



# MINUTES OF THE BOARD OF BANNOCK COUNTY COMMISSIONERS

## Meeting Details

Date of Meeting:	Monday, February 5, 2024
Commissioners present:	Ernie Moser, Jeff Hough, and John Crowder
Clerk of the Board:	Nancy Allen for Jason C. Dixon
Absent Board Members:	
Staff present:	Deputy Clerk Nancy Allen, Chief of Staff Braeden Clayson, Planning Director Hal Jensen, Assistant Planning Director Tristan Bourquin, and Public Information Officer Emma Iannacone

## Agenda Details

AGENDA	
1	<p>Board of County Commissioners' Public Meeting for Solar Ordinance  <b>NOTE:</b> <i>This meeting will be held at the Marsh Valley High School Auditorium – 12655 S. Hwy. 91, Arimo, Idaho</i></p> <p>Agenda:</p> <ul style="list-style-type: none"> <li>• Commissioner Moser – Welcome and Rules of Meeting</li> <li>• Tristan Bourquin, Assistant Planner, background presentation</li> <li>• General Discussion</li> <li>• Adjournment</li> </ul>

## Meeting Notes

- 1 5:00 PM The Board introduced themselves. Moser explained the meeting rules and to stay on the topic of solar as the agenda states. Moser declared there are no solar projects before them. The Board is listening today and making a compilation of comments, and will have a public hearing later. There will be no decision made tonight nor answering questions.  
 5:05 PM Bourquin explained the timeline with the moratorium in October, the first draft of the solar ordinance heard by council in December, and a second draft in January. On January 25, the Commissioners held a work session where they decided to hold this meeting. Another meeting will be scheduled next week to discuss comments from tonight and then another public hearing.  
 5:07 PM Lytton Bastian attended a committee meeting and listened to the ordinance proposal. He appreciated the thoughtfulness in reviewing ordinances, and felt their assessment was fair and unbiased. The other two drafts of the ordinance are project killers rather than any encouragement or way of growth for the county. Requiring industrial zoning is unfair. Raising crops, in a sense, is no different from solar farms or gravel pits from producing power from sun rays and gravel from minerals. It seems to be giving a pass to gravel pits for a conditional use permit but unfair to solar projects as they are harvesting nature things. The ordinance also states the land would go back to ag, but that would be hard if it is rezoned to industrial. The potential tax revenue is being far too generous to north end of the county. Everyone that may or not claim they are trying to save farmland, do not fully understand what is going on with ag. Water users were shut off in Marsh Creek.  
 5:11 PM Dianna Troyer reported that incorrect information is in the media. She is asking for a ban on agrivoltaics. Solar panels contain lead and other things and have no business being put in landfills.

Counties across the nation are banning solar farms. She gave examples of specific solar project problems, and indicated they have a 25-year lifespan and require 10 times more space than power and gas.

5:14 PM Lori Davis discussed having a solution-based mitigation project. Rather than complain, come with a solution. We are looking at industrial development for the future of Bannock County. We need to learn from the past to create an industrial future. The solar industry cannot have unlimited acreage and be close to houses. There will be continuing concerns, such as surface and groundwater concerns, and the wetlands. There need to be restrictions with strong penalties for contamination or destruction of wetlands. An impact review should be done with the Idaho Department of Water Resource and water districts to determine monitoring devices and regulations. This should be done prior to any ordinance. Do not let this new industry violate wetland restrictions.

5:17 PM Ej Zita, owner/operator of Armstrong-Zita Ranch in Robin, supports solar, and runs the ranch with solar. They have zero power bills and are making things better for the future. Solar is good for employment, the economy, and kids. She has water rights. The more solar and wind, the more help with drought crises. There is a lot of misinformation and fear out there. She agrees with the first ordinance proposal. She would rather have solar next door than a gas pipeline. She requested to remove restrictions on the current drafts to permit solar.

5:19 PM Gregg Dawson indicated the meeting should be to determine if solar farms should or should not be allowed. Any increase in property tax income to the county is not worth compromising the nature of the valley. Balanced Rock made a proposal for a certain amount of acreage for solar panels, and that it would be a positive impact to the community during the construction phase, but we don't have businesses here. Where would they be housed? It would be a negative impact. He is concerned for after work hours and for the safety of citizens.

