Comment Letter U

COMPANIES

Real Estate Development
Property Management
General Contracting

Lic # 373142

1000 PIONEER WAY, EL CAJON, CA 92020
PHONE: 619-440-7424 FAX: 619-440-8914

December 23, 2011

Department of Planning and Land Use
Project Processing
5201 Ruffin Road, Suite B
San Diego, CA 92123
Via Email C/O Patrick Brown (Patrick.Brown@sdcounty.ca.gov)
C/O Matt Sneider (Matthew.Schneider@sdcounty.ca.gov)

Re: Proposed County Wind Ordinance

Gentlemen:

I am in receipt of the "Draconian" draft wind ordinance. As a preface to my comments, I would like to summarize a concept. Ownership of property initially was conceived by our founding fathers as coming with a "bundle of rights". Laws, ordinances, restrictions all impose limitations on those rights. For the most part, each of these restrictions removes rights from those ownership rights. This being said, for example the recent GPA removed approximately 90% of the rights pertaining to the division of land in much of Boulevard (and specifically all of our holdings 2,000 plus acres).

This Wind ordinance as crafted does in fact further limit and restrict wind development on most if not all private lands in this unique wind resource region of San Diego County.
If in fact, this ordinance is adopted by the county of San Diego, the County will have adopted an ordinance that will have effectively robbed PRIVATE owners of that portion of the bundle of rights. At some point in time, the County by fiat, will have taken most if not all value from the owners of rural land because of these layered restrictions.

U-1

This leaves government lands and Indian tribal lands as the sole source of producing green Wind Energy that has been legislated, mandated and promoted by the very people that are creating a mine field for the private owners. I wonder if this is an intentional act? Or one of simply overlooking the reality of what the meaning of "Private Property Rights" is.

Generally, I will defer to the December 22, 2011 Letter to the Planning Department by Iberdrola Renerables detailing comments on the Proposed Wind Ordinance and affirm that I agree with those comments.

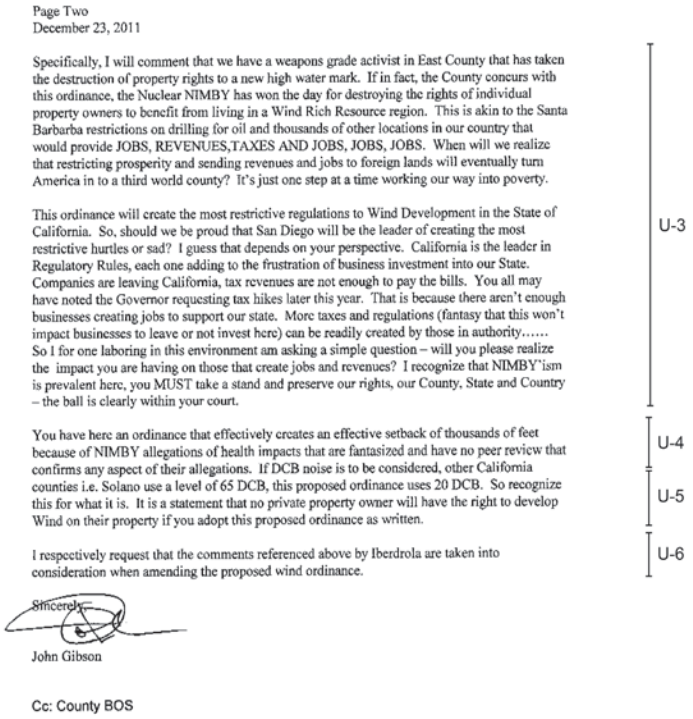
U-1

Response to Comment Letter U

Hamann Companies
John Gibson
December 23, 2011

U-1 This comment expresses opposition to the project, but does not identify significant environmental issues for which a response is required. However, the County does not agree with the assertions that the proposed project would excessively restrict wind turbine development.

U-2 The County acknowledges the commenter's agreement with the Iberdrola letter. See responses to comments for letter N.



Page Two
December 23, 2011

Specifically, I will comment that we have a weapons grade activist in East County that has taken the destruction of property rights to a new high water mark. If in fact, the County concurs with this ordinance, the Nuclear NIMBY has won the day for destroying the rights of individual property owners to benefit from living in a Wind Rich Resource region. This is akin to the Santa Barbarba restrictions on drilling for oil and thousands of other locations in our country that would provide JOBS, REVENUES,TAXES AND JOBS, JOBS, JOBS. When will we realize that restricting prosperity and sending revenues and jobs to foreign lands will eventually turn America in to a third world county? It's just one step at a time working our way into poverty.

This ordinance will create the most restrictive regulations to Wind Development in the State of California. So, should we be proud that San Diego will be the leader of creating the most restrictive hurtles or sad? I guess that depends on your perspective. California is the leader in Regulatory Rules, each one adding to the frustration of business investment into our State. Companies are leaving California, tax revenues are not enough to pay the bills. You all may have noted the Governor requesting tax hikes later this year. That is because there aren't enough businesses creating jobs to support our state. More taxes and regulations (fantasy that this won't impact businesses to leave or not invest here) can be readily created by those in authority…… So I for one laboring in this environment am asking a simple question – will you please realize the impact you are having on those that create jobs and revenues? I recognize that NIMBY'ism is prevalent here, you MUST take a stand and preserve our rights, our County, State and Country – the ball is clearly within your court.

You have here an ordinance that effectively creates an effective setback of thousands of feet because of NIMBY allegations of health impacts that are fantasized and have no peer review that confirms any aspect of their allegations. If DCB noise is to be considered, other California counties i.e. Solano use a level of 65 DCB, this proposed ordinance uses 20 DCB. So recognize this for what it is. It is a statement that no private property owner will have the right to develop Wind on their property if you adopt this proposed ordinance as written.

I respectively request that the comments referenced above by Iberdrola are taken into consideration when amending the proposed wind ordinance.

Sincerely,

John Gibson

Cc: County BOS

U-3

U-4

U-5

U-6

U-3 This comment expresses further opposition to the project, but does not raise a significant environmental issue for which a response is required. The County does not agree with the assertions in this comment.

U-4 This comment contends that allegations of health impacts resulted in the County setting restrictive setbacks for turbines. The minimum proposed setback for a large turbine is 1.1 times the total turbine height (tower plus blade in vertical position). Additional setbacks may be required to comply with noise regulations and will be directly correlated to the turbine size. Noise is considered to be an environmental impact pursuant to CEQA and must be addressed under this project. The County's analysis estimated the setbacks for various size turbines (see Appendix A to these responses to comments).

U-5 This comment does not raise a significant environmental issue for which a response is required, but opposes the proposed noise standards in the project. There is no universally accepted method for regulating low frequency noise. While Solana County utilizes what is referred to as a "maximum threshold" standard, the County is proposing what is commonly referred to as an "imbalance" standard. Both the maximum threshold and imbalance threshold methods are currently utilized domestically and internationally to regulate noise and are accepted methods for

	regulating low frequent noise. The County selected the imbalance method because it includes the ambient background conditions found in the County's rural environment. Ultimately, the Board of Supervisors must determine how the County can best meet project objectives. The information in this comment will be in the Final EIR for review and consideration by the County Board of Supervisors. **U-6** This comment concludes the letter and does not raise a significant environmental issue for which a response is required.

INTENTIONALLY LEFT BLANK