Land Use and Building Department

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Board of County Commissioner Staff Report

Public Hearing Date: 12/20/24 **Date Report Completed:** 12/17/24

Agenda Item: Appaloosa Wind and Solar, LLC's Development Agreement

Case Number(s): Development Mitigation Agreement 2024-02 (DA-2024-02) for CUP-2024-04

Applicant: Appaloosa Wind and Solar, LLC

Elmore County Staff:

Mitra Mehta-Cooper, AICP, CFM

Elmore County Consulting Staff:

Abbey Germaine, Counsel with Elam and Burke
Anne Wescott, County Economist for Decommissioning Requirements
Suzy Cavanagh, Resource Manager with HDR Inc
Angie Micheals, County Engineer

EXECUTIVE SUMMARY:

The Elmore County Planning and Zoning Commission ("Commission") approved a Conditional Use Permit ("CUP-2024-04" or "Project") with Master Site Plan for Appaloosa Wind and Solar LLC ("Applicant") on October 24, 2024 to construct, operate, maintain, and decommission a 400 Megawatt (MW) electricity generation and energy production facilities to include wind turbines, solar arrays, battery storage, and associated facilities ("Project") on approximately 10,969 acres of private land and 1,359 acres of Idaho Department of Lands (IDL) property in the unincorporated area of Elmore County ("Site"). Considering the scope and impacts of CUP-2024-04, the Director of the Elmore County Land Use and Building Department ("Department") required a Development Mitigation Agreement application with CUP-2024-04 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 ("Board") and the Applicant.

The Board conducted a Public Workshop on November 22, 2024, at 11:00am to discuss the terms of a draft Development Mitigation Agreement ("DA-2024-02" or "Agreement") that was developed prior to the Commission Hearing. Staff had identified a series of issues that needed discussion at the workshop and two comment letters from Elmore County Sheriff's

Office and Mountain Home Rural Fire District/EMS. After a much-needed conversation about the Project's impact on the County's emergency services needs, especially during the construction phase, the Board directed Staff and Applicant to meet with those two agencies to iron out the details of those mitigation terms. The meeting took place on December 2, 2024. The discussion revolved around decommissioning bond amounts, decommissioning bond milestones, as well as agency comments. The draft DA-2024-02 provided to the Board (Exhibit 1) incorporates outcomes of those discussions.

Today's Public Hearing was advertised in the Mountain Home Newspaper on December 11, 2024, and December 18, 2024; the affected agencies were notified on December 6, 2024; the neighborhood notifications were sent out in 5-mile radius on December 6, 2024; and the Site was posted on December 13, 2024.

REQUIRED FINDINGS OF ZONING ORDINANCE FOR DA-2024-02:

DA-2024-02 is not a Development Agreement associated with a Zoning Map Amendment pursuant to Idaho State Code 67-6511A but is required as a condition of CUP-2024-04. The Agreement has met the following applicable requirements.

Section 7-10-5: Development Agreement Required Finding:

In order to approve the application, the Board shall find that the proposed development agreement or agreement complies with the regulations of this Ordinance.

STAFF COMMENTS:

The Applicant has submitted an application for the Development Agreement and paid the required fees as outlined in the Department's Fee Schedule on February 6, 2024.

The Applicant has provided a legal description for the Site of CUP-2024-04, which is also applicable to this Agreement and provided as Attachment A to the Agreement.

The Applicant has provided a detailed project description of the proposed uses with CUP-2024-04 , which is conditioned to provide a series of restrictions upon the use of property and structures including any proposed easements for public utilities, a development schedule and times when all other applications subject to the Agreement are intended to be filed, and funding/financing of necessary public facilities with or without subsequent reimbursement over time.

The Department had requested Economic Impact report, Environmental Checklist, and Decommissioning Requirements from the Applicant to support development of mitigations for the Project, especially the service impacts on Elmore County's various service agencies. The following actions were taken to ensure that the provided information was used in development of the Proposed Development Agreement.

- The Department, in consultation with the County Economist, developed Decommissioning Requirements for the County and gotten policy level approval from the Board on October 18, 2024.

- The Department provided a draft Development Agreement to the Applicant prior to the October 24th, 2024, Planning and Zoning Commission Public Hearing, allowing all interested parties to understand the Department's desired terms.
- Many of the impacts on separate political subdivisions of the County are captured in the Conditions of Approval for CUP-2024-04.
- The Department held a Public Workshop with the Board of County Commissioners on November 22, 2024, to discuss the draft Agreement. At the said workshop, the Department had requested information regarding the Project's service impacts on Elmore County EMS, Sheriff, and Mountain Home Rural Fire District. The Applicant had an opportunity to discuss the terms of the draft Agreement and review the letters received from these agencies.
- The Department and Applicant met with these agencies on December 2, 2024, to further discuss the substance of the County's Decommissioning Requirements and the requests from EMS, Sheriff, and the Fire District.
- The County Counsel and Department have revised the Draft Agreement following that meeting and a revised letter from EMS/Fire District, which is provided herein as Attachment A.

The Applicant will be available to sign the Agreement prior to the Board action on the final Agreement at the Public Hearing.

The Conditions of Approval for CUP-2024-04 (Attachment B), an approved Master Site Plan (Attachment C), and the County's Decommissioning Requirements applicable to the Project (Attachment D) are provided as addenda to this Agreement.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners conduct a public hearing to review the proposed Agreement with Appaloosa Wind and Solar LLC, and:

1) Approve DA-2024-02; and

2) Sign a resolution to approve and adopt DA-2024-02 relative to Appaloosa Wind and Solar, LLC Conditional Use Permit (CUP 2024-04) (Exhibit 2).

EXHIBIT 1 – DRAFT DA-2024-02

DEVELOPMENT MITIGATION AGREEMENT
BETWEEN ELMORE COUNTY AND APPALOOSA WIND AND SOLAR LLC
RELATIVE TO CONDITIONAL USE PERMIT 2024-04

THIS AGREEMENT, is made and entered into this____day of_____ 2024, by and between the Board of County Commissioners ("Board") of County of Elmore, Idaho, a duly formed and existing County pursuant to the laws and Constitution of the State of Idaho, hereinafter referred to as "County" and Appaloosa Wind and Solar LLC, a Massachusetts-based Limited Liability Company, dba North Renew Energy Partners, LLC (the "Applicant").

RECITALS

WHEREAS, pursuant to land lease agreements, the Applicant has the authority and responsibility for certain tracts of land in the County of Elmore, State of Idaho, on approximately 10,969 acres of private land and 1,359 acres of Idaho Department of Lands (IDL) property in an unincorporated area of southwest Idaho, which lands are more particularly described in "Attachment A", attached hereto (the "Site"); and

WHEREAS, Idaho Code § 67-6501 *et seq*. ("Local Land Use Planning Act") and Article 12, Section 2, of the Idaho Constitution provide authority for the County to adopt land use regulation ordinances to protect the health, safety, and welfare of the citizens; and

WHEREAS, the Board of Commissioners of Elmore County (the "Board") adopted the 2014 Elmore County Comprehensive Plan on January 20, 2015 (the "Comprehensive Plan"); and

WHEREAS, the current Elmore County Zoning and Development Ordinance was adopted on May 18, 2018, as Ordinance 2018-03 and amended on February 17, 2023; March 1, 2024, and October 18, 2024 ("Zoning Ordinance"); and

WHEREAS, the Applicant seeks approval to construct a commercial electrical generating facility and energy production facility, which will allow the Applicant to participate in alternative energy generation, storage, and distribution in the County; and

WHEREAS, the Applicant has applied for a Conditional Use Permit ("CUP-2024-04" or "Project") and Development Agreement ("Agreement") to the County for constructing Electrical Generating and Energy Production Facilities (the "Use") to include wind turbine generators, solar arrays, a battery energy storage system, a temporary laydown yard, accessory buildings and structures, access roads, temporary crane paths, and associated facilities as identified in the Master Site Plan on the Site zoned Agriculture ("AG"), and such proposed use may be authorized by Conditional Use Permit in compliance with the future land use map of the Comprehensive Plan and the AG zoning designation of the Zoning Ordinance (Attachment B); and

WHEREAS, Idaho Code § 67-6511A and Title 7, Chapter 10 (Development Agreement(s) Standards and Requirements) of the Zoning Ordinance further govern the creation, form,

recording, modification, enforcement, and termination of Development Agreements ("DA"); and

WHEREAS, the County and Applicant desire to formalize and clarify the respective obligations of the parties through construction, operation, maintenance, enforcement, and decommissioning of the Site to mitigate for some of the potential social, fiscal, and environmental impacts of the Use; and

WHEREAS, the parties agree that the Project shall be developed, operated, and decommissioned, in accordance with this DA, CUP-2024-04, and all applicable federal and state laws and local ordinances, and any additional conditions and requirements imposed upon the Site by the Elmore County Land Use and Building Department (the "Department"), the Planning and Zoning Commission (the "Commission"), and the Board established and agreed upon through this DA, or other binding agreement entered into by the Applicant and the Department, Commission and/or Board; and

WHEREAS, the County, conducted a public hearing regarding this Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the parties hereto do hereby agree to the following commitments and terms as follows:

SECTION 1. RECITALS AND EFFECTS.

The recitals to this Agreement are incorporated into this DA-2024-02 by this reference as if fully set forth herein. This Agreement shall be effective upon the execution by all parties hereto and shall remain in full force and effect so long as the Project is being constructed, operated, maintained, and decommissioned in compliance with CUP-2024-04 and DA-2024-02.

This Agreement shall be recorded by the Applicant within thirty (30) days of execution with Elmore County Recorder.

SECTION 2. COMMITMENTS.

The Applicant shall fully and completely comply with the Conditions of Approval of CUP-2024-04 in Attachment C, and Decommissioning Plan Requirements in Attachment D, incorporated by reference in the Agreement. The Conditions of Approval of the CUP and Agreement terms may be amended, further defined, expanded and/or refined by the County and the Applicant, in accordance with Section 4, at a later date following notice and public hearing requirements of the State of Idaho and Elmore County.

A. PROPOSED DEVELOPMENT OF PROPERTY

CUP-2024-04 shall develop on the Assessors' Site Numbers as set forth in Attahcment A.

B. COMPLIANCE AND SCHEDULE

Approval of CUP-2024-04, through the Planning and Zoning Commission Findings of Fact, Conclusion of Law, and Order, established that the Project, as proposed and conditioned, is in compliance with the Zoning Ordinance and the County Comprehensive Plan. The Applicant shall commence construction of the Project within two (2) years of approval of CUP-2024- 04 and complete construction within five (5) years of approval of CUP-2024-04, which period may be extended as outlined in Zoning Ordinance 7-3-17. Failure to complete or bond for completion of the Project pursuant to the terms of this Agreement, and CUP-2024-04 Conditions of Approval, shall be a violation of this Agreement by the Applicant.

Once the construction commences at the Site, and within thirty (30) days of construction commencement, the Applicant shall provide proof of a surety, in the form of a construction, performance, payment, or completion bond to the Director as outlined in Title 7 Chapter 11 of the Zoning Ordinance. Furthermore, the Applicant shall submit a Certificate of Coverage for surety amount annually to the Director until the Site is fully developed and operational as approved by CUP-2024- 04.

