

AGENDA ITEM SUMMARY

DATE: 01/23/2023 **DEPARTMENT:** Community Development **DEPT. HEAD SIGNATURE:** RD

SUBJECT: Consideration of a City-initiated Text Amendment to the Hailey Municipal Code to Title 17: Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020: Meaning of Terms or Words, to add definitions related to solar energy development; Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to amend height requirements for solar systems and to allow for freestanding solar in all zoning districts except the Recreational Green Belt (RGB); as well as to add a new chapter, Chapter 17.08E, entitled Solar, to provide specific standards concerning the development of solar resources.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code Title 10
(IF APPLICABLE)

BACKGROUND: City Planning Staff has identified the modernization of Hailey Municipal Code to meet sustainability standards as a priority for 2022 and moving forward. As such, Staff is proposing to amend Title 17, Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020, to add definitions related to solar energy development; Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040 to amend height requirements for solar systems and to allow for freestanding solar in all zoning districts except the Recreational Green Belt (RGB); and to add a new chapter, Chapter 17.08E, entitled Solar, to outline standards for any forthcoming solar development.

In March of 2022, the City of Hailey was recognized as a silver-level solar community by SolSmart. During the application process, SolSmart completed a Zoning Review which evaluated the Hailey Municipal Code and provided feedback on barriers to solar development that were identified. The barriers found included the conditional use provision of freestanding (ground-mounted) solar and the maximum height requirements for roof-mounted solar. SolSmart best practices recommend allowing accessory use ground-mounted solar in all zoning districts and exempting solar systems from height restrictions.

In conjunction with local solar developers and the Friedman Memorial Airport, Staff is proposing text amendments that are catered to this community, which includes allowing ground-mounted solar in all zoning districts except the Recreational Green Belt (RGB), amending the building height allowance for ground-mounted solar to 10 feet (10') from record grade, and permitting an extension of five feet (5') above the maximum building height allowance for roof-mounted solar systems, subject to review and/or consultation with the Airport Director if located within the proposed Airport Influence Area. Further, Staff is proposing to add the definitions for building integrated photovoltaics (BIPV) and pole-mounted solar systems. Lastly, Staff is proposing to add a new chapter, Chapter 17.08E, entitled Solar, which outlines general provisions and overlay district standards concerning the development of solar resources.

A draft Ordinance is attached, accompanied by the proposed amendments to Title 17.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle # _____

Budget Line Item # _____

Estimated Hours Spent to Date:

Staff Contact: Robyn Davis

YTD Line-Item Balance \$ _____

Estimated Completion Date:

Phone # 788-9815 #2015

HAILEY ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE, TITLE 17: ZONING REGULATIONS, CHAPTER 17.02 DEFINITIONS, SECTION 17.02.020, MEANING OF TERMS OR WORDS, TO ADD DEFINITIONS FOR BUILDING INTEGRATED PHOTOVOLTAICS (BIPV) AND POLE-MOUNTED SOLAR SYSTEMS; CHAPTER 17.05 OFFICIAL ZONING MAP AND DISTRICT USE MATRIX, SECTION 17.05.040, DISTRICT USE MATRIX, TO AMEND HEIGHT REQUIREMENTS FOR FREESTANDING AND ROOF-MOUNTED SOLAR AND TO ALLOW FREESTANDING SOLAR IN ALL ZONING DISTRICTS, EXCEPT THE RECREATIONAL GREEN BELT (RGB); AND TO ADD A NEW CHAPTER, 17.08E, ENTITLED SOLAR, TO PROVIDE SPECIFIC STANDARDS CONCERNING THE DEVELOPMENT OF SOLAR RESOURCES, 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 addition to the Hailey Municipal Code, Title 17, conforms to the Hailey Comprehensive Plan; and

WHEREAS, the proposed additions will remove existing barriers and provide clarity to encourage the expansion of solar development in Hailey; and

WHEREAS, the Hailey City Council has determined that the above-mentioned amendments are appropriate amendments; and

WHEREAS, the text addition set forth in this Ordinance 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. Title 17 Zoning Regulations, Chapter 17.02 Definitions, Chapter 17.05 Official Zoning Map and District Use Matrix, and Chapter 17.08E Solar is hereby modified by the removal of the stricken language and the addition of the underlined language, as follows:

Chapter 17.02 Definitions

Section 17.02.020: Meaning of Terms or Words

Building Integrated Photovoltaics (BIPV): A solar collector system that is integrated into the structure of a building. Common BIPV applications include carports, awnings, and roofs.

Pole-Mounted Solar System: A solar collector system that consists of an array that is mounted on top of a single steel pole, which is ground mounted. This type of installation can be manually adjustable, so that the pitch of the array at different times of the year can be changed.

Chapter 17.05 Official Zoning Map and District Use Matrix

Section 17.05.040: District Use Matrix

Category	Description (Excerpt)	Zones And Subdistricts													
		RGB	LR-1	LR-2	GR	NB	LB	TN	B	LI	TI	A	SCI-SO	SCI-I	
Accessory uses:															
Alternative energy systems	Freestanding solar panels, subject to the maximum building height for the applicable district of ten feet (10') from record grade.	N	€ P	€ P	€ P	€ P	€ P	€ P	€ P	€ P	€ P	€ P	€ P	€ P	
	Roof mounted and freestanding small scale wind energy system	N	N	N	N	N	N	N	C	C	N	C	C	C	
	Roof mounted solar panels, subject to five feet (5') above the maximum building height for the applicable district ²⁵	N	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	

²⁵ Subject to review and/or consultation with the Airport Director for new roof-mounted solar located within the proposed Airport Influence Area.

17.08 Supplementary Regulations

Article E: Solar

Section:

17.08E.010 Purpose and Intent

17.08E.020 General Provisions

17.08E.030 Overlay District Standards

17.08E.040 Friedman Memorial Airport Proposed Airport Influence Area

17.08E.010 Purpose and Intent

The general purpose of this article is to encourage the expansion of solar energy development for heating air and water, and producing electricity in homes and businesses, as long as disruption to the site-specific natural topography, riparian areas, wetlands, and hazard areas or impacts to the Friedman Memorial Airport are mitigated and/or avoided.

17.08E.020 General Provisions

The placement, use, or modification of a solar energy system shall be an allowed use in all zoning districts, except the Recreational Green Belt (RGB), provided the system meets zoning standards outlined in subsections A through I of this section, and section 17.08E.020 of this chapter. To lawfully install a solar energy system, an Alternative Energy Review Form shall be required.

The following shall be found to be true prior to issuance of a building permit:

- A. Photovoltaic solar (collector) panels are certified by the Solar Collector and Certification Corporation (SRCC);

- B. Solar energy system panels and mounts are installed per manufacturer's specifications;
- C. Solar panels mount systems located on roofs are installed to meet the International Building Code standards for wind and snow loads. If panels do not contain wind and snow load specification or circumstances require a modification to installation per the manufacturer's specifications, an engineer shall review and certify that the modifications meet wind and snow load standards as outline in the International Building Code and as amended by the City of Hailey;
- D. The building official has reviewed mounting plans to ensure the roof structural integrity is maintained;
- E. BIPV and roof-mounted panels do not exceed five feet (5') from the top of the structure or forty feet (40') from natural grade;
- F. Ground and pole mounted solar collectors are firmly anchored and:
 - 1. Do not exceed ten feet (10') from natural grade; or
 - 2. Panels located on isolated slopes do not exceed ten feet (10') above record grade;
 - 3. Are exempt from lot coverage calculations
 - 4. Are located on private property only, and not within the public right-of-way.
- G. Solar energy system is located in a building envelope or is located outside the building envelope and is not located within an overlay district, or has been found to comply with the standards set out in section 17.08E.030 of this chapter;
- H. Solar energy system setbacks are subject to Supplementary Location and Bulk Requirements for detached accessory structures, as outlined in 17.07.010;
- I. No solar development shall be permitted in the Recreational Green Belt (RGB)
- J. All solar development is subject to the standards and purview of the local utility provider.
- K. All residential solar development must comply with Section 324: Solar Energy Systems of the International Residential Code.
- L. All commercial solar development must comply with Section 1204: Solar Photovoltaic Power Systems of the International Fire Code.
- M. All solar installations must comply with the applicable provisions of the National Electrical Code.

17.08E.030 Overlay District Standards

Solar or Alternative Energy Permit Applications located in an overlay district have the burden of demonstrating compliance with each of the standards of evaluation as set forth in this section.

- A. Townsite Overlay District:
 - 1. Roof-mounted solar systems may extend an additional five feet (5') beyond the maximum building height allowance of the zoning district in which it is located and must be equal to or less than the roof area.
 - 2. Ground-mounted solar systems must be equal to or less than half of the yard area and no higher than ten feet (10') from record grade and is exempt from lot coverage calculations so long as the surface underneath is pervious.
- B. Hillside Overlay:
 - 1. Solar development is encouraged to occur on areas of lowest elevation on hillside properties where such areas area part of the parcel or lot under consideration.
 - 2. A reflection analysis from a qualified professional shall demonstrate the angle of the collector panels do not create a line-of-sight reflection as viewed from a reference road.

C. Special Flood Hazard Overlay District:

1. All solar development in the Special Flood Hazard Overlay is subject to standards A1-A7, A9-A18, and B7 as outlined in section 17.04J.060 of this title.

17.08E.040 Friedman Memorial Airport Proposed Airport Influence Area Standards

Solar or Alternative Energy Permit Applications located in the proposed Airport Influence Area of the Friedman Memorial Airport shall demonstrate compliance with each of the standards of evaluation set forth in this section.

- A. Solar development located in the proposed Airport Influence Area are subject to review and/or consultation with the Airport Director.
- B. Based on the Airport Director's review, the Applicant may need to submit Form 7460-1 to the Federal Aviation Administration for further review and approval.
- C. A reflection analysis from a qualified professional shall demonstrate the angle of the collector panels do not create a line-of-sight reflection as viewed from a reference road.

Section 2. 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 3. Repealer Clause. All City of Hailey Ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS __ DAY OF _____, 2023.

Martha Burke, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk



STAFF REPORT
Hailey City Council
Regular Meeting of January 23, 2023

To: Hailey City Council

From: Robyn Davis, Community Development Director

Overview: Consideration of a City-Initiated Text Amendment to the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020: Meaning of Terms or Words, to add definitions related to solar energy development; Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to amend height requirements for solar systems and to allow for freestanding solar in all zoning districts except the Recreational Green Belt (RGB); as well as to add a new chapter, Chapter 17.08E, entitled Solar, to provide specific standards concerning the development of solar resources.

Hearing: January 23, 2023

Applicant: City of Hailey

Notice: Notice for the public hearing was published in the Idaho Mountain Express on January 4, 2023 and mailed to public agencies on January 4, 2023.

Background: City Planning Staff has identified the modernization of Hailey Municipal Code to meet sustainability standards as a priority for 2022 and moving forward. As such, Staff is proposing to amend Title 17, Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020, to add definitions related to solar energy development; Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040 to amend height requirements for solar systems and to allow for freestanding solar in all zoning districts except the Recreational Green Belt (RGB); and to add a new chapter, Chapter 17.08E, entitled Solar, to outline standards for any forthcoming solar development.

In March of 2022, the City of Hailey was recognized as a silver-level solar community by SolSmart. During the application process, SolSmart completed a Zoning Review which evaluated the Hailey Municipal Code and provided feedback on barriers to solar development that were identified. The barriers found included freestanding (ground-mounted) solar, which is currently listed as a conditional use in all zoning districts and maximum height requirements apply.

SolSmart identified ground-mounted solar panels as a conditional use in all zoning districts to be a barrier to solar development because not all properties are suitable for roof-mounted solar. SolSmart best practices recommend allowing accessory use ground-mounted solar in all zoning districts.

SolSmart also identified building height requirements as a barrier for solar development because the Hailey Municipal Code currently stipulates that roof-mounted solar are subject to the building height for the applicable district. Yet, most buildings are built to the maximum height allowance of its zoning district, which limit a buildings' ability to install solar since solar panels are most efficient when installed

at an angle equal to a locational latitude. SolSmart best practices recommends exempting solar systems from height restrictions. However, both Blaine County and Ketchum allow an extension of five (5) feet above the maximum building height for roof-mounted solar. City Staff recommends taking a similar approach to provide consistency among jurisdictions in the Wood River Valley.

In the past, Federal Aviation Administration (FAA) policy required the Friedman Memorial Airport Staff to analyze the impact of solar glare in the vicinity of the airport to either the Air Traffic Control Tower cab or an aircraft on approach to either runway end. The FAA has since updated their policy, which reduced the scope of solar glare analysis to only include on-airport projects that impact the Air Traffic Control Tower cab and no longer requires the evaluation of off-airport solar. However, the City of Hailey is unique in the sense that the Friedman Memorial Airport is surrounded by residential developments and some developments that are technically off-airport are still in very close proximity and could potentially impact the airport. That said, Staff recommends that new roof-mounted solar installations located within the proposed Airport Influence Area be subject to review and/or consultation with the Airport Director. Based on the review, if there is a questionable site or concerns, the City will require the Applicant to submit a 7460-1 form to the FAA for further review and approval.

On September 6, 2022, the Planning and Zoning Commission reviewed the proposed text amendments to the District Use Matrix. The Commission was in favor of permitting a height extension of five feet (5') above the maximum building height of the zoning district for roof mounted solar and allowing freestanding solar in all zoning districts, except the Recreational Green Belt (RGB). However, the Commission expressed concerns over the current language for the allowable height of freestanding solar, which is subject to the maximum building height for the applicable district. The Commission requested standards specifically for solar development to be outlined in the Municipal Code. As such, Staff developed a new chapter, 17.08E, which identifies general provisions, overlay district standards, and the proposed Airport Influence Area of the Friedman Memorial Airport standards for solar development. All solar developments in the City of Hailey are subject to the standards and purview of the local utility provider.

On October 17, 2022, the Planning and Zoning Commission reviewed the proposed text amendments suggested by Staff. The Commission had concerns over the proposed height maximum of fifteen feet (15') for ground mounted solar, suggesting a lower height. The Commission requested more information on the average height of ground mounted solar installations and what the typical structural supports of those systems are. The Commission also requested a map of the proposed Airport Influence Area of the Friedman Memorial Airport.

Staff contacted John Reuter, owner of Bluebird Solar, to inquire about the average height of ground-mounted solar systems. Mr. Reuter informed Staff that ground-mounted systems are engineered low due to wind-loading concerns and the tallest system he has ever installed was ten feet (10') in height. Mr. Reuter recommended a height of twelve feet (12') or less for ground-mounted systems. Mr. Reuter also explained how most structural supports for solar systems are made of concrete Sonotubes, and that his systems are usually four (4) to five (5) feet into the ground with concrete. He further explained how the National Electrical Code requires a fence or a wiring enclosure on the back of all ground-mounted solar arrays for safety. The images below are Bluebird Solar's installations of ground-mounted solar systems in the Wood River Valley.



Source: Bluebird Solar



Source: Bluebird Solar

²⁵ Subject to review and/or consultation with the Airport Director for all new roof-mounted solar located within the proposed Airport Influence Area.

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 4. Are located on private property only, and not within the public right-of-way.
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- B. Based on the Airport Director’s review, the Applicant may need to submit Form 7460-1 to the Federal Aviation Administration for further review and approval.
- C. A reflection analysis from a qualified professional shall demonstrate the angle of the collector panels do not create a line-of-sight reflection as viewed from a reference road.

