



Land Use and Building Department

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Planning and Zoning Commission Staff Report

Public Hearing Date: 3/13/2025

Date Report Completed: 2/28/2025

Elmore County Staff:

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Elmore County Consultants:

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Angie Michaels, Consulting County Engineer, Engineering with a Mission, LLC
Abbey Germaine, Consulting County Counsel, Elam & Burke, P.A.

Agenda Item: Crimson Orchard Solar CUP Application and Master Site Plan

Case Number(s): CUP-2024-18 with Master Site Plan

Associated Cases: DA-2025-02
ADD-2025-17 through 19

Applicant/Developer:

Crimson Orchard LLC (Applicant)
Clenera
999 W. Main St, STE 800
Boise Idaho 83701

Landowner:

JR Simplot Company
PO Box 27
Boise, ID 83707

Location:

RP03S06E081890; RP03S06E090080; RP03S06E103040; RP03S06E034810; and
RP03S06E033600

Current Base Zoning and Overlay District:

Agriculture (Ag) with Wildfire Urban Interface (WUI) Overlay

Future Land Use Designation of Comp Plan:

Agriculture (AG)

REQUEST:

Crimson Orchard Solar LLC (c/o) Clenera (“Applicant”) turned in an Application to the Land Use and Building Department (“Department”) and is requesting the approval of a Conditional Use Permit (“CUP-2024-18”) to construct, operate, maintain, and decommission a 100-megawatt (MW) electricity generation and energy production facility located approximately 3 miles north of Mountain Home near Exit 90 (Exhibit 1). The proposal includes solar arrays, a battery energy storage system (BESS), a temporary laydown yard, Operation and Maintenance (O&M) facility, access roads, and associated facilities (the “Project” or “Facility”) on approximately 1,060 acres of private land with 528 acres proposed fenced infrastructures, within the unincorporated area of Elmore County (“Site”).

A detailed Master Site Plan (Exhibit 2) is submitted with the CUP and shows all pertinent aspects of the temporary, permanent and future Project improvements discussed in CUP-2024-18. The location of these improvements is subject to minor changes through site preparation as contemplated in the Elmore County Zoning and Development Ordinance (“Zoning Ordinance”) Title 10 Chapter 6. Any relocation of these improvements will remain within the Site and must be in compliance with Section 10-6-3(C).

The Project will consist of approximately 200,000 photovoltaic modules, a BESS, internal roads, and other improvements on the Site. The proposed solar inverters equate to approximately 100 MW of generating capacity from the Solar Facility, and the proposed BESS provides up to 400 MWh of storage capacity.

The Project will connect to the 230 kV Danskin Substation located to the east of the Site, which is owned and operated by Idaho Power.

EXHIBITS OF THE RECORD

The documents and exhibits referenced in the Application record are numbered sequentially. This staff report references the following portions of the Application record, which are included as Exhibits.

1. CUP Application
2. Master Site Plan
3. Agency Correspondence
 - a. Elmore County Engineer
 - b. Floodplain Map
 - c. BLM
 - d. Central District Health
 - e. City of Mountain Home
 - f. Idaho Department of Environmental Quality
 - g. Elmore County Emergency Medical Services
 - h. Idaho Air National Guard
 - i. Idaho National Guard
 - j. Idaho Governor’s Office of Energy and Mineral Resources

- k. Idaho Power Company
- l. Idaho Department of Fish and Game
- m. Idaho Transportation Department
- n. Idaho Transportation Department Aeronautics
- o. Elmore County Sheriff
- p. Idaho Department of Fish and Wildlife
- q. Mountain Home Rural Fire District
- 4. Public Hearing Notices
 - a. Agency Notice
 - b. Newspaper Notice
 - c. Neighborhood Notice
 - d. Site Posting
- 5. Draft Development Agreement
- 6. Decommissioning Plan Requirements
- 7. Public comment
- 8. Mountain Home Rural Fire District Communication email
- 9. Glint Glare Study
- 10. Economic Impact Report
- 11. Capitol Airspace Correspondence
- 12. Environmental Site Assessment
- 13. Natural Features Analysis
- 14. Visual Impact Analysis

The CUP record includes all written public comments submitted to the Department by physical or electronic delivery by 5:00 p.m. on Wednesday March 5, 2025, for the Public Hearing scheduled for Thursday, March 13, 2025. The CUP record also includes all documents obtained as part of the staff's analysis and review of the Application and all documents and exhibits submitted before the close of the public hearing. Those portions of the CUP record received prior to the public hearing have been provided to the Commission as part of the Commissioners' packets. Staff has provided a draft Development Mitigation Agreement (DA-2025-02) and Decommissioning Plan Requirements to Planning and Zoning Commission for information purposes only with this staff report (Exhibit 5).

