



MINUTES OF THE BOARD OF BANNOCK COUNTY COMMISSIONERS

Meeting Details

Date of Meeting:	Tuesday, March 26, 2024
Commissioners present:	Ernie Moser, Jeff Hough, and John Crowder
Clerk of the Board:	Jason C. Dixon
Absent Board Members:	
Staff present:	Deputy Clerk Nancy Allen, Comptroller Kristi Klauser, Chief of Staff Braeden Clayson, and Attorney Brian Trammell

Agenda Details

AGENDA	
1	Board of County Commissioners Regular Business Meeting (action items) BOARD OF COMMISSIONERS MEETING CALL TO ORDER, AGENDA CHANGES & AGENDA APPROVAL (action item)
2	<ul style="list-style-type: none"> Indigent Business may require an Executive Session pursuant to Idaho Code §74-206(1)(d) to consider records exempt from public disclosure (action item)
3	<ul style="list-style-type: none"> Kristi Klauser, Comptroller, requesting signature on compactor lease agreements with CAT Financial (action item)
4	<ul style="list-style-type: none"> Buddy Romriell, Assistant Public Works Director, seeking discussion and approval of exceptional placement (requested 5 minutes) (action item)
5	<ul style="list-style-type: none"> Braeden Clayson, Chief of Staff, regarding (1) discussion pertaining to the acceptance of the Forensic Pathology Fees as well as the determination on the direction moving forward with the Forensic Pathology Project, and; (2) seeking approval of and signature on Forensic Pathology Technician Contract (requested 10 minutes) (action item)
6	SIGNATURE ONLY (action items): Tax Cancellation Request UFG Surety Certificate of Completion
7	CONSENT AGENDA (action items): <ul style="list-style-type: none"> Manual Checks Alcohol Licenses and Catering Permits Certificate of Residency Approval Salary Rate Approval Forms/Notice of Separation with Potential Executive Session under Idaho Code §74-206(1)(a)&(b) regarding personnel with potential action following adjournment of Executive Session Technology Forms Minutes: Approval of Meeting Minutes for March 19, 2024 and Certification of Said Minutes
8	Public Hearing pertaining to Planning and Development Ordinance (action item)
9	Discussion about Landfill Process (action item)

Meeting Notes

- 9:00 AM Moser called the meeting to order.

- 2 No business.
- 3 9:00 AM Klauser reviewed the lease documents for the Landfill compactor. Hough moved to authorize signature. The motion passed.
- 4 9:01 AM Romriell requested an exceptional placement for an employee transfer from the Landfill to Road and Bridge. Hough moved to approve the salary form and exceptional placement. The motion passed.
- 5 Cancelled.
- 6 9:04 AM Assessor Anita Hymas reviewed the tax cancellation request is large due to Board of Tax Appeals adjustments. The BTA felt the auction sale was an arm's length transaction. Their adjusted value will remain for 2024. Discussion ensued on commercial sales. Klauser shared the amount will likely be absorbed and no holdbacks will have to be done. Hough moved to approve the tax cancellations. The motion passed.
9:18 AM Burmester explained the phase two cell expansion was competed by Gale Lim. The contract was for \$5,181,246, and the project came in at \$4,992,790. Burmester explained a change order reduced the price. Hough moved to approve the release and UFG Surety Certificate of Completion for Gale Lim Construction. The motion passed.
- 7 9:22 AM Moser reviewed the consent agenda included minutes. Hough moved to approve minutes. The motion passed.
- 8 11:00 AM Moser called the meeting to order. Hough moved to open the public hearing. The motion passed. Moser reviewed the purpose of the hearing is to consider proposed amendments to the zoning ordinance.
11:03 AM Bourquin explained that Council recommended an approval with modifications from their March 5 hearing.

Public comments:

11:04 AM Julie Richards, Downey, supports the ordinance to ban solar. Almost 400 people in Downey signed the petition and couldn't be here. Those against the ban do not live here or in the state and will not be impacted by a solar environmental disaster. Property rights, landowner can use property upon own will on condition that such use will not physically or monetarily injure any adjoining landowner.

11:06 AM Barbie Anderson, Downey, explained no one is considering photosynthesis and the creation of oxygen. With progress and growth, 80% of the wetlands in the US have been destroyed. Endangered wildlife in the area will be affected. We need to protect our county; not let it be destroyed by greedy businesses working with government subsidies for the benefit of California. She supports a ban of industrial solar and wind farms. There have been many issues in the name of the environment and protection in the past, such as paper grocery bags destroying landfills. The solution was plastic bags, but now those have been banned by many countries. There has not been enough research and studies completed on the effects of solar panels, but the studies found so far show they are changing the environment and vegetation.

