CHAPTER 9

PERFORMANCE STANDARDS

SECTION:

9-9-1: General
9-9-2: Supplemental General Provisions
9-9-3: Commercial And Industrial Uses
9-9-4: Unique Land Uses
9-9-5: Electrical Transmission Lines Siting and Performance Standard

9-9-1: **GENERAL**: The purpose of these performance standards is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered.

9-9-2: **SUPPLEMENTAL GENERAL PROVISIONS**: In addition to all other regulations specified in this title, the following provisions shall be adhered to:

A. Conversion Of Dwellings To More Units: A residence may not be converted to accommodate an increased number of dwelling units unless:

1. Yard Dimensions: The yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that district;
2. Lot Area: The lot area per family equals the lot area requirements for new structures in that district;
3. Floor Area: The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
4. Compliance With Other Regulations: The conversion is in compliance with all other relevant codes and ordinances.

B. Temporary Construction Buildings: Temporary construction buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted in any zone during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Such facilities shall require a permit authorized by the planning and zoning department from the inception of the project through their removal. None of such temporary facilities

shall be used as a dwelling unless a temporary dwelling permit has also been obtained from the planning and zoning department.

C. Temporary Dwellings: A permit shall be obtained from the zoning and building department prior to the use of any building, RV, trailer, modular home, or mobile home, or other type of structure as a residence, for any period of time in excess of fourteen (14) days. Such permit may be for a period of up to one year, but shall in no event exceed one year in duration. Temporary permits will only be allowed when the temporary structure is located on the same parcel as the principal dwelling, as such principal dwelling is being constructed, modified or repaired. Such permits shall not be renewed. The fee for such permits shall be determined by resolution of the board.

D. Parking And Storage:

1. Parking And Storage Of Certain Vehicles: Not more than two (2) inoperable and unregistered vehicles of any kind or type shall be parked or stored on any residential property other than in a completely enclosed building or carport, a permitted residential storage area, or a licensed junkyard[1].

2. Outdoor Storage Of Commercial And Industrial Materials:

   a. Screening: Will be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street.

   b. Location: Will not be located in any front yard setback area.

3. Residential Storage Area:

   a. Description: A residential storage area shall be an area on an individual's property not to exceed one acre in size where vehicles, equipment and materials are stored, not for sale or commercial purposes, in a neat, organized and safe manner within a designated area on the premises.

   b. Permit Requirements:

      1. The planning and zoning department shall issue permits for such residential storage areas and shall be empowered to establish

[1] See also subsection 9-15-2L of this title.

such reasonable conditions on such permits as shall tend to: a) minimize the area of storage; b) assure the neat and orderly maintenance and layout of the area; c) prevent dangerous conditions and attractive nuisances; d) prevent damage to the environment; e) minimize negative aesthetic factors for surrounding property owners and the public; and f) assure compliance with established setback requirements.

2. Residential storage area permits shall be issued without a fee to the applicant.
3. Applications shall be made available by the planning and zoning department in a form approved by the commission.
4. Applicants who are aggrieved by denial of a permit or the conditions imposed may appeal to the commission.

c. Agricultural Operations: Agricultural operations are encouraged to establish and maintain such residential storage areas.

9-9-3: **COMMERCIAL AND INDUSTRIAL USES:** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises; except, that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards are enacted to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements within this title:

A. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials, including hazardous materials, shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the uniform fire code and the national safety foundation publications.

B. Radioactivity Or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point, other than that of the creator of such disturbance.

C. Noise: No activity or use shall be permitted which creates a noise which due to volume, frequency, or beat is found to be objectionable to a reasonable person when heard from a location off the premises. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises

attendant to ordinary agricultural operations.

D. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

E. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the health authority, or the state of Idaho.

F. Glare: No direct or reflected glare shall be permitted which is visible from any property outside an industrial-commercial zone or from any street.

G. Erosion: No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Enforcement Provisions: The administrator, prior to the issuance of a building permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

I. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures by the health authority.

9-9-4: **UNIQUE LAND USES:** Certain unique land uses pose special problems that may have detrimental influences on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this title. All distance requirements hereinbelow enumerated shall be reciprocal.

A. **Accessory Building [2]:**

1. Location: Must meet minimum front yard setbacks under Title 9, Cassia County Code.

2. Proximity To Property Lines And Street: Will not be located closer than ten feet (10') from any side or rear property line. Except on a corner lot, the accessory building may not be located closer than thirty feet (30') to the center of a street.

B. **Animal Clinic, Animal Hospital, Veterinary Officer And Kennel:** Will be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner's residence. The zoning administrator may modify

[2] See also section 9-4-5 of this title.

these requirements if the animals are housed in soundproofed structures that screen them from view of the abutting residential property.

C. **Meat Packing, Processing Plant And Slaughterhouse Facilities:**

1. Proximity To Residence: Will be located not less than one thousand feet (1,000') from any residence, except for an owner's residence. (The 1,000 foot restriction may be waived if the affected property owners give written permission to the zoning administrator.)
2. Design And Location: Will be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor and vectors.
3. Maintenance And Waste: Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the health authority requirements as to the elimination of waste materials and the maintenance of water quality control.

D. **Boathouse:**

1. Location: Will be located within a shore lot.
2. Number: Will not be more than one boathouse on the premises for each shore lot.
3. Height: Will not exceed a height of thirty five feet (35').
4. Size: Will not exceed four hundred (400) square feet in area.
5. Setback: Will comply with the accessory building setback requirements contained elsewhere in this title except for the setbacks on the river side of the premises.

E. **Bulk Storage Of Flammable Liquids And Gases, Aboveground And For Resale:**

1. Location: Will be located a sufficient distance from a residence, motel or hotel, except an owner's residence to comply with the uniform fire code.
2. Fire Authority Approval: Will be erected with the written approval of the fire authority having jurisdiction.
3. Parking And Loading: Will have suitable loading and unloading spaces and off street parking facilities meeting the approval of the fire authority.

