

Land Use and Building Department

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Planning and Zoning Commission PUBLIC HEARING STAFF REPORT

Hearing Date: January 22, 2026

Date Report Compiled: January 16, 2026

Agenda Item: Industrial Wastewater Evaporation Ponds

Applicant: Simco Environmental, LLC

Case Number: CUP-2025-13 with Master Site Plan

Associated Cases: DA-2025-03 – Development Mitigation Agreement
ADD-2025-13 – Private Road Application
ADD-2025-14 – Hillside Development Permit Application

County Review Team: Mitra Mehta-Cooper AICP, Contract Planner
Daniel Pauly AICP, Contract Planner
Angie Michaels PE, Contract County Engineer
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Zoning Designation: Heavy Industrial/Manufacturing (M2) with Wildland Urban Interface (WUI) Overlay

Parcel Numbers: RP02S04E112440,
RP02S04E113000,
RP02S04E113600, and
RP02S04E114200.

Property Size: Northern approximately 80 acres of 160-acre site.

EXECUTIVE SUMMARY:

The Conditional Use Permit 2025-13 with Master Site Plan (“CUP” or “Application”) seeks approval of the addition of 9 wastewater evaporation ponds and associated improvements over 3 phases to an existing 4-pond industrial wastewater treatment facility. The existing and proposed facility and operations meet the definition of a Solid Waste Processing Facility under Elmore County Zoning Ordinance (“Zoning Ordinance”) Section 8-5-3 (“Project/Proposal”).

The Applicant for the CUP and owner of the Site is Simco Environmental, LLC, represented by Mr. Mike Eisenman (“Applicant”). The Proposal is located primarily on Assessor’s Parcel Numbers RP02S04E112440 and RP02S04E113000, with a small amount of improvements extending onto Assessor’s Parcel Numbers RP02S04E113600 and RP02S04E114200, which otherwise remain in agricultural use and are not part of the proposed CUP. Together, the four parcels consist of 160 acres of unincorporated area within Elmore County with a zoning designation of Heavy Industrial (M-2) (“Site”), with improvements proposed for the northern approximately 80 acres.

The industrial wastewater evaporation ponds currently operate as a Tier III Non-Hazardous Solid Waste Impoundment (NHSWI) Facility approved by the Idaho Department of Environmental Quality (IDEQ) and the Land Use and Building Department (“Department”). The four (4) existing evaporation ponds were approved with two Administrative Approvals by the Department, prior to the March 1, 2024 addition of Chapter 5, Title 8, and revisions to Title 7 of the Zoning Ordinance, which now requires a CUP for these uses in the M-2 Zone. In accordance with the current Zoning Ordinance, the Applicant has filed the Conditional Use Permit – CUP-2025-13 – to construct, operate, maintain, and eventually close the Site.

The Department has requested a Master Site Plan to evaluate the proposed use and its environmental impacts on the Site and the surrounding areas. A Master Site Plan has been submitted with CUP-2025-13 and shows all known pertinent aspects of the temporary and permanent improvements discussed in the Application (Figure 1). Additional future improvements may be necessary as discussed in CUP-2025-13 and throughout the Development Review Process. The location of these improvements is subject to minor changes through Site preparation as contemplated in the Zoning Ordinance, Title 10 Chapter 6. Any addition, modification, and relocation of these improvements will remain within the Site and must be in compliance with Section 10-6-3(C) of the Zoning Ordinance.

The four (4) existing evaporation ponds are authorized to bring in non-hazardous wastewater, such as restaurant grease trap waste, parking lot wastewater, and carwash wastewater. The Applicant wishes to bring in additional non-hazardous wastewater to be profiled and tested with a lab on-site to meet IDEQ requirements in the future. The nine new evaporation ponds proposed in CUP-2023-13 are needed to provide redundancy for extra evaporation area and to accommodate additional volume and wastewater streams that the Applicant wishes to bring to the Site. The Department recognizes that this use is not only going to support wastewater disposal needs of just Elmore County, but the entire southwestern Idaho and beyond.

The facility operates six days a week, Monday through Saturday, from 6:00 a.m. to 8:00 p.m. The existing facility (Phases 1 and 2 on the Master Site Plan) consists of four ponds, two 1-acre and two 1.5 acre. Each new and future phase (Phases 3, 4, and 5 on the Master Site Plan) includes three ponds—two 1-acre and one 3-acre—taking up a total of 10-acres including improvements for internal circulation, truck unloading, stormwater detention and retention, and waste conveyance between ponds.

When Phase 3 becomes operational, the Application states the facility will accept 80,000 gallons of restaurant grease and 40,000 gallons of wastewater per day, for a total of 120,000 gallons daily. This capacity will increase to a combined 160,000 with Phase 4 and 200,000

with Phase 5. Much of the water will eventually be evaporated and the remaining solids will be disposed of at an off-site facility authorized to receive such waste by IDEQ.

The initial Application proposed land application of solids from evaporation ponds on the southern half of the Site. In response, the Department requested a Sludge Management Plan compliant with IDAPA 58.01.06, addressing solids generation, removal process and frequency, liner inspections after removal, post-removal management, and on-site disposal locations—particularly since IDEQ's Siting Certification did not cover the southern half of the Site.

The Applicant later determined this proposal was premature due to uncertainties in industry demand and available technology. Land application would classify as a disposal facility, requiring compliance with separate regulations under the Zoning Ordinance (Title 8, Chapter 5) and IDEQ rules for Solid Waste Disposal Facilities. Consequently, the most recent Application requests removal of this use from CUP-2025-13 for future consideration. Therefore, no solid waste use—including land application—is proposed, considered, or approved for the southern portion or any portion of the Site under this CUP.

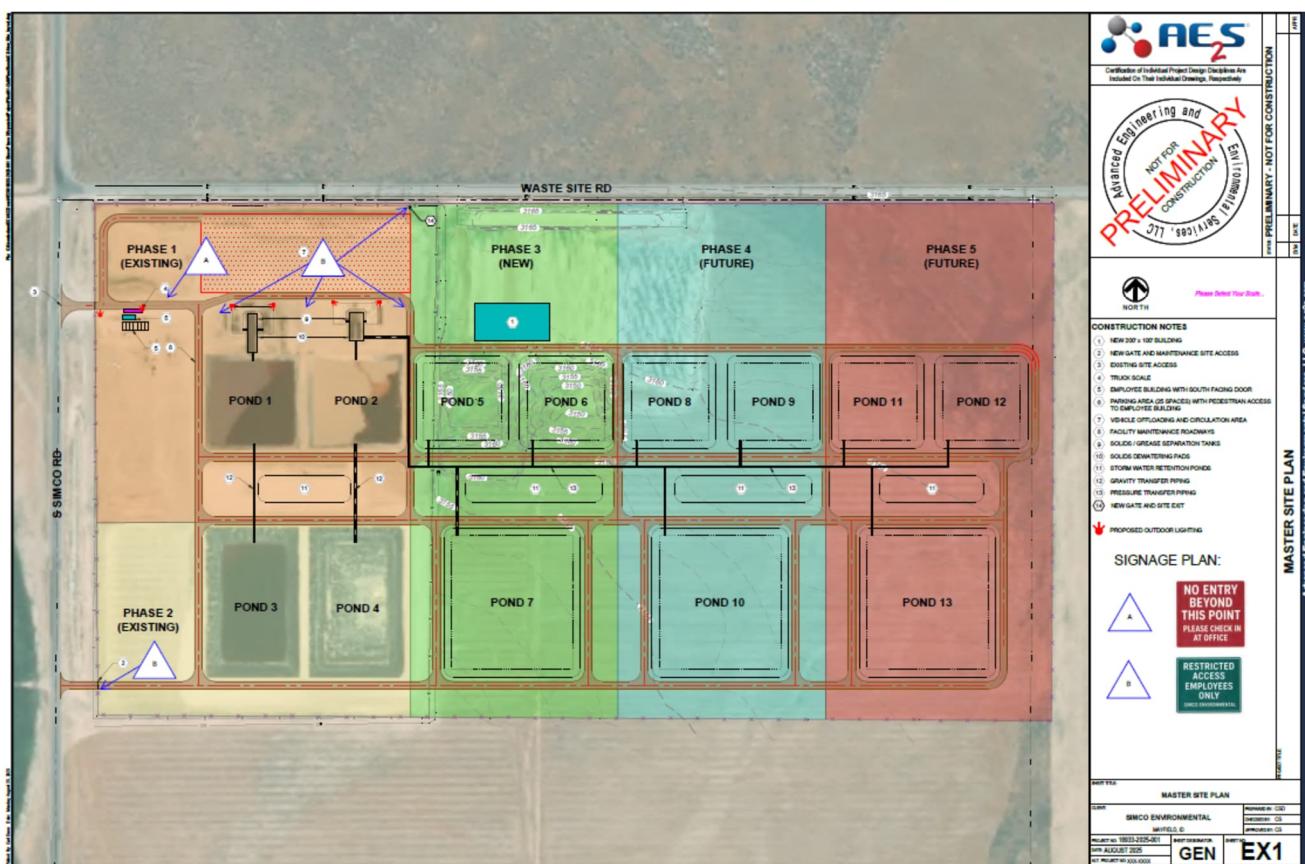


Figure 1 - Master Site Plan for CUP-2025-13

DEVELOPMENT REVIEW PROCESS:

The Applicant took the following pre-application actions, which deem the pre-application requirements complete as outlined in the Zoning Ordinance:

- To initiate the CUP (and associated applications) process, the Applicant arranged a Pre-Application Meeting with the Director of the Department in compliance with Section 7-3-2(A) of the Zoning Ordinance. The Applicant requested and attended a Pre-application Meeting with the Director, IDEQ, and Central District Health ("CDH") on January 27, 2025, to discuss the proposed CUP.
- As required in Section 7-3-3 of the Zoning Ordinance, the Applicant sent out Neighborhood Meeting notifications on February 13, 2025, and conducted two Pre-application Neighborhood Meetings on February 24, 2025, and February 25, 2025, to discuss this proposal with property owners within a 5-mile radius of the Site.

