ORDINANCE NO. 1151

AN ORDINANCE AMENDING CHAPTER 28
OF THE SOLANO COUNTY CODE REGULATING
WIND TURBINE GENERATORS

The Board of Supervisors of the County of Solano, does hereby ordain as follows:

SECTION I.

Chapter 28, Section 28-1 is amended by adding definitions regarding wind turbine generators, as follows:

Section 28-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Accessory use. A use naturally and normally incidental to and subordinate to the principle use of the land, and which does not change the character of the principal use.

Agriculture. The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage, husbandry, farming, horticulture and forestry; the science and art of the production of plants and animals useful to man.

Alley. A passage or way open to public travel, affording a secondary means of vehicular access to abutting lots, and not intended for general traffic circulation.

Animal, small. Chicken, turkey, rabbit, duck, mink, hamster, chinchilla, frog, fish, worm or other animals of a similar nature.

Animal feed yard. An animal livestock operation conducted on land under one ownership where twenty (20) or more animal units are corralled, penned, tethered, or otherwise caused to remain in confinement in restricted areas for any period and for any purpose on a surface which is or becomes bare of any feed growing in place which has a reasonable grazing value, except that normal grazing activities, including incidental seasonal supplemental feeding operations, are excluded from this definition.
Animal hospital. A building wherein the care and treatment of sick or injured dogs, cats, rabbits, birds, and similar small animals is given, but not including the boarding of animals that are not sick or injured.

Animal units. The sum total of the units assigned to various animals pursuant to the table below:

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th>Units per Animal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mature cattle, horses or animals of similar size</td>
<td>1.00</td>
</tr>
<tr>
<td>Yearling cattle, horses or animals of similar size</td>
<td>.75</td>
</tr>
<tr>
<td>Calves, colts or animals of similar size</td>
<td>.40</td>
</tr>
<tr>
<td>Hogs more than 90 days old</td>
<td>1.00</td>
</tr>
<tr>
<td>Two or more litters of hogs</td>
<td>.50 per hog</td>
</tr>
<tr>
<td>One litter of hogs</td>
<td>None</td>
</tr>
<tr>
<td>Mature sheep, goats, or animals of similar size</td>
<td>.20</td>
</tr>
<tr>
<td>Lambs, kids or animals of similar size</td>
<td>.15</td>
</tr>
</tbody>
</table>

Automobile parking lot. Premises on which operable and duly licensed automobiles are parked by their individual owners for a period not to exceed 72 hours.

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersection, or intercepting streets and railroad right-of-way, unsubdivided acreage, watercourse, or body of water.

Building. Includes structure.

Building, accessory. A subordinate building located on the same lot, the use of which is customarily incidental to that of the main building, or to the principal use of the land.

Building height. Average height above the finished grade of the highest part of the building.

Building, main. A building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building site on which the same is situated.

Building site. The ground area of building or buildings, exclusive of the street, together with all open space required by
this chapter and having its principal frontage on a street.

Camp grounds. Land or premises which is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for temporary occupancy by tents or similar quarters.

Clinic, medical and dental. A building wherein a staff of doctors, with necessary assistants and equipment, conduct the examination and treatment of outpatients.

Commercial coach. A vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional, or commercial purposes.

Community care facility. Any facility, place, or building for seven or more persons which is maintained and operated to provide non-medical residential care, day care, or homefinding agency services for children, adults, or children and adults; including, but not limited to, the physically handicapped, mentally impaired or incompetent persons; and includes residential facility, residential care facility for elderly, day care center, homefinding agency, and foster family home.

Club. All clubs, except those the chief activity of which is a service customarily carried on as a business.

Corporation yard. Buildings and premises for storage of construction materials and machinery used by the operator of the corporation yard in the conduct of his business.

County boundary. The boundary of the county or the boundary of any unincorporated municipality within the county.

Courts. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Duplex. A detached building, under one roof, designed for or occupied exclusively by two families living independently of each other and separated by a common wall or floor.
Dwelling, manufactured. A mobilehome, certified under the National Mobile Home Construction and Safety Standard Act of 1974, placed on a foundation system constructed according to the provisions of Section 18551 of the Health and Safety Code and implementing regulations, and designed for or occupied exclusively by one family.

Dwelling, multiple. A building or portion thereof, used or designed as a residence for three or more families living independently of each other and doing their own cooking in such building, including apartment houses and flats.

