

AGENDA ITEM SUMMARY

DATE: November 23, 2009

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: 

SUBJECT: Extension of Final Plat approval – Lots 1-3, Block 1, Woodyard Place Subdivision.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The final plat application by BCSD of Lots 1-3, Block 1, Woodyard Place Subdivision was approved by the Council on May 12, 2008, with a condition that final plat be recorded within one year. The applicant has submitted a written request for extension of the final plat stating that the 0.12 acres of required dedicated park land has not yet been provided (see attached request). As a condition of final plat approval, the park land must be provided prior to recording the final plat. Article 3.3 of Title 16 allows the Council to extend Final Plat approval after holding a public hearing. A time within which that extension be granted is not specified (eg before expiration). Typically extensions are for one year; however nothing precludes the Council from granting a longer extension. A one year extension would extend the expiration date to May 12, 2010.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Approve a one (1) year final plat extension.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

November 9, 2009

Mariel Platt, Planner
City of Hailey Planning & Zoning Department
115 Main Street South, Suite H
Hailey, ID 83333

RECEIVED

NOV 09 2009

RE: Woodyard Place Subdivision – Final Plat Extension

to.....

Dear Mariel:

This letter is written to request an extension for the final plat recordation of the Blaine County School District's 3-lot Woodyard Place Subdivision. The Blaine County School District (BCSD) has completed all the conditions of approval set forth in the City Council's final plat approval, except condition 3.c., which states:

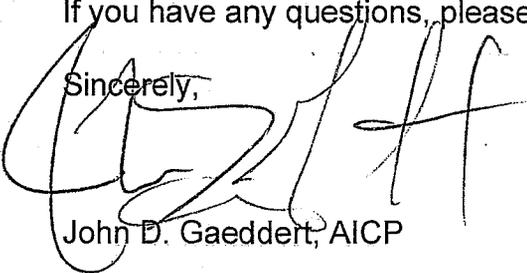
Lot 2 of Woodside Elementary PUD Subdivision has been expanded by 5,178 square feet and will be gifted to the city.

As you and I have discussed, BCSD has not yet dedicated to the city the required 0.75 acres of park space to the city, which includes the 0.63 acres noted in the Woodside Elementary School Annexation Agreement and the 0.12 acre (or 5,178 square feet) set forth in BCSD's Woodyard Place Subdivision approval. There are several options that have been discussed to comply with this dedication requirement.

If you could set the extension of Woodyard Place Subdivision on the agenda of the council and let us know the hearing date, I would be appreciative.

If you have any questions, please let me know.

Sincerely,



John D. Gaeddert, AICP

Cc: Mike Chatterton

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner
RE: Zoning Ordinance Amendment – Article 11, Conditional Use Permits
HEARING: November 23, 2009

Note: Staff analysis is in lighter type.

Notice

Notice for the November 9, 2009 public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on October 21, 2009. The public hearing was continued on November 9, 2009, to November 23, 2009.

Proposal

Attached is the addition of Section 11.4.2 Small Scale Wind Energy Systems and the amendments to Section 11.8.2 Expiration, to Hailey Zoning Ordinance proposed by the City. These amendments would establish standards for small scale wind energy systems, specify when a Small Scale Wind Energy Systems is considered to be discontinued, and require all Small Scale Wind Energy Systems to be removed once expired.

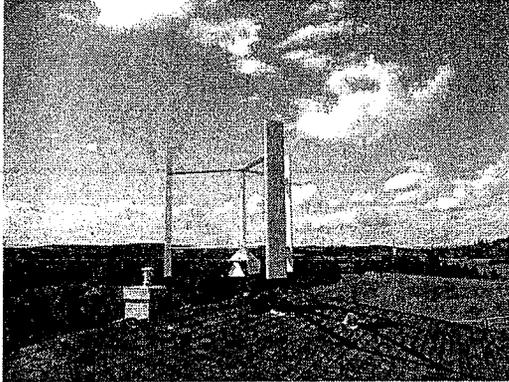
Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20, 2009. The Commission recommended approval of the proposed amendments. The Council reviewed the amendments on June 8, 2009. For the November 9, 2009 meeting staff had removed certain amendments from the originally proposed document to focus on wind and solar energy systems only. In addition staff added language allowing for freestanding wind energy systems in commercial and industrial districts only. The addition of this language is in response to a request received by the Planning Department to allow a freestanding wind energy system. After reviewing the request, it occurred to staff that certain freestanding systems may be appropriate in specified locations as long as criteria is in place for review and approval through the conditional use permit process.

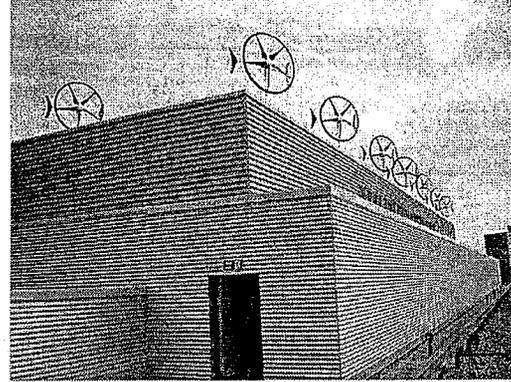
On November 9, 2009 the Council reviewed the proposed amendments and requested additional information on roof-mounted systems to help determine the likelihood that they might create structural damage to the building and whether they produce significant noise or vibration to the occupant of the building to which they are attached. I have reviewed several documents and spoke with Cal Strobe, from Power Engineers about his comments during the meeting regarding roof-mounted systems. In my research I found documents that both support and raise concerns with roof-mounted systems, which makes it difficult to conclude that roof-mounted systems have no benefit and should be excluded from the provisions being considered.