5:21 PM Dale Lish indicated in his work, he has financed solar projects throughout the state, and much of what is out on social media and conversations is incorrect or exaggerated. He supports a solar substation, and it will open up economic impact desperately needed in the area. He supports the first ordinance. Options two or three kill any potential for solar farms.

5:23 PM Barbie Anderson indicated she has emailed articles. Industrial solar farms are devastating to the environment and toxic to the aquifer. They require a lot of acres to build, and then dispose. They have a short life span and kill vegetation and soil around them. The area has a diverse population of wildlife. The industrial solar projects will deplete their food, bedding and nesting areas, and will displace wildlife. There will be an increase in ambient temperatures. Some solar rays are converted to energy, but the rest will be dispersed into the atmosphere causing more problems. If solar is allowed, this area will not have the cycle of life that's been enjoyed, but will be a cycle of destruction and death.

5:25 PM Bernie Cummins stated that wisdom of man is flawed and can be influenced by emotions and greed. The Board has a daunting task to sort through the information that will affect residents of the county for generations. He gave a prayer.

5:27 PM Bob Buck owns a farm in McCammon. He feels if it's going in, it should be industrial zoned and it should benefit the county first, then the state, and Utah last.

5:27 PM Jill Webster urged to include a 1.2-mile distance from any residence as is happening around the world and a requirement to rezone to industrial before any solar use is permitted. Industrial solar institutions are not farms. Vegetation is clean and self-renewing. Solar plants are a black plastic desert. Using the term "farm" for these large-scale solar factories should not be done as it holds a connotation of being green. They will take farmland and destroy it for decades. She would support option number three and stressed to avoid number one.

5:30 PM Alex Pugh from Hecate Energy, a renewable solar developer, supports the first ordinance adopted by council in January, and the public hearing process. He would reject proposals two and three. Renewable power and projects have been proven to be safe, reliable, and cheap. It's good for the county. Projects like these will generate millions in revenue for the county, local library, school, and businesses. Much of the power will stay in Idaho. Idaho power and PacifiCorp support renewable energy. Hecate takes pride in the steps taken to minimize the footprint, and conduct studies to look at riparian, endangered species, archaeological, and impacts on construction operations and roads. They work with government authorities on the state, federal, and local level. The proposed ordinance gives a good framework to develop and build good projects.

5:33 PM Eric Krasa is a veterinarian and knows agriculture and requested the Board consider that Idaho is what America was. He would like to see the Commission be observant and consider the greed of Idaho Power who has orchestrated the removal of water rights to generate hydro power to sell to California, Washington, and Oregon at extreme rates. The same will happen with solar and wind. Big promises will be made. Those in ag have seen that. The problem is that money will be generated at our expense and

degradation will happen to the county. We don't need that development here. If solar and wind power are so important to the country, then let those in surrounding states develop that resource. This is our state, our home. He has witnessed, for 45 years, Idaho power trying to change water rights into a form of money they can use.

5:36 PM Kat Bagri, Development Manager for Balanced Rock Power, explained they are a US based company in Utah working on utility scale solar and battery energy projects. They have over a decade of experience collaborating to develop responsible solar projects and design projects to protect wildlife and the environment. She requests the current ordinance developed by staff and recommended by council follow the process for public hearing and be adopted. It allows rules to develop a good project, protect the environment, allow owners to use property as they see fit. It also benefits residents by increasing developments and tax revenue. Options two and three impact the viability of solar projects and owner rights. Option two has 1.2 mile distance restriction from residences that appears to have come from the environmental impact for the Gibson project in California. She could not find a determination by that county that the distance is required to mitigate impact and is merely the distance from the town. The 1.2-mile restriction here would impact the viability of solar projects.

5:40 PM Shannon Sutorius has been on solar for 28 years and fully support solar, it's clean and neat. When the first substation went in, there was a lot of fear and misinformation. That's what going on now. She lives next to Populus and they are a quiet neighbor, with no lights or noise. They put up a fence and now kids don't run through their property in middle of night. Solar farms are neat and clean, and look better than farms with broken down buildings, fences, or weeds. Populus, supposedly, was going to kill the owls, but they are burrowing in under the towers. She supports the first ordinance.