F. **Chemicals, Pesticide And Fertilizer Storage And Manufacturing:** Will have adequate fire protection, storage area, handling and disposal as approved in writing by the fire authority having jurisdiction.

G. **Contractor's Yard:**

1. Location: Will be located a minimum distance of three hundred feet (300') from any residence except for an owner's residence.
2. Fence: Will have a vision screening fence around areas utilized for storage of equipment and demolition material.

H. **Drive In Restaurant:**

1. Enclosure: Will be enclosed within the property lines with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties;
2. Fence: Will have a six foot (6') high sight obscuring fence along the property lines that adjoin a residence;
3. Trash Receptacles: Will provide for adequate trash receptacles; and
4. Lighting: Will avoid the direction of night lighting off the property lines.

I. **Filling, Grading, Lagooning, Dredging, Creating of Enlarging Irrigation or Farm Ponds, Or Other Earth Moving Activities:**

1. Exposure Of Ground: Will take place in such a manner as to result in the smallest amount of bare ground exposed for the shortest time feasible.
2. Ground Cover: Will provide temporary ground cover, such as mulch.
3. Sediment: Will use diversions, silting basins, terraces and other methods to trap sediment.
4. Fish Traps: Will provide lagooning in such a manner as to avoid creation of fish trap conditions.
5. Floodways and Drainage: Will not result in damage to a floodway, channel or natural drainage way.
6. Erosion Prevention: Will construct and stabilize sides and bottom of cuts, fills, channels and artificial watercourses to prevent erosion or soil failure.
7. Below Ground Excavation: Will not have below grade excavation except for drainage ways within fifty feet (50') of any lot line or public right of way.

8. Creating or Enlarging Irrigation of Farm Ponds: Any creation or enlargement of irrigation or farm ponds, shall provide a set back from the highwater mark on an excavated pond, or outside toe mark of berm surrounding a raised pond that is at least twenty feet (20') inside the property line of the subject property and no less than fifty feet (50') from any public right of way. Pond embankments must not exceed twelve feet (12') above the natural grade, including two foot (2') of freeboard.

9. Topsoil: Will restore topsoil or loam to a depth of not less than four inches (4").

J. **Gravel Pits, Rock Quarries, Sand And Clay Pits And Other Natural Resources Of Commercial Value:**

1. Permits: A conditional use permit from the county as well as a valid permit and license to develop shall be obtained from the Idaho department of lands, or other appropriate regulating agency, prior to developing such on either public or private lands, and a copy of an approved reclamation plan shall be filed with the zoning administrator.

2. Rehabilitation: The extent and method of rehabilitation shall be determined in advance of issuing a conditional use permit with due consideration given to what is suitable and compatible with the surrounding area.

3. Removal Of Structures: Upon depletion of the area, all temporary buildings and structures, except property line fences and structures for the loading, measuring or weighing of saleable material in storage, shall be entirely removed from the property.

4. Fencing: Safety fencing shall be erected around all pits that create a safety hazard.

K. **Home Occupations:**

1. Number of Persons: No more than one person other than members of the family residing on the premises shall be engaged in such occupation.

2. Use of Dwelling: The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than fifty percent (50%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

3. Outside Appearance: There shall be no change in the outside appearance of the building or premises, or other visible evidence of the

conduct of such home occupation, other than one sign, not exceeding twelve (12) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building.

4. Traffic And Parking: No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title, and shall not be located in a required front yard.

5. Equipment And Processes: No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

L. **Mobile Homes/Manufactured Homes:**

1. Installation Permit Required: All mobile home/manufactured home owners must obtain an installation permit before installing a home that will be used as a residence on a building site or in a trailer park.

2. Installation Regulations: Such installation shall be in accordance with the provisions of chapter 22 of title 44 of the Idaho Code. All mobile home installations shall include ventilated skirting around the entire home.

3. Construction Requirements: All mobile/manufactured homes located or installed in the county must meet the HUD/FHA construction and safety standards. The only exception to this requirement shall be for mobile/manufactured homes which can be shown to have been assessed on the property tax rolls of the county prior to July 1, 1993.

M. **Trailer Parks (Mobile Home Parks):** Trailer parks shall be allowed in zones RA, AR and MU, by conditional use permit, but only when such trailer parks are constructed and maintained in accordance with the following standards and conditions:

1. Approval: The trailer park has been approved by the planning commission prior to the issuance of a permit therefor.

2. Size; Abutment On Street: The trailer park shall contain at least two (2) acres, and at least one side of the trailer park shall abut upon public street.

3. Water And Sewer Systems: A centralized culinary water system and sewage disposal system approved by the health authority is provided for all spaces in the park.

4. Size Of Spaces: At least eighty percent (80%) of the trailer spaces in a trailer park shall be not less than five thousand (5,000) square feet in area. The remainder of the trailer spaces in the trailer park shall be not less than three thousand (3,000) square feet in area. Said minimum area shall include off street parking areas for the spaces as required by this title.

5. Frontage: Each trailer space shall have a minimum frontage width of forty feet (40') facing on a roadway.

6. Yard Areas: Yard areas shall be required in accordance with the following:

    a. Adjacent To Roadway Or Parking: A side yard of ten feet (10') shall be required on each trailer space adjacent to any roadway or off street parking area.

    b. Adjacent To Exterior Boundary: A side yard of ten feet (10') shall be required on each trailer space adjacent to any exterior boundary of the trailer park.

    c. Adjacent To Other Boundary: A side yard of five feet (5') shall be required adjacent to any other boundary of a trailer space.

7. Boundaries: The boundaries of each trailer space shall be clearly, distinctly and permanently outlined.

8. Occupied Area: In no event shall the occupied area of a trailer space exceed fifty percent (50%) of the total space. The area shall be deemed to be occupied when covered, or occupied by a trailer, cabana, ramada, awning, closet, cupboard, unoccupied trailer, or any other stored vehicle or structure, or combination thereof.

