

March 30, 2025.publer.com

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So I called this meeting today. I was a little concerned after last week's meeting that it was put on the agenda as the Gooding County Ordinance. Some of the things that were being discussed, I don't know that you guys have the full idea behind it.

So I thought it was important to go over that information with you all. So the first thing I want to discuss is non-conventional energy ordinance. One of the big things they were touching on last Monday was the battery energy storage systems, or BES.

And I wrote out kind of an outline for me, so if I keep looking away, sorry, I'm just trying to make sure I touch on everything. So in our ordinance, those fall under the category of utility buildings and structures. And they only require a special use permit in the areas of city impact.

They're permitted in all other zones. So what this means is that on private land, all they have to apply for for a BES is a building permit. They don't have to go to public hearing.

They're not reviewed by P&Z or by the board. They're just allowed. One catch to it is in order to receive power to these units, they would need transmission lines and would require transmission towers.

Transmission towers do require special use permits in all zones. So obviously, they're not going to want to put a BES in without getting the special use permits for the transmission towers. And so those would be reviewed by the Planning and Zoning Commission.

We do have a company that is really close to putting in a BES north of town by midpoint substation. They've been trying to acquire private ground. It's probably been for the last four or five months now.

And they have been in communication with Ryan in my office about getting a special use permit application for the transmission towers. Again, it doesn't require a special use permit for the BES itself. There was also another company that was in the area of city impact outside of Eden that was looking for a place there.

It's probably been almost a year now since they've contacted us. But we have been receiving agency letters every few months that are addressing that. So I'm assuming they're still moving forward.

I just think these are longer processes to get all the stuff in place for them. Can you tell us north, south, east, west of Eden? It would be north of Eden. It'd be by Lockwood's property.

I believe Lockwood actually owns the small parcel they were looking at. I don't know. In ours, per segregation, the standard practice now is who's dead, what, and who hasn't burned.

But we have to make sure we protect the area. And so for me, that's my concern with the test. It's not what it impacts on the park.

But if something goes wrong, then nobody has any way to handle that stuff. And so in my thinking, there should be some requirements in there that they're going to put in a vest. But they provide, if nothing else, other than fire suppression, some sort of fire suppression system that we require them to give fire equipment to the fire department.

Because there's no way to control that stuff. You've just got to have a lot of burn. I mean, if you saw the box from last week, that's not good, healthy for any of us.

So I guess my question is, how long does it take if the board, and I'm just me talking, wants to do that? How would we proceed with that with the DMC? So as it stands right now, when somebody applies for a building permit, we do have requirements. And we do make them reach out to the external agencies. So fire department would be one of them.

And then we do require that they fulfill whatever the agencies require. I don't know if the fire district can require that they provide them with additional equipment. But if they didn't have a sufficient fire suppression system to it, then, and again, I would have to check with Rick on what the building code says on it.

But I think we may have some avenues there to make sure that they have additional fire protection. Because you're right, Charlie. They can't put them out.

They just have to let them burn. And I don't know if maybe there's some way to help direct the smoke and all of that that would come off of it. These are things that we definitely need to be looking into, though, to see if there's additional things that we should be doing with it.

And I think a lot of it's going to come back down to the international fire code and the international building codes that we follow. I will ask Rick on that to see if there's something in building code specific to these structures. And then I can also get a hold of Don and then Larry here at the Jerome and see if there's something that they have in theirs or if there's something that the state fire marshal has.

OK, so that helps with that one. So let me just ask again then. So the storage facilities themselves, the only regulated thing they've got is the building permit? Yes, unless it's an area city impact, they do require a special use permit at that point.

That gives me a little bit more room to push on the Planning and Zoning Commission and also because every time we get a special use permit application, staff does additional research. We Google all kinds of stuff and try to figure out what other counties are doing and any additional conditions we should be putting on them. The special use permits help a ton with that.

It does give the community at least a heads up that there's one going in. Whereas if they only require a building permit, nobody even knows until they start building the structure. So special

use permits are definitely helpful on things like this.

What we run into now is that we would need to put in a moratorium immediately if we don't want these going on private ground until we could add a special use permit requirement. We may be able to still achieve what we're talking about about additional protections through, again, international fire code and building code. But I'll have to look into that one further to see if there's things they can require to where I can stop them in zoning until they have those things done.

So I do think eventually we should require special use permits. I just don't know that it's going to happen immediately. And then I know that the talk on the moratorium was that we'd have to update the comprehensive plan and the zoning ordinance to mirror that.

The comprehensive plan is pretty supportive of non-conventional energy. And that's probably something we want to review, period, but definitely to cover the best systems. I think really what it came down to is when we did our comp plan, I don't think that we realized that there were even best systems out there.

