



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

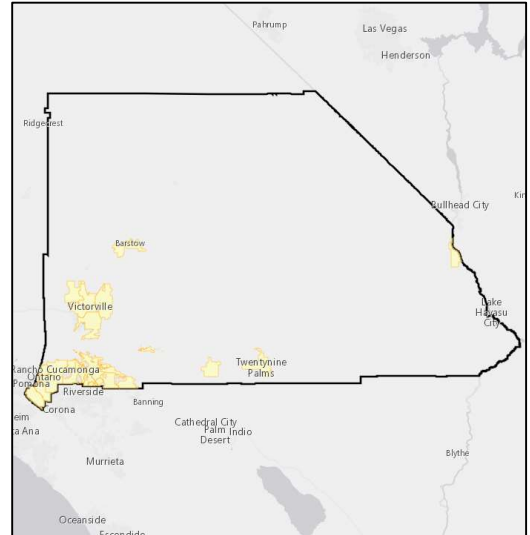
HEARING DATE: March 6, 2025

AGENDA ITEM #2

Project Description:

Project No: PROJ-2024-00063
APNs: N/A
Applicant: Joseph Guastadisegni
Community: Countywide / 1st-5th Districts
Location: Countywide
Staff: Maryn Wells, Planner III
Rep: Joseph Guastadisegni
Proposal: A Development Code Amendment to Subsection 84.26.030(a) to increase the maximum allowable kilowattage (kW) for residential accessory wind energy systems from 10 kW to 25 kW.

Vicinity Map



35 Hearing Notices Sent on: February 18, 2025

Report Prepared by: Maryn Wells, Planner III

SITE INFORMATION

Parcel Size: N/A
Terrain: N/A
Vegetation: N/A

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	N/A
Sewer Service:	N/A	N/A

STAFF RECOMMENDATION: That the Planning Commission recommends that the Board of Supervisors: **FIND** the Project is within the scope and covered by the Program Environmental Impact Report; **ADOPT** the Findings for approval of the Development Code Amendment; **ADOPT** an ordinance to amend Subsection 84.26.030(a) of the Development Code to increase the maximum allowable kilowattage from 10 kW to 25 kW for residential accessory wind energy systems; and **DIRECT** Land Use Services Department to file a Notice of Determination.¹

¹ In accordance with Section 86.12.040(a) of the Development Code, the action is a recommendation item to the Board of Supervisors and is not appealable except in the case of a recommended disapproval.

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PROJECT DESCRIPTION AND BACKGROUND:

The proposal includes an application to amend Subsection 84.26.030(a) of the Development Code to increase the allowable maximum kilowatts (kW) generated by residential accessory wind turbines from 10 kW to 25 kW (Project or Development Code Amendment). The purpose of the increase in allowable kilowattage is to accommodate advances in accessory wind turbine technologies that have occurred since the current maximum was established.

Prior Commission and Board Action

The current 10-kW maximum was adopted with Ordinance No. 4188, which amended the Development Code relative to small wind energy systems. Prior to Ordinance No. 4188, Accessory Wind Energy Units were limited to one per parcel unless property was 20 acres or greater, and then one unit per 10 acres up to a maximum of three. For systems 50' or less, the limitation was two units per five acres. Ordinance No. 4188 deleted the limitation by the number of systems only and instead limited the number of systems to a maximum of produced wattage of the combined systems, noting at the time that 2.7 kW was the smallest industry standard. The October 4, 2012, Planning Commission Staff Report (Exhibit C) clarifies the goal was to not necessarily limit the number of units, but to ensure that energy generation remained an accessory use.

The Planning Commission recommended the Board of Supervisors approve the amendment on October 4, 2012. The item was considered by the Board of Supervisors on November 6, 2012 and was adopted at the November 27, 2012, Board meeting.

Current Proposal

In the years since the 10-kW maximum was established by Ordinance No. 4188, advances in wind energy technologies have resulted in greater energy generation capabilities from small, site-oriented turbines. According to the United States Department of Energy, "small wind turbines used in residential applications typically range in size from 400 watts to 20 kilowatts."¹ The Applicant has requested the 25-kW threshold to accommodate new turbine models that can produce slightly more than 20 kW. For example, one of the models sold by the Applicant, the Excel 15, generates a maximum of 22.6 kilowatts. While the earlier Excel 10 model could generate a maximum of 10 kW and is allowed by the current development standards, this model can now be less cost-effective than the newer systems. The newer systems are more efficient and have reduced noise levels than existing equipment. Amending the maximum kilowatts in the Development Code to 25 kW for residential accessory use would allow a wider variety of turbine models to be sold and installed for throughout San Bernardino County.

