



MINUTES OF THE BOARD OF BANNOCK COUNTY COMMISSIONERS

Meeting Details

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| Date of Meeting: | Tuesday, February 25, 2025 |
| Commissioners present: | Ernie Moser and Jeff Hough |
| Clerk of the Board: | Nancy Allen for Jason C. Dixon |
| Absent Board Members: | Ken Bullock |
| Staff present: | Deputy Clerk Nancy Allen, Comptroller Kristi Klauser, and Attorney Jon Radford (9:10 am) |

Agenda Details

| AGENDA | |
|--------|--|
| | Business Meeting (action items) |
| | Agenda: |
| 1 | <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) |
| 2 | <ul style="list-style-type: none"> Daniel Kendall, Buildings and Grounds, requesting approval of and potential signature on contract with (1) Direct Communications for the Exhibit Hall in Downey, and; (2) contract with Mountain West Rentals and Sales (requested 5 minutes) (action item) |
| 3 | <ul style="list-style-type: none"> Emma Iannacone, Public Information, requesting reading of and signature on a Joint Proclamation with the Cities of Pocatello and Chubbuck declaring the month of April 2025 as “Strengthening Families to Prevent Child Abuse Month” (action item) |
| 4 | RESOLUTIONS AND ORDINANCES (action items): Resolution No. 2025-14 Adopting New Fees for Planning and Development Resolution No. 2025-15 Amending the 2021 Comprehensive Plan Future Land Use Map County Ordinance 2025-01 Amendment No. 68 to Zoning Ordinance No. 1998-1 |
| 5 | LETTERS AND NOTICES (action items): Public Hearing Notice |
| 6 | 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 February 6 and 11, 2025, and Certification of Said Minutes |

Meeting Notes

- 9:00 AM Hough called the meeting to order. Community Resources and Advocacy Director Shantal Lauu presented cremation applications for case numbers 20250021, 20250022, 20250023, 20250024, and

20250025. Hough moved to approve case numbers 20250021, 20250022, 20250023, 20250024, and 20250025. The motion passed.

- 2 9:02 AM Kendall reviewed a contract with Direct Communications for fiber to the exhibit building. Discussion ensued on costs and limited vendors. Moser moved to approve the Direct Communications contract. The motion passed.
9:07 AM Kendall requested approval of a rental agreement for a man lift. Concerns were discussed on the contract terms regarding liability of injuries and responsibility for transport. Kendall will look into other contracts.
- 3 9:09 AM Iannacone presented a joint proclamation. Moser moved to sign the proclamation. The motion passed.
- 4 9:12 AM Hough reviewed the resolutions and ordinance. Hough moved to approve Resolutions 2025-14 and 15 and Ordinance 2025-01. The motion passed.
- 5 9:14 AM Public Works Director Kiel Burmester appeared and reviewed road validation criteria and the application to validate Lower Rock Creek Road from Bonneville Road east. It is a dirt road section that goes toward the towers and jogs off to the applicant’s property. Some County maps show it as a maintenance road and some maps do not. Hough moved to approve the publication notice for a public hearing to consider the petition to validate Lower Rock Creek Road. The motion passed.
- 6 9:18 AM The consent agenda included minutes. Hough moved to approve the minutes. The motion passed.

Action Item Summary

| ACTION/DIRECTION | ASSIGNED TO |
|--|--------------|
| Approved case numbers 20250021, 20250022, 20250023, 20250024, and 20250025 for cremation assistance. | Indigent |
| Approved contract with Direct Communications. | Facilities |
| Approved proclamation declaring April as Strengthening Families to Prevent Child Abuse Month. | PIO |
| Approved Resolutions 2025-14 Adopting New Fees for Planning and Development; and 2025-15 Amending the 2021 Comprehensive Plan Future Land Use Map; and County Ordinance 2025-01 Amendment No. 68 to Zoning Ordinance No. 1998-1. | Clerk |
| Approved publication notice for a public hearing to consider road validation. | Public Works |
| Approved minutes. | Clerk |

In the Matter of ADOPTING NEW FEES)
FOR PLANNING AND DEVELOPMENT)

R.S. No. 2025-14
February 25, 2025

RESOLUTION

WHEREAS, pursuant to Idaho Code §31-870, Bannock County may impose and collect fees for those services provided by the County which would otherwise be funded by ad valorem tax revenues; and

WHEREAS, Idaho Code §§11-729, 31-875, 31-3203, 31-3904 and 31-4404 further allow county commissioners to impose and collect fees; and

WHEREAS, user fees supplement tax revenues and allow for costs to be recovered from those receiving the service; and

WHEREAS, notice of a public hearing regarding fee increases and the imposition of new fees was published in the Idaho State Journal, pursuant to Idaho Code §63-1311A, on February 8 and 15, 2025; and