5:42 PM Kyle Unruh is representing Renewable Northwest, a non-profit representing 80 members. The work on social and responsible advancement of clean energy projects across the region. With the growing market, falling costs, see substantial energy development coming for Idaho. As a result, Idahoans will Enjoy economic and industrial growth and cheap and reliable electricity. Supports ordinance one as product of negotiation between stakeholders. Two and three erode balance and reduce benefits to community. He believes 150 feet distance from residential should be considered on a case by case. Ordinance number three severely limits solar. He urged to reject it and allow citizens to decide benefits of solar on their land.

5:46 PM Mike Engle, President of the Portneuf Resource Council, a non-profit that promotes clean energy and water shared they support proposal one. Regarding agrivoltaics, the methods are being developed and is an emerging business model. A study was shared. He shared that language to include would be that large- and small-scale solar power facilities should be evaluated for suitability of agrivoltaics to include historic use of the land, respecting the wishes of the landowner with respect to whether agrivoltaics should be required, and other equitable factors to determine whether agrivoltaics should be required on a specific application. They are opposed to including in number three the requirement of only agrivoltaics.

5:48 PM Rebecca Falcon reported that we heard from three corporations and know there are four. The corporations are holding leases on almost 15,000 acres around the Downey area. If ordinance one is allowed, Downey will disappear in a sea of solar. If we use the World Health Organization's guidelines of 1.5 miles, which California used as their reason discussed earlier, and the country of Ireland has used for their reason for locating solar industrial complexes away from people, because they do damage water and the environment. If one neighbor puts solar in, the next neighbor's value drops 30%. The closer you get, the more value you lose. These companies are running on tax dollars and government subsidies. In 20 years, the clean-up will be devastating on the next generation. China and India won't take them anymore. You cannot just throw them away. They are toxic to the environment. Clean-up costs are not indexed in the ordinances. Indemnity for loss of value and homes is not in the ordinance. As an adjacent property owner, she is being condemned.

5:52 PM Kirk Jackson explained he has a problem with the project. Balanced Rock has provided very little information about the specifics of the project. The changes to the ordinance they requested to the Planning Council are in direct conflict with the information they have provided. They began this process in a disingenuous manner. They are only suggesting a plan to the next company. The county is up against deadline, but the more we dig into solar projects around the country and in Idaho, the more problems and inconsistencies that are found. Rushing into something may be worst decision. The proposed ordinance to prevent any new development to wait for full research should be done.

5:54 PM Debbie Johnston shared she is against any ordinances that would allow large-scale solar, or over one solar panel on one house. This project is brought in by an out-of-state company to provide power out of the state. We are here to represent our voice and hope the officials listen to those that live here. She recently watched a 2022 CBS report where a federal employee toured a solar project in California, and

they spent \$22 million to relocate tortoises. The California project is killing over 1,000 birds per year and they have not found a solution. We can't afford to lose 1,000 birds per year. We will lose crops from being overrun with insects and pests. If it were your land, would you want to live next to it?

5:57 Julie Richards shared she is upset that this huge and impactful subject has gotten this far without public input. In October, the Planning Director reported that several solar companies approached him about proposals. He had stated that it would behoove his office to schedule a community meeting in south county and wouldn't be kind to our constituents without having their input. It was not in the Downey newsletter. The residents did not know anything until three weeks ago. This will not benefit the community; only a few landowners. Balanced Rock told them that electricity will be sent out of state. Their rates will go up. The projects will destroy the beautiful land and wildlife. Solar belongs on rooftops, near highways, and in commercial/industrial zoned land. It doesn't belong on rural land. These companies are not in the business to generate power. They are in the business of tax credits and foreign interest. Issues that need researched include decreased property values, erosion, sediment and flood management, groundwater and well contamination, upfront security bond requirements from solar companies, fire insurance, fire hazard and EMS training and coordination, noise ordinance, glares, and requirement to hire only local contractors. Because of the complexity of this project, an ordinance should say that if it is not expressly permitted, then it should be prohibited until full research and studies are done to protect the citizens and generations to come.

6:00 PM James Lamborn explained the moratorium is an important aspect of law, but it amounts to an arbitrary deadline, which in this case, rushes a project that is too big and impactful, and too permanent to be rushed. County residents deserve all the time in the world to hash this out with public officials and not have their backs up against the wall. He requested consideration of putting an ordinance in place that states that any project not expressly permitted, verbatim, by default, is to be considered forbidden by law. This would effectively do away with moratoriums for situations like this. That would allow the due process between the governed and government to take place with no arbitrary timelines. This is too important to mess up and there may only be one chance to get this right. There will be future projects with just as much debate as this.