In general, there are two different types of roof-mounted WECs, ones attached to a pole and ones attached to the roof directly. Roof-mounted systems without a pole can cause internal vibration issues within the building. However, no numbers are available to support the rate of occurrence;

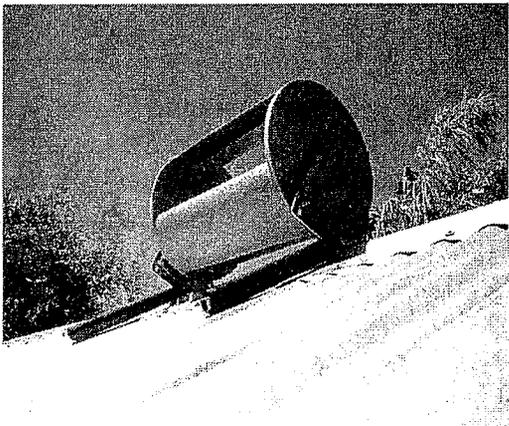
there is only anecdotal information. There are some buildings and uses, such as warehouses and industrial buildings, which would not be impacted by internal vibration. Roof-mounted systems with a pole do not typically cause internal vibration issues.



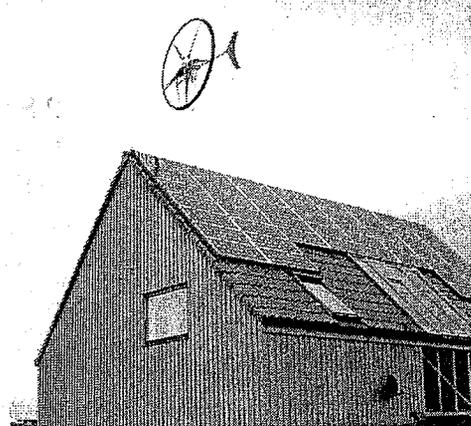
No pole



Pole attached



No pole



Pole attached

It appears that either roof-mounted system, especially heavy systems in high winds, do have the potential to cause structural damage to a building when they are not properly installed. However, no numbers are available to support the rate of occurrence; there is only anecdotal information. From this anecdotal information, it appears this can be an issue on residential buildings, but is less of a concern for commercial or industrial buildings.

According to the Building Official, any system or structure mounted to a roof must apply for a building permit and would be reviewed for structural safety. New technologies are rapidly being developed which will increase the efficiencies and potentially provide better design to mitigate internal building vibration and structural damage. Currently, many of the roof-mounted manufactures already provide specially designed mounting systems with dampening to reduce vibration felt by building occupants and require installation by the manufacture's trained installer to address vibration and improper installation.

In conclusion, I found the evidence which discredits roof-mounted systems entirely to be minimal. Numerous variables such as design, installation, building type, and location all play a role in mitigating foreseeable problems to the roof-mounted system owner. The systems available on the market today are so varied it is difficult to make a blanket statement regarding these systems as a whole. Given this information, the Council should consider whether allowing roof-

mounted systems as a conditional use in the B, SCI, LI, and A zoning districts would be appropriate, given the proposed standards and review that are required for each conditional use permit.

On November 9, 2009, the Council requested language be added to the proposed amendment which addressed the following six items. These requested items have been added to the proposed amendments, refer to the section numbers in parentheses.

- 1) ensure that conditional use permits for small wind energy systems expire if the system is not kept in good repair and working condition (11.8.2.a),
- 2) ensure that the system would be completely removed once a conditional use permit is expired (11.8.2.a),
- 3) reduce the height of the roof-mounted systems (reduced from 15 feet to 10 feet in section 11.4.2.a),
- 4) clarify that freestanding systems are limited to one per lot(s) held in single ownership (11.4.2.e),
- 5) require information on average wind speeds at the proposed site with each application (11.4.2.c), and
- 6) create a standard to require alternative locations to be reviewed within the property to help minimize visual impacts (11.4.2.i).

It is important to point out that in addition to the proposed standards that are specific to small scale wind energy systems, all conditional use permits, including permits for WECs, must also meet the following criteria:

11.4.1 The Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

- a. Will, in fact, constitute a conditional use as established for the zoning district involved; and*
- b. Will be harmonious with and in accordance with the general objectives or any specific objective of the Comprehensive Plan and requirements of this Ordinance; and*
- c. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and*
- d. Will not be hazardous or disturbing to existing or future neighboring uses; and*
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service; and*
- f. Will not create excessive additional requirements at public cost for public facilities and services; and*
- g. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards; and*
- h. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares; and*
- i. Will not result in the destruction, loss, or damage of a natural, scenic, or historic*

feature.

This provides an additional layer of review and ensures that adjacent and surrounding areas are not negatively impacted by a proposed WEC, beyond standards established by the proposed amendments.

Small scale wind energy systems are important to consider when planning for the future of energy. They promote the development of local, clean, renewable energy source that produces no emissions, requires no mining, damming, combustion, or waste and help increase energy independence and security. By establishing these standards the City would provide clear standards to protect neighbors from potential adverse impacts while avoiding overly restrictive, unnecessary regulation – such as prohibition or overly stringent height restrictions, which substantially reduce the effectiveness of WESs, which would discourage investment in them.