All Conditions of Approval of CUP-2024-04 and terms of the Agreement set forth herein shall be appurtenant to and run with the Project and Site, and shall be binding upon the parties hereto, their heirs, transferee, successors, and assignees.

The Applicant may assign or transfer all or any portion of the Project to any person of entity ("Successor in Interest"). To that end, the Applicant shall enter into an Assignment and Assumption pertaining to that portion being transferred and the Successor in Interest shall accept the applicable Conditions of Approval of CUP-2024-04 and terms of this Agreement. No fewer than sixty (60) days prior to entering the Assignment and Assumption, the Applicant shall submit to the Director a draft of the Assignment and Assumption containing this Agreement and any applicable Conditions of Approvals and terms to be assumed by the Successor of Interest. Upon determining their adequacy, the Director shall report their findings to the Board within 30-days of receiving the Assignment and Assumption by the Applicant for approval or denial of the Assignment and Assumption by the Board. For the avoidance of doubt, the review by the Director and approval by the Board are limited to the adequacy of the Assignment and Assumption document and does not include a review and/or approval of the Successor of Interest. Failure of the Applicant or a Successor in Interest to provide an Assignment and Assumption to the Board or the Board's approval shall be considered a termination of this Agreement.

Compliance terms and schedule may be amended, further defined, expanded and/or refined by the Applicant and County, in accordance with Section 4 of this Agreement,

following notice and public hearing requirements of the State of Idaho and Elmore County.

C. DEVELOPMENT OF PERMITTED USES.

This Agreement shall describe the right to develop the Project for electrical generating and energy production facilities on the Site, in accordance with this DA and CUP-2024-04, all applicable state and federal laws and local regulations, and any additional requirements imposed upon the Site by the Department, the Commission, and/or the Board during review and approval processes of any future permits and applications. The Applicant shall comply with applicable rules, regulations and review processes required by the Zoning Ordinance in effect as of the Effective Date of this Agreement. The County may enact ordinances and amendments to existing ordinances that are applicable to the Project in so far as those ordinances do not materially and negatively impact the Applicant's rights to develop, construct, operate, maintain and decommission the Project in conformance with this Agreement and the CUP.

Furthermore, the Applicant shall pay all applicable County review fees as established by resolution approved by the Board for future development of permitted uses.

D. DEVELOPMENT MODIFICATION.

As the Project is developed, material modifications of the locations for wind turbines, solar panels, interconnection lines, battery storage facility, operations and maintenance building, etc. may be considered from the Master Site Plan as conditions, geology, geography, Federal and State regulations and requirements, engineering modifications, equipment availability, and Site conditions require, subject to and following notice and public hearing requirements of the State of Idaho and Elmore County.

All minor, non-material Master Site Plan changes may be made by the Applicant, with the administrative approval of Elmore County's Director of the Land Planning and Use Department (the "Director"), in compliance with Section 10-6-3(C) of the Zoning Ordinance so long as best available technology and practices are used for minimizing potential visual and audio impacts. All requests for changes to the Master Site Plan shall be submitted to the Director for further review by the County to make a determination of whether the requested change is material or minor. If it is deemed by the Director that it is a material change in the Master Site Plan, then that change shall be reviewed in the context of CUP amendment.

E. CHANGES IN FEDERAL, STATE, AND LOCAL LAW.

This Agreement shall not preclude the application of any law that is specifically mandated and required by changes in state or federal laws or regulations to the Project. In the event such law prevents or precludes compliance with one or more provisions of the Conditions of Approval of CUP-2024-04 or this Agreement, excluding the Condition that the Project must be substantially complete and operational by that

date set forth herein, the County and the Applicant shall meet and confer to determine how the provisions of this Agreement and/or Conditions would need to be modified or suspended in order to comply with the law and shall prepare and process the necessary amendment or amendments to this Agreement and CUP-2024-04. If no agreement is reached, the Board may elect to pursue remedies under the default provisions of this Agreement. In the event federal and state laws in force on the Effective Date are in conflict with this Agreement, the federal and state laws shall control.

F. CONSTRUCTION.

Prior to issuance of a building permit under CUP-2024-04 and Master Site Plan, Applicant shall be in substantial compliance with this Agreement, defining the location of project structures for which such a permit is necessary. The Project will be developed in strict compliance with the Master Site Plan, Floodplain Development Permits, Decommission Plan, and other permits and approvals by the County. All development of the Project will be constructed, processed and approved in accordance with the Zoning Ordinance. If a need for a building permit is evidenced for any structure in the Project, then a building permit shall be submitted for approval to the Department. The County Engineer shall review the submission for drainage, storm water management, and any structural elements of the design to ensure compliance with all regulations. The County Engineer may require technical studies and construction drawings signed by a licensed Idaho Engineer from the Applicant. Pre-fabricated/manufactured components are an exemption to this provision as long as documented compliance is submitted under any Institute of Electrical and Electronic Engineer (IEEE) and International Organization of Standardization (ISO) designation. A state electrical permit, as required or necessary, for any electrical associated construction shall be submitted as an additional requirement for a building permit.

G. FINANCING OF NECESSARY PUBLIC FACILITIES

Applicant shall work in good faith with utility providers, highway districts, fire districts, and emergency service providers in Elmore County through-out construction, operation, and decommissioning of the Project and provide public facilities and services without placing undue burden on Elmore County's taxpayers.

The Applicant shall provide a copy, and any amendments thereof, of all agreements with Idaho Power to the Director for inter-connections, utility switchyard, substation development, battery energy storage system, etc. The Applicant shall provide a copy of an agreement, and any amendments thereof, with Glenns Ferry Highway District to the Director for road improvements and maintenance during construction, operation, and decommissioning of the Project. The Applicant shall annex into the King Hill/Glenns Ferry Rural Fire District and/or provide a copy of service agreement, and any amendments thereof, to the Director for fire response to the Site, which is located within the Wildfire Urban Interface Overlay of the Zoning Ordinance. Any necessary

public facilities related to the development of the Site per CUP-2024-04 shall be financed by the Applicant.

Due to the nature and size of this Project, the County will need to add staffing and equipment for a period of three (3) years of construction to accommodate increase in call volume with more than 1300 direct and indirect construction jobs. The major impact is for Sheriff, EMS and Rescue units that are at capacity and would be taxed with additional calls for service due to the heavy construction work and the number of workers for years. The County will need to add personnel and update rescue equipment that the Project will require.

The Applicant agrees to contribute the following for Elmore County EMS and Rescue:

- Staffing of two (2) qualified personnel resulting in $135,000.00 contributions annually for a period of three (3) years of construction activity;
- Partial one-time funding for EMS unit (balance will be from other funding sources) through $150,000 contribution prior to commencing construction; and
- Fire suppression unit for Rescue and EMS safety at $115,315 one-time contribution prior to commencing construction.

For the Elmore County Sheriff's office, the Applicant agrees to the following:

- One-time contribution of two (2) 2026 Dodge Durango Patrol Vehicles with equipment at total $155,000.
- On-time contribution of five (5) vehicle light bar packages at total $19,000.

H. DECOMMISSIONING REQUIREMENTS, CONSENT.

County intends to require a financial assurance through decommissioning bond issued solely in favor of and payable to Elmore County to ensure the proper decommissioning of the Project and remediation of the Site as part of the decommissioning requirements for the Project (Attachment D). Applicant, while not mandated by federal, state or County law, voluntarily agrees that doing so ensures that Elmore County's taxpayers will not have to pay for decommissioning and remediation costs at the end of the Project's life in the case the Applicant, or the successors in interest, abandons the project or otherwise fails to meet the requirements of the decommissioning agreement/s with the landowners. The amount of the decommissioning bond may be decreased by the amount of any additional decommissioning bond placed specifically to pay for decommissioning and remediation costs at the end of the Project's life of infrastructure located on IDL property. In order for the amount of the decommissioning bond required by this Agreement to be reduced by any decommissioning bond related to the IDL property,

the Applicant must provide proof of the IDL decommissioning bond annually, ensure Elmore County has been named an obligee on the IDL bond, and require that notice be given within thirty (30) days to Elmore County should there be any changes or modifications to the IDL bond.

The Applicant shall provide an updated preliminary decommissioning cost prior to issuance of the first building permit to the County as per the final Site design. The Applicant shall provide a final decommissioning cost estimate and 50% of the total cost of decommissioning bond in favor of Elmore County for the decommissioning of the Project, on the first 5-year anniversary of the CUP approval or prior to construction, whichever occurs later. The decommissioning cost estimate should be updated on every 5-year anniversary of the CUP approval and the decommissioning bond amount shall be revised to reflect the updates in decommissioning cost estimates. The decommissioning bond amount shall be increased to 100% on the 10-year anniversary and be adjusted accordingly to equate to 100% -125% of the decommissioning cost on the 15-year anniversary of the CUP approval, to be determined upon updated decommissioning costs and in the Board's discretion. The Applicant shall submit a Certificate of Coverage for Decommissioning Bond annually to the Director until the Site is fully decommissioned and restored.

The breach, default, or failure to meet decommissioning requirements, including the maintenance of a valid decommissioning bond, shall be deemed a material breach by the Applicant, and may constitute termination of this Agreement in accordance with the provisions of Section 7-10-7 of the Zoning Ordinance.

SECTION 3. LIABILITY AND INDEMNITY OF COUNTY

A. COUNTY REVIEW.

Applicant hereby defends, indemnifies, and holds harmless the County for any an all claims related to the County's review and issuance of necessary Project approvals or permits. Applicant acknowledges and agrees that the County is not and shall not be,

in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plan or improvements, or the issuance of any approvals, permits, certificates, or acceptances, relating to CUP-2024-04 and development of the Site per the Master Site Plan and that the County's review and approval of any such plans and the site improvements or issuance of any such approvals, permits, certificates, or acceptances do not, and shall not, in any way, be deemed to insure or ensure Applicant or any of Applicant's transferees, successors, assignees, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicant acknowledges that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's application(s) in Case Number CUP-2024-04, DA-2024-02, and regulations, resolutions, or orders imposed or adopted by the Commission and Board. Applicant agrees not to challenge the lawfulness, procedures, proceedings, correctness, or validity of any such notices, meetings, hearings, ordinances, rules, regulations, resolutions, this Agreement or orders.

C. INDEMNITY.

Applicant agrees to, and does hereby, defend (at the County's option) and hold harmless and indemnify the County, its elected or appointed officials, officers, attorneys, agents, employees, representatives, and volunteers from and against any and all claims, demands, defense costs, liability, or consequential damages of any kind or nature arising out of or in connection with Applicant's, its officer's agents, employers, contractors, subcontractors, and representatives performance of, or failure to perform, any of the conditions, duties, obligations, promises, and/or terms set forth in or incorporated by reference into this Agreement and CUP-2024-04; except those which arise solely out of the negligence of County. Defense expenses shall include all out-of-pocket expenses, including, but not limited to, attorney's and experts fees and the reasonable value of any services rendered by any employees of the County specifically in the defense of the County.

