NAPA COUNTY

PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

A Tradition of Stewardship
A Commitment to Service

Wind Energy Systems Application
Before you file an application…

Before you submit your application materials, and generally as early in the process as possible, give the Planning Division a call at 707.253.4417 or send us an email at cdp@countyofnapa.org to schedule a Pre-Application Review Meeting. Pre-Application Meetings (or Pre-Apps) give you an opportunity to get initial feedback from County staff, to discuss the specific items which will need to be included in your submittal, and (as necessary) to review the property’s history and the County’s environmental sensitivity mapping. Pre-Application Meetings are not a required part of the Wind Energy System review process; however they do help provide a more thorough and efficient review process.

Contents

Page(s)

3 Wind Energy Systems Checklist of Required Application Materials
4 Wind Energy Systems Application Forms
6 Indemnification Statement
7 Adjoining Property Owner’s List Requirements
8 Chapter 18.117 of the Napa County Code
Checklist of Required Application Materials

Please make sure that the following documents are complete and legible. Consistent with the State Permit Streamlining Act and Departmental policy, Planning, Building, and Environmental Services will make an application completeness determination within thirty days of application submittal and the payment of all required initial fees. If the application necessitates the need for a Use Permit, additional supporting materials may be required for processing in accordance with the California Environmental Quality Act (CEQA). Electronic copies of the following are also recommended in addition to the required hard copies.

- **Pre-Application Review Meeting with Planning Division Staff**

- **Wind Energy Systems Application**

  The attached Wind Energy Systems Application forms must be completed in full and signed by the property owner or their authorized agent. Corporations, partnerships, and the like have special signature requirements as follows:

  **Corporations (whether for- or non-profit)**
  
  The chairman of the board OR the president or vice president AND either the secretary, assistant secretary, chief financial officer, or treasurer. Alternately, the application may be signed by any person who is authorized to do so by a corporate resolution (a copy of the resolution should be provided).

  **General Partnership**
  
  Any partner of the general partnership.

  **Limited Partnership**
  
  A general partner of the limited partnership.

  **Association**
  
  The president or general manager of the association.

- **Application Fee**

  A check in the amount of $_____________, made payable to County of Napa.

- **To-Scale Plans**

  Submit five (5) 24” X 36”, and one (1) 11” x 17” (or half-scale), copies of plans indicating the following. All plans must be to an identified architect’s or engineer’s scale and should legibly and comprehensively include the following details:

  1. Name, address, and phone number of the owner of record, applicant, engineer, architect, and other project consultants as relevant.
  2. Assessor’s parcel numbers for all depicted parcels, north arrow (whenever possible, north should be at the top of the sheet), and graphic map scale.
  3. Date of plan preparation (revised plans must be clearly indicated with a new date and marked “revised”)
  4. All property lines of the subject parcel(s) and the dimensions thereof.
  5. Location and names of all streets and right-of-ways serving the parcel(s).
  6. Topography and elevation information in sufficient detail to properly assess the relationship of the proposed project and/or use to sea level and the contour of the land. Total project cut, fill, and off-haul should be indicated (if applicable).
7. Location and top-of-bank of all ponds and/or reservoirs on or directly adjacent to the parcel(s) (if applicable).
8. Limits of the FEMA 100-year floodplain and/or floodway if any portion of the parcel(s) is located within a mapped flood zone (if applicable).
10. Exterior colors.
11. Existing grade.
12. Finished grade.
13. Standard drawings of the system’s tower or support structure and associated structures.
14. A line drawing of the electrical components of the system in sufficient detail to demonstrate the manner of installation.
15. Evidence that height of the system’s tower does not exceed the height recommended by the manufacturer or distributor of the system.
16. Location, dimensions, property-line setbacks, and road setbacks (as applicable) of all existing and proposed improvements, including, without limitation: all existing and proposed structures, caves, waste disposal systems, septic system reserve areas, wells, access roads).

- **Site photographs**
  Submit a visual simulation of the installed system, demonstrating any visual impacts from one or more strategic vantage points. Please indicate the color treatment of the system’s components and any visual screening incorporated into the project that is intended to lessen the system’s visual prominence.

- **Noise Levels**: Evidence that decibel levels for the system comply with the noise provisions of Chapter 8.16, of the County Code.