On February 12, 2025, the Department received the CUP-2025-13 Application packet along with the required fees (Exhibit 1). Since then, the Application has been under review by a Review Team comprising of the Department, Consulting Planners Mitra Mehta-Copper and Daniel Pauly, Consulting Solid Waste Reviewer, Kevin Barnes; and Consulting County Engineer, Angie Michaels ("Staff"). The Department discussed this Proposal with affected agencies on July 31, September 3, and November 13, 2025.

Staff completed the initial review of the Application and provided a Completeness Determination Memo, requesting additional information to the Applicant on May 19, 2025 (Exhibit 2). The Applicant has provided additional information on May 28, 2025, and June 6, 2025 (Exhibit 3 & 4). A second Completeness Determination Memo was provided to the Applicant on October 31, 2025, which also requested additional information. The Applicant provided the second round of supplementary information on November 25, 2025.

A Public Workshop was held June 26, 2025. The Public Workshop was advertised in the Mountain Home Newspaper on June 11, 2025, and the Site was posted on June 18, 2025. The purpose of this workshop was to discuss the CUP-2025-13 review to-date with the Planning and Zoning Commission ("Commission") and receive their feedback prior to holding the public hearings for the Proposal.

In order to mitigate for some of the social, environmental, and fiscal impacts of the CUP, the Director has requested a Development Mitigation Agreement between the Applicant and the Board of County Commissioners. The Department received that Application and necessary fees on February 14, 2025. Finalization of DA-2025-03 will occur if approval of the CUP is granted.

The Public Hearing was noticed in Mountain Home Newspaper on January 7, 2026. Affected agencies and neighboring properties within 5-mile radius were notified on January 13, 2026 and the Site was posted on January 15, 2026. At today's Public Hearing, the Commission will review the CUP-2025-13 with Master Site Plan. A draft development agreement (DA-2025-03) will be executed by the Applicant and Elmore County Board of County Commissioners ("Board") should the Commission approve the Application.

EXHIBITS OF RECORD

The documents and exhibits referenced in the Applications 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. Neighborhood Meeting Information
2. Initial Application
 - a. CUP-2025-13 – January 29, 2025
3. Completeness Determination Memo by Department - May 19, 2025
4. Supplemental Information from Applicant - May 27, 2025
5. Public Workshop Staff Report Packet - June 26, 2025
6. Agency Comments after Public Workshop
7. Second Completeness Determination Letter by Department – October 31, 2025
8. Supplemental Information from Applicant – November 25, 2025
9. Master Site Plan
10. Operations Plan and IDEQ Approval -
11. Closure Plan Information
12. Facility Design Information
13. Rural Metro Fire Intent to Serve Letter
14. Mountain Home Highway District Approach Permit for Second Simco Road Access
15. Bird and Bat Deterrent Plan
 - a. Tracking Sheet for Reporting
16. Public Hearing Notifications
 - a. Newspaper
 - b. Agencies
 - c. Neighborhood
 - d. Site Post
17. Agency Comments
 - a. Department of Environmental Quality
18. Public Comments
 - b. TBD

APPLICABLE ZONING ORDINANCE CHAPTERS FOR DEVELOPMENT REVIEW:

The Site is currently zoned as Heavy Industrial (M-2) 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, 7, 9 and 10; Title 8, Chapter 1 and 5; and Title 10, Chapters 5, 6, 7, and 8.

Throughout the development review process, Staff and affected agencies have identified the following major issues of consideration for the proposed use as they relate with making the aforementioned required findings of the Zoning Ordinance.

TRAFFIC, ACCESS, AND CIRCULATION FOR THE SITE:

The Site currently has one public access from Simco Road, which is 75 feet wide and a maximum average of 25 trucks per weekday are permitted to enter and exit the Site hauling the industrial wastewater from the Treasure Valley. These trucks enter the truck scale, then to the unloading space, then a large area where each truck has an area 200 feet x 1500 feet to turn around and to drive back to the truck scale to weigh out prior to leaving the Site from the same access.

The Application is located on Simco Road, which is a two-lane major north-south connector between the Planned Communities to the north and Mountain Home Airforce Base to the south on the western border of Elmore County. While Mountain Home Highway District has approved two accesses to the Site off Simco Road, the current primary ingress and egress to the Site is located approximately 300 feet south of Waste Site Drive, and secondary employee/emergency access is approximately 1,000 feet further south on Simco Road. This is not the most optimal circulation, as Staff considers other existing and proposed industrial uses that utilize Simco Road and Waste Site Drive for access including, but not be limited to Republic Services' Sawtooth Landfill, Pacific Steel Recycling's Auto Shredder Facility, Pacific Steel Recycling's Auto Shredder Residual Landfill, Idaho Power's Peregrine Gas Plant, Soles Rest Solar Farm, and Republic Services' Rail Transfer Facility (Figure 2).

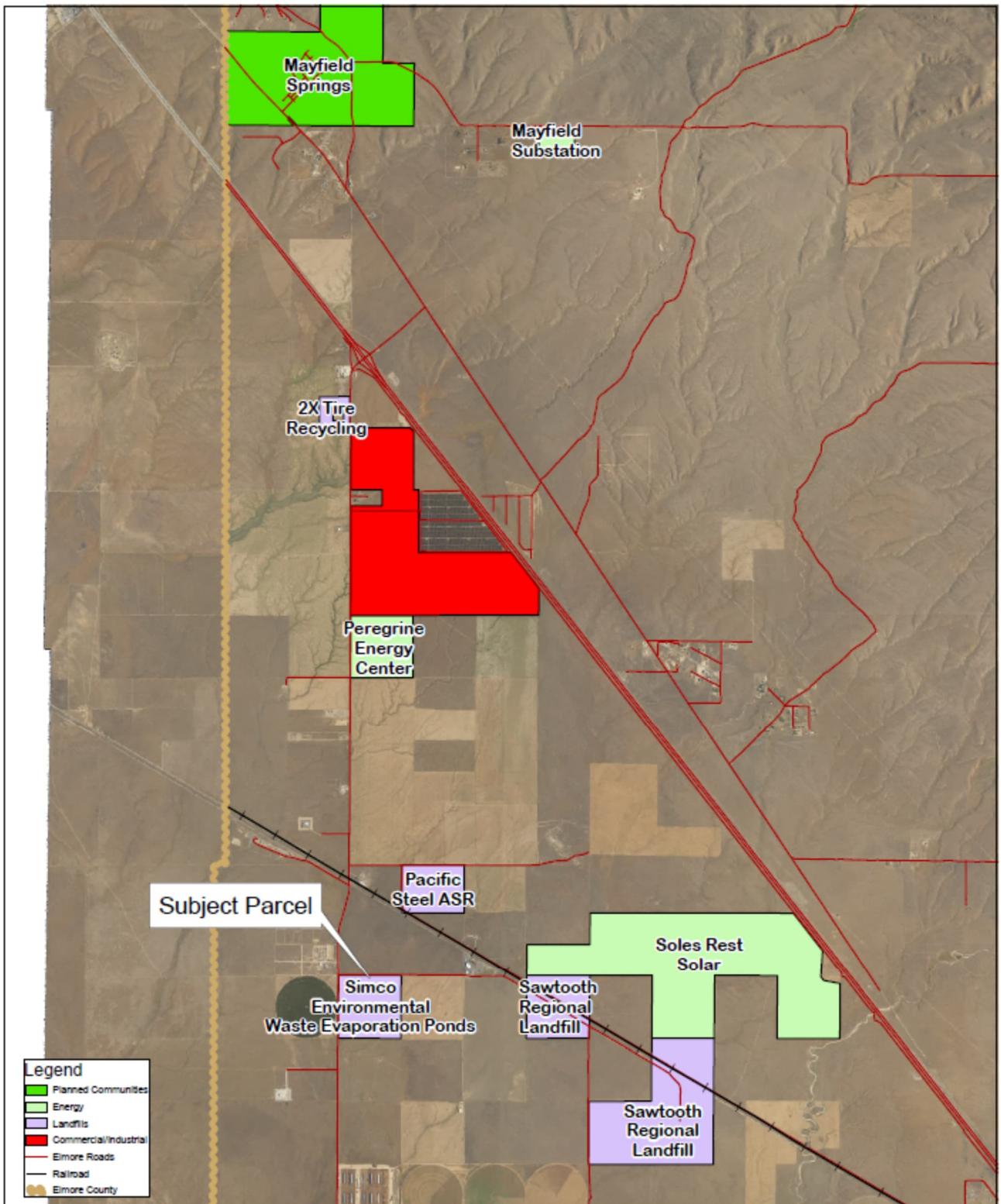


Figure 2 - Cumulative Growth around Simco Road

After discussing the proposal with local emergency responders, Staff propose to limit northern access to the Site from Simco Road for ingress only and requiring egress occurring on Waste Site Drive with Phase 4 construction permit. As part of biennial review of the DA, and improvements associated with the future-planned Phases 4 and 5, further traffic analysis may be required by the Department as required in the conditions of approvals to ensure that the

continued ingress from Simco Road does not overly contribute to congestion and/or safety concerns in comparison to shifting the ingress to Waste Site Drive.

