

May 29, 2002

To: Sutter County Planning Commission

Re: Agenda Item #16: Public hearing Zoning Code Amendment #02-01 for a proposed amendment to the Sutter County Zoning Code pertaining to small wind energy systems (windmills); located Countywide

Current Proposal

A. Project Description:

The project is an amendment to the Sutter County Zoning Code pertaining to the regulation of small wind energy systems (windmills).

Effective July 1, 2002, the State Government Code will authorize small wind energy systems as a permitted use in non-urban areas. As an option, the Government Code authorizes local agencies to adopt an ordinance regulating such systems through requiring the approval of a use permit.

Pursuant to provisions of the Government Code, the proposed Zoning Code amendment requires approval of a use permit and would only allow them on parcels of greater than one acre in size in non-urban portions of Sutter County for residential, commercial, and industrial activities, and would limit such systems to only those properties located in the AG, A-2, R-E, RAN, M-1, and M-2 Districts. The ordinance also contains specific height and setback requirements for towers.

B. Environmental Consideration:

An Initial Study was prepared to examine potential impacts of the proposed ordinance amendment (see Exhibit A). That study found that the project will not have a significant effect on the environment; therefore, a Negative Declaration is recommended.

Background

In 2001, the State of California adopted Assembly Bill (AB) 1207 (see Exhibit B) as part of its energy program to encourage the use of new or renewable energy sources. AB 1207 mandates

that local agencies allow the installation and operation of small wind energy systems (windmills) on non-urban properties where the system and property meet the requirements of AB 1207.

The bill also provides local agencies with the authority to adopt an ordinance regulating the installation and operation of these systems within certain specific limitations.

On May 1, 2002, your Commission initiated a zoning code amendment pertaining to the regulation of small wind energy systems.

Staff Comments

Staff has prepared an amendment to the Zoning Code pertaining to small wind energy systems; i.e., windmills (see Exhibit C). The proposed ordinance does the following:

1. Requires the approval of a use permit in order to erect a small wind energy system;
2. Limits system use to parcels of one acre or more zoned AG, A-2, R-E, RAN, M-1, or M-2 District, located outside of an urbanized area as defined by the Public Resources Code, or outside of the Yuba City or Live Oak Sphere of Influences;
3. Sets application requirements as specified by the Government Code;
4. Sets sitting and location requirement;
5. Sets special height and setback requirements;
6. Sets minimum appearances requirements; and
7. Requires removal upon cessation of operation.

Recommended Findings

Based upon information contained in the staff report and/or testimony received at the public hearing, find:

- A. An Initial Study was prepared to analyze the potential impacts of the proposed Zoning Code amendment. The study concluded that the project would not have a significant impact on the environment; therefore, the adoption of a Negative Declaration is appropriate.
- B. The reviewing body has independently reviewed, analyzed, and considered the Initial Study and proposed Negative Declaration prior to making its decision on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

- C. The proposed Zoning Code amendment is for the regulation of an accessory use to be used in conjunction with other permitted uses allowed by the Zoning Code and the Sutter County General Plan; therefore, the proposed changes are consistent with the Sutter County Zoning Code and General Plan.

Recommended Action

- A. Adopt the recommended findings.
- B. Recommend to the Board of Supervisors that the Board:
1. Adopt the recommended findings.
 2. Adopt the Negative Declaration.
 3. Approve the proposed Zoning Code amendment.

Sincerely,

THOMAS A. LAST
PRINCIPAL PLANNER

Dale Follas
Associate Planner

Attachments: Exhibit A - Initial Study
Exhibit B - Assembly Bill 1207
Exhibit C - Proposed Zoning Code Text

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