- **Other**:__________________________________
Wind Energy Systems Application

To be completed by Planning staff…

Application Type: ____________________________________________

Date Submitted: __________________ Re-submittal(s): ___________________ Date Complete: __________________

Request: ______________________________________________________

______________________________________________________________

*Application Fee/Deposit: $__________________ Receipt No. ___________________ Received by: ___________________ Date: ______________

To be completed by applicant…

Project Name: __________________________________________________________

Assessor’s Parcel #: __________________________________________ Existing Parcel Size: __________________ ac.

Site Address/Location: ______________________________________________________

No. Street City State Zip

Primary Contact: __ Owner __ Applicant __ Representative (attorney, engineer, consulting planner, etc.)

Property Owner: ______________________________________________________

Mailing Address: ______________________________________________________

No. Street City State Zip

Telephone No. (___) ______ - ________ E-Mail: __________________

Applicant (if other than property owner): ______________________________________________________

Mailing Address: ______________________________________________________

No. Street City State Zip

Telephone No. (___) ______ - ________ E-Mail: __________________

Representative (if applicable): ______________________________________________________

Mailing Address: ______________________________________________________

No. Street City State Zip

Telephone No. (___) ______ - ________ E-Mail: __________________
Wind Energy Systems Information Sheet

Use

Narrative description of the proposed use (please attach additional sheets as necessary):

___________________________________________________________________________________________

___________________________________________________________________________________________

___________________________________________________________________________________________

___________________________________________________________________________________________

___________________________________________________________________________________________
Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor’s Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively “County”) from any claim, action or proceeding (hereafter collectively “proceeding”) brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys’ fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County’s costs, attorneys’ fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys’ fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

____________________________  ____________________________
Print Name of Property Owner  Print Name Signature of Applicant (if different)

________________________  ____________________________
Signature of Property Owner  Date  Signature of Applicant  Date
Adjoining Property Owner List Requirements

All applications shall include a list of the current owners of all the properties whose outer perimeters are within 300 feet of the property boundary of the project site. The list shall include the property owner’s names, their addresses, and the assessor’s parcel numbers of the property owned. The list may be expanded to include other affected property owners at the discretion of the Director as well as individuals having a request for notice on file with the Commission Clerk.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information. While the mailing list is not necessarily required at initial project submittal, the project cannot be noticed for hearing without it.

Instructions to the Title Company

Please prepare the property owners’ list as follows:

1. Type the property owners’ names, parcel numbers and mailing addresses on an 8½” by 11” sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by Planning, Building, and Environmental Services.

2. Submit a full page copy of the assessors’ parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners’ list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you have any questions, please contact Planning, Building, and Environmental Services at (707) 253-4417.
Chapter 18.117 - SMALL WIND ENERGY SYSTEMS

18.117.010 - Purpose.

The purpose and intent of these regulations is to provide a uniform and comprehensive set of standards for the entitlement and operation of small energy wind systems, designed for onsite home, farm, and small commercial use which are used primarily to reduce onsite consumption of utility power. The regulations contained herein are designed to protect the public health, safety, and community welfare while at the same time not unduly restricting the development of small wind energy systems. The regulations contain development standards for small wind energy systems and require studies relating to the assessment of natural resources for future proposed projects to assure that systems are sited, designed and operated in such a manner as to avoid significant impacts on environmental resources, including special-status species and their habitats, and preserve the visual quality of the natural and built environment. The regulations have also been developed to comply with the standards for development and use of small wind energy systems as provided in Government Code section 65893 et seq.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.030 - Permit.

One small wind energy system may be installed and operated outside of urbanized areas on parcels greater than two acres in size in the unincorporated area of the county in the AP, AW, I, and TP zoning districts upon obtaining an administrative permit pursuant to Chapter 18.126 or by a use permit pursuant to Chapter 18.124, subject to the conditions set forth in this Chapter. To the extent the provisions Chapters 18.124 and 18.126 conflicts with this Chapter, 18.117, the provisions of this Chapter shall prevail. The system shall be used primarily to reduce onsite consumption of electricity.