9. Fencing Or Lawn: The trailer park shall be completely surrounded by a fence, not less than six feet (6') in height, or else a twenty foot (20') landscaped strip of lawn and shrubs shall be installed with the following exceptions:

    a. Ingress And Egress: Points of ingress and egress from dedicated public streets.

    b. Buffer Yard: A fifty foot (50') yard shall be provided, landscaped and maintained between the public street and the trailer park.

10. Landscaping: Trees, shrubs, grass, or other forms of landscaping shall be
provided in sufficient quantities to ensure a residential like appearance.

11. Off Street Parking: Off street parking shall be provided in accordance with the terms of this title.

12. Recreational Area: There shall be at least one central area within each trailer park set aside for recreational use which shall contain not less than five percent (5%) of the total area of the trailer park. The recreational area shall be landscaped and maintained for common use of the trailer park occupants, and the minor axis of the recreational area shall not be less than one-third (1/3) of the length of the major axis.

13. Vehicle Storage Area: There shall be a vehicle storage area provided in the amount of not less than five percent (5%) nor more than ten percent (10%) of the total trailer park area, which is to be fenced or walled in a manner that will prevent small children from entering the storage area unless accompanied by adults.

14. Street Layout: The layout of the trailer park shall be so designed that it can be coordinated with a residential neighborhood street system in the event such trailer park is discontinued.

15. Streets To Perimeter; Entrance And Exit: Roads that are three hundred feet (300') or longer are to be stubbed to the perimeter of all sides of the park. The maximum distance between streets to the perimeter is not to exceed one thousand feet (1,000'). There must be two (2) roads of entrance or exit from each trailer park.

16. Rights Of Way And Walkways: Road rights of way shall be a minimum of fifty feet (50') wide, to allow forty feet (40') to be street and five feet (5') on each side to be a walkway. All driveways and walkways shall be hard surfaced and driveways shall be lighted at night with electric lamps of not less than twenty five (25) lumen, or some equal light, spaced at intervals of not more than one hundred feet (100') on the roadway. Main arterial routes within the park may be required to be larger.

17. Electrical Outlets: An electrical outlet supply of at least one hundred ten (110) volts shall be provided for each trailer space.

18. Maintenance: The owner or operator of a trailer park shall maintain the entire park in a neat and orderly manner. All installations and common areas required by this title shall be maintained in a good state of repair.

19. Ingress And Egress: Points of ingress and egress shall be located and designed so as to provide safe and convenient access to and from the trailer park and to eliminate congestion in the streets.

20. Swimming Pools: A swimming pool is optional, but when constructed, such pools must comply with the requirements of the health department and shall be surrounded by a fence or wall six feet (6') high with self-latching gates that will prevent small children from entering the pool area when unattended by adults.

21. Construction And Operation: The construction, layout, and operation of the trailer park must be such that in the opinion of the planning and zoning commission, property values in the surrounding area and the objectives and
characteristics of the zone in which the trailer park is located will be fully maintained.

22. Fire Hydrants: Fire hydrants shall be installed in the park meeting uniform fire code standards and approved by the fire authority having jurisdiction over the site of the park.

23. Certificates Of Occupancy: Certificates of occupancy from the planning and zoning department shall be required on all homes located in the park.

24. HUD/FHA Standards: All homes permitted in the park must meet HUD/FHA mobile home construction and safety standards.

25. Skirting and Tie Downs: All homes in the park must be fully skirted with ventilated skirting and have adequate tie downs documented by an approved tie down inspection permit.

26. Sewage Disposal System: All homes in the park must be connected to an approved sewage disposal system.

27. Review of Trailer Parks and Mobile Home Parks:

    a. Conditions And Covenants: The planning and zoning commission shall have the authority to require the attachment of conditions and covenants to the grant of a permit for a trailer park, or mobile home park, and may require changes to be made in the plans. All such conditions and covenants shall be binding upon the applicants, their successors and assigns, shall run with the land, shall limit and control the issuance and validity of certificates of occupancy, and said conditions and covenants shall be recorded with the county recorder of Cassia County. Said conditions and

covenants shall also limit and control the maintenance of all land and structure within the development. Approval of the permit and the conditions and covenants imposed in the granting of said permit are declared to be inseparable, and the failure or neglect to do or carry out the conditions and covenants shall constitute a violation of this zoning ordinance.

b. Failure To Comply With Conditions A Violation: Failure to comply with the conditions under which approval was given shall be cause for termination of the approval thereof, and shall be deemed to be a violation of this title.

c. Failure To Maintain Landscaping; Continuing Obligation: Maintenance of required landscaping is a continuing obligation. In case of failure to maintain landscaping as required by the provisions of this title or as specifically made applicable thereto by action of the planning and zoning commission, such failure or neglect shall be deemed to be a violation of this title and shall be subject to the penalties prescribed for violations.

d. Application: Application for a conditional use permit for a trailer park, or mobile home park, shall be made to the zoning administrator.

The application shall be accompanied by maps, plans and explanatory material as may be required by the zoning administrator to adequately present the matter to the planning and zoning commission.

N. **Outdoor Storage Of Commercial And Industrial Materials:**

1. Screening: Will be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street.

2. Location: Will not be located in any front yard setback area.

O. **Riding Stables And Schools:**

1. Location And Setback: Will locate all stables or loafing sheds not nearer than three hundred feet (300') from any residence, except for owner's residence. All facilities shall be set back a distance of thirty feet (30') from any property line.

2. Proximity To Adjacent Uses And Properties: Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding

properties as to the storage of horse trailers and the factors of noise and odor.

3. Housekeeping: Will require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.

4. Animal Density Regulations: Will conform to CAFO animal density restrictions contained herein.

P. **Rifle And Pistol Range:**

1. Backstop: Will be designed with a backstop.

2. Line Of Fire: Will be designed to avoid a line of fire that is directed towards any residence or business within one mile.

