

ORDINANCE NO. 933

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING TITLE 17 OF THE MUNICIPAL CODE, MODIFYING THE WIND ENERGY REQUIREMENTS WITH THE ADDITION OF SECTION 17.08.332 TO REGULATE VERTICAL AXIS WIND TURBINE SYSTEM IN RESIDENTIAL 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 by allowing Vertical Axis Wind Turbine System (VAWTS) in residential zones with a Director's Review application; and

WHEREAS, the Attorney General Bill Lockyer from the California Department of Justice has determined in a report dated April 2004 that the State of California has a shortage of reliable electricity supply; and

WHEREAS, wind energy is an abundant, renewable, and nonpolluting energy resource, which when converted to electricity, reduces dependence on nonrenewable energy resources and reduces air and water pollution that results from conventional sources; 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 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, the establishment of regulations for small-scale VAWTS would streamline the ability for property owners to utilize alternative energy sources; and

WHEREAS, the amendment to Title 17 of the Lancaster Municipal Code will modify the current requirements by requiring a Director's Review and approval in lieu of a Conditional Use Permit to regulate VAWTS in all residential zones, and thereby would reduce fees and time necessary for approval; and

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

1. The proposed zoning ordinance amendment is consistent with the General Plan, because 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 development standards would regulate the installation and maintenance of VAWTS; 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 use is an accessory to existing legally permitted structures in the residential zone and not in areas that are in their natural state; 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 VAWTS is necessary to regulate the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies.

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

Title 17 of the City of Lancaster Municipal Code is hereby amended as follows:

Section 1. Add Section 17.08.060.Y to read as follows:

“Y. Vertical Axis Wind Turbine System for private use. (See Article V of Chapter 17.08 for standards.)”

Section 2. Modified Section 17.08.070.DD to read as follows:

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

Section 3. Add under Article V, Specific Provisions for Designated Uses Subject to Director’s Review and Approval, Section 17.08.335 as provided in Exhibit A.

Section 4. 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 8<sup>th</sup> day of September, 2009; re-introduced on the 22<sup>nd</sup> day of September and placed upon its second reading and adoption at a regular meeting of the City Council on the \_\_\_\_day of \_\_\_\_\_, 2009, 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. 933, 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)