OPERATIONS PLAN AND CLOSURE PLAN

Because the facility is an expansion of existing Tier III solid waste operation, IDEQ did not require a new Operations Plan from the Applicant. However, because the Applicant was planning on bringing in additional wastewater streams to the Site, Staff requested that a new Operations Plan be submitted to IDEQ and receive approval, prior to scheduling the CUP for a public hearing. The Applicant submitted a draft Operations Plan to IDEQ in June 2025, the Department provided written comments, the Applicant updated the draft Operations Plan in November 2025 as per Staff's suggestion, and IDEQ approved the Operations Plans on December 17, 2025.

In addition, Staff had required the Applicant to receive the necessary Siting, Design, and Seepage Testing approvals are from IDEQ for the first proposed phase 1 of the CUP. The Applicant has provided those approvals to the Department, as approved by IDEQ on February 15, 2024 for Siting Determination, on April 29, 2025 for Preliminary Engineering Report and Design approval, and on November 25, 2025 for Seepage Testing Plan approval.

IDAPA 58.01.06.013.08 requires Tier III solid waste facilities to submit a Closure Plan for IDEQ approval and, at closure, comply with that plan and all applicable requirements in the Solid Waste Rules. An approvable Closure Plan should follow industry standards, including removal of all sludge to an approved facility, removal of synthetic liners, and site-wide sampling to identify and remediate any contaminated soil.

The Applicant has IDEQ approval to defer submission of a Closure Plan until just prior to the future closure of the Site, as is typical for this type of facility under State rules. Therefore, detailed Closure Plan requirements are not included in the conditions of approval for this CUP, which is different from what the Commission has seen for other larger municipal solid waste facilities. Lack of a Closure Plan and its details at the time of CUP approval, leaves Elmore County's residents and taxpayers vulnerable without proper environmental remediation of the Site. Therefore, a Decommissioning Plan and Decommissioning Bond will be still be considered in the Development Mitigation Agreement separately from this CUP.

FIRE PROTECTION

Fire protection is a major concern for Elmore County decision-makers, including the Department, Emergency Responders, the Planning and Zoning Commission, and the Board of County Commissioners. The Site lies within a Wildfire Urban Interface (WUI) overlay as defined in the Zoning Ordinance and is not located within a fire district. In a letter dated November 8, 2025, Luke Doiron, Chief Commercial Officer of Rural Metro Fire Department, stated:

“Rural Metro has recently opened a comprehensive Fire Station in Mayfield Springs, Idaho, with an initial coverage area of Mayfield Springs. This state-of-the-art facility represents our commitment to providing exceptional fire and EMS services to this growing community. Once the Fire Station is firmly established with operating history and has achieved certain key milestones in support of the Mayfield Springs neighborhood, it is

Rural Metro's intent to serve the nearby residents and businesses with Fire and EMS services. I want to assure you that Simco Environmental is on our high-priority waiting list, and it is our intent to serve Simco as soon as possible."

While Staff recognize Rural Metro's intent as genuine and valuable for future fire service, a gap remains between the start of CUP operations and the time when Rural Metro can provide fire protection services to the Site. No interim fire protection solution has been proposed by the Applicant. Therefore, the County will require, as a condition of approval, specific temporary firefighting infrastructure and training on-site and will have additional mitigation measures in the Development Mitigation Agreement as agreed upon between the Applicant and Board.

BIRD AND BAT DETERRENCE

During the review process, concerns were raised about bird and bat fatalities resulting from landing in the wastewater ponds. The Site is located approximately 2.72 miles from the Morley Nelson Snake River Birds of Prey National Conservation Area. While this proximity places the Site near a critical habitat for birds of prey, the primary species at risk from the wastewater ponds are waterfowl and bats. Waterfowl land in the ponds and become coated with oils and soaps, while bats drink from the ponds.

With technical advisement by the Idaho Department Fish and Game (IDFG), the County requested proactive deterrent measures for birds and bats. In February and March 2025, Simco Environmental installed predator distress calls and two coyote decoys. However, birds and bats can adapt to deterrent methods, so the plan must remain flexible and responsive when certain strategies become ineffective.

To address this, Simco Environmental engaged J-U-B Engineers, Inc. to develop a Bird and Bat Deterrent Plan focused on monitoring and adapting deterrent strategies to maintain effectiveness. Idaho Fish and Game has provided technical review and advised the County the initial Deterrent Plan is sufficient. The recommendations outlined in the plan form the basis of a related condition of approval, which require ongoing monitoring, adaptive deterrent measures, and regular reporting of these efforts to the Department under technical guidance of IDFG. This important impact of the proposed use on the County's natural habitats for wildlife species may result in specific requirements and terms of the Development Mitigation Agreement. It should be noted that the Applicant has not done a Natural Features Analysis as outlined in the Zoning Ordinance.

Required Findings for Conditional Use Permit Per 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:

The proposed use includes the construction and operation of nine additional industrial wastewater evaporation ponds on a Site that already includes four existing evaporation ponds. This use is considered a Solid Waste Processing Facility, which is a conditionally

permitted use in the M2 zone, where the Site is located, according to Ordinance Table 7-2-26 (B), Elmore County Land Use Table. Therefore, the proposed project is found to constitute a Conditional Use as determined in the Elmore County Land Use Table.

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

Staff Response:

Comprehensive Plan:

The Future Land Use Map (Map #4) included in the 2014 Comprehensive Plan Chapter 5 – Land Use indicates the Site is planned as M2 Future Land Use Designation as part of the Simco Road District.

The Site is located within the Simco Road District of the 2014 Comprehensive Plan and provides the following guidance in Chapter 13 – Community Design for the Simco Road District:

- *Encourage new development to comply with the County Comprehensive Plan.*
- *Continue to locate Heavy Industry in the Simco Road District.*
- *Continue the current "M2" zone within the district.*
- *The intent of the Simco Road District Heavy Industrial Zoning is to reserve land for heavy industry and job creation following a detailed CUP procedure.*
- *Consider dust control and dust abatement in all land use decisions within the community.*

The M2 designation is established for heavy manufacturing and processing industries such as the industrial wastewater evaporation ponds. Nine additional ponds are proposed at an established facility with four industrial wastewater evaporation ponds. The Proposal is an expansion of an established use within the Simco Road District of the Comprehensive Plan, and the CUP is in harmony with the M2 Future Land Use Designation of the Comprehensive Plan.

Zoning Ordinance:

The applicable portions of the Zoning Ordinance include Title 7, Chapters 2, 3, 5, 6, 7, 9 and 10; Title 8, Chapter 1 and 5; and Title 10, Chapters 5, 6, 7, and 8. As explained below, the applicable portions of the Zoning Ordinance are met or will be met by conditions of approval:

- **Title 7, Chapter 2:** See Findings 1 and 3
- **Title 7 Chapter 3:** Applicable procedures have been followed as outlined in the 'Development Review Process' section, which is incorporated into this finding.
- **Title 7 Chapter 5:** While the Site does not contain natural hillsides exceeding 15%, Hillside Permits are required for grading per Section 7-5-2(B). Grading activities have created slopes exceeding 15%, including those formed to support the ponds, berms, and additional fill piles generated from the pond excavation. The Applicant submitted ADD-2025-014, approved by the County Engineer for Phases 1–3. The County will

continue to monitor the on-site grading and maintains the right to request additional geotechnical analysis and slope stabilization if on-site conditions warrant in the opinion of the County Engineer, Director, Commission, or the Board. Any additional grading in Phases 1–3 and future Phases 4–5 will require further County review of Hillside Grading Permits as required in the conditions of approval.

- **Title 7 Chapter 6:** The lighting plan is not finalized; however, a condition of approval requires review of lighting to ensure compliance. Staff has no evidence that the Applicant would not be able to meet the lighting requirements with the layout shown in the Master Site Plan.
- **Title 7 Chapter 7:** The Applicant will apply for and the Department will review all non-exempt signs on the Site for compliance with Chapter 7 as required in the proposed conditions of approval.
- **Title 7 Chapter 9:** See Findings 1-11 for compliance with Conditional Use Permit requirements.
- **Title 7, Chapter 10:** A Development Mitigation Agreement (DA) with the Board of County Commissioners is required and will be finalized in the upcoming months. The DA is a condition of approval of the CUP and will address impacts throughout the lifecycle of the development including during construction, operation, and closure/decommissioning.
- **Title 8, Chapter 1:** 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 related conditions of approval.
- **Title 8, Chapter 5:** See Finding 3 below.
- **Title 10:** See Master Site Plan Findings in this report. No land divisions are proposed.