A. Administrative Permit - Permit applications which meet the criteria in Section 18.117.070 shall be submitted to the department for review by the director. The director may require the submittal of additional information including, but not limited to, a photo or computer simulation of the project and associated improvements, prior to determining that the project meets the criteria contained in Section 18.117.070. If the application, either as submitted, or upon the inclusion of specified measures, meets all of the criteria specified in Section 18.117.070, the director shall issue a tentative approval of an administrative permit. Notice of the tentative approval of the administrative permit shall be given by the director in accordance with subsection (B)(4) of Section 18.136.040. The notice shall inform the persons notified of their right to appeal the decision under Chapter 2.88, including the time within which any appeal must be filed. If no appeal is timely filed, the tentative approval shall become final.

B. Use Permit - If a system does not qualify for approval under subsection (A), a system may be approved through the issuance of a use permit under the provisions Chapter 18.124 and subject to appropriate CEQA review. Such a permit may only be approved if the commission, in addition to the findings required under Section 18.124.070, finds after receipt of sufficient evidence, that failure to adhere to the standards of Section 18.117.070 will not significantly increase the visibility of the system, decrease public safety, or substantially adversely impact the environment. Notices related to the use permit shall comply with Section 18.136.040.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.040 - Application.

Application for a permit shall be made to the department in writing on a form prescribed by the director. At minimum, the application shall include:
A. A vicinity map of appropriate scale illustrating the system's location and distance from the nearest urbanized area.
B. A site map of appropriate scale locating the system and its components, including any electricity storage facilities, on the subject parcel and their proximity to neighboring parcels and structures. The site map shall also indicate the location of all other structures and land uses onsite.
C. Standard drawings of the system's tower or support structure and associated accessory structures.
D. A line drawing of the electrical components of the system in sufficient detail to demonstrate the manner of installation.
E. Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including but not limited to a complete listing of onsite electrical demands.
F. Written evidence, unless the applicant does not plan to connect the system to the electricity grid, that the electric utility service provider that serves the proposed site has informed the applicant's intent to install an interconnected customer-owned electricity generator.
G. Evidence that the height of the system's tower does not exceed the height recommended by the manufacturer or distributor of the system.
H. Evidence that decibel levels for the system comply with the noise provisions of Chapter 8.16
I. A visual simulation of the installed system, demonstrating any visual impacts from one or more strategic vantage points. The visual simulation must also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
J. Payment of the fee established by resolution of the board of supervisors.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.050 - Locations.

All small wind energy systems shall be located on parcels greater than two acres in size located in non-urbanized areas of the unincorporated area of the county in the AP, AW, and I zoning districts, and located so as to minimize their visibility and comply with all applicable county codes. A small wind energy system shall not be allowed where prohibited by the following:

A. A local coastal program and any implementing regulations adopted pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
B. The California Coastal Commission, pursuant to the California Coastal Act, Division 20 (commencing with Section 30000) of the Public Resources Code.
C. The San Francisco Bay Plan and any implementing regulations adopted by the San Francisco Bay Conservation and Development Commission pursuant to the McAteer-Petris Act, Title 7.2 (commencing with section 66000) of the Government Code.
D. A comprehensive land use plan and any implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
E. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
F. A local ordinance to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.
G. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.
H. The terms of an open-space easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
I. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.
J. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.

K. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

L. No small wind energy system shall be installed within the safety zone of any airport unless the airport operator indicates that it will not adversely affect the operation of the airport.

M. No small wind energy system shall be installed at a location where special painting or lighting will be required under FAA regulations unless technical evidence acceptable to the approving authority is submitted showing that this is the only technically feasible location for the proposed system.

N. No small wind energy system shall be placed so as to silhouette against the sky above one of the County's major skylines, as defined in Section 18.08.355.

O. No small wind energy system shall be installed on an exposed ridgeline, in or at a location readily visible from a public trail, public park or other outdoor recreation area.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.060 - Compliance with other chapters.

All small wind energy systems shall meet all the requirements established by the other chapters of this code that are not in conflict with the requirements contained in this chapter, notwithstanding any language to the contrary in such chapters. All systems must obtain necessary building and other permits pursuant to Title 15 (Buildings and Construction) of this code.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.070 - Development standards.

