

**BANNOCK COUNTY, STATE OF IDAHO
EMERGENCY MORATORIUM
ORDINANCE NO. 2023-2**

AN ORDINANCE OF BANNOCK COUNTY, IDAHO, DECLARING A MORATORIUM UPON THE ISSUANCE OF PERMITS FOR LARGE SCALE ENERGY PROJECTS; DIRECTING EFFORTS TO CREATE A PLAN TO ADDRESS THE PROBLEM; PROVIDING AN EFFECTIVE DATE; AND DECLARING THE SUBORDINATION OF ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREWITH.

WHEREAS, the Board of County Commissioners (Board) is tasked with providing for the health, safety and general welfare of the citizens of Bannock County; and

WHEREAS, one of the primary and essential services provided by Bannock County is the power to enact zoning ordinances; and

WHEREAS, for the purpose of this Moratorium, large-scale energy projects are defined as projects capable of producing, as per nameplate capacity, 10 megawatts (MW) or more; or projects that encumber 100 or more acres of land that produces power via the harnessing of wind or solar energy for transmission or storage; and

WHEREAS, unregulated large-scale energy projects present an imminent peril to the public health, safety, and welfare of the citizens of Bannock County; and

WHEREAS, Idaho Code section 67-6523 authorizes the County to adopt emergency moratoriums if the Board of County Commissioners finds that there is an imminent peril to the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners may, upon such finding, proceed to adopt a moratorium responding thereto; and

WHEREAS, the adoption of a moratorium may be accomplished upon abbreviated notice of hearing as the Board of County Commissioners deems practical; and

WHEREAS, pursuant to the requirements of Idaho law, notice of a hearing and an agenda regarding whether to adopt a moratorium was properly posted; and

WHEREAS, upon conducting said hearing, the Board of County Commissioners has determined a moratorium is necessary.

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

1. Based on the above recitals and the facts and circumstances set forth therein, the Board finds that there is an imminent peril to the public health, safety, and welfare of the citizens of Bannock County posed by the continued unregulated placement of large-scale energy projects. Specifically, the Board finds that the unregulated siting and operation of largescale energy projects will pose the following perils to the public health, safety, and welfare of the citizens of Bannock County:
 - a. View sheds;
 - b. Water quality;
 - c. Environmental impact;
 - d. Increased Traffic;
 - e. Public Health;
 - f. Wear and tear on County roads;
 - g. Decommission bonds; and
 - h. Impacts on the aquifer;
2. The foregoing recitals, being a true and accurate description of an imminent peril to the public health, safety, and welfare of the citizens of Bannock County, a moratorium is hereby imposed upon the receipt, processing, and approval of applications for large scale energy projects. This moratorium shall be in place for a period of one hundred and eighty (180) days following adoption of this moratorium.
3. This moratorium shall not apply to any permit that has already been issued, nor shall it apply to any permit for which any related application has been requested from, filed with, or issued by the Board. This limitation shall not prohibit Bannock County from exercising the control it is otherwise authorized to exercise over any such permit or construction project.
4. This moratorium shall not apply to the authorized connection or reconnection of an electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility or restricts the source of the electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility in violation of Idaho Code § 31-881.
5. During the moratorium, the County and its personnel shall begin to work on a permanent solution to the problems addressed by this moratorium and to provide a plan within the next one hundred and eighty (180) days to abate the problems identified herein.
6. This moratorium shall be in full force and effect immediately upon the date of its passage.

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7. This moratorium is hereby declared to be severable. If a portion hereof is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and this ordinance shall be read to carry out the purposes of this moratorium before the declaration of partial invalidity.
8. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the Bannock County Board of County Commissioners, this moratorium shall control until its expiration or termination by the Board.

DATED this 12th day of October, 2023.

BANNOCK COUNTY BOARD OF COMMISSIONERS

See original document for signature

Ernie Moser, Chairman

See original document for signature

Jeff Hough, Commissioner

ATTEST:

See original document for signature

John Crowder, Commissioner

See original document for signature

Jason Dixon, Clerk