D. EXCUSED DELAY; EXTENSION OF TIME OF PERFORMANCE.

It shall be an excused delay, and neither party hereunder shall be in violation of this Agreement if such delay is directly attributable to war, insurrection, strike, walk-out, riot, flood, earthquake, fire, casualty, pandemic, or act of God. Upon Notice of excused delay by either party hereto, an extension of time for cause will be granted in writing by the other party for the period of excused delay, or longer as may be mutually agreed upon.

E. DEFENSE EXPENSES.

Applicant shall, and does hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all claims pertaining to actions authorized by CUP-2024-04's approval or this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County specifically in the defense of the County. For the avoidance of doubt, Applicant is not responsible for expenses incurred by County in defense of third party challenges to the validity of CUP-2024-04, this Agreement or the procedures followed in the development, approval and/or administration of these agreements.

SECTION 4. AGREEMENT MODIFICATION.

This DA may be modified in writing, following a request to the Department, signed by the party, or their successors in interest, and after complying with the notice and public hearing procedures of Idaho Code § 67-6509 and Section 7-10-7 of the Zoning Ordinance.

Nothing in this Agreement shall be construed to be in derogation of the County's police power to protect the public health and safety during construction, operation, or decommissioning of this Project. The County may not modify the Agreement without the prior written consent of the Applicant or their successors in interest and after complying with the notice and hearing procedures of Idaho Code § 67-6509 and Section 7-10-7 of the Zoning Ordinance.

SECTION 5. REQUIRED PERFORMANCE, CONSENT.

Applicant shall comply with all of the conditions, duties, obligations, promises, and/or terms set forth in or incorporated by reference into this DA including those contained in this Section 5. Applicant, while not mandated by federal, state or County law, voluntarily agrees to make the following annual contributions for the duration of the Project's operations to demonstrate their stewardship towards Elmore County's citizens and such obligation shall be enforceable by the County.

The breach, default, or failure to meet required performance, shall be deemed a material breach of this Agreement and may result in termination of this Agreement in accordance with the provisions of Section 7-10-7 of the Zoning Ordinance and applicable notice and hearing requirements.

Scholarship Fund. Upon commencement of the operation of the Project, or any part thereof as set forth in CUP-2024-04, the Applicant shall make an annual contribution on October 1 of each year thereafter, in the amount of Ten Thousand Dollars ($10,000.00) per year to the County ("Scholarship Fund") to fund post high school education opportunities for students who are residents of Elmore County. The Scholarship Fund shall be administered by the Board or such other committees and administer and distribute along with other County scholarship programs.

Veteran Services Contribution. Upon commencement of the operation of the Project, or

any part thereof as set forth in CUP-2024-04, the Applicant shall make an annual contribution on October 1 of each year thereafter, in the amount of Ten Thousand Dollars ($10,000.00) per year to the County for veteran serving organizations ("Veteran Services Contribution"). The Veteran Services Contribution shall be distributed to veteran organizations operating within Elmore County by the Board through annual appropriation.

Senior Contribution. Upon commencement of the operation of the Project, or any part thereof as set forth in CUP-2024-04, the Applicant shall make an annual contribution on October 1 of each year thereafter, in the amount of Ten Thousand Dollars ($10,000.00) per year to the County for senior centers ("Senior Contribution"). The Senior Contribution shall be distributed to Elmore County Senior Centers by the Board through annual appropriation.

Domestic Violence Council Support. Upon commencement of the operation of the Project, or any part thereof as set forth in CUP-2024-04, the Applicant shall make an annual contribution on October 1 of each year thereafter, in the amount of Ten Thousand Dollars ($10,000.00) per year to the County for support of Domestic Violence Council ("Domestic Violence Council Support"). The Domestic Violence Council contributions shall be distributed to Elmore County Domestic Violence Council by the Board through annual appropriation.

Transit Services Contribution. Upon commencement of the operation of the Project, or any part thereof as set forth in CUP-2024-04, the Applicant shall make an annual contribution on October 1 of each year thereafter, in the amount of Ten Thousand Dollars ($10,000.00) per year to the County for support of transit services ("Transit Services Contribution"). The Transit Services Contribution shall be distributed to Elmore County transit providers by the Board through annual appropriation.

The abovementioned contributions shall be for the entirety of the Project as it is defined in CUP-2024-04. Should the Project be constructed in phases or parts, no additional contributions shall be required of any components of the Project constructed at a later date.

On an annual basis, and within 90 days of the County's receipt of the wind energy tax and solar energy tax , the Director shall provide the Applicant with a summary of, 1) the amount of the wind and solar energy tax funds distributed to each County department, and 2) an indication of how each department will utilize these funds. The Applicant may use this information to publicly document its contribution to the County, its infrastructure, critical support services and residents.

SECTION 6. PERIODIC REVIEW.

Applicant shall have the duty to demonstrate good faith compliance with the terms of this Agreement. The Applicant shall provide a comprehensive written report to the Department on every 5-year anniversary of the CUP approval that outlines compliance with this Agreement, CUP-2024-04, and any other operational or enforcement matters of significance. The Director shall provide that report to the Commission and Board within a month. The

County may, while this DA is in effect, more frequently request a summary report to determine the extent of good faith substantial compliance with terms of this DA pursuant to Section 7-10-6 of Zoning Ordinance.

SECTION 7. ABANDONMENT AND REMOVAL

The Project and Site shall be considered to be abandoned if it has not been in operation for a period of twelve (12) months or failed to meet Conditions of Approval of CUP-2024-04 and this Agreement. If abandoned, the system or facility shall be repaired by the Applicant to meet federal, state, and local safety standards, or be removed by the Applicant within a period of twelve (12) months as specified in the Decommissioning Plan. If the Applicant fails to remove or repair the abandoned system or facility, the County may pursue a legal action to include revocation of CUP-2024-04, termination of this Agreement, and/or have the system or facility be removed at the Applicant's expense by utilizing the Decommissioning Bond.

SECTION 8. NOTICE OF DEFAULT, OPPORTUNITY TO CURE, AND TERMINATION.

In the event of a failure to meet required performance under this DA, the party alleging default shall give the breaching party not less than ninety (90) days' Notice of Default, in writing, unless an emergency exists threatening the public health, safety, and welfare. If such an emergency exists, a written Notice of Violation shall be given to the Applicant by the County, outlining the breach and emergency. The time of this Notice of Violation shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. If the default is cured, then no default shall exist, and the charging party shall take no further action. During any period of curing, legal proceedings shall not commence against the party charged. In the event of failure to cure, this Agreement may be terminated and CUP-2024-04 shall be revoked in accordance with the notice and hearing procedures of Idaho Code § 67-6509 and Zoning Ordinance § 7-10-7.

SECTION 9. COMPLIANCE WITH LAWS.

Applicant agrees to comply with all federal, state, County and local laws, rules and regulations applicable to the Site, including the requirements of the Ordinance. Applicant's failure to comply with the above laws or the terms of this DA will subject Applicant to an enforcement action by the County in a court of competent jurisdiction.

SECTION 10. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicant and the County is such that Applicant is an independent party and is not an agent of the County.

SECTION 12. NOTICES.

Except as otherwise provided in this DA and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the addresses set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by property addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Elmore County Land Use and Building Department
Director
520 East 2nd South Mountain Home, ID 83647

Notices and communications required to be given to Applicant shall be addressed to, and delivered at, the following address:

Appaloosa Wind and Solar LLC
c/o NorthRenew Energy LLC
31 Rosner Lane
Becket, MA 01223

A party may change its address by giving notice, in writing to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 13. EFFECTIVE DATE.

This Agreement shall be effective upon its execution by the Board on the date and year written above.

[End of DA, Signature Pages follow]

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on this day and year first above written.

Board of Elmore County Commissioners
Elmore County, Idaho

_____
Crystal Rodgers, Commissioner

_____
Franklin L. Corbus, Chairman

_____
Albert Hofer, Commissioner

ATTEST: Shelley Essl, Clerk

BY: _____

DATE: _____

STATE OF IDAHO)
) ss.
County of Elmore)

On this ____day of _____, 2024, before me _____, a notary public, personally appeared Elmore County Commissioners, Crystal Rodgers, Franklin L. Corbus, and Albert Hofer, known or identified to me to the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year this certificate first above written.

_____
Notary Public for Idaho
Residing at:
_____

My Commission Expires _____

Applicant: Appaloosa Wind and Solar, LLC

_____
By: Mark Green,
c/o NorthRenew Energy LLC
Its: Managing Members

STATE OF _____)
) ss.
County of _____)

On this _____day of _____2024, before me, a notary public for the State of _____, personally appeared _____, known to me to be the person named in the foregoing, and acknowledged to me that he is a Managing Member of NorthRenew Energy, LLC, and stated he has the authority to execute this instrument on behalf Appaloosa Wind and Solar, LLC, and did execute the same on behalf of Appaloosa Wind and Solar, LLC, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
Notary Public for Idaho

Residing at: _____

My Commission Expires _____

ATTACHMENT A – LEGAL DESCRIPTION

ATTACHMENT B – MASTER SITE PLAN

ATTACHMENT C – CONDITIONS OF APPROVAL

ATTACHMENT D – DECOMMISSIONING PLAN

Elmore County's Decommissioning Plan Requirements

It is necessary for a governing body such as the County to require a bond to ensure the proper decommissioning of an energy project and remediation of Project's land. The requirements of this decommissioning are codified as part of the decommissioning plan agreed to by the Applicant. Doing so ensures that the County's taxpayers will not have to pay for decommissioning and remediation costs at the end of the Project's life in the case the project Applicant abandons the project or otherwise fails to meet the requirements of the decommissioning agreement with the landowners. The following are the Decommissioning Plan components and cost estimates that Elmore County expects from the applicant or Applicant of an electrical generating and/or energy production facility project.

Decommissioning Plan Components

- Introduction
  - Project Overview and Projected Lifespan
  - Use of Generation Output (i.e., PPA or Interconnection Agreement)
    Options for Reuse or Repowering
  - Existing Land Use
    Definitions and Acronyms
- Abandonment
  - Priority Enforcement
  - Scope of Abandonment
  - Opportunity to Cure
  - Decommissioning by the County Decommissioning,
  - Site Restoration and Monitoring
  - Objectives Environmental Issues
  - Safety Issues
  - Decommissioning Process by Component Restoration Process
  - Resources, conditions or activities potentially impacted by decommissioning Mitigation efforts
  - Disposal Specifics (i.e., approved Site)
  - Final Decommissioning Plan (at operation start date to include update of components/costs)
  - Certificate of Compliance
  - Timing, Schedule and Extensions Notifications

Estimated Decommissioning Costs

Decommissioning cost estimates provided by the applicant at the time of CUP approval should give the County accurate information about the potential level and cost associated with the decommissioning and reclamation of the Project site and how the Applicant will ensure that the County would be protected from clean-up and/or financial risk in approving the CUP. These cost estimates will be used to determine the amount of bond that should be required by the County through the CUP and Development Agreement terms. The County will require applicants to provide cost estimates as follows:

- Cost estimates shall be based on current dollars. Costs and bond amounts will be adjusted based on periodic updates of the decommissioning cost, which are to occur every 5 years after the issuance of the CUP.