11:09 AM Stephen Eric Krasa, Pocatello, reviewed his degrees in zoology, chemistry, veterinary, and is well educated. He is against the commercialization of solar. Solar on a home is okay, but large scale would be a disaster. Bad things happen sometimes, but one day he turned around and saw a wickedness, solar energy. The only reason it is proposed here is for the income a few companies will make from selling tax credits to investors. They don't live or work here. Their job is to come in, make as much money as they can as fast as they can and be gone. The consequences of that are immaterial to them and the people here are the ones affected for rest of their lives from the mess this will create. The reason companies want to come here is not for the benefit of residents of the county, but due to the opportunity of an established power line from Downey to Utah, as it will cost over \$1 million per mile to build one. The disaster comes in what to do with the environmental mess. The landfill is above the water and we have been dealing with toxins in the landfill.

11:14 AM Gregg Dawson, Downey, appreciates the moratorium being put in place. Downey residents have now become aware of what has been going on related to solar development over the last two or three years. Desirability of large solar developments anywhere is questionable, and wrong for the county. The efficiency of solar panels and the solar system in its entirety makes the manufacturing of them not the best use of our nation's materials and non-renewable resources. Solar installation goes much further than visual impact, but includes environmental impacts, and loss of natural resources through manufacturing solar panels, development of the site, facility use, and decommissioning the facility. Environmental impacts include ground damage, loss of vegetation, damage to wildlife and habitat, lack of water supply, stream quality, public safety, increased use of the county road system, numerous out of the area construction workers. Recycling of panels is prohibitive, complex, and expensive. There is a lack of landfill capacity once a facility is decommissioned, and leaching of who knows what from a defunct solar panel. He cautioned allowing agrivoltaics, as there is not enough water for agriculture already and there would not be enough grazing space. The Board's job is to work for the overall interest of the county rather than provide for a questionable energy source for the US. This is not the place for a large solar facility.

11:18 AM Rebecca Falcon, Downey, indicated she shared a video her son sent her. He lives near a 500-acre solar field that was damaged by hail and now the area has to boil their water. She pleaded to keep the ban as better technology is coming.

11:19 AM Dez Hauser, Downey, supports a ban on large scale energy projects. We are a large majority group protecting our properties. She expressed appreciation for listening to citizens that live in the south valley and community members.

11:20 AM Heath Bone, Downey, lives in the direct path of continuation of that future. He is not a proponent of large scale solar as it does not benefit the public. If wasn't for first proposal affecting property rights, we wouldn't be here going back and forth. If large scale solar is going to be put into motion, the first three proposed ordinances are not in the best interest of all. A ban at this time is appropriate until an ordinance can be developed to protect the public and homeowners, and at the same time allow large scale solar is the fair thing for both parties.

11:21 AM JaDene Selleneit, Downey, thanked the Board for listening to the community and taking a common-sense approach and considering any adverse effects. She supports a ban of industrial solar in the county.

11:22 AM Natasha Barnes, Downey, supports an industrial solar ban. A large portion of her cattle grazing ground would be surrounded by solar panels if this progresses. Moving forward with a ban would leave her children the ability to continue to have livestock the way her husband and his family were raised.

11:23 AM Shayley Young, Downey, supports a ban due to the ecosystem and way of life, water, fire department availability, and liability for any accident caused by glares.

11:24 AM Holly Schaeffer, Downey, supports a ban on solar. There should not be large commercial solar farms in the county and especially in the Marsh Valley area. It's beautiful. They live there because they want farm land, not industrialized complexes. There are fire hazards and wildlife problems. The only positive thing heard is dollar signs, but that should not replace a genuine way to live.

11:25 AM Michelle Hancock, Downey, is originally from California and has seen a state destroyed. She doesn't want to see that happen to Idaho. She did not see a green pasture until she was 14 and only saw concrete, cement and buildings. Just because she lives in the country doesn't mean she not educated and shared her degrees. She is well aware of the pros and cons of solar. She supports a ban and doesn't want to be surrounded in an ocean of solar panels. It's ugly and doesn't look natural. There are better things for the area, but not solar.

11:27 AM Randy Sampson, Downey, is directly affected by the proposed project. There is a group of six homes that will be surrounded by panels on three sides by less than half a mile. There's no place for solar here.