BACKGROUND AND REVIEW

The Applicant began Pre-application Meetings with the Director and Staff of the Department on April 8, 2024, and July 21, 2024, to discuss the Application process that would be required for the proposed solar project pursuant to Zoning Ordinance §7-3-2(A). Considering the scope and impacts of the proposal, the Director extended the mailing radius for neighborhood notification to 1-mile. Furthermore, the Director required a Development Mitigation Agreement application (DA-2025-02) with the CUP to ensure that such a large project and its social, fiscal and environmental impacts are mitigated through a legally binding contract between the Board of County Commissioners (the "Board") and the Applicant.

The Applicant sent out Pre-application Neighborhood Meeting letters on June 28, 2024, giving notice of the time, date, and location of the meetings to neighboring property

owners within a 1-mile radius per Zoning Ordinance §7-3-3(B) and conducted the required Neighborhood Meetings on July 8, 2024, and July 9, 2024, per Zoning Ordinance §7-3-3.

The Department received CUP-2024-18 Application packet on July 29, 2024, and Development Mitigation Agreement (DA-2025-02) Application on January 9, 2025, along with the required fees.

The Department conducted an agency meeting on October 9, 2024, November 13, 2024, and February 5, 2025, at 2:00 p.m. with affected agency representatives to discuss the proposed Project. In addition, written agency comments were provided by Central District Health, Idaho Department of Fish and Game, Idaho Department of Lands- South Idaho Fire Program, Idaho Transportation Department Division of Aeronautics, and Mountain Home Air Force Base, Bureau of Land Management, City of Mountain Home, Department of Environmental Quality, Elmore County EMS, Federal Aviation Admin, Idaho Governor's Office Energy Mineral, Rural Economic and Development, Idaho Power, Elmore County Sheriff, United States Fish and Game, United States Fish and Wildlife Services.

On December 19, 2024, a Public Workshop was conducted with the Planning and Zoning Commission (the "Commission") to introduce the Project and discuss outstanding technical information with the Applicant. Elmore County staff and consultants presented the results of their initial CUP Application review, which at that time, identified the application as incomplete. The following additional information was requested from the Applicant and summarized in a staff report for the workshop:

1. An agreement with a Fire Authority such as Mountain Home Rural Fire District for fire protection at the Site.
2. A Development Agreement needs to be turned in for review. Development Agreement was turned in on January 9, 2025 (DA-2025-02).

The Commission decided to accept public comments at the workshop allowing the Applicant an additional opportunity to understand the community members' concerns.

Kyle Zundel – Concerned about wildlife and scenery.

Stan Bywater – Animal corridors will not work.

Doug Stofferahn – Does not want to wake up and look at solar panels.

Carla Tackett – Claimed she did not receive a notification letter.

Robin Hamilton – Can not go out and shoot guns out there, not safe, and heavy metals come out of the solar panels and poison the ground.

Misty Price - Sent letter of items she researched with links to the sites. (Exhibit 7)