Dwelling, one-family. A detached building which meets the building regulations of Solano County designed for or occupied by exclusively one family. Does not include a tent, mobilehome, or manufactured dwelling.

Dwelling groups. A group of two or more detached or semi-detached one-family, two-family, or multiple-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

Dwelling unit. A room or suite of rooms which is designed for or occupied by one family doing its cooking therein.

Erosion. Detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Family. One or more persons occupying a premise and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

Farm labor quarters. Rooming and boarding houses and mess halls for any number of farm help customarily employed on land owned by the owner of the building site occupied by such houses or halls.

Garage, private. An accessory building for the storage of private motor vehicles; an accessory use incidental to the main
building.

Guest house. Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site and not to be rented, let or leased, whether compensation be direct or indirect.

Horse show. Includes a public stable and, in addition, includes the conduct of riding exhibitions and other similar events and activities where more than 12 horses participate at one time.

Junk yard. The use of more than 200 square feet of area of any parcel, lot, or contiguous lots for the storage of junk or salvable material, including junk metals or other scrap materials, and for the storage, dismantling or "wrecking" of automobiles or other vehicles or machinery.

Labor camps. Any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance-of-way, car, trailer coach, or other housing accommodations maintained in connection with any work or place where work is being performed and the premises upon which they are situated or the area set aside and provided for camping of five or more employees by a labor contractor. Labor camp shall also mean a labor supply camp.

Labor supply camp. Any place, area, or piece of land where a person engages in the business of providing sleeping places or camping grounds for five or more employees or prospective employees of another.

Lot. Includes plot.

Lot, key. The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.
Mobilehome. A vehicle other than motor vehicle designed and equipped to contain one dwelling unit to be used without a permanent foundation and which is in excess of eight feet in width, or in excess of 40 feet in length. Does not include a manufactured dwelling.

Mobilehome park. Any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

Office, business. An office which has as its main function the arrangement of business transactions the holding of sales meetings and administrative conferences, the receiving of client payments, and the keeping of records and accounts pertaining to the particular business.

Office, professional. An office from which a doctor, lawyer, engineer, or architect, etc., may offer services.

One ownership. Ownership of property or possession thereof under a contract to purchase or under lease, the term of which is not less than 10 years, by a person individually, jointly, in common, or in any other manner whereby such property is under single or unified control.

Owner. The person exercising one ownership as herein defined.

Parking space. A usable and accessible space for parking of a standard sized motor vehicle off the street.

Planning commission. The county planning commission of Solano County.

Public service facility. Any use of land by a governmental or public utility agency which has the power of eminent domain, or any land use of a public or quasi-public nature which is found by the planning commission to be necessary for the public health,
safety, convenience or welfare.

Recreational vehicle. A vehicle which is a motor home, travel trailer, truck camper, or camping trailer with or without motive power, designed for human habitation for recreation, travel accommodation purposes, or emergency occupancy and which is not defined herein as a mobilehome or commercial coach.

Recreational vehicle park. Any area or tract of land within an area zoned for recreational use where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles, and which is occupied for temporary periods of time.

Remnant parcel. Area under one or more ownerships of four acres or less in aggregate area which has been isolated by public right-of-way, or publicly acquired land, or both.

Riparian habitat. The waterside environment where various plant and animal populations are endemic, existing as a result of the existence of the watercourse, or where such populations can be established due to the existence of the watercourse.

Road. See street.

Rooming or boarding house. A dwelling, other than a hotel, where lodging or meals, or both, for four or more persons are provided for compensation.

Rural resident enterprise. A small commercial or industrial land use, exclusive of agriculture, on the same parcel as the resident family in a rural area.

Sedimentation. The process by which mineral or organic matter is removed from its site or origin, transported and deposited by water, wind, or gravity.

Servants quarters. Living accommodations for servants, not including cooking facilities.

Sign. Anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or
otherwise fastened, affixed or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever.

The two sides of a double-faced sign shall be counted as only one sign. Wedge-shaped or "V"-shaped signs where messages are not carried back-to-back, shall be counted as two signs even though they may be attached.

This definition shall not include official notices issued by a court or public body, or officer, or directional warning or information sign or structures required by or authorized by law or by federal, state, county, or city authority.

Sign area. The area of a sign or other advertising device shall be measured to the outside of the sign frame, or where there is not sign frame, to a simple boundary perimeter around the outer limits of the sign elements, including any voids within such perimeter. The two sides of a double-faced sign shall be counted as one sign. Wedge-shaped or "V"-shaped signs where messages are not carried back-to-back shall be counted as two signs, even though they may be attached.