11:28 AM Norman Spencer, Downey, shared that the climate change information they are receiving is not correct. There's an agenda and it's not for their benefit. Industrial solar and wind farms are not the answer. There are ways and means to address the need and question. The Board's action of prohibiting industrial solar and wind farms is a step in the right direction. Harmon Solar provided studies that show an average increase of 1.9 degrees Celsius on solar farms. They are not answer. We have to look at things seriously and long term, such as decommissioning, and what to do with the panels as they are hazardous.

11:30 AM Dianna Troyer, Pocatello, shared there is disinformation being circulated by supporters and companies that build wind and solar projects. The County's comprehensive plan provides legal justification to prohibit construction of utility scale wind and solar projects. The plan states that the county will protect and enhance residents' quality of life. These projects do not do that. Where they have been built, electric rates have increased and grid reliability has been undermined. It is not true that wind and solar are the cheapest electricity. Based on nonpartisan laws of physics, they are inefficient, unreliable and don't work. In Texas, hail storms destroyed panels. In 2022, there were record breaking losses of \$400 million from hail damage. Wind and solar projects are totally inefficient. Wind works at 25% of capacity and solar works at 15%. Wind and solar are the most heavily subsidized sources of electricity. The projects are short-lived and companies promising to maintain them go out of business before then because tax credits expire at year 10. They don't make sense to build without tax credits. On a humanitarian level, panels are built by imprisoned laborers in China and shipped through India and other countries to avoid enforcement of the labor force prevention act. The Board is not alone in banning these projects. Ohio has 10 counties that have banned them and more than 600 projects have rejected nationwide.

11:33 AM Debbie Jackson, Downey, shared she built her home four years ago and the inspector made her change the hinges on the door going to the garage because it didn't automatically close. She had to follow building codes in Idaho even though she was the one going to live in the house and the only people affected were the owners. In talking about property rights and the right do what you want with your property, my house would not have passed inspection until the hinges were changed. She is against solar and supports a ban. There are limitations to property rights. You can't harm your neighbor. Many here today will speak in favor of solar. Look at the numbers and see how many for solar are from Downey and will be directly affected. There are some here for solar, and that may be their job, to complete work to secure projects.

11:46 AM Cal Wright, Downey, opposed due to large quantity of deer that migrate through the valley and the winter feed ground will be gone.

Chad Selleneit declared his concerns were already discussed.

For solar:

11:36 AM Lynn Bastian, Arimo, shared he is a property owner, has worked in the valley, and put his whole life into farming and raising cattle. He urged to vote no on a ban of large-scale solar facilities and to approve proposal one that respects private property rights and protects the public interest. He feels his voice is not being respected on this matter. He pays property taxes, owns property, and has personal property rights. If solar projects are banned, what overreach is next? His property ground is barren, not fertile, and only raises rocks and sage brush. Without the help of much needed revenue for Downey, it will continue to whither away and become a ghost town.

11:38 AM Christine Bastian, Arimo, shared she is a resident and invested heavily in the valley. She is in favor of proposal one. The number one complaint is having to look at solar farms. Are they really worse than looking at broken down vehicles and appliances in a yard? Solar farms are neat, clean, and well-maintained. They have no smell such as a feedlot. In both situations, the landowner is exercising the right to their personal property. She is concerned the Board is not listening to the benefits this project will have in the valley. It is a selfish motive if any decision is based on re-election. It is not in the best interest of Downey, Marsh Valley, or the school district if there is a ban on solar projects.

11:40 AM Mike Engle, Pocatello, is the chair of the Portneuf Resource Council (PRC), a non-profit that advocates for clean energy in SE Idaho. PRC supports Idaho Power's commitment for clean energy by 2045 which will require new wind, solar, and storage facilities across the state. PRC opposes the extreme

version that bans all large-scale wind and solar projects. PRC favors smart solar planning and supports a thoughtful ordinance that allows solar projects to move forward while providing guidance for access, infrastructure construction, erosion and sediment control, fire protection, wildlife and native plant protection, visual impacts, decommissioning guidelines, restoration requirements, and standards for agrivoltaic systems. This is the type of smart planning that PRC supports and is included in the original ordinance proposal number one. A problem with extreme bans is that would include bans on smart solar projects on commercial and industrial zoned properties. This would eliminate options to install solar over large commercial warehouse roofs, on repurposed industrial plots, over existing parking lots, or on Brownsfield sites. There is a lot of misinformation about solar and clean energy that staff should be able to sort out. It is important to understand the transition to wind and solar is happening, not because it's cleaner, but because it's cheaper than coal and natural gas. That is why Rocky Mountain Power and Idaho Power have goals for clean energy. Bannock County has an opportunity to get a head start in joining the clean energy transition and to move forward with a smart planning solar ordinance that embraces the clean energy transition, respects landowner's rights, and reaps the economic benefits to the tax base, the school districts, and of good paying jobs.

