



**LAND USE & BUILDING SERVICES
WIND ENERGY FACILITY
CATEGORICAL EXCLUSION REQUEST FORM**

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

Please complete the form and ‘Save As’ a Word Document and send to pzcounter@co.blaine.id.us

Contact Information

- (1) Applicant/Agent Name: _____
 Mail Address: _____
 Phone: _____
 Email: _____
- (2) Owner Name: _____
 Mail Address: _____
 Phone: _____
 Email: _____
- (3) **Responsible Party** Name: _____
 Mail 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 Is the applicant the owner of the property legally
described above? Yes No
If no, explain: _____
- (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, including private road owners, of the land being considered.
 - f) Wind resource data collected continuously by an anemometer on site for no less than one year for a freestanding WEF.
 - g) 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.
 - h) Typed responses to attached Standards of Evaluation.
 - i) Additional agency review of the proposal as determined appropriate by staff.
 - j) * Application fee of \$175.00 by County Fee Resolution #2010-61 and postage + .15¢ per surrounding land owner mailing fee.
 - k) There may be County Engineer review fees in addition to application fee.

WIND ENERGY FACILITY (WEF) REQUIREMENTS As Set Forth in Title 9, Chapter 3A

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.

**Categorical Exclusion
Title 9, Chapter 3A, Section 5**

Unless the intent is to circumvent the purposes of this chapter, a landowner or his/her authorized agent may be categorically excluded from the CUP requirements of this chapter if before commencing construction of a single WEF, the landowner or agent first obtains a written decision from the administrator, in consultation with the county engineer or his/her designated representative, that the WEF construction falls within and meets the following criteria:

1. Rooftop WEF is an accessory fixture to the residence or agricultural building upon which it is mounted.

2. Rooftop WEF does not exceed a five-foot diameter.

3. Rooftop WEF noise emission does not exceed thirty five (35) decibels as measured from the nearest property line.

4. Complies with all applicable Administrative Standards 9-3A-7(A).

**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;
5. Federal Aviation Administration (FAA): WEF must comply with applicable FAA regulations and shall not be permitted within the Airport Vicinity Overlay;
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;
7. Noise emitted from the WEF shall not exceed sixty (60) decibels as measured from the nearest adjacent property.

B. Design Standards:

1. Wind Energy Facilities shall be a non-obtrusive color.
2. Wind Energy Facilities shall not be artificially lit.
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.

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.

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