Sign, general advertising. A sign which directs attention to a business, profession, organization, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot or parcel on which such sign is located.

Sign, on-site. A sign which directs attention to a business, profession, organization, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed.

Stable, private. A structure for the shelter, care, or feeding of horses used primarily by the resident family and not used for commercial purposes.
Stable, public. Any premises on which horses are boarded, trained, or rented for commercial purposes or upon which a horseriding school or club is conducted; provided, that not more than 12 horses participate in a training exercise or riding exhibition at one time.

Street. A street, road, highway, thoroughfare, drive, lane, or way affording the principal means of access to abutting property and dedicated to or maintained by city, county, or state government, or a private street, road, highway, thoroughfare, drive, lane, or way affording the principal means of access to abutting property.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything constructed or erected, except fences under six feet in height, the use of which requires location on or in the ground or attachment to something having location on or in the ground, but not including any trailer or tent.

Temporary commercial coach site. Premises which are used for temporary occupancy and upon which one or more occupied commercial coaches are located for temporary predetermined periods.

Temporary mobilehome site. Premises which are used for temporary occupancy and upon which one or more inhabited mobilehomes or manufactured dwellings are located for temporary predetermined periods.

Use. The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Watercourse. Any natural or man-made channel for transporting water, including the streambed and the banks, whether
continuously flowing or intermittent.

Wind turbine generator, commercial. A wind-driven machine that converts wind energy into production of electrical power for the primary purpose of resale or off-site use.

Wind turbine generator, noncommercial. A wind-driven machine that converts wind energy into production of electrical power for the primary purpose of on-site use and not for resale.

Wrecking yard. See junk yard.

Yard. An open space, other than a court, on the same building site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping, but not including any portion of any street or alley or road right-of-way.

Yard, front. A yard extending across the front of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

Yard, rear. A yard extending across the back of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

Yard, side. A yard between the side line of the lot and the building and to a width required by the district in which the lot is situated, and extending from the front yard to the rear yard.

SECTION II.

Chapter 28 of the Solano County Code is amended by adding Section 28-24(b)(4) regarding regulation of wind turbine generators as follows:

Section 28-24(b)(4). Regulations for Commercial and Noncommercial Wind Turbine Generators.

Districts provided a use permit is first secured for any wind turbine generator exceeding 100 feet in height measured from ground level to the hub, or for any commercial wind turbine generator.

b. Wind turbine generators (WTGs) shall be set back a minimum distance of 1.25 times the maximum height reached by any part of the WTG to any property line, and a minimum of 10 feet from any other structure on the property. A 300-foot setback shall be maintained from any district which does not permit WTGs. Setbacks determined by height may be waived when appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Zoning Administrator or Planning Commission.

c. Tower-climbing apparatus and bladetips of the WTG shall be no lower than 15 feet from ground level unless enclosed by a 6-foot high fence. The tower shall be posted at eye level, warning of high voltage.

d. The WTG shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause interference with radio and/or television broadcasting or reception. Alternate mitigation for such interference may be approved for a commercial WTG.

e. The applicant shall provide the manufacturer's specifications which certifies that the WTG is equipped with a braking system, blade pitch control, and/or other mechanism for rotor control, and shall have both manual and automatic overspeed controls.
f. Noise emitted from any WTG shall not exceed 50 dBA CNEL at any property line abutting a residential zone or 60 dBA CNEL at any other property line.
g. Brand names or advertising associated with a WTG installation shall not be visible from any public access.
h. Liens, surety bonds or other security may be required as part or condition of any use permit to guarantee removal or dismantling of any abandoned WTG.

SECTION III.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Vacaville Reporter, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

JOHN S. BLACKLOCK
Clerk of the Board of Supervisors

By Linda Torv
Deputy Clerk

I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting held December 15th, 1981.

On motion of Supervisor Cunningham, Seconded by Supervisor Brann, this Ordinance was adopted at a regular meeting of said Board on January 19th,
1982, by the following vote:

AYES: SUPERVISORS: Brann, Cunningham, and Chairman Hewitt

NOES: SUPERVISORS: Brazelton and Davis

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 19th day of January, 1982.

JOHN S. BLACKLOCK, Clerk
of the Board of Supervisors

By Deputy Clerk