9-9-4. Unique Land Uses

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 a 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 or commercial 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 manufacturer's engineer or another qualified 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 licensed Idaho 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.