3. Landscaping: Will incorporate landscaping that is compatible with the surrounding landscaping.

4. Supervision And Security: Will provide supervision and security measures during all periods of use.

Q. **Wrecking Yard Or Junkyard:**

1. Fence: A sight obscuring fence approved by the planning department meeting the terms of this title shall be constructed parallel to and ten feet (10') back of the right of way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed along the entire premises devoted to such auto wrecking or salvage yard, and shall be constructed within one year from the effective date hereof.

2. Materials And Construction: Materials used and details of construction must be approved by the planning and zoning commission. The decision of the planning and zoning commission shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property values.

3. Out Of Sight: Will not store automobile, junk or salvage material that is visible from any other property.

4. Storage Above Fence Height: Will not store automobiles or junk in a manner that exceeds the height of fence.

5. Landscaping: Will have such landscaping that is appropriate with the surrounding area.

6. License: Will have a current, valid license from the county to operate a junkyard.

R. **Building Adjacent To Snake River:** All buildings, except boathouses, built on a premises adjacent to the Snake River shall:

1. Floodplain Ordinance: Comply with the terms of the county floodplain ordinance[3].

2. Conditional Use Permit: Obtain a conditional use permit prior to the commencement of construction if they are to be located closer than one hundred feet (100') from a line five feet (5') vertically above the high water mark of the flow created by the impounded waters of the Snake River. The high water mark shall mean the normal high water mark evidenced by physical indications along the course of the river.

S. **Landfills, Recycling Operations, Incinerators, Transfer Stations, And Other Solid/ Waste Disposal Facilities:** Any landfill, recycling operation, incinerator, transfer station or other solid waste disposal subject to the approval of a permit under Title 4, Chapter 1 of this Code, including Composting as part of such facilities, shall obtain a conditional use permit subject to the following conditions:

1. Prohibited Zones: No such permit shall be granted in the RA, AR, IC, HP, B or OR zones.

2. Permit: Any facility or operation that is subject to Title 4, Chapter 1 of this Code, shall also obtain a permit from the board of county commissioners pursuant to the provisions thereof.

3. Demonstration of Compliance: Such operations shall be required to establish to the commission's satisfaction that they intend to and are financially capable of complying with all state, federal, and local laws, ordinances, and regulations governing the conduct of such operations.

4. Environmental Safeguards: Such operations shall be required to plan for, install and maintain such safeguards and measures as the commission shall require to ensure that ground water quality and air quality are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.

5. Landfills: Such operations that involve the landfilling of solid waste shall be required to install a composite liner system and a leachate collection system.

[3] Title 12 of this Code.

T. **Firearms Usage:** Use of firearms within the OR and HP zones of the county shall be restricted as follows:

1. Hours: No shooting of any firearm shall be allowed during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise.

2. Picnic and Scenic Areas: No shooting of any firearm shall be allowed within one hundred (100) yards of any picnic area, camping area, scenic view area, or other site designated for the gathering of people.

3. Shotguns: Shotgun usage only will be allowed within other parts of OR zones during appropriate hours. Shooting of all firearms other than shotguns shall be prohibited completely in OR zones.

4. HP Zones: Firearm usage in other parts of HP zones will be permitted only during regularly established game hunting seasons, and with firearms appropriate to the season. Target shooting, recreational shooting or shooting of nongame animals is prohibited in the HP zones.

5. This Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of the officer's duty, or a person from discharging a firearm in the lawful defense of a person or persons or property, or a person from discharging a firearm on an approved sport shooting range as defined in Section 55-2604, Idaho Code.

U. **Wind farms:** Construction, development and operation of a wind turbine or wind farm within the Prime Agricultural (AP) and/or Multiple Use (MU) zones will be permitted upon demonstration to the Cassia County Building Department of compliance with all of the following performance standards:

1. The owner or operator of the wind farm must obtain a feasibility study for the proposed operation from the appropriate utility company and demonstrate compliance with that study in construction and development of the proposed operation before commencing operation.

2. Towers or other structures associated with the wind farm project shall be setback from the external boundaries of the project property a distance not less than one and one-half times the total overall height of the tallest structure. For purposes of this calculation, overall height shall include total tower height plus total blade length. Alternatively, if the external boundary in question is not along a public road right-of-way, then the Permittee may obtain an easement from the adjoining landowner, which shall, at minimum, be calculated and designated on

an arc with the center point being the tower site and the distance being one and one-half (1½) times the total height of the tower plus the blade length and with arc end points being located on the boundary line between Permittee and the adjoining landowner, such as to allow for a distance of one one-half (1½) times the total height of tower plus blade length to the distant boundary of the easement. A siting permit shall be obtained from the County Building Department ensuring compliance with this setback requirement.

3. The owner / operator of the wind farm project shall provide the County Building Department with the manufacturers and/or engineered specifications and drawings of the foundation, tower, turbine, installation specifications, and wiring specifications. At the conclusion of development and construction, owner or operator shall provide to the County documentation of compliance with such installation specifications before the County shall authorize commencement of operations.

4. That the owner / operator shall install signage on the towers and related structures warning of high voltage and cautionary instructions to unauthorized persons to stay away from such structures.

5. That any and all transmission lines interconnecting the towers to each other (collector lines) shall be buried underground.

6. That the owner / operator shall install only minimal external lighting at, and on the wind farm structures, and only to the extent necessary to meet governmental safety and security requirements.

7. That prior to commencing operations, the owner / operator shall have in its possession all appropriate approvals, licenses, and certifications required by federal and state oversight agencies, and that copies said approvals, licenses and certifications shall be filed with the County Planning and Zoning Department.

8. No equipment or processes shall be used in such wind farm project which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot upon which the proposed use is to be sited. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the voltage off the premises.

