## TOWN OF APPLE VALLEY, CALIFORNIA AGENDA MATTER

## Subject Item:

# INITIATION OF DEVELOPMENT CODE AMENDMENT FOR REGULATIONS PERTAINING TO WIND TURBINES

### **Summary Statement:**

At the July 14, 2009 Town Council Meeting, Mayor Pro Tem Nassif requested information regarding the regulation of wind turbines within the Town limits. Mr. Nassif's concern was that the Town should work on updating these regulations to ensure that modern technology, as well as the recent move to produce clean energy, is considered and encouraged by the Town.

Current regulations allow wind turbines in all residential, commercial and industrial zones with the approval of a Development Permit by the Planning Commission. The current regulation defines two types of wind turbines:

**Small Wind Turbine.** A wind activated alternative energy generating device with a maximum output of 1,500 Watts, measuring no more than ten (10) feet in length, 100 pounds in weight and using individual blades of no more than six (6) feet in length.

**Large Wind Turbine.** A wind activated alternative energy generating device with a maximum output of more than 1,500 Watts, measuring more than ten (10) feet in length, 100 pounds in weight and using individual blades of more than six (6) feet in length.

Small wind turbines can only be installed on a lot not less than five (5) acres in size. The setback from a property line is 100 feet and the turbines must be separated by fifty (50) feet from any other structure on the site. The separation distance from a residential structure on an adjacent site is 250 feet. The overall height of a small wind turbine is thirty-five (35) feet.

Large wind turbines can only be installed on a lot not less than ten (10) acres in size. The setback from a property line is 300 feet and the turbines must be separated by 150 feet from any other structure on the site. The separation distance from a residential structure on an adjacent site is 500 feet. The overall height of a small wind turbine is seventy-five (75) feet.

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#### **Recommended Action:**

Move to receive and file the report and to initiate the proposed Development Code Amendment.

Proposed by:	Planning Division	Item Number	
Town Manager Approval:		Budget Item ☐ Yes ☐ No ☒	N/A

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The City of Hesperia is currently reconsidering this issue and will be modifying its existing regulations. The Hesperia Planning Commission reviewed this issue at the May 14, 2009 meeting and will be discussing this matter again, with the City Council in a joint meeting on August 4, 2009. Town staff will be present at this meeting to gain any insight on this topic that can be passed on to the Apple Valley Planning Commission for its consideration.

Hesperia is considering permitting wind turbines on minimum one (1)-acre lots designated single-family residential, agricultural, institutional, specific plan and industrial. The City's view is that wind turbines are incompatible with commercial and multi-family development. The City is considering not limiting the number of wind turbines on a lot as long as the intent is to provide energy for the principal buildings on Wind turbines that would provide power off-site are considered wind farms the site. and would require a Conditional Use Permit. Wind farms would only be allowed in rural residential areas, institutional and industrial zoning districts. The height of wind turbines being considered is allowing up to fifty (50) percent higher than the height restriction for the zoning district. The setbacks being considered are a minimum of 1.1 times the height of the structure from the side and rear property lines. Hesperia is also considering additional noise regulations. Staff will monitor the progress of the City of Hesperia's process to further regulate wind turbines and report back to the Planning Commission. Staff will also inquire of other desert communities as to whether recent wind turbine regulations have been updated.

Upon direction of the Council at the July 14<sup>th</sup> meeting, staff recommends that the Council initiate a Development Code Amendment and forward the issue to the Planning Commission for consideration and development of a recommendation to the Council.