Code that have been adopted by the county.
3. The rotor overspeed control system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms with good engineering practices.

L. Noise.

1. Permit Approval.
 - a. A commercial WECS permit shall not be granted unless the applicant demonstrates that the proposed WECS or WECS array complies with the setbacks requiring no acoustical studies as set forth in subsection (L)(1)(b) of this section, or that the projected WECS noise level will comply with the noise standards as set forth in subsection (L)(1)(c) of this section. The projected WECS noise level is the level of noise projected to be produced by all commercial WECS proposed under the permit application and shall be calculated in accordance with the technical specifications and criteria adopted pursuant to subsection (L)(3) of this section. A variance from this property development standard may be granted pursuant to the provisions of [Chapter 17.196](#).
 - b. WECS array setbacks requiring no acoustical studies. WECS arrays with ten (10) or fewer WECS (comprised of WECS designed in accordance with proven good engineering practices) set back (where each WECS in the array are) two thousand (2,000) feet or more from the nearest receptor as set forth in subsection (L)(1)(e) of this section, shall be permitted without an acoustical study. WECS arrays with more than ten (10) WECS (comprised of WECS designed in accordance with proven good engineering practices) can qualify for this condition if each WECS in the array is set back three thousand (3,000) feet or greater. WECS designed with the following characteristics shall be deemed in accordance with proven good engineering practices: at least three blades; upwind rotor; no furling; tapered and twisted blades; airfoils designed to stall softly (defined in technical specifications and criteria adopted pursuant to subsection (L)(3) of this section. WECS arrays approved under this subsection shall have noise standards as set forth in subsection (L)(1)(c) of this section.
 - c. Noise Standards. The projected WECS noise level to each receptor (as set forth in subsection (L)(1)(e) of this section) shall be at or below fifty-five (55) dB(A) weighted (unless at setback distances as set forth in subsection (L)(1)(b) of this

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section, are adhered to).



- d. The noise standard set forth in subsection (L)(1)(c) of this section, shall be reduced by five dB(A) where it is projected that pure tone noise will be generated. A pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five dB for center frequencies of five hundred (500) Hz and above, and eight dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz, and by fifteen (15) dB for center frequencies less than or equal to one hundred twenty-five (125) Hz.
 - e. Receptor (the point of measurement) for the calculation of the WECS noise level projected pursuant to subsection (L)(1)(a) of this section shall be determined as follows:
 - i. Existing structures in the vicinity of the commercial WECS project property which are actually used as a habitable dwelling, hospital, school, library or nursing home shall be identified.
 - ii. The point of measurement shall be a point ten (10) feet from the outer wall, or equivalent distance, from the WECS being measured to any habitable dwelling, hospital, school, library or nursing home.
 - f. Low Frequency Noise Criteria. Where acoustical studies are required, and the WECS are not designed in accordance with proven good engineering practices as defined in subsection (L)(1)(b) of this section, the low frequency noise shall not exceed the following at a receptor: 75 dB(C) weighted (five to one hundred (100) hertz) or Predicted C(PC) for nonimpulsive WECS. 67 dB(C) weighted (five to one hundred (100) hertz) or PC for impulsive WECS (as defined in technical specification and criteria adopted pursuant to subsection (L)(3) of this section). WECS array low frequency impacts shall be calculated in accordance with technical specifications and criteria adopted pursuant to subsection (L)(3) of this section.
2. Operations.
- a. Unless the conditions of approval provide a more restrictive standard, a commercial WECS or WECS array shall not be operated so that noise is created exceeding sixty (60) dB(A) where the point of measurement is a point ten (10) feet from the outer wall, or equivalent distance, from the WECS being measured to any habitable dwelling, hospital, school, library or nursing home.
 - b. A commercial WECS or WECS array shall not be operated so that impulsive sound below twenty (20) Hz adversely affects the habitability or use of any

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dwelling unit, hospital, school, library, or nursing home.



3. All noise measurements and noise projections shall be made in accordance with the technical specifications and criteria developed by the county health services agency and adopted by resolution of the board of supervisors.
4. A toll-free telephone number shall be maintained for each commercial WECS project and shall be distributed to surrounding property owners to facilitate the reporting of noise irregularities and equipment malfunctions.

M. Electrical Distribution Lines.

1. Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer or to the utility interface point of an on-site substation.
2. Any electrical distribution line of less than thirty-four (34) kv, not subject to the jurisdiction of the California Public Utilities Commission, which is located within one mile of a state scenic highway or a highway designated in the scenic highway element of the general plan, or within an area designated by the planning director as visually critical or very critical, shall be installed underground if such installation is feasible.