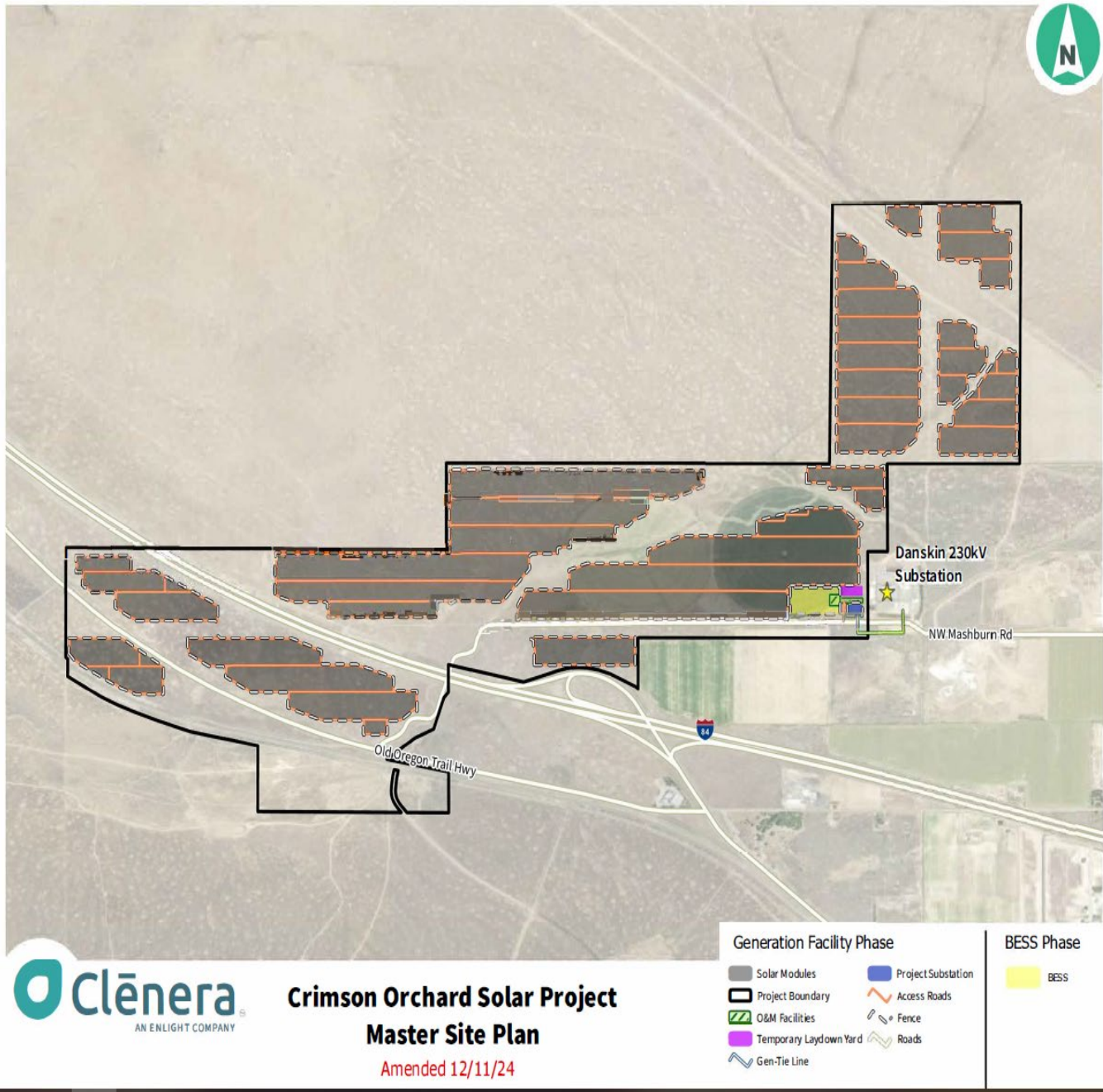
Since the workshop, a Development Mitigation Agreement was turned in on January 9, 2025. The Application is now deemed complete and ready for a Public Hearing.

SITE, PLAN, AND SURROUNDING AREA CHARACTERISTICS

The Site includes 5 (five) parcels that are zoned General Agriculture (Ag) with WUI overlay. The Site consists of limited cultivated agricultural activities, grazing. There are approximately 1,060 acres of private land owned/managed by Simplot Livestock. Land

cover within the Site consists mainly of shrub/scrub habitat and agricultural lands, with a creek that runs through the properties and has water flow in the Springtime.

Surrounding land uses include agriculture, grazing, rural, utility corridors, Interstate 84, and Danskin power plant. Surrounding lands consist of shrub/scrub and sagebrush-steppe habitat, slickspot peppergrass, cultivated crops, county roads and state roads, and other utilities. Identified public lands adjacent to the Site include lands managed by the Bureau of Land Management (“BLM”). The BLM parcels are managed for multiple uses and are subject to extraction (e.g., mining or logging) or Off Highway Vehicle (OHV) use. Access to, and use of these public lands will not be restricted due to the location and operation of the Project.