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 Zoning Ordinance provides the purpose statement for the M2 Zoning District in Section 7-2-5 (G), stating:

The purpose of the M2 district is to manage the development and location of heavy industry. If requested by the Director, Commission or the Board, may be required to include and authorize a Memorandum of Understanding (MOU), which will specify certain required steps leading to the process of evaluating and developing. The Heavy Industrial designation is specifically established for heavy manufacturing and processing industries.

A Solid Waste **Processing** Facility complies with the purpose statement of the M2 zone which is established to support manufacturing and **processing**.

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

Section 7-2-202: Solid Waste Processing Facility:

- A. Additional requirements and design standards apply for this use. See Title 8, Chapter 5, Solid Waste Facilities.

Staff Response:

Pursuant to 7-2-202, as an extension of the specific use standards in Title 7, Chapter 2, the following standards from Title 8 Chapter 5, which pertains to Solid Waste Processing Facilities, are also applicable to the proposed use:

Required Findings for Solid Waste Facility Standards Per Section 8-5-4:

8-5-4 (A) (a): All Solid Waste Facilities that are allowed in a particular zoning districts are subject to the issuance of a Conditional Use Permit approved by the Planning and Zoning Commission as identified in Table 7-2-26(B) and may require a Mitigation Agreement with the Board of County Commissioners.

Staff Response:

CUP 2025-13 was processed according to Zoning Ordinance requirements for the proposed Solid Waste Processing Facility. A Development Mitigation Agreement with the Board of County Commissioners is required and will be finalized in the coming weeks.

8-5-4 (A) (b): Additional permitting may be required to include, but not be limited to, concurrent Floodplain Development Application, Hillside Grading Application, Private Road Application, and other supporting applications and technical studies necessary to comply with this Ordinance.

Staff Response:

An Approach Permit was submitted via Mountain Home Highway District to provide secondary access to the Site from Simco Road as part of the proposal. The Applicant submitted and the County Engineer reviewed Hillside Permit ADD-2025-14 regarding grading for Phases 1 through 3. Additional Hillside Grading Permits will be required for finished slopes or fills in excess of 15% slope for future Phases 4 and 5.

8-5-4 (A) (c): All Solid Waste Facilities shall comply with all applicable overlay districts and regulations as set forth in this Title.

Staff Response:

The Site is located within the Wildland Urban Interface Overlay. There are no other overlay districts.

8-5-4 (A) (d): All structures shall be located a minimum of two hundred (200') feet from any property line. The active portion (waste boundary limits) of a landfill site shall be located a minimum of one thousand (1,000') feet from any residential dwelling.

Staff Response:

A modular employee building is located within two hundred (200') feet of the property line of the Site. As a condition of approval, the Applicant will be required to relocate the existing building or to apply for and receive a variance to maintain the current location of the building. There are no residential dwellings within one thousand feet of the Site.

8-5-4 (A) (e): All Solid Waste Facility sites that require grading or filling of more than 15% slope during operation of the facility shall submit a Hillside Grading Application in compliance with Title 7 Chapter 5 of this Ordinance along with the Conditional Use Permit.

Staff Response:

Operation of the facility will not include hillside grading. Any grading is related to construction of the evaporation ponds rather than operations.

8-5-4 (A) (g) All Solid Waste Facility sites shall provide: i. A secure perimeter fence, with lockable gate(s) and gate access to Sheriff and Emergency Medical Director at all times. ii. Adequate queuing distance for vehicles entering and exiting the property such that lines of vehicles will not extend onto public streets during peak hours, unless approved by the County. iii. Signs or pavement markings indicating safe and proper on-site traffic patterns.

Staff Response:

A secure perimeter fence with appropriate gates as well as space for queuing, while not called out specifically, appear to be on the Master Site Plan. The conditions of approval further ensure the requirements of this subsection are met.

8-5-4 (A) (h) The decision-making body may specify definite time limits for daily operations and other operational aspects of the facility.

Staff Response:

No specifications are proposed.

8-5-4 (A) (i) The decision-making body may require closure and post-closure requirements upon termination of such use.

Staff Response:

Conditions of approval related to end of use requirements are included as part of the Conditional Use Permit.

8-5-4 (A) (j) The applicant shall comply with all applicable regulations pertaining to the designation, licensing, and maintenance of Solid Waste Facilities as set forth in this Ordinance, in addition to all State and Federal requirements, including but not limited to:

- i. Idaho Statute Title 31, Chapter 44 Solid Waste Disposal Sites;*
- ii. Idaho Statute Title 39 Health and Safety, Chapters 65 Waste Tire Disposal;*
- iii. Idaho Statute Title 39 Health and Safety, Chapter 70 Sale and Disposal of Batteries;*
- iv. Idaho Statute Title 39 Health and Safety, Chapter 74 Idaho Solid Waste Facilities Act; and v. IDAPA 58.01.06 Solid Waste Management Rules.*

Staff Response:

The Applicant has agreed to meet the requirements of Elmore County and the Department of Environmental Quality requirements for operating a compliant facility as discussed in the prior sections.

8-5-4 (A) (k) No bags or trash blowing off the premises shall be permitted.

Staff Response:

Bags and trash are not proposed to be collected and processed at the proposed facility.

8-5-4 (A) (l) The facility shall post a sign at the primary entrance specifying: (1) Name and permit number of facility. (2) Operating hours. (3) Materials that are accepted or the statement "All materials must have prior approval." (4) Telephone number of emergency contact person(s).

Staff Response:

Signage is required on-site per the conditions of approval noting the necessary information per section 8-5-4 (A) (l) of the Elmore County Zoning Ordinance.

8-5-4 (A) (m) No solid waste facilities shall accept hazardous waste and industrial wastes without an appropriate approval from the County and Department of Environmental Quality prior to obtaining building permits.

Staff Response:

The Applicant has submitted the required documentation to Elmore County and the Department of Environmental Quality in order to receive a Conditional Use Permit. The Applicant has agreed to meet certain requirements and address conditions of approval in order to accept industrial wastes on-site.

8-5-4 (A) (n) The facility is kept secure from unauthorized entry or guard maintaining security for the facility.

Staff Response:

Per the Master Site Plan, the facility is fenced with 6-foot-high fencing and gated to prevent unauthorized entry.

8-5-4 (A) (o) The facility operator shall implement a comprehensive waste load checking program to verify compliance with the allowed and prohibited materials.

Staff Response:

Per section 4.3 of the Operating Plan, all accepted wastes will be monitored and measured at an on-site scale. Staff will receive and record the type and quantity of waste collected to verify it is compliant with the Operating Plan and the allowed and prohibited materials lists.

8-5-4 (A) (p) The facility operator shall, at all times, maintain accurate and complete records of the amounts of materials delivered to and accepted by the facility, the amounts and types of materials shipped offsite, and the amount of material sent to disposal (either on-site or off-site).

Staff Response:

Per section 4.3 of the Operating Plan, all accepted wastes will be monitored and measured at an on-site scale. Staff will receive and record the type and quantity of

waste collected to verify it is compliant with the Operating Plan and the allowed and prohibited materials lists.

8-5-4 (A) (q) To the extent practical, the facility operator shall weigh all loads received at the facility on a computerized scale system. Scales shall comply with all regulatory requirements for accuracy and maintenance. If the use of scales is not practical, estimates based on generally accepted volume-to-weight conversion factors will be considered accurate and complete records.

Staff Response:

Per section 4.3 of the Operating Plan, all accepted wastes will be weighed upon receipt at the Site. Weight of collected waste will be measured at the scale located outside of the employee building at the facility entrance.

8-5-4 (A) (r) The facility operator's records shall be made available for inspection during normal business hours by authorized officers, employees, or agents of the County.

Staff Response:

Operation logs, including daily operation logs, maintenance records, laboratory reports, random load inspection forms, employee training records, accepted and rejected load logs, and other similar documents will be maintained at the employee building on Site, per the Operating Plan. Daily log data will be compiled and audited annually to produce an account of the annual operation of the facility.

8-5-4 (A) (s) The facility shall control dust generated from the facility to the maximum extent practicable. Dust control measures may include, but are not limited to, misting systems, water trucks, manual or mechanical sweeping, and the use of negative ventilation.

Staff Response:

Per the submitted CUP materials and the conditions of approval, a water truck will be maintained onsite to provide water for dust control. Prior to construction, an erosion and sediment control plan must be submitted that includes necessary measures such as silt fencing, wattles, and a construction water truck.

8-5-4 (A) (t) Heavy machinery used to move materials on the facility property shall only occur within the permitted business hours.

Staff Response:

Frequent use of heavy machinery to move materials on-site is not anticipated per the Operating Plan.

8-5-4 (C) (a) Each Solid Waste Processing site shall demonstrate compliance with Section A and other requirements of this Ordinance.

Staff Response:

Please see the above findings related to Section A.

