

## **Proposed Amendments to Bannock County Zoning Ordinance 1998-1**

### Section 200: DEFINITIONS

Add –

**AGRICULTURAL BUILDING:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

**AGRICULTURAL BUILDING CERTIFICATION STATEMENT:** A signed and notarized document, provided by Bannock County Planning and Development Staff, which certifies that an agricultural building will be used as stated and conforms to the standards outlined in Section 402.

**FARM LABOR DWELLING:** A residential structure specifically designed to provide housing for agricultural workers or laborers.

**GAIN:** The pursuit of profit or financial benefit through the utilization of land or structures.

**LARGE-SCALE SOLAR POWER FACILITY:** A solar energy array capable of producing and/or storing, as per *nameplate capacity*, 10 megawatts (MW) or more; or solar power facilities that encumber 100 or more acres of land.

**NAMEPLATE CAPACITY:** The maximum energy output that an energy generator can produce without exceeding design thermal limits.

**PERSONAL-USE SOLAR POWER FACILITY:** A solar energy array with a total nameplate capacity of 200 kilowatts or less, associated with single or two-family dwellings, or personal use.

**SMALL-SCALE SOLAR POWER FACILITY:** A solar energy array with a nameplate capacity of 200 kilowatts to ten megawatts that does not otherwise meet the definition of large-scale solar power facilities.

**SOLAR ENERGY ARRAY:** A collection of solar panels that generate electricity.

**SOLAR POWER FACILITY:** A solar energy array, the related facility and equipment, including but not limited to, underground or aboveground electrical transmission or communications lines, electric transformers, battery storage facility, telecommunications equipment, roads, fencing, meteorological towers, agrivoltaics systems, and/or maintenance yards and structures.

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SOLAR, GROUND-MOUNTED: A solar energy array that is mounted on a rack or pole that rests on or is attached to the ground.

SOLAR, ROOF-MOUNTED: A solar energy array that is mounted on a rack fastened to or resting on a structure roof.

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Section 316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS

The following table sets forth building bulk and placement standards for the Agricultural district:

AGRICULTURAL DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR ROAD R-O-W	REAR YARD	SIDE YARD
PERMITTED USES:				
Single-family Residence	30	50	30	20
Residential Accessory Structures	30	50	15	20
Accessory Structures for Commercial Agriculture	30	50	15	20
Accessory Structures for Commercial Farm Animals	100	100	100	100

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

(±) Setbacks for all structures shall be 100' from any stream or riparian area.

Minimum lot size is one acre; density is one dwelling per 40 acres. See Section 315 for subdividing in the AG District. Larger lot sizes may be required by the Health Department.

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Edit:

Section 327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS

The following table sets forth building bulk and placement standards for the Residential Rural district:

RESIDENTIAL RURAL DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR ROAD R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
PERMITTED USES:					
Single-family Residence	30	50	30	10	35
Two-Family Residence	30	50	30	10	35
Residential Accessory Structures <del>(see section 401.C.4)</del>	30	50	20 <del>(a)</del>	20 <del>(a)</del>	35
Agricultural Structures	30	50	20	20	
Farm Animal Structures	30	50	30	30	15
Commercial Agricultural Accessory Structures for Farm Animals	100	100	100	100	-
Non-Residential Buildings	30	50	20 <del>(b)</del>	20 <del>(b)</del>	-

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

~~(a)~~ Setback for all structures shall be 100' from any stream or riparian area

~~(a) Or height of structure, whichever is greater.~~

~~(b) Or height of building, whichever is greater.~~

Minimum Lot Size: Five acres; see Section 326. Larger lot sizes may be required by the Health Department.

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Section 337 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS

The following table sets forth building bulk and placement standards for the Residential Suburban district:

RESIDENTIAL SUBURBAN DISTRICT

MINIMUM SETBACKS (FT)

	MINIMUM LOT AREA (a)	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HEIGHT
PERMITTED USES						
Single-family Residence	1 acre <del>*</del>	30	50	20	10	35
Two-family Residence	¾ / D.U. <del>*</del>	30	50	20	10	35
Multi-Family Residence	½ / D.U.	30	50	30	20	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20 <del>(c)</del>	10 <del>(c)</del>	35
Farm Animal Structure	-	30	50	30	30	15
Non-residential Buildings	-	30	50	20 <del>(b)</del>	20 <del>(b)</del>	-

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

(±) Setback for all structures shall be 100' from any stream or riparian area.