9. Upon proposal, and during development, construction and operation of the wind farm project, owner or operator shall have a continuing responsibility to obtain copies of all relevant and appropriate federal, state and local permits, and shall provide copies of such permits to the County Building Department within thirty (30) days of receiving the

same, and in no event shall owner or operator be authorized to commence generation of power until all such permits are filed with the County.

10. Owner or operator of the wind farm project shall provide sufficient off street parking for site workers and visitors.

11. Owner or operator of the wind farm project shall maintain the entire site in a neat and orderly manner, and shall document compliance with manufacturer's warranty and maintenance standards. All installations and common areas required by this title shall be maintained in a good state of repair.

12. That the installed turbine is rated at 20 revolutions per minute (rpms) or less. For all turbines rated greater than 20 rpms, and proposed for location in the Prime Agricultural (AP) or Multiple Use (MU) zones, a conditional use permit from Cassia County, as provided for under this title, shall be required for such use.

13. All wind turbines or wind farms proposed for location in Industrial Commercial (IC), Agricultural Residential (AR), or Residential Agricultural (RA) Zone of Cassia County, in addition to meeting these performance standards, shall also obtain a conditional use permit from Cassia County, pursuant to provisions of Chapter 13 of this title.

14. Wind farms will not be sited in the Historical Preservation (HP) or Outdoor Recreation (OR) zones; and will only be allowed in City Buffer or Impact zones if expressly provided for in ordinances adopted by both Cassia County and the affected city.

V. **Employee Housing.** Construction and development of labor housing within the Prime Agricultural (AP) and/or Multiple Use (MU) zones will be permitted upon demonstration to the Cassia County Building Department of compliance with all of the following performance standards, without having to comply with Cassia County Regulations pertaining to trailer parks, mobile home parks or subdivisions:

1. All dwellings and the real property upon which they are situated shall be under the common ownership of the employer of at least one inhabitant of said dwelling unit.

2. No dwelling and the real property upon which it is situated may be split off as a separate parcel and transferred to another as a separate residential development without first being in full compliance with applicable single family residential dwelling, trailer park or subdivision regulations.

3. Setback requirements: Setbacks shall be required in accordance with the following:

   a. Maximum Height Setback: The maximum height of any such dwelling shall not exceed thirty-five (35) feet.

   b. Minimum Front Yard Setback: The minimum front yard setback of any such dwelling shall be no less than fifty-four (54) feet from the center of any public roadway.

   c. Minimum Rear Yard Setback: The minimum rear yard setback of any such dwelling shall be no less than fifty-four (54) feet from any other dwelling.

   d. Minimum Interior Side Yard Setback: The minimum interior side yard setback of any such dwelling shall be no less than thirty (30) feet from any other dwelling.

   e. Minimum Exterior Side Yard Setback: The minimum exterior side yard setback of any such dwelling shall be no less than fifty-four (54) feet from any exterior boundary of owner's property or from the center of any public roadway.

4. Ingress and Egress. Points of ingress and egress that intersect with dedicated public roadways, shall first be proposed to the applicable highway district for their approval. A written letter of approval shall be filed with the Cassia County Building Department prior to issuance of any occupancy permit.

5. Off Street Parking: Off street parking shall be provided in accordance with the terms of this title.

6. Sewage Disposal System: All dwellings must be connected to an approved sewage disposal system, which in the case of septic systems shall not exceed more than two (2) dwellings on one septic system. Approval for the sewage disposal system shall be obtained from the South Central District Health Department, and be provided to the Cassia County Building Department, prior to a building permit being issued.

7. Maintenance: The owner of employee housing shall maintain such housing in a neat and orderly manner. All installations, common areas and parking areas required by this title shall be maintained in a good state of repair.

8. Certificates of Occupancy. Certificates of occupancy from the Cassia County Building Department shall be required on all dwellings located in the employee housing development.

W. **Accessory Dwelling Units (ADU):**

1. Purpose and Intent: It is the policy of Cassia County, Idaho to promote and encourage the creation and use of legal ADUs in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs.

2. Definitions:

   a. ACCESSORY DWELLING UNIT: An Accessory Dwelling Unit (hereinafter ADU) is defined as a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. ADUs must be placed on permanent foundations, and must meet required standards for a declaration of real property, and then be declared real property pursuant to all requirements of Cassia County Code.

   b. PRINCIPAL DWELLING UNIT: A Principal Dwelling Unit (hereinafter PDU) is defined as a single-family dwelling.

3. Application:

   a. The installation of an ADU in new and existing PDUs shall be allowed in zoning districts where single-family dwelling units are permitted on individual lots, subject to specific development, design, and performance standards set out elsewhere in County code.

   b. Before any construction occurs to create an ADU, the property owner shall obtain a building permit from the Cassia County Building Department.

   c. Any accessory unit built after June 28, 1993, but before adoption of these ADU regulations, which lacks specific zoning authorization hereunder shall not be considered a lawful non-conforming use, unless the property owner applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards.

      Any unit that would qualify as an ADU hereunder, but that was built before June 28, 1993, shall be considered a lawful non-conforming use.

      On January 1, 2014, all owners of unlawful non-conforming units who have not brought them up to the health and safety standards of

minimum housing code standards will be in violation of this section and subject to fines as regulated under applicable Cassia County Code related to building permit violations.

d. An occupancy permit must be issued by the Cassia County Building Department prior to occupancy of an accessory dwelling unit created or modified pursuant to this Section.

4. Size and Design Regulations: The following size and design criteria shall be the prevailing regulations for developing and creating ADUs, when in conflict with existing County Code:

   a. The ADU shall contain not less than 300 square feet and not more than 1000 square feet, excluding any related garage area and other non-living areas such as workshops or greenhouses.

   b. The ADU shall comply with all applicable height, setback, building code, and health code requirements for the zoning district in which it is located.

   c. ADUs shall be developed only on lots meeting the minimum lot size of one (1) acre.

   d. The ADU may be attached to, or detached from, the PDU.

   e. Developers are encouraged to design the ADU to comply with the standards of the "Cassia County Design Guidelines for the City Of Rocks and related areas" in alteration of an existing building or construction of a new building along the City of Rocks Scenic Byway.