I mean, that was in 2018. Nobody was talking about it. And then even the non-conventional energy, everyone's thinking that we need to allow them in some areas, which I agree.

I don't think that we should completely dissolve them across the board. But I do think that we need to revise where they're going and at what volumes. And this is only on private ground.

When it comes to BLM and state ground, we have no jurisdiction. But we do, you guys are aware, that we do have the solar facility that was approved a couple years ago for Cat Creek Energy out there on the east side. And they haven't had any major movement recently, but they are working on a land division to divide off the house right now, which tells me they're still moving forward.

Non-conventional energy-producing plants, including solar and wind projects, do require a special use permit in all zones. So even... It doesn't matter which zone they're going into. It does require a special use permit.

They will go to hearing for it. I will say, though, typically, the Planning and Zoning Commission does approve them if they can meet the general standards. So in those packets that I handed to you all, it has the definitions for the... It was for utility buildings and structures.

I just wanted you to see how the battery energy storage systems falls under that category. And then if you look through, I also provided charts, and the charts show what the requirements are per zone on those. And then I also provided you with the charts for the non-conventional energy-producing plants.

You can see how those require permitting. And then the very last page I gave you was the general standards. That is what the Planning and Zoning Commission bases their decisions off

of.

They have to be able to meet those standards in order to get the permit. So what that means is if it's something that may be more of a conflict with the neighboring uses, then they may require a taller fence, or they may require some type of noise suppression system or something, but there may be something additional to help them be able to meet those general standards. Sometimes the use just does not fit that area, period.

And then they will deny the application. But typically, companies can make it to where they can meet those general standards. And I just wanted to draw that to you all's attention because, again, if they can meet those, the P&Z is going to approve the permit.

And that's kind of where the public gets it backwards. Those meetings, they are to get public input, but it's public input to say that they're not going to meet those standards and not, I don't want it, I don't like it. And that's, I wish I could, I wish I could take each person and explain everything to them in detail.

But really, when they see the special use permit there, they think that that's an extra avenue for us to shut them down. And in a sense, it kind of is, but it's more so so we can put conditions to make them compliant with the area and compatible. And that's really how it's intended because it's supposed to be that that use can go in that zone, but that they may need additional conditions to be a better fit.

So going back to the, if we wanted to stop the bus from going in on private property, we would need to put in a moratorium immediately and that we would have to do amendments to the comp plan and to the zoning ordinance. My concern with that is that staff is already behind on ordinances. We had the two state laws go through last year about the APA ordinance and then also the area city impacts.

And with the area city impacts, I don't know if any of you attended the IAC meetings on that, but one of the big things that they pushed on that is if we don't adopt a new one by December 1st of 2025, then we don't have an area city impact period. They go away. And then we have to go back through the process from start to finish.

We have pretty good area city impacts in place now, but the maps are definitely skewed compared to what the new law says. The new law doesn't allow area city impacts to go past two miles. And then also it needs to be ground that can be annexed within the next five years.

If you look at all three of our area city impacts, they're definitely way larger than they should be. Yeah, definitely. And I know there was a big thing between, I think it was specifically even in Hazleton on trying to get that ground down.

And I think, again, misconceptions. They believe that's their buffer zone. And really, it's not still county jurisdiction.

We still control what goes in and out of there. I really think that now that we've been through all of that, I do think that these meetings moving forward should be easier to get through. And we do have the ag-limited zone that should help a lot with that.

I think one of their biggest concerns is LCOs going up next to the cities. And so I think that that ag-limited is going to be key on keeping it more agriculturally based, not LCOs. I have reached out to all three cities to try to get maps of where their city services go.

Because to me, if they don't have services headed in that direction, then we absolutely should not have area city impact there. It just restricts that land even more. And it makes it to where the property owner really can't do a whole lot with it.

And it's unfair. But we're still working on that. I've been asking the City of Jerome since probably about October for this map, maybe even before that.

And theirs is the most important one to me, in my opinion, because Eden and Hazleton are not seeing substantial growth. We're getting a little bit, but nothing substantial. And City of Eden, I don't even know if they should have an area city impact.

As far as I know, they can't provide services to any additional houses or businesses. So in my mind, they can't grow. Maybe doing adjacent properties just to keep it open for them, in case they ever do get the grants in place and get their systems updated.

That might be a smart move. But these are all things that we need to work through with each city. And so I see these as big ordinance changes that are going to happen this year.

And I don't know that we can really take on the energy ordinance as well. Again, we do have special use permits in place for the non-conventional energy-producing plants. And I think that most of the concern has come from public ground more so than private ground.

And then on the BESS, we do have building permits and they will be required to follow building code and fire code. I'm hoping that those are substantial enough to make them safer. But we are getting a lot of interest in locating in Durham County with those BESS units, more so than we've gotten... And I think it came from the projects that are on public ground.