Setback. All systems shall be set back a distance equal to at least the system height from all required yards as provided in Section 18.104.010 and at least one hundred feet from any public trail, park, or outdoor recreation area, unless a greater setback is needed to comply with the applicable fire setback requirements set forth in Section 4290 of the Public Resources Code. Guy wire anchors, if utilized, shall be set back at least twenty feet from any property line.

B. System height.

1. Maximum system heights of not more than fifty feet shall be allowed on parcels greater than two acres and less than five acres, and system heights of not more than eighty feet shall be allowed on parcels of five acres or more, be they either free-standing or building/roof-mounted systems.

2. All system heights shall not exceed the applicable limits established by the Federal Aviation Administration.

3. The highest point of the system shall be less than thirty feet above the highest point on the surrounding tree canopy within one hundred horizontal feet.

C. Structural safety requirements.

1. No small wind energy system shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. Any system located at a distance of less than one hundred ten percent of its height from a habitable structure, property line, or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind, earthquakes, and ice. Initial demonstration of compliance with this requirement shall be provided via submission of a report prepared by a structural engineer licensed by the state of California describing the system's structure and turbine, the basis for the calculations done, and documenting the actual calculations performed.

2. All systems shall be equipped with manual or automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.

D. Design. All small wind energy systems shall be designed to blend into the surrounding natural and man-made environment to the greatest extent feasible in such a manner so as to be effectively unnoticeable by incorporating all of the following minimum design measures:
1. Systems shall be placed or constructed below any major ridgeline, as defined by Section 18.106.030, when visible from any scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, or any scenic highway corridor designated in the Napa County General Plan.

2. Systems shall be constructed out of metal or other non-flammable material.

3. All buildings, poles, towers, supports, and other components of each system shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that in the opinion of the approving authority will minimize the system's visibility to the greatest extent feasible. Systems which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue grey that matches the typical sky color at that location.

4. Systems taller than thirty-five feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the approving authority that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed system use, to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.

5. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall incorporate bird deterrent devices as recommended by the USFWS or CDFG. Anchor points for any guy wires shall be located within property lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in a bright orange or yellow covering from three to eight feet above ground.

6. All on-site electrical wires associated with the system shall be installed underground, except "tie-ins" to a public utility company and public utility company transmission poles, towers, and lines. An exemption may be granted if project terrain is found to be unsuitable to accomplish the intent and purpose of this subsection (D).

7. If a climbing apparatus is provided on the system tower, access shall be controlled by one of the following means:
   a. The climbing apparatus shall be located no less than twelve feet above the ground and the tower shall be designed to prevent climbing within the first twelve feet;
   b. A locked anti-climb devise is installed on the tower; or
   c. A locked protective climb fence at least six feet in height encloses the tower.

8. Construction of on-site roadways for site access shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to a natural condition after completion of installation.

9. Shadow flicker impacts on existing neighboring habitable structures shall be avoided.

E. Electromagnetic interference. The system shall be operated so that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful electromagnetic interference, the system operator shall promptly mitigate the same or cease operation of the system.

F. Lighting. Tower structure and system component lighting is prohibited unless:
   1. Otherwise required by another provision of law, and if so required shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties;
   2. If the system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, county shall notify pest control aircraft pilots registered with the agricultural commissioner of the application.

G. Signage. No signage shall be attached to the system that is visible from a public road, except for public health and safety warning signs placed a maximum of six feet above grade.

H. Environmental resource protection. All systems shall be sited so as to minimize the effect on environmentally sensitive resources by incorporating the following measures:
   1. All systems shall avoid significant impacts to sensitive plants and wildlife as verified by a submitted biological and special-status plant studies prepared by a qualified consultant acceptable to the department.
      a. The biological study shall follow the department's Guidelines for Preparing Biological Resources Reconnaissance Surveys and include a "Birds and Bats Study", using the most recent version of "California Guidelines for Reducing Impacts to Birds and Bats
from Wind Energy Development" (California Energy Commission, 2007). The biological study shall consider at minimum the Napa County environmental sensitivity maps, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups or scientific research provided by a government agency or credible ecological research organization/researcher. With respect to the Bird and Bat Study component of the biological study, the Bird and Bat Study shall:

i. Identify any listed State or Federal threatened or endangered species and California Department of Fish and Game designated bird or bat 'species of special concern' found to nest or roost in the area of the proposed site; and

ii. Identify periods of migration and roosting and assess preconstruction site conditions and proposed tree removal of potential roosting sites. If it is determined by the consultant that there is a potential for impacts to any listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' found to nest or roost in the area of the proposed system, the system will require a use permit and processing pursuant to the County's Local Procedures for Implementing the California Environmental Quality Act (CEQA).