N. Monitoring. Upon reasonable notice, county officials or their designated representatives may enter a lot on which a commercial WECS permit has been granted for the purpose of monitoring noise environmental impacts, and other impacts which may arise. Twenty-four (24) hours advance notice shall be deemed reasonable notice.

O. Height Limits. A commercial WECS or WECS array shall conform to height limits of the zoning classification in which it is located. A lower height limit may be imposed as a condition of a commercial WECS permit.

P. Development Impacts. A one-time fee and a requirement to provide public works or services may be imposed as a condition of a commercial WECS permit. Such exactions must be related to the public need created by the energy development. The purposes for which the permit exaction may be used include, but are not limited to, providing roads required by the wind development, and establishing and operating a monitoring system, a visitor center that is primarily oriented toward wind development and a wind energy information program for local residents.

Q. Signs. No advertising sign or logo shall be placed or painted on any commercial WECS. A commercial WECS permit may permit the placement of no more than two advertising signs relating to the development on the project site, but no such sign shall exceed fifteen (15) square feet in surface area or eight feet in height.

R. Color and Finish of WECS. All commercial WECS shall be either light environmental colors (such as white, beige or tan), or darker fully saturated colors (such as dark blue, maroon,

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rust red, or dark green), or galvanized. All commercial WECS shall have a matte or galvanized finish which weathers to a lusterless condition within six months unless such finish adversely affects the performance of the WECS or other good cause is shown to permit any other finish.

- S. Contingent Approval. A commercial WECS permit may be granted subject to necessary approvals from the Federal Aviation Administration or other approving authorities and utility acceptance of any electrical interconnection.
- T. General Conditions. The county may impose conditions on the granting of a commercial WECS permit in order to achieve the purposes of this title and the general plan and to protect the health, safety or general welfare of the community.
- U. Findings. The following findings shall be made in writing prior to granting a commercial WECS permit:
 - 1. The project will be consistent with the comprehensive general plan.
 - 2. The project will not be detrimental to the health, safety or general welfare of the community.
 - 3. The project site is or will be adequately served by roads and other public or private service facilities.
- V. Notification. Upon approval of a commercial WECS permit, the planning department shall provide written notice to the California Energy Commission and the concerned utility.

(Ord. 348.4042 § 1, 2002; Ord. 348.3884 § 1, 1999; Ord. 348 § 18.41(d))

17.224.050 - Use of permit.

- A. Any commercial WECS permit that is granted shall be used within two years from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of five years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than five years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the board of supervisors, on forms provided by the county planning department and shall be filed with the planning director, accompanied by the fee set forth in county Ordinance No. 671. Within thirty (30) days following the filing of a request for an extension, the planning director shall review the application, make a recommendation thereon, and forward the matter on the regular agenda of the board of supervisors. An extension of time may be granted by the board of supervisors upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of five

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years, calculated from the effective date of the issuance of the permit. The term "use" means the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

- B. Life of Permit. A commercial WECS permit shall be valid for the useful life of the WECS included in the permit. The life of the permit shall be determined at the time of approval and shall not exceed thirty (30) years.

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.41(e))

17.224.060 - Revocation of permit.

A commercial WECS permit may be revoked pursuant to [Chapter 17.220](#).

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.41(f))

Article 2. - Accessory WECS Permits*

* Prior ordinance history: Ord. 348.3613, 1994; Ord. 348.3567, 1993; Ord. 348.2686, 1987; Ord. 348.2500, 1985; Ord. 348.2174, 1983; Ord. 348.2104, 1982.

17.224.070 - Applicability.

Notwithstanding any other provision of this title, an accessory wind energy conversion system (WECS) may be permitted in any zone classification; provided, that an accessory WECS permit is granted pursuant to the provisions of this article.

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.42(a))

17.224.080 - Procedure.

Applications and permit approval for an accessory WECS permit shall be governed by all the provisions of [Chapter 17.216](#) and of this article.

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.42(b))

17.224.090 - Application.

Applications for an accessory WECS permit shall be made in writing to the planning director on the forms provided by the county planning department and shall be accompanied by the filing fee set forth in county Ordinance No. 671. In addition to the information specified in [Chapter 17.216](#), the permit application shall include the following:

- A. A photograph or detailed drawing of the WECS including the tower;

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- B. Specific information on the WECS including: type, size, rated power output, rotor material, performance, safety and noise characteristics;
- C. Specific information on the type, height and material of the tower;
- D. Proof of notification to the utility of the proposed interconnection;
- E. Dominant wind direction at the site. Dominant wind direction is the direction from which fifty (50) percent or more of the energy contained in the wind flows;
- F. If the WECS requires approval of a greater height limit pursuant to [Section 17.172.220](#), the two applications shall be filed concurrently.