6:01 PM Dez Hauser pointed out on Commissioner Hough's website homepage, the opening statement says "Creating a place to come home to." Her house, and others, will be surrounded by solar panels if they are not kept 1.2 miles away. Hough also states that he pro-growth and for economic development, and "putting this moratorium in place was important for several reasons. First, while believing in growth, you recognize that not all change is good. If we can be somewhat selective in the projects we accept, we can manage the development and maintain the area's identity." Is an industrial solar complex the identity we want? She pointed out that Moser expressed in an Idaho State Journal interview that there is huge potential with Lava Hot Springs and Pebble Creek. With I-15 being the gateway, large-scale solar projects on both sides of the highway is not inviting. Moser also mentioned our trails, fishing, and hunting, which are key players in our economic prosperity. A desktop study should not determine its relevance. Moser also said he wanted to focus on controlled growth so that we all experience those things and development, and how they need to be controlled so they are protecting our environment. She doesn't feel industrial solar is going to protect our environment. She requested to consider everything involved, people's homes, the wildlife. The time given by the moratorium is not enough. Some ordinances take 5-7 years for proper research.

6:04 PM Shayley Young pointed out that when the solar panels are washed, chemicals go in the ground. Who is going to help replace the wells? It will harm the soil and more land cannot be made. It will kill out the native wildlife, and ruin the history and heritage of the fair, because if there is no agriculture and livestock, no one will come support the fair. The fair is historic and their heritage that they cherish. Their homes will not be sellable due to lower home values. What will this do to taxes? They are zoned agricultural and want to stay agricultural. What will happen to their income if the zoning changes? She has concerns of rising temperatures from the glare off black panels. It is already hard enough to grow crops with a limited water supply. Will it make temperatures colder in the winter? She doesn't want the valley to change for future generations. More information is need and at this time she does not support it.

6:07 PM Mike Hansen, a volunteer firefighter, shared concerns with potential risks of fire hazards. These projects require large battery storage systems. Trends are showing that systems like these with battery storage do catch fire. There was an incident in 2019 in Surprise, Arizona, where the battery system exploded while firefighters were trying to gain entry. Four firefighters were severely injured. Since then, only one regulation has been done, in October 2023, to try to get standards on this. These projects are so new, there are no safety standards and regulations. All of the south county fire departments are volunteer, with small budgets, antiquated equipment, poor PPE, and they lack the training to fight large-scale battery

fires. There is no funding to obtain these things. On Oct 2, 2023, Idaho Power had a battery storage system that caught fire in Melba that burned for three days.

6:09 PM Chance Olson is also with the Downey fire department, and they are not prepared to fight fires at a solar farm. Would have to call everyone in county and outside. They would have to haul water. Extra resources would take time, and there will be very toxic smoke, more toxic than a typical structure fire. He hasn't seen anything about an evacuation plan. Smoke drops down in valleys and people cannot breathe in the smoke from these kinds of fires. A large-scale fire probably won't happen, but that shouldn't outweigh the risk to citizens. Volunteers also can't sit on a fire for three days.

6:12 PM John Staley there are 2,400 acres proposed for solar. One acre of solar equivalates to \$15,000 per year, roughly, and the contract states it will pay each landowner \$275 per year. That's a minuscule amount for taking an entire acre of land. He encouraged everyone to look at the contract as it states "finished." If the project is not finished the people do not get paid. Do not do this in stages. If they don't complete the work, hit them with a fee. These residents care about each other, the corporations do not. Don't listen to three minutes of lies. Do three minutes of research to find out yourself.

6:14 PM Heidi Dicus lives in franklin and has family here. She has travelled a lot, and the Arizona and Nevada deserts are beautiful until you reach the solar panels. Solar panels move to follow the sun and the glare can cause accidents. Add that to the deer and others on the roads. She would rather see a farmhouse than solar panels.