Rooftop or roof-mounted wind energy systems generate little to no noise, are less visually obtrusive, require less wind (they are poorly suited for high wind areas), and although their capacity to generate energy is smaller than that of larger freestanding systems, they can provide a significant portion of a building occupant's energy needs.

Concurrently, amendments have been drafted and are being reviewed to allow for and scale small rooftop and freestanding wind energy systems in the B, SCI, LI, and A districts. The permitting process would protect the areas where rooftop and freestanding WECs might not be appropriate, for instance, in some residential areas. If approved, this amendment would require the applicant to submit additional materials to show that these standards are met and to provide information for permit review.

Standards of Evaluation

14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the Comprehensive Plan;

The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

Environment Section - Energy Conservation and Renewable Energy

1. Policy: Implement policies and programs that enhance opportunities for individuals, businesses and public organizations to limit the use of non-renewable energy resources by conserving energy and converting to renewable resources.

Implementation:

- a. Support private decisions to use renewable energy, publicly develop local renewable energy resources where economical and preserve future options for renewable energy so that they may be developed when they become cost effective.*
- b. Improve building codes and regulations to ensure energy and resource efficiency in new construction, remodels and renovation projects. If possible, determine minimum insulation and fenestration requirements for both residential and commercial projects.*

Implementation:

b. *Promote density, location and mix of land uses that decrease the length of required daily trips and encourage the consolidation or related trips.*

3. *Policy: Prioritize energy conservation. Support and reward environmentally acceptable, sustainable energy sources, especially renewable resources such as solar, wind, hydroelectric, geothermal, biomass, cogeneration and district heating and cooling.*

1.6 Natural Resources – Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

1. *Policy: Protect, enhance, and develop alternative energy sources.*

Implementation:

a. *Promote the study and use of all types of renewable resources as alternatives to traditional energy sources.*

- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

It is not anticipated that this use would create any additional public costs for public facilities or services.

- 3. The proposed uses are compatible with the surrounding area; and**

The proposed use would be a conditional use and compatibility would be determined on a case by case basis.

- 4. The proposed amendment will promote the public health, safety and general welfare.**

The proposed amendment would create standards that would protect neighboring properties from nuisances such as noise and vibration. It would also require size and height limitations to provide protection of views. The amendments would allow for small scale rooftop and freestanding wind energy systems, where deemed appropriate through the conditional use permit process.

Summary

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

Motion to approve the proposed addition of a new section, Section 11.4.2, Small Scale Wind Energy Systems and the amendments to Section 11.8.2 Expiration, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public

health, safety and general welfare.

Denial:

Motion to deny the proposed addition of a new section, Section 11.4.2, Small Scale Wind Energy Systems and the amendments to Section 11.8.2 Expiration, finding that _____
[the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed addition of a new section, Section 11.4.2, Small Scale Wind Energy Systems and the amendments to Section 11.8.2 Expiration, to _____ [the Council should specify a date].

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 11 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 11.4, TO ESTABLISH A NEW SECTION, SECTION 11.4.2, TO ESTABLISH CONDITIONAL USE PERMIT STANDARDS FOR SMALL SCALE WIND ENERGY SYSTEMS; BY AMENDING SECTION 11.8.2, TO REQUIRE SMALL SCALE WIND ENERGY SYSTEMS TO BE REMOVED ONCE EXPIRED AND TO SPECIFY WHEN A SMALL SCALE WIND ENERGY SYSTEM IS CONSIDERED TO BE DISCONTINUED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public; and

WHEREAS, the proposed uses are compatible with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Hailey Zoning Ordinance No. 532, is hereby amended with the addition of a new Section 11.4.2, as follows:

11.4.2 Small Scale Wind Energy Systems (WEC). For Small Scale Wind Energy Systems, the Commission or Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in terms of the standards below. The applicant for a WEC has the burden of demonstrating compliance with these standards.

- a. The height of roof-mounted WECs shall not exceed 10 feet beyond the maximum building height requirement for the applicable district. The measured height shall include the entire system, including the blade radius.
- b. The rotor diameter shall not exceed 7 feet for a freestanding or roof-mounted system.
- c. The average wind speed shall meet or exceed the minimum required by the Small Scale Wind Energy System manufacturer's specification. Wind speed information shall be measured by an anemometer at the height and location of the proposed WEC.
- d. The height of freestanding WECs shall not exceed the maximum building height requirement for the applicable district.
- e. Freestanding WECs are limited to one (1) per lot(s) held in single ownership.

- f. Minimum setback of freestanding WECs is two times the tower height from the property line, measured from the tallest point of WEC. This standard does not apply to roof mounted systems.
- g. Any WEC shall comply with the maximum permissible noise level. Every use shall be operated such that the noise level produced does not inherently and recurrently exceed twenty (20) decibels beyond ambient noise levels, during the hours of 7:00 A.M. to 7:00 P.M., or ten (10) decibels beyond ambient noise level decibels during the hours of 7:00 P.M. to 7:00 A.M. During the hours of 7:00 A.M. to 7:00 P.M., the noise levels permitted may increase a maximum of five (5) decibels for a period not to exceed fifteen (15) minutes in any one (1) hour.
 - 1. Measurement Along Property Boundary. Noise levels shall be measured at any point along any boundary line of the property on which the use is located.
 - 2. Measurement Along the Property Owner's building wall. Where there is more than one (1) property ownership in a building (e.g., a condominium or attached townhome), the noise levels shall be measured along any adjacent wall of a property owner.
- h. Any WEC shall generate no perceptible vibration. Every use shall be operated so that it does not inherently and recurrently generate a ground vibration that is perceptible, without instruments, at any point along any boundary line of the property on which the use is located. Where there is more than one (1) property ownership in a building (e.g., a condominium or attached townhome), this standard shall be measured along any adjacent wall of a property owner.
- i. Alternative locations and placement within the subject property shall be evaluated to ensure that the placement of any WEC is optimal to minimize visual impacts to adjacent properties and viewsheds while still maintaining access to the site's wind resource.