REQUIRED FINDINGS FOR CONDITIONAL USES PER ZONING ORDINANCE §7-9-7 (A):

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 Applicant has provided information in the Application that the proposed Project is on land that is zoned General Agriculture; the proposed uses constitute a Conditional Use pursuant to Table 7-2-26 (B) of the Zoning Ordinance.

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

Staff Response: The applicant has provided information in the application that the project is in harmony and in accordance with the Elmore County 2014 Comprehensive Plan; specifically, multiple public service objectives and economic development objectives. The Project would provide a new, reliable source of electricity and would increase energy capacity to meet existing demands and future growth.

The proposed Project is in harmony with the following goals and objectives of the Elmore County 2014 Comprehensive:

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

This is a solar generation facility and energy storage system which will increase the capacity and reliability of renewable energy onto the grid.

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

This is a solar generation facility and energy storage system which will increase the capacity and reliability of renewable energy onto the grid.

- *Land Use Goal 1 – Provide for the orderly growth and accompanying development of the resources within the County that is compatible with a rural lifestyle.*

The operation of the proposed facility is minimally staffed with low traffic impact. The facility itself is quiet and will emit no odors or generate harmful byproducts.

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

This Project is located adjacent to the existing Idaho Power Danskin Substation and will interconnect into this facility. Before the Project can interconnect, Idaho Power will upgrade the facility to accommodate the new solar resource.

- *Water Objective 4 – Encourage the use of natural landscaping in order to conserve water. Encourage re-vegetation in disturbed areas.*

During operations, the facility will utilize minimal water if any. This will be a significant reduction in water from the current irrigated agricultural use. Disturbed areas on the solar generation facility that do not contain infrastructure or roads will be reseeded with dry land seed mix.

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 Applicant has provided information in the Application to show that the Project complies with the purpose statement for General Agriculture, as defined in Ordinance Section 7-2-5. Electrical generation is compatible with described use of General Agriculture because after decommissioning, the land can be returned to agricultural use. This also serves to protect land for agricultural use in the future. Furthermore, as discussed below, specific use standards outlined in Section 7-2-103 for Electrical Generating Facility, and Section 7-2-106 for Energy Production Facilities are met.

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

Staff Response: The proposal is reviewed by Elmore County review team per standards established in Zoning Ordinance and the CUP Application was transmitted on August 9, 2024, to the following County entities to ensure compliance with other County Ordinances. Their comments are incorporated in the proposed conditions of approval for this project and provided herein as a record.

Elmore County Engineer
Elmore County Sheriff
Mountain Home Highway District
Mountain Home Rural Fire District
Elmore County Ambulance Service
Elmore County Surveyor
Elmore County Assessor
Elmore County Treasure
Elmore County Economic Development
City of Mountain Home

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

Staff Response: The proposal is reviewed by Elmore County review team per standards established in Zoning Ordinance and the CUP Application was transmitted on August 9, 2024, to the following local, State and Federal entities to ensure

compliance with other County Ordinances. Their comments are incorporated in the proposed conditions of approval for this project and provided herein as a record.

Bureau of Land Management
Central District Health
Mountain Home Air Force Base
State Fire Marshall
Idaho Department of Lands
Idaho Power
Idaho Department of Fish and Game
Idaho Department of Transportation
Idaho Department of Agricultural
Union Pacific Railroad
Idaho Department of Environmental Quality
Idaho Air National Guard
Idaho National Guard
Idaho Governor's Office of Energy and Mineral Resources

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 the said area.*

Staff Response: The proposal from the Applicant shows that the property they want to develop into a solar array farm is located in Elmore County, north and south of Interstate 84 by Exit 90. It is surrounded by public lands to the north and west of project and to the east is Danskin substation and to the south is Interstate 84 and private lands. There will be over 200,000 solar arrays that will be fenced in with big game corridors through the area to allow animals to move through the properties. There will be a Battery Energy Storage System (BESS) on east side of project that will connect to the Danskin substation.

The project will allow the Applicant to convert solar energy into electricity and support Idaho Power's increasing demand for electricity for supporting future growth in the local area.