6:16 PM Cameron Alston is from Logan, Utah, and relayed solar panels are more useful near Las Vegas as it is always sunny. Here, there are cloudy days, and three to four months of winter. For several months, there won't be much solar production and beautiful land will be lost. Idaho stays beautiful and green and would be a waste to take it for solar. She supports solar as she is growing up during these times, but it should be personal choice, such as putting it on your farm or your house. But don't force everyone around to have it near. It can cause accidents with the glare.

6:17 PM [name not given] Property rights are fundamental. The first draft most follows that. Landowner rights should be supreme, and other people don't have the right to tell you what you can or can't do on your property as long as it follows the law. Landowner rights should not take a back seat to agriculture. Farmers are the biggest ones fighting this when they are the most understandable of property rights. Not liking the look of something does not count. She has yet to see anything regarding an impact on property values. There is a huge advantage to the community and the only argument would be that more money comes to this area rather than Pocatello. She would like to understand the process and accountability of receiving funds. Marsh Valley School District is in desperate need of any help it can get. It is pertinent that funds are mandated how they can be spent. It should be used on things like infrastructure and not for salaries. Landowner should have the freedom to choose the solar option just like farmers have right to farm.

6:19 PM Chad Selleneit relayed that everyone has had a lot to learn about industrial solar complexes, the risks, amount of land needed, property value depreciation, wildlife habitat, and damage to land. An industrial solar complex will be detrimental to the community and county. Growth will be stifled with no commercial or residential growth. South county will become a wasteland. Growth is inevitable, but should be managed reasonably with a common-sense approach in order to preserve the way of life. The open space that is enjoyed will be in jeopardy. This is much larger than a dollar sign or politics. We are blessed with the responsibility to be good stewards of the land.

6:21 PM Sandy Blanchard shared she has family that will live within 2 miles of all this and she is very concerned for their well-being.

6:22 PM ShanEll Barnes shared that the worst thing this has done is it has torn the community apart. Everyone is fighting, but they still love and take care of each other. No one wants this here. Regarding water, she has to choose between doing laundry and bathing the children in the summer. There is not enough water. There are concerns for additional insurance and uncertainty for what could happen. If this does happen, the money should come back to the schools. If they will have to put up with it, the money needs to stay here. The Fairgrounds need improved and threats of taking the fair need to stop. If south county has to look at it, then south county should benefit from it. It takes 45 minutes for police to get here. There should be an office for the sheriff down here. If you want solar, put it on your own house.

6:25 PM [indiscernible] shared when traveling in Nevada and he first saw solar panels, they were 20 miles away and they looked okay, but then more and more were added until the whole valley was covered with solar panels. It takes away the beauty of the country. In Utah, they are 20 miles from town in the sagebrush and they provide money for both counties. Marsh Valley isn't very wide. It's beautiful, but there is not enough room for solar panels. Some farmers may benefit, but put them where there's a big enough spot to do it.

6:26 PM Kacie Lockyer shared her mom lives next to solar panels in Arizona and she's miserable. She has watched Commissioner meetings since October 5. In one meeting, Commissioner Hough stated that the residents should have some input in this matter. But the residents should have all the input, as they have to live with it. There was a community meeting on Saturday where info that has been found was presented and it was shocking that some neighbors had no idea this was going on. What would County seal look like with these solar panels. Her husband is a volunteer firefighter in Arimo and it's worrisome when he goes out. There is a struggle with water, can't help with fire.

6:29 PM Sam Mate, engineer from Balanced Rock Power, recognized he is not a resident, but wanted to address some technical concerns. Regarding heavy metals contamination of soil and the water table, only one company manufactures panels with cadmium and they represent a very small share of the market. The panels have no use in any landfill. The panels have materials that can be recycled and repurposed. Regarding concerns for the water table and a groundwater plan, that is a responsible part of development. It would be unethical of an industry to come in and pollute the water. However, there are guidelines in in the ordinance for community protection. Regarding concerns for the amount of water available, solar represents a much lower need for water than farms. Regarding the fear of sending power out, at the moment, power is coming in and money is going out. While the power companies cannot be told what to do with the power, electricity flows like water, to where it is needed the most and most efficient path. If power is needed here, this community would be served first as that is where it would most efficiently be sent. The panels, per their study for the area, have no need for being washed, but if a company decides to, no chemicals are used.