Section 2. Section 11.8.2 of the Hailey Zoning Ordinance No. 532, is hereby amended with the addition of the underlined language as follows

11.8.2 A conditional use permit is void six (6) months after the use for which it is issued is discontinued.

a. A conditional use permit for a Small Scale Wind Energy Systems that is not maintained in good repair and in working condition shall be considered to be a discontinuation of use. A Small Scale Wind Energy System with a void conditional use permit shall be completely removed and no remnant of the system shall be visible from any public right-of-way or private property.

Section 3. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey

STAFF REPORT

TO: Hailey City Council

FROM: Mariel Platt, Planner

RE: Zoning Ordinance Amendment – Article 2, Definitions; Article 4.2, Limited Residential; Article 4.3, General Residential; Article, 4.4, Neighborhood Business; Article 4.5, Limited Business; Article 4.6, Transitional; Article 4.7, Business; Article 4.8, Light Industrial; Article 4.9, Technological Industry; Article 4.11, Airport District; & Article 4.12, Service Commercial Industrial.

HEARING: November 23, 2009

Note: Staff analysis is in lighter type

Notice

Notice for the November 9, 2009 public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on October 21, 2009. The public hearing was continued on November 9, 2009, to November 23, 2009.

Proposal

Attached are amendments to Sections 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12 of the Zoning Ordinance proposed by the City.

These amendments would allow for roof-mounted solar as an accessory use in all zoning districts, excluding Recreational Green Belt District; freestanding solar panels as a conditional use in all zoning districts, excluding Recreational Green Belt District; and small scale roof-mounted and freestanding wind energy systems as a conditional use in the following commercial and industrial districts: B, SCI, LI, and A districts.

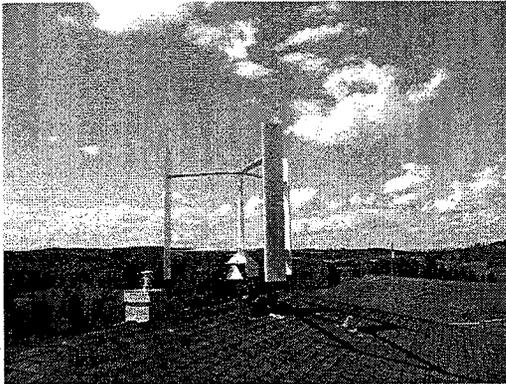
Procedural History

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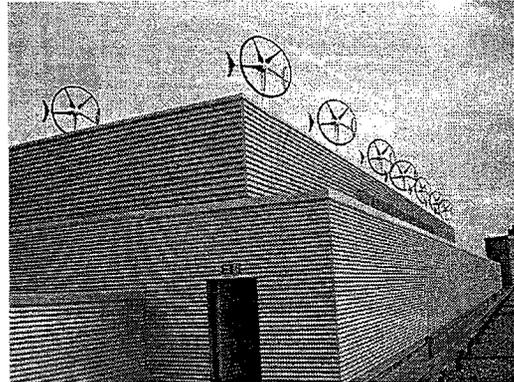
On November 9, 2009 the Council reviewed the proposed amendments and requested additional information on roof-mounted systems to determine the likelihood that they might create structural damage to the building and whether they produce significant noise to the occupant which they are attached. In addition, the Council requested the removal of freestanding wind energy systems from all districts excluding the B, LI, SCI, and A districts (this change has been made in the attached ordinance). I have reviewed several documents and spoke with Cal Strobe,

from Power Engineers about his comments during the meeting regarding roof-mounted systems. In my research I found documents that both support and discredit roof-mounted systems, which makes it difficult to conclude that roof-mounted systems have no benefit.

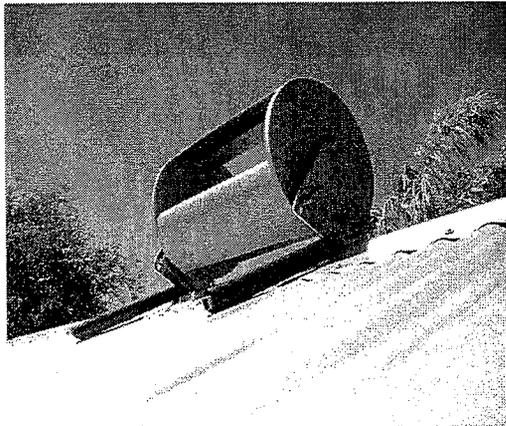
In general, there are two different types of roof-mounted WECs, ones attached to a pole and ones attached to the roof directly. Roof-mounted systems without a pole can cause internal vibration issues within the building. However, no numbers are available to support the rate of occurrence; there is only anecdotal information. There are some buildings and uses, such as warehouses and industrial buildings, which would not be impacted by internal vibration. Roof-mounted systems with a pole do not typically cause internal vibration issues.



