

ORDINANCE NO. 954

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING TITLE 17 OF THE MUNICIPAL CODE, TO MODIFY THE REQUIREMENTS FOR CERTAIN WIND ENERGY SYSTEMS IN THE RURAL RESIDENTIAL (RR-1 AND RR-2.5) ZONES

WHEREAS, the City Council of the City of Lancaster, finds that it is necessary to amend Title 17 of the Municipal Code (Zoning Ordinance) based on increasing energy demands facing California and a desire to encourage the use of renewable energy by allowing Non-Commercial Wind Energy Systems (NC-WES) in Rural Residential Zones (RR-1 and RR-2.5 only) with a more efficient review and approval process; and

WHEREAS, the amendment to Title 17 of the Lancaster Municipal Code will modify the current requirements by requiring a Director's Review application (Category "B"), to regulate NC-WES in Rural Residential Zones (RR-1 and RR-2.5 only) in lieu of the current requirement for a Conditional Use Permit, and thereby would reduce applicable fees and time necessary for approval; and

WHEREAS, the establishment of the proposed regulations for wind energy systems would streamline the process, and make it easier and less expensive for property owners to use this form of alternative renewable energy; and

WHEREAS, the City Council finds that small wind energy systems, designed for non-commercial residential use, are recognized by the State Energy Resources Conservation and Development Commission as an excellent technology to help achieve the goals of increased in-state electricity generation, reduced demand on the state electric grid, increased consumer energy independence, and nonpolluting electricity generation; and

WHEREAS, wind energy is an abundant, renewable, and nonpolluting energy resource, and when converted to electricity, reduces dependence on nonrenewable energy resources and reduces air and water pollution that results from conventional energy sources; and

WHEREAS, small wind energy systems enhance the reliability and electrical generation quality of the power grid, reduce peak power demands, increase in-state electricity generation, diversify the City of Lancaster's energy supply portfolio, and provide a competitive supply market by promoting consumer choice; and

WHEREAS, the City Council finds that the Legislature of the State of California recognized the need to promote all feasible adoption of clean, renewable, and distributed energy sources by enacting the Reliable Electric Service Investments Act (Article 15 (commencing with Section 399) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code); and

WHEREAS, The City Council hereby makes the following findings in support of the Ordinance:

1. The proposed Zoning Ordinance amendment is consistent with General Plan Policy No. 3.6.6 which states: “Consider and promote the use of alternative energy such as wind energy and solar energy”, and it will not alter the land use patterns and requirements established by the General Plan; and
2. The proposed amendments to the Lancaster Municipal Code will not adversely affect the public health, peace, comfort or welfare, because amending the application process would not affect the existing land use and still allow for a public notification/comment process; and
3. The modification to the Lancaster Municipal Code would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the proposed procedural modification and would not alter land; and
4. The Council hereby finds the environmental findings adopted by the City Council Resolution No. 09-52 on July 14, 2009, are valid for the amendment because the project is consistent with the General Plan. Therefore, no further environmental review is required pursuant to Section 15162 of the State CEQA Guidelines.
5. A uniform and comprehensive set of standards, conditions, and procedures for the placement of Non Commercial – Wind Energy Systems (NC-WES) is necessary to encourage the generation electricity for on-site use, increasing the use of renewable energy within the City.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Delete and Replace under Section 17.04.240: “Wind energy conversion system” to read as follows:

Wind energy conversion system “means a mechanism which is designed to utilize the natural movement of air as a means of generating electricity.” The following terminology as it pertains to wind energy conversion systems is listed below:

“**AWEA** means American Wind Energy Association.”

“**FAA** means Federal Aviation Administration.”

“**Guy Wires** means wires or cables used in tension to support a tower.”

“Non-Commercial Wind Energy System (“NC-WES”) means a small wind energy system suitable for Rural Residential Zone (RR-1 and RR-2.5 only) meeting the requirements of Section 17.08.337, consisting of a wind turbine, tower, blades, associated controls and conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce on-site consumption of utility power by converting mechanical energy into electricity.”

“Tower means the portion of the NC-WES upon which the wind turbine is mounted.”

“Tower Height means the height above grade of the fixed portion of the tower measured from the ground to the top of the tower, excluding the wind turbine, blades and wind-measuring devices.”

“USGS means the United States Geological Survey.”

“Vertical Axis Wind Turbine(VAWTS)” means a small scale, non-commercial vertical axis wind turbine system, designed with a vertical axis, suitable for residential zones consisting of a wind turbine, tower, blades, associated controls and conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce on-site consumption of utility power by converting mechanical energy into electricity.”

“Wind Turbine means a non-commercial small wind turbine consisting of a wind turbine generator and rotors, which has a rated capacity of not more than 100 kilowatts (kW) and which converts kinetic energy in wind into mechanical energy.”

