

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 26, 2012 Time: 10:30 A.M		Agenda Item No.: 4
Project Description: Hold a Workshop to consider a draft ordinance amending Title 21 (Inland zoning ordinance) of the Monterey County Code to add a new chapter associated with the regulation of use and placement of small-scale wind turbines.		
Project Location: County-wide, Inland		APN: County-wide, Inland
Planning File Number: REF110055		Owner: N/A
Planning Area: North County (Inland) Area Plan; Greater Salinas Area Plan; Toro Area Plan; Central Salinas Valley Area Plan; and South County Area Plan.		Flagged and staked: N/A
Zoning Designation: : Varies		
CEQA Action: Statutory Exempt per 15262		
Department: RMA - Planning Department		

RECOMMENDATION:

Hold a Workshop to consider a draft ordinance amending Title 21 (Inland zoning ordinance) of the Monterey County Code to add a new chapter associated with the regulation of use and placement of small-scale wind turbines; and provide direction to staff.

PROJECT OVERVIEW:

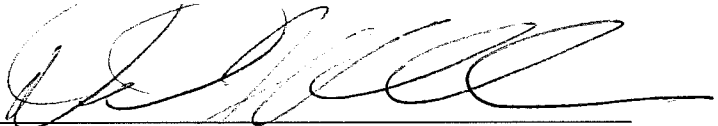
The proposed Small-Scale Wind Ordinance is an implementing ordinance of the Monterey County 2010 General Plan (GP Policy OS-10.13), which calls for the development of a ministerial permit process for the approval of small-scale wind energy systems for small commercial and non-commercial use. GP Policy OS-10.13 also calls for the development of a regulatory process for renewable energy resources; however this ordinance only addresses small scale wind turbines.

In 2011, ICF International was retained as a consultant to develop the ordinance and prepare a CEQA initial study to determine the appropriate level of environmental review. The effort has been funded through an Energy Efficiency and Conservation Block Grant (EECBG) and the terms of the grant specify that work is to be completed by the end of 2012. [This is Task 48 in the Long-Range Planning Work Program.]

Staff is seeking direction on the draft Ordinance prior to finalization of the Ordinance and final preparation/circulation of the associated Initial Study. Staff recommends that the ordinance, with any recommends revisions, be brought forward for approval as soon as possible. The Ordinance will be incorporated into a new Section of the Title 21 (21.67) which is anticipated to be created for all types of renewable energy (wind, solar, etc).

This action, Public outreach/workshop is Statutorily exempt per Section 15262 of the California Environmental Quality Act (CEQA), because the Planning Commission is not considering approving, adopting, or funding the draft ordinance at this time and there will be no legally binding effects of the action of the Commission on this item. Once prepared, the ordinance will be evaluated pursuant to CEQA prior to taking official action.

For more details, see the discussion in Exhibit A.



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September 6, 2012

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager (Long-Range Planning).

cc: Front Counter Copy; Planning Commission; Jacqueline R. Onciano, Planning Services Manager (Advanced Planning); David J. R. Mack, Project Planner; Carol Allen, Senior Secretary; The Open Monterey Project; LandWatch; Planning File REF110055

Attachments: Exhibit A Project Discussion
 Exhibit B Turbine Exclusion Area Map

EXHIBIT A DISCUSSION

Purpose:

The Small-Scale Wind Turbine Ordinance would provide criteria for a “ministerial” approval of qualifying systems. The ministerial permit is intended for residential and small-scale commercial and agricultural applications, recognizing that some sites/parcels may not fall within the criteria of a ministerial permit and may require a focused environmental review and a conditional use permit. The purpose of the ordinance is to easily enable access to renewable energy sources.

Background:

In late 2011, ICF International was retained as a consultant to develop the ordinance and prepare a CEQA initial study to determine the appropriate level of environmental review. The effort has been funded through an Energy Efficiency and Conservation Block Grant.

Analysis:

California Government Code Sections 65893-65899 provides direction to local and state agencies on the development of Small Scale Wind Turbines and renewable wind power. Specifically Section 65896 states that a County may “adopt an ordinance that provides for the installation of small wind energy systems outside an urbanized area, but within the county’s jurisdiction” and “the systems is located on a parcel of at least one acre in size.”

To comply with Government Code 65896 and to implement policies contained within the 2010 General Plan (Policies OS-9.1 and OS-10.13) the County has begun to consider the development of an ordinance to allow ministerial approval of small-scale wind turbines. Monterey County 2010 General Plan Policy OS-9.1 states, “The use of solar, wind, and other renewable resources for agricultural, residential, commercial, industrial, and public building applications shall be encouraged.” Policy OS-10.13 requires the County to adopt an Alternative Energy Promotion Ordinance for renewable energy resources such as solar, wind, small hydro and biogas.

In order to accomplish this, the Small Scale Wind Turbine ordinance must provide regulations for the placement (appropriate zoning/land use designations), density (number of turbines per parcel), and height of turbines.

Staff is seeking direction on the development of the appropriate zoning/land use designations that the County would like to consider for the ordinance. The elements are:

1. Zoning:

- a. Apply only in situations where the turbine would be ancillary and adjacent to a primary structure;
- b. Apply in the Rural Density Residential (RDR) areas only, Agriculturally zoned areas, and Commercially zoned areas, as appropriate;
- c. Not apply in Visual Sensitive (VS), Open Space (O), and/or Historic Resources (HR) districts/zones;

2. Parcel Allowances:

- a. Allow Small Scale Wind Turbines (SSWT) on a parcel as follows:
 - i. 1 SSWT on parcels 1.0 - 2.5 acres;
 - ii. 2 SSWT on parcels 2.5 – 5.0 acres;
 - iii. 3 SSWT on parcels 5.0 – 10.0 acres;

iv. 4 SSWT on parcels 10.0 acres or more.