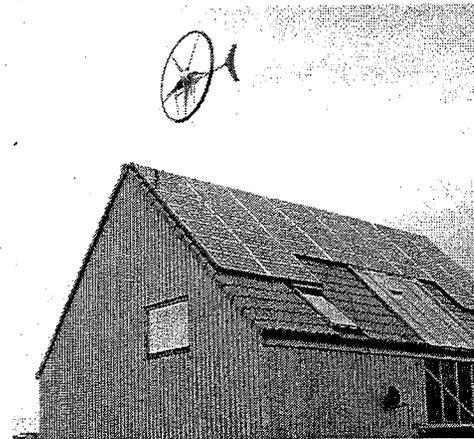
No pole



Pole attached



No pole



Pole attached

It appears that either roof-mounted system, especially heavy systems in high winds, do have the potential to cause structural damage to a building when they are not properly installed. However, no numbers are available to support the rate of occurrence; there is only anecdotal information. From this anecdotal information, it appears this can be an issue on residential buildings, but is less of a concern for commercial or industrial buildings.

According to the Building Official, any system or structure mounted to a roof must apply for a building permit and would be reviewed for structural safety. New technologies are rapidly being developed which will increase the efficiencies and potentially provide better design to mitigate internal building vibration and structural damage. Currently, many of the roof-mounted manufactures already provide specially designed mounting systems with dampening to reduce

vibration felt by building occupants and require installation by the manufacture's trained installer to address vibration and improper installation.

In conclusion, I found the evidence which discredits roof-mounted systems entirely to be minimal. Numerous variables such as design, installation, building type, and location all play a role in mitigating foreseeable problems to the roof-mounted system owner. The systems available on the market today are so varied it is difficult to make a blanket statement regarding these systems as a whole. Given this information, the Council should consider whether allowing roof-mounted systems as a conditional use in the B, SCI, LI, and A zoning districts would be appropriate, given the proposed standards and review that are required for each conditional use permit (the attached amendments have included roof-mounted systems in the restricted districts).

The City's Ordinance lacks language to address Solar Panels and Small Scale Wind Energy Systems. It is important to provide standards for these in scenarios where a greater impact could occur and to provide language in the ordinance that allows for panels by-right, in instances where no impact is expected to occur. Solar Panels and Small Scale Wind Energy Systems promote development of local, clean, renewable energy source that produces no emissions, requires no mining, damming, combustion, or waste.

Planning for the future of energy is important to consider. Such amendments would help Hailey residents increase energy independence and security, as well as reduce future energy costs. The proposed amendments regarding solar panels, would address the U.S. solar energy trend – the number of homes and businesses that have solar panels has increased by 40% each year since 2005.

Standards of Evaluation

14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the Comprehensive Plan;

The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

1.6 Natural Resources – Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

1. Policy: Protect, enhance, and develop alternative energy sources.

Implementation:

- a. Promote the study and use of all types of renewable resources as alternatives to traditional energy sources.*

Environment Section - Greenhouse Gas Emissions

Goal: Strive to meet or exceed the Kyoto Protocol target of reducing greenhouse gas emissions seven percent below 1990 levels.

Implementation:

- a. Identify and implement cost-effective actions that will reduce the community's contribution to total global greenhouse gas emissions.*
- b. Integrate land use, building code, transportation and energy policies to*

support this goal.

Environment Section - Energy Conservation and Renewable Energy

1. Policy: Implement policies and programs that enhance opportunities for individuals, businesses and public organizations to limit the use of non-renewable energy resources by conserving energy and converting to renewable resources.

Implementation:

- a. Support private decisions to use renewable energy, publicly develop local renewable energy resources where economical and preserve future options for renewable energy so that they may be developed when they become cost effective.*
- b. Improve building codes and regulations to ensure energy and resource efficiency in new construction, remodels and renovation projects. If possible, determine minimum insulation and fenestration requirements for both residential and commercial projects.*

Implementation:

- b. Promote density, location and mix of land uses that decrease the length of required daily trips and encourage the consolidation or related trips.*
- 3. Policy: Prioritize energy conservation. Support and reward environmentally acceptable, sustainable energy sources, especially renewable resources such as solar, wind, hydroelectric, geothermal, biomass, cogeneration and district heating and cooling.*

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

It is not anticipated that the proposed amendments would create additional requirements at public cost.

3. The proposed uses are compatible with the surrounding area; and

It is anticipated that the compatibility of the conditional uses to the surrounding area would be determined on a case by case basis. Roof-mounted solar panels are generally thought to have little if any visual impacts and would be compatible to all areas, especially when they do not extend beyond the maximum building height.

4. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendment will provide Hailey's residents with an opportunity to pursue renewable energy in a manner that minimizes or eliminates impacts on neighboring properties.

Summary

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

Motion to approve the proposed amendments to Section 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

Motion to deny the proposed amendments to Section 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12, finding that _____ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to Section 2.2, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.11, and 4.12, to _____ [the Council should specify a date].