Section 2. Add Section: 17.08.060.Z to read as follows:

“Z. Non-Commercial Wind Energy Systems in the Rural Residential Zones (RR-1 and RR-2.5 only) pursuant to the requirements of Section 17.08.337. (See Article V of Chapter 17.08 for standards.)”

Section 3. Amend Section: 17.08.070.DD to read as follows:

“DD. Wind energy conversion systems for private and public use, excluding NC-WES and VAWTS allowed pursuant to Section 17.08.060.Y. and 17.08.060.Z (See Article XI of Chapter 17.40 for standards.)”

Section 4. Amend Section: 17.08.355.C to read as follows:

“C. Definitions. Definitions for the administration of this Section are contained within Section 17.01.240.”

Section 5. Delete Diagram under Section 17.08.335.G and replace with Attachment 1:

Section 6. Add Section 17.08.337 (see Exhibit "A")

Section 7. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 9th day of November, 2010, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 954, for which the original is on file in my office.

WITNESS MY HAND AND SEAL OF THE CITY OF LANCASTER, on this _____ Day of the _____.

(seal)

“EXHIBIT A”

SECTION 17.08.337 - Non-Commercial Wind Energy System (NC-WES)

- A. **Purpose and Intent.** It is the purpose and intent of this section to promote the safe, effective and efficient construction, and use of NC-WES in the Rural Residential Zones (RR-1 and RR-2.5 only). These regulations are intended to assure that NC-WES are designed and located in a manner that minimizes visual, noise, and safety impacts on the surrounding community.
- B. **Applicability.** These specific standards are applicable for all Non-Commercial Wind Energy Systems in the Rural Residential Zones (RR-1 and RR-2.5 only), and subject to approval of a Director’s Review in accordance with Article VI of Chapter 17.32. The definitions contained in Section 17.04.240 regarding wind energy conversion systems shall apply to this section.
- C. **Development Standards.** An NC-WES shall be subject to all applicable regulations of the Rural Residential Zones (RR-1 and RR-2.5 only) in which it is proposed, except that the following standards shall take precedence over the regulations of the Rural Residential Zones to the extent that they differ.
1. **Accessory Use.** A NC-WES is considered to be an ancillary structure and may only be placed on a parcel already developed with a primary use, or placed on a parcel concurrent with the development of a primary use.
 2. **Minimum Lot Size.** The minimum parcel size shall be 40,000 square feet.
 3. **Location of NC-WES.**
 - a. **Setback.** A NC-WES shall be located:
 - i. Behind the primary building within the buildable area of the parcel (exclusive of required front, side, and rear yard areas),, and located a minimum of 30 feet from any property line. (Note: Setback distances shall not apply to guy wires or anchors).
 - ii. Shall not be located within or over drainage, utility, or other established easements.
 - iii. Each wind turbine shall be setback from the nearest above-ground public communication or electrical line by a distance which is equivalent to the height of the wind turbine.
 4. **Blade Clearance.** No part of an NC-WES blade shall extend within 15 feet of the ground, trees, or any other structure.
 5. **Maximum Tower Height.** Tower Height shall not exceed 65 feet above grade on any parcel of 5 acres or less. Parcels greater than 5 acres in size may have a maximum tower height of 80 feet.
 6. **Maximum Blade Rotor Area Diameter.** The overall diameter of the blade area shall not exceed 24 feet.
 7. **Compliance with Aviation Safety Standards.** The NC-WES shall comply with all applicable Federal Aviation Administration (FAA) requirements, including any necessary approvals for installations within an adopted Airport Land Use Plan, Air Installation Compatibility Use Zone (AICUZ), or other recognized over-flight area.