8-5-4 (C) (b) All building or exterior surfaces that come into contact with solid waste shall be enclosed by walls and a roof satisfactory to: (1) Minimize dust and litter out of the building. (2) Keep precipitation out of the building. (3) Prevent the attraction or harboring of vectors in the building.

Staff Response:

Per the Master Site Plan, the two buildings on-site will be enclosed and will not be used for solid waste storage or other contact with solid waste.

8-5-4 (C) (c) All surfaces that come in contact with solid waste or industrial wastewater shall be impervious to liquids.

Staff Response:

Per the Operating Plan, tanks and containers on-site will meet regulatory requirements.

8-5-4 (C) (d) All recyclable materials stored outdoors shall be screened from public view. If the facility is located adjacent to contiguous industrial property, screening is only necessary along the street frontages.

Staff Response:

No recyclable materials are proposed to be accepted on-site. The facility is adjacent to agricultural uses in the M2 zone, which is intended for industrial manufacturing and processing.

8-5-4 (C) (e) All material receptables (bins, containers, carts) are covered, durable, waterproof, rustproof, and of incombustible construction.

Staff Response:

Per the Operating Plan, tanks and containers on-site will meet regulatory requirements.

8-5-4 (C) (f) Waste tires shall be removed from the site within 30 days after their receipt.

Staff Response:

Tires are not proposed to be accepted on Site.

8-5-4 (C) (g) Waste tire storage areas shall comply with Section 39-65, Idaho Code.

Staff Response:

Tires are not proposed to be accepted on Site.

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

Staff Response:

Compliance with the Zoning Ordinance, Titles 7, 8, and 10 is discussed in Finding 2 above. Other Zoning 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

July 31, 2025; September 3, 2025; and November 13, 2025. In addition, a Hearing Notification was sent out the following local agencies, and their comments are incorporated in the Development Review Process and in the conditions of approval.

- Elmore County Engineer
- Elmore County Sheriff
- Elmore County Ambulance District

This CUP does 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 July 31, 2025; September 3, 2025; and November 13, 2025. The agency's comments and concerns are appropriately incorporated in the conditions of approval. This includes IDEQ and Central District Health review of the Operations Plan and coordination with Idaho Department of Fish and Game on Bird and Bat deterrence requirements.

- Idaho Department of Environmental Quality
- Central District Health
- Idaho Department of Fish and Game
- US Fish and Wildlife

This CUP does not override any state or federal regulations or prevent the County from ensuring compliance with any regulations not herein identified in the future.

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 proposed use is nearby other solid waste facilities and agricultural uses. The Elmore County Comprehensive Plan anticipates this area to be used for heavy industrial processing and manufacturing land uses. The proposal has gone through extensive review and will be conditioned to ensure that the proposed use is designed, constructed, and maintained in such a way to be harmonious and appropriate in appearance with the existing and planned future character of the general vicinity. Therefore, the proposed use would not change the essential character of the area.

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

Staff Response:

Staff, the Commission, and affected agencies reviewed the proposed use to determine whether it would create hazards, disrupt neighboring uses, or impede their normal development. The surrounding land is zoned for heavy industrial use and is currently used or proposed to be used for heavy industrial uses, and is primarily vacant or used for agriculture. Residential uses are prohibited in this area. The nearest non-agricultural use is a heavy equipment and contractor storage operation located across Simco Road to the northwest.

As can be seen in Figure 2, the proposed use is located at a very important intersection on a critical north-south transportation corridor - Simco Road. This intersection supports two other existing industrial uses to include Idaho's only Privately Owned Municipal Landfill with more than 200 trucks anticipated to pass through this intersection and an auto shredder facility which brings in more than 20 trucks a day. The existing use currently brings in a weekday average of 25 trucks, and anticipated to bring in another 25 trucks a day with the proposed use after all phases are constructed. As discussed in the prior section, the cumulative impact of this intersection will require a close coordination between the three operators and the County, Highway District, and Idaho Transportation Department. Staff understand that this use has the potential to be disturbing to existing neighboring use or may impede their business operations. Therefore, a Development Mitigation Agreement is required by Staff and will be discussed with the Board to mitigate for construction, operation, and closure related impacts of this use.

The Applicant submitted an Operations Plan outlining facility operations, which Idaho DEQ has approved. The Applicant has agreed to comply with all requirements and comments from Elmore County and IDEQ to ensure the facility operates safely and does not interfere with existing uses or their development. Conditions of approval require the Applicant to monitor and control on-site odors through proper chemical balancing of evaporation ponds and maintenance of portable restroom facilities.

- 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:

The proposed use would be adequately served by public facilities and services in the following manner:

Highways and Streets: The proposed use is located at the intersection of Simco Road and Waste Site Drive. Access to the Site is currently provided from Simco Road at a primary entrance approximately 300 feet south of Waste Site Drive. A secondary emergency access is currently approved by the Mountain Home Highway District approximately 1,000 feet further south on Simco Road. Increasing traffic volumes on Simco Road from nearby development, as well as commuter traffic between Mayfield residential areas and Interstate 84 to Mountain Home Air Force Base, combined with the increased truck traffic to the Site from the development of additional ponds, create safety concerns related to congestion. The Applicant is proposing to establish a new

egress access onto Waste Site Drive and as a condition of approval prior to the completion of construction of the proposed Phase 4. The exact location of the Waste Site Drive egress will be subject to approval by the Highway District and County Engineer pursuant to conditions of approval. With the required periodic written report prior to construction of both Phase 4 and then Phase 5, traffic analysis will be performed to determine if congestion/safety concerns on Simco and at the Simco Road/Waste Site Drive intersection warrant shifting the primary ingress from the currently permitted Simco Road north access to Waste Site Drive.

Sewer and Water: The proposed use and Master Site Plan were reviewed by Central District Health ("CDH") who agreed with the proposal and did not require any additional conditions for approval. Drinking water will be provided via delivery service to the employee building. Restroom facilities will be provided through portable restrooms. Therefore, it is found that the proposed use will provide needed water and sewer services for the proposed use.

Police and Fire: The proposed use was reviewed by the County Engineer, Sheriff, Ambulance District, and Rural Metro Fire Department. Their comments were incorporated into the conditions of approval to appropriately address the needs for drainage, police, fire, and refuse provision at the Site. It is the intention of Rural Metro Fire Department to eventually serve the Site but an approved interim Fire Safety Plan is required prior to operation of the approved expansion to ensure adequate fire safety prior to the establishment of Rural Metro's service to the area. However, this is a use that could be a high-risk for fire protection due to flammability of material stored in these large ponds. Therefore, a Development Mitigation Agreement is required by Staff and will be discussed with the Board to mitigate for construction, operation, and closure related the impacts of this use.

Drainage and Refuse: Elmore County engineer has conditioned the proposed use for all drainage improvements at the Site since the Applicant has not provided a Drainage Report and Plan. Waste generated at the Site, not related to the waste processing, such as employee-generated garbage, is required to be removed off-site as any other business.

Thus, the proposed use will 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 will be able to provide adequately any such services.

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:

In addition to the considerations and findings outlined in findings 7 and 8, above, the Site will have minimal service needs. Drinking water is provided via delivery to the employee building. Restroom facilities are provided via portable toilet. Landscape irrigation is not anticipated. Traffic impacts to adjacent roads are also addressed through the conditions

of approval. Fire protection will ultimately be provided by Rural Metro Fire Department through a service agreement with interim actions required by condition of approval. Therefore, with the conditions of approval and Development Mitigation Agreement, 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.

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:

Please refer to Finding 8 for traffic.

The proposed use includes the construction and operation of 9 additional evaporation ponds at an existing Solid Waste Processing Facility that operates 4 evaporation ponds with a few wastewater streams. The proposed use and supporting Operations Plan indicate that the facility will include accepting Condensate and Industrial Process Wastewater in the proposed ponds, with a wider range of pH values than other known waste streams like restaurant grease and stormwater, without specifying the actual composition. Combining wastewater with varying composition in a single evaporation pond could create widely varying pH levels, which may increase flammability, generate odors or fumes, or cause potentially harmful chemical reactions. Similar facilities in the state have experienced similar problems. To address these concerns, the conditions of approval require the facility to maintain a daily waste log on-site. In addition, prior to acceptance, the Applicant shall ensure the compatibility of each load with the waste already on site with which it may mix. For unforeseeable odor impacts the Applicant will provide odor control measures and response plan.

Additionally, the Site is surrounded by industrial uses, that are not likely to be disrupted by the proposed use and residential uses are prohibited in this area. However, Staff have observed large birds drowning in the industrial wastewater ponds at the current facility. Therefore, Staff concludes that the proposed use has the potential to impact the natural habitat of birds and bats. The Applicant is required to install and maintain effective bird deterrent features to prevent birds and bats from landing in the ponds, as per the proposed conditions of approval.

Therefore, Staff concludes that the proposed use will 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.

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

Staff Response:

According to the project's Master Site Plan (2.3.1 pg 4), the proposed project is not within a visual or scenic corridor or is not surrounded by a natural or scenic feature of major importance. Therefore, this expansion of an existing facility will not substantially change the character or visual impact of the Site.

