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**SECTION 509 CPPO - CROPLAND PRODUCTION PROTECTION OVERLAY DISTRICT**

**509.01 INTENT:** The intent of this District is to overlay all of the land used for crop and pasture production in the GA-General Agricultural District, the RR, Rural Residential District, the ICI, Interstate Commercial / Industrial District, the RCI, Rural Commercial / Industrial District and the WDI, Water Demand Industrial District to protect the ability of agricultural producers continue to utilize or install pivot irrigation systems and to install subsurface crop irrigation systems to reduce the cost of irrigation and crop and pasture production thus enhancing the County's and State's agriculture, maintaining and enhancing the value of agricultural land, protecting the ability to maintain and maximize crop production in the County and the State and protecting the present and future tax base of the County.

It is further the intent of this District is protect the future productivity of crop land and pasture land in the County, thus protecting the agricultural economy of the County, by assuring that any underground transmission systems of any type, including but not limited to underground electrical power cables, gas lines, telephone and data cables, pipelines and any other non-irrigation underground transmission systems which are installed across crop and pasture land in the County be installed in a manner which will not prevent or interfere with repair and replacement of irrigation wells, prevent or interfere with the future installation and operation of pivot and subsurface drip irrigation systems which themselves require irrigation water supply lines and flush lines to be installed at a depth below the frost line, typically forty (40) to forty-eight (48) inches below the surface of the land and by assuring that installation of such underground transmission systems will not result in additional costs to the taxpayers of the County due to damage to the County road and bridge infrastructure.

**509.02 APPLICATION:** The requirements and limitations imposed by this District shall apply only to land in York County which was used for crop and pasture production as of the effective date of the adoption of this District which is included in the GA-General Agricultural, the RR, Rural Residential District, the ICI, Interstate Commercial / Industrial District, the RCI, Rural Commercial / Industrial District and the WDI, Water Demand Industrial District provided that crop and pasture production shall not include land used for woodland, as defined in Section 303.112 of this Resolution, surface water areas, to land used for State or Federal Highway and Interstate Highway rights-of-way or land used for commercial or industrial purposes.

**509.03 ALLOWABLE, PERMITTED AND ACCESSORY USES:** Any use or structure indicated as an allowable, permitted or accessory uses in the primary zoning district(s) on which this Cropland Production Protection Overlay district is overlain shall be permitted in accordance with the requirements set forth in such primary zoning district(s), provided that all such allowable, permitted and accessory uses shall comply with all applicable additional requirements of this Cropland Production Protection Overlay district as set forth in Section 509.07 of this Resolution.

**509.04 CONDITIONAL USES:** Any use listed as a conditional use in the primary zoning district(s) on which this Cropland Production Protection Overlay district is overlain may be authorized as a conditional use in accordance with the requirements and procedures specified in Article 10 of this Resolution, provided that any such authorization shall require compliance with all applicable additional requirements set forth in Section 509.07 of this Resolution.

**509.05 PROHIBITED USES AND STRUCTURES:** Except for existing uses rendered non-conforming by the application of this Cropland Production Protection Overlay district, which shall be regulated as set forth in Section 509.06 and Article 7 of this Resolution, uses and structures

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which are prohibited in the primary zoning districts on which this Cropland Production Protection Overlay district is overlain, shall be prohibited.

**509.06 EXISTING USES, BUILDINGS, UTILITIES AND STRUCTURES:** Uses, buildings, utilities and structures existing as of the effective date of the adoption of this Cropland Production Protection Overlay district, whether allowable, permitted, accessory uses, uses authorized as a conditional uses or prohibited uses which do not comply with the requirements of this overlay district shall be considered non-conforming uses and shall be regulated in accordance with Article 7 of this Resolution.

**509.07 CROP AND PASTURE PRODUCTION PROTECTION REQUIREMENTS:** The following requirements and restrictions shall apply to all underground transmission systems of any type, including but not limited to underground electrical power cables, gas lines, telephone and data cables, pipelines and any other non-irrigation underground transmission systems which are installed across crop and pasture land in the County:

1. All such non-irrigation underground transmission systems shall be installed at a depth which is at least sixty (60) inches below the surface of the land to avoid conflict with the underground piping requirements of pivot and drip irrigation systems. Such depth measurement shall be from the surface of the land to the top of the non-irrigation underground transmission system.
2. To preserve the productivity of the soils, particularly the topsoils in the County, during construction of any non-irrigation underground transmission system the depth of topsoil to be removed, separately stored and replaced shall be determined by use of the latest version of the York County Soil Survey. Said Survey identifies the depth of topsoil for each type of soil and the location of each type of soil. The topsoil shall be stripped from the area to be excavated for installation of the underground transmission system to the depth of the topsoil, as identified for each type soil in said Soil Survey in the locations where each type of soil occurs, provided that such topsoil excavation shall not exceed 36 inches.
3. During construction or subsequent repair of any non-irrigation underground transmission system, soils shall not be moved from one parcel, defined in Section 303.77 of this Resolution, to another parcel to avoid spread of weed seed and to avoid conflict with production of genetically modified crops and non-genetically modified crops. The property owners of all property where any non-irrigation underground transmission system shall be responsible for monitoring construction and any repair of any underground transmission system to assure compliance with this limitation.
4. The owner of any non-irrigation underground transmission system which is installed across crop, pasture land or county road ditches shall restore all underground transmission system rights-of-way to original pre-construction elevations and contours, with allowance for soil settling, to avoid surface drainage problems, ponding of water or other condition which could decrease crop production or result in blockage of drainage in road ditches which could result in flooding of crop or pasture land.
5. The owner of any non-irrigation underground transmission system which is installed across grassed terraces, grassed waterways or roadway ditches shall restore such grassed terraces, grassed waterways or roadway ditches to pre-existing conditions through seeding or sodding of the same grasses as exist in each such terrace, waterway or ditch to minimized erosion and potential reduction in crop or pasture land productivity.

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6. To minimize interference with seed bed preparation, crop planting, cultivation, irrigation and harvesting of crops, all equipment, open trenches, material storage or other element associated with construction and future repair of any non-irrigation underground transmission system shall be removed from any premises within seven (7) calendar days after completion of construction or repair.
  7. The owner of any non-irrigation underground transmission system which is installed across crop or pasture land in the County shall allow for the installation and operation of underground piping and guidance wires for pivot irrigation systems and underground supply and flush lines and drip lines for drip irrigation systems above and across such non-irrigation underground transmission systems of any type.
  8. The owner of any non-irrigation underground transmission system which is installed across crop or pasture land in the County shall provide that any damage to any irrigation system resulting from the installation, repair, replacement or removal of such non-irrigation underground transmission systems shall be repaired at the expense of the owner of the such non-irrigation underground transmission system.
  9. All such non-irrigation underground transmission systems shall be installed in locations so that all existing irrigation, other groundwater wells, existing farmstead buildings, wind breaks, grain bins and other associated buildings and structures shall be located outside of the permanent easements established for such underground transmission systems to allow adequate area for on-going maintenance and repair of such wells without delay and to provide for on-going use of such farmstead buildings, wind breaks, grain bins and other associated buildings and structures.
  10. To avoid additional costs to the taxpayers of the County, the owner of any non-irrigation underground transmission system shall cooperate with the County in identifying roads which will be used to be used to provide access and egress to the installation sites of such transmission system in order to minimize the impact on the roads, bridges and related infrastructure in the County and the owner of any non-irrigation underground transmission system shall repair any damage to such roads, bridges and related infrastructure to specifications which shall be outlined in a written agreement with the County.
  11. The owner of any non-irrigation underground transmission system shall notify York County of the date that the use of any such underground transmission system is to cease or has ceased. Further, any such non-irrigation underground transmission system which has not been used for its intended purpose for a period of ten (10) years from the original date of the beginning of non-use of such transmission system shall be considered abandoned and the owner of such transmission system shall remove such system and reclaim the land in accordance with the requirements of applicable federal and state laws and regulations and the requirements of this Resolution or the owner of such transmission system shall relinquish all easements associated with such transmission system.
  12. The owner of any such non-irrigation underground transmission system shall agree to incorporate into any such transmission system construction plans a provision to allow access to the construction sites during construction of such systems by representatives of the County to permit on-going or periodic inspections to verify compliance with these regulations. Such inspections shall be conducted in accordance with the transmission system contractor safety standards and procedures.

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- 509.08 MINIMUM LOT AREA AND FRONTAGE:** The minimum lot area and frontage for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.
- 509.09 MINIMUM BUILDING SETBACK REQUIREMENTS:** The minimum setback for all regulated structures and buildings in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.
- 509.10 MAXIMUM HEIGHT:** The maximum height of any building or structure shall be as set forth in the primary zoning district on which this district is overlain.