\_\_\_\_\_

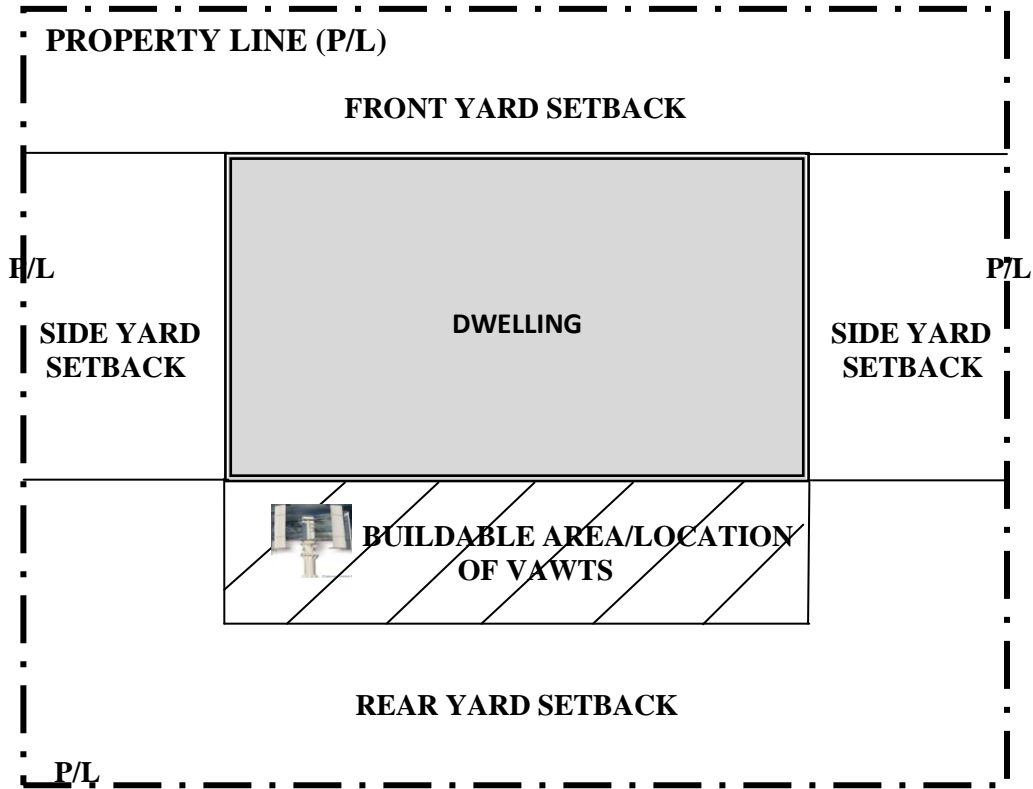
## **“EXHIBIT A”**

### **SECTION 17.08.335 – Vertical Axis Wind Turbine System (VAWTS)**

- A. **Purpose and Intent.** It is the purpose and intent of this section to promote the safe, effective and efficient construction and use of VAWTS on residential lots within the city limits of the City of Lancaster. These regulations are intended to assure that VAWTS are designed and located in a manner that minimizes visual, noise, and safety impacts on the surrounding community. Commercial Wind Turbines in residential zones are subject to a Conditional Use Permit.
- B. **Applicability** These specific standards are applicable for all Vertical Axis Wind Turbine System in residential zones allowed subject to approval of a Director’s Review in accordance with Article VI of Chapter 17.32.
- C. **Definitions.** The following are definitions of specialized terms and phrases used in this section. Definitions of general terms and phrases are located in Chapter 17.04 Section 17.04.240 (Definitions).
1. **Director** means the Planning Director of the City of Lancaster’s.
  2. **FAA** means Federal Aviation Administration.
  3. **Guy Wires** means wires or cables used in tension to support a tower.
  4. **Tower** means the portion of the VAWTS upon which the turbine is mounted.
  5. **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 VAWTS, blades and wind-measuring devices.
  6. **USGS** means the United States Geological Survey.
  7. **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. For the purposes of this section, “wind turbine” shall mean the same as VAWTS.
- D. **Restriction on Use of Electricity Generated by VAWTS.** A VAWTS shall be used exclusively to supply electrical power for on-site consumption. Electrical power generated by the VAWTS exceeding on-site consumption may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power. VAWTS, as allowed pursuant to this section shall not be used for commercial production or profit.

- E. **Type of Device.** Vertical Axis Wind Turbines System (VAWTS) shall meet the following guidelines. All other non-commercial and commercial wind energy conversions system shall meet the requirements outlined in Article XI Wind Energy Conversion Systems and shall be subject to a conditional use permit.
- F. **Property Development Regulations.** A VAWTS shall be subject to all applicable regulations of the residential zone in which it is proposed, except that the following standards shall take precedence over the regulations of the residential zones to the extent that they differ. The following shall be deemed to be conditions of approval of every VAWTS unless specifically modified under the Director's Review and approval process.
1. No part of a VAWTS shall be located within or over drainage, utility, or any other established easements. Each VAWTS shall be setback from the nearest above-ground public communication or electrical line by a distance which is equivalent to the height of the VAWTS.
  2. Blade Clearance. No part of a VAWTS blade shall extend within fifteen (15) feet of the ground, trees, or any other structure.
  3. Only one VAWTS shall be allowed per residence.
  4. Devices mounted on a building may require strengthening of the existing structure to bear the additional weight and stress created by the VAWTS for which a building permit shall be obtained.
- G. **Yard Requirements.** The following shall apply for Building and Ground mounted VAWTS in all residential zones:
1. VAWTS shall be located behind the primary building outside of the front, side and rear yard setbacks (refer to Diagram 1 and Section 17.08.100.B.3).
  2. Tower height shall not exceed the maximum height of the zone in which the VAWTS is located (refer to Section 17.08.100.B.3).

DIAGRAM 1



**H. VAWTS Standards.**

1. **Cage Width.** Maximum 78 inches (6.5 feet).
2. **Cage Height.** Maximum **84 inches (7 feet)**.
3. **California Energy Commission Approval.** The equipment shall meet California Energy Commission standards for approved small wind turbines (VAWTS) [[www.consumerenergycenter.org](http://www.consumerenergycenter.org)].
4. **Compliance with Aviation Safety Standards.** The VAWTS shall comply with all applicable FAA requirements, including any necessary approvals for installations close to airports and other facilities with flight operations in the vicinity such as Fox Field, and Plant 42.
5. **Design.** An VAWTS 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.** If required by FAA requirements, all required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the Tower.

- c. Noise. Noise from a VAWTS shall conform with normally acceptable noise standards of 65 dBA at property line.
  - d. Visual Effects. Any VAWTS that is placed within the viewshed 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 Apparata. All climbing apparatus for ground-mounted VAWTS must be located at least fifteen (15) feet above the ground, and the structure must be designed to prevent climbing within the first fifteen (15) feet.
  - f. Automatic Overspeed Controls. VAWTS shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the VAWTS.
  - g. Access Doors. If a VAWTS is equipped with access doors, all access doors shall be lockable.
6. **Grid Interconnection.** The renewable energy must be permanently interconnected to the electrical distribution grid of the utility serving the customer's electrical load. The VAWTS shall interconnect to the electricity distribution system and must comply with applicable electrical codes and utility interconnection requirements.
  7. **Maintenance.** VAWTS shall be maintained in an operational condition that poses no potential safety hazards.
  8. **Removal.** Within six (6) months after the VAWTS has ceased to operate the permittee shall remove the VAWTS, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the VAWTS. Failure to remove such VAWTS shall constitute as a public nuisance.
- I. The Planning Director can require additional design criteria or other information as deemed necessary to integrate the proposed VAWTS with the surrounding area.