11:43 AM Linda Engle, Pocatello, is speaking for Idaho Energy Freedom Advisory Council, a non-profit that is dedicated to educating Idahoans about the economic benefits of clean energy. They are opposed to any ordinance that would ban any future large-scale solar and wind energy projects. Clean energy makes a huge impact in Idaho. With Idaho Power's hydropower and INL's research, Idaho is a leader in clean energy. The state needs to continue moving forward with developing clean energy projects. Governor Little's 2024 landscape energy report, the state's energy economy contributes \$6.3 billion to the gross domestic product and provides over 51,000 jobs that pay an average of \$91,000 per year. Idaho has 43 solar companies that employ over 630 individuals. This proposed ordinance sends the wrong message to those companies and their employees. Projects like this will bring Idaho energy independence. The growth rate of the energy economy is predicted to be 19% over the next ten years. This ban will slow that growth. Due to power companies' commitments to clean energy, electricity production from renewable energies will continue to increase. Does Bannock County want to benefit or be at a disadvantage in the face of these economic trends? Other states are reaping the benefits of inexpensive, clean energy. The council believes Bannock County should adhere to free market principles and be open to business, including clean energy projects that are good for the local economy. They support ordinance proposal one with provisions for allowing solar on commercial and industrial zoned areas.

11:47 AM EJ Zita, McCammon, shared her family has been farming the area for 140 years. She has educational degrees and strongly supports proposal one and is opposed to the solar ban. Photovoltaics are good for Idaho. Photovoltaics were installed on her ranch over a decade ago and was so reliable more were installed a few years ago. Power bills are zero, even in cold months. Any extra power goes to the grid and Rocky Mountain Power gives credit for the power produced. As a farmer with solar for over a decade, she wants to reassure neighbors that this good for the county. She is fine with view and panels provide shade and shelter animals in severe weather. The neighbor's livestock graze under her panels. The grass is greener in the summer. Renewable energy can help with the water crisis. There is a marsh, creek, and sagebrush steppe on the ranch and with photovoltaics those ecosystems can be preserved by preserving a cleaner climate. Photovoltaics are also great for Idaho's economy. She has had students go into green tech and they make more money than she ever did as a teacher. She urged to vote for proposal one, and against the ban for a better future for Bannock County.

11:49 AM Pam Ward, Tyhee, is speaking on behalf of 44 League of Women Voters members that live in Bannock County. They request reconsideration of Planning Council's recommendation not to adopt the ordinance banning all large wind and solar projects. They support the Council's decision based on the stakeholders heard in the Marsh Valley and Chubbuck hearings. Downey citizens fear solar facilities, but an Idaho Power spokesperson pointed out that large scale wind and solar projects cost less to build than traditional power plants and suggested the county ordinance include Idaho law for utilities. Ranchers and farmers brought up property rights and using solar farms for economic returns, when water rights were restricted, ground presumed suitable for farming and to save family farms. Environmentalists gave examples of projects on commercial, industrial, and school properties. Engineers explained how they must address community, environmental, and legal concerns before building any projects. League encourages promoting clean energy in Bannock County. Large scale wind, solar, and geothermal projects provide jobs and tax revenue. Power County distributes thousands in tax dollars from wind farms to local

communities, school districts, and fire agencies. Further study is needed. You can extend a moratorium on this issue, or pass ordinance one. The League recommends forming a group of those stakeholders with the task to study and decide the future of clean energy projects.

11:51 AM Sabrina Montanez, Associate Project Engineer with Hecate Energy, Chicago, IL, discussed that solar projects are designed to minimize impacts to landscape, stormwater design, grading within project sight, and equipment options for trackers. At end of life, the system is removed and the land put back to preconstruction condition.