- Estimates shall be prepared by a licensed professional engineer, preferably with experience in relevant energy projects.

- Estimated costs shall be broken out by activity (i.e., equipment dismantling, foundation removal, access road removal, transportation off-site, reclamation and restoration, environmental remediation).

- Estimated costs shall include labor, equipment, safety, disposal fees, insurance, permits, inspections and reviews. An amount for contingency shall also be included.

- Applicants may provide estimated salvage and resale values as information only. These values must be identified separately from estimated costs. Due to the variability of salvage and resale markets, salvage values will not be used to determine the bond amount.

- Applicants must cite the sources of their cost estimate assumptions (i.e., RS Means indices, USGS scrap metal price reports, etc.).

- Unless the applicant has included a line item for the cost of managing the decommissioning, this would be an additional cost to the County and should be considered in bond amount determination.

Bond Amount, Effective Date, and Periodic Review

Applicant will be required to provide updated decommissioning cost estimates according to the requirements above. Failure to provide the required updated decommissioning cost estimates will result in the revocation of the CUP and termination of the DA in accordance with the notice and hearing procedures of Idaho Code § 67-6509 and Zoning Ordinance § 7-10-7.

In alignment with current best practice, the required decommissioning bond will be set at the percentages of gross estimated decommissioning costs described below.

The Applicant will provide evidence of the required decommissioning bond to the County when requested. Failure to secure the required bond or provide evidence of bond issuance will result in the revocation of the conditional use permit and termination of development agreement in accordance with the notice and hearing procedures of Idaho Code § 67-6509 and Zoning Ordinance § 7-10-7.

The amount and date of issuance of the required bond will be phased in from the date of the issuance of the conditional use permit and based on a percentage of updated decommissioning cost estimates submitted by the Applicant, and their successors in

interest, and approved by the County as follows:

- At the point of conditional use permit approval – Permit includes preliminary decommissioning cost estimates updated from estimates submitted at CUP application and approved by the County; Bond issuance not required.

- At the point of first building permit – Applicant submits updated decommissioning cost estimates; estimates are approved by County; Bond issuance not required.

- At the 5-year anniversary of the conditional use permit approval – Applicant submits updated decommissioning cost estimates; estimates are approved by County; Applicant provides proof of bond issuance in the amount of 50% of updated, County-approved decommissioning cost estimates.

- At the 10-year anniversary of the conditional use permit approval - Applicant submits updated decommissioning cost estimates; estimates are approved by County; Applicant provides proof of bond issuance in the amount of 100% of updated, County-approved decommissioning cost estimates.

- At each subsequent 5-year anniversary of the conditional use permit approval - Applicant submits updated decommissioning cost estimates; estimates are approved by County; Applicant provides proof of bond issuance in the amount of 125% of updated, County-approved decommissioning cost estimates.

- Extensions of time requirements stated above may be approved by the County based on the “Excused Delay; Extension of Time of Performance” section of the Development Agreement.

ATTACHMENT A – LEGAL DESCRIPTION FOR THE SITE OF CUP-2024-02

Legal Description of Appaloosa Wind and Solar Project Property

Property Owners and Parcel Information **County/RP Number**	**Legal Description (T, R, S)**	**Owner**	**Acreage**
Elmore County – Wind – Private Land			
RP03S08E362440	T3S, R8E, S36	**ARK Properties LLC**	**2,094**
RP04S09E061810	T4S, R9E, S06		
RP04S09E065400	T4S, R9E, S06		
RP04S09E064200	T4S, R9E, S06		
RP04S09E062500	T4S, R9E, S06		
RP04S09E063000	T4S, R9E, S06		
RP03S09E317000	T3S, R9E, S31		
RP03S09E316000	T3S, R9E, S31		
RP03S08E363000	T3S, R8E, S36		
RP04S08E120040	T4S, R8E, S12		
RP04S08E121200	T4S, R8E, S12		
RP04S08E121800	T4S, R8E, S12		
RP04S08E124200	T4S, R8E, S12		
RP04S08E123600	T4S, R8E, S12		
RP04S08E132400	T4S, R8E, S13		
RP04S08E134800	T4S, R8E, S13		
RP04S08E137800	T4S, R8E, S13		
RP04S08E125400	T4S, R8E, S12		
RP04S08E126000	T4S, R8E, S12		
RP04S08E140040	T4S, R8E, S14		
RP04S08E119040	T4S, R8E, S11		
RP04S08E127800	T4S, R8E, S12		
RP04S08E128400	T4S, R8E, S12		
RP04S08E130700	T4S, R8E, S13		
RP04S08E131200	T4S, R8E, S13		
RP04S08E134200	T4S, R8E, S13		
RP04S08E124800	T4S, R8E, S12		

RP04S08E126600	T4S, R8E, S12		
RP04S08E011200	T4S, R8E, S01		
RP04S08E014200	T4S, R8E, S01		
RP03S08E363600	T3S, R8E, S36		
RP03S08E365400	T3S, R8E, S36		
RP03S08E366000	T3S, R8E, S36		
RP04S08E013000	T4S, R8E, S01		
RP04S08E013600	T4S, R8E, S01		
RP04S08E014800	T4S, R8E, S01		
RP04S08E123000	T4S, R8E, S12		
RP04S08E017840	T4S, R8E, S01		
RP04S08E018400	T4S, R8E, S01		
RP04S08E120600	T4S, R8E, S12		
RP04S08E016600	T4S, R8E, S01		
RP04S08E122400	T4S, R8E, S12		
RP04S08E015400	T4S, R8E, S01		
RP03S08E366600	T3S, R8E, S36		
RP04S08E010620	T4S, R8E, S01		
RP04S08E012400	T4S, R8E, S01		
RP03S08E364200	T3S, R8E, S36		
RP03S08E364800	T3S, R8E, S36		
Property Owners and Parcel Information **County/RP Number**	**Legal Description (T, R, S)**	**Owner**	**Acreage**
RP04S09E106000	T4S, R9E, S10	**Casa Del Norte LP**	**1,838**
RP04S09E105400	T4S, R9E, S10		
RP04S09E104800	T4S, R9E, S10		
RP04S09E104200	T4S, R9E, S10		
RP04S09E099000	T4S, R9E, S09		
RP04S09E097240	T4S, R9E, S09		
RP04S09E161200	T4S, R9E, S16		
RP04S09E160100	T4S, R9E, S16		
RP04S09E085400	T4S, R9E, S08		
RP04S09E085500	T4S, R9E, S08		

RP04S09E086000	T4S, R9E, S08
RP04S09E086300	T4S, R9E, S08
RP04S09E096010	T4S, R9E, S09
RP04S09E096600	T4S, R9E, S09
RP04S09E097800	T4S, R9E, S09
RP04S09E098400	T4S, R9E, S09
RP04S09E160600	T4S, R9E, S16
RP04S09E162400	T4S, R9E, S16
RP04S09E164200	T4S, R9E, S16
RP04S09E173000	T4S, R9E, S17
RP04S09E204800	T4S, R9E, S20
RP04S09E205400	T4S, R9E, S20
RP04S09E206000	T4S, R9E, S20
RP04S09E206600	T4S, R9E, S20
RP04S09E207800	T4S, R9E, S20
RP04S09E208400	T4S, R9E, S20
RP04S09E080640	T4S, R9E, S08
RP04S09E081200	T4S, R9E, S08
RP04S09E087800	T4S, R9E, S08
RP04S09E088400	T4S, R9E, S08
RP04S09E170600	T4S, R9E, S17
RP04S09E209000	T4S, R9E, S20
RP04S09E172400	T4S, R9E, S17
RP04S09E212400	T4S, R9E, S21
RP04S09E214200	T4S, R9E, S21
RP04S09E200090	T4S, R9E, S20
RP04S09E213000	T4S, R9E, S21
RP04S09E213600	T4S, R9E, S21
RP04S09E201800	T4S, R9E, S20
RP04S09E207200	T4S, R9E, S20
RP04S09E163600	T4S, R9E, S16
RP04S09E163800	T4S, R9E, S16
RP04S09E170040	T4S, R9E, S17
RP04S09E089010	T4S, R9E, S08
RP04S09E210690	T4S, R9E, S21

RP04S09E211200	T4S, R9E, S21		
Property Owners and Parcel Information **County/RP Number**	**Legal Description (T, R, S)**	**Owner**	**Acreage**
RP04S09E071810	T4S, R9E, S07	**Nettleton, Elizabeth Ann**	**1,817**
RP04S08E133400	T4S, R8E, S13		
RP04S08E140640	T4S, R8E, S14		
RP04S09E180620	T4S, R9E, S18		
RP04S09E075410	T4S, R9E, S07		
RP04S08E127210	T4S, R8E, S12		
RP04S08E130010	T4S, R8E, S13		
RP04S08E137210	T4S, R8E, S13		
RP04S09E183010	T4S, R9E, S18		
RP04S09E051210	T4S R9E S05		
Subtotal Wind Private Land			**5,749**
Elmore County - Wind – Public Land			
6423	T4S, R9E, S16	Idaho Department of Lands	1,359
19383	T4S, R8E, S23		
19367	T4S, R8E, S14		
19356	T4S, R8E, S11		
Subtotal Wind Public Land			**1,359**
Total Wind Project Area			**7,108**

Elmore County – Solar – Private Land			
RP05S08E127800	T5S, R8E, S12	ARK Properties LLC	1,825
RP05S08E127200	T5S, R8E, S12		
RP05S08E121800	T5S, R8E, S12		
RP05S08E120090	T5S, R8E, S12		
RP05S08E015400	T5S, R8E, S01		
RP05S08E111800	T5S, R8E, S11		
RP05S08E110090	T5S, R8E, S11		

RP05S08E016000	T5S, R8E, S01
RP05S08E112490	T5S, R8E, S11
RP05S08E114200	T5S, R8E, S11
RP05S08E114800	T5S, R8E, S11
RP05S08E116600	T5S, R8E, S11
RP05S08E113000	T5S, R8E, S11
RP05S08E113600	T5S, R8E, S11
RP05S08E010090	T5S, R8E, S01
RP05S08E010690	T5S, R8E, S01
RP05S08E011800	T5S, R8E, S01
RP05S08E012490	T5S, R8E, S01
RP05S08E013000	T5S, R8E, S01
RP05S08E017200	T5S, R8E, S01
RP05S08E019000	T5S, R8E, S01
RP05S08E013600	T5S, R8E, S01
RP05S08E120600	T5S, R8E, S12
RP05S08E122490	T5S, R8E, S12
RP05S08E123000	T5S, R8E, S12
RP05S08E123600	T5S, R8E, S12
RP05S08E125400	T5S, R8E, S12
RP05S08E118400	T5S, R8E, S11
RP05S08E119000	T5S, R8E, S11
RP05S08E121200	T5S, R8E, S12
RP05S08E124200	T5S, R8E, S12
RP05S08E124800	T5S, R8E, S12
RP05S08E017890	T5S, R8E, S01
RP05S08E018400	T5S, R8E, S01
RP05S08E011200	T5S, R8E, S01
RP05S08E014800	T5S, R8E, S01
RP05S08E016600	T5S, R8E, S01
RP05S08E014200	T5S, R8E, S01
RP05S08E137200	T5S, R8E, S13
RP05S08E131890	T5S, R8E, S13
RP05S08E137800	T5S, R8E, S13
RP05S08E131200	T5S, R8E, S13