There are no residential dwellings within 2,500 ft radius from the project. The Site is conditioned so installation, operation, construction, maintenance, and decommissioning process will ensure that proposed solar electricity generation and production facility with a BESS should be somewhat harmonious in appearance with the general vicinity and character of the area. The area will have some impact on the existing and intended character of the general vicinity.

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

Staff Response: The project will be protected by fencing to keep people and big game out. Noise will be under 58 decibels as by code. The neighboring parcels next to the project (refer to finding #6.) will not be affected by this project. The

project will be able to conserve water usage since it will not be using as much water as a farming agricultural property.

- 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 project is located within Mountain Home Rural Fire District and will not need any special agreement. Will have to have a fuels management plan to require and ensure that the site is safe during construction and then after completion. Written response by Brian Reed. (Exhibit 8)

- 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: Operation of the facility will not require water, sewage, fire, and sheriff services under normal operating conditions. The applicant will be required to enter into a Development Agreement with the County and will be required to pay impact fees.

- 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: The applicant has provided information in the application that the proposed electric generating facilities, electric transmission line, and production facility will not generate excessive noise or glare, smoke, fumes, or odors during the construction and operation of the facility. The project is in a rural area of the county and is not near residential facilities as to be a burden to people and businesses. Most of the wildlife may be pushed to the foothills as construction goes on.

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

Staff Response: The applicant has provided information in the application that there will be minimal alterations to the natural landscape and that there are no natural or scenic features of major importance located on the site.

Section 7-2-103: Electrical Generating Facilities

- 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 applicant provided an application for a project that only uses solar energy for power generation. Therefore, the application complies with this requirement.

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: The applicant will comply with all applicable rules and regulations and obtain all required permits and approvals before commencing construction activities. The applicant should provide copies of all permits and approvals to Elmore County prior to commencing construction activities.

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: There are no residences within the 2,500-foot setback

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: The applicant indicates that the noise from the operating facility is limited to the inverters which have an ambient hum indiscernible outside the fence line; therefore, the facility will be under the 58-decibel level when measured from 750 feet from the edge of the facility.

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: The applicant will provide a landscaping plan and post-construction revegetation plan, screening, and noise control plan with its building permit application.

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: Exhibit 8 is an email correspondence with Brian Reed where he confirms that since the Project is located within the rural jurisdiction of the Mountain Home Fire District no special agreement is required. Will have to have a fuels management plan to require and ensure that the site is safe during construction and then after completion. Written response by Brian Reed.

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 has held two public meetings and provided proof of public notice.

8. The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.

Staff Response: A glint glare study (Exhibit 9), a visual impact analysis (Exhibit 14), on 3/3/2025, and an economic impact analysis (Exhibit 10) was sent to the County via email on 10/15/2024. The Floodplain Development Application is in progress with only minor comments from the Elmore County Engineer.

9. Towers and structures that seek to exceed the building height restrictions from Table 6-8-11 (C) must be compatible with the flight operations of MHAFB 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.

Staff Response: Please see correspondence from Capitol Aerospace in Exhibit 11. That confirms there are no military training routes or airspace in proximity to the solar project.

10. Towers and height variances shall not be granted within 5 miles of Mountain Home AFB or along depicted flight corridors.

Staff Response: Structures are not within 5 miles of Mountain Home AFB or along depicted flight corridors, therefore a variance will not be requested.

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: The project is not within the Mountain Home or Glenns Ferry airport influence overlay districts.

12. Notification distance shall be increased at the discretion of the Director to accommodate for visual impacts.

Staff Response: The Director requested a notification distance of one mile; the applicant used the notification distance of one mile during the outreach process.

Section 7-2-106 Energy Production Facilities

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: The applicant will obtain all necessary permits and land for the project, and construction and operation of the project will comply with all applicable rules and regulations. Including Idaho Public Utility and Federal Agencies. The Applicant should provide copies of all permits and approvals to Elmore County prior to commencing construction activities.

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: No residences exist within 2,500 feet of the proposed facility.

3. The applicant shall demonstrate and maintain an adequate fire protection and firefighting 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 project is located within Mountain Home Rural Fire District and needs no special agreement is required. Will have to have a fuels management plan to require and ensure that the site is safe during construction and then after completion. Written response by Brian Reed. (Exhibit 8)

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 all affected property waive in writing the 58Db noise requirement.

