



WIND ENERGY CONVERSION SYSTEM (WECS) APPLICATION

Filing Fee: \$100.00

Permit #: _____

Submittal Date: _____

Receipt #: _____

Contact Person: _____

Receipt Date: _____

Applicant Information:

Representative Information:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

NOTE: If the Applicant is not the owner of the subject property, then the applicant must submit "Notarized Consent" from the property owner for the applicant to submit the application.

Subject Project (Site) Information:

Street Address: _____ Zip: _____ Zoning District: _____

Legal Description:

Lot: _____ Block: _____ Subdivision: _____

Property Identification Number (PIN#): _____ Deed Reference # (Submit copy of deed): _____

Other Legal Description: _____

Type of Wind Energy Conversion System (WECS) Request:

- Small WECS: 65' or less in height and 25 kilowatts or less.
- Medium WECS: 120' or less in height and 100 kilowatts or less.
- Large WECS: Greater than 120' in height and exceeding 100 kilowatts.

Number of WECS requested on this site. _____

Number of existing WECS on this site. _____

WECS applications are subject to the applicable provisions of Municipal Code Section 17.06.600 pertaining to the type of the system (small, medium or large) and the applicable zoning district for the subject property.

- Some applications are "ministerial" and may be approved by staff.
- Some applications are "administrative" and require notice to adjoining property owners and may require a public hearing.
- Some applications may require the submittal of a separate conditional use permit application for a public hearing.

Planning & Development Services staff will determine the appropriate application process for the request based on the information provided by the applicant and the applicable code provisions.

Please attach all pertinent information and documentation pertaining to your request. Failure to provide adequate information and documentation may result in a denial of the request.

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from

the provisions of the Federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

I hereby acknowledge that I have read this application and state that the above information, including all submitted materials, is correct and I agree to the above terms and conditions. I further agree to abide by any and all conditions the Hearing Examiner and/or City Council may impose on my use of this property. I also understand that non-conformance with these conditions in a timely manner will result in automatic forfeiture of my permit. I am also aware that the applicant or a representative must be present at the public hearing and that the decision on this request will be recorded in the official records of Bannock County.

Signature of Applicant: _____ Date: _____

Signature of Representative: _____ Date: _____

17.06.600: WIND ENERGY CONVERSION SYSTEMS:

A. Purpose: Wind energy conversion systems (WECS) standards governing wind energy conversion systems are established to provide for appropriate locations for wind energy conversion systems, to ensure compatibility with surrounding uses, and to promote safe, effective and efficient use of wind energy conversion systems to increase opportunities for the generation of renewable energy.

B. Applicability: The following standards shall apply to WECS. For the purposes of this section, the term "site" shall be defined as any plot or parcel of land or combination of contiguous lots or parcels of land upon which a WECS is proposed to be situated.

1. Small wind energy conversion systems are sixty five feet (65') or less in height with a capacity of twenty five (25) kilowatts or less. Roof mounted and tower wind energy conversion systems shall be allowed subject to the standards of this section in the following zoning districts: residential medium density single-family, residential low density, residential estate, neighborhood commercial, commercial general, residential/commercial/professional, office park, light industrial, industrial, airport and public land/facility. A maximum of one tower is allowed per site.
 - a. Applicants for towers in residential zoning districts shall provide a mailing list of owners of property adjoining the site in question. The city shall send notice of the application to these property owners.
 - b. A twenty one (21) day waiting period shall be required prior to the issuance of any building permit to allow any notified adjoining property owner the opportunity to make a written request to the planning and development services department for a hearing before a hearing examiner. The twenty one (21) day waiting period shall begin on the day the notice of application is deposited by the city in the U.S. mail to the adjoining property owners.
 - c. In the event a hearing is held before a hearing examiner, the hearing examiner shall make a decision based upon the standards contained in this section to approve, approve with conditions, or deny the application for a building permit. The applicant or other affected persons may appeal the hearing examiner's decision to the city council in accordance with section [17.02.400](#) of this title.
2. Medium wind energy conversion systems are one hundred twenty feet (120') or less in height with a capacity of one hundred (100) kilowatts or less. One tower per site shall be allowed subject to the standards of this section in the following zoning districts: commercial general, light industrial, industrial, airport, and public lands/facilities zoning districts. Medium wind energy conversion systems are allowed subject to a conditional use permit in the following zoning districts: residential low density, residential estate, neighborhood commercial, and residential/commercial/professional. A conditional use permit is required for applications involving multiple towers per site.
3. Large wind energy conversion systems are greater than one hundred twenty feet (120') in height with a capacity exceeding one hundred (100) kilowatts. One tower or more may be allowed with an approved conditional use permit in commercial general, light industrial, industrial, airport, and public lands/facilities zoning districts.

C. General Standards: The following standards apply to all wind energy conversion systems, regardless of size or the zoning district location of the WECS:

1. Setbacks: All WECS towers shall be set back from property lines on all sides a minimum of the distance equal to the overall height of the WECS. The required setback distance may be less than the overall height of the WECS if an easement from an adjoining property owner is provided in writing and recorded with the recorder of the county where the property is located, which easement must provide the remaining distance required for the setback to be met and which is not available within the WECS applicant's property boundary.
2. Distance Requirements From Other WECS Bases: No WECS tower shall be erected within five (5) swept area diameters or five (5) rotor blade lengths, whichever is greater, of another WECS base which is owned by a different party. The swept area diameter of the larger of the two (2) WECS bases shall be used to compute the required distance between the towers.

