



LAND USE & BUILDING SERVICES
CONDITIONAL USE PERMIT APPLICATION
WIND ENERGY FACILITY

As set forth in Chapter 3A and 25, Title 9 (Zoning Ordinance) of the County Code, Blaine County, Idaho

Contact Information

- (1) Applicant/Agent Name: _____
Mailing Address: _____
Phone: _____
Email: _____
- (2) Owner Name: _____
Mailing Address: _____
Phone: _____
Email: _____
- (3) **Responsible Party** Name: _____
Mailing Address: _____
Phone: _____
Email: _____

“Responsible Party is the person who will be the sole responsible contact with the County”

Project Information

- (3) General Size of Tract: _____
Present Land Use: _____
Existing Zoning: _____
Overlay District(s): _____
- (4) Property Address _____
- (5) Requested Action _____

Legal Information

- (6) Legal Description (Include section, township, range) _____
- (7) Parcel Number RP - _____
- (8) Status of Applicant described above?
If no, explain: Is the applicant the owner of the property legally
Yes No

(9) Adjacent Ownership Does the applicant own property adjacent to the area proposed for development? Yes No
If yes, explain _____

Additional Information

- (10) Please attach the following:
- a) Proof of ownership.
 - b) Vicinity map which includes all lands within ½ mile of subject property.
 - c) Zoning designation of subject property including any overlay districts.
 - d) Comment from Idaho Department of Fish and Game and the applicable fire district.
 - e) A parcel map drawn to scale showing the subject property, and all properties within one thousand feet (1,000') of the external boundaries of the land being considered, including private road owners.
 - f) A list of the names and addresses of all property owners and residents within three hundred feet (300') of the external boundaries of the land being considered, including private road owners. Names and addresses shall also be provided on mailing labels.
 - g) Wind resource data collected continuously by an anemometer on site for no less than one year for a freestanding WEF.
 - h) Three (3) copies of the proposed site plan showing:
 - Property line and north arrow;
 - Design and dimensions of tower, base, footing, and guy wire anchors. Overall height from natural grade to tip of extended blade, location of substation(s), electrical cabling from WEF to the substation(s), ancillary equipment, buildings, and structures shall be included.
 - Depiction and explanation of land use on subject property and adjacent property including location and height of surrounding structures, power transmission lines, and trees.
 - i) Typed responses to attached Standards of Evaluation.
 - j) Additional agency review of the proposal as determined appropriate by staff.
 - k) A refundable "Notice" fee of \$50.00 for a Notice board to be posted on site of property being considered for at least 7 days prior to public hearing.
 - l) Application fee of \$300.00 and current postage + .15¢ per surrounding landowner mailing fee.
 - m) There may be County Engineer review fees in addition to application fee.

ACKNOWLEDGMENTS

- (11) The undersigned certifies that (s)he is the owner or authorized representative of the land in question and that (s)he has filled in this application to the best of his/her knowledge, and that (s)he agrees to comply with all county codes and state laws, as amended, regulating properties in Blaine County, Idaho. The applicant agrees in the event of a dispute concerning the interpretation or enforcement of the conditional use permit in which the County of Blaine is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the County of Blaine.
- (12) The undersigned grants permission to County Personnel to inspect any property which is the subject of this application until such time as all condition(s) of approval attached to the application(s) have been satisfied.

SIGNATURE OF APPLICANT/AGENT: _____

DATE: _____

ADMINISTRATIVE RECORD

Required Fee \$300.00 _____ paid on _____
 If Applicable: 20% of above fee for Ketchum Rural, Carey, West Magic, Smiley Creek or
 Wood River Rural Fire Dept. Plan Check: _____ paid on _____
 Refundable Notice Board Fee \$50.00 _____ paid on _____
 Surrounding Landowner Notices
 Current Postage + .15¢ ea x _____ = _____ paid on _____

TOTAL _____ receipt # _____

Engineering and consultant fees are calculated based on the time spent by County hired private consultants and their staff to review various projects. These fees are to be paid in full upon receipt and prior to scheduling an applicant's public hearing.

