



Land Use and Building Department

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Planning and Zoning Commission PUBLIC HEARING STAFF REPORT

Workshop Date: July 23, 2026

Date Report Compiled: July 16, 2026

Agenda Item: Conditional Use Permit with Master Site Plan for a solar power generation facility and associated substation

Applicant: Soles Rest Solar LLC

Case Number: CUP-2025-29 with Master Site Plan

Associated Case Numbers: DA-2026-02 Development Mitigation Agreement
OTD-2026-02 One-Time Land Division
ADD-2026-05 Private Road Permit (portion of roads)
ADD-2026-39 Floodplain Permit

County Review Team: Mitra Mehta Cooper AICP, Contract Planner
Daniel Pauly AICP, Contract Planner
Angie Michaels PE, Contract County Engineer

Zoning Designation: Agriculture (AG) with Wildland Urban Interface (WUI) Overlay

Parcel Numbers and Property Information: The proposal encompasses seven parcels under five separate ownerships, totaling approximately 981 acres located in western Elmore County (collectively referred to as the "Site"). Staff has received and reviewed lease agreements submitted by the Applicant for all parcels included in the proposal. The parcel details are summarized below:

1. Parcel Number: RP02S05E080100
Property Owner: John Clark & Estate of Constance Clark
Acreage: 155.81
2. Parcel Number: RP02S05E057810
Property Owner: Randall & Rose Winder
Acreage: 92.80
3. Parcel Number: RP02S05E054810
Property Owner: Desert Sunrise LLC & Prairie Sun LLC

Acreage: 160.14

4. Parcel Number: RP02S05E067210
Property Owner: John Clark & Estate of Constance Clark
Acreage: 160.36
5. Parcel Number: RP02S05E070010
Property Owner: John Clark & Estate of Constance Clark
Acreage: 160.65
6. Parcel Number: RP02S04E019010
Property Owner: Elmore Land Co
Acreage: 80.31
7. Parcel Number: RP02S05E064810
Property Owner: Kalon O. Lord
Acreage: 160.01

EXECUTIVE SUMMARY:

Soles Rest Solar LLC (“Applicant”) requests approval of a Conditional Use Permit (CUP) and Master Site Plan (collectively, “the Application”) for the development of a solar power generating facility (“the Project” or “Proposal”) encompassing approximately 981 acres. The request is submitted in accordance with the Elmore County Zoning and Development Ordinance (“the Ordinance”), specifically Titles 7, 8, and 10.

The Project is located within the Agriculture (AG) Zoning District and is subject to the Wildland Urban Interface (WUI) Overlay, situated in western unincorporated Elmore County, Idaho. The Project consists of six solar array areas utilizing approximately 317,912 bifacial modules, designed to generate up to 149 megawatts (MW) of alternating current (AC), equivalent to approximately 195 MW of direct current (DC), for integration into the regional electrical grid.

In addition to the solar arrays, the Project includes supporting infrastructure such as:

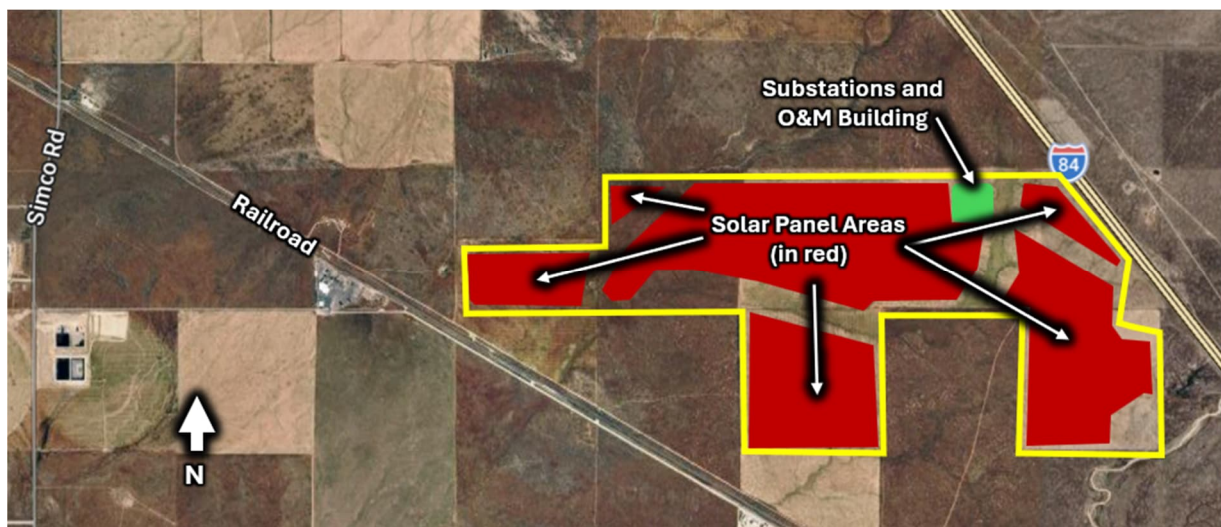
- An on-site substation and associated electrical equipment
- An operations and maintenance (O&M) building
- Access roads
- Perimeter fencing
- Stormwater management facilities
- Storage pads
- Temporary parking areas

The Project also incorporates a 2.64-acre switchyard, which is proposed to be transferred to Idaho Power for purposes of grid interconnection.

Under the Ordinance, the solar generation component is classified as an Electrical Generating Facility, while the substation is classified as an Energy Production Facility.

Pursuant to Table 7-2-26(B) of the Ordinance, both uses require approval of a Conditional Use Permit and Master Site Plan within the AG Zoning District. Furthermore, because the Project lies within the WUI Overlay, it must comply with the provisions set forth in Title 8, Chapter 1 of the Ordinance.

The project also includes components that are consider an Outdoor Storage Facility Per Section 7-2-163 and Public and Quasi-Public Power Distribution Per Section 7-2-176. Both of these uses also require a Conditional Use Permit in the Ag Zone Pursuant to Table 7-2-26(B).



Project Overview Map

As required by the Ordinance prior to submitting the Application, the Applicant completed the following pre-application steps:

- On April 10, 2025 the Applicant conducted a Pre-application Meeting with the Department Director in Compliance with Section 7-3-2(A). The Applicant and the Department subsequently met on September 25 and November 12, 2025 to further clarify process pieces of the associated cases.
- The Applicant held two neighborhood meetings at the Hampton Inn in Mountain Home on June 20 and June 21, 2025 in conformance with Section 7-3-3(A). Mailers were sent to property owners within 5-mile radius on June 6, 2025, based on a list provided by the Department on May 21, 2025. The mailer, mailing list, attendance sign-in, and other information about the neighborhood meetings can be found in Appendix N of Exhibit 5a.
- On July 21, 2025 the Applicant submitted the Application along with supporting material to the Department and paid the required fees in compliance with Section 7-3-2 (See Exhibit 1).
- On November 13, 2025 the Department met with affected agencies to discuss the proposal.
- On December 19, 2025 the Department issued a determination that the Application was not complete (See Exhibit 2).

- On February 13 and 17, 2026 the Applicant submitted additional information in response to the determination that the Application was not complete (See Exhibits 5b and 6).
- A Public Workshop was held on April 30, 2026, with the Planning and Zoning Commission ("Commission") (Exhibit 3). The Public Workshop was advertised in the Mountain Home Newspaper on April 15, 2026, and the Site was posted on April 23, 2026. The purpose of this workshop was to discuss the CUP-2025-29 review to-date with the Commission and receive their feedback prior to holding the public hearings for the Application.
- At the public workshop a property owner explained to the Commission the economics of leasing the land for a solar facility versus continuing to dry farm. A nearby neighbor also commented on the presence of elk on the property.
- On May 29, 2026 the Applicant submitted additional information (Exhibit 5c).
- On June 24, 2026 the Application was deemed complete (Exhibit 6).

Today's Public Hearing was noticed in Mountain Home Newspaper on July 8, 2026 (Exhibit 9a). Affected agencies were notified on July 8, 2026 (Exhibit 9b) and neighboring properties within a 5-mile radius were notified on July 16, 2026 (Exhibit 9c) and the Site was posted on July 16, 2026. At today's Public Hearing, the Commission will review the CUP-2025-29 with Master Site Plan.

EXHIBITS OF RECORD

The documents and exhibits referenced in the Application record are numbered sequentially. This Staff Report references the following portions of the Application's record, which are included as Exhibits. The electronic record maintained by the Department is the authoritative source of these Exhibits and shall take precedence if any inconsistencies exist in other paper or otherwise kept or maintained versions of the Exhibits.