WHEREAS, the Board of County Commissioners has examined the proposed fees and determined that such fees should be set to meet expenses of operation, maintenance, repairs and other appropriate charges for operation and upkeep for each department;

NOW, THEREFORE, BE IT RESOLVED that the following new fees are hereby adopted effective this date:

Planning and Development:

| | |
|--|-------|
| Agricultural Protection Area Designation | \$945 |
| Reconsideration of Commissioners' Decision (no appeal filed) | \$150 |

BOARD OF BANNOCK COUNTY COMMISSIONERS



Jeff Hough, Chair



Ernie Moser, Member

Ken Bullock, Member

Attest: 
Jason C. Dixon, Clerk

In the Matter of AMENDING THE)
2021 COMPREHENSIVE PLAN)
FUTURE LAND USE MAP)

R.S. No. 2025-15
February 25, 2025

RESOLUTION

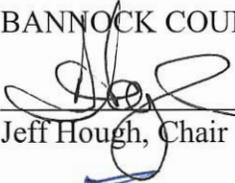
WHEREAS, the Bannock County Comprehensive Plan and Future Land Use Map was adopted March 16, 2021, by Resolution 2021-30; and

WHEREAS, Idaho Code Section 67 Chapter 97 AGRICULTURAL PROTECTION AREA ACT, mandated ordinance adoption, whereby Bannock County Commissioners adopted herewith Ordinance 2025-01 for agricultural protection areas; and

WHEREAS, the Future Land Use Map must designate agricultural protection areas;

NOW, THEREFORE, BE IT RESOLVED that the 2021 Comprehensive Plan Future Land Use Map be amended to include an overlay for the agricultural protection areas as shown in the attachment hereto.

