

HAILEY ORDINANCE NO. 1041

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 any WEC has the burden of demonstrating compliance with these standards and if required by the Building Official, shall obtain a building permit prior to installing any WEC.

- 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. Any plan for a roof mounted WEC shall be stamped by a structural engineer.
- c. The rotor diameter shall not exceed 7 feet for a freestanding or roof-mounted system.
- d. The average wind speed shall meet or exceed the minimum required by the Small Scale Wind Energy System manufacture's specification. Wind speed information shall be measured by an anemometer at the height and location of the proposed WEC.
- e. The height of freestanding WECs shall not exceed the maximum building height requirement for the applicable district.

- f. Freestanding WECs are limited to one (1) per lot(s) held in single ownership.
- g. 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.
- h. 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.
- i. 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.
- j. 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.

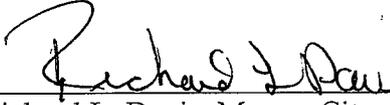
- a. A conditional use permit for a Small Scale Wind Energy Systems that is not maintained in good repair and in working condition shall be considered to be a discontinuation of use. A Small Scale Wind Energy System with a void conditional use permit shall be completely removed and no remnant of the 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.

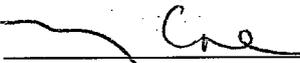
Section 4. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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 14th DAY OF December, 2009.


Richard L. Davis, Mayor, City of Hailey

Attest:


Mary Cone, City Clerk, City of Hailey