(a) Larger lot sizes may be required by the District Health Department.

\*Five acres is the minimum lot size where well and or septic tank/drainfield system is used within a city's area of impact. See Section 336-B.1. Minimum Lot Size: Five acres where well and or septic tank/drainfield system is used within a city's area of impact.

~~(b) Or the height of the building, whichever is greater.~~

~~(c) Or height of the structure, whichever is greater.~~

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Section 347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth building bulk and placement standards for the Recreation district:

RECREATION DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM FREE-STAND-ING SIGN HEIGHT	MINIMUM % LAND-SCAPED	MAXIMUM STRUCTURE HEIGHT
PERMITTED USES							
Non-residential Uses	30	50	20	20 <del>(b)</del>	20	5 %	35
Accessory Bldg. for Non-res. Uses	30	50	10	20 <del>(b)</del>	N/A	--	--
Parking Lots	30	50	0	0	5	5 %	N/A
Residential Uses <del>(a)</del>	30	50	20	10	N/A	--	35
Residential Accessory Structures	30	50	10 <del>(b)</del>	10 <del>(b)</del>	N/A	--	--
Agricultural Structures	30	50	10	10	N/A	--	15
Farm Animal Structures	30	50	30	30	N/A	--	15

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

~~(a)~~ All structures shall be 100' from any stream or riparian area.

~~(a)~~ One-acre minimum lot area; larger lot sizes may be required by the Health Department.

~~(b)~~ Or height of building, whichever is greater.

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357 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth building bulk and placement standards for the Multiple Use district:

MULTIPLE USE DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HEIGHT	MINIMUM % LAND-SCAPED	MAXIMUM FREE-STAND-ING SIGN HEIGHT
PERMITTED USES							
Residential Uses <del>(a)</del>	30	50	20	10	35	--	N/A
Accessory Bldg. for Non-res. Uses	30	50	10 <del>(b)</del>	10 <del>(b)</del>	--	--	N/A
Non-residential Uses	25	50	20 <del>(b)</del>	20 <del>(b)</del>	35	5 %	20
Parking Lots	25	50	10	10	N/A	5 %	5
Accessory Buildings, Non-residential uses	25	50	10	20 <del>(c)</del>	--	--	N/A
Agricultural Structures	30	50	10	10	--	--	N/A
Farm Animal Structures	30	50	30	30	15	--	N/A

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

~~(a)~~ All structures shall be 100' from any stream or riparian area.

~~(a)~~ One-acre minimum lot area; larger lot sizes may be required by the Health Department.

~~Smaller lots with one dwelling per acre density allowed in Open Space subdivisions; see Subdivision Ordinance 1997-4.~~

~~(b)~~ Or height of structure, whichever is greater.

~~(c)~~ Or height of building, whichever is greater.

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Edit:

367 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth building bulk and placement standards for the Commercial General district:

COMMERCIAL GENERAL DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HEIGHT	MINIMUM % LAND-SCAPED	MAXIMUM FREE-STAND-ING SIGN HEIGHT
PERMITTED USES							
Non-residential uses as listed in CG District	10	50	Bldg. Code	Bldg. Code	--	5 %	25
Parking Lots	10	50	--	--	N/A	5 %	5
Accessory Buildings	10	50	Bldg. Code	Bldg. Code	15	--	N/A
Residential Uses (a)	25	50	20	7	--	--	N/A

~~NON RESIDENTIAL USES & CONDITIONAL USES  
TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL~~

(a) All structures shall be 100' from any stream or riparian area.

~~(a) or as determined by PLANNING AND DEVELOPMENT COUNCIL FOR  
CONDITIONAL USE PERMIT.~~

One-acre minimum lot area; larger sizes may be required by the Health Department.



