

STAFF REPORT
City of Lancaster, California

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11/09/2010
MVB

Date: November 9, 2010

To: Mayor Parris and Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Amendment to Title 17 (Zoning Ordinance) of the Lancaster Municipal Code modifying the requirements for certain non-commercial wind energy systems (NC-WES) in the rural residential zones (RR-1 and RR-2.5)**

Recommendation:

1. Introduce **Ordinance No. 954**, amending Title 17 of the Lancaster Municipal Code (LMC) by modifying the requirements for certain non-commercial wind energy systems (NC-WES) in the rural residential zones (RR-1 and RR-2.5).
2. Determine that the application fee for NC-WES would be the same as established fee for a Director's Review, Category B.

Background:

In 2001, the California legislature passed Assembly Bill 1207, which promoted small wind turbine installations and established incentives through rebates for residents, in order to address the high demand for alternative renewable energy and reduce the demand on the state electric grid. The City of Lancaster originally established wind energy system regulations in 1983 by requiring a conditional use permit to be obtained for them. As wind energy technology has advanced, the ability to make smaller and more efficient turbine systems has caused the City to re-evaluate the 1983 regulations. In 2009, the City adopted modifications to allow smaller vertical axis wind turbines in residential zones, as well as certain types of turbine co-location in the residential and industrial zones with a director's review process.

The proposed ordinance would modify the City's requirements and review process to make it less expensive and more efficient to install smaller wind turbines within the rural residential zones of RR-1 and RR-2.5. The ordinance would allow wind turbines with a maximum rotor diameter of 24 feet to be located in the RR-1 and RR-2.5 zones with approval of a Director's Review. The ordinance would establish various setback and other requirements for the turbines, and would allow them to be constructed at a height of 80 feet for lots in excess of 5 acres and at a height of 65 feet for lots of less than 5 acres (this matches the heights permitted by State law). As part of the Director's Review submittal, the applicant would provide a mailing list for all property owners within 300 feet of the installation property; these property owners would be notified at least 10 days in advance of any decision on a NC-WES to allow them time to provide comments, if any, to the City's Planning Department. The Planning Director, after considering the application and any comments, would approve, approve with conditions, or deny the request.

Any decision would be appealable to the Planning Commission. Staff is recommending that these director's reviews be filed under the established fee for Director's Review Category B, which is currently \$350.00. Staff believes that this approach will provide for adequate review, while significantly reducing applicant cost and processing time.

The Planning Commission held a public hearing on October 18, 2010, and voted unanimously to recommend approval of the proposed ordinance to the City Council. Staff recommends that the City Council adopt this ordinance as proposed.

BSL/jr

Attachments:

Ordinance No. 954

Planning Commission Staff Report dated October 18, 2010