

ORDINANCE NUMBER 2025- 01

AN EMERGENCY ORDINANCE TEMPORARILY PROHIBITING THE DEVELOPMENT OF RENEWABLE ENERGY PLANTS AND BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITIES UNTIL COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS HAS BEEN DEMONSTRATED; INCORPORATING RECITALS, SETTING A MAXIMUM DURATION, DIRECTING ADMINISTRATIVE STAFF IMPLEMENTATION, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, Article XII, section 2 of the Idaho Constitution authorizes counties to adopt "all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws" and

WHEREAS, Idaho Code Section 67-6503 identifies the purpose of the Idaho Local Land Use Planning Act, in part, to protect the health, safety, and general welfare of the citizens of the State of Idaho; and

WHEREAS, Idaho Code Section 67-6523, provides for the enactment of emergency ordinances if imminent peril to the public health, safety, or welfare of the people exists; and

WHEREAS, the Lava Ridge Wind Project, initially proposed in 2020, was a wind energy plant to be built in Jerome County Idaho. The project initially proposed 400 wind turbines (with the final plan allowing 241), which would have made it one of the most powerful wind farms in the United States. The project was halted on the first day of the second Trump administration; and

WHEREAS, over the course of the Lava Ridge proceedings, the Jerome County Board of Commissioners held several meetings and heard from numerous constituents, as well as from other public agencies, all of whom expressed concern with Jerome County's ability to support energy plants of this nature and at this large scale, without jeopardizing the health, safety, and general welfare of the citizens of Jerome County; and

WHEREAS, the Jerome County Board of Commissioners has a responsibility to protect the health, safety, and welfare of its residents; and

WHEREAS, the County recognizes the potential for both harmful and beneficial impacts, renewable energy plants and Battery Energy Storage System (BESS) facilities may have on the County; and

WHEREAS, the Jerome County Board of Commissioners finds it necessary to ensure that all such developments comply with applicable federal, state, and local regulations before any construction, site preparation, or development activity commences; and

WHEREAS, premature development activity without verified compliance may result in environmental degradation, community disruption, or violation of legal standards;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF JEROME COUNTY, IDAHO, AS FOLLOWS:

1. No zoning application for a Renewable Energy Plant or a Battery Energy Storage System (BESS) shall be submitted to, and no such application shall be deemed filed by, the Jerome County Planning and Zoning Department unless and until all necessary permits, approvals, certifications, and clearances have been obtained from all relevant federal, state, and local agencies, including but not limited to environmental, land use, fire safety, and utility regulatory bodies.
2. As used in this Ordinance, the following terms shall have the following meanings:
 - A. *Renewable Energy Plant*: Any facility, utility-scale or otherwise, designed for the generation of electricity using renewable sources including, but not limited to, solar, wind, geothermal, or biomass.
 - B. *Battery Energy Storage System (BESS)*: Any facility or system composed of one or more batteries that store energy for use at a later time, whether associated with a renewable energy plant or operating independently.
3. The duration of this emergency ordinance shall be for 182 days from the initial effective date of this ordinance, unless this ordinance is repealed or supplanted by a subsequent enactment addressing the same or similar subject matter.
4. Administrative staff and agents of Jerome County are hereby directed to take such actions as may be necessary to implement the provisions of this ordinance.
5. Any provisions of Jerome County ordinances in conflict with the provisions of this ordinance are hereby declared to be repealed or superseded to the extent of such conflict.
6. This ordinance shall be effective upon the date of its adoption. It shall be published in the official newspaper of Jerome County and be posted as provided by law.

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Approved and adopted as an ordinance of Jerome County by the Board of Commissioners

on the 5TH day of May 2025.

Board of Jerome County Commissioners


Ben Crouch, Chair


Charles "Charlie" Howell, Commissioner


Art Watkins, Commissioner

ATTEST:


Cyrl Lootens, Jerome County Clerk

