

## BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

**APPROVED** MEETING MINUTES | January 17, 2024

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, Planning Director; Tristan Bourquin, Assistant Director; James Bagley, Zoning Planner, Alisse Foster, Subdivision Planner; Marj Williams, Management Assistant.

Barbara Hill calls the meeting to order.

### **A. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:**

Present Council Members: Barbara Hill (via Zoom), Stewart Ward, Chuck Heisler.

Excused/Absent Council Members: ), Edward Ulrich, Tam Maynard.

### **B. PRELIMINARY BUSINESS:**

AGENDA CLARIFICATION AND APPROVAL - Bourquin notes that the draft minutes were not put in the packet and Council decides to move their approval to the next meeting.

Heisler makes a motion to approve the Agenda as amended. Ward seconds. Motion passes unanimously by acclamation.

#### VOTE FOR CHAIR AND VICE CHAIR

Hill makes a motion to nominate Stewart Ward as Chair. Heisler seconds. Motion passes unanimously by acclamation.

Hill makes a motion to nominate Edward Ulrich as Vice Chair. Heisler seconds. Motion passes unanimously by acclamation.

### **C. APPROVAL OF MINUTES:**

None.

Hill makes a motion to open the Public Hearing. Heisler seconds. Motion passes unanimously by acclamation.

#### **D. PUBLIC HEARING ITEMS:**

4. VARIANCE FROM 327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS – The applicant, Steven Rivera, requests a variance from the 20' rear yard setback requirement (the applicant proposes a 6' setback). The affected property is currently addressed as 1797 N Honeysuckle Ln, Inkom, ID 83245. The variance was previously approved at 10' due to an easement on the property. The Applicant notes that the easement has since been removed.

Jim Bagley, Zoning Planner, presents the Staff Report. He reiterates that the variance was previously granted in 2022 at 10' and the Applicant wants the additional reduction to 6'. A letter was received from Idaho Power confirming that the easement has been removed.

Ward asks if the structure is currently built and is in violation of the variance. Bagley confirms. Ward says that Idaho Power has relinquished their interest but that the easement has not been vacated as it may be needed for other utilities. Bourquin, Assistant Director, believes the utility easement was solely for Idaho Power and that as long as the utility company has given permission, a replat is not needed. Ward says the plat reserves the easement for public utilities and no other utilities have relinquished their interest.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward invites the Applicant up for rebuttal.

Rivera says there are two sets of plans for the subdivision. The first eight lots have the easement and the adjacent one has no easement. He was told Idaho Power was the only utility he needed to contact as all utilities are in the street and they have a private well.

Heisler notes that this is a landlock easement. Rivera confirms.

Ward is concerned that no other utilities were contacted besides Idaho Power. Rivera says this was brought up but it was decided that only Idaho Power needed to be contacted.

Hill asks Staff if there is a provision to consider the variance and address Ward's concerns in the conditions. Heisler says it isn't the Council's responsibility to clear up the easement. If utilities need the easement, it's up to the property owner to find a solution. He says that since the shed is already built, the Applicant has already assumed responsibility for being in the easement. Ward says the Applicant is basically asking for forgiveness and they are allowing him to continue to break the rules. Hill agrees and asks if it's approved what will stop others from doing the same thing. Heisler fails to see the impact to the public interest and asks whether they would have denied the variance if it had been proposed before the build.

Ward proceeds on to discussion and review of the findings.

- A. The applicant has shown that there is no reasonable alternative because the structure would be built over the Applicant's septic tank and drain fields if he were required to move the structure to meet setbacks, based on the Applicant's testimony. Additionally, this limits other locations available on the site.
- B. The variance is not in conflict with the public interest. This is based on the absence of objections from the public and that Idaho Power relinquished their interest in the easement.
- C. The variance will not adversely affect adjacent property because there are no adjacent property owners in opposition of this request. Additionally, Idaho Power has relinquished ownership of the utility easement and there will also be six feet back there in the event that other utilities need to conduct maintenance in the area.
- D. If the variance is not granted, the Applicant will suffer undue hardship caused by the physical characteristics of the site because the structure is already built and moving it would cause hardship. The location of the septic tank, drain field well, and other existing structures create an undue hardship if the variance is not granted.

Heisler makes a motion, based on the record and discussion this evening, to approve the request by Steven Rivera for a variance from rear yard setbacks in the Residential Rural Zone, to reduce the rear yard setbacks from 20' or height of the structure, whichever is greater to 6', as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. The structure to be 20' or less in height.