6:32 PM Steve [indiscernible] discussed an aerial view of the 15,000 acres and the government throwing money around. He shared when coming over the Malad pass and looking at Marsh Valley, it's a remarkable feeling. He doesn't want to see 15,000 acres of industrial solar.

6:33 PM Annie [indiscernible] shared that World Bay wanted to put a hydroelectric dam in Costa Rica, that would have been sent to other countries and flood the rain forest. The little country said no and looked at other forms of income that would last for generations. This valley is teeming with natural resources, and other income sources to market should be looked into, not just solar. Look at other sources rather than this temptation.

6:35 PM Amanda Chilcutt wanted to speak on behalf of the upcoming generation. She used to live in a big town and wasn't very excited to move here. But she loves it and it wouldn't be Marsh Valley with acres of solar sea.

6:37 PM Larry Bird heard a lot of stuff referred to as solar farm by a small minority. The majority of people in area don't wish to have it. If solar facilities were so beneficial, profitable, and good for the earth, everyone would be bidding for it. But there are lawsuits everywhere, they're not beneficial or money makers. We are talking about giving someone the right to decimate 4000 acres of land. We haven't asked for a surety bond to ensure the project is finished or cleaned up. The details in the ordinance needed to be tightened up. If a fire takes off and burns up homes, who will indemnify these people?

6:40 PM [indiscernible] shared he is transplant from California and has seen this before. It looked like paradise in 1962, and you know what it looks like today. Don't let them mess with our paradise. Big companies go anywhere they want once they get their foot in and they violate regulations. They make enough money to pay fines. Represent people here, not the big companies. He has lived in Germany, Canada, and California, and this is the best place.

6:43 PM Erin Selleneit shared these should not be going in on agricultural land, and should only be allowed on industrial zoned land.

6:44 PM Earl Crockett requested the Board to listen and consider the message that some people use.

6:45 PM Emily Willis shared that industry is hard to get out. It is decimating the town she used to live in. If you don't want this in your back yard, why would we? If solar energy is so efficient, why are people clamoring for it? She's only been here two years. It's beautiful here. Let's protect the trees, animals, and water. Once you get rid of nature, it's very difficult to get it back.

6:46 PM Lynn Stewart requested when making choices and deliberations that affect their lives when considering this development, to consider how it would feel if it were in your back yard and devalue everything you've built?

6:48 PM Deena Ely feels this is shady. She heard about it this on Facebook. It should be up to Downey residents to decide how to make it marketable. The visual of solar farms off the freeway is not desirable. It would destroy the valley and beauty. Listen to the majority of the residents of the area.

6:49 PM Margie Stewart loves south county and she is against this.

6:50 PM Peter Chilcutt has retired here from the military and the valley is breath-taking. This is the last refugee from the ugly world. You can't put a price tag on the beauty of this area.

6:51 PM Jim Young did electrical work for over 30 years. If solar panels go in, Southeast Idaho will not benefit from the electricity production. It will be shipped out and sold at a premium. Electricity doesn't flow downhill like water. It will go the way electrical workers make it flow through the operation of switching, to where it is paid the most for. Rocky Mountain Power offered and did pay for and install insulation in his attic. They told him if he used less power, they can sell the power to California.

6:54 PM Dr. Debra Gambrell explained the industrial revolution started 200 years ago and with it came an explosion of diseases. She specializes in paediatrics. One in two children have 1-20 chronic medical diseases. This is concentrated in areas that are industrialized. Putting in solar farms will lead to toxins in the water.

6:55 PM Bernadine Johnson shared that coming off the Malad summit, you see a glorious valley. It is heart-breaking to picture solar panels. While she doesn't own the property that the panels will be on, the view belongs to her and her family. Please don't let the valley be covered with solar panels.

6:57 PM Thomas Dicus shared his friends in Arizona had solar issues. The company promised the area electricity, but it went to California. Solar panels are made in China. Taxpayers are subsidizing China. He is against solar because they are made in China.

6:59 PM Terry Sweeney shared that he lived in New York, and it was beautiful. He watched big businesses and politicians make decisions for the little people. Big factories came in and made guarantees. He came here three years ago, and it's beautiful. He prays he doesn't have to see it happen again. The big companies that don't care about citizens and politicians making the wrong decisions and destroy this beautiful place. Look closely before making decisions.

7:01 PM Moser relayed this was information gathering that will be taken under advisement.