Staff Response: The applicant indicates that the noise from the operating facility is limited to the inverters which have an ambient hum indiscernible outside the fence line; therefore, the facility will be under the 58-decibel level when measured from 750 feet from the edge of the facility.

5. The Administrator shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.

Staff Response: A glint glare study, a visual impact analysis, and an economic impact analysis was sent to the County via email on 10/15/2024 Exhibits 9&10. The Floodplain Development Application is in progress with only minor comments from the Elmore County Engineer.

6. The applicant, with its building permit application, shall submit and therefore 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: The applicant will provide a landscaping, screening, and noise control plan with its building permit application. In addition, the applicant has identified plans for fencing around the Battery Energy Storage System (BESS) and the photovoltaic (PV) power generating facility with big game corridors through the facility.

7. Before 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 has held two public meetings and provided proof of public notice.

8. Public notification shall be increased at the discretion of the Director to accommodate notification for all potential impacts.

Staff Response: The Director requested a notification distance of one mile; the applicant used the notification distance of one mile during the outreach process.

REQUIRED FINDINGS FOR MASTER SITE PLAN PER ZONING ORDINANCE § 10-6-4

Section 10-6-4 General Required Standards:

A. Location of Structures on the site;

Staff Response: The Master Site Plan identifies the placement of modules, battery energy storage system ("BESS"), temporary laydown yard, operation and maintenance ("O&M") facilities, and access roads.

B. Non-Vehicular Access and Internal Circulation;

Staff Response: The Project does not allow public access to the site.

C. Automobile Access and Internal Circulation;

Staff Response: The Master Site Plan identifies access from public roads and shows the internal roads within the Project.

D. Additional - Street Parking Design Standards:

Staff Response: The project does not allow public access to the site.

Section 10-6-5 Natural Features Analysis:

Staff Response: See Exhibit 13 that includes the reports completed for the Site.

**Section 10-6-6 Other required standards, in regard to:
A Screening:**

Staff Response: In accordance with Section 7-2-103 Crimson Orchard will submit with its building permit application, a landscaping, screening and noise control plan.

B. Drainage:

Staff Response: Crimson Orchard will need to obtain a construction stormwater permit under the Idaho Pollutant Discharge Elimination System. A Storm Water Pollution Prevention Plan (“SWPPP”) will be prepared as part of the permit.

C. Water Supply and Sewage Disposal:

Staff Response: The Project will not rely on County utilities and will obtain necessary permits to install any wells or septic system to serve the water and sewer requirements of the O&M building.

D. Filling, Excavation, and Earthmoving:

Staff Response: Grading will be minimized to the greatest extent practical. Crimson Orchard will need to obtain a construction stormwater permit under the Idaho Pollutant Discharge Elimination System which will include requirements for erosion and sediment control. A Storm Water Pollution Prevention Plan (“SWPPP”) will be prepared as part of the permit and will include the temporary and permanent Best Management Practices (“BMP”) to protect and preserve the topsoil at the Project Site when earthmoving activities, excavation or trenching are taking place during grading, road construction, cable installation, foundation installation. Grading will be minimized to the extent practicable.

E. Irrigation Services and Delivery Systems:

Staff Response: No irrigation services are required at the site.

F. Utilities:

Staff Response: The Project will not rely on County utilities and will obtain necessary permits to install any wells or septic system to serve the water and sewer requirements of the O&M building. The Project will connect to the existing 230kV Danskin Substation via a short overhead generation transmission line from the new Project Substation located within the Project boundary to the west.

G. Maintenance:

Staff Response: The Project will require asset management which will include staff onsite to monitor the site and do preventative and corrective maintenance as well as other operational functions.

STAFF RECOMMENDATION

The proposed use, along with proposed Master Site Plan and proposed Conditions of Approval, complies with the requirements of the Elmore County Zoning Ordinance. Based on the evidence presented at the public workshop, agency meetings, and Applicant meetings. Staff recommends approval of the proposed Conditional Use Permit (CUP-2024-18) with a Master Site Plan, Decommission Plan, and Development Agreement.