Hill seconds the motion.

Roll call. Hill – yes. Ward – no. Heisler – yes. Motion to approve passes 2-1.

5. CONDITIONAL USE PERMIT: GYMNASIUM – The Applicant, Zachary Dame, 10795 S Dempsey Creek Rd, Lava Hot Springs, ID 83246, petitions for a conditional use permit to establish a gymnasium in an existing dwelling. He is passionate about exercise and wants to provide a public gym for the community. He would like to have an illuminated sign. There is parking and a large driveway.

Ward asks if Dame is currently accepting clients. He responds that there are no paying clients but the gym is currently in use.

Heisler notes that this is the second conditional use permit request for this property.

Ward asks if the Applicant lives in the same structure. Dame confirms. His parents own half of the property and his home is considered the accessory dwelling structure.

Jim Bagley, Zoning Planner, presents the Staff Report and notes that the gym structure would have to be brought up to building code. The approach may have to be increased to a commercial approach. The accessory structure was permitted as a cottage dwelling but Staff is unsure as to whether it is the entire dwelling or just a portion.

Ward asks if it's all or nothing since it's one structure or if a building can be subdivided. Bagley is unsure but says there have been cottage dwellings with designated living sections and storage sections. He believes the plans were submitted for the entire structure to be a cottage dwelling.

Hill says that when they do a cottage dwelling, it gets recorded and has the restriction that it can't be for gain. So if it shows on the plat that the entire structure is a cottage structure with that entire structure restriction, then that's how it must be treated. Bagley says the restriction is placed on the deed that says a cottage dwelling shall not be rented or occupied for gain. Hill believes that would apply to the entire structure. Ward asks if that restriction was recorded on their deed. Bagley does not remember. Bourquin says it would be up to Council to make findings as to whether the building or portion is dedicated to cottage dwelling and the shop portion is a shop. Heisler clarifies that there is an accessory cottage dwelling in the shop.

Ward invites public testimony.

Public testimony in favor: Brad Yates, 10645 S. Dempsey Creek Rd., is in favor because the gym in Lava Hot Springs is not maintained well and has limited equipment. Competition usually brings about improvement. He doesn't see it as a nuisance and is fully supportive.

Jane Dame is one of the property owners and says it's difficult to find places to go other than the hot springs. She is a big advocate of exercise and thinks this will help bring the community together.

Gary Davids, 9104 Victory View Rd, Lava Hot Springs, ID 83246, is in favor because the closest gym with any weight lifting equipment is in Pocatello. He notes that it is difficult to leave the house in winter with young kids and this helps remedy that.

Public testimony neutral: Rodney Birch, 115 Elm Street, Lava Hot Springs, ID 83246, City Planner representing the City of Lava Hot Springs. They are neutral to the application because they don't feel there's a negative impact. This property in their future land use is low density residential and this type of use would also require a conditional use permit if it were inside the city of Lava Hot Springs' boundaries. They ask Council to consider the following: if the use is harmonious with the general objectives of the County's comprehensive plan and those other general properties in the vicinity; would it be guaranteed to not be hazardous or disturbing to future neighbors; can it be adequately served by public infrastructure; not create excessive additional requirements at public cost for public facilities and services; not involve uses or activities that may be detrimental to the public; does it have vehicular approaches to the property so as to not interfere with traffic; not result in the destruction of features of major importance.

Public testimony opposed: Mark Lowe, 9246 E. Maughan Rd, Lava Hot Springs wrote a letter in opposition. He doesn't believe the conditional use permit would be in the best interest of the public, but benefit the owner. He says the public has access to gym facilities at the Senior Center. He says that since the property is already being used as a commercial RV facility, why not rezone the property to commercial.

Ward invites the Applicant up for rebuttal.

Dame says he did pay for two different building permits. At first it was a structure and then he submitted for another 20x50 for residence.

Ward clarifies that it was initially supposed to be a shop and then the dwelling came second. Dame confirms. 20x50 is the dwelling and 30x50 is the shop.

Heisler asks if the intention is to be a business. Dame confirms.