11:54 AM Kiana Khalilnejad, Engineering, Procurement and Construction Manager for Hecate, designs renewable energy systems. She addressed fire concerns for the battery energy source. The likelihood of fire is very low, but they always plan for the worst. Projects are designed with active and passive systems, are continuously monitored, and can alert first responders within seconds. They are designed to prevent fire and heat propagation with suitable materials, are equipped with smoke detectors and connected to fire alarm panel. They contain a dry pipe with a sprinkler head and connection for a fire hose, which allows first responders to start a water supply on the affected enclosure. Hydrogen and carbon monoxide detectors are also commonly used and will shut down the system if gas levels rise above a set limit. They take great precaution by reaching out to fire responders closest to the station to provide safety access, offer first response training and are able to provide annual contracts to ensure the fire department is appropriately equipped. The risk of fire is taken very seriously.

11:57 AM Dan Schepis, Senior Wildlife Biologist at Stantec Consulting, Utah, is here at the request of Hecate to discuss how wildlife concerns are addressed at proposed solar energy projects. Renewable energy companies work with environmental consultants to review information and design studies that evaluate project impact to sensitive species. The typical review process, lake effect, an Audubon study, and big game migration studies were reviewed. Evaluations span more than those mentions and include a wide range of plant and wildlife.

12:00 PM Lauren Guest, Project Developer at Hecate, Chicago, IL, indicated she worked with the Commission and Council to come up with an ordinance to create a responsible solar project. As developers, extensive studies are conducted to ensure minimal impact on the environment. Solar projects will bring in construction jobs and long-term jobs. Landowners excited about the opportunity for income diversification. Council did a great job to build a workable ordinance.

12:01 PM Alex Pugh, Director of Development for Hecate, Chicago, IL, has participated in public hearing process and hearings. Planning Council meetings were attended twice and they passed proposal one and then recommended not banning solar. The developers have been disappointed that the Commission intends to issue a total solar ban. They understand the concerns raised and the onus is on the developers to address them. It was requested to create an ordinance by which they can address those concerns, such as timing of a decommissioning bond, what makes sense for the county, and how to mitigate any risk. For concerns for end of life, make the developer put a plan in the decommissioning plan with an update every five years to show what will be done with materials at end of life. He expressed commitment to not put forward an application for a solar project until an ordinance is in place. He would like the ability to work with everyone and find a workable solar ordinance.

12:04 PM Paige Armstrong, Inkom, opposes a ban on solar as it is not the responsible way to approach it. She would prefer to implement ordinances that allow this to responsibly move forward. She worked in coal mines and oil fields and saw acid mine drainage and oil spills. The responsible way to handle those was not to ban oil drilling and coal mining, but implement procedures to operate responsibly. The concerns of landowners in Downey can be met. Simplot was banned from being in Bannock County. They went right over the border to Power County, but we still have to look at it, smell it, and Power County gets all the tax revenue. This is an opportunity for south county to benefit from tax revenues. American Falls gets revenue from their solar and wind. It's a tough situation trying to keep everyone happy, but a ban opens the door to future problems. A ban in any regard is never good.

12:06 PM Barry Hartweg, Project Engineer with Hecate, Chicago, IL, has been working on solar panel technologies for six years. He discussed the safety of solar panels and what happens at end of life. Solar panels are a closed and sealed system to protect cells from environmental stresses and the structure was

reviewed. They undergo rigorous reliability tests to ensure they will withstand the environment they will be installed in and for the lifetime of 30 years. Solar panels are decommissioned per the predetermined decommissioning plan, such as what materials will be removed and where they will be sent. Some materials have salvage value or can be recycled. The industry for solar panel recycling is growing rapidly. Testing is done to determine hazardous material levels and most are classified as nonhazardous and can be placed in landfills. Developers are responsible to ensure the project components are safely retired, which is done by developing a comprehensive decommissioning plan.

12:10 PM John Knight, CEO Balanced Rock Power, Utah, develops power plants and is familiar with the problems being faced and the concerns. They want to work with the county and the community to develop a project that works for everyone. This will provide revenue for the community, educational opportunities, and job creation. There are always pros and cons to every decision to be made. He would like dialogue with staff and the Commission to ensure everyone fully understands the pros and cons and to provide the information needed. Balanced Rock Power commits funds to communities in which they live. They have committed significant funds to the Downey school district and will to the Downey fire department once the project is built. They want to help the community become better, but there needs to be dialogue with community leaders to ensure that happens. He committed to not submit an application if the moratorium lapses as the Commission and staff work to come up with a responsible ordinance.

12:12 PM Kory Chisholm, Director of Technology for Balanced Rock, Arizona, grew up in rural area, has been building power plants for seven years, and addressed disposal concerns. He indicated they don't want solar panels in a landfill and are fully committed to recycling panels at end of life and requested to incorporate that into the ordinance. Solar panels do not contain liquid that can leach into soil. They work with Solarcycle for recycling. He urged to deny the ban on large scale solar and to collaborate with stakeholders. He submitted documents for the record.