5. Maximum Number of ADUs per Lot: Only one (1) ADU is permitted per residentially zoned lot. If there is no PDU on the lot, there can be no ADU on the lot, by definition.

6. Utility Service, Water and Waste Handling Requirements: Each ADU must be connected to the utilities of the PDU for that lot and may not have separate utility services, or a separate well. Septic system or other waste handling system for the ADU must be approved in advance by the South Central Public Health District.

7. Home Occupations: Home occupations may be allowed, subject to existing regulations, in either the ADU or the PDU, but not both.

8. Recording Requirements: Before obtaining a building permit for an ADU, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

a. The accessory dwelling unit will not be sold separately from the principal dwelling unit and shall thus remain under common ownership.

b. The ADU is restricted to the size of no greater than 1000 square feet.

c. The owner of the property shall notify a prospective buyer of the limitations of this Subsection and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval or siting is violated.

X. Composting Operations: The planning and zoning commission may grant a conditional use permit for the construction of a Composting Operation that is not otherwise a part of a CAFO, subject to the following conditions:

1. Prohibited Zones: No such permit for a Composting Operation shall be granted in the RA, AR, HP, OR or IC zones and shall be issued only after approval of a conditional use permit for a Composting Operation in all other zones.

2. Permit: All Composting Operations shall obtain a conditional use permit for the operation of such. All Composting Operations shall also comply with the regulations and setbacks set forth in Section 9-11-2 for CAFOs regardless of whether or not the Composing Operations are attached to or a part of a CAFO.

3. Demonstration of Compliance: A Composting Operation shall be required to establish to the commission's satisfaction that they intend to and are financially capable of complying with all state, federal, and local laws, ordinances, and regulations governing the conduct of such operations. A Composting Operation shall provide an annual report on the ongoing operations. Such reporting shall address the following, without limitation: status of waste management, status of composting plans, and the performance of the Composting Operation. Such report shall be certified and sworn by the owner or operator of the Composting Operation. This report shall be filed by June 1st of each year. Additionally, the Owner or Operator shall allow any authorized County officer or employee to enter on to its Compositing Operation for purposes of ensuring compliance with county regulations which are applicable to the operation and for purposes of ensuring the Composting Operation is in compliance with its approved plan and permit. A Composting Operation found to be operating in a manner inconsistent with the approved conditional use permit or the annual report shall be subject to enforcement actions.

4. Environmental Safeguards: All Composting Operations shall be required to plan for, install and maintain such safeguards and measures as the commission shall require to ensure that ground water quality and air quality are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.

Y. **Solar Energy Systems (SES):**

1. Purpose and Applicability

a. Purpose: The purpose of this Section is to promote safe, effective and efficient installation of solar energy systems within Cassia County for the production and consumption of electricity.

b. Solar Energy System Defined. An energy system of which the primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means and providing a single electrical output. The area of the system includes all land inside the perimeter of the system, which extends to any footing, foundation and fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

c. Applicability: These regulations apply to solar energy systems that are permitted, installed or constructed after the effective date of this ordinance. Solar energy systems permitted and/or constructed prior to the effective date of these regulations will not be required to meet these requirements. Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system, after the effective date of these regulations, must comply with the provisions of this Subsection.

d. Building Permits are required for all solar energy systems.

2. Uses: There are three (3) main categories of solar energy systems recognized by Cassia County, which are as follows:

a. Accessory Uses. Accessory uses include roof-mounted and ground-mounted panels or collectors, meeting the following criteria:

i. Roof-mounted on residential or commercial structures in a zone in which residential or commercial structures are an allowed use, and must meet the following provisions:

a) Roof-mounted solar energy panels or collectors shall not exceed the maximum building height limitation for the applicable zone;

b) Roof-mounted solar energy panels or collectors shall only be of such weight as can be safely supported by the roof. Proof thereof, in the form of certification by an Idaho Licensed Professional Engineer shall be submitted to the County prior to installation, and shall be subject to the Building Official's approval;

c) Roof-mounted panels or collectors shall be permanently and safely attached to the building or structure of a code-compliant building or structure, and the solar energy system will be mounted so that the plane of the system is parallel to the slope of the roof;

d) Accessory uses will also include building integrated solar energy systems (i.e., shingles, canopies, etc.);

e) Such system is only used for the purpose of supplying power to facilities on the same site and for the same owner, and not to be distributed or transferred for commercial purposes off-site.

ii. Ground-mounted solar energy systems on residential sites are an allowed use as an accessory to and providing power to a primary use on the property within the same ownership, in all zones except HP Zone, and must meet the following provisions:

a) Foundations: The Idaho Licensed Professional Engineer will certify that the foundation and design of the solar panels is within accepted professional standards, given local soil, climate and weather conditions;

b) Such system is only used for the purpose of supplying power to facilities on the same site and for the same owner, and not to be distributed or transferred for commercial purposes off-site;

c) Such system shall consist of a single photovoltaic panel per site, such panel not to exceed twenty-four (24 ft^2) square feet in overall size;

d) Setbacks: The ground-mounted installation will be set back a minimum of ten (10') feet inside the owner's property line unless located along a public or private right-of-way wherein such setback shall be a minimum of ten (10') feet from the edge of the right-of-way. The height of the panel, at full extension shall not exceed twelve (12') feet in overall height.

b. Commercial Use. Commercial solar energy systems are those systems which produce power to be used to power commercial developments, uses, structures or businesses located on the same parcel or tract of land as the solar energy system, and constitutes any solar energy system that does not satisfy Accessory or Utility Solar Energy Systems. Commercial Solar Energy Systems must comply with the following provisions:

i. Constitutes a permitted use in AP and IC zones, as long as it meets all requirements of all applicable building codes adopted by the County;

ii. May be allowed upon application and approval of a conditional use permit in the MU zone, and must also meet all requirements of all applicable building codes adopted by the County;

iii. Setbacks required: Commercial use solar energy systems shall meet the following setbacks:

(1) Will not exceed thirty-five (35') feet in maximum operational height;

(2) Must be a minimum of ten (10)' feet inside of any property line unless located along a public or private right-of-way wherein such setback shall be a minimum of ten (10') feet from the edge of the right-of-way;

(3) Will not exceed 150% of the average estimated annual energy production, as established by an Idaho Licensed Professional Engineer or other qualified person as deemed acceptable by the P&Z Commission; and

(4) Shall only produce power to be used to power commercial developments, uses, structures or businesses located on the same parcel or tract of land as the solar energy system is located upon, and for the same owner.

c. Utility-Scale Solar Energy System. A utility-scale solar energy system is that system which uses solar energy to produce power to be sold and used for public consumption, and which does not satisfy the parameters for Accessory or Commercial Uses as set forth hereinabove. Utility-Scale Solar Energy Systems are not permitted within the County.

Z. **Special Events Center or Facility:**

1. PURPOSE AND APPLICABILITY:

   a. Purpose: The purpose of this Section is to provide for the general public health, welfare and safety for larger gatherings of people and to protect the interests of property owners and residents in the vicinity of such gatherings.

   b. Definition of Special Events Center or Facility: a place, whether indoor or outdoor for holding events related to entertainment, cultural, recreational, educational, political, religious, business, or sporting activities involving the gathering of individuals assembled for the common purpose of attending an event.

      i. This definition includes situations where a facility owner may or may not charge a fee or use the facility for purposes such as fundraisers.

      ii. This definition does not include religious facilities and other similar uses where a wedding or funeral is an ancillary use.

      iii. This definition does not include outdoor concerts and outdoor concert venues.

   c. Building permits are required for all structures associated with a special events center or facility, and must be inspected and approved by the County building inspector. Further, such use must, at all times, comply with all applicable health, fire, building and life safety requirements.

   d. Any event for which the anticipated attendance may be 500 or more people must also procure a public assembly license as set forth in Cassia County Code, Title 3, Chapter 5.

   e. These regulations shall not apply to activities associated with a single-family residential use. These include, but are not limited to, private parties, gatherings, and similar activities.

2. REGULATIONS:

   a. Owner or site manager must be present on site at all times when guests are present. Any temporary lodging on property is only for guests of the special event center during the time of the scheduled event.

b. Location of the event center may be permitted on multiple lots, provided that the lots are contiguous and under common ownership.

c. The entire perimeter of the facility and area of associated use will have barriers installed and will be screened from adjoining properties in a way and manner deemed appropriate by the Commission.

d. No structure, including a building, utilized by the Event Center will be built within 100 feet of any property line. The Commission may authorize the use of pre-existing structures that do not meet this requirement provided that there will be no unreasonable adverse impact upon neighboring properties or affected parties, and provided that an Idaho licensed professional engineer has certified that the structure is structurally sound for its proposed purpose.

e. Event Center developer will coordinate with the applicable local fire district and the county building official to determine the appropriate occupancy limit for the facility and event capacity will not exceed such limit.

f. Parking associated with the use must be located at least 20 feet from the property line of any public roadway.

   i. No parking shall be permitted on access ways, driveways, or public road rights-of-way.

   ii. Driveways or access ways will be located at least 180 feet from any neighboring property approach, or such lesser distance as may be provided for by the applicable highway district's standards.

   iii. Accessibility parking must be provided as required by the International Building Code, to include solid surface for such parking.

g. An Event Center developer will coordinate with the applicable local fire district and the county building official to determine the appropriate parking area required to serve the facility.

   i. Applicant must submit a parking plan for the Use that is designed to minimize fire and dust issues and that will minimize traffic impact upon the public road system within one (1) mile. This plan must be reviewed by the appropriate local highway district and fire district. Local highway district and fire district comments on such parking plan will be strongly considered in setting conditions on any approved conditional use permit.

   ii. The number of parking spaces required will be based upon a minimum of one parking space for every two (2) attendees as

calculated based upon the largest anticipated number of attendees to the site.

iii. Parking barriers must be provided for each parking space.

iv. Parking areas must be maintained so as to reduce fire hazard and excessive dust issues. If graveled, then dust control must be reasonably applied.

h. Exterior lights and sounds associated with the use will not exceed hours of operation, which are set from 8:00 o'clock a.m. to 10:00 o'clock p.m., prevailing local time.

i. Applicant must submit an exterior lighting plan for the Use that is designed to minimize any infiltration or impact of light on the neighborhood.

ii. Yard lighting, as approved by the Commission, may be allowed for security and for site clean-up purposes. Allowed lighting for clean- up and closing up of operations will be of the minimal amount necessary for such functions.

iii. Exterior lighting will be directed and shielded in a manner that minimizes its visibility at the site's boundaries.

iv. Exterior lighting will not be used in such a manner that it produces glare on public roadways and neighboring residential properties.

v. Any temporary lighting associated with a specific event will comply with these standards and must be removed within 24 hours of the end of the event.

vi. Applicant will submit an exterior lighting plan for the Use that is designed to minimize any infiltration or impact of light on the neighborhood.

i. Outdoor events.

i. In the RA and AR zones of the County, there will be no amplified sound, other than a wedding march performed immediately before performance of a wedding, which must occur between the hours of 10:00 am and 9:00 pm, prevailing local time. No outdoor concerts or dances will be allowed in the RA and AR zones.

1. All other sources of amplified sound, including but not limited to music, performances, and spoken words, shall be contained within an enclosed structure.

2. Structures with open doors or windows and any other open or non-enclosed structure, including tents or pavilions, will not be acceptable locations for the source of amplified sound.