Ward reads the recommended conditions to the Applicant. Hill is concerned about an illuminated sign in a residential area. Bagley notes the condition of 50' for signage is a greater restriction than what would need to take place because Dempsey Creek is one of three ways to get into the city of Lava. It is a further setback from the right of way than is dictated by ordinance. Heisler asks if the Applicant intends to attach a sign physically to the structure. Dame confirms. Heisler asks if this would be a sign that's illuminated by a light and not LED/backlit. Dame confirms. Bourquin says that if it's a non-illuminated sign, it does not need any administrative review. It would just go through permitting to meet building code requirements and the lighting ordinance.

Dame would prefer to have the hours of operation start at 7am instead of 8 to accommodate early risers. He notes that there are plants along the road.

Heisler notes that the location is on a hill and they would have to plant tall trees in order to meet the condition of creating a noise buffer.

Heisler is concerned with setting a precedent for allowing business in cottage dwellings. Hill asks for clarification on Condition #5 that says the cottage dwelling has to be separated from the accessory structure, if required by building code. Bourquin says they'll most likely require an additional firewall separation between the dwelling portion and the gym portion.

Hill feels that because this is recorded as a cottage dwelling, that's how the structure must be treated. She is unwilling to make an exception to allow personal gain from a cottage dwelling. Heisler wonders if the Applicant's parents are the property owners and should be the ones applying for the permit. Heisler also wonders if a barn construction doesn't need the same permit as a home, and that's why there are two different building permits. Bourquin confirms that the Applicant is a property owner. She notes that in 2020 the barn was permitted as a pole barn accessory structure. In 2021, they pulled a separate permit for the cottage dwelling portion and addition or remodel of a portion of the structure to be the cottage dwelling. Hill says they should have been told at that time that they couldn't use a cottage dwelling for gain and should have questioned attaching it to the structure.

Ward proceeds on to discussion and review of the findings.

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. Some of the permitted uses are schools, golf courses, commercial stables and attached housing. A gym would not adversely affect surrounding properties to a greater extent than these uses because they would generate similar or less traffic, noise, and lighting, and hours of usage would be similar.
- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use. The size of the facility would not allow an extraordinary increase in volume to significantly increase the amount of traffic on S. Dempsey Creek Rd that will create significant issues in the vicinity.
- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity. The proposed use would benefit the health and general welfare because a local gym will allow more opportunity for residents to stay healthy. The increase in traffic would not cause harm to the road infrastructure because S. Dempsey Creek Rd is built for higher traffic counts with 12-ft lanes and 4' bike lanes.
- D. The proposed use would be consistent with the goals and policies of the Comprehensive Plan of the County as it will bear all costs with providing services, it helps to develop

private recreational facilities, it supports efforts to provide economic benefit, it will support the development of other people who are already working or those who would like to become part of the workforce. These items are outlined within the Comprehensive Plan as Policy 1.1.1, Objective 1.5, Policy 2.1.2, Objective 2.2, Objective 4.1, Objective 4.2 and 4.2.1. Also Policy 5.3.1 was discussed in previous items.

E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical. Building permits have been issued for the structure and certificates of occupancy have been issued for both the accessory structure use and the dwelling use. All setbacks have been met according to the recreational zoning district. The use will meet building code requirements during the change of use process and through the following conditions.

Hill makes a motion, based on the record and the discussion this evening, I move to approve the request by Zachary Dame, for a Conditional Use Permit to establish a gymnasium in an existing pole barn. With the proposed hours of operation from 7am- 10pm, six days a week, described in the application materials as supplemented with additional information attached in the staff report, and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. The proposed hours of operation to be 7am-10pm six days per week.
2. Parking will meet standards set forth in Section 410 Off-Street Parking Requirements.
3. Signs cannot be placed within 50' of the R.O.W. of S. Dempsey Creek Rd.
4. Separation of cottage dwelling from accessory dwelling, if required by building code.
5. C.U.P. is restricted to the pole barn and no business or commercial enterprise may be carried out in the Cottage Dwelling.

Heisler seconds the motion.

Roll call. Hill – no. Ward – yes. Heisler – yes. Motion to approve passes 2-1.

6. ORDINANCE CHANGES: ZONING ORDINANCE TEXT AMENDMENTS AND ADDITIONS – Bannock County proposes to amend Bannock County Zoning Ordinance 1998-1 Sections 200 Definitions, 316 Table of Building Bulk and Placement Standards, 327 Table of Building Bulk and Placement Standards, 337 Table of Building Bulk and Placement Standards, 347 Table of Building Bulk and Placement Standards, 357 Table of Building Bulk and Placement Standards, 367 Table of Building Bulk and Placement Standards, 376 Table of Building Bulk and Placement Standards, 386 Table of Building Bulk and Placement Standards, and 395 Use Regulations Chart. Additionally, Bannock County proposes to add Sections 402 Agricultural Building Exemptions, 403 Farm Labor Dwellings, and 452 Large-and Small-Scale Solar Energy Production.