1. Applications for CUP-2025-29 – July 21, 2025
2. Completeness Determination Memo by Department – December 19, 2025
3. Public Workshop Staff Report and Presentation – April 30, 2026
4. Applicant's Master Site Plan (latest version on which findings and conditions are based) – May 27, 2026
5. Applicant's Narratives and Accompanying Studies and Plans
 - a. Initial Application Narrative Package – July 21, 2025
 - b. Response to Completeness Determination – February 2, 2026
 - c. Addendum Submittal – May 29, 2026
 - d. Pronghorn Habitat Plan – July 15, 2026
6. Completeness Determination Memo 2 – June 25, 2026
7. Proposed Decommissioning Plan – February 17, 2026
8. Draft Development Mitigation Agreement – July 10, 2026
9. Public Hearing Notifications
 - a. Newspaper and Site Post
 - b. Agencies
 - c. Neighborhood
10. Public Comments

- a. Daniel Rousseau – July 9, 2026
 - b. Laurie Morehead – July 10, 2026
11. Agency Comments
- a. Idaho Department of Fish and Game Email – June 25, 2026
 - b. Elmore Ambulance Service I-84 Buffer Comments
 - c. Central District Health – July 13, 2026
 - d. Idaho Department of Environmental Quality – July 13, 2026
 - e. Idaho Department of Fish and Game Letter – July 15, 2026

APPLICABLE ZONING ORDINANCE CHAPTERS FOR DEVELOPMENT REVIEW:

The Site is currently zoned as Agriculture (AG) as its base zone and is located within the Wildland Urban Interface (WUI) Overlay Zone. Therefore, the review of this Application requires compliance with:

- Title 7, Chapters 2, 3, 5, 6, 7, 9 and 10;
- Title 8, Chapter 1 and 2; and
- Title 10, Chapters 1, 3, 5, 6, 7, and 8.

11 Required Findings for Conditional Use Permits Pursuant to Section 7-9-7

1. **The proposed use shall, in fact constitute a Conditional Use as determined in Ordinance Table 7-2-26 (B), Elmore County Land Use Table, as contained in this Ordinance;**

Staff Response:

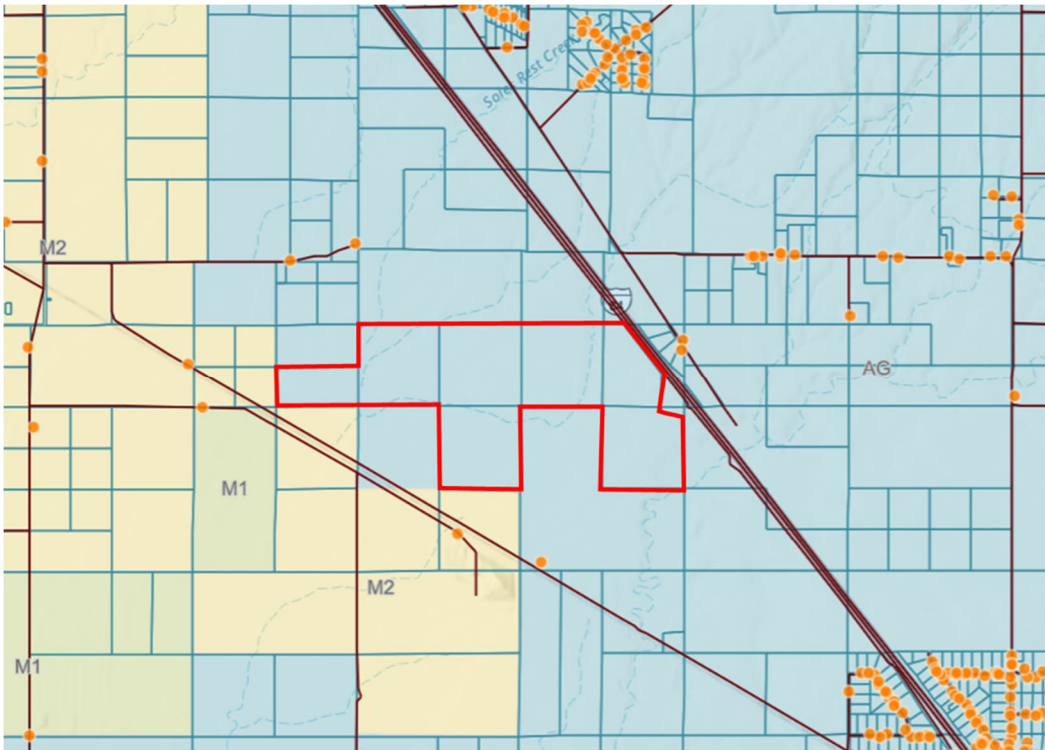
Project components are classified under the Ordinance as both an Electrical Generating Facility and an Energy Production Facility. Pursuant to Table 7-2-26(B) of the Ordinance, these uses require approval of a Conditional Use Permit (CUP) and a Master Site Plan within the General Agriculture (AG) Zoning District.

2. **The proposed use shall be in harmony with and in accordance with the Comprehensive Plan and this Ordinance;**

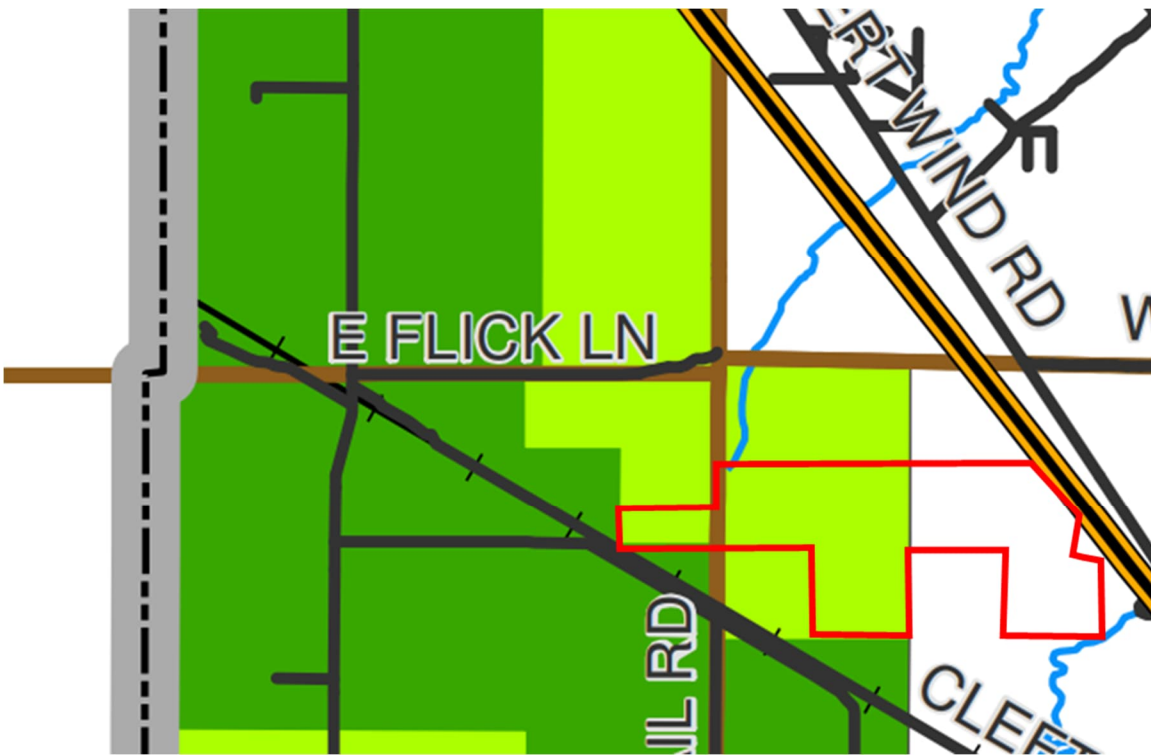
Staff Response:

Comprehensive Plan:

The entire Site is zoned General Agriculture (AG) under the Ordinance. However, the Future Land Use Map (Map #4) in Chapter 5 – Land Use of the 2014 Comprehensive Plan designates the Site with a split land use classification. The eastern portion of the Site is identified as Agriculture (AG), while the western portion is designated Light Industrial/Manufacturing (M1).



Zoning Map with Site Outlined in Red (light blue is Ag)



Comprehensive Plan Future Land Use Map with Site Outlined in Red (white is Ag designation, Light Green is Light Industrial/Manufacturing M1)

For land designated Ag, the Comprehensive Plan states:

The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

The Site does not contain irrigation systems or other infrastructure indicative of near-term high-value agricultural, forest, or mining use. Furthermore, nothing in the record suggests the Site is likely to be developed for core agricultural, forest, or mining purposes during the operational life of the Project.

During the public workshop, one property owner indicated that portions of the Site have historically been used for dryland wheat farming; however, current economic conditions have made that use less viable, prompting the landowner to pursue a more stable return through a solar lease.

Overall, the Site is best characterized as rangeland and land of comparatively lower agricultural value. Accordingly, the Proposal is not expected to result in significant adverse impacts to existing or potential agricultural, forest, or mining production within Elmore County.

The County requires a Decommissioning Plan for all private energy facilities, including the proposed Project, due to their finite operational lifespan and location on leased land. The purpose of this requirement is to ensure that, upon cessation of operations, the Site is restored to its pre-development condition and remains available for future uses consistent with the Comprehensive Plan.

The Applicant has submitted a Decommissioning Plan addressing all Project components (see Exhibit 7). To ensure adequate financial assurance for decommissioning, the County will require the Applicant to provide a decommissioning bond. The Applicant estimates the total cost of decommissioning at \$9,485,019.

Consistent with similar solar projects, Staff recommends a phased bonding approach, requiring:

- An initial bond equal to 50 percent of the estimated cost due upon commencement of construction (\$4,742,510),
- An increase to 100 percent at the 10-year anniversary of the Conditional Use Permit, and
- An increase to 125 percent at the 15-year anniversary.