PROPOSED CONDITIONS OF APPROVAL (32)

1. A Conditional Use Permit (CUP-2024-18) shall be granted to Crimson Orchard Solar LLC (c/o Clenera, to construct a 100 megawatt (MW) electricity generation and production facility that will include over 200,000 solar arrays, a battery storage, a temporary laydown yard, an Operations and Maintenance (O&M) facility, access roads, temporary crane paths, and associated facilities on approximately 1,060 acres of private land.
2. Within sixty (60) days of the Planning and Zoning Commission signing the Findings of Facts, Conclusions of Law, and Order for CUP-2024-18, the Applicant shall provide a fully executed Development Agreement to the County Land Use and Building Department (the “**Department**”).
3. All development, operation, and decommissioning of the Site shall comply with Conditions of Approval of CUP-2024-18, terms of the associated Development Agreement (DA-2025-02), Administrative Decision for Floodplain Development Permit (ADD-2024-17 through 19), as well as the Elmore County Zoning and Development Ordinance adopted on May 18, 2018 (“**Zoning Ordinance**”). Any violation thereof shall result in revocation of the CUP-2024-18 Title 7 Chapter 16 of the Zoning Ordinance
4. All Conditions of Approval of CUP-2024-18 and terms of DA-2025-02 shall be appurtenant to and run with the Site and shall be binding upon Crimson Orchard Solar LLC, the parties hereto, their heirs, transferee, successors, and assignees. Crimson Orchard Solar LLC may assign or transfer all or any portion of the Project to any person or entity (successor in interest) as defined in DA-2025-02.

5. The Applicant shall commence construction of the Project within two years of approval of CUP-2024-18 and complete construction within five years of approval of CUP-2024-18.
6. The Applicant shall install low glare solar panels with anti-reflection technology to help minimize glare.
7. Once the construction commences, the Applicant shall provide proof of a surety in compliance with Title 7 Chapter 11 of the Zoning Ordinance, to ensure completion of all improvements as required by the County. The requirements of such surety will be further outlined in DA-2025-02.
8. The Applicant shall submit a Periodic Written Report to the Department on every five (5) year anniversary of the CUP approval that outlines compliance with CUP-2024-18 and DA-2025-02 along with the appropriate application fee at the time of submittal.
9. Prior to commencing any construction activity, the Applicant shall obtain and provide copies of permits and approvals to the Department of all certificates, permits, and other permits/approvals required by federal, state, and local authorities.
10. The Applicant shall submit a Floodplain Development Application for all development within the mapped floodplains to ensure compliance with the National Flood Insurance Program requirements and Elmore County Zoning Ordinance Title 8, Chapter 2. Applications must be approved before Building Permits are issued.
11. Prior to commencing any construction activity, the Applicant shall receive approval of the following and submit a copy to the Department:
 - a. Compliance with Idaho Administrative Rules (“IDAPA”) 58.01.01 (Air Pollution Control) from the Idaho Department of Environmental Quality (“**IDEQ**”);
 - b. Compliance with IDAPA 58.01.05 (Hazardous Waste) and 58.01.06 (Solid Waste Management) from IDEQ; and
 - c. Compliance with IDAPA 58.01.02 (Water Quality Standards), 58.01.03 (Individual Subsurface Sewage Disposal Rules), and 58.01.11 (Ground Water Quality) from IDEQ.
12. Prior to commencing any construction activity, the Applicant shall submit to the County Engineer a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to IDEQ.
13. Prior to commencing any construction activity, the Applicant shall be required to provide proof of water supply, if applicable, for all uses within the Master Site Plan and operation of the Project to the Department.
14. Prior to commencing any construction activity, the Applicant shall enter into an agreement with the Mountain Home Highway District to ensure that the proposed use and its construction activities will be conducted in compliance with the

Highway District's Standards and Development Procedures, and that impacts to existing roads from construction activity are mitigated for in accordance with the agreement. The Applicant shall provide a copy of this agreement to the Department prior to applying for any development or building permit.