PROJECT ANALYSIS:

Consistency with Countywide Plan: Though the Development Code limit is currently 10 kW for residential accessory wind systems, the Renewable Energy and Conservation (REC) Element allows a maximum of 70 kW generated by site-oriented ground-mounted accessory wind energy systems (Exhibit D). The Project's proposed increase to 25 kW is therefore consistent with the REC Element. The Project is consistent with RE Goal 2 for the County to be home to diverse and innovative renewable energy systems that provide reliable and affordable energy to our unique Valley,

¹ <https://www.energy.gov/energysaver/installing-and-maintaining-small-wind-electric-system>

Mountain, and Desert regions. The Project is also consistent with Policy RE 2.3.1 to monitor emerging renewable energy technologies and amend County development standards as needed to accommodate suitable new technology types.

Code Compliance Summary: The Project amends the maximum number of kilowatts that can be generated by residential wind accessory systems. No changes are proposed to required setbacks, maximum height, or other development standards for residential accessory wind energy systems.

PROPOSED DEVELOPMENT CODE CHANGES:

<i>Table 84-14a</i>		
<i>Maximum Number of Accessory Wind Energy Systems</i>		
	<i>Type of System</i>	<i>Requirements</i>
Maximum number of kW	Residential	10-kw 25 kW
	Non-residential	50 kW or verified actual energy use
Maximum number of turbines in the system	Building-mounted turbines	Based on the maximum number of kW
	Tower-mounted turbines	Based on the maximum number of kW. Only 1 turbine shall be attached to each tower.
	Combined building- mounted and tower turbines	Based on the maximum number of kW. Only 1 turbine shall be attached to a tower.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA): The Project is an activity within the scope and covered by the Program Environmental Impact Report prepared for the San Bernardino County General Plan Update, including the Supplemental Environmental Impact Report for the Greenhouse Gas Reduction Plan and Addendum prepared for the REC Element (SCH No. 2005101038) (collectively the Program EIR).

Pursuant to Section 15168, subd. (c) of the CEQA Guidelines, later activities in a program must be examined in the light of a program EIR to determine whether an additional environmental document must be prepared. If the agency finds that no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land uses as described in the program EIR.

The Program EIR previously evaluated the environmental impacts of the REC Element, including associated changes to the Development Code that would be required to implement the REC Element. Specifically, the Program EIR indicates that “[c]hanges to the Development Code are required in

order to implement the policies in the REC Element. Development Code amendments work in tandem to codify the rules and strategies associated with and guided by the vision, goals, policies and objectives identified in the REC Element.” As indicated above, Table 1 of the REC Element summarizes the Element’s renewable energy production and provides that the typical power generation authorized for ground-mounted accessory systems is up to approximately 70 kW (standard layout). Policy RE 2.3.1 further directs the County to monitor emerging renewable energy technologies and amend County development standards as needed to accommodate suitable new technology types. Accordingly, a development code amendment to increase the maximum allowable kW for accessory energy systems consistent with the REC Element is within the scope of the Program EIR and no new environmental document is required.

None of the circumstances necessitating preparation of additional CEQA review as specified in Section 15162 of the CEQA Guidelines are present. Adoption of the Project will not directly cause any new construction, nor would it directly impose other changes that would create significant environmental impacts. All new development proposals will also be evaluated under CEQA at the time of application and processing through County’s routine planning and building permitting process and will also comply with existing policies and requirements in the County’s Policy Plan and Development Code. Furthermore, as a separate and independent basis, the Project qualifies for an exemption from CEQA pursuant to Section 15183 of the CEQA Guidelines, in that the proposed increase in allowable kilowattage for residential wind energy systems is consistent with the allowable maximums outlined in the REC Element.

PUBLIC COMMENTS AND NOTICES

In accordance with Section 86.07.020 of the Development Code, hearing notices were sent to interested parties on February 18, 2025, and published in local newspapers on February 24, 2025, advertising the Planning Commission hearing to be held on March 6, 2025.

As of February 28, 2025, one public comment was received opposing the Project due to concerns about visual impacts.

RECOMMENDATION: That the Planning Commission recommend the Board of Supervisors:

- 1) **FIND** that the Development Code Amendment is covered by the Program Environmental Impact Report pursuant to California Environmental Quality Act Guidelines Section 15168(c)(2);
- 2) **ADOPT** the findings for approval of the Development Code Amendment;
- 3) **ADOPT** an ordinance to amend Subsection 84.26.030(a) of the Development Code to increase the maximum allowable kilowattage from 10 kW to 25 kW for residential accessory wind energy systems; and
- 4) **DIRECT** the Land Use Services Department to file a Notice of Determination in compliance with the California Environmental Quality Act.

ATTACHMENTS:

EXHIBIT A: Findings
EXHIBIT B: Proposed Ordinance
EXHIBIT C: October 4, 2012, Planning Commission Staff Report
EXHIBIT D: REC-Element Table 1