Additionally, the decommissioning cost estimate will be required to be updated every five years to reflect current conditions and ensure sufficient financial assurance.

County review of the Decommissioning Plan will continue, and final approval will be required as part of the Development Mitigation Agreement (DA-2026-02), as stipulated in Condition of Approval 2.

With respect to the M1 designation, the Comprehensive Plan states:

The Light Industrial/Manufacturing category is directed towards general industrial needs of the County. Land uses in this category may require a mix of commercial

or light industrial uses that consist of clean types of manufacturing, processing, warehousing, repair and general industrial uses. In setting aside industrial areas, easy access to railroad and highway systems should be taken into consideration. Light Industrial/Manufacturing is needed for day-to-day services and sustained economic growth and diversity in the County; however, it must be planned so that it will not degrade the present quality of life.

The Proposal would reduce the amount of land available for Light Industrial/Manufacturing (M-1) uses in proximity to the emerging industrial corridor along Simco Road. However, the portion of the Site designated as M-1 in the Comprehensive Plan is not currently zoned M-1, indicating it is not presently a primary focus area for industrial development.

Utilizing this area for energy production as a transitional use between agricultural land and industrial development would not interfere with the long-term development of the core Simco Road District as envisioned in the Comprehensive Plan. Nor would it substantially limit the area's ability to develop in a manner consistent with the Comprehensive Plan in the future.

Additionally, the land would remain available for future industrial development following decommissioning of the Project, further minimizing any long-term impacts on industrial land supply.

The Elmore County Comprehensive Plan also establishes objectives in Chapter 8 recognizing that alternative energy sources, including solar energy, are an important component of the County's future energy strategy. The Plan includes the following relevant policy guidance:

Public Service Objective 2 – Encourage the enhancement of electric system and capacity reliability.

Public Service Objective 3 – Encourage the enhancement of the capacity and reliability of renewable energy resources.

Economic Objective 12 – Encourage Idaho Power to make additions to and improvements of electric utility facilities that provide adequate capacity for projected growth.

The Project advances these objectives by increasing the availability and reliability of electricity within Elmore County, while contributing to the expansion of renewable energy resources in the local and regional energy mix.

Zoning Ordinance:

The applicable portions of the Ordinance include Title 7, Chapters 2, 3, 5, 6, 7, 9 and 10; Title 8, Chapter 1 and 2; and Title 10, Chapters 5, 6, 7, and 8. Discussion of each is included below.

- **Title 7, Chapter 2:** Findings 1 and 3. In addition, Staff provides the following analysis regarding relevant provisions of Chapter 2 that are not addressed in Findings 1 and 3.

Section 7-2-11: Accumulation of Junk: Condition of Approval 34 ensures outdoor storage of junk does not exceed a combined one acre.

Section 7-2-14: Contiguous Parcels: All parcels included in the Project, including contiguous parcels under common ownership, are considered a single property or Site for purposes of review of the Conditional Use Permit (CUP) and Master Site Plan. Staff acknowledges that the 2.64-acre parcel created through the One-Time Division (OTD-2026-02) is proposed to be transferred to Idaho Power; however, it is also considered part of the overall Site for review and analysis.

Section 7-2-20: Utilities: Condition of Approval 29 requires all utilities, unless technically infeasible, to be installed underground consistent with this Section.

Section 7-2-21: Wastewater Treatment Systems: The Project includes an individual sewage disposal system, which, in accordance with Condition of Approval 23, is required to obtain approval from Central District Health to ensure compliance with applicable public health standards.

Section 7-2-22: Water: The Applicant has indicated an intent to establish a well to serve the domestic needs of the Operations and Maintenance (O&M) building, limited operational uses such as equipment washing, and maintaining approximately 60,000 gallons of fire suppression water storage. As detailed in Exhibit 4 to Exhibit 5b, the total estimated annual water use for domestic O&M building needs and other non-fire operational purposes is 37,145 gallons (0.11 acre-feet).

Idaho Code Section 42-111 allows an exemption for up to 2.8 acre-feet (912,383 gallons) per year for “any other purpose”. After accounting for domestic and other non-fire operational uses, approximately 875,235 gallons (2.69 acre-feet) per year remain available for maintaining the fire suppression water storage.

Notably, the Applicant does not propose using on-site well water for construction dust control or solar panel washing. As explained in Exhibit 4 to Exhibit 5b, water for these activities will be trucked in by a contractor from an authorized source.

To ensure compliance with applicable limits, Condition of Approval 24 requires that water use from any on-site well not exceed the allowable exemption for “any other purpose” under Idaho Code Section 42-111 (2.8 acre-feet per year).

Section 7-2-23: Grading: Condition of Approval 14 ensures no grading occurs until approved by the Department consistent with this Section.

Section 7-2-25: Outdoor Storage: The outdoor storage standards of the Ordinance, including Sections 7-2-25 and 7-2-163, are applied to all Project components that

qualify as outdoor storage under the Ordinance. Pursuant to Section 7-2-176(E)(5), electric substations and other utility structures involved in the distribution of power are deemed to be outdoor storage areas.

The Master Site Plan identifies several areas labeled as “temporary construction parking and laydown/storage areas.” Because the duration of these areas is not clearly defined, the approval of the Conditional Use Permit (CUP) treats these areas as permanent outdoor storage for purposes of applying Ordinance standards.

In addition to these identified areas, the on-site substation and the Idaho Power switchyard are also classified as outdoor storage, as they constitute utility structures involved in power distribution.

Other Project components, such as the solar panel arrays, may meet a general definition of utility structures; however, they are not directly associated with the distribution of power and are therefore not classified as outdoor storage for purposes of applying the outdoor storage standards of the Ordinance.

Outdoor storage of junk is limited in accordance with Section 7-2-11, as implemented through Condition of Approval No. 33. Additionally, a floodplain permit has been issued, and no proposed outdoor storage areas are located within the floodplain.

Section 7-2-27: Zoning Setbacks, Bulk, and Coverage Compliance: No setbacks, bulk, height, and coverage requirements are established in this Section for Electrical Generating Facilities and Energy Production Facilities in the Ag zone.

- **Title 7 Chapter 3:** Applicable procedures have been and will be followed.
- **Title 7 Chapter 5:** Areas of the subject Site proposed for development are relatively flat, no development on slopes 15% or greater are proposed.
- **Title 7 Chapter 6:** Sufficient information on lighting has not yet been submitted, but is required by Condition of Approval 22.
- **Title 7 Chapter 7:** No sign information is included in the submitted material. It is understood the Applicant will apply for and the Department will review all non-exempt signs on the Site for compliance with Chapter 7.
- **Title 7 Chapter 9:** See Findings 1-11 for findings required in Section 7-9-7. In addition, the Applicant requests a timeline for construction longer than the standards twelve months in Section 7-9-5. The “some other period of time” recognized in Condition of Approval 6 is beginning construction by 2029 and completing within two years. The timeline can be extended by up to two years with cause by the Director. The Applicant requests an extended timeline due to the complexity of permitting, utility interconnection approvals, and project financing.

A key approval not yet secured—and a primary driver of the Project timeline—is utility interconnection and execution of a Power Purchase Agreement (PPA) with Idaho Power Company. In addition to Idaho Power’s review, the PPA must also be approved by the Idaho Public Utilities Commission. In supplemental materials

submitted in May 2026 (Exhibit 5c), the Applicant stated they have signed a long-term interconnection agreement (LGIA) with Idaho Power.

According to the LGIA timelines, the Applicant expects to begin project construction in 2029, extending 20 months into 2030 and 2031. Condition of Approval 6 establishes development timeline with limited flexibility for extensions approved by the Director for good cause. This would allow construction to start no later than the end of 2031 and be completed no later than the end of 2033. Any extension beyond construction start in 2031 and construction completion by 2033 would require Commission review in a public hearing. If these deadlines pass without construction starting or being completed, and no extension is granted, the CUP would become invalid.

- **Title 7, Chapter 10:** A Development Mitigation Agreement (DA) with the Board of County Commissioners ("Board") is required in Condition of Approval 2 and will be finalized in the upcoming months. The DA will address social, economic, and environmental impacts throughout the lifecycle of the development including during construction, operation, and future closure/decommissioning. A draft of the decommissioning plan can be found a Exhibit 7.
 - **Title 8, Chapter 1 & 2:** With the Project within the WUI overlay, special attention is being paid to fire prevention and protection as can be seen in Finding 8 and Condition of Approval 21.
 - **Title 10, Chapter 1 & 3:** The Applicant previously obtained Department approval of a One-Time Division (OTD-2026-02, the "Division") to create a parcel for a tie-in electrical switchyard that is intended to be conveyed to Idaho Power. However, the Division has not yet been recorded and the property has not been conveyed. Therefore, the 2.64-acre parcel remains part of the subject CUP area and will remain subject to the CUP and all applicable conditions of approval. No additional land divisions are proposed as part of this application.
 - **Title 10, Chapter 5:** The Applicant previously received Department approval of Private Road Permit ADD-2026-05 for the initial segment of the private road network that will provide access to the various properties comprising the Site. Condition of Approval 26 requires the Applicant to obtain an additional Private Road Permit for the remainder of the road network prior to development.
 - **Title 10, Chapter 6:** See Master Site Plan findings.
 - **Title 10, Chapter 7:** The Site landscaping preserves existing vegetation in areas not required for development or fire buffers. Particular emphasis is placed on maintaining the habitat value of the drainage corridors, which will remain unfenced to facilitate wildlife movement in accordance with Condition of Approval 18.
 - **Title 10, Chapter 8:** As shown on the Master Site Plan (Exhibit 4), the Applicant proposes five standard parking spaces and one ADA-accessible space, for a total of six parking spaces.
3. **The proposed use complies with the purpose statement of the applicable base zone of Ordinance Section 7-2-5 and with the specific use standards as set forth in this Chapter;**

Staff Response:

The Ordinance provides the purpose statement for the AG Zoning District in Section 7-2-5 (G), stating:

The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

The proposed Electrical Generating Facility and Energy Production Facility are allowed conditional uses within the AG Zoning District and are not expected to preclude current or future agricultural activities on the Site. With the implementation of proper decommissioning measures, as required by Condition of Approval 2, the Site can be restored and returned to agricultural use or other uses consistent with the Comprehensive Plan following the conclusion of Project operations.