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Edit:

376 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth the building bulk and placement standards for the Light Industrial Wholesale district.

LIGHT INDUSTRIAL AND WHOLESALE DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM FREE-STAND-ING SIGN HEIGHT	MINIMUM % LAND-SCAPED
PERMITTED USES						
Uses as listed in LIW District	10	50	Bldg. Code	Bldg. Code	35	5 %*
Parking Lots	10	50	--	--	5	5 %*
Accessory Buildings	10	50	Bldg. Code	Bldg. Code	N/A	--

~~CONDITIONAL USES – TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL~~

\* See 375.A

(±) All structures shall be 100' from any stream or riparian area.

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Edit:

386 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth the building bulk and placement standards for the Industrial district.

INDUSTRIAL DISTRICT

MINIMUM SETBACKS (FT)

	FROM ANY ROAD R-O-W	REAR YARD	SIDE YARD	MAXIMUM FREE-STAND-ING SIGN HEIGHT	MINIMUM % LAND-SCAPED
PERMITTED USES					
Uses as listed in Industrial District	10	Bldg. Code	Bldg. Code	35	5 %*
Parking Lots for permitted uses	10	--	--	5	5 %*
Accessory Buildings	10	Bldg. Code	Bldg. Code	N/A	N/A

~~CONDITIONAL USE~~

~~TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL~~

(±) Setback from Collector or Arterial road may be greater depending on internal traffic pattern of site. All structures shall be 100' from any stream or riparian area.

One-acre minimum lot area; larger sizes may be required by the Health Department.

\*see Section 375.A.

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Add to/Edit:

Section 395 USE REGULATIONS SUMMARY

<u>RESIDENTIAL USES:</u>	AG	RR	RS	REC	CG	LIW	I
Farm Labor Dwelling	P	C	N	C	N	N	N
Personal-use Solar Power Facilities	P	P	P	P	P	P	P
<del>Wind Turbine – Medium</del>	<del>P</del>	<del>P</del>	<del>C</del>	<del>C</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Wind Turbine – Commercial</del>	<del>C</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>C</del>	<del>C</del>

NON-RESIDENTIAL USES:

Small-scale Solar Power Facilities	N	N	N	N	N	N	N
Large-scale Solar Power Facilities	N	N	N	N	N	N	N
<del>Wind Turbine – Medium</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
<del>Wind Turbine – Commercial</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>

Add

402 AGRICULTURAL BUILDING EXEMPTIONS

Structures or buildings that meet the definition of Agricultural Building will only be required to obtain an agricultural structure permit in lieu of a building permit, as long as they meet the following criteria:

- A. The parcel or tract of land is more than five contiguous acres.
- B. The parcel or tract of land has an agricultural taxation, according to the Bannock County Assessor’s office.
- C. The applicant submits a signed and notarized Agricultural Building Certification Statement. This document will be recorded by staff with the Bannock County Recorder’s office.

A building that qualifies for an agricultural exemption must submit an application for an agricultural structure permit to assure compliance with this Section, but is exempt from a building permit, building code requirements, and associated inspections.

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Add

403 FARM LABOR DWELLINGS

- A. All bona fide farm, ranch, or dairy operations may have up to two (2) additional permitted dwelling units on one parcel, for individuals employed in various agriculture-related activities. The following provisions shall apply:
  1. The owner of the real property shall be the applicant, unless a letter of authorization to establish an authorized agent has been obtained.
  2. The parcel must be a minimum of 10 acres in size.
  3. The farm labor dwellings should be in close proximity to the operating farm, ranch, or dairy of employment.
  4. The dwelling must meet all setback requirements.
  5. The dwelling must meet all other requirements of this Ordinance, pertaining to residential uses.
  6. The applicant must obtain approval for water and sanitary facilities from the appropriate agencies.
- B. The dwelling cannot be sold as a separate parcel.
- C. The dwelling shall not be used as a rental unit for non-farm labor.

