

ORDINANCE NO. 9971 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO METEOROLOGICAL TESTING FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that wind power is an important alternative source of energy and the Zoning Ordinance should be amended to allow for the placement of Meteorological Testing Facilities. The amendments made by this ordinance are intended to set forth reasonable standards and procedures for the installation and operation of Meteorological Testing Facilities.

Section 2. Section 1110, DEFINITIONS (M), of the Zoning Ordinance is amended to add the definition of Meteorological Testing Facility to read as follows:

Meteorological Testing (MET) Facility: A tower with or without guy wires and any other equipment with a component, such as an anemometer or sodar device, to measure meteorological phenomena, such as wind speed, wind direction, air pressure, rain, snow or sun exposure. A MET Facility shall not include a Wind Turbine.

Section 3. Section 1110, DEFINITIONS (W), of the Zoning Ordinance is amended to change the definition of Wind Turbine to read as follows:

Wind Turbine: A device which converts the kinetic energy of the wind into a useable form of electrical energy. A Wind Turbine is not a Meteorological Testing (MET) Facility.

Section 4. Section 4620 of the Zoning Ordinance is amended to read as follows:

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.

The following structures shall be exempt from the maximum height provisions of an applicable height designator:

- a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

- e. Grain elevators, silos, water tanks, barns, and all other structures functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.
- f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.
- h. Any structure used primarily to contain or support an Essential Services use.
- i. Solar energy collection equipment extending not more than 5 feet above the highest point of the roof.
- j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.
- k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

Section 5. Section 6102 of the Zoning Ordinance is amended to read as follows:

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Religious Assembly. The temporary gathering of people for religious purposes.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.

- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.

Section 6. Section 6123 is hereby added to the Zoning Ordinance to read as follows:

6123 METEOROLOGICAL TESTING FACILITY

The temporary use of a Meteorological Testing (MET) Facility is permitted if the following requirements are met:

- a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:
 - 1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - i. Harmony in scale, bulk, coverage and density;
 - ii. The availability of public facilities, services and utilities;
 - iii. The harmful effect, if any, upon desirable neighborhood character;
 - iv. The generation of traffic and the capacity and physical character of surrounding streets;
 - v. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - vi. Any other relevant impact of the proposed use; and
 - 2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
 - 3. That the requirements of the California Environmental Quality Act have been complied with; and
 - 4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.
- b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.

- c. Notification. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the property where the MET Facility is located and a minimum of 20 different owners shall be notified pursuant to Section 7060c.
- d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.
- e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.
- f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.
- g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.
- h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.
- i. Height. The MET Facility shall be less than 200 feet in height.
- j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.
- k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

Section 7. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 10th day February, 2009.