Tristan Bourquin, Assistant Planning Director, presents the draft of amendments to the Council.

Ward invites public testimony.

Public testimony in favor: Alex Pugh, Director of Development for Hecate Energy, 621 W. Randolph St, Chicago, IL, believes implementing a solar ordinance is a positive step to the future of solar in Bannock County. Utility scale solar farms have a total capacity of 80gw installed nationwide, which is enough to power 18 million homes. The solar industry employs nearly 253,000 Americans and has generated significant economic benefit for local communities. Solar companies such as Hecate are investing in facilities to manufacture parts in the US. Solar will benefit Bannock County by millions of dollars per year for the 35-yr lifetime of the projects through the Idaho Solar Energy Tax, which will be distributed to schools, fire departments, and other county services. This will generate jobs and their preference is for local workforce. This will also allow farmers to lease or sell land to diversify income and benefit their families.

Kat Bagri, 1946 W. 33<sup>rd</sup> Ave, Denver, CO, Manager of Development at Balanced Rock Power, on behalf of Harry Fontana, testifies as to why the ordinance is important for county and promotes responsible development by minimizing impacts to the land and wildlife, etc.

Dustin Manwaring, 1469 W. Quinn Rd., Pocatello, ID, representing Hecate Energy and Balanced Rock Power, speaking on behalf of Loren Guest. He outlines the following requests:

1. The definition of wildlife routes be changed to wildlife corridors in the ordinance.
2. Amend riparian area to include reference to jurisdictional waters of the US.
3. Change the wording that the Council has “sole” discretion whether to provide an extension to “reasonable” discretion.
4. Include a decommissioning bond amount for salvage value (defined as the amount an asset is estimated to be worth at the end of its useful life).
5. Property boundary setback exclude the internal property lines and facility boundaries.
6. More certainty in the height requirement – max height 20’.
7. Underground wiring does not have to be buried but follow APLIC guidelines.
8. Change the wording from the requirements the developer must meet “prior to development” for wildlife and native plant protection, to requirements must meet “prior to the start of construction.”

Liten Bastion, 23023 S. Barnes Ln, Downey, ID 83234, talks about how Downey was once a bustling town with many resources. He is in favor of the project as it will bring tax money to the area but believes the county of Bannock County will be getting an unfair portion of the tax money that belongs to Southern Bannock County (Downey, and surrounding areas).

Public testimony neutral: Ward reads a statement from Aaron Gitford. He has no objection to small-scale solar panels for residential and farm pump uses but believes that any decisions made on large-scale solar farms should be tabled until after all upcoming public meetings. Any solar projects of commercial scale should be placed in light industrial zoned properties and not agriculture.

Public testimony opposed: Kirk Jackson, 6598 Brush Creek, Downey 83234, would like the open space ordinance to be applied to future solar projects. He says that any ordinance that will create an exemption for or bypass the open space ordinance for any alternative energy project is unacceptable. Many county residents have been forced to adhere to the 50% deed restricted ordinance and it shouldn't just be given away.

Rebecca Falcon, 3600 E. Elison Rd, Downey, ID, gives reasons for being opposed to the project. She says that large scale solar projects offer nothing to the community. She notes that Balanced Rock is a project coordinator that could then sell the project layout to a foreign investment company. A south-facing solar array would be blinding to I-15 northbound traffic. Wildlife often mistake solar panels for water and crash into them. The panels would be covered in snow 6-9 months out of the year. Added traffic will put a strain on the roads. The standard proximity considered safe to live near a solar array is 1.2 miles. She recommends the committee establish protections for the rights of homeowners as their property values are set to decrease. She says that solar is the least efficient of all "green" energies and uses land for single-family homes and mini-farms. And speaking on behalf of Desiree Hauser, proper zoning should help with the incompatible overlapping uses, like having a home next to a solar farm. The preservation of wildlife, ag, and community member use also need to be considered.