RP05S08E134800	T5S, R8E, S13		
RP05S08E134200	T5S, R8E, S13		
RP05S08E135400	T5S, R8E, S13		
RP05S08E133600	T5S, R8E, S13		
RP04S08E362400	T4S, R8E, S36	Carl F Reynolds & Sons LLC	2,826
RP04S08E360010	T4S, R8E, S36		
RP04S08E260020	T4S, R8E, S26		
RP04S08E231230	T4S, R8E, S23		
RP04S08E227210	T4S, R8E, S22		
RP04S08E270010	T4S, R8E, S27		
RP04S08E246610	T4S, R8E, S24		
RP04S08E247200	T4S, R8E, S24		
RP04S08E252420	T4S, R8E, S25		
RP04S08E230010	T4S, R8E, S23	Nettleton, Elizabeth Ann	569
RP04S08E240010	T4S, R8E, S24		
Subtotal Solar Private Land		**5,220**	
Total Wind Project Area		**7,108**	
Total Solar Project Area		**5,220**	
Total Project Area		**12,328**	

ATTACHMENT B – CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

1. A Conditional Use Permit (CUP-2024-04) shall be granted to Appaloosa Wind and Solar LLC (c/o) North Renew Energy Partners, LLC, to construct a 400 megawatt (MW) electricity generation and production facility that will include wind turbine generators, 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 10,969 acres of private land and 1,359 acres of IDL property.

2. Within sixty (60) days of the Planning and Zoning Commission signing the Findings of Facts, Conclusions of Law, and Order for CUP-2024-04, 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-2024-04, terms of the associated Development Agreement (DA-2024-02), Administrative Decision for Floodplain Development Permit (ADD-2024-25 through 29), Hillside Development Requirements, 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-2024-04 Title 7 Chapter 16 of the Zoning Ordinance.

4. All Conditions of Approval of CUP-2024-04 and terms of DA-2024-02 shall be appurtenant to and run with the Site and shall be binding upon Appaloosa Wind and Solar LLC, the parties hereto, their heirs, transferee, successors, and assignees. Appaloosa Wind and 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-2024-02.

5. The Applicant shall commence construction of the Project within two years of approval of CUP-2024-04 and complete construction within five years of approval of CUP-2024-04.

6. The Applicant shall commit to a maximum tower height of five hundred and seventy-seven (577) feet for the development of wind turbines with a ten percent (10%) margin not to exceed six hundred and thirty-four (634) feet in height.

7. The Applicant shall install low glare solar panels with anti-reflection technology to help minimize glare.

8. 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-2024-02.

9. 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-2024-04 and DA-2024-02 along with the appropriate application fee at the time of submittal.

10. 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.

11. 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.

12. 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.

13. Prior to commencing any construction activity, the Applicant shall submit to the County Engineer a copy of the Project Storm Water Pollution Prevention Plan (SWPPP) submitted to IDEQ.

14. Prior to commencing any construction activity, the Applicant shall be required to provide proof of water supply for all uses within the Master Site Plan and operation of the Project to the Department.

15. Prior to commencing any construction activity, the Applicant shall annex into a Fire District and/or enter into an agreement with the King Hill/Glenns Ferry Rural Fire District for providing fire protection to the Site. The Applicant shall provide a copy of this agreement to the Department prior to applying for any development or building permit.

16. Prior to commencing any construction activity, the Applicant shall enter into an agreement with the Glenns Ferry 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.

17. 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.

18. Prior to commencing any construction activity, including roads, the Applicant shall submit a Private Roadway Application to the County and the Glenns Ferry Highway District for the internal roads. The private roads and associated drainage design shall meet the current standards of the County and Glenns Ferry Highway District. Approval from the County and the Highway District 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 Highway District and the County.

19. 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 information approved by the County Engineer.

20. The Applicant shall submit a post-construction revegetation plan to the Department for the temporarily disturbed areas such as crane paths, construction trailers, or temporary laydown yard.

21. 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.

22. All improvements for the Site shall be enclosed by an appropriate security fence as identified in this CUP Application and Master Site Plan.

23. 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 annual basis of its compliance and any time a code violation compliant is received.

24. 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:
    - Comply with the recommendation to apply for an Eagle Take Permit with the USFWS prior to the application of the first Building Permit.

- The Applicant will provide an updated Bird & Bat Conservation Strategy (BBCS) that provides a life-of-project framework for identifying avoidance and minimization measures to conserve birds and bats and will coordinate with IDFG on determining the most appropriate bat fatality minimization/deterrent system and how this system shall be implemented, should one be necessary, based on the collection and analysis of monitoring data and the implementation of an adaptive management program. Such information 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.

25. The Applicant shall use NVG compliant lighting and operate within a 450 to 920 nm wavelength. Light on any turbine, MET facility or structure that exceed fifty feet (50') in height to provide visual cues for night vision goggles of Military Operations Areas.

26. Prior to the commencement of construction, once the Applicant has the final project design, the Applicant shall meet with Marathon Pipeline to review the project design plans to ensure Marathon Pipelines safety and setback requirements are met. A written approval shall be received and submitted to the Department prior to the first Building Permit.

27. The Applicant shall stop all construction activities within the vicinity of any findings at the Site, if any unknown subsurface cultural or archaeological finds are encountered during Project construction and the Applicant shall follow Inadvertent Discovery Guidance of a Certified Archaeologist.

28. 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.

29. The Applicant shall obtain written approval from the appropriate fire authority, Central District Health, and 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.

30. Prior to commencing the use, the Applicant shall provide access code for gate lock to the Department, Emergency Medical Services, Elmore County Sheriff, and King Hill/Glenns Ferry 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-2024-02 and the Department, Emergency Medical Services, Elmore County Sheriff, and King Hill/Glenns Ferry Rural Fire District shall be provided new access codes.

31. The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.

32. 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-2024-04.

33. Failure to comply with any of the above Conditions of Approval shall result in the revocation of the CUP-2024-04.

ATTACHMENT C – MASTER SITE PLAN

Master Site Plan

Appaloosa Wind and Solar Project

Elmore County, Idaho

Appaloosa Wind and Solar LLC
c/o NorthRenew Energy Partners LLC
31 Rosner Lane
Becket, MA 01223

Prepared by:

NorthRenew Energy Partners LLC
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Becket, MA 01223

Westwood Professional Services, Inc.
12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

July 15, 2024

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Maps

1.0 Introduction and Master Site Plan Overview

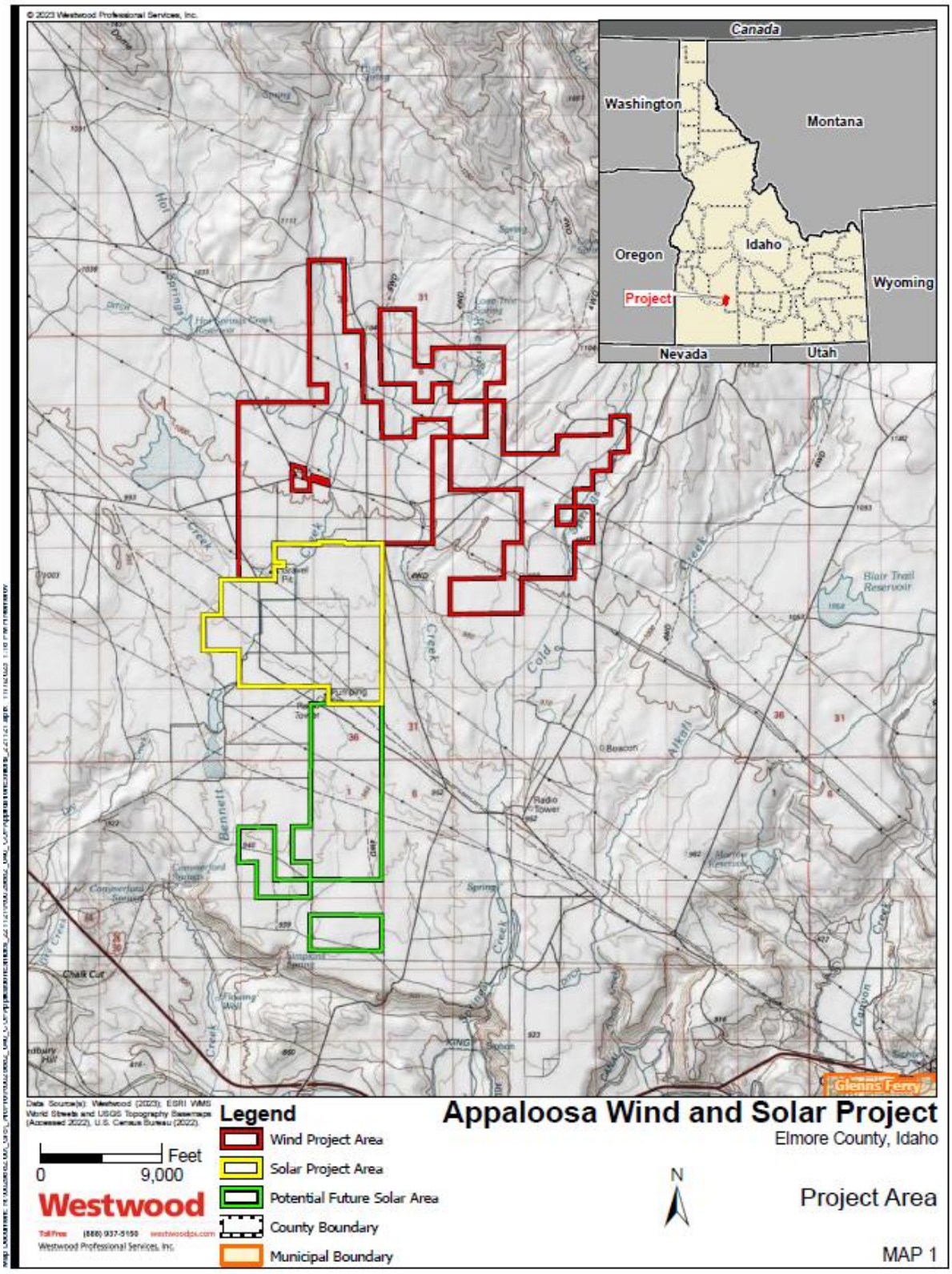
1.1 Introduction

In accordance with the Elmore County Zoning and Development Ordinance (Zoning Ordinance), Appaloosa Wind and Solar LLC (Appaloosa or Applicant) is filing this Master Site Plan (MSP) with Elmore County to construct, operate and maintain a ~400 megawatt (MW) electrical generation and production facility located approximately 10 miles east of Mountain Home that will include wind turbine generators, solar arrays, a battery energy storage system (BESS), a temporary laydown yard, a batch plant, Operations and Maintenance (O&M) Facility (includes a building and parking areas), access roads, temporary crane paths, and associated facilities (the Project or Facility) on approximately 10,969 acres of private land and 1,359 acres of Idaho Department of Lands (IDL) property in an unincorporated area of Elmore County in southwest Idaho (Map 1).