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 2 AND ARTICLE 4 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2, TO ADD THE DEFINITION OF SMALL SCALE WIND ENERGY SYSTEMS AND SOLAR PANELS; AMENDING SECTIONS 4.2.3, 4.3.3, 4.4.3, 4.5.3, 4.6.3, 4.7.3, 4.8.3, 4.9.3, 4.11.3, 4.12.2.2, AND 4.12.3.2, TO ALLOW FOR FREESTANDING SOLAR PANELS AS CONDITIONAL USES; AMENDING SECTIONS 4.2.4, 4.3.4, 4.4.4, 4.5.4, 4.6.4, 4.7.4, 4.8.4, 4.9.4, 4.11.4, 4.12.2.3, AND 4.12.3.3, TO ALLOW FOR ROOF-MOUNTED SOLAR PANELS AS AN ACCESSORY USE; AMENDING SECTIONS 4.7.3, 4.12.2.2, 4.12.3.2, 4.8.3, AND 4.11.3, TO ALLOW FREESTANDING WIND ENERGY SYSTEMS AND ROOF-MOUNTED WIND ENERGY SYSTEMS AS A CONDITIONAL USE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Small Scale Wind Energy System (WES). An electric generator(s) having rated capacities of 2 kilowatts and less, that utilize wind energy to produce clean, emissions-free power.

Solar Panels. A group of connected solar cells, used to convert light from the sun into energy that can be used.

Section 2. Section 4.3.3, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by addition of the underlined language as follows:

4.3.3 Conditional Uses.

Conditional uses for the GR District are limited to the following:

- a. Bed and Breakfast Inns.
- b. Boarding and Rooming Houses.

- c. Day Care Centers provided no more than eighteen (18) children will be cared for at any one time.
- d. Public Service, Public Use and Public Utility Facilities.
- e. Semi-Public Uses.
- f. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- g. Above ground flammable and combustible liquid tanks utilized by a public use.
- h. Temporary Structures.
- i. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- j. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 3. Section 4.3.4, General Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.3.4 Accessory Uses.

Accessory uses for the GR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.
- e. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 4. Section 4.5.3, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.3 Conditional Uses.

Conditional uses in the LB District are limited to the following:

- a. Gasoline Stations and Automotive Repair and Maintenance.
- b. Restaurants.
- c. Wholesale distributors.
- d. Convenience Stores.
- e. Public Service, Public Use and Public Utility Facilities.
- f. Medical and personal care stores.
- g. Finance and insurance firms.
- h. Construction contractors' offices with no exterior storage.
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the

issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)

- j. Above ground flammable liquid tanks utilized by a public use.
- k. Temporary Structures.
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 5. Section 4.5.4, Limited Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.5.4 Accessory Uses.

Accessory uses in the LB District are limited to the following:

- a. Greenhouses/private.
- b. Garages.
- c. Storage buildings.
- d. One Accessory Dwelling Unit, on lots of 7,000 square feet or larger, accessory to a single family dwelling unit or to a non-residential Principal Building. Primary vehicular access to any accessory dwelling unit shall be from a City street or alley. All Accessory Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- e. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- f. Above ground combustible liquid tanks.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 6. Section 4.6.3, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.3 Conditional Uses.

Conditional uses in the TN District are limited to the following:

- a. Multi-Family Dwellings.
- b. Non-profit recreation center.
- c. Bed and Breakfast Inn.
- d. Day Care Centers.
- e. Personal Services.
- f. Public Service, Public Use and Public Utility Facilities.
- g. Semi-Public Uses.
- h. PWSF's or WCF's, attached to street poles and mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding towers are prohibited.)
- i. Above ground flammable and combustible liquid tanks utilized by a public

- use.
- j. Temporary Structures.
- k. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 7. Section 4.6.4, Transitional District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.6.4 Accessory uses.

Accessory uses in the TN District are limited to the following:

- a. Greenhouse/private.
- b. Storage buildings.
- c. One Dwelling Unit on lots of 7,000 square feet or larger, accessory to a Single Family Dwelling Unit or to a non-residential Principal Building. Primary vehicular access to any Accessory Dwelling Unit shall be from a City street or alley. All Dwelling Units shall have adequate water and sewer services installed to meet City Standards.
- d. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 8. Section 4.2.3, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.3 Conditional Uses.

Conditional uses for the LR District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Day Care Facilities.
- c. PWSF's or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- d. Above ground flammable and combustible liquid tanks utilized by a public use.
- e. Temporary Structures.
- f. Horses. A maximum of two (2) horses per acre on lots of one (1) acre minimum size.
- g. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 9. Section 4.2.4, Limited Residential District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.2.4 Accessory Uses.

Accessory uses for the LR District are limited to the following:

- a. Greenhouse/private.
- b. Garages.
- c. Storage buildings.
- d. Swimming pools.

- e. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 10. Section 4.7.3, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.3 Conditional Uses.

Conditional uses for the B District are limited to the following:

- a. Public Service, Public Use and Public Utility Facilities.
- b. Parking lots and parking garages not associated with a permitted use.
- c. Auto dealerships.
- d. Automotive Repair and Maintenance.
- e. Hybrid Production Facilities.
- f. Outpatient Animal Services.
- g. Churches.
- h. PWSF's and WCF's, mounted on any proposed freestanding tower upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- i. Above ground flammable liquid tanks utilized by a public use.
- j. Temporary Structures.
- k. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 11. Section 4.7.4, Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.7.4 Accessory Uses.

- a. Storage buildings.
- b. Garages.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Above ground combustible liquid tanks.
- h. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 12. Section 4.12.2.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.2 Conditionally Permitted uses for the SCI - SO sub-district include the following:

- a. Dance and martial art studios, fitness facilities.
- b. Day care businesses.