Required Findings for Master Site Plan Per Section 10-6-7(A):

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

Staff Response:

Please refer to Comprehensive Plan finding 2 for CUP-2025-13 above. The Master Site Plan complies with the applicable Comprehensive Plan because the Applicant has accepted conditions of approval for, and changes to, the Master Site Plan that were suggested by the Staff.

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

10-6-4 (A) (1) The proposed placement of structures, location of parking areas and pedestrian walkways, method of screening, and quasi-public entrances shall facilitate pedestrian access to abutting residential properties and shall utilize new urbanism design principles; and

Staff Response:

There are no abutting residential properties nor any adjacent land designated for future residential development in the Comprehensive Plan to which pedestrian access would be required pursuant to this section. The two structures are an existing small modular employee building and a proposed 100 by 200 industrial building. Due to the non-pedestrian nature of the Site operations for safety and the rural-industrial nature of the Site there are not applicable design improvement to utilize new urbanism design principles.

10-6-4 (A) (2) Structures shall have varied facades, setbacks and features within the same structure in addition to staggered and/or reversed unit plans to provide a more varied outward appearance of the structures; and

Staff Response:

Section 8-5-4 (A) (d) requires all buildings for the use setback at least 200 feet from the nearest property line. As such, the off-site visual impact of the structures is minimized leading to minimal impact of any architectural variation.

10-6-4 (A) (3) Multiple-family structures of similar character and façades shall be rotated, staggered, and/or reversed to vary the outward appearance of the structures.

Staff Response:

No multiple-family structures are proposed.

B. Non-Vehicular Access and Internal Circulation:

10-6-4 (B) (1) Commercial, industrial, quasi-public, or common facilities structures shall have at least one pedestrian access on each side of the structure that faces a street. Each access shall comply with the Americans with Disabilities Act (the "ADA") or the Ordinance whichever is more restrictive; and

10-6-4 (B) (2) For any proposed use that requires ten (10) or more parking spaces, asset forth in this Ordinance, the master site plan shall provide:

a. Safe and well-defined pedestrian walkways from structures to each parking space, from structures to the abutting streets, and among

10-6-4 (B) (3) Where applicable, the master site plan shall provide safe non-vehicular circulation systems including, but not limited to:

- a. Pedestrian and bicycle walkways that link abutting parks, schools, neighborhoods, and commercial areas to the greatest possible extent; and*
- b. Trails and bicycle routes that link to abutting trail networks as designated by the applicable pathways plan or the applicable Comprehensive Plan.*

Staff Response:

Due to the nature of this and similar solid waste operations, for safety reasons 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. Less than 10 parking spaces are provided.

C. Automobile Access and Internal Circulation:

10-6-4 (C) (1) The master site plan shall provide for safe access to and egress from roadways; and

Staff Response:

While access has been approved by Mountain Home Highway district at two points along Simco Road—with the southern access emergency and employee only, the County has concern that, as traffic increases on Simco Road over the coming years and traffic to the Site increases, safety will decrease at the existing primary entrance and congestion will increase at the Simco Road/Waste Site Drive intersection. As part of Phase 4, an egress access will be constructed on Waste Site Drive as shown on the Master Site Plan. The exact location will be subject to approval by the Highway District and County pursuant to conditions of approval. With the required periodic written report prior to construction of both Phase 4 and then Phase 5, traffic analysis will be performed to determine if congestion/safety concerns on Simco and at the Simco Road/Waste Site Drive intersection warrant shifting the primary access from the currently permitted Simco Road north access to Waste Site Drive.

10-6-4 (C) (2) Off-street parking and loading areas on the master site plan shall be designed to preclude vehicles from backing out into a roadway; and

Staff Response:

With sufficient on-site circulation and fencing, the Master Site Plan ensures no backing will occur onto adjacent Simco Road or Waste Site Drive.

10-6-4 (C) (3) Where delivery vehicles are anticipated, the master site plan shall delineate a clear route for them, with appropriate geometric design to allow the vehicles to turn safely; and

10-6-4 (C) (4) The master site plan shall provide adequate internal circulation consistent with this Ordinance; and

10-6-4 (C) (5) The master site plan shall provide an adequate design of parking spaces and internal circulation, off street parking and loading facilities consistent with this Ordinance.

Staff Response:

The site plan is designed primarily for waste delivery, with adequate area for safe maneuvering. This includes the vehicle offloading and circulation area labeled with note 7 on the Master Site Plan. Employee/visitor parking spaces are provided adjacent to the employee building, labeled with note 5 on the Master Site Plan.

D. Additional Off-street Parking Design Standards.

10-6-4 (D) (1) Off-street parking spaces shall not be located in any landscape area as required by this Ordinance; and

Staff Response:

Proposed off-street parking—labeled with note 5 on the Master Site Plan—is not within a landscape area.

10-6-4 (D) (2) Parking stalls and driving aisles shall be designed in accordance with the standards of this Ordinance; and

Staff Response:

The limited amount of employee parking has sufficient area for employees and visitors to place their vehicles as well as open area to serve as an adequate drive aisle.

10-6-4 (D) (3) All parking areas shall provide on-site turnarounds for all off-street parking spaces and loading facilities; and

Staff Response:

Ample area is available near the parking spaces for turnarounds. See also finding for 10-6-4 (C) (3)-(5) above.

10-6-4 (D) (4) The design of off-street parking areas shall not require moving any car to gain access to a required parking space. Tandem parking shall be prohibited.

Staff Response:

No tandem parking or similar parking necessitating moving a vehicle to access parking is proposed.

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 natural features analysis provided by the Applicant did not detect any natural constraints. Hydrology, soils, topography, and vegetation were adequately addressed through the Master Site Plan.

b. Historical and Cultural Resources; and

Staff Response:

The Site was previously used for agricultural purposes. According to the Applicant, 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:

The Applicant submitted a Bat and Bird Deterrent Plan for the Industrial Wastewater Evaporation Pond Project to prevent bats and birds from landing in the evaporation ponds. Continued monitoring of the bat and bird deterrent efforts will be required to maintain effectiveness.

d. Any impacts on Natural Features

Staff Response:

The Applicant found no adverse impacts to natural features as the result of the proposed uses.

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

a. Screening; and

Staff Response:

The Site will be screened by a six-foot high fence, per the Master Site Plan and submitted Operations Plan.

b. Drainage; and

Staff Response:

The Applicant has provided existing contours and proposed grading/drainage construction plans. The submittal and approval of a drainage study/report for the proposed drainage facilities will be required prior to the Applicant obtaining a building permit for the construction of any drainage facilities.

c. Water Supply and Sewage Disposal; and

Staff Response:

Drinking water service is provided via delivery to the office building. A portable toilet is located near the office building to provide on-site wastewater services. A condition of approval ensures proper maintenance of the portable toilet facilities. Additional water storage tanks for emergency fire suppression purposes may be required per conditions of approval.

d. Filling, Excavation, and Earthmoving; and

Staff Response:

The Applicant has provided site civil plans showing proposed grading which has been reviewed by the County Engineer for compliance with the Ordinance. Nothing is evident in the proposal that would produce erosion or sedimentation in nearby water channels. Disturbed areas are required to be revegetated. Typical erosion control measures will be taken during construction.

e. Irrigation Services and Delivery Systems; and

Staff Response:

The proposal does not modify any existing irrigation canals or ditches, etc. Landscape irrigation is not planned or required as part of the proposed project except for temporary irrigation to establish revegetated areas as a condition of approval.

f. Utilities; and

Staff Response:

The Master Site Plan does not show on-site utilities. It is understood and required by condition of approval that all on-site utilities are installed underground consistent with the Zoning Ordinance.

g. Maintenance; and

Staff Response:

The Applicant has created an Operations Plan approved by IDEQ, that includes provisions for maintenance. Conditions of approval specifically require maintenance activities to prevent odors and prevent injury to birds and bats. All site drainage will be maintained by the property owner.

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

PROPOSED CONDITIONS OF APPROVAL FOR CUP-2025-13 WITH MASTER SITE PLAN

General

1. A Conditional Use Permit (CUP-2025-13), with a Master Site Plan, is granted to Simco Environmental, LLC (“Applicant”) to construct and operate multiple industrial wastewater evaporation ponds, classified as a Solid Waste Processing Facility under Elmore County Zoning Ordinance Section 8-5-3 on assessor’s parcel numbers RP02S04E112440 and RP02S04E113000. Parcels RP02S04E113600 and RP02S04E114200 are excluded from the CUP, except for the northern edges where pond grading and circulation drives extend. No use related to solid waste processing, landfill, land application, or similar shall occur on these excluded areas under this CUP.
2. The Applicant shall provide a Decommissioning Plan and Cost to the Department within 90-days of the CUP-2025-13 approval.
3. CUP-2025-13 shall not become effective until the Applicant executes Development Mitigation Agreement DA-2025-03 with the Board of County Commissioners and provides a fully executed copy to the County Land Use and Building Department.
4. All development, operation, and closure activities of the Site shall comply with conditions of approval of CUP-2025-13 with Master Plan, terms of the associated DA-2025-03, Operating Plan, as well as the Zoning Ordinance. Any violation thereof shall result in revocation of the CUP-2025-13.