The Project encompasses approximately 12,328 acres (Project Area) of which approximately 7,109 acres are designated for wind development (Wind Project Area) and approximately 5,063 acres are designated for solar development (Solar Project Area) and a potential solar expansion area (Potential Future Solar Area). A previous Conditional Use Permit (CUP) application was prepared as required by the Elmore County Zoning and Development Ordinance.

In support of the CUP application, comprehensive environmental and cultural assessments were conducted of the Project Area and surrounding area (Study Area). These studies were used to inform the applicable sections of this MSP.

This MSP herein meets or exceeds Elmore County's standards for the MSP and is consistent with the goals and objectives of the Comprehensive Plan. The MSP is being submitted concurrently with other required applications to conform to the Elmore County Zoning and Development Ordinance. A complete review of the applicable standards and criteria described in Elmore County's Zoning Ordinance, Chapter 6, is included in this MSP.



Map 1: Project Area

2.0 Master Site Plan Compliance Checklist

This section is organized based on the applicable sections of Chapter 6, Master Site Plan Requirements, of the amended zoning and development ordinance (Elmore County, 2018). Specifically, Section 10-6-4 (General Required Standards), Section 10-6-5 (Natural Features Analysis Standards), Section 10-6-6 (Other Required Standards), and Section 10-6-7 (Required Findings) are addressed.

10-6-4: General Required Standards:
In addition to the applicable design and dimensional standards of this Ordinance, the site development (as depicted by the master site plan) shall meet the following standards, as applicable to all proposed development listed in Subsection 10-6-3 (A) and/or any common or quasi-public facility or structure located within a subdivision or condominium project shall comply with the following:

10-6-4-(A) Location of Structures on the Site.

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

The development will not be open to the public to ensure the safety of the community. Additional information and mapping is provided in Section 3.1.

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

The proposed Project will be designed, constructed, operated, and maintained in a way that is harmonious and appropriate in appearance with the existing or intended character of the general vicinity. The Project is located in an unincorporated rural area and surrounded by undeveloped public and private properties. There are 7 residential dwellings within the Project Area.

The structures vary throughout the Project Area to include wind turbines, solar arrays, and BESS facilities and provide a more varied outward appearance as a result. Additionally, buffering and setbacks will be implemented to reduce visual impacts from public road rights-of-way.

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

The Project will not include multi-family housing structures.

10-6-4(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

The Project, once operational, anticipates having a business office, to be located in an existing commercial office space, that will be open to the public and which will comply with the above Code. The onsite Project O&M building and other Project facilities are not open to the public and are not designed to comply with this section of the Code.

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

The O&M Facility will provide general parking areas for Project personnel as shown on Map 3.

10-6-4(B)(2)(a) Safe and well-defined pedestrian walkways from structures to each parking space, from structures to the abutting streets, and among structures on the same site; and

The Project will not include pedestrian walkways. Project facilities will only be accessible to employees and contractors.

10-6-4(B)(2)(b) Where a walkway is within ten (10') feet of a street, it shall be separated from the street shoulder by curbs, intervening vegetation, and/or swales; and

Not applicable.

10-6-4(B)(2)(c) Where a walkway is within a parking area and/or abuts driving aisles and/or parking spaces, the walkway shall be striped to indicate a pedestrian crossing and separated by curbs, and/or intervening vegetation, and/or wheel restraints; and

Not applicable.

10-6-4(B)(2)(d) Where a walkway crosses a driving aisle, the crossing shall have a different paving texture and/or material or shall be striped to indicate a pedestrian crossing; and

Not applicable.

10-6-4(B)(2)(e) All walkways, parking areas, crossings, and paths shall comply with the ADA or the Ordinance whichever is more restrictive; and

The Applicant will comply with the most restrictive applicable requirements for all walkways, parking areas, crossings, and paths.

10-6-4(B)(2)(f) Handicapped parking spaces and facilities shall be located and situated as close to the main entrance of the structure as physically possible and shall comply with the ADA or building code whichever is more restrictive.

Any handicapped parking spaces and facilities would be located as close to the main entrance of the O&M building as physically possible. The Applicant will comply with the most restrictive applicable requirements.

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

10-6-4(B)(3)(a) Pedestrian and bicycle walkways that link abutting parks, schools, neighborhoods, and commercial areas to the greatest possible extent; and

Not applicable. The Project will not include public pedestrian or bicycle walkways.

10-6-4(B)(3)(b) Trails and bicycle routes that link to abutting trail networks as designated by the applicable pathways plan or the applicable Comprehensive Plan.

Not applicable. The Project will not include trails or bicycle routes.

10-6-4(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;

Project access roads will be designed to comply with the Glenns Ferry Highway District requirements and provide safe access to the proposed facilities and affiliated workspace areas. Project facilities will only be accessible to employees and contractors. Parking and access roads are discussed in Section 3.2.

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

Not applicable.

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

Access Roads have been designed with appropriate spacing for deliver vehicles and are shown on Maps 2b and 2c. Parking areas and access roads are discussed in Section 3.2.

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

Access Roads have been designed with adequate internal circulation and are shown on Maps 2b and 2c. Parking and access roads are discussed in Section 3.2.

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.

Proposed parking areas are associated with the O&M Facility, Substation, and the BESS. The parking areas associated with the O&M building are shown on Map 3. Parking and access roads are discussed in Section 3.2.

10-6-4(D). Additional Off-Street Parking Design Standards:

Not applicable. The Project will not provide off-street parking.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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.

Not applicable.

10-6-5: Natural Features Analysis Standards:

10-6-5(A). Natural Features Analysis: The master site plan shall include the following features which, shall be mapped, and described, or noted as not applicable in the natural features analysis plan:

10-6-5(A)(1). Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site; and

The Project Area includes many ditches and drainages. A hydrology study and floodplain analysis were conducted to determine water depths, velocities and 100-year water surface and floodplain elevations of the Project Area. Detailed information on the floodplain analysis, including WSEs and FPEs at each facility (Wind Facility, Solar Facility, O&M Facility,

BESS and Substation), along with maps, were submitted as part of the Floodplain Permit application. An analysis of all water features throughout the site can be found in Section 4.1.

10-6-5(A)(2). Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Elmore County Soils Survey (United States Department of Agriculture, Natural Resources Conservation Service); and

A soil analysis of the types of soil present within the Project Area including prime farmland, aquifer recharge areas, unstable soils, and soils most susceptible to erosion is provided in Section 4.2.

10-6-5(A)(3). Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty-five (25%) percent, between fifteen (15%) percent and twenty-five (25%) percent, between eight (8%) percent and fifteen (15%) percent, and less than eight (8%) percent. Contour lines based on USGS datum of 1988 with intervals of not more than five (5') feet for properties with a general slope of greater than five (5%) percent, or intervals of not more than two (2') feet for properties with a general slope of less than or equal to five (5%) percent. Contour lines shall extend a minimum of three hundred (300') feet beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility as determined or required by the Director or County Engineer; and

Elevation ranges from 3,068 to 3,514 feet above mean sea level (amsl). A steep slope analysis was performed to identify all areas with slopes greater than 15%. Slope areas greater than twenty-five (25%) percent, between fifteen (15%) percent and twenty-five (25%) percent, between eight (8%) percent and fifteen (15%) percent, and less than eight (8%) percent. A detailed slope map (Map 6) was created that shows each slope category and Project facilities. Map 6 is being provided separately due to its size. Additional information and mapping are provided in Section 4.3.

10-6-5(A)(4). Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species; and

An analysis of existing vegetation can be found in Section 4.4.

10-6-5(A)(5). Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho Conservation Data Center (State of Idaho Department of Fish and Game). The site development shall minimize adverse impacts to sensitive plant and animal species through site design or approved mitigation programs; and

To support the development of the Project, Westwood was engaged to conduct a variety of baseline biological surveys to identify biological resources that may occur within the Project Area and additional buffer areas (Study Area) in accordance with the Tier 3 Field

Studies set forth in the United States Fish and Wildlife Service's (USFWS) Land-based Wind Energy Guidelines (WEGs)(USFWS 2012). A discussion of the reviews and mitigation can be found in Section 4.4.

10-6-5(A)(6). Historic Resources: Analysis of existing historic resources as identified on the Elmore County Historic Resources Inventory. The proposed development shall conserve identified historic resources to the greatest extent possible; and

A cultural literature review was conducted on December 29, 2020, and updated on March 8, 2023. The findings and recommendations can be found in Section 4.5.

10-6-5(A)(7). Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered; and

A Phase I Environmental Site Assessment (ESA) was completed on March 2, 2023. The findings of the assessment and details regarding additional hazards can be found in Section 4.6. Also, a Steep Slope Analysis was performed and provided to the County under separate cover. A hydrology Study was also performed, and Floodplain Applications submitted for the Wind Facility, Solar Facility, O&M Facility, BESS and Substation. In addition, a detailed survey of the Project site was performed to identify the location of underground infrastructure and ensure the Project's ability to avoid these locations, or where necessary, obtain the necessary crossing agreements.

10-6-5(A)(8). Impact on Natural Features: The applicant shall provide a written statement explaining how the design of the plan protects or mitigates impacts on the natural features of the site.

An explanation of how the design of the Project will mitigate impacts on the natural features of the site can be found in Section 4.7.

10-6-6. Other Required Standards:

10-6-6(A). Screening: The master site plan shall provide landscaping and screening consistent with this Ordinance, unless otherwise exempt.

The Applicant does not anticipate the need for the implementation of a landscaping and screening plan to meet Ordinance requirements.

10-6-6(B). Drainage: An increase in an impervious surface area of one thousand (1,000') square feet or ten (10%) percent of the property area, whichever is less, shall require a drainage study. The master site plan shall incorporate natural watercourses and above grade drainage ways into the site design to minimize the need for culverts, pipe systems, and concrete channels.

The turbine foundations, Substation, BESS and O&M Facility represent the impervious surfaces within the Project and comprise less than 0.25% of the approximately 13,000-acres, which comprise the Project site. The remainder of the constructed surfaces will be pervious. The

dispersed nature of the impervious Project surfaces makes a Project drainages study impractical. If it is determined that drainage study would be beneficial, a study can be performed and provided as supplemental information, once the study parameters are determined.

10-6-6(C). Water Supply and Sewage Disposal:

The Project will provide provisions for water supply and sewage disposal and show the location of both features (see Section 5.3 and Map 3 for more information).

10-6-6(C)(1). The master site plan shall provide adequate provision for water supply and sewage disposal in accordance with the regulations of this Ordinance; and

The Applicant will install a well and septic system to serve the limited potable water and sewer requirements of the O&M Building. Map 3 shows the general area of the septic system that will be constructed for the O&M Building.