- c. Hotels or motels with or without attached restaurants.
- d. Laundromat, dry cleaning and laundry.
- e. Pet grooming, training and veterinarians, with no outdoor kenneling
- f. Public service facilities, public utility facilities and public uses.
- g. Restaurants. Drive-through service windows are not allowed.
- h. Restaurants attached to or adjacent to hotels or motels. Drive-through service windows are not permitted:
- i. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- j. Temporary Structures.
- k. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- l. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 13. Section 4.12.2.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.2.3 Accessory Uses within the **SCI - SO** sub-district are limited to the following:

- a. One accessory dwelling unit, accessory to a non-residential Principal Building.
- b. Storage buildings.
- c. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 14. Section 4.12.3.2, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.2 Conditionally Permitted uses for the **SCI - I** sub-district include the following:

- a. Convenience stores, in conjunction with Gasoline Stations that have no more than 1800 square feet of gross floor area. Drive-through service windows are not allowed.
- b. Gasoline Stations, including card-lock stations.
- c. Public utility facilities, public service facilities and public uses.
- d. Restaurants. Drive-through service windows are not allowed.
- e. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited)
- f. Temporary Structures.
- g. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- h. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 15. Section 4.12.3.3, Service Commercial Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.12.3.3 Accessory Uses within the **SCI-I** sub-district are limited to the following:

- a. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- b. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- c. Storage buildings.
- d. Sales incidental to a non-retail Principal Use.
- e. Offices accessory to a non-office Principal Use.
- f. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 16. Section 4.8.3, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.3 Conditional Uses.

Conditional uses for the LI District are limited to the following:

- a. Veterinary clinics and animal hospitals.
- b. Indoor recreational facilities primarily for instruction.
- c. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.).
- d. Temporary Structures.
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 17. Section 4.8.4, Light Industrial District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.8.4 Accessory Uses.

Accessory uses in the LI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Above Ground Combustible Liquid Tanks.
- d. Above Ground Flammable Liquid Tanks.
- e. Offices.
- f. Shipping containers utilized for storage. These containers must be shielded from view by fencing or landscaping, and shall require a building permit.
- g. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 18. Section 4.11.3, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.11.3 Conditional Uses.

Conditional Uses for the A District are limited to the following:

- a. Temporary Structures
- b. Hotels
- c. Business parks
- d. PWSFs and WCFs, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Lattice towers are prohibited.)
- e. Roof-mounted and Freestanding Small Scale Wind Energy Systems (WES).
- f. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 19. Section 4.11.4, Airport District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.11.4 Accessory Uses.

Accessory Uses for the A District are limited to the following:

- a. Automobile parking areas
- b. Storage buildings
- c. Control tower
- d. Fire protection and emergency preparedness areas
- e. Lighting and aircraft approach aids.
- f. Above Ground Combustible Liquid Tanks.
- g. Above Ground Flammable Liquid Tanks.
- h. All PWSFs or WCFs, mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- i. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 20. Section 4.9.3, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.3 Conditional Uses:

Conditionals uses of the TI District are limited to the following:

- a. PWSF's and WCF's, mounted on any proposed freestanding tower, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.(Lattice towers are prohibited.)
- b. Above ground flammable liquid tanks utilized by a public use.
- c. Temporary Structures.
- d. Physical fitness facilities.
- e. Freestanding Solar Panels, subject to the maximum building height for the applicable

district.

Section 21. Section 4.9.4, Technological Industry District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.9.4 Accessory Uses.

Accessory uses in the TI District are limited to the following:

- a. Storage buildings.
- b. All PWSF's or WCF's mounted on existing buildings or structures upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 22. Section 4.4.3, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.3 Conditional Uses.

Conditional uses for the NB District are limited to the following:

- a. Mercantile (wholesale and retail).
- b. Churches.
- c. Professional Offices, excluding veterinarians.
- d. Semi-Public uses.
- e. Restaurants which may or may not include the sale of alcoholic beverages.
- f. Catering Services.
- g. Laundromats and dry cleaners.
- h. Temporary Structures
- i. PWSFs or WCF's, attached to street poles or mounted on existing buildings or structures, upon the issuance of a Wireless Permit in accordance with the provisions of Article VIIIA of this Ordinance. (Freestanding and lattice towers are prohibited.)
- j. Freestanding Solar Panels, subject to the maximum building height for the applicable district.

Section 23. Section 4.4.4, Neighborhood Business District, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

4.4.4 Accessory Uses.

- a. Garages and Storage buildings.
- b. One Accessory Dwelling Unit on lots of 7,000 square feet or larger, accessory to a non-residential Principal Building.
- c. Roof-mounted Solar Panels, subject to the maximum building height for the applicable district.

Section 24. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 25. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 26. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner
RE: Zoning Ordinance Amendment – Article 6A, Design Review
HEARING: November 23, 2009

Note: Staff analysis is in lighter type

Notice

Notice for the November 9, 2009 public hearing was published in the Wood River Journal and mailed to public agencies and area media on October 21, 2009. On November 9, 2009, the public hearing was continued until November 23, 2009.

Proposal

Attached are amendments to 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III.(C)(10) of the Zoning Ordinance proposed by the City.

These amendments would reduce the restrictions on roof-top screening requirement for small roof-mounted wind energy systems.

Procedural History

The Planning and Zoning Commission held a public hearing on the proposed amendments on January 20 and February 17, 2009. The Commission recommended approval of the proposed amendments. The Council reviewed the amendments on June 8, 2009 and November 9, 2009.