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.42(c))

17.224.100 - Requirements for approval.

No accessory WECS permit shall be approved unless it complies with the following standards:

- A. The WECS rotor shall clear the ground by at least fifteen (15) feet.
- B. Safety Setbacks.
1. No accessory WECS shall be located where the center of the tower is within the distance indicated in the following table:

ABOVEGROUND ELECTRICAL TRANSMISSION LINE OF MORE THAN 12 kv*	PUBLIC ROAD, PUBLIC HIGHWAY OR RAILROAD**	PUBLIC ROAD OR PUBLIC HIGHWAY CLASSIFIED AS AN ARTERIAL OR GREATER WITH ADT OF 7,000 OR MORE***	LOT LINE ADJOINS A LOT ZONED W-E OR W-1	LOT LINE OF ANY LOT CONTAINING A "HABITABLE DWELLING"*****	ALL OTHER LOT LINES
1.25 × TOTAL WECS HEIGHT*****	1.25 × TOTAL WECS HEIGHT	1.5 × TOTAL WECS HEIGHT	1.1 × TOTAL WECS HEIGHT	3 × TOTAL WECS HEIGHT	1.25 × TOTAL WECS HEIGHT

NOTES:

* Measured from the outer boundary of the public utility right-of-way or easement.

** Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way.

*** "ADT" means average daily trips; based on traffic field measurements as determined by the director of the department of transportation (Information: in 1999, public roads or highways with ADT of 7,000 or more included I-10, Hwy 62, Hwy 111 & Indian Avenue).

**** For the purposes of this subsection, a "habitable dwelling" shall be a dwelling which contains a kitchen and which is deemed fit for human occupancy as determined by the director of the department of building and safety.

***** Measurement of the WECS and tower with the blade of a horizontal WECS at 12 o'clock position; measurement of a vertical axis WECS shall be the height of the tower.

C. Wind Access Setbacks.

1. No accessory WECS shall be located where the center of the tower is within a distance of five rotor diameters from a lot line that is perpendicular to and downwind of, or within forty-five (45) degrees of perpendicular to and downwind of, the dominant wind direction.
2. Notwithstanding the provisions of subsection (C)(1) of this section, such setbacks from lot lines do not apply if the application is accompanied by a legally enforceable agreement for a period of twenty-five (25) years or the life of the permit, whichever is longer, that the adjacent landowner agrees to the elimination of the setback and will not develop his land in such a way as to decrease wind velocity or increase wind turbulence at the location of the proposed accessory WECS. In addition the provisions of subsection (C)(1) of this section, regarding setbacks from lot lines do not apply if the planning director determines that the characteristics of the downwind property, such as, but not necessarily limited to, topography or use of such property as a transportation corridor, eliminate the ability to develop the downwind property with WECS. Whenever a wind access setback reduction is proposed to the planning director based on the characteristics of the downwind property, the wind access setback reduction shall be included in all notices regarding the accessory WECS permit, and, if granted, the accessory WECS permit shall specifically state the required alternative wind access setback.

D. Scenic Resource Protection.

1. No accessory WECS or WECS array shall be located easterly of Indian Avenue or northerly of Pierson Boulevard and its extension westerly of Highway 62.
2. No accessory WECS or WECS array shall be located southerly of Interstate 10 or southerly of Highway 111 in any area that meets both of the following requirements:
 - a. The area with Sections 8, 9, 15, 16, 17, 19, 20 and 21, Township 3 South, Range 3 East, San Bernardino Base and Meridian; and
 - b. The area is within the boundaries of the Santa Rosa and San Jacinto Mountains National Monument, as those boundaries existed on the effective date of the ordinance codified in this section.

Code of Ordinances E. Access to the WECS shall be restricted by one or more of the following means:

1. Tower-climbing apparatus located no closer than twelve (12) feet from the ground;
 2. A locking anticlimb device installed on the tower; or
 3. Enclosure of the tower by a fence at least six feet high with locking portals.
- F. Anchor points for guy wires shall be located within the lot lines and shall be enclosed by a fence at least six feet high. Guy wires shall not cross any above ground electric transmission or distribution line.
- G. The WECS shall comply with Federal Aviation Administration (FAA) regulations regarding air traffic interference and with all other applicable federal and state laws.
- H. The WECS shall be constructed to withstand the predicted seismically induced ground shaking.
- I. All distribution lines and other interconnection facilities shall be constructed to the specifications of the utility. Interconnection shall conform to procedures and standards established by the Federal Energy Regulatory Commission, the California Independent System Operator and/or the California Public Utilities Commission, as applicable.
- J. Electrical distribution lines shall be buried underground. Signs warning of high voltage electricity in English and Spanish shall be posted on nonmoving portions of the WECS or its tower at a height of three to five feet above the ground.
- K. The WECS shall not be operated in a manner that causes communications interference. In the event that communications interference is caused by the WECS, the operator shall take the necessary steps to remedy the situation or shall terminate operation.
- L. The WECS shall not create noise beyond the lot containing the WECS which exceeds sixty (60) db(A) as measured at a point ten (10) feet from the outer wall, or equivalent distance, to any habitable dwelling, hospital, school, library or nursing home.
- M. The foundation, tower and compatibility of the tower with the rotor and rotor related equipment shall be certified in writing by a structural engineer registered in California, that they conform with good engineering practices and comply with the appropriate provisions of the Uniform Building Code that have been adopted by the county. The electrical system shall be certified in writing by an electrical engineer, registered in California, that it conforms to good engineering practices and complies with the appropriate provisions of the electrical code adopted by the county. The mechanical system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms to good engineering practices and complies with

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appropriate provisions of the mechanical code adopted by the county. As an alternative to certification of the mechanical system as provided above, the applicant may present a statement from either a registered engineer or an independent testing laboratory recognized by the county that the system complies with standards developed by the American Wind Energy Association or other accepted standards organization.

- N. Every unsafe accessory WECS and every accessory WECS which has been inoperable for six months is declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure contained in Section 3 of county Ordinance No. 457. All notices required by Section 3 of county Ordinance No. 457 shall also be given to the concerned utility.
- O. The WECS shall comply with all applicable provisions of the National Electrical Code including, but not limited to, Article 250 (Grounding).
- P. Except as provided in subsection D hereof, notwithstanding any other provisions of this section, an accessory WECS with a total height of eighty (80) feet or less may be permitted in any zone classification.

(Ord. 348.4042 §§ 2—4, 2002; Ord. 348.3884 § 2, 1999; Ord. 348 § 18.42(d))

17.224.110 - Approval period.

The approval of an accessory WECS permit shall be valid for a period of two years from its effective date, within which time the construction authorized must be substantially begun or the WECS be in use; otherwise, the approval shall be void and of no further effect.

(Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.42(e))

17.224.120 - Revocation of permit.

An accessory WECS permit may be revoked pursuant to [Chapter 17.220](#).

(Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.42(f))

17.224.130 - Modifications to approved commercial and accessory WECS permits.

A request for approval of a modification to an approved wind energy conversion system (WECS) permit, shall be made in accordance with the provisions of this section. A modification under this section means a request for a determination of substantial conformance or a revised permit as further defined herein.

- A. Applications. Applications for substantial conformance or a revised permit shall be filed in writing with the planning director, shall be accompanied by the applicable fee set forth in county Ordinance No. 671, and shall include the following:

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1. All information required under this title for the filing of a new WECS permit application, unless the planning director determines that the information is duplicative of information previously filed in connection with the approved WECS permit or the planning director otherwise waives the information requirement;
 2. A statement explaining the proposed modification and the reason the modification has been requested;
 3. A list of names and addresses of all owners of real property located within one half-mile of the exterior boundaries of the proposed project as shown on the last equalized assessment roll and any update issued by the county assessor;
 4. A study comparing the cumulative effect of the approved WECS permit on surrounding properties and the cumulative effect of the proposed modification on those same properties. The study shall at a minimum discuss the following issues: height, rotor diameter, turbine noise, and total turbine number;
 5. An efficiency study comparing the electrical output of the approved WECS permit and the proposed modification;
 6. A removal/abandonment plan if the proposed modification calls for the removal of installed WECS;
 7. Such additional information as shall be required by the planning director.
- B. Substantial Conformance. "Substantial conformance" means a modification of an approved WECS permit which does not increase the density or intensity of the approved use, which does not increase the number of WECS, which does not result in more environmental impacts than the approved use and which does not have a greater cumulative effect on surrounding property than the approved use. The following shall constitute substantial conformance:
1. The replacement of WECS installed or authorized pursuant to an approved WECS permit when:
 - a. The replacement WECS meet the noise standards set forth in Resolution No. 93-378,
 - b. The total number of replacement WECS will be at least twenty-five (25) percent less than the number originally permitted,
 - c. The replacement WECS will be no greater than two hundred (200) feet high measured at the highest point in the arc of the blades, and
 - d. WECS installed or authorized within one thousand two hundred (1,200) feet of a residence will be removed, or, in the alternative, such residences are within areas designated "desert" or "mountainous" on the Western

