

City Council Staff Report

**Date:**

11/18/20

Applicant:

Gordon Miner

Location:

N/A

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Attachments:

1. Application information.
2. Adopted WECS ordinance.

REQUEST

Consideration of a request to reconsider an ordinance regulating Wind Energy Systems in Mapleton City (Mapleton City Code Section 18.84.445).

BACKGROUND/DESCRIPTION

On October 7, 2020 the City Council adopted an ordinance regulating Wind Energy Conservation Systems (WECS) in residential zones within the City. During the review of the ordinance, the primary concern was whether WECS were appropriate in residential zones. The requirements in the ordinance were intended to mitigate this concern. One of the standards in the ordinance requires a minimum lot size of one-acre for free standing WECS.

Gordon Miner, a Mapleton City resident, intends to install a WECS on his property and has asked that the Council reconsider the ordinance, particularly the minimum lot size requirement. Mr. Miner owns a one acre lot, which complies with the minimum lot size. However, he intends to subdivide his lot into two ½-acre lots in the future, which would necessitate the removal of the WECS because it would no longer comply with the minimum lot size. Attachment “1” summarizes the reasons for Mr. Miner’s request to reconsider the ordinance.

EVALUATION

Text amendment requests are considered legislative matters. The Council generally has broad discretion when acting on legislative matters provide it can be reasonably debated that the action taken (to approve or deny) will promote or protect the general welfare of the community.

Based on the reasons raised by Mr. Miner, if the Council would like to reconsider the ordinance, particularly the minimum lot size requirement, it could direct staff to publish a public notice and to schedule a formal hearing at an upcoming meeting. If the Council is satisfied with the ordinance as adopted, no additional action is required.

RECOMMENATION

Determine whether the ordinance should be reconsidered.

Attachment "1"
Application Information

Dear Mayor and City Council,

I very much appreciate the City's consideration and passage of the Wind Energy Conservation Systems (WECS) Ordinance that I requested. But, it ended up being unusable for me. So, I am writing to clarify my position in asking the City Council to reconsider it. Specifically, I would like the City to reconsider the Ordinance's lot-size limitation for a free-standing WECS, for the following reasons:

1. **No productive and practical application** -- As things stand, the Ordinance contains a 1-acre lot size limitation for free standing WECS. But, the 1-acre lot size limitation creates a restriction that largely removes productive and practical application and use of the ordinance. While Mapleton may have more 1-acre and larger lots than many of the surrounding communities, it is not immune from ongoing redevelopment in which very few 1-acre lots will be created or preserved.
2. **Lot-size restriction is arbitrary** -- While preserving the viewshed warrants consideration, it should be considered relative to all potential obstructions, not just ones that some people might not like. The most obvious obstruction is houses. The maximum allowable height of a house, in practically all zones, is 40 feet. So, for neighbors to such a tall house, their view is totally blocked. Many tree species are taller than 40 feet, some of which also totally block views. Trees are also potentially dangerous in terms of falling branches. But, there is no restriction for height or setback with trees. So, in light of other impactful objects that are not regulated by lot size, I fail to see the nexus between WECS equipment and lot size.
3. **Public and policy reasons for allowance** -- There are significant public-policy reasons for allowing WECS and encouraging energy savings. I am simply asking that the City consider making the WECS Ordinance more widely applicable and usable.
4. **Redundancy and over restriction** -- I believe that the setback and size requirements on the actual WECS units incorporated into the Ordinance, and the maximum allowable structure height in other ordinances, already impose reasonable restrictions that will limit land owners' ability to construct a free-standing WECS that is too large for a smaller lot. This redundancy and over restriction will endanger other interests in the community. Under the current ordinances, the size of a WECS is effectively limited by lot width (setbacks) and house height. The minimum lot width in most zones is 80 feet. So, to meet the setback requirement in the Ordinance, assuming the WECS could be located exactly in the middle of the lot, it could not exceed 40 feet in height. In order for a WECS to be effective, the blade must be above the house. So, assuming a typical 12-foot diameter blade, a free-standing WECS would not even be entertained by a property owner if their house exceeded 28 feet in height.

Finally, if the City wishes to maintain a maximum lot-size limitation for a free standing WECS, it is my request that you reduce that size limitation to a half acre. Again, the set-back, height, and

blade size requirements in the Ordinance will already limit the size of a free standing WECS on a half-acre lot to a reasonable size.

Thank you again for your efforts and consideration for this Ordinance.

Respectfully,

Gordon Miner

698 N 550 W

Attachment “2”
Adopted WECS Ordinance

18.84.445: WIND ENERGY CONSERVATION SYSTEMS (WECS):

- A. Purpose. The purpose of this section is to allow small renewable wind energy conservation systems (WECS) within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.
- B. Use. WECS are considered a permitted use in all residential zones except for the Critical Environmental (CE-1) zone subject to the standards of this ordinance. Commercial wind power generating facilities are not permitted.
- C. Application process. All applicants shall make application by fulfilling all requirements of the city building permit application. Any cable connected to the wind energy system must be undergrounded except for properties which obtain electric power service from aboveground lines and who are not otherwise required to underground.
- D. Lot size.
 - 1. The minimum lot size for a free standing WECS is one acre (43,560 square feet).
 - 2. The minimum lot size for a roof mounted WECS is twenty thousand (20,000) square feet.
- E. Design Standards.
 - 1. Height:
 - (a) Free standing: The maximum height of a freestanding WECS, including the blade and rotor system, shall not exceed the maximum height allowed in the zone in which the lot or parcel is located for free standing WECS.
 - (b) Roof mounted: The maximum height of a roof mounted WECS, including the blade and rotor system shall not exceed the maximum height allowed in the zone in which the lot or parcel is located or six feet above the highest point on the roof, whichever results in a lesser height.
 - 2. Setback. The following setback standards shall apply to free standing WECS:
 - (a) The base of the tower shall be set back from all property lines and public rights-of-way a distance equal to the tower height plus the length of one blade.
 - (b) The base of the tower shall not be located within any required front, side, rear or corner side setback as defined in the zone in which the property is located. In no case shall the tower be located within a front or side/corner yard.

(c) The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of ten feet (10').

3. Sound. Sound produced by the turbine under normal operating conditions shall be limited to sixty (60) decibels measured at the property line.
 4. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind are prohibited.
 5. Lighting: No illumination of the turbine or tower shall be allowed unless required by the federal aviation administration.
 6. Tower. No climbing apparatus including foot pegs or rungs shall be within twelve feet (12') of the ground on a freestanding tower. No lattice towers are permitted.
 8. Number. Not more than one (1) WECS shall be permitted per lot or parcel.
 9. Distance. The minimum distance between the ground and any part of the rotor blade system shall be fifteen feet (15').
 10. Roof Mounted. The maximum length of any blade on a roof mounted WECS shall not exceed four feet (4').
- F. Accessory Buildings and Support Equipment. Buildings and support equipment associated with towers shall be defined as accessory structures and must comply with section 18.26.020 of this title.
- G. Abandonment. If a WECS is not functional, operational, or maintained for a period of one (1) year, it shall be deemed abandoned. The owner, upon notification, shall immediately dismantle and remove the wind tower and associated appurtenances and restore the site.