

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE ORDINANCE 2021-03 SOLAR ENERGY, (B) DEFINITIONS (2) LEVEL 2 SOLAR ENERGY SYSTEMS FOR CARIBOU COUNTY, IDAHO; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; REPEALING CERTAIN ORDINANCES NOT INCLUDED HEREIN OR IN CONFLICT HEREWITH; WAIVING THE THREE READING RULE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, AS FOLLOWS:

SECTION 1. CHAPTER 13.48.365 (b) Definitions (4) Energy Storage: Solar energy storage refers to the process of capturing and storing the energy generated by solar systems for later use. Personal energy storage is allowed, but any storage systems beyond personal use are not permitted within the county.

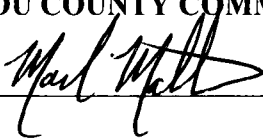
SECTION 2. If any provision of this Ordinance shall be declared by a court of appropriate jurisdiction to be invalid, such decision shall not affect the validity of remaining portions of this Ordinance. Any remaining portions shall be interpreted to give effect to the spirit of this Ordinance prior to removal of the provisions declared invalid.

SECTION 3. The rule requiring that this ordinance be read on three (3) separate occasions is hereby waived.

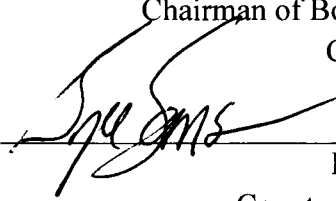
SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND DATED this 8th day of January, 2024.

CARIBOU COUNTY COMMISSIONERS



Mark Mathews,
Chairman of Board of County
Commissioners




Bryce Somsen,
County Commissioner



Marty McCullough,
County Commissioner

ATTEST:



Jill Stoor,
Clerk of Caribou County

13.48.365 Solar Energy

1. *Purpose.* The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SESs) in Caribou County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
2. *Definitions.*
 1. Solar Energy System (SES) - means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of two system types: Level 1 SES and Level 2 SES.
 2. Level 1 Solar Energy System Level 1 SESs include the following:
 1. Roof-mounted on any code-compliant structure.
 2. Ground-mounted on an area of up to 50% of the footprint of the primary structure on the parcel but no more than 1 acre.
 3. Covering permanent parking lot and other hardscape areas.
 4. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
 5. Single panel use is not required to obtain a permit; such as used for livestock wells, illumination of signs, or other small/similar uses.
 3. Level 2 Solar Energy System - Level 2 SESs are systems that do not satisfy the parameters for a Level 1 Solar Energy System. Level 2 Solar Energy Systems are not permitted within the County.
 4. Energy Storage: Solar energy storage refers to the process of capturing and storing the energy generated by solar systems for later use. Personal energy storage is allowed, but any storage systems beyond personal use are not permitted within the county.
3. *Applicability.*
 1. This ordinance applies to the construction of any new SES within the jurisdiction of Caribou County.
 2. An SES established prior to the effective date of this ordinance shall remain exempt:

1. Exception: Modifications to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to this ordinance.
3. Maintenance and repair are not subject to this ordinance.
4. This ordinance does not supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to:
 1. Building/Electrical Permits Required Nothing in this ordinance modifies already established building standards required to construct a SES.
4. *Permits Required.* The type of permit required for an SES are as follows:
 1. Building permits are required for all SES
5. *Parcel Line Setbacks.* All SESs shall adhere to the setback requirements for residential or commercial use for the zone they will be located. Setbacks apply to ground mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility. Front setbacks shall be from the Right-of- Way (ROW) edge of the road.
6. *Height Limitations.* The height of systems will be measured from the highest natural grade below each solar panel.
 1. Roof-mounted systems are subject to the height limits listed within the applicable zone district standards.
 2. Ground mounted systems have a height restriction of twenty-feet (20').
7. *Aviation Notification.* The requirements below apply only to systems over half ($\frac{1}{2}$) an acre in size:
 1. A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.
 2. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT)¹¹ shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days before the CUP/SUP hearing for Level 3 SESs and at least 45 days before starting construction for Level 1 SES. Proof of delivery of notification and date of delivery shall be submitted with permit application.
8. *Level 1 Solar Energy System Requirements.*
 1. Level 1 SESs are a permitted use in all zones, provided they meet the applicable height, setback, and applicable zone district standards.