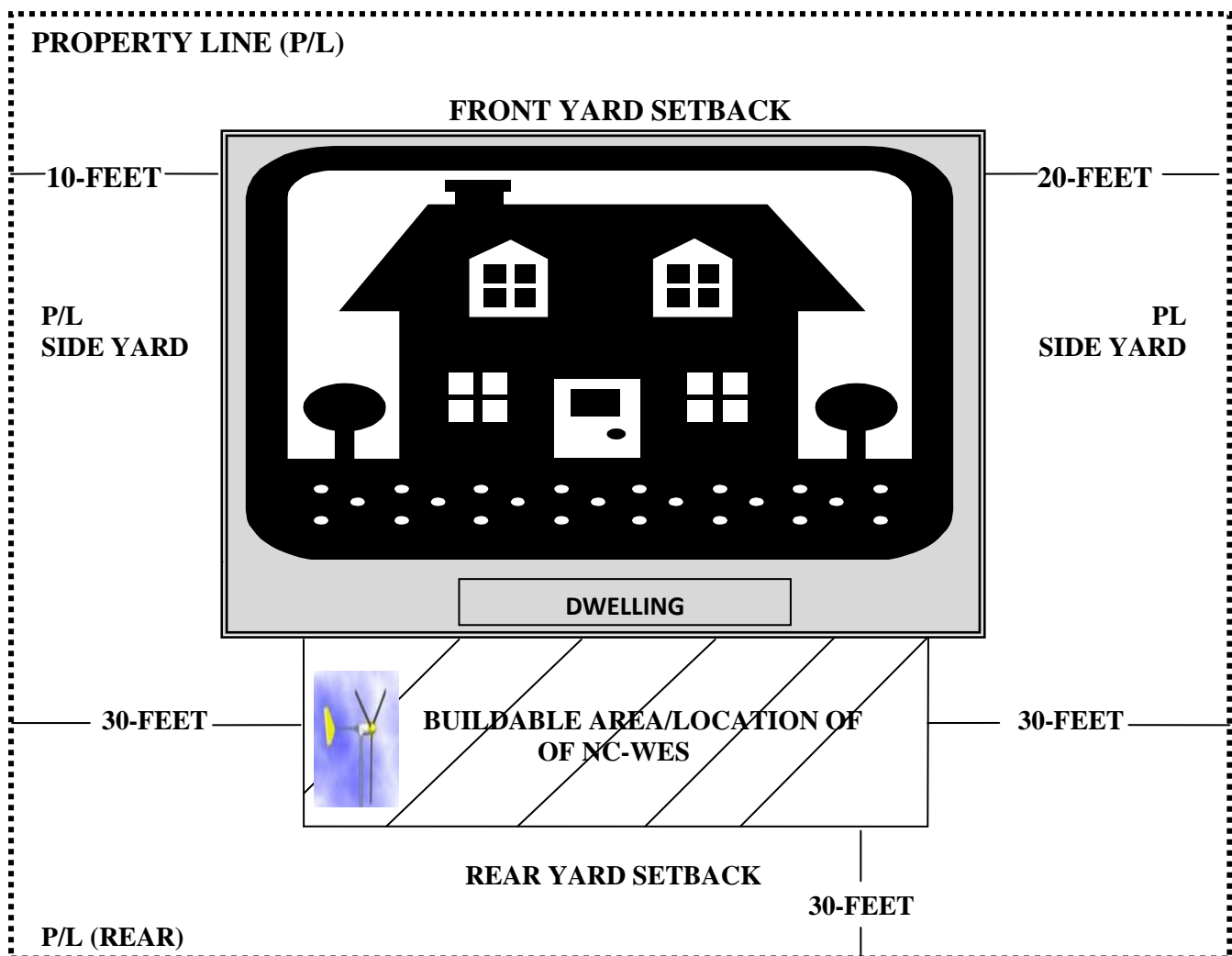
8. **Wind Turbine Approval.** Wind Turbines must be approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the AWEA.
9. **Design.** An NC-WES must be designed and constructed in accordance with the following:
 - a. **Colors.** The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.
 - b. **Lighting.** Lighting of the Tower shall only be permitted if required by, and done in conformance with, the requirements of the FAA.
 - c. **Noise.** Noise from an NC-WES shall not exceed 65 decibels at any property line.
 - d. **Visual Effects.** Any NC-WES that is placed within the view shed of a designated Scenic Highway or vista shall be assessed for its visual effects, and appropriate conditions relating to setting, buffers, and design of the facility.
 - e. **Climbing Apparatus.** All climbing apparatus must be located at least fifteen (15) feet above the ground, and the tower must be designed to prevent climbing within the first fifteen (15) feet.
 - f. **Automatic Overspeed Controls.** An NC-WES shall be equipped with both manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the NC-WES.
 - g. **Access Doors.** If an NC-WES is equipped with access doors, all access doors shall be lockable.
10. **Signs.** One sign, limited to eighteen (18) inches in length and one (12) inches in height, shall be posted at the base of the Tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.
11. **Maintenance.** NC-WES shall be maintained in an operational condition that poses no potential safety hazards.
12. **Removal.** Within six (6) months after the operation of an NC-WES has ceased the permittee shall remove the N-WECS, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the N-WECS. Failure to remove such NC-WES as required above shall constitute a public nuisance.

D. Review and Decision Process.

1. **Application.** A Director's Review application in accordance with Article VI of Chapter 17.32 shall be filed for a NC-WES meeting the requirements of this Section.
2. **Notice of Application.** The applicant shall submit as part of the Director's Review, a list of all owners of real property as listed on the latest county assessor's equalized assessment roll, located within 300 feet of the boundaries of the parcel on which the NC-WES is proposed. Written notices shall be given by mail to all such owners of the intent to consider the application for a NC-WES at least 10 days prior to a decision on the application.