Date Application Certified _____

Hearing Date: _____

Date of and Disposition _____

WIND ENERGY FACILITY (WEF) REQUIREMENTS

As Set Forth in §9-3A, Title 9, Blaine County Code

PURPOSE AND INTENT: The purpose and intent of this section 9-3A is to promote safe, effective use of residential Wind Energy Facilities installed to reduce the on-site consumption of utility supplied electricity and to provide a regulatory scheme for the construction and operation of Wind Energy Facilities in the County, subject to reasonable restrictions, which will preserve scenic assets and protect the public health, safety, and welfare.

9-3A-3: ZONING REGULATIONS: The placement, use or modification of a WEF as allowed by law within unincorporated Blaine County by a permittee, is subject to the provisions of this title.

A. Rooftop Wind Energy Facilities

1. One or more rooftop WEF up to an overall height of 40 feet is a conditional use on less than five (5) acres subject to Conditional Use Permit Procedure, 9-3A-6, in all zones.
2. A rooftop WEF up to an overall height of forty (40) feet on five (5) acres or more is subject to Categorical Exclusion, 9-3A-5, in all zones. Multiple rooftop WEF may be requested through the Conditional Use Permit Procedure, 9-3A-6.
3. No rooftop WEF shall be permitted within the Mountain Overlay District or the Scenic Corridor.

B. Free-standing Wind Energy Facilities

1. A free-standing WEF up to forty (40) foot tip height is a conditional use subject to Conditional Use Permit Procedure, 9-3A-6, in the following zoning districts: SRC-.4, R-.4, R-1, R-2, and R-2.5 on a minimum of two and a half (2.5) acres; and R-5 on a minimum of five (5) acres.
2. A free-standing WEF up to forty (40) foot hub height is subject to Categorical Exclusion, 9-3A-5, in the following zoning districts: R-10, A-20, A-40, and RR-40 on a minimum of ten (10) acres. On parcels of five (5) acres up to ten (10) acres in these zones, a freestanding WEF up to forty (40) foot hub height is a conditional use subject to Conditional Use Permit Procedure, 9-3A-6.
3. A free-standing WEF with a hub height no taller than eighty (80) feet is a conditional use on a minimum of ten (10) acres subject to Conditional Use Permit Procedure, 9-3A-6, in the R-10 zoning district.
4. A free-standing WEF with a hub height no taller than one hundred twenty (120) feet is subject to Categorical Exclusion, 9-3A-5, in the following zoning districts: A-20, A-40, RR-40 on a minimum of twenty (20) acres.
5. No free-standing WEF shall be permitted within the Mountain Overlay District or the Scenic Corridor.

Conditional Use Permit Procedure Title 9, Chapter 3A, Section 6

9-3A-6: Conditional Use Permit Procedure: Application for a conditional use permit shall be made on a form furnished by the Administrator and shall be filed by the applicant(s). The application fee established by the resolution board shall accompany each application. Fees resulting from the technical review by the county engineer or other qualified person as designated by the county are the responsibility of the applicant, and shall be paid prior to public hearing. No application shall be certified as complete unless it includes the following minimum information in sufficient detail for the commission or hearing examiner to determine compliance with the standards of evaluation as set forth in section 9-3A-7 of this chapter. Based upon site specific circumstances, and upon appropriate findings, the commission or hearing examiner may require additional information in order to render a decision on an application. Further, the

administrator may waive certain submittal requirements based upon site specific condition and appropriate findings.

9-3A-10: Decisions shall be based on the standards of evaluation as set forth in section 9-3A-7 of this chapter. The standards of evaluation contained in section [9-25-3](#) of this title are applicable to WEFs. Review of the application and receipt of public input shall be conducted at a duly noticed public hearing as set forth in section [9-25-4](#) of this title.

**Standards of Evaluation
Title 9, Chapter 3A, Section 7**

9-3A-7: STANDARDS OF EVALUATION: The applicant has the burden of demonstrating compliance with each of the standards of evaluation as set forth in this section. The commission or hearing examiner shall review the application and determine if there is substantial evidence in the record to make a finding that either the proposal complies with each of the following standards of evaluation, or the specific standard is not applicable to the application:

A. Administrative Standards:

1. Compliance with International Building Code: WEF applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, and guy wire anchors. An engineering analysis of the tower showing compliance with the International Building Code, certified by a licensed professional engineer and wet stamp shall also be submitted. This analysis is frequently supplied by the manufacturer;