Julie Richards, 241 E. Center St, Downey, ID, believes the solar farm will lead to a hazardous toxic waste dump and destroy animal habitat. The farms will face flood from ditch rerouting, top soil removal, and heavy equipment compacting the soil. Solar panels break due to natural events like storms, which can leach toxic chemicals into the ground, contaminate water, and cause a fire hazard. Property values will go down and the landscape destroy. Solar panels are only 20% efficient at best. She is concerned about black-body radiation and exacerbating weather extremes. She says the project needs a full environmental impact study and independent research before moving forward.

Randy Sampson, 22759 S. Racetrack Rd, Downey, ID, opposes passing any ordinance at this time because of concerns for homeowners that don't have enough land to lease to the solar companies. His five-acre property is surrounded on three sides by a proposed solar farm that is less than half a mile away. He is concerned about the impact on his property value.

Joel McQuivey, 88 N. 1<sup>st</sup> W, Downey, ID, says that any changes that allow this to come into the valley are ridiculous. He is concerned about his son's property value being surrounded by a 2400 acre solar farm. He says nothing should be passed tonight and there should be a public meeting on a night when the roads aren't bad and people can drive from the southern end of the county. He is opposed to solar in the entirety of Bannock County.

Ward proceeds on to discussion of the proposed amendments to the ordinance starting with the definitions.

Heisler asks why wildlife “routes” was used instead of wildlife “corridor.” Bourquin says that edit was made by Fish and Game because “corridors” is a loose term that doesn’t define specific routes.

Ward asks why the terms “agricultural building” and “agriculture building certification statement” are needed. Bourquin says there are ag structures in the county that are allowed an exemption from building code and only have to get a siting permit. They wanted a definition that met those exemption requirements. Part of that process that is implemented as policy is to have the certification statement recorded with the county so future owners know that this structure has not had a certificate of completion or occupancy and has not gone through building code inspections.

Heisler asks if the “farm labor dwelling” is specific enough. Bourquin says the definition is enough because there is already a definition for dwelling unit. A farm labor dwelling is essentially a dwelling unit for farm labor. She thinks that might need to be considered in the section itself and not the definitions.

Hill asks how the farm labor dwelling separates itself from the cottage structure that was previously discussed – how it will be policed and shown that that is the use of that structure. Bourquin says that Staff discussed having the same verbiage in the cottage dwelling ordinance where it would need to be deed restricted against separation from the primary residence, but one concern is it may not be on the same parcel as the residential dwelling. The proposed farm labor dwelling section only allows two additional dwelling units per 80-acre parcel. Hill is concerned that a loophole is being created allowing residential development on an agricultural piece without going through the proper channels.

Hill asks for some context for the large-scale solar power facility definition (how many panels, etc). Bourquin notes that all the definitions are industry standard for large-scale solar energy production. The solar arrays have a nameplate capacity, so the amount of power is based on that. If it encumbers more than 100 acres of land, the megawatts or accumulated power doesn’t matter. There is a section that outlines the determination of scale on page 19G.

Page 4 – Ward notes that “Structures” should not be crossed out on the Section 327 Table. Heisler asks why height of structure is being removed. Bourquin says the consensus is that blanket setbacks are better than trying to gauge height.

Page 5 – Ward suggests changing the wording of “Five acres is the minimum lot size” to “Minimum lot size: five acres” for consistency with the other pages.

Page 7 – Heisler asks if the “Smaller lots” statement being removed was to clarify the open space subdivision. Bourquin confirms and says it’s contradictory because the subdivision section of multiple use talks about density allowed, but the minimum lot size is still one acre. Heisler asks if open space only relates to subdivision. Bourquin confirms.

Page 8 – Bourquin notes the removal of “or as determined by P&D Council for CUP” because you can get a CUP in a commercial general for residential which is outlined in the use chart.

Page 12 – Item C – Ward asks how they control not allowing the dwelling to be rented to non-farm labor. Bourquin says it's the same as any other ordinance. A code violation process would be started (letters to conformance, citations, infractions, citations, and county prosecutor.)

Council discusses the comments from Wade Egan. Hill asks what a dwelling requires and if they should limit the size of the dwelling. Bourquin says it must have permanent provisions for living, sleeping, eating, cooking, and sanitation. Size is not currently regulated for any dwelling. Ward believes a parcel with a residence is a cottage dwelling and not a farm labor dwelling. Bourquin says in agriculture cottage dwellings are not permitted. They considered amending the cottage dwelling ordinance but it didn't fit the purpose of a farm labor dwelling.