10-6-6(C)(2). The master site plan shall show all well locations and subsurface disposal areas for wastewater treatment systems; and

Map 4 shows all well locations. Map 4 can be found in Section 4.1. Map 3 shows the general area of the well and septic system that will be constructed for the O&M Building.

10-6-6(C)(3). The master site plan shall indicate the required firefighting resources, as evidenced by written certification by the appropriate fire authority. Such resources shall include, but are not limited to, proper access for fire trucks, fire flow hydrants, pumper access stations, and/or defensible space. If the subject development is not located within a fire district, then the requirements of the Wildland Urban Interface for this Ordinance and shall be complied with and the master site plan shall demonstrate compliance.

The Project Area is located outside of the established Elmore County Fire Districts. The Project has entered into discussions with the Elmore County Fire District and Project landowners regarding incorporating the lands upon which the Project is to be located into the Elmore County Fire District. It is anticipated that the process of expanding the Elmore County Fire District to include the Project site will be completed prior to the commencement of Project operations, if not prior to the commencement of construction.

In addition, the Project is located within and served by the Mountain Home Rangeland Fire Protection Association (RFPA). RFPA's add firefighting capacity where protection services are limited or not available. Public IDL and BLM lands adjacent to the Project Area are also within the Mountain Home RFPA. IDL lands are serviced by IDL Fire Management (in partnership with Mountain Home RFPA and with the support of rural volunteer fire departments and other partners). The BLM Boise Fire District, Four Rivers Field Office, carries out the on-the-ground fire management. Discussions are underway to determine how best to work jointly with these organizations to manage fire risks within the area.

10-6-6(D). Filling, Excavation, and Earthmoving: Filling, excavation, and earthmoving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum and shall

comply with the following:

The Applicant is committed to preserving soils as much as is practicable. Construction best management practices and all requirements of 10-6-6(D) can be found in Section 5.4.

10-6-6(D)(1). Building design, parking lots, and other site development elements shall fit, respect and be oriented to existing topography and natural surroundings to the fullest extent possible in order to keep filling, excavation, and earthmoving activity to a minimum; and

10-6-6(D)(2). The area disturbed by stripping of vegetation, soil removal, and regrading shall be the minimum necessary at any one time; and

10-6-6(D)(3). The master site plan shall propose permanent soil erosion measures for all slopes and disturbed areas. Such stabilization measures shall be completed within fifteen (15) days after final grading has been completed; and

10-6-6(D)(4). Until a disturbed area is stabilized, sediment and runoff shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.

10-6-6(E). Irrigation Services and Delivery Systems: The master site plan shall provide a detailed plan and documentation demonstrating that the preservation of gravity flow irrigation systems on site and downstream from the site shall be preserved and maintained and shall not be altered or modified without the written approval of the landowners that may be impacted and the applicable Irrigation District.

Culverts, stormwater basins, and low water crossings will be constructed to avoid altering or modifying existing drainage patterns, to maintain and preserve onsite and downstream gravity flow irrigation systems and to manage stormwater. More information is provided in Section 5.5.

10-6-6(E)(1). The proposed development shall not modify irrigation canals, ditches, laterals, and associated rights of way without written approval of the applicable Irrigation District and landowners affected; and

No irrigation canals, ditches, laterals, or associated right-of-way will be modified.

10-6-6(E)(2). When property is converted from an agricultural to a nonagricultural use, the applicant or owner shall provide a pressurized irrigation system or similarly efficient delivery system as approved by the Director.

In areas where there are no proposed Project facilities, landowners will be able to continue using their agricultural land. As part of the design process, the Project team coordinated with participating landowners to identify areas where irrigated crops existed and were not to be disturbed. These areas have been avoided. In the limited areas where Project facilities will prevent the continued cultivation of crops, the Project and landowners have established plans to relocate the supporting irrigation system.

10-6-6(F) Utilities: The master site plan shall demonstrate that electrical, telephone, and

other public utilities serving the site shall be placed in a manner that is not hazardous to any property and shall demonstrate that:

The Project will not rely on public utilities. More information and proof of compliance with 10-6-6(F) is provided in Section 5.6.

10-6-6(F)(1). All utilities within the development shall be placed underground in a utility corridor or easement. The Director may waive this requirement if unique topographic or geological features of the site make it impractical; and

All collection lines connecting the turbines and solar modules to the metering locations will be placed underground. The new 230 kV electric transmission line to connect it to IPC's 230 kV Boise Bench-Midpoint #2 transmission line will be aboveground and will take electricity from the Collector Substation to the POI Substation (which serves to connect the Project to the existing transmission grid).

10-6-6(F)(2). Transformer boxes, meters, pumping stations, and other components of the utility system located aboveground shall be sited and buffered in accordance with the screening standards of this Ordinance.

As shown on Maps 2a-c, utility system components are in compliance with County buffering requirements.

10-6-6(G). Maintenance:

Maintenance practices and proof of compliance with 10-6-6(G)(1) can be found in Section 5.7.

10-6-6(G)(1). The master site plan shall demonstrate that the applicant or owner shall have a continuous obligation to provide for security, trash collection, and any other nuisance that may be created on the site, and to maintain the site in a neat and orderly manner.

The Applicant, or designated contractor, will be responsible for providing security, trash collection and other housekeeping needed to maintain a clean and safe environment.

10-6-6(G)(2). The master site plan shall demonstrate that any proposed drainage system shall be maintained by the property owner, homeowners' association, or irrigation or drainage entity, as applicable.

The Project does not anticipate the installation of a Project-wide drainage system. The Project will maintain all culverts and low water crossings installed to preserve the existing natural drainage and irrigation systems.

10-6-6(H). Supplemental Information, Modifications: The Director, County Engineer, Commission, and/or Board may require supplemental information or modifications to the master site plan where, in their opinion, the proposed site planning has not sufficiently addressed the existing natural features.

Supplemental information will be provided upon request.

10-6-6(I). Alternative Master Site Plan: The Director may approve, or recommend approval of, an alternative master site plan, when the overall design, as proposed by the applicant, meets the intent and the requirements of this Ordinance and shall not be detrimental to the public health, safety, and welfare.

The Applicant requests approval for this Master Site Plan and will provide additional information as the project detail design is further advanced.

10-6-7. Required Findings:

10-6-7(A). In order to approve the master site plan, the Director shall find the following:

10-6-7(A)(1). The master site plan complies with the applicable Comprehensive Plan; and

Documentation of compliance can be found in Section 2.0 and throughout this document.

10-6-7(A)(2). When applicable, the master site plan complies with Section 10-6-4 General Required Standards; in regards to:

Requirements of 10-6-7(A)(2)(a-d) can be found in Section 3.0.

10-6-7(A)(2)(a). Location of Structures on the site; and

10-6-7(A)(2)(b). Non-Vehicular Access and Internal Circulation; and

10-6-7(A)(2)(c). Automobile Access and Internal Circulation; and

10-6-7(A)(2)(d). Additional Off-Street Parking Design Standards.

10-6-7(A)(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 addresses:

Requirements of 10-6-7(A)(3(a-d)) can be found in Section 4.0.

10-6-7(A)(3)(a). Any natural constraints detected or observed; and

10-6-7(A)(3)(b). Historical and Cultural Resources; and

10-6-7(A)(3)(c). Sensitive Plant and Wildlife Species; and

10-6-7(A)(3)(d). Any Impacts on Natural Features.

10-6-7(A)(4). The master site plan complies with Section 10-6-6 Other Required Standards; in regards to:

Requirements of 10-6-7(A)(4)(a-i) can be found in Section 5.0.

10-6-7(A)(4)(a). Screening; and

10-6-7(A)(4)(b). Drainage; and

10-6-7(A)(4)(c). Water Supply and Sewage Disposal; and

10-6-7(A)(4)(d). Filling, Excavation, and Earthmoving; and

10-6-7(A)(4)(e). Irrigation Services and Delivery Systems; and

10-6-7(A)(4)(f). Utilities; and

10-6-7(A)(4)(g). Maintenance; and

10-6-7(A)(4)(h). Supplemental Information; and

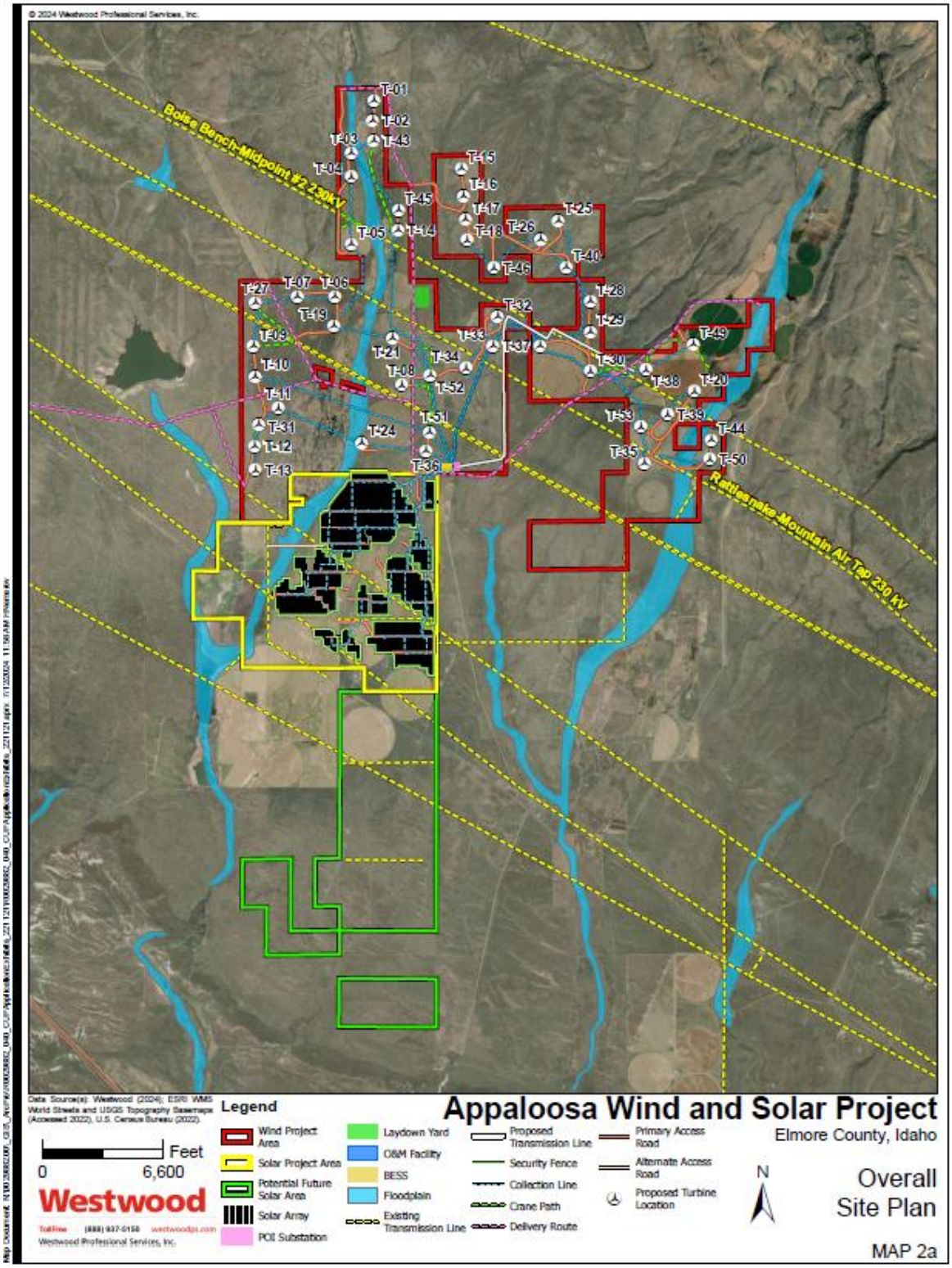
10-6-7(A)(4)(i). Alternate Site Development.