5. Prior to any construction activity at the Site, the Applicant shall notify the Land Use and Building Department ("Department") and receive necessary approvals in compliance with Zoning Ordinance.
6. The Applicant shall submit any changes to the Operating Plan and approval thereof from IDEQ to the Department throughout the operating life of CUP-2025-13.
7. The Applicant shall provide the Closure Plan along with Post Closure Remediation details and IDEQ's approval thereof to the Department at the end-of-life cycle and when the use is ready for closure.
8. Prior to applying for a zoning permit for Phase 4 and 5, the Applicant must provide the Department with written approval of the Preliminary Engineering Report and Design approval from IDEQ.
9. If the Department identifies a violation of CUP-2025-13 or any applicable County, state, or federal law or regulation, it may issue a Notice of Violation to the Applicant. The Applicant will have thirty (30) days from receipt of the notice to cure or remedy the violation. The Department may assign a Site Monitor to the Site at any time. The Site Monitor, a County employee or consultant hired by and answerable to the County, will remain on-site until the violation is cured, and all associated costs shall be reimbursed by the Applicant.
10. This permit does not authorize any land application of the waste stream, including the agricultural portion of the Site on parcels RP02S04E113600 and RP02S04E114200. Any future land application requires a separate land use application. All solids, sludge and non-evaporated waste must be promptly transported off-site to a landfill permitted to accept the specific waste type.
11. A Hillside Development Application was submitted with CUP-2025-13 to comply with the Hillside Development requirements of Title 7, Chapter 5 of the Zoning Ordinance. The Applicant shall provide the applicable Hillside Development documents, prior to grading or filling any future slopes steeper than 15%, to the Department for review and approval by the County Engineer.
12. The Applicant shall maintain all drainage on site and not impact drainage on neighboring properties or rights-of-way. Prior to any building permit or construction activity, the Applicant shall submit a drainage study/report for the proposed stormwater facilities to the Department and receive approval from the County Engineer.
13. Before any grading permit is issued, the Applicant must submit an erosion and sediment control plan to the Department for approval. The plan must include necessary measures such as silt fencing, wattles, and a construction water truck.
14. Before the zoning permit is issued, the Applicant shall submit cut sheets, plans and other information to the Department for all 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. Ongoing, no lighting shall be installed on the Site unless first found to be in compliance with the Ordinance by the Department.

15. Staff or a party hired on their behalf shall have access to monitor and access the stability of all on-site grading, including grading related to the ponds and berms and stockpiles or similar earthen structures or deposits on the Site. The Applicant shall, at the County's request upon suspecting any slope stability or other grading issues, perform additional geotechnical analysis, and if deemed necessary by the County additional work to stabilize slopes which may include modified grading among other techniques. No additional grading shall occur that impacts existing built grades greater than 15% or creates new grades above 15% without first obtaining a Hillside Permit from the Department.
16. Within one hundred eighty (180) days of approval of CUP-2025-13, the Applicant shall relocate the modular employee building to a position at least two hundred (200') feet from the nearest property line in compliance with Section 8-5-4(A) of the Zoning Ordinance, or alternatively, within the same one hundred eighty (180)-day period, apply for and obtain approval of a Variance for the required setback. Ongoing, the Applicant shall maintain all structures—as defined in the Zoning Ordinance, including modular structures—at a minimum distance of two hundred (200') feet from the nearest property line.
17. Before commencing any construction activity, the Applicant must comply with the following Idaho Administrative Rules (IDAPA) and obtain compliance approval from IDEQ if requested by the Department:
 - a. IDAPA 58.01.01 – Air Pollution Control
 - b. IDAPA 58.01.05 – Hazardous Waste and IDAPA 58.01.06 – Solid Waste Management
 - c. IDAPA 58.01.02 – Water Quality Standards, and
 - d. IDAPA 58.01.11 – Ground Water Quality
18. All conditions of approval for CUP-2025-13, including the Master Site Plan, and terms of DA-2025-03, shall run with the Site and be binding upon the Applicant and all heirs, transferees, successors, and assigns.
19. The Applicant shall submit a first periodic written report to the Department no later than five (5) years from the issuance of CUP-2025-13 or prior to commencing construction of Phase 4, whichever happens first. A second periodic written report shall be submitted to the County no later than five (5) years from the previous report or prior to commencing construction of Phase 5 whichever happens first. A third and all subsequent periodic written reports shall be submitted at five (5)-year intervals beginning five (5) years from the submission of the second report, for as long as CUP-2025-13 remains active. Each periodic written report shall include detailed waste volume data, identification of any new waste streams, an updated Master Site Plan if required by the Department, an updated Traffic Impact Analysis if applicable as determined by the Department, and other pertinent information including but not limited to updated environmental analysis as reasonably requested by the Department. The Applicant shall obtain prior written approval from the Department before commencing construction of Phase 4 and Phase 5, which approval shall not be unreasonably withheld provided all conditions of CUP-2025-13 have been satisfied.

20. CUP-2025-13 authorizes the Applicant to accept up to 200,000 gallons per day of waste at ultimate build-out, subject to phased capacity limits as follows: until completion and operation of Phase 3 (3 additional ponds to existing 4), the maximum capacity shall be 80,000 gallons per day; upon completion and operation of Phase 3 (7 total ponds), the maximum capacity shall increase to 120,000 gallons per day; upon completion and activation of Phase 4 (10 total ponds), the maximum capacity shall increase to 160,000 gallons per day; and upon completion and activation of Phase 5 (13 total ponds), the maximum capacity shall increase to 200,000 gallons per day. The County may reduce the maximum capacity during review of periodic written reports upon finding that allowing the maximum capacity is violating any other condition of approval for CUP-2025-13 or creating impacts not otherwise known.
21. In connection with Condition of Approval No. 20, CUP-2025-13 authorizes the maximum truck trips per day to deliver waste as follows: the average truck trips per weekday shall be 25 upon the completion and operation of Phase 3, the average truck trips per weekday shall increase to 38 with completion and activation of Phase 4 and 50 with Phase 5. The average is calculated by taking the total number of trucks arriving Monday through Friday of a given week and dividing it by 5. While the facility may accept some waste on Saturdays the volume is anticipated to be low and therefore not included in the permitted average.
22. The Board of County Commissioners, the Planning and Zoning Commission, or the Department may request an additional periodic written report from the Applicant when the Department reasonably suspects non-compliance with the terms of CUP-2025-13 and conditions of approval; such additional reports shall not alter the schedule for reports otherwise set forth Condition of Approval No. 19.
23. Neither the Applicant nor any other party shall develop any use, construct structures, or make site improvements not shown in the current Master Site Plan or CUP-2025-13, unless an amendment to the Master Site Plan or Conditional Use Permit is submitted, reviewed, and approved in accordance with the Zoning Ordinance.
24. All on-site 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.
25. Before commencing construction of Phase 4 and again before Phase 5, the Applicant shall obtain all certificates, permits, and approvals required by federal, state, and local authorities and provide copies to the Department.
26. Prior to commencing any additional construction activities for Phase 3, and subsequently prior to construction activities for Phase 4, and again before Phase 5, the Applicant shall provide proof of any surety required in the Development Mitigation Agreement DA-2025-03.
27. Prior to applying for any building permit or construction permit, the Applicant shall ensure that the proposed structure, use or improvement was contemplated in the CUP and/or Master Site Plan, as amended from time to time.

28. Before any new building permit is issued or construction activity occurs that triggers a Master Site Plan amendment under the Zoning Ordinance or modifies existing stormwater facilities, the Applicant must submit a drainage study/report for the proposed stormwater facilities to the Department and obtain approval from the County Engineer.
29. Ongoing, if any previously unknown subsurface cultural or archaeological resources are discovered during construction or any phase or operations, the Applicant must immediately stop all activity in the affected area and comply with the Inadvertent Discovery Guidance under the direction of a Certified Archaeologist.
30. 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.
31. The Applicant must obtain Department approval for a sign permit for any signs not exempt under Title 7, Chapter 7.
32. Any violation of a term or condition of CUP-2025-13 may result in revocation of CUP-2025-13.
33. Any violation of a term or condition of the Development Mitigation Agreement (DA-2025-03) shall constitute a violation of the conditions of approval for CUP-2025-13 and may result in the revocation of CUP-2025-13.
34. Any violation of a term or condition of an agreement with any local, state, or federal agency related to the ownership or operation of this Site shall constitute a violation of the conditions of approval for CUP-2025-13 and may result in its revocation.
35. 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-2025-13.
36. Prior to constructing each future phase or any other future development, the Applicant shall verify any updated flood hazard mapping on the property and comply with Title 8 Chapter 2.

Operations

37. The Applicant shall construct, maintain, and operate the Site in full compliance with all applicable federal, state, and local regulations, including but not limited to:
 - Idaho Statute Title 31, Chapter 44 – Solid Waste Disposal Sites
 - Idaho Statute Title 39, Chapter 74 – Idaho Solid Waste Facilities Act
 - IDAPA 58.01.06 – Solid Waste Management Rules.
38. All operations at the Site shall comply with an Operations Plan approved by IDEQ at all times.