Page 14, 2a – Ward would like to add that the site plan maps be certified by an Idaho licensed surveyor. He also thinks 50' from the front, side, and rear setbacks is too close, especially if there's any residential. Heisler notes that state law already requires boundary lines to be determined by a surveyor.

Page 15, 3 – Ward asks what a desktop wildlife study is. Bourquin says Idaho Fish and Game said at this stage that a certified wildlife study isn't something that would be provided. It would instead be a desktop study, which is a study they already have.

Page 16, Item D – Ward asks points out that an extension and a renewal are the same thing. Bourquin says that the second paragraph is by the Planning and Development Council. An additional extension would have to go to the Commission. Heisler asks if the term “sole discretion” should apply only to the Commission and “reasonable discretion” for P&D. Bourquin notes that both Council and Commission decisions are appealable.

Page 17, 3 – Heisler recommends adding “commercial operation date” to the definitions. He asks where the 120% decommissioning costs number came from. Ward comments that he looks at the bond there as an improvement bond on subdivisions. Heisler asks about it being less the salvage value. Bourquin says the salvage value would be they don't decommission so we have to decommission, but we're going to be gaining salvage value. If the company doesn't decommission, it shouldn't be the tax payers' responsibility to make sure the County can salvage the equipment.

Page 19, G – Hill asks how the determination of scale would work with an applicant who comes back with a second project on the land next to the first. She also notes that it doesn't say whether the parcels have to be contiguous. Heisler says if they're adjacent they would be treated as one piece and that it would fall back on the large-scale solar power facility definition. Bourquin adds that determination may not matter because all of these regulations are required whether it's a small-scale or large-scale.

Page 21, 6d – Ward thinks 50' is way too close for side and rear setbacks because it means they can put it 50' to a right-of-way. He asks why it can't be standard at 100-150'. Heisler asks if that number is standard. Bourquin says it needed to be larger than other structures and that was a good number to start with. Heisler notes that they already have to be 150 feet from a dwelling, so potentially adding another 100-150' on top of that will create a lot of unused space.

Page 22, H – Heisler asks if a maximum height wasn't established because they didn't want to put limitations on people. Bourquin confirms, especially with the agrivoltaics. Ward is okay with a 20' height limit but thinks it should be measured to the height of the full tilt array.

Kiel Burmester, Public Works, asks about the disposal of equipment. The Applicant says the modules are generally useful for longer than 35 years. There's aluminum, glass, and silver backing that need to be handled more carefully, which are then taken to a licensed disposal facility.

Heisler asks the Applicant if they have exposed power. The Applicant says there's the wiring that goes from module to module that is direct buried or put into cable trays underneath the panels. He says above ground power would happen in scenarios when there's something underground that you can't go through and also at the central transformer there will be high-voltage lines connecting to utility. They are all encased, not exposed.

Page 20, 4b – Council strikes all wording prior to “applicant should follow...”

Page 22, I – Council changes the wording to “All wiring to and from a solar energy array and the facility...”

Page 20, 4 – Change the word “development” to “construction.”

Heisler moves to recommend approval of the proposed zoning ordinance amendments upon review by the Chair. Hill seconds.

Hill – yes. Ward – yes. Heisler – yes. Motion to approve passes 3-0.

Heisler moves to close the public hearing. Hill seconds.

Motion passes unanimously by acclamation.

#### **E. BUSINESS ITEMS:**

NONE.

#### **F: ITEMS OF INTEREST:**

- a) Update on recommendations to Commissioners: None.
- b) Discussion of upcoming hearing items: Conditional Use Permit, Variance, Concept Plan, and a Preliminary Plat. Also, a non-public hearing to make clear and concise findings on the gravel pit on Siphon Road.
- c) Announcements
  - i. Joint meeting with Commissioners in first quarter of 2024
  - ii. Comprehensive Plan Open Houses are starting next Tuesday

**G. CITIZEN COMMENTS:**

NONE.

**H: WORK SESSION:**

- a) Training for Open Meeting Law – Moved to the next session.
- b) Comprehensive Plan Edits – Moved to the next session.

Meeting is adjourned.

The public meeting was held in the Planning and Development Conference Room, 5500 S 5<sup>th</sup> Ave, Pocatello, ID 83204. Due to limited seating in the conference room, the meeting was also available via web-conference and telephone.

Respectfully Submitted,

*Marjorie Williams*

Marjorie Williams  
Management Assistant