15. Prior to commencing any construction activity that requires cutting or filling of areas that are steeper than fifteen percent (15%), a Hillside Development Application will be submitted and approved per Elmore County Zoning and Development Ordinance Title 7, Chapter 5. A map showing the grades and details of improvements on the Site shall be provided to the County Engineer with the Hillside Development Application.
16. Prior to commencing any construction activity, including roads, the Applicant shall submit a Private Roadway Application to the County for the internal roads. The private roads and associated drainage design shall meet the current standards of the County and Mountain Home Highway District. Approval from the County is required prior to construction of private roads. Upon construction of those roads, the Engineer of Record shall provide stamped as-built drawings to the the County.
17. If a roadway goes through a mapped floodplain, the crossing shall be at existing grade with no impact to the floodplain channel. Grading plans shall be provided to the County Engineer for such crossings. The mapping shall be based on recent and accurate topographic information approved by the County Engineer.
18. The Applicant shall submit a landscaping plan for the site and also a post-construction revegetation plan to the Department for the temporarily disturbed areas such as crane paths, construction trailers, or temporary laydown yard.
19. The Applicant shall show compliance with all applicable Idaho Public Utility and Federal Agency rules and regulations before receiving a building permit and shall operate the facility in conformance with those regulations.
20. All improvements for the Site shall be enclosed by an appropriate security fence as identified in this CUP Application and Master Site Plan.
21. The Applicant shall submit a Landscaping Plan prepared by a qualified professional to the Land Use and Building Department prior to applying for a building permit and develop the Site in accordance with an approved landscaping plan. This plan shall provide fire-wise landscaping, noxious weed-management, screening, and buffers as well as thirty feet (30') defensible space all around the Site. This defensible space shall be cleared of all vegetation on a quarterly basis to ensure that it remains an effective firebreak. The Applicant shall provide evidence to the Department on an annual basis of its compliance and any time a code violation complaint is received.
22. The Applicant shall do the following to minimize or avoid potential impacts to birds, bats and natural habitat of the Site and its surrounding areas:
 - Continue to engage and share information with the County, IDFG, and other interested agencies as the Project programs are implemented. Proof of this

- shall be submitted to the Department within 2 years of operation commencement.
- Contact the USFWS to develop best management practices for slickspot peppergrass. Proof of this shall be provided to the Department prior to the commencement of construction.
 - Adhere to construction timing restrictions and avoid blasting activity from December 15th to April 15th annually to minimize disturbance to wintering big game in the immediate vicinity.
 - Avoid creating fences that are not legally required; if livestock exclusion fences are necessary, utilize wildlife-friendly fencing.
 - Make sure big game corridors are kept clear of debris.
23. The Applicant shall stop all construction activities within the vicinity of any finds at the Site, if any unknown subsurface cultural or archaeological finds are encountered during Project construction the Applicant shall follow Inadvertent Discovery Guidance and have a Certified Archaeologist study the area.
24. The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance, including quarterly maintenance of fire-wise setback.
25. The Applicant shall obtain written approval from Mountain Home Rural Fire District, Central District Health, and Mountain Home Highway District with regard to any proposed structure, facility, or use identified in this Master Site Plan. The Applicant shall provide copies of all permits and approvals to Elmore County prior to submitting a building permit for those.
26. Prior to commencing the use, the Applicant shall provide access code for gate lock to the Department, Emergency Medical Services, Elmore County Sheriff, and Mountain Home Rural Fire District. If a change of Assignment and Assumption of any aspect of the CUP takes place, Elmore County shall be notified in compliance with DA-2025-02 and the Department, Emergency Medical Services, Elmore County Sheriff, and Mountain Home Rural Fire District shall be provided new access codes.
27. The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.
28. The Applicant shall provide a Department approved Decommissioning Plan. Such Decommissioning Plan shall include the requirements established by the Development Agreement, including but not limited to a decommissioning bond. Applicant expressly agrees to abide by the terms of Development Agreement and Decommission Plan. Any failure to abide by the terms of the Development Agreement and Decommission Plan will result in the revocation of CUP-2024-18.
29. Failure to comply with any of the above Conditions of Approval shall result in the revocation of the CUP-2024-18.

30. Location is within the jurisdiction of Elmore County Rural Fire District and no special agreement would be required. This is a high fire danger area for wildland fires. “Will have to have a fuels management plan to require and ensure that the site is safe during construction and then after completion.” Written response by Brian Reed. Vegetation must be managed on site during construction. Safety precautions for construction such as welding and cutting. Once project is completed, Applicant will have to make sure to provide fire-wise landscaping and keep a thirty (30) foot barrier around project.