Roof-mounted wind energy systems, where wind opportunities exist and when appropriately located through the conditional use process, can improve energy independence and security, reduce the demand on non-renewable energy sources, and provide a financial benefit to the owner of such systems. It has been shown in numerous case studies that the viability of wind energy systems relies upon whether a system's placement allows for unobstructed wind access. In order to obtain this there must be no screens or blockages between the wind and the system.

Standards of Evaluation

14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the Comprehensive Plan;
The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

1.6 Natural Resources – Alternative Energy and Resource Conservation

Goal: Promote the use of alternative renewable energy sources as well as the conservation of natural resources.

1. Policy: Protect, enhance, and develop alternative energy sources.

Implementation:

- a. *Promote the study and use of all types of renewable resources as alternatives to traditional energy sources.*

8.1 Housing – Community and Neighborhood Character

Implementation:

- d. *Ordinances and codes should encourage the use of energy conservation techniques and alternative energy sources in new residential construction and in rehabilitation of older homes.*

Environment Section - Greenhouse Gas Emissions (adopted in 2007, but not published)

Goal: Strive to meet or exceed the Kyoto Protocol target of reducing greenhouse gas emissions seven percent below 1990 levels.

Implementation:

- a. *Identify and implement cost-effective actions that will reduce the community's contribution to total global greenhouse gas emissions.*
- b. *Integrate land use, building code, transportation and energy policies to support this goal.*

2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

It is not anticipated that the proposed amendments would create additional requirements at public cost.

3. The proposed uses are compatible with the surrounding area; and

It is anticipated that the proposed amendments are compatible with the surrounding area. All design review applications would also require a conditional use permit for roof-mounted small scale wind energy systems, which would apply an established set of criteria to each proposed site to ensure compatibility with the area.

4. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendments reduce existing barriers that inhibit the public from pursuing Small Scale Wind Energy Systems, which provide financial and environmental benefits. The proposed amendments will increase the viability of small scale wind energy systems.

Summary

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

Motion Language

Approval:

Motion to approve the proposed amendments to Sections 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III(C)(10), finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

Motion to deny the proposed amendments to Sections 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III(C)(10), finding that _____ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to Sections 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), and 6A.7.2.4.III(C)(10), to _____ [the Council should specify a date].

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 6A OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTIONS 6A.7.2.1(C)(2), 6A.7.2.2(C)(3), 6A.7.2.3(C)(3), AND 6A.7.2.4.III(C)(10), TO EXCLUDE SMALL SCALE WIND ENERGY SYSTEMS FROM ROOFTOP SCREENING REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance is in accordance with the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

WHEREAS, the proposed uses are compatible with the surrounding area; and

WHEREAS, the amendments will promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 6A 7.2.1(C) (2), Design Review Guidelines for Non-Residential Buildings, of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Fences and Equipment/Utilities.

2. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems that have received a Conditional Use Permit, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 2. Section 6A 7.2.2(C) (3), Design Review Guidelines for Non-Residential Buildings in Light Industrial (LI), Service Commercial Industrial (SCI), Technological Industrial (TI), and Airport (A), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Accessory Structures, Fences and Equipment/Utilities.

3. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems that have received a Conditional Use Permit, shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be given to communications facilities to insure that the number and design of them not conflict with each other

Section 3. Section 6A 7.2.3 (C) (3), Design Review Guidelines for Multi-Family Residential Buildings In General Residential (GR), Transitional (TN), Limited Business (LB), Business (B), Neighborhood Business (NB), and Service Commercial Industrial (SCI), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

C. Fences and Equipment/Utilities.

2. **All roof projections including, but not limited to air conditioning units, all mechanical equipment and solar panels, excluding Small Scale Wind Energy Systems that have received a Conditional Use Permit, should be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent properties.**

The use of alternative energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings. Special consideration should be taken for communications facilities to insure that the number and design of them not conflict with each other.

Section 4. Section 6A 7.2.4.III (C) (10), Design Review Guidelines For Residential And Non-Residential Buildings In The Townsite Overlay District (TO), of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

10. Non-residential and Multi-family Uses

Non-residential uses and residential uses of three (3) units or greater will be reviewed by the Hailey Planning and Zoning Commission. The Commission will use the Guidelines below and all of the other Guidelines in this document as applicable for these projects, in conjunction with other applicable Design Review Guidelines as set forth in Article 6A of the Hailey Zoning Ordinance.

Guideline: Non-residential uses in Old Hailey should be designed with a residential, human scale in mind.

Guideline: Parking for non-residential uses shall be carefully planned to avoid pedestrian conflicts, and to be subordinate to other design elements on the site.

- See also Section 4 for other applicable parking guidelines.

Guideline: Utilities for non-residential and multifamily structures shall be integrated into the site design. Utilities should, in most cases, be fully screened from view.

- Exhaust hoods, rooftop vents and air conditioner units should be screened from view, either with a parapet wall or by integrating these items into interior roof elements. Small Scale Wind Energy Systems that have received a Conditional Use Permit are excluded from these screening requirements.

- Transformers, gas meters and other site infrastructure should be located in a manner to avoid being seen from entrances, public streets and pedestrian areas. If they cannot be hidden, they should be screened with landscaping, fencing or building walls.

Section 5. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 6. Repealer Clause All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey