

STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Mariel Platt, Planner
RE: Zoning Ordinance Amendment – Article 11, Conditional Use Permits
HEARING: February 17, 2009

Note: Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on December 31, 2008. On January 20, 2009, the ordinance amendment was continued on the record to the February 2, 2009 meeting date. On February 2, 2009, it was continued on the record again to the February 17, 2009 meeting date.

Proposal

Attached is the addition of Section 11.4.2, Small Scale Wind Energy Systems, to Hailey Zoning Ordinance proposed by the City. These amendments would establish standards for small scale roof-top wind energy systems.

Procedural History

The impetus for these amendments is to promote sustainability in our Zoning Ordinance. Sustainability integrates economic, social and environmental spheres, the thought being that decisions must not be detrimental to any one sphere or your actions will not be sustainable. A common definition of sustainability is to meet the needs of the present without compromising the ability of future generations to meet their own needs. Many cities across the globe are realizing the impacts, either positive or negative, that planning and zoning can have on sustainability. These proposed amendments are an attempt to use Hailey's Zoning Ordinance as a tool to increasing the sustainability within the City of Hailey and beyond.

Small rooftop wind energy systems 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. By establishing these standards the City would provide clear standards to protect neighbors from potential nuisance impacts while avoiding overly restrictive, unnecessary provision – such as low height limitations- that substantially reduce the effectiveness of WESSs, which 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 an occupant's energy needs.

Concurrently, amendments have been drafted and are being reviewed to allow for small rooftop wind energy systems as a conditional use in each Zoning District, excluding the Recreational Green Belt district. The permitting process would protect the areas where rooftop WECs might not be appropriate, for instance, in some residential areas. But it wouldn't exclude residential zoning districts completely; recognizing that some residential areas, especially along the bike path, could benefit significantly from the increased winds experienced at those locations. In addition, homes that abut the bike path or other areas with unobstructed airspaces (i.e. not directly next to other homes or buildings), would be an appropriate location for rooftop WECs. Technically, this type of location will have a greater wind resource and will be able to produce greater amounts of energy and politically because there would be less of a perceived nuisance to neighboring properties. If recommended, this amendment would require the applicant to submit additional materials to show how 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 Commission 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 for views. The amendments would allow for small rooftop wind energy systems, where deemed appropriate through the conditional use permit process.

Summary

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

The Commission shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Motion to recommend the City Council approve the proposed addition of a new section, Section 11.4.2, Small Scale Wind Energy Systems, finding that the amendments are in accordance with the Comprehensive Plan, 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 uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.