Edit

451 ~~SMALL WIND TURBINES~~

- ~~A. Applicable to all types of small wind turbines facilities in all zones:~~
  1. Wind Turbines ~~Tower facilities~~ shall not be installed in any location where its proximity would produce electromagnetic interference with signal transmission or reception of the following:
    - a. existing microwave communications link,
    - b. an existing fixed broadcast antenna used for radio, television, or wireless phone or other personal communication systems.
  2. Compliance with ~~National current adopted~~ Electric Code: Building permit applications for wind ~~energy systems turbines~~ shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a

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determination that the manner of installation conforms to the ~~National current adopted~~ Electrical Code. This information is frequently supplied by the manufacturer.

3. Utility Notification: No wind ~~energy system turbines~~ 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 turbine. Off grid systems shall be exempt from this requirement.
4. Wind Turbines ~~Tower facilities~~ shall be located with relation to property lines so that the level of noise produced ~~during any wind turbine operation~~ shall not exceed 45 dba, measured at the boundaries of all adjacent parcels that are owned by non-site owner ~~or at any point past the property line~~.
5. ~~A detailed site plan shall be submitted identifying all property lines, existing buildings, proposed buildings, parking areas, utilities, signs, neighboring properties, proposed transmission lines, any other information that may be required to determine if use is within the intent and requirements of this Ordinance.~~
6. Setbacks – Each Wind Turbine shall comply with the following requirements.
  - a. Communication and Electrical Lines: ~~One (1) times its Equal to~~ total height from the nearest above-ground public electric power line or telephone line.
  - b. Property Line: ~~One (1) times its Equal to~~ total height from the nearest property line, unless mitigation has taken place and agreed to by owner/operator and affected property owners involved and recorded in the Bannock County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property.
  - c. Public Roads: ~~One (1) times its Equal to~~ total height from the ~~nearest public road~~ right of way.
  - d. Railroads: ~~One (1) times its Equal to~~ total height from ~~all railroads~~ right of way.
7. Minimum ground Clearance: The tip of a blade shall at its lowest point, have a ground clearance of no less than fifteen (15) feet.

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- ~~8. A Building permit is required and must comply with the currently adopted building code.~~
9. The ~~system~~ wind turbine(s) shall comply with all applicable Federal Aviation Administration (FAA) standards. Towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
10. Wind Turbines shall be a non-reflective, non-obtrusive color.
11. Shall not be used for displaying any advertising ~~except for reasonable identification of the manufacturer or operator. Any such identification shall not appear on the blades or other moving parts or exceed six (6) square feet.~~
- ~~12. A timeline prior to the construction phase of the project shall be submitted to the Planning & Development Department identifying the starting and completion date of all construction.~~
- ~~13. All wiring between wind turbines and the substation shall be underground.~~
- ~~14. Wind Turbines shall not be climbable up to fifteen (15) feet above ground level.~~
- ~~15. All access doors to the wind turbine towers and electrical equipment shall be lockable and locked when unattended.~~
- ~~16. Appropriate warning signage shall be place on all wind turbine towers, electrical equipment and facility entrances.~~
- ~~17. Abandonment: If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code. See additional requirements for Commercial Wind Turbines.~~

~~B. Small Wind Turbine:~~

- ~~1. Total height less than 65 feet. Monopole tower only.~~
- ~~2. Conditional Use Permit for any non-monopole tower type.~~

18. There shall be no more than two (2) wind turbines per lot.

~~C. Medium Size Wind Turbine:~~

- ~~1. Total height is between 65 feet and 150 feet and the nameplate capacity is less than 100 kilowatts.~~
- ~~2. Limited to one wind turbine per lot.~~

~~D. Commercial Wind Turbine:~~

- ~~1. Total height exceeds 150 feet or the nameplate capacity exceeds 100 kilowatts~~
- ~~2. Setbacks—Each commercial wind turbine shall comply with the following requirements:~~
  - ~~a. Communication and Electrical Lines: One (1) times its total height from the nearest above ground public electric power line or telephone line.~~
  - ~~b. Inhabited structures: 3 times total height, line of sight from the nearest existing residence, school, hospital, church, place of employment or public library, unless mitigation has taken place and agreed by owner/operator and affected property owners involved and recorded in the Bannock County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property.~~
  - ~~c. Property Line: 1 1/2 times total height from the nearest property line, unless mitigation has taken place and agreed by owner/operator and affected property owners involved and recorded in the Bannock County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property, but not closer than 1 fall height.~~
  - ~~d. Public Roads: One (1) times its total height from the nearest public road right of way.~~
  - ~~e. Railroads: One (1) times its total height from all railroads right of way.~~