3. Height:

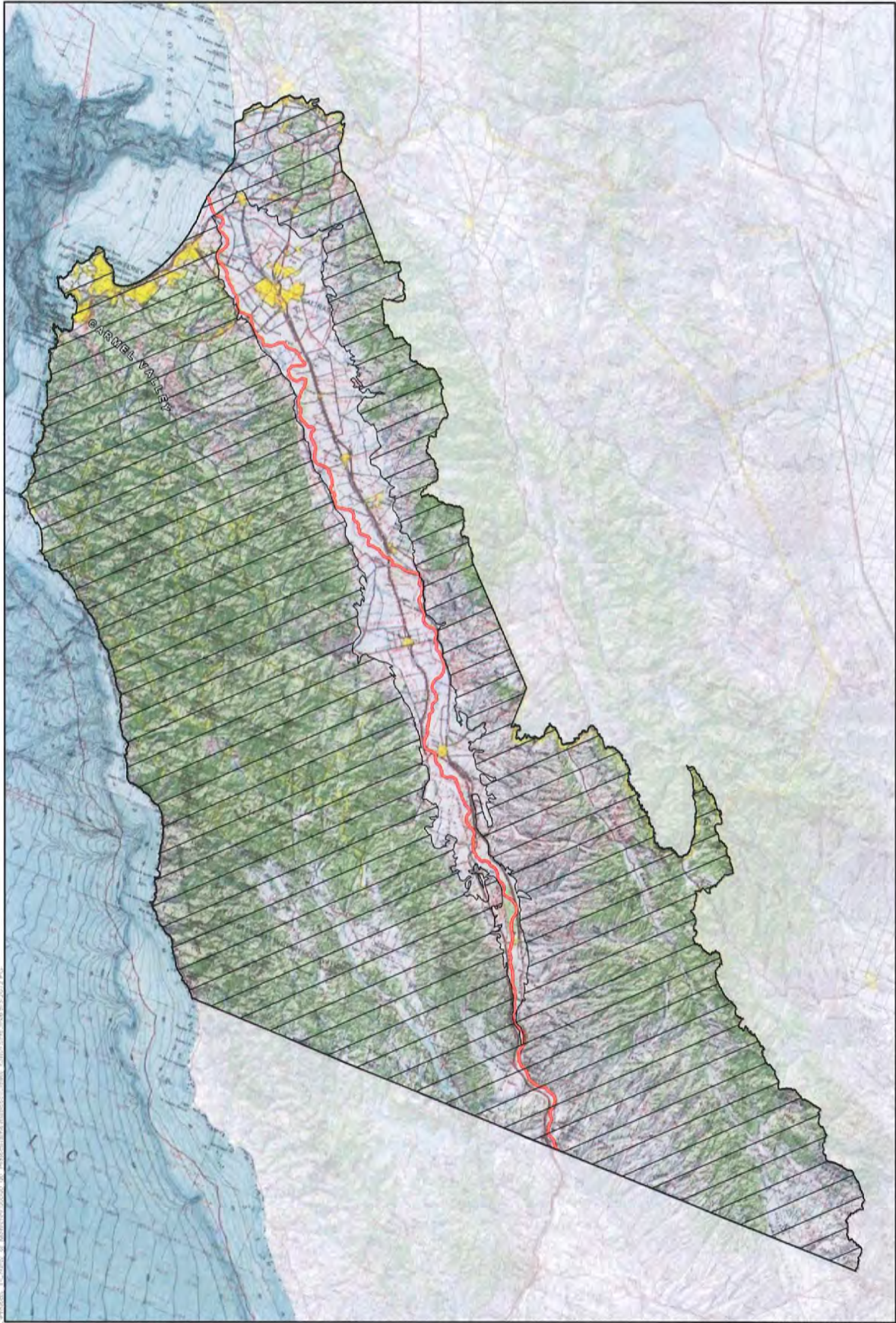
- a. Limit the height of turbines to 80 feet when on parcels of 1-5 acres;
- b. Limit the height of turbines to 100 feet when the parcel is 5 acres or greater.

4. Exclusion Zone: The identified exclusion zone is based on biological and aesthetic studies and reduces the potential impacts to biological and aesthetic resources, the following criteria have also been developed for consideration along with an exclusion zone map (Exhibit B): Small Scale Wind Turbines will not be allowed in the following areas:

- a. Areas that are 300 feet or less in elevation above the floor of their respective valley;
- b. Outside of the Coastal Zone;
- c. Outside of the Elkhorn Slough and a one-mile buffer from Elkhorn Slough;
- d. Outside of a 500-foot buffer along the Salinas River corridor;
- e. Outside of any portion of the King City Grassland Important Bird Area that is below 300 feet in elevation.



Next Steps

Staff requests that the Planning Commission provide direction and feedback on the proposed criteria relative to the refinement of a draft Small Scale Wind Turbine Ordinance, and preparation of a draft Initial Study public review.



**Monterey County
Turbine Placement Constraints Analysis**



-  Turbine Exclusion Area (approximate)
-  Salinas River Exclusion Area (500-foot buffer of river)