The following Specific Use Standards are applicable for the proposed use:

Electrical Generating Facilities Per Section 7-2-103

Energy Production Facilities Per Section 7-2-106

Outdoor Storage Facility Per Section 7-2-163

Public and Quasi-Public Power Distribution Per Section 7-2-176

Required Findings for Section 7-2-103, Electrical Generating Facilities:

7-2-103 (A)(1) The facility shall use only natural gas, solar cells, water (hydroelectric) or wind power to produce electricity for sale. The use of diesel fuel is allowed only for emergency generation of electricity for fire suppression or winding down turbines.

Staff Response:

The Project proposes the installation of approximately 317,912 solar panels to generate up to 149 megawatts (MW) of alternating current (AC) electricity for sale to the grid. Solar energy is an expressly permitted source of generation for Electrical Generating Facilities under the Ordinance, and the proposed use is consistent with that classification.

7-2-103 (A)(2) The owner or operator of the facility shall show compliance with all applicable Idaho Public Utility, and Federal Agency rules and regulations before receiving a zoning permit and shall operate the facility in conformance with those same regulations.

Staff Response:

It is understood that the requirements and regulations of the Idaho Public Utilities Commission (IPUC) must be satisfied in order for the Applicant to secure a Power Purchase Agreement (PPA) with Idaho Power. In addition, no federal agency approvals have been identified as necessary for the Project, beyond those previously addressed under Conditional Use Permit Finding No. 5.

7-2-103 (A)(3) Facility improvements shall be at least 2,500 feet away from any residence existing at the time of the application for permit. This distance shall be measured from the centerline of the power producing turbine to the closest edge of the residence. The distance may be shortened if the applicant applies for and is granted a waiver using the standards and procedures contained in this ordinance. A distance waiver shall be granted by the Commission provided, the owner(s) of affected residence(s) waive, in writing, the two thousand five hundred (2,500') foot setback requirements. If such waiver(s) are submitted to the Administrator for each residence within the two thousand five hundred (2,500') foot setback no variance approval shall be required.

Staff Response:

As a solar energy project, the Proposal does not include any power-producing turbines. The nearest existing residence to the Project is located at 3900 Desert Wind Road, situated across Interstate 84 at an approximate distance of 1,500 feet from the Project boundary.

7-2-103 (A)(4) Operation of the facility shall not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of affected property waive in writing the 58Db noise requirement.

Staff Response:

As a solar energy project, the Proposal does not include any power-producing turbines, which are typically associated with higher levels of noise generation. The Project will include limited noise-generating equipment, such as transformers and associated electrical infrastructure; however, these components are not expected to produce noise levels exceeding applicable standards.

To ensure ongoing compliance, Condition of Approval 15 requires that no equipment be installed or operated in a manner that generates ambient noise exceeding 58 decibels at a distance of 750 feet from the source. This condition provides a measurable standard to verify that Project-related noise remains compatible with surrounding land uses.

7-2-103 (A)(5) The applicant, with its building permit application, shall submit and thereafter follow a landscaping, screening and noise control plan to comply with section 4 above. The plan's ability to comply with section 4 shall be certified by a

licensed engineer employed by the applicant. All improvements on the facility shall be enclosed by an appropriate security fence.

Staff Response:

Security fencing is proposed as part of the Project and will be installed in accordance with applicable Ordinance requirements. While noise-specific screening is neither required nor proposed, the Project does include screening measures for other purposes, such as visual mitigation of outdoor storage.

7-2-103 (A)(6) The applicant shall demonstrate and maintain an adequate fire protection and fire-fighting capacity, including entering into an agreement with a public firefighting agency when the applicant's project is within the jurisdiction of such an agency.

Staff Response:

The Site is not in an existing Fire District boundary. Condition of Approval 21 requires the Applicant to enter into a service agreement with Rural Metro Fire, a private fire protection entity based in Mayfield Springs. As part of this agreement, the Applicant must provide necessary fire protection infrastructure, including on-site water storage, hydrants, and related improvements, in accordance with the requirements established by Rural Metro Fire. These measures will ensure that adequate fire protection services are available to serve the Project. The Applicant has proposed 30' firebreak around the perimeter of the Site and Condition of Approval 13 ensures its maintenance.

7-2-103 (A)(7) Before a zoning approval is granted, the applicant shall hold at least two (2) public meetings. Notice of those meetings shall be by publication in local newspaper and by mail to property owners within one (1) mile of the proposed facility.

Staff Response:

The Applicant held public meetings on June 20 and 21, 2025 prior to submitting an application to the County with notice sent to property owners within five miles.

7-2-103 (A)(8) The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.

Staff Response:

Potential adverse impacts include traffic congestion during construction, additional law enforcement and medical emergency calls during construction, and impacts to the natural environment and habitat. Mitigation of these impacts will be carefully considered, including through a required Development Mitigation Agreement.

7-2-103 (A)(9) Towers and structures that seek to exceed the building height restrictions from Table 7-2-28 (D) must be compatible with the flight operations of MHAFFB and the City of Mountain Home and Glenns Ferry public airport operations. The proposed plan should be coordinated and approved by local, state, federal and military aviation officials.

7-2-103 (A)(10) Towers and height variances shall not be granted within 5 miles of Mountain Home AFB or along depicted flight corridors.

7-2-103 (A)(11) Within the Mountain Home or Glenns Ferry airport influence areas overlay district, the height limits on the tower or facility structures shall be as required by the Code of Federal Regulations 14 CFR 77.

Staff Response:

No towers or structures are proposed above any maximum heights, or at heights that would interfere with flight operations. The Project is not within the Mountain Home or Glenns Ferry Airport Influence Areas Overlay Districts.

7-2-103 (A)(12) Notification distance shall be increased at the discretion of the Director to accommodate for visual impacts.

Staff Response:

The Department is using a 5-mile notice distance to ensure impacted parties are notified. Notice of the neighborhood meetings and notifications throughout the development review process were sent to the same radius.

Required Findings for Section 7-2-106, Energy Production Facilities:

7-2-106 (A)(1) Prior to receiving final approval and zoning approval, the owner or operator of an Energy Production Facility shall show compliance with all applicable Idaho Public Utility and Federal Agency rules and regulations and shall operate the facility in conformance with those same regulations.

Staff Response:

It is understood that the requirements and regulations of the Idaho Public Utilities Commission (IPUC) must be satisfied in order for the Applicant to secure a Power Purchase Agreement (PPA) with Idaho Power. In addition, no federal agency approvals have been identified as necessary for the Project, beyond those previously addressed under Conditional Use Permit Finding No. 5.

7-2-106 (A)(2) Facility improvements shall be at least two thousand five hundred (2,500') feet away from any existing residential dwelling at the time of the application for permit. This distance shall be measured from the centerline of the main power production turbine (support equipment, outbuildings, offices, etc. shall be excluded) to the closest edge of the residence.

Staff Response:

As a solar energy project, the Proposal does not include any power-producing turbines. The nearest existing residence to the Project is located at 3900 Desert Wind Road, situated across Interstate 84 at an approximate distance of 1,500 feet from the Project boundary.

7-2-106 (A)(3) The applicant shall demonstrate and maintain an adequate fire protection and fire-fighting capacity, including entering into an agreement with a public

firefighting agency when the applicant's project is within the jurisdiction of such an agency.

Staff Response:

Condition of Approval 21 requires the Applicant to enter into a service agreement with Rural Metro Fire, based in Mayfield Springs. As part of this agreement, the Applicant must provide necessary fire protection infrastructure, including on-site water storage, hydrants, and related improvements, in accordance with the requirements established by Rural Metro Fire. These measures will ensure that adequate fire protection services are available to serve the Project.

7-2-106 (A)(4) Operation of the facility shall not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of affected property waive in writing the 58Db noise requirement.

Staff Response:

As a solar energy project, the Proposal does not include any power-producing turbines, which are typically associated with higher levels of noise generation. The Project will include limited noise-generating equipment, such as transformers and associated electrical infrastructure; however, these components are not expected to produce noise levels exceeding applicable standards.