I think that's where those are coming in. So we're putting together a... We're kind of calling it a coalition of commissioners that we're going to work with. And that was the letter you were discussing, wasn't it, last Monday? Okay, that's where that had stemmed from? Okay.

After the legislature convenes, then we're going to get together with the IEC and start marching forward with that. And we'll probably want to get a lot of input from planning and zoning to work on that. Okay.

So let me ask you one thing, because I understand the time frame of the other two situations, the impacts, all the stuff like that. But to me, if you've got a couple applications for the BESS

things, especially on private property, and we don't have any, they just automatically go in. To me, that's not a good plan.

Right. So my personal opinion is a lot first of how soon we can get more training, which we have to talk to WIC about. I understand that as well.

And that would follow up with... I understand that would increase the workload, so then therefore it becomes a question of if you had to hire more staff, how would you... Or you had to hire experts to come in and help us with this stuff, because we don't know all that stuff. I don't know how much research Goody did in their BESS statements and things like that. But to me, this is one of those that's almost immediately, because you know they're coming, because you have that interest in the guidelines.

And I think there's... Unless the fire department says, yeah, we don't have the capability for the drone roll. I know that. And or the training, because like I say, our procedure now is let it burn.

It's a better operating vehicle. So then I guess I would request and ask the board to say if we need to find more staff or experts to come in and help you with that stuff. I mean, I would assume I could ask you that.

So I guess that's a two-fold request. I'd like to ask Mike. And I know you've got six months.

You've got to do it in six months for the moratorium. So then you'd have to crowd... push the other stuff for another six months after that. But I think this is just one of those niche things.

You've got to do your priority best. You better do this one first before the other. So I would... I completely understand.

But this is also where I'm going to come back on the board and say, I need more response from you all. I really need you guys to keep me more in the loop on things. That... Seeing that gooding ordinance thing on the agenda, I should have known about that.

I should have been included in it. Charlie, I could have provided you with the gooding ordinance. I've had it since they passed.

And then also going off of that is that I need more response from legal counsel too. The APA ordinance would have been passed in December if I could have gotten responses. So unfortunately, what's happened is it's just snowballing because I'm waiting for a response, waiting for a response.

Finally got one, but then we had an LCO application that was ready to go to hearing, and then we had another LCO application submitted that needed a thorough review. Those take a minimum of two days straight of my time. That's almost impossible to get two days straight of my time.

So it takes a few weeks. So let me give you a defensive answer because the project that we

talked about last week was somewhat mislabeled. It wasn't about gooding's ordinance.

And I got that once I came up. And that's, again, we're working with our determination of how to write that thing. So for that part.

So I understand that part. We will talk again when we appointed Sam Hughes, that that was one of our stresses to him that we're not getting those responses back from Mike. And if he needs another staff person, obviously on this particular thing, you would need some expertise in the staff system.

We've got to dig in the reserves or whatever to provide that. Well, and I completely agree. I think that this needs to become a top priority.

That's a lot of, again, why I wanted to make sure and have this meeting with you all. I do think I have a lot of resources as far as Twin Falls passed their ordinance last year. Gooding just passed theirs.

And then Kathy from Gooding, she also had worked up a draft that was different than the one they ended up passing. She sent me all that information on Friday. So I'm building quite a bit of information.

That part, I think, we could move fairly quick on. What I run into is I'm not an attorney and I don't know if I'm using the correct verbiage or if I'm putting something in there that Mike can actually stand behind and defend us on. And so that's where I need to be able to get responses.

And when it takes weeks, months, then it pushes it back. And then we found on the APA one, and that one's kind of different anyway because it was so raw when it came from the state and it still didn't have enough in it to really... I don't know. Everybody's doing it different.

Everybody is doing it different, yeah. They're basically ignoring it. They don't care.

Right, right. And so I'm not super stressed on that one not being in place yet, but I would like to at least get our initial stab in there. And then that way as it changes, we can just be doing amendments instead of trying to do start to finish.

And then also in case somebody does want to apply. I just want to make sure that we have it in place. So going back to what Charlie said, we had a very good discussion with Sam about streamlining stuff a lot better and quicker through his office.

And then the second thing was was that that was mislabeled last week and it was put on the agenda Friday and we found about it over the weekend. And so you guys walked into it on Monday basically too. Yeah, and it was more for the letter at that point, but this is the type of thing we're trying to get all the commissioners in on and trying to be very proactive now because we've probably let it go on too long.

Right. Well, and I also, I think that your bigger fish to fry on this one is more of the state and the

BLM ground. I think that that's kind of more of where we're headed with it.

