

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 WIND ENERGY SYSTEMS; 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. Hailey Zoning Ordinance No. 532, is hereby added with the addition of a new Section 11.4.2, as follows:

11.4.2 Small Scale Wind Energy Systems. 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 following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

- a. Will be a rooftop system only.
- b. Will not exceed a maximum height of 15 feet beyond the maximum building height requirement for the applicable district. The measured height shall include the entire system, including the blade radius.
- c. Will 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 from 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. Measured 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 or could be more than one (1) property ownership in a building (*e.g.*, a

condominium or attached townhome), the noise levels shall be measured along any wall of a property owner.

- d. Will 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 or could be more than one (1) property ownership in a building (e.g., a condominium or attached townhome), this standard shall be measured along any wall of a property owner.

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 resolutions 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 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.

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Richard L. Davis, Mayor, City of Hailey

Attest:

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Mary Cone, City Clerk, City of Hailey