To ensure ongoing compliance, Condition of Approval 15 requires that no equipment be installed or operated in a manner that generates ambient noise exceeding 58 decibels at a distance of 750 feet from the source. This condition provides a measurable standard to verify that Project-related noise remains compatible with surrounding land uses.

7-2-106 (A)(5) The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.

Staff Response:

Potential adverse impacts include traffic congestion during construction, additional law enforcement and medical emergency calls during construction, and impacts to the natural environment and habitat. Impacts will be carefully considered, and mitigated, including through a required Development Mitigation Agreement.

7-2-106 (A)(6) The applicant, with its building permit application, shall submit and thereafter follow a landscaping, screening and noise control plan to comply with section 4 above. The plan's ability to comply with section 4 shall be certified by a licensed engineer employed by the applicant. All improvements on the facility shall be enclosed by an appropriate security fence.

Staff Response:

Security fencing is proposed as part of the Project and will be installed in accordance with applicable Ordinance requirements. While noise-specific screening is neither required nor proposed, the Project does include screening measures for other purposes, such as visual mitigation of outdoor storage.

7-2-106 (A)(7) Before a zoning approval is granted, the applicant shall hold at least two (2) public meetings. Notice of those meetings shall be by publication in local newspaper and by mail to property owners within one (1) mile of the proposed facility.

Staff Response:

The Applicant held public meetings on June 20 and 21, 2025 prior to submitting an application to the County.

7-2-106 (A)(8) Public notification shall be increased at the discretion of the Director to accommodate notification for all potential impacts

Staff Response:

The Department is using a 5-mile notice distance to ensure impacted parties are notified. Notice of the neighborhood meetings were sent to the same radius.

Required Findings for Section 7-2-163, Outdoor Storage Facility

7-2-163 (A) Screening: Outdoor storage areas shall be screened according to the regulations of this Title. As required by this Title, outdoor storage of chemicals and/or fertilizers shall be prohibited.

Finding:

Pursuant to Section 7-2-176(E)(5), electric substations and other utility structures involved in the distribution of power are deemed to be outdoor storage areas. The Master Site Plan identifies several areas labeled as “temporary construction parking and laydown/storage areas.” Because the duration of these areas is not clearly defined, the approval of the Conditional Use Permit (CUP) treats these areas as permanent outdoor storage for purposes of applying Ordinance standards.

The substation and Idaho Power switchyard will be screened with slatted chain-link fencing, as proposed by the Applicant and required by Condition of Approval No. 16, to provide visual mitigation of these facilities. Condition of Approval 16 also requires all other outdoor storage areas left following construction to be screened with chain-fencing with slats or other screening of a greater quality and opaqueness.

No chemicals or fertilizers are proposed to be stored outdoors on the Site, thereby avoiding potential impacts associated with hazardous or nutrient-related materials storage.

7-2-163 (B) Prohibited Locations: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic

Finding:

The proposed storage area is a solar power generation facility where utility equipment is installed in an orderly manner. No storage will restrict required yards, walkways—including sidewalks, or parking areas or otherwise impede vehicle or pedestrian traffic.

7-2-163 (C) Use of Site: Use of the site shall not constitute a "pit, mine, or quarry" or "contractor's yard" as herein defined in this Title.

Finding:

The Site is a solar power generation facility and does not propose a pit, mine, quarry, or contractor's yard.

7-2-163 (D) Prohibited Uses: The site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as herein defined in this Title.

Finding:

The Site is a solar power generation facility and does not propose a junkyard, automobile wrecking yard, vehicle impound yard or any similar use.

7-2-163 (E) Compliance: The use shall comply with the flood hazard overlay as set forth in this Title.

Finding:

The flood hazard standards of the Ordinance are being applied to the Site and a flood plain permit has been issued.

7-2-163 (F) Additional Standards for Outdoor Storage as an Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:

Finding:

Pursuant 7-2-176 (E)(5), The outdoor storage uses are accessory to the primary solar energy facility and the accessory outdoor storage standards are met as shown in the following findings.

7-2-163 (F)(1) The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.

Finding:

All site elements, including those considered outdoor storage under the Ordinance, are shown in the Applicant's Master Site Plan and reviewed as part of the Conditional Use Permit.

7-2-163 (F)(2) Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.

Finding:

All site elements and areas considered outdoor storage under the Ordinance are exclusive to the use of the Applicant.

7-2-163 (F)(3) Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.

Finding:

All site elements and any stored items will be owned by the Applicant or Idaho Power.

7-2-163 (F)(4) Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

Finding:

The Project is not a multi-family development, recreational vehicle park, or manufactured home park, therefore the limitation to recreational vehicles or personal recreation items of the tenants does not apply.

Required Findings for Section 7-2-176 (E), Public or Quasi-Public Use - Power Distribution Facilities

7-2-176 (E)(1) Electric distribution lines shall be principal permitted uses.

Finding:

The proposed use is not a distribution line.

7-2-176 (E)(2) Electric sub transmission lines shall be principal permitted uses.

Finding:

The proposed use is not a sub-transmission line.

7-2-176 (E)(3) Electric transmission lines and substations shall require conditional use approval.

Finding:

A substation is proposed as part of CUP-2025-29.

7-2-176 (E)(4) All electric transmission, sub transmission, and distribution line rights of way shall be exempt from the landscaping regulations of this Ordinance.

Finding:

CUP-2025-29 does not require any landscaping within transmission line rights-of-way.

7-2-176 (E)(5) Electric substations and other utility structures shall be deemed outdoor storage areas and shall meet the standards in this Ordinance.

Finding:

CUP-2025-29 is reviewed for compliance with Section 7-2-25, outdoor storage as discussed above.

7-2-176 (E)(6) Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.

Finding:

CUP-2025-29 is not proposing communication towers.

7-2-176 (E)(7) All wire fences, metal structures, and metal objects shall be grounded as required by this Title.

Finding:

Conditions of Approval 17 requires the items listed in this Section to be grounded.

4. The proposed use shall comply with all applicable County Ordinances;

Staff Response:

Compliance with the Ordinance, Titles 7, 8, and 10 is discussed in Finding 2 above. Other Ordinance Titles including Title 9, Building Regulations, will be reviewed separately as the development continues on the Site, and nothing in the approval of the CUP acts in lieu of building permits or prevents the ability to apply Building Regulations. The proposed use was discussed with affected agencies, including County agencies, on November 13, 2025. Coordination will follow with County agencies potentially impacted by the Project including:

- Elmore County Engineer
- Elmore County Sheriff
- Elmore County Ambulance District
- City of Mountain Home
- Mountain Home Highway District

Impacts and costs to the County through the lifecycle of the Project, identified by these agencies, will be incorporated into a Development Mitigation Agreement.

Additionally, this CUP will not override any County Ordinance or prevent the County from ensuring compliance with any Ordinance not herein identified.

5. The proposed use shall comply with all applicable State and Federal laws, rules and/or regulations;

Staff Response:

The proposed use was discussed with affected agencies on November 13, 2025, May 12, 2026, and July 14, 2026 and coordination will continue as needed to ensure compliance with applicable regulations, including the following State and Federal agencies:

- Idaho Department of Environmental Quality
- Idaho Department of Fish and Game

- Central District Health
- Idaho Department of Lands
- Idaho Power
- Idaho Department of Water Resources
- Idaho State Fire Marshall
- Idaho State Historic Preservation Office
- Office of Energy and Mineral Resources
- Union Pacific Railroad
- U.S. Fish and Game
- Environmental Protection Agency
- Federal Emergency Management Agency
- Mountain Home Airforce Base
- Army National Guard

Public comment included in Exhibit 11a from the Idaho Department of Fish and Game identifies wildlife considerations within the Project area. Testimony provided during the public workshop noted the presence of elk; however, Fish and Game staff indicated that while elk may occur intermittently, the Site does not constitute critical habitat for the species.

Fish and Game staff did identify the area as being utilized by pronghorn and noted that the Site lies within a proposed pronghorn conservation priority area. In response to these concerns, Condition of Approval 18 requires that undeveloped drainage areas within the Project be left unfenced to preserve wildlife movement corridors, with particular emphasis on maintaining connectivity for pronghorn.

- 6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;**

Staff Response:

The Project is designed in a manner consistent with other approved solar facilities within the AG Zoning District in Elmore County, which have been found to meet applicable compatibility requirements. The Proposal is also subject to extensive review and conditioning to ensure that it is designed, constructed, and maintained in a way that is harmonious and appropriate in appearance with both the existing and anticipated future character of the surrounding area.

Accordingly, the proposed use is not expected to alter the essential character of the vicinity, and is compatible with the general development pattern envisioned for the area.

- 7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;**

Staff Response:

Existing Neighboring Uses

The Site is near existing industrial uses, including the Pacific Recycling auto shredder facility to the west and the Sawtooth Regional Landfill to the south. Other surrounding land is rangeland or farmland. Interstate 84 borders the Site to the northeast. The existing industrial facilities operate in an industrial setting characterized by heavy equipment, truck traffic, utility infrastructure, and ongoing operational activity. These neighboring uses do not possess any increased sensitivity to potential hazards or disturbances that may arise from development of the Site. Interstate 84 is sensitive to anything that could distract, reduce visibility, or otherwise impact drivers.