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- ~~f. Wind Turbine Spacing: Wind turbines shall have a minimum separation distance of one and two tenths (1.2) times the total height of the tallest wind turbine from other wind turbines.~~
- ~~3. Minimum ground Clearance: The tip of a blade shall at its lowest point, have a ground clearance of no less than seventy five (75) feet.~~
- ~~4. The design of the buildings and related structures shall, to the extent reasonable possible, use materials, colors, textures, screening and landscaping that will blend the facility to the natural setting and existing environment.~~
- ~~5. Routes of public travel to be used during the construction phase shall be documented by the Bannock County Public Works Department. The public travel route will be re-inspected 30 days after project completion, any and all repairs must be completed within 90 days of end of construction project and paid by the developer.~~
- ~~6. An appropriate continuous renewal bond amount will be set for each Wind Turbine for decommissioning should the Owner/Operator fail to comply with the Ordinance requirements or the Wind Turbine does not operate for a period of twelve (12) consecutive months.~~
- ~~7. A signed statement by the landowner acknowledging that the landowner is financially responsible if the owner/operator fail to reclaim the site as required and that any removal and reclamation costs incurred by the county will become a lien on the property and may be collected from the landowner in the same manner as property taxes.~~
- ~~8. Evidence of compliance with FAA, United States Fish and Wildlife services, Idaho Fish & Game, DEQ, and the appropriate Fire Department must be submitted by the applicant to the Planning & Development Department prior to the issuance of a building permit. If an area is identified by Fish and Wildlife Services to house a significant bird population, a monopole tubular type tower shall be used instead of Lattice type towers. 9. If project will be developed in phases, the phase lines must be identified on the detailed site plan. Each phase must be completed within twelve (12) consecutive months or the project will become null and void and the owner/operator must reapply and comply with current regulations.~~
- ~~9. LIABILITY INSURANCE Commercial towers only. Prior to issuance of a Building Permit for a commercial Wind Turbine Tower and continuing after construction~~



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~~until such facility is removed from the site, the applicant shall provide documentation satisfactory to the county and at such reasonable intervals as determined by the county of the existence of liability insurance coverage with minimum \$1,000,000, for property damage, injury or death resulting from the construction, placement, use, maintenance, operation of a Wind-Generation Facility, by the owner of the Site.~~

- ~~10. Commercial Generating facilities shall provide a digital elevation model based project visibility map showing the impact of topography upon visibility of the project from other locations throughout the region, to a distance of 5 miles from the center of the project. The scale used shall depict a 3-mile radius no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features and other landmarks.~~
- ~~11. Color photographs, at least 3 inches x 5 inches, taken from several locations within a three-mile radius of the boundaries of the commercial facility site, shall be provided. Said photographs shall be computer enhanced to simulate the appearance of the as-built aboveground site facilities as such would appear from said locations.~~

Add

452 PERSONAL SOLAR ENERGY POWER FACILITIES

- A. Personal Solar Energy Power Facilities will:
  1. Use materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration.
  2. Be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties and/or roadways.
- B. Height of the arrays shall adhere to the following:
  1. Roof-mounted solar: System's total height (including building and panels) shall be no greater than is allowed for the building, according to the setbacks established in the proposed zoning district.
  2. Ground-mounted solar: The maximum height of the solar array will be 20 feet, when array is at full tilt.
- C. Roof-mounted solar systems are limited in area based on what the structure will support, as determined by an Idaho Licensed Structural Engineer.

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- D. Ground-mounted solar systems will meet the setback requirements for Residential Accessory Structures in the Residential Rural zoning district, regardless of zone.

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