12:14 PM Liam Norris, Senior Director of Engineering at Balanced Rock, Arizona, advocates for the development of a solar ordinance that will ensure the responsible development or deployment of large-scale solar facilities while respecting and enhancing the well-being of the local community and environment. He addressed water concerns, and acknowledged it is a valuable resource. While water is used during construction, primarily for dust reduction, there is a stark reduction during the operational phase. Unlike coal and other utilities, solar facilities have minimal water consumption during the operational phase. Water is not needed during module washing, and that process is not utilized much anymore. In regions experiencing low water, transitioning land to solar energy can offer a sustainable option with reduced water demand. Through collaboration and dialogue on issues raised by the community, everyone can come together to develop a strong ordinance that addresses water related and other concerns ensuring responsible deployment of large-scale solar facilities.

12:16 PM Kat Bagri, Manager of Development with Balanced Rock Power, Colorado, explained there have been a lot of experts that testified on the concerns brought forth by the community. All the concerns can be thoroughly addressed in a comprehensive ordinance such as the one P&D Council approved in January or it can be conditioned to a conditional use permit. Solar technology and large solar projects are not new. Proven mitigation measures have already extensively been developed and implemented in rural areas like Bannock County that address concerns of decommissioning, recycling, fire risk and safety, and environmental and visual impacts. Her job centers around real estate, leases, easements, surveyors, and understanding property values and value impacts due to proximity to solar projects. An overview of studies was reviewed that concluded solar projects don't have a negative value impact. This has been a big concern from the public. No study has been done by a reputable source to show any large amount of value loss. She urged to listen to the testimony today by experts in the industry and make a decision based on information and facts and not emotions. There is a path forward for all stakeholders. She urged to develop an ordinance to promote economic diversity.

12:20 PM Sam Mate, Senior Development Engineer with Balanced Rock Power, Colorado, explained public safety is a huge priority to developers just as it is for the Board. A responsible ordinance can and should outline requirements that ensure the safety of the public and first responders that would be engaged to any event. Fire safety can be addressed in an ordinance. A fire master plan or emergency response plan would be developed in coordination with the fire department and would outline specific procedures to address any event to ensure the safety of the public and the first responders. Fire

suppression equipment would comply with national standards. An ordinance like proposal one would ensure fire fighter training, including site access during construction and ensure trainings throughout the life of the project. While no special equipment is required to respond to a solar facility fire event, it is standard practice to ensure that the fire department is equipped with sufficient protective equipment to ensure the safety of any fire department members. Regarding concerns for protection of the water table, this is reflected in the first version of the ordinance with the stormwater and water pollution protection plan. The plan would be created by a professional engineer whose entire job is to understand how we can prevent either chemical or sedimentary pollution of the local waterways. Erosion is bad for a solar plant and it is in the developer's best interest to prevent any erosion.

12:23 PM Tony Selkel, Inkom, is in favor of development of resources. He has concern for the welfare of and the rights of farmers. Farmers are the lifeblood of the nation. A farmer's biggest battle is making decisions based on weather conditions. Allowing farmers to diversify operations can give them an edge to remain solvent and prosperous. We depend on farmers and ranchers for our existence. They should have the right to pursue options to keep their livelihood stable and productive. He urged consideration of the benefits that developing these resources can have on citizens of the county and, particularly, those farmers that are at the heart of the Idaho economy.

12:25 PM Ashley Bastian, Downey, is against a solar ban, and felt there should be a compromise. The proposed ordinance was six months in the making and well thought out. If something was missed, add it in. A ban would rip opportunities from the community. The solar panels would be temporary and the land would still be owned and will be replanted into grasses. This opportunity is being ripped from citizens from fear mongering and disinformation being spread. She personally through drove several states and visited solar farms that had rows of vegetables planted beside them. Some places are putting solar over canals, waterways, and reservoirs.