Standards of Review:

Criteria for Review. Section 17.14.060(A) of the Hailey Municipal Code provides “[w]hen evaluating any proposed amendment under this chapter, 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;**
- 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;**
- 3. The proposed uses are compatible with the surrounding area; and**
- 4. The proposed amendment will promote the public health, safety and general welfare.**

1. The proposed amendment is in accordance with the comprehensive plan;

The Comprehensive Plan does not go into the specificity that this code section contemplates; however, it is anticipated that the city will annually update their Capital Improvement Plan to guide necessary infrastructure. The following goals from the Comprehensive Plan are relevant to this text change:

*Section 1: Natural Resources, Energy, and Air Quality
Goal 1.4: Promote Energy Conservation*

*Section 9: Public Facilities, Utilities, and Services
Goal 9.1: Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.*

Solar energy is a clean and renewable resource that improves air quality and reduces greenhouse gas emissions in the community. By including additional solar definitions, removing the barriers of height requirements and conditional uses, as well as outlining specific standards for new solar development, will result in greater clarity and further expansion of solar development in Hailey.

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;

The proposed amendments will not result in a change in allowed uses nor will they create excessive additional requirements at public cost for services. The proposed amendments are intended to avoid any potential misinterpretations of solar energy systems and to facilitate the expansion of the local solar market.

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

The proposed text amendments will not impact compatibility.

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

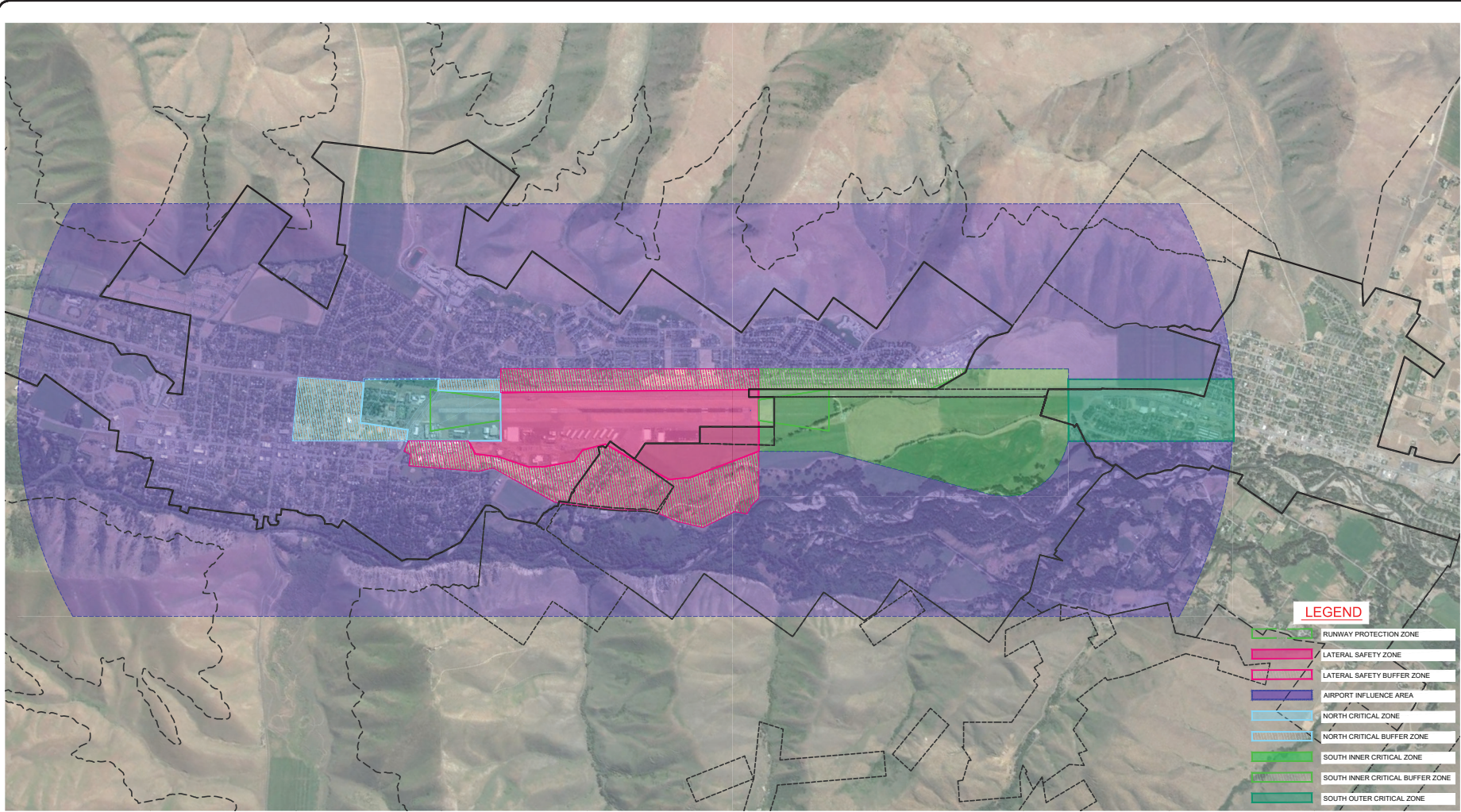
The proposed amendments are consistent with the Hailey Comprehensive Plan, and they will not result in a change in allowed uses.