2. Compliance with National Electric Code: Applications for WEF shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code;

3. Utility Notification: No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement;

4. Approved Wind Energy Facilities: WEF equipment must be approved under an Emerging Technology program such as the California Energy Commission, International Electrotechnical Commission or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy;
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5. Federal Aviation Administration (FAA): WEF must comply with applicable FAA regulations and shall not be permitted within the Airport Vicinity Overlay;
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6. Siting Requirements: All parts of a WEF, including guy wire anchors, are subject to zoning setbacks. Freestanding WEF shall be located a minimum of 1.1 times the overall height of the WEF from all inhabited structures on subject property, property lines, and roads. No WEF shall be sited closer to a neighboring residence or neighboring building envelope than it is to the subject property's residence. Wind energy facility blades shall be higher than twenty (20) feet above the ground. No blades may extend over parking areas, playgrounds, driveways or sidewalks;
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7. Noise emitted from the WEF shall not exceed sixty (60) decibels as measured from the nearest adjacent property.
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B. Design Standards:

1. Wind Energy Facilities shall be a non-obtrusive color.
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2. Wind Energy Facilities shall not be artificially lit.
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3. On-site transmission and power lines between WEFs shall, to the maximum extent practicable, be placed underground.

4. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

5. Wind Energy Facilities shall not be used for displaying advertising.

6. Wind Energy Facility Conditional Use Permit applications are subject to applicable Standards of Evaluation in Title 9, Chapter 25, Conditional Use Permits, 9-25-3(A).

7. If the applicant or landowner with respect to an application for a conditional use permit under this section is the state of Idaho, or any agency, board, department, institution, or district thereof, the commission or the board, in addition to all other applicable standards and criteria hereunder, shall take into account the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code 67-6528.

**Standards of Evaluation
Title 9, Chapter 25**

Pursuant to Chapter 25, Section 3, Title 9 (Zoning Ordinance) of the Blaine County Code An applicant for a conditional use permit shall provide written responses to the Standards of Evaluation contained hereinbelow in sufficient detail to allow the Commission or the Hearing Examiner to evaluate the proposed action relative to said standards. In reviewing these applications, the Commission is required to find adequate evidence to support approval or conditional approval, or in the event such information is unattainable (or unavailable), deny the application.

The Commission or the Hearing Examiner shall review the particular facts and circumstances of each proposed conditional use in the terms of the following standards and shall determine if there is sufficient evidence to make findings that the proposed action:

1. Will, in fact, constitute a conditional use as established for the zoning district involved;

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Blaine County Comprehensive Plan and the Blaine County Zoning Ordinance;

3. 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;

4. Will not be hazardous or disturbing to existing or future neighboring uses;

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

7. Will not involve uses activities, processes, materials, equipment and conditions of operations 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 pollution or safety hazards. Water pollution includes impact to surface and ground water and potable water sources. When the proposed use involves a potential contaminant source or potential contaminant as set forth in appendix A of this title, on file in the county, and is located within a wellhead protection area, the commission shall consider the impact of the project on potable water sources and determine whether there is sufficient information in the record to demonstrate that the project has been designed to mitigate adverse impact to potable water source(s);

8. Will have vehicular approaches to the property which shall be designed as not to create an interference with traffic on surrounding public thoroughfares; and

9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

10. Shall take into account the plans and needs of the state, or any agency, board, department, institution or district thereof, as required by Idaho Code section 67-6528.

Conditions of Approval

Pursuant to §9-25-5 (A) of the Blaine County Code, conditions which may be attached by the Commission include, but are not limited to, those which will:

- Minimize adverse impact on other development.
- Control the sequence, timing and duration of development.
- Assure that development is maintained properly.
- Designate the exact location and nature of development.
- Require the provision for on-site or off-site public facilities or services
- Mitigate foreseeable social, economic, fiscal, and environmental effects.
- Require more restrictive standards than those generally required in the Zoning Ordinance.

9-3A-11: ABANDONMENT:

- A. A WEF that is out-of-service for a continuous one year period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a WEF that is deemed to have been abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a timetable for corrective action, within 30 days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.
- B. If the WEF is determined to be abandoned, the owner shall remove the WEF at the owner's sole expense within three (3) months of the date of the Notice of Abandonment. If the owner fails to remove the WEF, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.