Potential Hazards and Disturbances

The proposed use has the potential to introduce certain temporary or operational conditions that could be considered hazardous or disturbing if not properly managed. These include the potential for increased stormwater drainage flows, construction-related dust, construction and operational traffic, glare from solar panels, visual impacts associated with solar panels and other Project components, and creating additional hazards when vehicles accidents involve vehicles leaving the nearby Interstate.

These potential impacts are adequately addressed through the Applicant's submitted materials or will be mitigated through conditions of approval. The Applicant has committed to designing the Project to ensure that post-development stormwater runoff does not exceed predevelopment conditions, and compliance with applicable stormwater management standards will be required. Construction dust will be minimized through standard dust control measures and enforcement of applicable regulations. Operational traffic will be minimal and limited to periodic operator and maintenance visits, resulting in a de minimis impact on surrounding local roadways, while construction traffic will be temporary and subject to requirements intended to mitigate disruption.

Glare, which is the biggest potential hazard/disturbance to Interstate 84, will be minimized through the use of industry-standard panel coatings and panel orientation. Visual impacts will be consistent with the existing industrial and utility character which already includes utility structures and transmission infrastructure. The visual impacts will therefore not create a difference in the visual landscape as to unduly disturb neighboring uses or travelers on Interstate 84.

Emergency service providers identified a potential hazard associated with the proximity of the Project to Interstate 84, specifically the risk of vehicles departing the roadway at high speeds and impacting Project fencing or infrastructure. The posted speed limit along this segment of I-84 is 80 miles per hour. Under existing conditions, errant vehicles would encounter primarily low vegetation beyond Idaho Transportation Department (ITD) right-of-way fencing.

The introduction of the Project's perimeter fencing and solar infrastructure could present additional obstacles, potentially increasing the severity of such incidents. However, the Project has been designed with a setback of approximately 120 feet

from the edge of the roadway to the security fencing, with solar panels located at greater distances beyond the fence line. Staff has coordinated with emergency service providers and confirmed that this setback distance is sufficient to reasonably mitigate potential risks associated with vehicle departure from the interstate. Accordingly, the Project's design is not expected to create a significant public safety hazard related to roadway proximity.

Overall, no hazards or disturbances are foreseeable that are not adequately addressed through the proposed design or conditions of approval.

Impeding Normal Development

Nothing in the record indicates that the proposed use would impede the normal operation, or future additional development of the nearby sites. The Project does not limit access, constrain operational flexibility, or impose restrictions on adjacent properties that would interfere with neighboring properties.

- 8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police protections, fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;**

Staff Response:

Highways and Streets

While long-term operation of the solar facility is expected to generate minimal traffic volumes (approximately 2 to 6 trips per day), construction activities will result in a temporary increase in traffic, including contractor vehicles, heavy delivery trucks, and construction equipment, with an estimated average of 200 trips per day.

To ensure safe traffic operations during construction, the Applicant will be required to implement a traffic control plan, addressing routing, staging, and on-site access management. Pursuant to Private Road Permit ADD-2026-05, access to the Project will be provided by a private road connecting to Simco Road via Flick Lane, which is expected to provide adequate site access.

Due to the extended timeframe before construction is anticipated to begin, it is difficult to accurately assess construction-related traffic impacts at this time. Anticipated changes in surrounding development patterns and traffic volumes mean that current traffic data may not be representative of future conditions along Simco Road and in the surrounding area.

To address this uncertainty, Condition of Approval 19 requires the Applicant to complete a Traffic Impact Analysis (TIA) no earlier than 18 months prior to the start of construction. The TIA must be based on the most current regional traffic data available, or, if such data is unavailable, on weekday traffic observations collected during peak travel periods. This requirement will ensure that construction-related

impacts are evaluated using accurate and up-to-date information, and that appropriate mitigation measures are identified and implemented.

Police Protection and Emergency Response

Consistent with other energy infrastructure projects reviewed by the County, including private wind and solar developments and Idaho Power facilities, the Project will generate increased traffic associated with construction, operation, and decommissioning. According to the Applicant's narrative (Exhibit 5a, Appendix H), construction activities are expected to generate an average of approximately 200 daily trips, while long-term operations will result in approximately 2 to 6 daily trips. Although not explicitly quantified, decommissioning traffic volumes are anticipated to be similar to construction levels.

The temporary increase in traffic during the anticipated 20-plus-month construction period is of particular concern due to the resulting demand on law enforcement and emergency medical services (EMS), which may increase costs for County-funded services.

Following construction, the Project will generate minimal ongoing traffic, with a limited on-site workforce for operations and maintenance. While this will result in a significantly lower level of service demand compared to construction, it will still create a modest increase in public service needs, which must be accounted for.

To address these impacts during the lifecycle of the Project, Condition of Approval 2 requires the Applicant to enter into a Development Mitigation Agreement (DA) with the Board pursuant to Section 7-10-3(A) of the Ordinance. The purpose of the DA is to identify Project-related service demands and ensure the Applicant contributes a proportionate share of the costs associated with providing additional public services. The Applicant has submitted an application for a Development Mitigation Agreement (Case No. DA-2026-02).

Fire Protection

The site is located within a Wildland-Urban Interface (WUI) overlay as defined by the applicable ordinance and is not currently served by an established fire district. The Applicant is coordinating with Rural Metro Fire, based in the Mayfield Springs development, to secure fire protection services and identify necessary on-site improvements to support firefighting operations (see Intent to Serve Letter in Exhibit 5c). Condition of Approval 21 requires the Applicant to formally establish fire service with Rural Metro Fire or another qualified provider and to construct all required fire protection infrastructure. This requirement is consistent with conditions imposed on other recent projects along the Simco Corridor, including the Simco Environmental Industrial Wastewater Treatment Facility (CUP-2025-13) and Idaho Power's Peregrine Energy Center (CUP-2025-29).

In addition to securing fire service, the Applicant will establish a 30-foot fire buffer, as required by Condition of Approval 13. This buffer must be regularly maintained and is intended to help prevent fires from spreading to or from the project site.

Drainage Structures

The Applicant proposes to maintain the existing drainage patterns on the site. Proposed stormwater detention facilities are depicted on the Master Site Plan. Condition of Approval 11 further ensures that drainage is properly managed on-site and does not adversely impact adjacent properties.

Refuse Disposal

The Applicant will be responsible for the proper disposal of all refuse generated during construction, operations, and decommissioning. For a solar power generation facility such as this, a primary long-term disposal concern is the handling of solar panels as they reach the end of their useful life, experience reduced efficiency, and require replacement. Condition of Approval 39 requires that all decommissioned panels be disposed of at a landfill authorized by the Idaho Department of Environmental Quality (IDEQ) to accept solar panel waste. No additional issues related to refuse disposal have been identified that would adversely affect the Master Site Plan or the overall feasibility of the Project.

Water and Sewer

The Applicant proposes to develop a well and septic system for the Site, subject to obtaining all required permits. If such permits cannot be secured, the Site is capable of accommodating alternative water delivery and sanitary services, including systems that involve regular off-site pumping and removal. Water demand for the Project during operations includes the domestic needs of the Operations and Maintenance (O&M) building, limited operational uses such as equipment washing, and maintaining approximately 60,000 gallons of fire suppression water storage. As detailed in Exhibit 4 to Exhibit 5b, the total estimated annual water use for domestic O&M building needs and other non-fire operational purposes is 37,145 gallons (0.11 acre-feet). Idaho Code Section 42-111 allows an exemption for up to 2.8 acre-feet (912,383 gallons) per year for “any other purpose”. After accounting for domestic and other non-fire operational uses, approximately 875,235 gallons (2.69 acre-feet) per year remain available for maintaining the fire suppression water storage and other unanticipated incidental use. Notably, the Applicant does not propose using on-site well water for construction dust control or solar panel washing during operations. As explained in Exhibit 4 to Exhibit 5b, water for these activities will be trucked in by a contractor from an authorized source.

- 9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;**

Staff Response:

Excessive Additional Costs for Public Facilities and Services

A large-scale construction project at a relatively remote location introduces important considerations for public services. The temporary increase in vehicle traffic and on-site activity is expected to create additional demand for law enforcement and emergency medical services (EMS) beyond current service levels in the area. Coordination with emergency response providers and the Board is essential to ensure

adequate planning, staffing, and equipment are in place during the construction period.

To address these impacts, Condition of Approval 2 requires the Applicant to enter into a Development Mitigation Agreement (DA-2026-02) with the Board. This agreement will ensure the Applicant contributes a proportionate share of the costs associated with increased service demands and coordinates appropriately with service providers.

Not Detrimental to the Economic Welfare of the County

The Project is part of a key energy production industry within the County. It will create job opportunities at the Site during both construction and ongoing operations. Additionally, the Project will support a resilient power grid as demand increases, contributing to the County's economic stability and growth. The Project will not impede economically beneficial uses from developing on neighboring properties.

10. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

Staff Response:

Excessive Traffic

Vehicle traffic during operations will be limited to minimal maintenance and operations staff, resulting in approximately 2–6 trips per day. During construction, traffic is expected to average approximately 200 trips per day.

Condition of Approval 19 requires the implementation of a traffic control plan during construction. Additionally, Condition of Approval 2 requires execution of a Development Mitigation Agreement (DA-2026-02) to address County service costs associated with project-generated traffic.

With the required traffic control plan and mitigation measures in place, adequate assurances are provided that Project-related traffic will not be detrimental.