Motion Language:

Approval: Motion to conduct a first reading of and approve Ordinance No. _____, an Ordinance amending Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020: Meaning of Terms or Words, to add definitions related to solar energy development; Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to amend height requirements for solar systems and to allow for freestanding solar in all zoning districts except the Recreational Green Belt (RGB); as well as to add a new chapter, Chapter 17.08E, entitled Solar, to provide standards concerning the development of solar resources, and read by title only.

Denial: Motion to deny Ordinance No. _____, an Ordinance amending Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02 Definitions, Section 17.02.020: Meaning of Terms or Words, to add definitions related to solar energy development; Chapter 17.05 Official Zoning Map and District Use Matrix, Section 17.05.040: District Use Matrix, to amend height requirements for solar systems and to allow for freestanding solar in all zoning districts except the Recreational Green Belt (RGB); as well as to add a new chapter, Chapter 17.08E, entitled Solar, to provide standards concerning the development of solar resources, finding that _____ [the Council should cite which standards are not met and provide the reason why each identified standard is not met].

Continuation: Motion to continue the public hearing to _____ [the Council should specify a date.]



LEGEND

- RUNWAY PROTECTION ZONE
- LATERAL SAFETY ZONE
- LATERAL SAFETY BUFFER ZONE
- AIRPORT INFLUENCE AREA
- NORTH CRITICAL ZONE
- NORTH CRITICAL BUFFER ZONE
- SOUTH INNER CRITICAL ZONE
- SOUTH INNER CRITICAL BUFFER ZONE
- SOUTH OUTER CRITICAL ZONE



DRAFT

E-FILE NAME	
NO.	DESCRIPTION

T-O ENGINEERS
 CONSULTING ENGINEERS, SURVEYORS & PLANNERS
 2671 S. TITANIUM PLACE
 MERIDIAN, IDAHO 83642-8703
 PHONE: (208) 893-2288
 FAX: (208) 862-0696
 OFFICES ALSO IN:
 COLETT, IDAHO
 BOISE, IDAHO

FRIEDMAN MEMORIAL AIRPORT HAILEY, ID LAND USE ZONING EXHIBIT

ATTENTION:
 IF THIS BAR DOES NOT MEASURE
 1" ON 24"X36" SHEET OR 1/2" ON
 11X17 SHEET, THEN DRAWING IS
 NOT TO SCALE.

DATE: DEC 2021
 PROJECT: MISC SERVICES