12:27 PM Matt Stucki, Pocatello, on behalf of Idaho Power, requested to not approve an ordinance with an outright ban, or alternatively, to carve out an exception for public utilities under Idaho Code Section 31-881. Decisions to add new generation are not taken lightly by Idaho Power and in all cases, it's in response to growth. Idaho Power's energy mix come from numerous sources with hydroelectric as the backbone of the system. As demand continues to grow, it's important for Idaho Power, in order to meet demands, to site low cost resources and flexible options, which may include solar or wind. This is to meet the needs of customers, not sell to someone else. When they do site new generation, they work with local officials. It's not a request for unrestricted approval of wind and solar, but to use a review process to approve or reject projects on their individual merits instead of an outright ban. Idaho Power would like to ensure any new ordinance includes exemption language consistent with Idaho Code Section 31,881(2), which provides that counties are prohibited from restricting, or having the effect of restricting, the source of the electricity or other energy utility service provided by a public utility, municipality or cooperative utility. A ban on wind and solar projects goes against the code section and potentially restricts Idaho Power's ability to secure resources to serve the customers.

12:30 PM Elizabeth Koeckeritz, Attorney at Givens Pursley, is land use counsel for solar companies. She is just here for questions.

12:31 PM Clint Kingston, McCammon, owns land in Downey. He didn't intend to productively farm the land as the soil doesn't provide feasible conditions to do so. The land was described to him as poverty flats. He purchased the land as real estate prices were increasing to a point he feared his children not having land. Unfortunately, it was found that obtaining development rights is nearly impossible due to another ordinance. He shares today as his family finds themselves at the Board's mercy to determine what he can or cannot do with his property. This new ordinance would block positive impacts to landowners and the community. The deadline should be extended to further consider viable possibilities. The school district is in desperate need. One thing the majority of people can agree on is they shouldn't be told what to do with their property. The draft proposed today infringes on the rights of landowners.

Ty Davis, Downey, did not speak at podium.

12:34 PM Ryan Parker, Downey, indicated this is about people having personal freedoms. He does not agree with bans and Americans should have freedoms to choose what to do with their property.

12:36 PM Lytton Bastian, Downey, pleaded to look at ordinance proposal one. If there are some issues not agreed with, address them and make it work, such as the bond availability or disposal of panels. There are things that could be done to make this work instead of an outright ban. The companies are more than willing to help build up the community, which is needed. It will benefit the landowners, but he is looking at the future for his children as well. He is committed to this valley. This could help alleviate tax payers in the community and increase revenue for the school. There are so many positives that could come from this and they outweigh any negatives that could come forward.

12:38 PM Eric Thompson, Utah, president of Mount Oxford Ranch Company in Downey, has had a challenge running this business, has invested millions of dollars in the property, and feels they have benefitted the community and employ people year-long. They pay property taxes. He is against a ban on industrial solar. A landowner should be allowed to develop property to use how they need. He has had challenges with water and irrigation on the property making it difficult to make a profit. He can't imagine, in the Western United States, having a ban on property owners' rights that are inside the law. There should be a zoning ordinance that allows for industrial development of property, just as they have to follow ordinances for farming. Americans should be able to develop and own their property. A ban is against the landowner.

12:40 PM Conrad Isaak, American Falls, has roots here. He began farm operations and went all in. Farming is a gamble. He made a connection with a solar developer and now operates a solar farm and a contracting company due to the opportunity. He supports multiple families through employment, housing, and purchasing equipment from local companies. There were a lot of jobs during construction and now two full time positions. Maintenance companies come in and lodge in hotels and dine. The economic activity trickles down supporting small businesses. Removing this opportunity would be a travesty. There are misconceptions about solar farms. He is happy to sit down to engage with anyone to discuss how the solar farm has blessed his family and the community. Solar power is the future of energy.

12:43 PM Staff has no comments.

12:43 PM Hough moved to close the public hearing. The motion passed. Moser explained the process started when Hough reported he heard rumors about solar. A moratorium was put in. Staff developed an ordinance and received a lot of comments. Ordinance options number two and three were created, but were not presented to Council. There is no conversation about those two. Regarding the topic today, amendment to zoning ordinance 1998-1, Council took out sections 395 and 451. The decision today is whether to put them back to the original amendments that were sent to the Council or agree with them and take out the two sections.

12:45 PM Hough commented with the opening of the Declaration of Independence, that we have the right to life, liberty, and the pursuit of happiness. Passing a no solar ordinance denies individuals the right to pursue happiness because it is a red herring to the real issue of property rights. If we allow the government to deny the opportunity for individuals to explore options, where does the insidious creep of government power stop. We have to have faith in the system. The first ordinance allows the opportunity for the surrounding community to have a say in what goes on through the conditional use process. This gives people the opportunity to govern themselves within the system. If we, as stewards of the system, don't have faith in it, then it is our duty to create a system that the people can believe in. Without faith in the system, we are left with lawlessness and fear. We cannot deny the entire county the opportunity to exercise their property rights. That goes against the principals this country was founded on. The state statutes allow to pass an interim ordinance and he suggested using the first ordinance proposal. This would give a year to discuss the dialogue, that was mentioned many times today, needed to go forward. He urged to move in that direction.