I don't really know how much that's going to want to go into private except for these busts. And again, I think it's because they see these big projects coming in on BLM or state ground. So they're wanting to put in these battery energy storage systems so that they can tap into that.

And it makes sense. We're going to need them. They're going to have to be there.

If these large projects go through, then we're going to have to have them. But we just need to have a good system in place. Right, because the best for that solar plant is over at Elmore County.

Right. Yep, yep, yep. Yeah, so that's my part on the best and the non-conventional.

Charlie, you asked about additional staffing. The problem is getting them trained up enough to be able to handle this kind of stuff. And that may be a good idea.

I know JUB does a lot of consulting on writing amendments. I have no clue what their fees are and if it's something that we could work into the budget. But I definitely think that we need something, though.

There's no way that we can get all three of these ordinances through on our own. It's Ryan and I. And I even wrote out all the stuff that we do on a regular basis. We've got building permit applications, information and public record requests, special use permits, rezone, land division boundary line adjustments.

The TAC team to the MBMPO, we have meetings and research with that. Meetings with the public constantly on what they want to do with their projects. So we have all that on top of writing these ordinances.

And yeah, we could use more staff. And I actually have an open position, but I can't fill it because I don't have the time to train them. And training is intense.

We've had Russ for over a year and he's able to handle a few things on his own. But it's because you don't, it's a day-to-day different thing. It's constantly growing with this job.

And I know Nancy said that she was here for, I think it was 16 years at this point. She said, I still learn something new every week. You know, it's not, it's not something you train overnight on.

But, and then getting assistance from legal counsel is a big part for us, just so that we know that we're doing it correctly. Absolutely. Okay.

So maybe what we do is hire one, two, three consultants. And that may be, consultants may be the way to go. They may be able to help us streamline this process more.

I know GEB kind of takes the reins when they do it. And they, they're the ones actually working

out the writing itself, which is what Ryan and I are doing right now on our own. But I think do talk to legal about putting in the moratorium.

Find out how much time that's going to take. I probably should have scheduled more time for myself, but I'll just quickly touch on the last two items. One was just agenda items.

And we did, we just discussed that. So that one's fine. I just, I just would like to know if there's anything ever that pertains to planning and zoning or building department.

Even if you walk in on a Monday and find that it's changed, shoot me a quick email and be like, hey, can you be here please? Something, call, have, have Ryan call me. He likes to, he likes to email me. So we're good.

Right, Ryan? Yeah. And then my other thing is just back to the communication. I wasn't aware that those reappointment letters were signed for Oscar and Janet last Monday.

I had a hearing that night. I was a little bit stressed. I had come up here, but you guys had called an executive session.

I'm not real sure if that means I need to leave immediately or if I have time to come and ask you a quick question. So I just went ahead and left. Also, I had been working on those since November, December.

I just need quicker responses when I am reaching out. I try not to reach out if I don't have to, but I had to have you guys sign something so I could get them reappointed. I don't really know the legalities of having them continue to run meetings without being reappointed.

You guys didn't say you didn't want them, so I was going off that. Again, we were working on the reappointment letters, trying to redo them and just getting up time to do them. Right, and I know you wanted them all uniformed.

I didn't mind writing them or creating them. I just needed a direction on which way you wanted to go with them. Then I just wanted to ask, what's the best source of communication? If I continue to email, is text better? Scheduling meetings like this where I say, hey, you're ignoring me again.

I need you. I would do emails and if they're imperative type ones that are urgent, then shoot us a text. Okay.

Is that okay? Yeah. Okay. All right.

So, I mean, I've got a fire department meeting Wednesday and I'll be bringing that up because if you go back, not to get into their time, but if you go back to special use permits stuff, I mean, there's two of them in there that you could use to keep them from coming in already. Produce no hazard nor disturb the person never in use this and then to be served by adequately, to be served adequately by essential public facilities and services such as the street police, fire

protection. So, to me, it's kind of hands-on but those two can say, we don't have enough stuff to do it.

We want to go put them in until we get the equipment or if we can get some guidelines to help you solve it. Yes. And so, absolutely, on the ones that require the special use permits for the ones around the area city impact, that's great because we do have those general standards in there but unfortunately, the ones that are just permitted, they don't go through that same process.

So, yeah. Pretty close. Yeah.

I would be glad to help that and get additional letters if you want. That would be great. That would be great.

Anything that they can put down in writing for me because then it's something I can reference when it comes through zoning so then it helps give me that additional stop block right there to where I can make sure they're addressing the concerns of the agencies. We'll see what you're up to tomorrow. Perfect.

Okay. Alright. I'm a bomb pilot.

I'm ready to go. Okay. Perfect.

Thank you gentlemen for your time. Thank you.

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