b. The biological study shall confirm that the proposed system is not located within five times the system height or three hundred feet, whichever is greater, of a known or suspected avian migratory concentration point.

c. The special-status plant study shall follow the department's Guidelines for Preparing Special-Status Plant Studies. If it is determined by the consultant that there is a potential for impacts to any special-status plants or rare plant communities defined in department's guidelines as a result of system construction or improvements, the system will require a use permit and processing pursuant to the County's Local Procedures for Implementing the California Environmental Quality Act (CEQA).

2. No system shall be located within five times the system height or three hundred feet, whichever is greater, of a known nest or roost of a listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern.'

3. No system or related improvements shall be sited or constructed that will damage an archaeological site or have an effect on a historic feature identified on the Napa County environmental sensitivity maps.

4. No areas that may be disturbed by the system or construction shall be located inside the boundaries of any environmental or geologic hazardous area identified on the Napa County environmental sensitivity maps, such as the floodway, fault zones, landslide areas, or areas of high liquefaction potential, unless suitable evidence submitted by a qualified consultant acceptable to the department definitively stating that the hazard involved in fact does not exist in the area in question.

5. The areas to be disturbed shall have average land slopes under thirty percent.

I. Vegetation protection and screening. All systems shall be installed in such a manner so as to maintain and enhance existing vegetation by incorporating the following measures:

1. Removal of trees larger than six inches in diameter shall be avoided.

2. All areas disturbed during system construction shall be replanted with vegetation compatible with the vegetation in the surrounding area.

3. Existing trees and other screening vegetation in the vicinity of the system and along the electrical line routes involved shall be protected from damage, both during construction and system operation by the following measures:

   a. Prior to commencement of any work on-site, the trees and their driplines adjacent to the system and accessory construction areas shall be trimmed and temporary fencing installed and the area therein shall not be disturbed; and

   b. All underground utility lines shall be routed such that a minimum amount of damage is done to tree root systems; and

   c. When trees exist within one hundred feet of any wind energy development area, demonstration of compliance with these requirements shall be provided via submission of two inspection reports prepared by a qualified consulting certified
arborist, the first prior to issuance of necessary building permits and the second prior to commencement of operation.

4. Additional trees and other native or adapted vegetation shall be planted and maintained around the system and the immediate vicinity in those instances where such vegetation is needed to screen the system from view.

J. Noise. Decibel levels for the system shall not exceed the interior and exterior noise limits established for receiving land uses pursuant to Chapter 8.16 except during short-term events such as utility outages and severe wind storms.

K. System Turbine Requirements. The system shall use a wind turbine that has been approved by the Energy Commission as qualifying under 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 State Energy Resources Conservation and Development Commission.

L. Dust Control Measures. All areas of earth disturbance associated with the system installation, related improvements and long-term operation shall be managed to minimize the release of fugitive dust. Fugitive dust management practices will be verified via inspection by either the Department's Building Division or the Department of Public Works.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.080 - Compliance with federal aviation requirements.

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).

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.090 - Validity of permit.

The permit for a system shall be for an indefinite period, except that a permit shall lapse if a system becomes inoperative or abandoned for a period of more than one year. Inoperative or abandoned systems shall be removed.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

18.117.100 - Sunset provision.

This chapter shall remain in effect only until January 1, 2017, and as of that date is repealed, unless the state Legislature, on or before January 1, 2017 deletes or extends the provisions of Government Code section 65893 et seq.

(Ord. No. 1351, § 1, 11-23-2010, eff. 12-31-2010)

FOOTNOTE(S):

(17) Editor's note—Ord. No. 1351, § 1, adopted Nov. 23, 2010, repealed former Ch. 18.117 §§ 18.117.010—18.117.100, and enacted a new Ch. 18.117 as set out herein. Former Ch. 18.117 pertained to the same subject matter and derived from Ord. No. 1197, § 2 (part), 2002. [Back]