12:47 PM Crowder questioned an interim ordinance. His understanding was there was no other option, that they can place the ban, which doesn't prevent further discussion, or open door to conditional use permits. He feels the only option is to put in a ban.

12:48 PM Trammell confirmed the moratorium cannot be extended. Hough interjected the statute allows to follow the moratorium with an interim ordinance to allow for one more year to put the necessary things in place. Trammell explained the discussion today is a zoning ordinance with a recommendation from Council to adopt the ordinance. The Board can follow or reject the recommendation.

12:50 PM Moser reiterated the consideration is to go back to the original that was sent to Council or to accept their amendments of taking the two sections out. He is all for property rights, but also for doing it the right way the first time. There is no time for dialogue. He agrees with Crowder to put the ordinance in due to the deadline, then we can look at adjusting the ordinance. There are places in the county that solar is wonderful, and there are places it shouldn't be. 12:50 PM Moser moved to go back to the ordinance sent to Council and put back in sections 395 and 451, which bans solar and wind, at this time in Bannock County. Then we can come back to the table to have a dialogue on solar in certain sections of the county. Hough questioned counsel if that would constitute a significant or material change, which Trammell confirmed it can be argued. Moser disagreed, as that was the ordinance that was sent to Council to consider. They can suggest to this Board, but they cannot dictate to this Board. Hough questioned counsel if the suggested changes from Council could be adopted as the interim ordinance. Trammell reviewed an interim ordinance would require the same process. He reiterated there is a recommendation from Council that can be adopted or rejected. Moser, with the time deadline, feels there is no material change. Moser called for a vote. Crowder and Moser voted affirmative, and Hough voted against. The motion passed.

- 9 1:32 PM Public Works Director Kiel Burmester, Landfill Manager Dillon Evans, Management Assistant Aubri Lewis, Mayors Rex Nielsen, Lonnie Gunter, Vicky Lyon, and Max Shaffer, and Clerk Kassadi Dunn appeared. Discussion ensued on free dump days. Three days have been scheduled. We can give free days, but cannot provide manpower and dumpsters. Nielsen is concerned citizens won't drive 70-miles round trip for a load of garbage and some didn't even know where the landfill was. They have had free dump days for 30 years, twice a year, and the County already took away the fall one. Last year, PSI brought dumpsters, but they still had to pay PSI for delivery, the cart fee, and mileage to the landfill. Burmester pointed out PSI offers community options. Crowder is inclined to arrange with PSI and get their fee covered.

1:44 PM Hough addressed the comment regarding free for 30 years, in that the police were at a low rate for a long time. Tonnage for free days was reviewed. The average is \$20,000 in dump fees waived. Costs were estimated for containers, staff, and travel at \$32,000.

1:52 PM Moser shared McCammon is a transfer station, not a dump. Construction debris is taken there. It is unlined. The County spends over \$2 million per year at the landfill for remediation. The County is looking at shutting down construction debris to be a transfer station only open on Saturdays. Discussion ensued on hazardous waste.

2:01 PM The cities were urged to talk with PSI for a joint agreement for bins, determine the cost, and the County will look at sharing the cost. Tires, refrigerant, and hazardous waste can't be put in free dumpsters. 2:11 PM

Action Item Summary

ACTION/DIRECTION	ASSIGNED TO
Approved CAT lease for Landfill compactor.	Auditing/Landfill
Approved salary form and exceptional placement.	Public Works/Auditing
Approved tax cancellation request.	Assessor/Treasurer/Resolution
Approved release of bond for Gale Lim for landfill expansion.	Auditing
Approved minutes.	Clerk
Approved zoning ordinance amendments.	Planning/Ordinance

**BOARD OF BANNOCK COUNTY COMMISSIONERS
MINUTE CERTIFICATION**

We, the Board of Bannock County Commissioners, hereby certify approval of the minutes of the Bannock County Commissioners' meetings inclusive of the date of March 19, 2024, as approved during the meeting of March 26, 2024.

BOARD OF BANNOCK COUNTY COMMISSIONERS



Ernie Moser, Chair



Jeff Hough, Member



John Crowder, Member

ATTEST:



Jason C. Dixon, Clerk