39. The Applicant shall provide a Closure Plan to the Department and IDEQ between 90 and 30 days prior ceasing to receive waste at the Site. The Closure Plan shall follow industry standards, including removing all liquids and solids to an approved facility, removing synthetic liners, and conducting site-wide sampling to identify and remove any contaminated soil.

40. Signage at the primary entrance shall be installed and maintained and include the following information:

- Name and permit number of the facility.
- Operating hours.
- A list of materials that are accepted and not accepted. In addition, the sign may state “All materials must have prior approval.”
- Telephone number of two emergency contact persons.

41. The governing Operations Plan and the Master Site Plan shall clearly identify areas that are publicly accessible and shall identify necessary safety and directional measures for safe operations of the landfill activities.

42. The Site shall be open and receive materials between the hours of 6:00 a.m. and 8:00 p.m., Monday through Saturday. The operating staff may perform waste processing or maintenance anytime as needed.

43. The Applicant shall notify the Department and IDEQ prior to modifying the hours of operation.

44. Operational records, including waste acceptance and disposal, must be complete and maintained at the Site office for the entire duration of operations. The Department may request these records at any time.

45. Within 180 days of the Planning and Zoning Commission signing the Findings of Fact, Conclusions of Law, and Order for CUP-2025-13, the Applicant shall provide a minimum of five (5) standard parking stalls for employees and one (1) accessible parking stall in a designated parking area as shown on the Master Site Plan, in compliance with Title 10, Chapter 8. The parking area shall be graded to drain, surfaced with all-weather material, have stalls designated by means approved by the County Engineer, and be maintained on the same schedule as internal routes.

46. The Applicant must implement effective measures to prevent birds and bats from landing in, ingesting, or using treatment ponds. The Applicant shall maintain a Bird and Bat Deterrent Plan (“Deterrent Plan”), professionally prepared and approved by the Department, with technical assistance from IDFG. The Deterrent Plan must include:

- Monitoring requirements and an approved data collection form
- Reporting requirements and timelines
- Adaptive management strategies to ensure deterrent methods are effective

The Deterrent Plan shall be periodically reviewed and collaboratively updated by the Applicant and the Department, with IDFG assistance as needed, to achieve the goal of bird and bat deterrence.

47. The Applicant shall submit semi-annual written reports to the Department regarding bird and bat deterrence, unless waived in writing by the Department. Reports must:

- Document any bird and bat mortality
- Evaluate the effectiveness of deterrent methods
- Summarize all monitoring reports for the period (using the approved Deterrent Plan form)
- Include any other relevant bird and bat activity data

Reports are due May 31 and November 30, aligning with seasonal periods of highest pond use. At the time of the five-year periodic report required by Condition of Approval No. 19, the Department may reduce reporting frequency if data demonstrates consistent deterrent effectiveness and minimal mortality.

Traffic and Transportation

48. The existing permitted primary access point from Simco Road is approximately 300 feet south of Waste Site Drive and the secondary employee/emergency access approximately 1,000 feet further south on Simco Road. The Applicant shall establish a new primary egress onto Waste Site Drive located as shown on the Master Site Plan (exact location subject to approval by County Engineer and Mountain Home Highway District) prior to activation of Phase 4. Phase 4 design shall include a traffic study to determine whether the primary ingress remains on Simco Road or shifts to Waste Site Drive. If primary ingress remains on Simco Road with Phase 4, the primary ingress shall again be reevaluated prior to Phase 5, and shifted to Waste Site Drive, if warranted, prior to activation of Phase 5. The southern access on Simco Road shall remain restricted to employee and emergency use at all times. If the primary ingress is relocated to Waste Site Drive during Phase 4 or 5, the northern Simco Road access shall likewise be limited to employee and emergency use.

49. The Site shall have secure perimeter fencing, including lockable gates, at all times.

50. The Applicant shall provide primary and secondary gate access for emergency response to the State Fire Marshall (if requested), Elmore County Sheriff, and Elmore Ambulance Service.

51. The Applicant shall ensure that vehicles shall not be queuing onto Simco Road. If at any time the Site does not have adequate vehicle queuing, the Applicant shall submit a new Master Site Plan to the Department showing additional vehicle queuing locations. If such conditions develop it shall be considered a violation of the CUP with the County requesting a periodic written report, and upon evaluation of the report, may require changes to the Master Site Plan, including relocating site access and the scale location, prior to continuing operations.

52. Internal routes, including access to the active disposal area, shall be surfaced with gravel and graded to provide safe vehicle travel as needed, and maintained/resurfaced as needed.

Public Facilities and Services

53. The Applicant shall maintain an adequate water supply for all uses identified in the Master Site Plan, including water necessary for dust mitigation and fire protection.

54. Prior to issuance of any construction permitting or zoning permit, the Applicant shall provide the Department with a Fire Safety Plan that provides an ongoing level of responsiveness to wildfire or fire originating from the site improvements or buildings similar to as if there was an urban level fire service with adequate hydrant fire flow. This may include: contracting with a public or private fire service, establishing and maintaining a well with sufficient water rights to maintain a pressurized water system through the Site with adequate volume for firefighting, or maintenance of an on-site water tank with water delivery service with adequate water and pressure. The Fire Safety Plan and planned firefighting infrastructure shall also include provisions for fighting grease or oil fires for which water is not effective. The Department recognizes ultimately the Site aims to be served by Rural Metro from the Mayfield Springs public safety building, but the Applicant needs an interim solution until the Site can be served.

Waste Management

55. The waste stream approved for CUP-2025-13 is limited to those listed in Section 4.1 of the Operations Plan listed below and excludes all other waste streams, particularly household waste and all other prohibited waste listed in Section 4.1.2 of the Operations Plan.

- Grease Trap Waste
 - Refined Restaurant or Food Service Grease Trap Waste
 - Unrefined Restaurant or Food Service Grease Trap Waste
- Water Waste
 - Attended Carwash/Stormwater Pumpable Sump Waste
 - Unattended Carwash/Stormwater Pumpable Sump Waste
 - Hydrostatic Testing Water
 - Condensate
 - Industrial Process Wastewater

56. The Applicant shall continually monitor and require documentation from waste generators that all accepted waste meets the acceptable level of the analyte listed in the table below using test methods indicated (see also Appendix A of the Operations Plan):

Required Analyte	Acceptable Test Method	Acceptable Levels
Total Petroleum Hydrocarbon (TPH) [GRO, DRO, ORO]	EPA Modified Method 8015	Less than 1% by volume or less than 10,000 TPH
Flash Point (corrosivity)	ASTM D93-79	Flashpoint greater than 140°F
pH test	EPA Method 9040C	Between 2.0 and 12.5 (s.u.)
Heavy Metal Toxicity Characteristic Leaching Procedure (TCLP)	EPA Method SW 846 1311	Arsenic < 5 (mg/L) Barium < 100 (mg/L) Cadmium < 1 (mg/L) Chromium < 5 (mg/L) Lead < 5 (mg/L) Mercury < 0.2 (mg/L) Selenium < 1 (mg/L) Silver < 5 (mg/L)

The Applicant shall maintain a daily log of all accepted waste and which pond it is put in and make the log and test results of waste streams available to the Department upon request. Particular care shall be taken with Condensate and Industrial Process Wastewater to ensure each load has a chemical makeup that will be compatible with waste stream with which it will mix during the treatment process to avoid nuisance odors, fumes, flammability, or otherwise hazardous or nuisance chemical reactions.

57. The restaurant/food service grease waste stream shall be separately managed in separate waste train from the wastewater treatment train in accordance with Section 4.12 of the Operations Plan. Mixing of waste streams is prohibited. The exception is if industrial process wastewater comes from food processing or similar generator and has a makeup compatible with the grease waste stream it may be processed with the restaurant/food service grease waste stream.
58. All waste loads shall be monitored, weighed, verified and logged in compliance with Section 4.2 of the Operations Plan, Waste Monitoring.
59. The Applicant shall continuously maintain the chemical balance of all ponds and waste storage areas to prevent odors that would be offensive to a person of ordinary sensibilities at the property line under calm-wind conditions.

Housekeeping and Sanitary Practices

60. The Applicant shall provide portable restroom facilities for employees and contractors and maintain them with regular, adequate service to ensure sanitary conditions, prevent nuisance odors, and avoid attracting vectors. Alternatively, with Department and Central District Health approval, the Applicant may install permanent restroom facilities on-site.
61. The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create any nuisance under Title 8 Chapter 4.
62. Before any grading permit is issued, the Applicant must provide a maintenance schedule for the firebreak perimeter, including vegetation control. Ongoing, the Applicant must maintain accurate, up-to-date maintenance records and make them available to the Department upon request.

63. Ongoing, in order to keep the CUP active, all outdoor storage areas shall be maintained in orderly manner and not include any equipment in disrepair or waste materials 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.
64. Ongoing, the Applicant shall actively, regularly, and accurately maintain a log of all hazardous materials not part of the waste stream, including liquids and solids, on the Site filed with all relevant and current Safety Data Sheets. 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.
65. The removal of vegetative cover shall be limited to excavation areas, construction areas, and firebreaks.
66. Odors shall be monitored, logged, and responded to consistent with Sections 4.9 and 5.6.6 of the Operations Plan.

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