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Coachella Valley Plan and the planning director determines that the owners of such residences have waived the one thousand two hundred (1,200) foot requirement in writing;

2. The replacement or alteration of all or part of the major component systems of WECS installed or authorized pursuant to an approved WECS permit when:
 - a. The modified WECS meet the noise standards set forth in Resolution No. 93-378,
 - b. Rotor diameter of the modified WECS will not be increased by more than fifty (50) percent of its prior size,
 - c. The replacement WECS will be no greater than two hundred (200) feet high measured at the highest point in the arc of the blades, and
 - d. WECS installed or authorized within one thousand two hundred (1,200) feet of a residence will be removed, or, in the alternative, such residences are within areas designated "desert" or "mountainous" on the Western Coachella Valley Plan and the planning director determines that the owners of such residences have waived the one thousand two hundred (1,200) foot requirement in writing. Substantial conformance may also include, but is not limited to, the following:
 - i. Other replacement or alteration proposals which fall within the definition of substantial conformance set forth above,
 - ii. Modifications necessary to comply with final conditions of approval, or
 - iii. Modifications to lighting, parking, fencing or landscaping requirements.
- C. Revised Permits. "Revised permit" means a modification of an approved WECS permit which does not change the basic concept or use allowed by the original approval. A revised permit may include, but is not limited to, on-site reorientation of structures, replacements of WECS, that do not constitute substantial conformance, movement of or alterations to signs, changes to the original conditions of approval that do not constitute to substantial conformance, including extensions to the overall life of the permitted use, increases in the density or intensity of the permitted use or increases in the number of WECS. Applications for extensions of time shall be subject to any restrictions set forth in this title as to the maximum overall life of the original permit.
- D. Procedure.
 1. Substantial Conformance.
 - a. The planning director shall approve, conditionally approve or disapprove

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an application for substantial conformance within thirty (30) days after accepting a completed application. The planning director's determination shall be based upon the standards of this section and those standards set forth in the ordinance governing approval of the original application and the conditions of approval applicable to the approved WECS permit. An application for substantial conformance shall not require a public hearing. Notice of the decision shall be filed by the planning director with the clerk of the board of supervisors not more than fifteen (15) days after the decision. A copy of the notice of decision, including the original conditions of approval which remain in effect unless expressly modified and any additional conditions of approval, shall be mailed to the applicant, and to any person who has made written request for a copy of the decision, and to all owners of real property which is located within one-half mile of the exterior boundaries of the project, as such owners are shown on the last equalized tax roll and any update. The clerk of the board shall place the notice of decision on the next agenda of the board of supervisors held five or more days after the clerk receives the notice from the planning director.

- b. The decision of the planning director is considered final and no action by the board of supervisors is required unless, within ten (10) days after the notice of decision appears on the board of supervisors' agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in county Ordinance No. 671, with the clerk of the board or unless the board of supervisors assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed or the board of supervisors assumes jurisdiction, the clerk of the board shall set the matter for public hearing before the board of supervisors not less than thirteen (13) nor more than sixty (60) days thereafter and shall give notice of the time and place of the hearing in the same manner as the notice was given by the planning director of the notice of decision.
- c. The board of supervisors shall hear the matter de novo; however, the documents and other evidence presented to the planning director shall be a part of the board of supervisors record at its hearing on the matter. The board of supervisors shall hear relevant testimony from interested persons and within a reasonable time after the close of the hearing, make its decision sustaining, reversing or modifying the decision of the planning director.

2. Revised Permit. An application for revised permit shall be approved,

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conditionally approved or disapproved in accordance with the procedures for processing an original permit, including any requirements for public hearing, notice of hearing, and all rights of appeal. A revised permit shall meet the development standards applicable to a new WECS permit; provided, however, that a revised permit may be approved subject to lower development standards where the applicant demonstrates that such approval will reduce adverse impacts on residential properties.

- E. Approval Period. The approval of an application for substantial conformance or revised permit shall be valid until the expiration of the original permit, unless an extension of time has been granted by an approved revised permit.
- F. Notwithstanding any provision herein to the contrary, an application for substantial conformance may be approved only if the proposed modification is exempt from the provisions of the California Environmental Quality Act.

(Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.42a)

< 17.220.020 - Revocation procedure. Chapter 17.228 - MODIFICATIONS TO APPROVED PERMITS* >