3. Warning Sign: At least one weatherproof sign no less than eight inches by ten inches (8" x 10") in size shall be posted in conspicuous view on the tower base or on the fenced enclosure around the tower base to warn of hazards and to post no trespassing. No sign permit is required for the afore described warning sign. No other signage shall be permitted on the WECS base, tower or wind turbine.
4. Guyed Towers; Fences: No guyed towers shall be allowed unless said guys and towers are fenced. A property perimeter fence shall satisfy this requirement.
5. Tower Climbing Apparatus: Tower climbing apparatus shall be no less than twelve feet (12') above the ground, or shall be enclosed by a security fence at least six feet (6') in height with a locked gate. A separate fence permit is required.
6. Location Restriction: No part of any WECS shall be installed in the front yard setback required in any zoning district.
7. Rotor Blade Distance From Ground: The longest reach of any wind turbine rotor blade shall be at least fifteen feet (15') from the ground or any structure situated beneath the swept area.

D. Wind Energy Conversion System Wind Turbine Standards:

1. Wind Turbines On Small WECS: The noise generated from operating a wind turbine on a small WECS shall be no greater than fifty five (55) decibels as measured at the point on the property line of the nearest adjoining property nearest to where the wind turbine is located.
2. Wind Turbines On Medium WECS: The noise generated from operating a wind turbine on a medium WECS shall be no greater than sixty (60) decibels as measured at the point on the property line of the nearest adjoining property nearest to where the wind turbine is located.
3. Wind Turbines On Large WECS: The noise generated from operating a wind turbine on a large WECS shall be no greater than sixty five (65) decibels as measured at the point on the property line of the nearest adjoining property nearest to where the wind turbine is located. Tower bases shall be located to avoid interference with microwave reception and transmission signal pathways which were in place prior to the installation of the tower base.

E. Application: An application for a WECS shall be filed with the building department or if a conditional use permit is required, with the planning and development services department. Payment of application and permit fees, which are set from time to time by resolution of the city council, and the following information is required for a WECS application regardless of whether the application is in conjunction with a conditional use permit or a building department permit application:

1. Site Plan: The applicant shall submit a site plan containing the following information:
 - a. The name and address of the owner of record of the property upon which the proposed WECS is to be installed;
 - b. The location and a written legal description of the boundaries of the property upon which the proposed WECS is to be installed;
 - c. The location and dimensions of any proposed parking areas, roads and other site improvements on the property upon which the proposed WECS is to be installed;
 - d. Any existing and all proposed grading, removal or placement of vegetation and water features on the property upon which the proposed WECS is to be installed;
 - e. The location of existing and proposed power lines on the property upon which the proposed WECS is to be installed;
 - f. The location and perimeters of existing and proposed easements on the property upon which the proposed WECS is to be installed; and
 - g. The location of all underground utilities, including water and sanitary sewer lines, on the property upon which the proposed WECS is to be installed.

2. Additional Materials: The applicant shall also submit the following materials in addition to the site plan:
 - a. A scaled drawing of the proposed WECS structure(s), including height above the ground, size of swept area, blade size, and location within the property boundaries;
 - b. A photo simulation of the proposed WECS, including the wind turbine and base;
 - c. The characteristics and performance data on the WECS, including the type and material of the structure; type, size and material of the blades; specific information on performance, noise, and safety; and shutdown features and procedures;
 - d. Acknowledgment by applicant that all applicable federal aviation regulations have been met;
 - e. The construction schedule and time lines for completion of the WECS; and
 - f. Copies of any easements required to meet setback standards.
 3. Additional Requirements For Large WECS: An analysis of potential environmental impacts of any proposed large WECS shall be submitted. Said analysis shall include an evaluation of any impacts on bird habitat and migratory patterns.
- F. Maintenance And Abandonment: Any WECS approved under the provisions of this section shall be subject to revocation, and the WECS may be declared a dangerous nuisance by the director of the planning and development services department upon violation of any of the following provisions:
1. Maintenance: The owner of the WECS shall keep all of its components in good operating condition and shall operate the system on a regular basis, except for necessary maintenance and repair.
 2. Abandonment: A WECS shall be deemed to be abandoned by the director if any one of the following events occur:
 - a. The WECS is not operating on a regular use basis, except for necessary maintenance and repair. "Regular use" shall be defined as the operation of the WECS in an established pattern, e.g., seasonal use or intermittent use on a regular basis, with an average regular use period of six (6) months or more in any calendar year.
 - b. Substantial construction of the WECS has not begun within twelve (12) months from the date of issuance of the WECS permit.
 3. Abatement Of Nuisance: In the event the director determines that a WECS is abandoned and is a dangerous nuisance, the director may direct said nuisance to be abated pursuant to the terms of section [9.16.160](#) of this code. (Ord. 2885, 2010)