Excessive Noise, Smoke, Fumes, Odors

No uses that generate significant smoke, fumes, or odors are proposed. Consistent with the specific use standards in Sections 7-2-103 and 7-2-106, Condition of Approval 15 ensures that noise levels will not exceed those permitted for Electrical Generating Facilities / Energy Production Facilities.

Excessive Glare

The Applicant submitted a glint and glare assessment (see Appendix F of Exhibit 5a). This assessment distinguishes between glint—a brief, focused flash of reflected sunlight—and glare—a more sustained, less intense reflection from solar panels. The analysis evaluated nine key observation points, including Interstate 84 and adjacent properties.

The assessment concludes that no significant glint or glare effects are anticipated. Accordingly, no additional mitigation measures are required beyond the proposed anti-reflective coating and standard operational considerations related to panel orientation.

11. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.

Staff Response:

Development of the flat area of the Site while maintaining existing drainageways will not lead to the loss or damage of any natural or scenic features of major importance.

4 Required Findings for Master Site Plan Pursuant to 10-6-7(A)

1. The Master Site Plan complies with the applicable Comprehensive Plan; and

Staff Response:

Please refer to Comprehensive Plan, CUP Finding 2 above.

2. When applicable, the master site plan complies with Section 10-6-4 General Required Standards; in regard to:

A. Location of Structures on the Site; and

Staff Response:

Structures are positioned to reduce fire risk and meet operational requirements. Solar panels and access roads are located throughout the site with the electrical substation, Idaho Power interconnect switchyard, and an operations and maintenance building located in the northeast portion of the site. Most standards in this subsection apply to residential development and are not relevant to this Application.

B. Non-Vehicular Access and Internal Circulation;

Staff Response:

Due to the nature of this and similar energy generation uses, no public non-vehicular access is permitted. Any on-site employees or authorized visitors to the Site that arrive in a vehicle and walk the Site will wear safety gear as required and otherwise follow safety protocols. Any marked parking spaces will have a clearly-delineated path to the primary entrance of the O&M building(s).

C. Automobile Access and Internal Circulation:

Staff Response:

Operational and maintenance vehicle access will be limited as only operations and maintenance staff will be accessing the Site. No concerns have been raised regarding access or circulation so long as all internal roads are graveled, as proposed and approved by the County Engineer prior to construction.

D. Additional Off-street Parking Design Standards.

Staff Response:

As shown in Exhibit 4, the Applicant proposes six on-site parking spaces, including one ADA-accessible van space, meeting this standard.

3. The applicant has submitted a natural features analysis compliant with section 10-6-5 indicating that the proposed development and master site plan sufficiently address:

a. Any natural constraints detected or observed; and

Staff Response:

The main natural constraints of note are streams and drainageways and associated floodplains and wetlands. The floodplain at the southeast corner of the site is left undeveloped. The solar arrays are placed outside the other lower drainage ways with only gravel access roads in these areas. The Applicant has submitted a complete Floodplain Permit (ADD-2026-39). Condition of Approval 27 requires approval of the Floodplain Permit (ADD-2026-39) prior to CUP-2025-29 becoming effective.

b. Historical and Cultural Resources; and

Staff Response:

According to the Application, the Idaho State Historic Preservation Office did not include any known Historical or Cultural resources at the Site in the Idaho Cultural Resources Information System or the National Register of Historic Places.

c. Sensitive Plant and Wildlife Species; and

Staff Response:

Protected and sensitive species of common concern in this portion of Elmore County include monarch butterflies, Suckley's bumble bees, migratory and nesting birds, and slickspot peppergrass.

Biological surveys completed by the Applicant did not identify slickspot peppergrass or any other special-status plant species within the project area. Habitat assessments also determined that the site does not provide breeding or foraging habitat for monarch butterflies or Suckley's bumble bees at densities or under conditions that would be adversely affected by the proposed development.

Wildlife surveys further confirmed the absence of bald or golden eagle nests, falcon nests, or other raptor nesting sites within the project footprint or established buffer areas. While migratory birds may pass through the broader area, no active nests were observed onsite at the time of surveying. Condition of Approval 20 requires additional site survey prior to construction to minimize potential impacts to sensitive bird species.

In addition, testimony provided during the public workshop noted the presence of elk; however, Fish and Game staff indicated that while elk may occur intermittently, the Site does not constitute critical habitat for the species.

Fish and Game staff did identify the area as being utilized by pronghorn and noted that the Site lies within a proposed pronghorn conservation priority area. In response to these concerns, Condition of Approval 18 requires that undeveloped drainage areas within the Project be left unfenced to preserve wildlife movement corridors, with particular emphasis on maintaining connectivity for pronghorn.

d. Any impacts on Natural Features

Staff Response:

Construction on a relatively flat Site where natural drainageways are proposed for preservation is understood to not have impact on natural features.

4. The master site plan complies with section 10-6-6 Other required standards; in regard to:

a. Screening; and

Staff Response:

While there will be a security fence, no screening is proposed. Where required, screening for outdoor storage, including the project substation and Idaho Power switchyard, will be accomplished by inserting privacy slats in the chain link fencing. Condition of Approval 16 ensures the required screening occurs.

b. Drainage; and

Staff Response:

The drainage system design avoids significant changes to the direction or volume of surface water flows to or from adjacent properties and maintaining existing drainage patterns to the greatest extent possible. While it is understood some variation occurs during final design, the Applicant confirms in Exhibit 5c that sufficient design has been completed so that stormwater facility changes won't exceed the 10% variation allowed for an approved Master Site Plan.

c. Water Supply and Sewage Disposal; and

Staff Response:

The Applicant has indicated plans to construct an individual well and septic system; however, detailed design and permitting information have not yet been provided. Final design and permitting will occur following Conditional Use Permit (CUP) approval.

The site contains sufficient area to accommodate a well and septic system. In the event the Applicant is unable to obtain the necessary permits, adequate space is available to support alternative solutions, such as pumpable toilets and water

storage supplied by delivered water, to serve the Operations and Maintenance (O&M) Building.

Water demand for the Project during operations includes the domestic needs of the O&M building, limited operational uses such as washing equipment, and maintaining approximately 60,000 gallons of fire suppression water storage. As detailed in Exhibit 4 to Exhibit 5b, the total estimated annual water use for domestic O&M building needs and other non-fire operational purposes is 37,145 gallons (0.11 acre-feet). Idaho Code Section 42-111 allows an exemption for up to 2.8 acre-feet (912,383 gallons) per year for “any other purpose”. After accounting for domestic and other non-fire operational uses, approximately 875,235 gallons (2.69 acre-feet) per year remain available for maintaining the fire suppression water storage and other unanticipated incidental use.

Notably, the Applicant does not propose using on-site well water for construction dust control or solar panel washing during operations. As explained in Exhibit 4 to Exhibit 5b, water for these activities will be trucked in by a contractor from an authorized source.

d. Filling, Excavation, and Earthmoving; and

Staff Response:

The Applicant will be required to implement measures to prevent erosion and sedimentation in nearby water channels. Disturbed areas will be revegetated, and standard erosion control best management practices will be implemented during construction. The Applicant has also indicated an intent to preserve existing drainageways.

Based on the information provided, including Exhibit 5c, no slopes of 15 percent or greater will be disturbed by the proposed development.

e. Irrigation Services and Delivery Systems; and

Staff Response:

The proposal does not involve modifications to existing irrigation canals or ditches. Landscape irrigation is neither planned nor required.

f. Utilities; and

Staff Response:

The Master Site Plan, Exhibit 4, does not show on-site utilities. It is understood and required by Condition of Approval 29 that—besides certain higher voltage powerlines and transmission lines necessitated to be above ground for technical reasons—all on-site utilities will be installed underground consistent with the Ordinance.

g. Maintenance; and

Staff Response:

At this stage of review not a lot of information is provided regarding maintenance. However, the expected level of maintenance is required by Conditions of Approval 13, 34, and 35.

h. Supplemental Information, Modifications (related to existing natural features); and

Staff Response:

No additional information or modifications to the Master Site Plan related to existing natural features is recommended.

i. Alternative Master Site Plan

Staff Response:

The Applicant has not provided a request for Alternate Site Development

STAFF RECOMMENDATION

The use, along with proposed conditions and associated DA-2026-02, complies with the requirements of the Elmore County Zoning and Development Ordinance. Based on the evidence presented by staff's analysis above, Staff recommends **approval** of CUP-2025-29 with Master Site Plan for a solar power generation facility in the AG zone with the following conditions of approval.

PROPOSED CONDITIONS OF APPROVAL FOR CUP-2025-29

General

1. A Conditional Use Permit (CUP-2025-29), with a Master Site Plan, is granted to Soles Rest Power LLC ("Applicant") to construct and operate an a solar power generating facility including solar arrays, a substation, an interconnection switchyard to be owned by Idaho Power, operations and maintenance building, access roads, fencing, stormwater facilities, outdoor storage and temporary parking areas, quasi-public power distribution lines, and associated facilities on parcels RP02S05E080100, RP02S05E057810, RP02S05E054810, RP02S05E067210, RP02S05E070010, RP02S04E019010, and RP02S05E064810.
2. CUP-2025-29 shall not become effective until the Applicant executes Development Mitigation Agreement DA-2026-02, along with the associated Decommissioning Plan, with the Board of County Commissioners and provides a fully executed copy to the Elmore County Land Use and Building Department ("the Department").
3. All development and operation activities shall comply with terms and conditions of approval of CUP-2025-29 with Master Plan, terms of the associated DA-2026-02, the Zoning and Development Ordinance ("Zoning Ordinance"), and state and federal law. Any violation thereof shall result in revocation of the CUP-2025-29.