BANNOCK COUNTY COMMISSIONERS

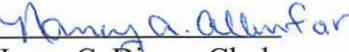


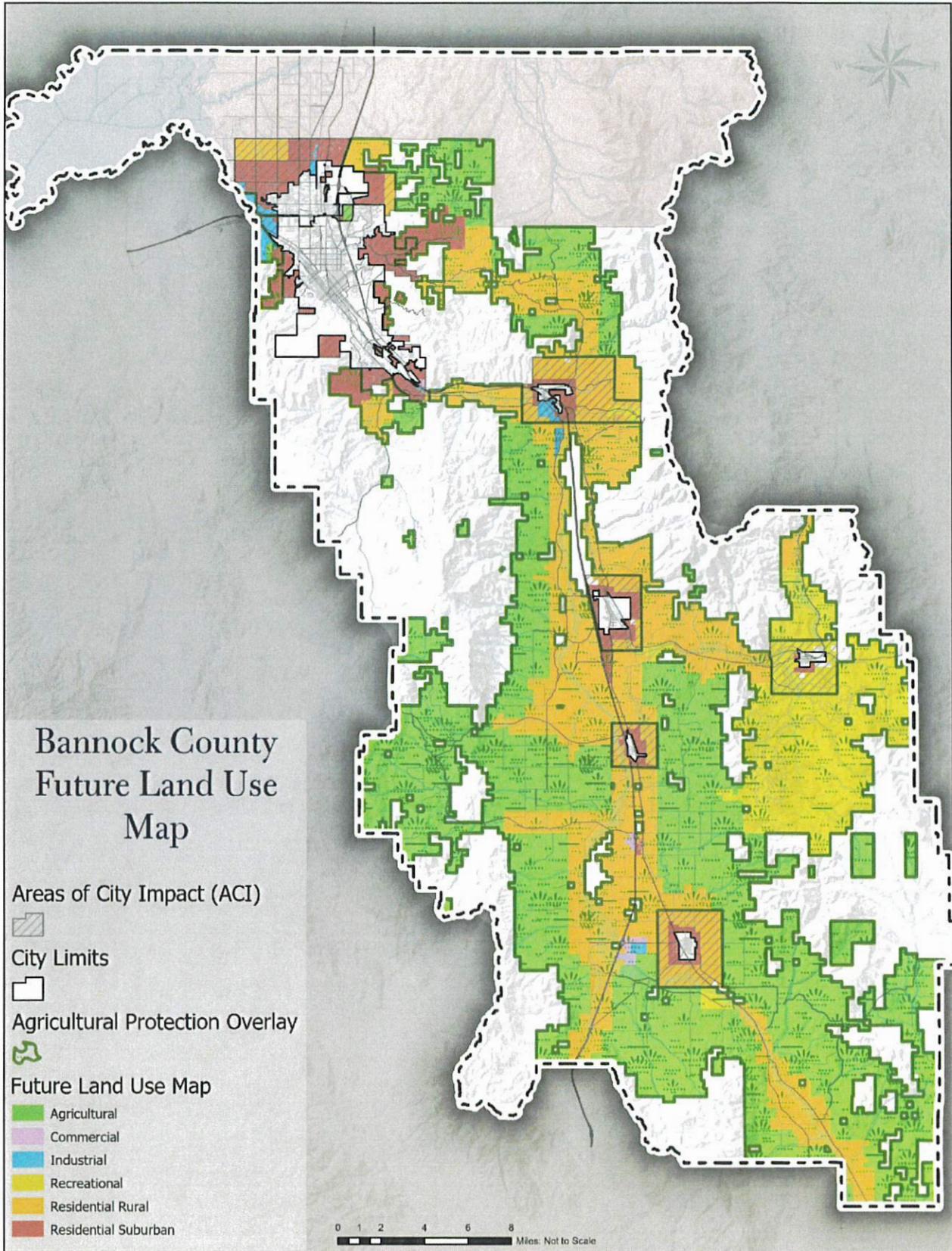
Jeff Hough, Chair



Ernie Moser, Member

Ken Bullock, Member

Attest: 
Jason C. Dixon, Clerk



Bannock County Future Land Use Map

Areas of City Impact (ACI)



City Limits



Agricultural Protection Overlay



Future Land Use Map

- Agricultural
- Commercial
- Industrial
- Recreational
- Residential Rural
- Residential Suburban

0 1 2 4 6 8 Miles: Not to Scale



COUNTY ORDINANCE 2025-01
Bannock County, Idaho
Amendment No. 68 to Zoning Ordinance No. 1998-1

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1998-1 – Amending sections: 200 Definitions and 471.1 Standard Lots/Parcels; and adding a NEW section 461 Agricultural Protection Area

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, THAT THE FOLLOWING AMENDMENTS BE MADE TO ORDINANCE NO. 1998-1:

SECTION 1: AMENDMENTS

AMENDMENT NO. 1:

Section 200: Definitions - Add the following definitions:

Agriculture Production: means activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63- 1701, Idaho Code.
Agriculture Protection Area (APA): means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

Agriculture Protection Area Commission: means the advisory board to the governing body created pursuant to section 67-9705, Idaho Code.

Area of City Impact (AOI): area designated by county ordinance where city growth and development are expected to occur.

Hardship: means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

AMENDMENT NO. 2:

Add a new section:

461 AGRICULTURAL PROTECTION AREA

An Agricultural Protection Area (APA) designation is a voluntary process by which a property owner may commit lands actively devoted to agriculture for future agricultural use. An APA designation aims to protect productive farmland, rangeland, and forest land; promote farm viability; support the local agricultural economy; and provide for long-term planning stability. This section outlines the process for creation of APAs.

- A. An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural lands from future nonagricultural development. To qualify for an APA designation, the land must be:
1. More than five contiguous acres,
 2. Actively devoted to an agricultural or forest purpose,
 3. Assessed as agriculture or forest land, according to the Bannock County Assessor's office, and
 4. Located within a zone that allows for agricultural or forest use.
- B. Landowners wishing to establish an APA must submit an application to the Planning and Development office. At a minimum, the application shall include the following:
1. Payment of application fee, as listed in the adopted fee schedule;
 2. Proof of land ownership;
 3. A legal description of the parcels, structures, and facilities proposed to be included in the APA;
 4. A record of survey, completed by an Idaho Licensed Surveyor, showing the boundaries of the proposed APA;
 5. A statement outlining the current contiguous acreages of land, land use, agricultural productivity, and other relevant characteristics of the land to be included in the APA;
 6. The number of years the land has been in agricultural or forest production, the types of agricultural or forest commodities produced, and the applicant's plan to continue using the land for agricultural or forest purposes;
 7. The reasons for seeking an APA designation;
 8. Soil surveys, water rights, and any other relevant environmental assessments.
- C. Upon receipt of a completed application, the APA Commission shall review the proposal as a business item and make a recommendation to the board of county commissioners within sixty (60) days of receiving the application. The application shall be evaluated on the following criteria:
1. The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural or forest production,
 2. There is no conflict with existing city annexation or development plans or agreements, and
 3. The applicant has shown the agricultural production capability of the land within the proposed APA.
- D. Notwithstanding the criteria and review process outlined in this section, the Board of County Commissioners (Board) may place additional conditions on lands designated as an APA, including, but not limited to, setbacks from existing public rights-of-way and a review of the land's APA designation after twenty (20) years.
- E. Once the APA Commission makes its recommendation to the Board, the Board shall hold a public hearing and issue its decision within 60 days. Failure to make a decision shall render the APA Commission's recommendation final. The Board shall include findings and facts supporting its decision.
- F. Upon making its decision, the Board shall:

1. Record the designation of an APA, a legal description of the area, and any findings and facts with the county recorder within ten (10) days; and
 2. Amend county land use planning maps to reflect the boundaries of the APA.
- G. An expansion, modification, or removal of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an APA shall be contiguous to the APA.
- H. A landowner wishing to terminate an APA must request, in writing, a meeting with the Board. The meeting request shall include a proof of hardship, as defined in Section 200 of this ordinance. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the hardship. Early termination of an APA is not taken lightly and will be carefully considered.
- I. Lands designated as an APA will remain so designated for a period of twenty (20) years. A landowner wishing to end an approved APA designation after twenty (20) years must notify the Board, in writing, of their desire not to renew the land's APA designation. Failure of the landowner to notify the county, will result in the APA designation continuing for another twenty (20) years.
- J. Unless otherwise approved by the Board, the following land uses are not allowed within an APA:
1. The siting of large, confined animal feeding operations (CAFO);
 2. The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or
 3. Any other nonagricultural land uses.
- K. The APA Commission will be established according to Idaho Code §67-9705.

AMENDMENT NO. 3:

Section 471.1 is amended as follows (remove strikethrough text and add underlined text):

471.1 STANDARD LOTS/PARCELS: Standard lots/parcels are defined as those created with review and approval through the Bannock County Planning and Development Office, utilizing Bannock County ordinances and standards. Any lot/parcel that was created before April 1, 2015, and is not a standard lot, may still be eligible for development provided the property owner can obtain a sewer permit from the District Health Department and meets at least one of the following criteria:

1. That all other development standards in Bannock County ordinances are met,
2. That the lot/parcel maintained the same legal description since July 9, 1984' or;
3. That the lot/parcel had a Record of Survey recorded between ~~April 1, 2015~~ July 9, 1984 and June 14, 2022.

SECTION 2: REPEALING CLAUSE

All other ordinances and parts of ordinances in conflict herewith shall be, and the same hereby repealed, including the Comprehensive Plan.

SECTION 3: SEVERABILITY:

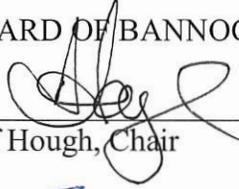
If any word, phrase, section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of the Ordinance and it is hereby expressly declared that every other word, phrase, section, subsection, provision, clause or paragraph of the Ordinance enacted, regardless of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 4: EFFECTIVE DATE:

This ordinance shall be in full force and effect upon its passage, approval, and publication.

Adopted this 25th day of February, 2025.

BOARD OF BANNOCK COUNTY COMMISSIONERS

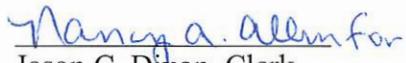


Jeff Hough, Chair



Ernie Moser, Member

Ken Bullock, Member

ATTEST: 
Jason C. Dixon, Clerk

PUBLIC NOTICE OF BANNOCK COUNTY ORDINANCE ADOPTION

The Board of Commissioners of Bannock County, Idaho, hereby gives notice of the adoption of Ordinance 2025-01. A summary of the Ordinance includes:

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1998-1 – Amending sections: 200 Definitions and 471.1 Standard Lots/Parcels; and adding a NEW section 461 Agricultural Protection Area.

The full text of this Ordinance is available in the office of the Bannock County Clerk, 624 E. Center Street, Pocatello, Idaho, Mon-Fri from 8 am – 5 pm.

BOARD OF BANNOCK COUNTY COMMISSIONERS

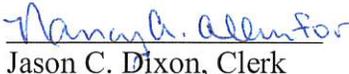


Jeff Hough, Chair



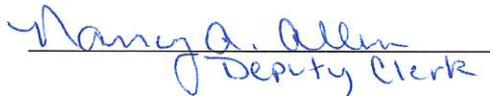
Ernie Moser, Member

Ken Bullock, Member

ATTEST: 
Jason C. Dixon, Clerk

This is a true and complete summary of Ordinance 2025-01 and provides adequate notice to the public.

JASON C. DIXON, CLERK



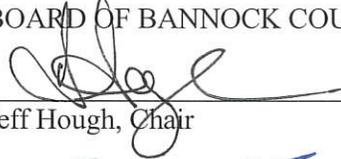
Nancy A. Allen
Deputy Clerk

Publication Date: February 28, 2025

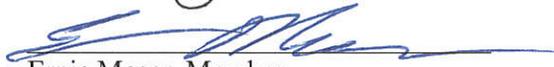
**BOARD OF BANNOCK COUNTY COMMISSIONERS
MINUTE CERTIFICATION**

We, the Board of Bannock County Commissioners, hereby certify approval of the minutes of the Bannock County Commissioners' meetings inclusive of the dates of February 6 and 11, 2025, as approved during the meeting of February 25, 2025.

BOARD OF BANNOCK COUNTY COMMISSIONERS



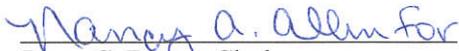
Jeff Hough, Chair



Ernie Moser, Member

Ken Bullock, Member

ATTEST:



Jason C. Dixon, Clerk