3. The Commission may specify any further restrictions or conditions it deems appropriate relating to the use of amplified sound in order to reduce noise.

ii. In the AP and MU zones of the County, amplified sound may be allowed for outdoor events.

1. Amplified sound in the AP and MU zones will only be allowed between the hours of 10:00 am and 9:00 pm, prevailing local time.

2. The Commission may specify in the conditional use permit any further restrictions or conditions that it deems appropriate, including those related to amplified sound, in order to reduce noise and any other impact on property owners in the general vicinity.

j. Food service, recreational and other facilities shall be solely for the use by the event attendees and staff, and shall not be open to the general public.

i. Food service and beverage providers must have, prior to commencement of the event, all required permits, certificates and licenses are required by federal, state and local law, rule or regulation.

k. Adequate garbage service must be provided by the special event center for the event usage. Garbage containers must be screened from public view and must be serviced on a regular basis. Developer/operator of facility must provide a sanitation plan to the Commission, which must be approved by the Commission, for the operation of the use.

l. Restroom facilities, of appropriate size and quantity to handle the maximum occupancy of the event center, must be provided. Indoor special event facilities will have permanent restroom facilities as is required by the building code. The building official will determine minimum restroom facilities for the use.

m. Signage for the use, if desired by owner, must be located on the subject property of the use.

i. Signage cannot be larger than 32 square feet in overall size.

ii. Maximum height of any signage will not exceed ten feet (10').

iii. Signage must be setback at least ten feet (10') from any property line, rights-of-way and structures of the subject property.

iv. No obstruction to view will be placed on any corner within a triangular area formed by the special event center access road approach on to any public roadway and the line connecting them at points forty-five feet (45') from the intersection of the access road and the public roadway.

1. Failure to comply or to maintain compliance with all requirements herein or as may be imposed by a conditional use permit, will automatically operate to suspend the conditional use permit until adequate evidence is supplied to the Zoning Administrator that compliance is fully re-established.
2. Operation of the Use on a suspended conditional use permit is deemed to be a public nuisance under Cassia County Code, Title 1, Chapter 4.

3. If any provision of this ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court of competent jurisdiction, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions or applications of the ordinance which can be given effect without the invalid provision or application thereof.

AA. **Tiny Houses:**

1. No tiny house or park model will be placed on any property, except as permitted by Cassia County regulation. In addition to such other applicable terms as set forth in County Code, the following regulations will also apply to tiny houses:

a. Tiny houses shall be allowed in zoning districts where single family dwellings are permitted.

b. Each tiny house must be sited on its own individual lot, and is subject to specific development, design, and performance standards set out in County Code.

c. Each tiny house will require building permits and must meet residential building code standards.

d. All tiny houses must be installed on a permanent foundation, and will be permanently connected to water system or well, sewer system/septic system and electrical utilities.

e. Tiny houses must comply with setbacks and other requirements of the zone in which they are sited.

f. Each tiny house must contain sufficient parking spaces that are off from the public roadway.

g. Each tiny house must comply with all adopted standards of the International Fire Code, and must provide fire access required to protect each residence.

h. Each tiny house will comply with all adopted County standards for location and width of utility easements.

i. Recreational vehicles, park models or tiny houses on wheels, that are used for any residential purpose, must be located in an approved recreational vehicle park.

9-9-5: ELECTRICAL TRANSMISSION LINES SITING AND PERFORMANCE STANDARDS:

A. Corridor: Cassia County has established an Electrical Transmission Corridor Overlay Zone (EO) (See Cassia County Code Section 9-7-9). This EO is to allow for the siting of electrical transmission lines which exceed one hundred thirty eight thousand volts (138,000 volts) within Cassia County's jurisdictional boundaries. This designated EO corridor is the County's preferred route for transmission lines that are located within Cassia County to protect the public health and welfare of the County's interests and the County's citizenry. Any transmission line that proposes to site in the EO zone must meet the all of the general standards and provisions of Cassia County regulations set forth in this Title 9, except such siting in the EO zone are exempt from the standard set forth in subsection B, hereafter set out.

B. The following performance standards apply to all overhead electrical transmission lines (hereinafter designated as "OHL"), which exceed one hundred thirty eight thousand volts (138,000 volts), and which any part thereof is sited outside the EO zone. These performance standards shall be in addition to any others set out in this title, and also in addition to any others set out by the Commission as part of a conditional use permit. Each of the

following must be proven and must be met before permission to construct and develop can be authorized:

1. No OHL shall be constructed or developed over irrigated cropland, or within 150 feet of the outside wire of the proposed transmission line.
2. No OHL structures shall be constructed or developed within 50 feet of existing barbed wire, woven wire or fences containing metallic and/or conductive materials.
3. No OHL right-of-way shall be constructed or developed where there is an existing building.
4. Any outside wire on an OHL must be setback at least 150 feet from nearest building; and must also be setback 250 feet if the subject building is used to store flammable materials.
5. No OHL shall be constructed or developed over or through existing tree farms or orchards; additionally, there must be at least a 25 foot setback from the edge of the right-of-way to the property line of any actual plantings associated with and part of any tree farm or orchard.
6. No OHL, including tower structures, conductors, grounding system and associated guywires, shall be installed closer than 50 feet to an existing pipe, pipeline or cable.
7. No OHL right-of-way shall be developed or constructed within 100 feet of an existing fueling location, including fuel storage tanks.
8. No OHL right-of-way shall be developed or constructed within 250 feet of an existing swimming pool, or dwelling.
9. Any OHL right-of-way must be kept clear of tall trees and other objects that would disrupt transmission of electricity and present public safety issues and concerns. A minimal safety zone shall consist of a 25 foot vertical setback between the high voltage transmission line and the trees and brush beneath and around them.
10. No OHL right-of-way shall be developed or constructed within 150 feet of an existing water storage pond or waste water lagoon.
11. No OHL shall be developed or constructed over, or within 1000 feet of existing corrals, barns or other structures containing CAFO animals, or that are part of an existing CAFO.