4. Prior to any construction activity at the Site, the Applicant shall notify the Department and receive necessary approvals in compliance with the Zoning Ordinance and/or Conditions of Approval.
5. Any violation of a term or condition of the Development Mitigation Agreement (DA-2026-02) shall constitute a violation of the conditions of approval for CUP-2025-29 and may result in the revocation of CUP-2025-29.
6. Construction of improvements authorized under CUP-2025-29 must commence within three years of CUP approval and all improvements must be completed within two years from the start of construction. For good cause, the Director may administratively grant, at their sole discretion, up to two, one-year extensions to the start of construction and/or end of construction. Any extension request beyond two years shall require a formal modification of CUP-2025-29 and compliance with all County Ordinances in effect at that time.
7. All conditions of approval for CUP-2025-29 and Master Site Plan, and terms of DA-2026-02, shall run with the Site and be binding upon the Applicant and all heirs, transferees, successors, and assignees.
8. Prior to applying for any additional Site improvements or building permits, the Applicant shall ensure that the proposed structures, uses, or improvements were contemplated in the CUP and Master Site Plan, as amended from time to time.
9. Neither the Applicant nor any other party shall develop any use, construct structures, or make site improvements to the Site not shown in the approved Master Site Plan or specifically required by conditions of approval, unless an amendment to the Master Site Plan is submitted, reviewed, and approved in accordance with the Zoning Ordinance.
10. The Applicant shall not modify any canals, ditches, or natural drainage ways not specifically approved in the Master Site Plan.

Specific Actions During Permitting and Construction

11. The Applicant shall maintain all drainage on site and not impact drainage on neighboring properties or rights-of-way. Prior to any building permit, the Applicant shall submit a drainage study/report for the proposed stormwater facilities to the Department and receive approval from the County Engineer.
12. Before any grading permit is issued, the Applicant must submit a copy of the Stormwater Pollution Prevention Plan, provided to and accepted by IDEQ to the Department for approval. The plan must include necessary measures such as silt fencing, wattles, and a construction water truck.
13. Before any grading permit is issued, the Applicant must provide a maintenance schedule for the firebreak perimeter, including vegetation control at least twice a year.

The Applicant must maintain accurate, up-to-date maintenance records and make them available to the Department upon request.

14. Prior to any Site grading, the applicant shall submit and receive approval of a drainage study and/or drainage plan from the Department consistent with Section 7-2-23 of the Zoning Ordinance.
15. No ambient noise greater than 58 decibels 750 feet from the source shall be permitted.
16. The substation and switchyard shall each be screened by privacy slats in chain link fencing at least 6 feet in height or other screening of greater permanence and opaqueness at least 6 feet in height. Any other outdoor storage remaining on the Site after construction shall be similarly screened. The privacy slats or other screening shall be colored desert tan or similar to blend with the surroundings.
17. All metal fences, metal structures, and metal objects shall be grounded.
18. Project fencing shall be installed in a manner that allows for wildlife passage. Areas between solar arrays, the Operations and Maintenance (O&M) building, the substation, and the switchyard that are greater than 200 feet in width shall remain unfenced, with no constructed barriers present other than gravel access roads.
19. Prior to any site improvements and no earlier than 18 months prior to construction, the Applicant shall conduct a Traffic Impact Analysis that provides existing traffic counts at the site, 5-, 10-, and 20-year cumulative growth scenarios for Simco Road and Flick Lane, and includes recommended roadway improvements and the improvements required timeframes. Applicant shall be required to follow and construct all roadway improvement recommendations.

Prior to any site improvements and no earlier than 18 months prior to construction, the Applicant shall coordinate with MHHD and receive their written recommendations for Simco Road improvements to minimize potential delays during construction, and more importantly, to improve traffic safety along Simco Road; provided, however, that this condition shall be considered satisfied if MHHD does not respond within 60 days of the Applicant's outreach to MHHD.

Prior to any Site improvements, the Applicant shall submit a construction traffic control plan (TCP) to the County that identifies designated trip routing to the site, contractor parking areas, delivery locations, and all proposed traffic mitigation and control measures.

Prior to any site improvements and no earlier than 18 months prior to construction, the Applicant shall coordinate with Idaho Transportation Department (ITD) to ensure that adequate capacity is available at Simco Road Interchange for construction traffic. The Applicant shall provide ITD's written approval to the County that the necessary mitigation agreements are in place with ITD.

20. Prior to any Site improvements and no more than 6 months before construction, the Applicant shall use a wildlife biologist to survey the Site for nests of golden or bald eagles and any other protected or sensitive aviary species. Prior to applying for a building permit, the Applicant shall submit this report to Idaho Department of Fish and Game, and if needed, bring their written mitigation recommendations to the Department for implementation.
21. Prior to any Site improvements, the Applicant shall provide the Department with written verification of a service agreement that Rural Metro Fire, or another similar fire service provider or agency, will provide fire protection to the Site beginning at the start of construction and continuing through operation and decommissioning. Such agreement shall be maintained throughout the construction, operation, and decommissioning of the Project. In the event any public agency responds to the site in connection to a fire event, the Applicant shall be responsible for reimbursement to such agencies for their reasonable costs of response.
22. Prior to any Site improvements or Building Permit, the Applicant shall submit specifications, plans and other information to the Department for any outdoor lighting fixtures installed or planned on the Site necessary to show the location, orientation, height, shielding, wattage, luminous area, and photometric test report along with an analysis that the lighting standards of Title 7, Chapter 6 are met. No lighting shall be installed on the Site unless first found to be in compliance with the Zoning Ordinance by the Department.
23. Prior to construction on the Site, the applicant shall provide a water and wastewater system approval by Central District Health.
24. Annual volume of water drawn from approved well(s) shall not exceed domestic exemption limits under Idaho Code Section 42-111.
25. Prior to any Site improvements, the applicant shall obtain a Permit to Construct from the Idaho Department of Environmental Quality.
26. Prior to any construction on the Site, the applicant shall obtain a Private Road Permit from the Department that covers all planned access roads on the Site not permitted under Private Road Permit ADD-2026-05.
27. CUP-2025-29 shall not become effective until approval of the submitted Floodplain Permit ADD-2026-39.

Ongoing Requirements

28. If any previously unknown subsurface cultural or archaeological resources are discovered during construction or any phase of operations, the Applicant must immediately stop all activity in the affected area and follow the industry practice for the Inadvertent Discovery Guidance as recommended by a certified archaeologist. The Applicant shall notify the Department of such discovery and actions taken.

29. All onsite electrical lines, pipes, conduits, and similar utilities shall be installed underground unless the Applicant demonstrates that above-ground installation is technically necessary, as confirmed by a design professional selected by the Department.
30. The Applicant shall provide gate access for emergency response to fenced areas of the Site to the State Fire Marshall (if requested), Elmore County Sheriff, and Elmore Ambulance Service.
31. Removal of vegetative cover shall be limited to areas required for excavation, construction activities for approved Project elements and designated firebreaks. All disturbed areas not identified in the Master Site Plan as permanent non-vegetated surfaces shall be revegetated prior to issuance of a Certificate of Occupancy.
32. In accordance with Idaho's Right to Farm Act (Title 22, Chapter 45), the Applicant shall not initiate a nuisance lawsuit against surrounding agricultural operations that follow generally accepted farming practices.
33. The Applicant must abide by all state, federal, and local laws and ordinances. Any violation of state, federal, or local law or ordinance may result in the revocation of CUP-2025-29.
34. In order to keep the CUP active, all outdoor storage areas shall be maintained in an orderly manner and not include any equipment in disrepair unless specifically approved by the Department. Any storage of equipment in disrepair or waste materials or anything else that would be classified as "junk" shall be limited to combined storage area of 1 acre.
35. The Applicant shall maintain the Site to prevent, any conditions or development that would constitute a nuisance under Title 8, Chapter 4, at all times.
36. The Applicant shall actively, regularly, and accurately maintain a log of all hazardous materials with all relevant and current safety data sheets from the manufacturers, including liquids and solids. The Applicant shall ensure all hazardous materials are stored or otherwise maintained to ensure the materials do not enter the air, soil, or natural drainage. All handling and storage shall be consistent with the safety data sheets and any other manufacturer recommendations or regulating agency requirements.
37. The Applicant shall ensure all property taxes, PILTs, or other taxes are kept current.
38. The Applicant shall construct, maintain, and operate the Project in compliance with all federal, state, and local regulations at all times.
39. All solar panels removed from service on the Site shall be disposed of at a landfill approved by the Idaho Department of Environmental Quality (IDEQ) to accept solar panels. The Applicant shall maintain records documenting the quantity of panels

disposed of, the disposal destination, and verification that the receiving landfill was approved by IDEQ to accept solar panels at the time of disposal. Such records shall be made available to the Department upon request.

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