- 3. Consideration by Planning Director.** The Planning Director shall review the application for conformance with the requirements of this section and consider any comments received prior to making a decision on the request. The Planning Director shall approve, approve with conditions, or deny the application. Any decision of the Planning Director may be appealed to the Planning Commission in accordance with Chapter 2.44 of the Lancaster Municipal Code.

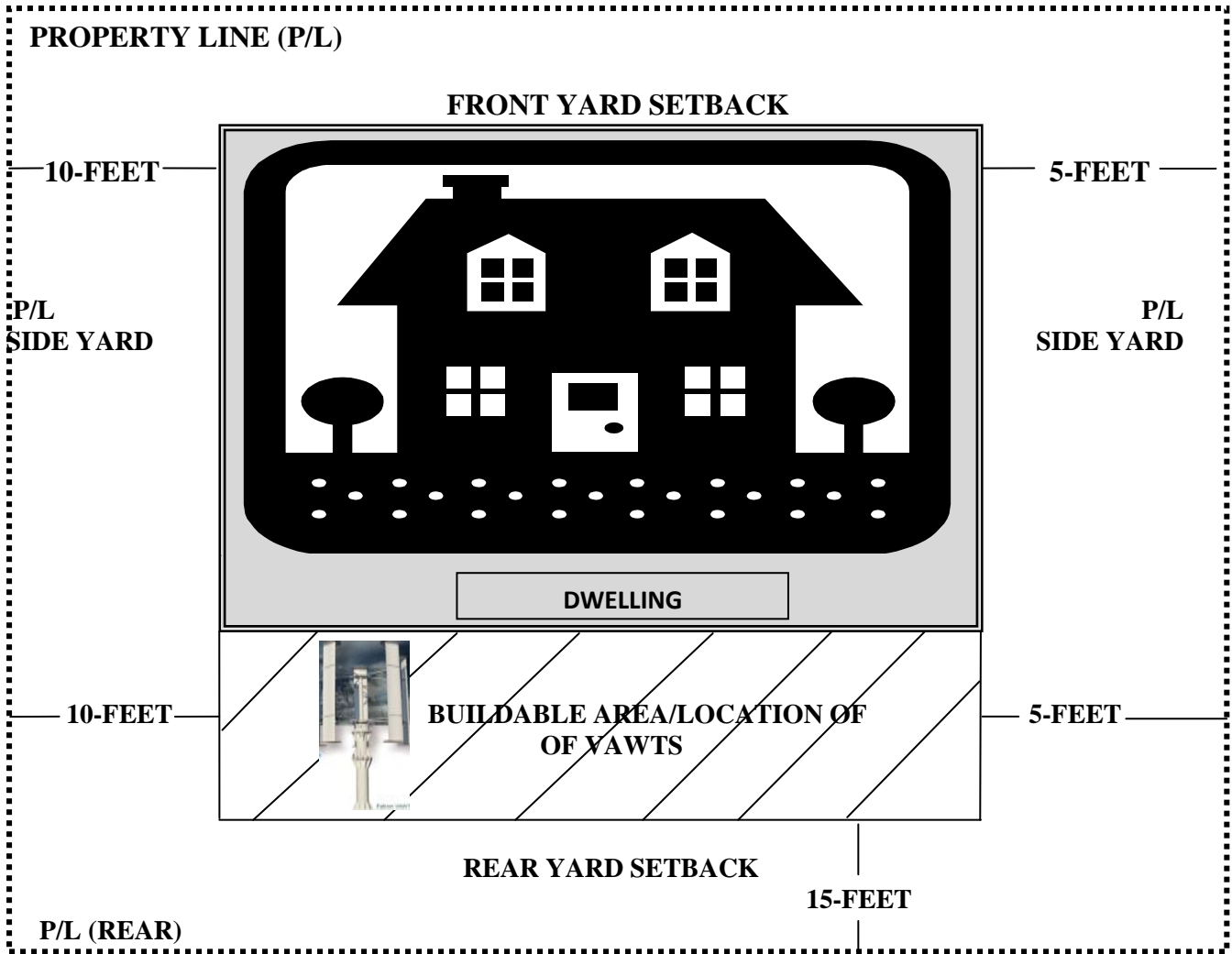
**DIAGRAM 1
NC-WES
RR-1 and RR-2.5 Zones**



Sample of RR-1 Zone

ATTACHMENT I

DIAGRAM 1 VAWTS R-7,000, R-10,000 and R-15,000 Zones Only



Sample of R-7,000 Zone