

Citizen Proposal - JEROME COUNTY ENERGY ORDINANCE REFORM

UPDATED Standards Based on National Research | March 2026

WHY THIS MATTERS

Jerome County is facing proposed changes to its zoning ordinance that would govern how energy companies — including large utility-scale solar, wind, and battery storage facilities — can site and operate projects in unincorporated areas.

The proposed Chapter 11 amendments create a review structure but leave critical sections blank. This UPDATED revised ordinance adopts the strictest documented standards from comparable jurisdictions nationwide, based on a comprehensive review of county energy ordinances across 12 states.

THE CRITICAL GAPS IN THE CURRENT PROPOSAL

BLANK STANDARDS	Section 4 — 'Impact Criteria' — lists categories but contains NO actual standards. Courts cannot enforce blank sections.
NO SETBACKS	No minimum distances from homes, farms, irrigation wells, or canals are specified anywhere.
NO ENFORCEMENT	No inspection rights, no penalties, no stop-work authority, no permit revocation process.
NO PUBLIC RIGHTS	No guaranteed notice distance, no hearing timeline, no requirement that the board address public comments in writing.
NO ANTI-SPLIT RULE	A company can split a 500-acre project into multiple small applications to avoid full review.
NO DECOMMISSIONING	Bonds mentioned but no mechanism to draw them if operator abandons the site.

WHAT THE UPDATED REVISED ORDINANCE ADDS

STANDARD	CURRENT PROPOSAL	UPDATED REVISED ORDINANCE
Solar — Setback from Residence	Not specified	300 ft (T2) / 660 ft (T3)
Wind — Setback from Residence	Not specified	1,000 ft (T2) / 5,280 ft / 7×ht (T3)
BESS — Setback from Residence	Not specified	500 ft (T2) / 1,500 ft (T3)
Setback from Irrigation Well	Not specified	500 ft (T2) / 1,500 ft (T3)
Setback from School/Church	Not specified	660 ft (T2) / 2,640 ft (T3)
Noise at Property Line (day)	Not specified	45 dBA solar (T2) / 35 dBA wind (T3)
Noise at Property Line (night)	Not specified	40 dBA solar (T2) / 30 dBA wind (T3)
Low-Frequency Noise	Not specified	50 dBC at any receptor (wind)
Shadow Flicker (wind)	Not specified	≤30 hrs/yr and ≤30 min/day
Class I Soil	Not specified	PROHIBITED — No exceptions, no waivers
Class II Soil	Not specified	PROHIBITED — No exceptions, no waivers
BESS on Ag Land	Not specified	PROHIBITED
Transmission ≥115 kV	Not specified	1,000 ft from residence
Public Notice Radius	Vague	1 mi (T2) / 3 mi (T3), written, 21 days
Decommissioning Bond	Required (no %)	150% of cost (T2) / 150% trust fund (T3)
Anti-Split Rule	None	Same owner / 5 mi / 5 yrs = one project

STANDARD	CURRENT PROPOSAL	UPDATED REVISED ORDINANCE
Enforcement Penalties	None	Up to \$10,000/day + stop-work + revocation
County Inspection Rights	None	48-hr notice; biennial compliance review

NATIONAL STANDARDS ADOPTED — WHERE EACH CAME FROM

STANDARD ADOPTED	STRICTEST SOURCE JURISDICTION
Wind: 1-mile residential setback	Mason County, KY — 5,280 ft from dwellings
Wind: 7× height property-line setback	Union County, IA Ord. #73 — 7× total height
Wind: 30 dBA nighttime limit	Town of Freedom, ME — 35/30 dBA day/night
Wind: 50 dBC low-frequency limit	Town of Sumner, ME — infrasound/low-freq ordinance
Wind: Shadow flicker ≤30 hrs/yr	Standard in NY, WI, MN county ordinances
BESS: 1,500 ft residential setback	Amelia County, VA — 5,000 ft (most restrictive); Jerome Co. adopts 1,500 ft Tier 3
BESS: Prohibited on agricultural land	Cerro Gordo County, IA / Skagit County, WA
Class I & II soil prohibition	Cecil County, MD / Montgomery County, MD
Solar panel height ≤15 ft	Cecil County, MD confirmed standard
Decommissioning at 150% of cost	Boone County, IN — highest documented nationally
Transmission: 1,000 ft for ≥115 kV	Stutsman County, ND — 1,000 ft for major lines
Idaho precedent: complete ban	Bannock County, ID — ban enacted Oct. 12, 2023

KEY QUESTIONS TO ASK YOUR COMMISSIONER

- Will you require Section 4 to be completed with specific, objective standards before any vote on Chapter 11?
- Will you adopt the strictest setback distances that have been upheld in comparable jurisdictions nationwide?
- Will you ensure an absolute prohibition on energy projects on Class I or Class II agricultural soils?
- Will you guarantee that property owners within 3 miles receive written notice of any Tier 3 application?
- Will the Board adopt anti-circumvention rules to prevent a company from splitting a large project into smaller pieces?
- What happens if an operator goes bankrupt or abandons a project — who pays for cleanup, and is the bond sufficient?

Full revised ordinance text and national source citations available at the workshop sign-in table. Written comments may be submitted to the Board of County Commissioners.