3.0 Project Site Plans

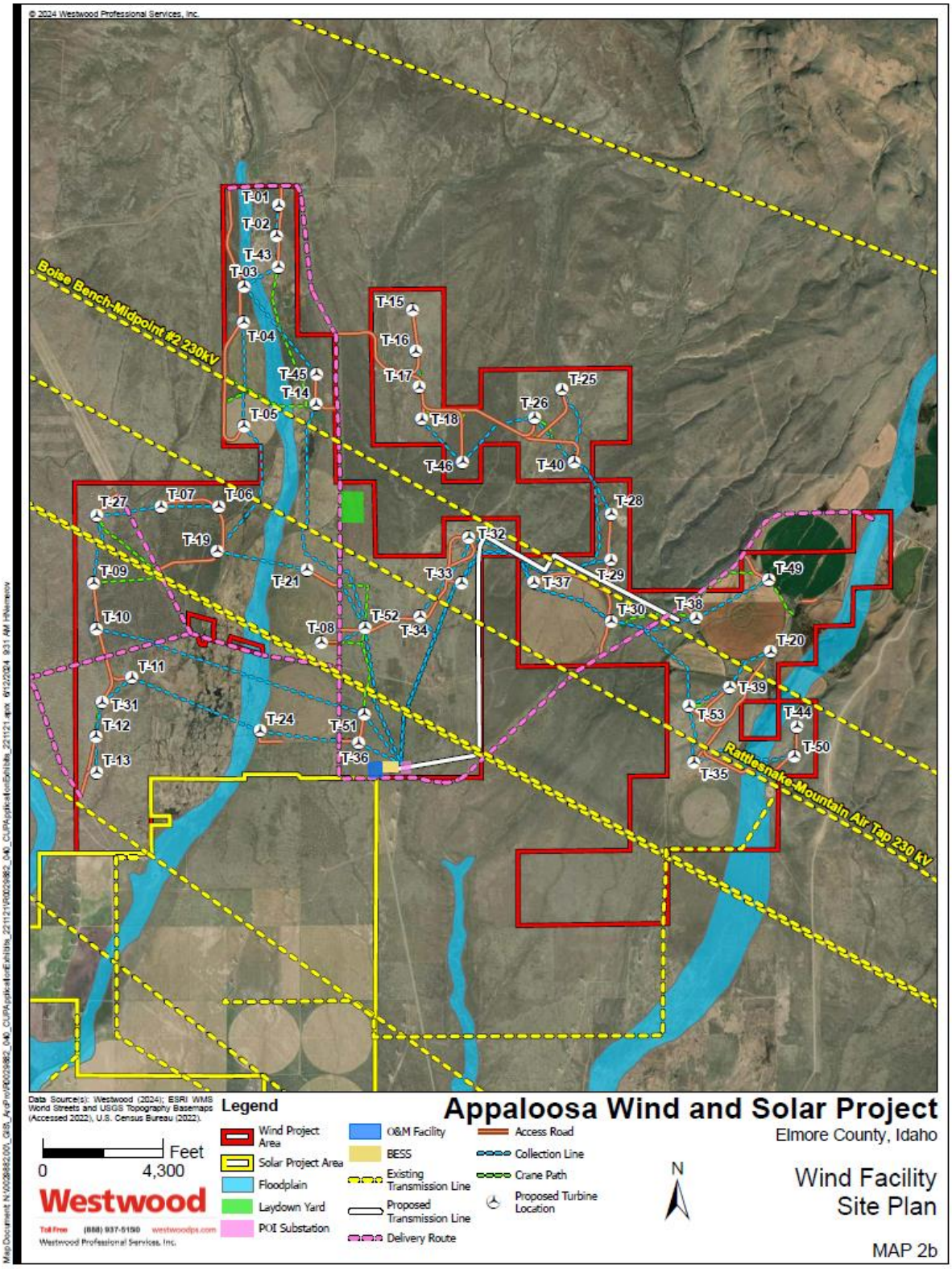
3.1 Location of Structures on the Site

Maps 2a, 2b and 2c include a detailed site plan and show all pertinent aspects of the temporary, permanent, and future Project features discussed in this MSP. The location of these features is subject to change; however, any relocation of these features will remain within the Project Area and the County shall be kept abreast of any relocations of more than 500 feet. The site plan map (see Map 2a) includes a 2-D computer rendering, to scale, of all proposed Facility locations. Map 7 includes engineering drawings of the overall site plan for Project facilities (wind, solar, and BESS), the haul routes and delivery flow plan, and the overall site grading plan. Map 7 is provided separately due to size.

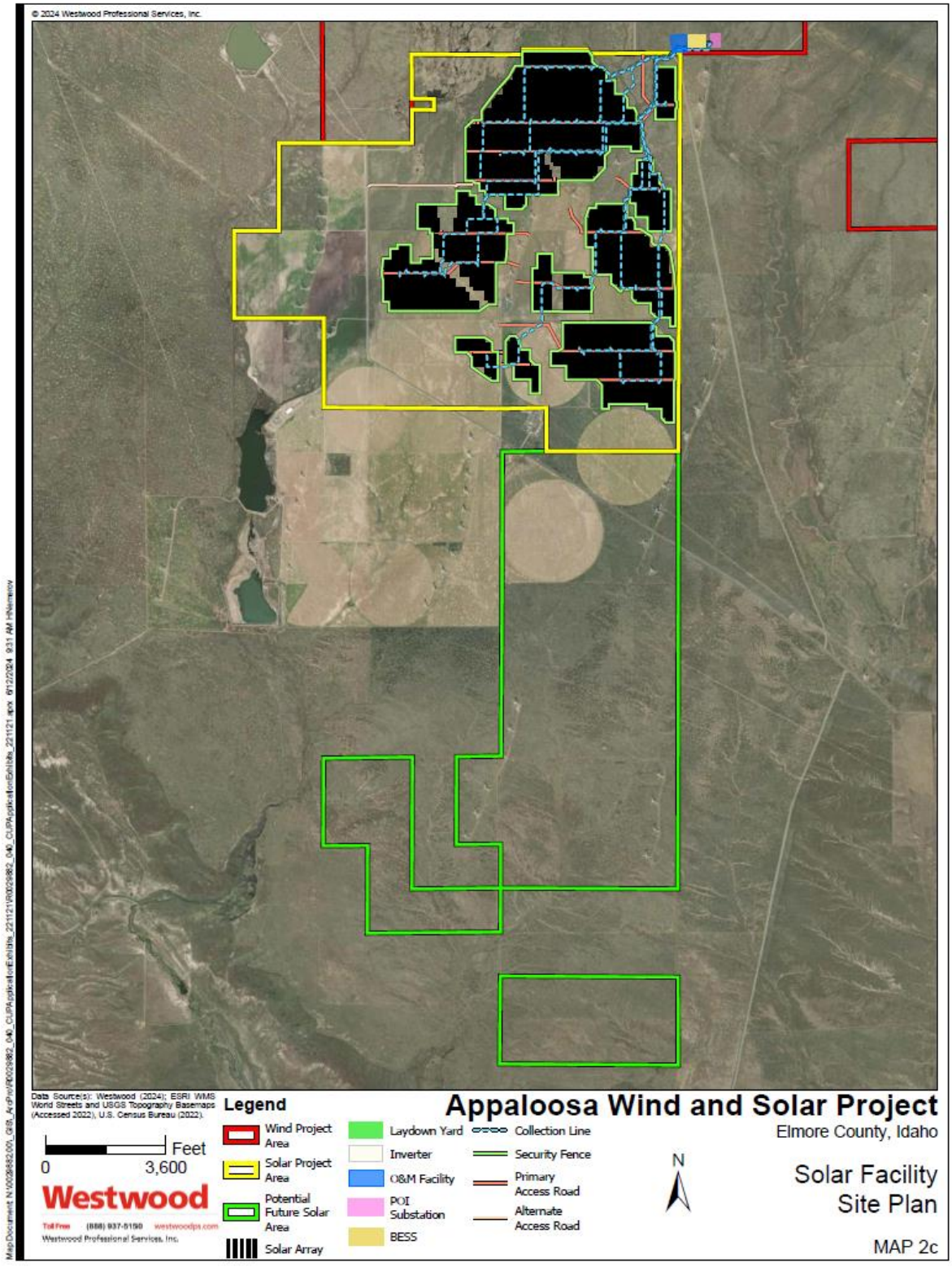
The proposed placement of structures facilitates the efficiency of the Project and the safety of the community. A viewshed analysis can be found in the Conditional Use Permit application.



Map 2a: Overall Site Plan



Map 2b: Wind Facility Site Plan



Map 2c: Solar Facility Site Plan

3.2 Parking and Access Roads

3.2.1 Wind Facility

The Project will require the construction of new roads and improved ingress and egress routes, as well as temporary crane paths to provide access to the proposed turbines and affiliated workspace areas. The total length of access roads required to service all proposed wind turbine locations is approximately 16.7 miles and the total length of temporary crane paths is approximately 6.6 miles.

During construction, access road installation and use could result in temporary soil disturbance of a maximum width of 32 feet, and temporary crane path installation could result in up to 30 feet of temporary soil disturbance along the paths. The access roads will be gravel-surfaced and typically 16 feet in finished width. Upon completion of construction, temporary crane paths will be restored to their preconstruction conditions. The proposed access roads and temporary crane paths are shown on Maps 2b and 2c.

The typical finished access road will be no greater than 16 feet in width with occasional wider pull-offs to accommodate passing vehicles, and temporary earthen shoulders on either side to accommodate crane traffic.

Access roads and parking will also be constructed at the O&M Facility. The O&M Facility includes a building, parking areas, storage areas, a water supply well, and a septic system for sewage disposal. A typical O&M building is shown in Image 1. The O&M Facility will be approximately 5 acres in size and located adjacent to the Project BESS and Substation, along the northside of SE Ross Road (see Map 2b). General areas for parking within the O&M Facility are shown on Map 3.

3.2.2 Solar Facility

Access roads will be constructed within the Solar Project Area to provide access to the proposed solar arrays and affiliated workspace areas. The total length of access roads required to service the 10 solar blocks is approximately 8.2 miles.

During construction, access road installation and use could result in temporary soil disturbance of a maximum width of 30 feet. The proposed access roads are shown on Maps 2b and 2c.

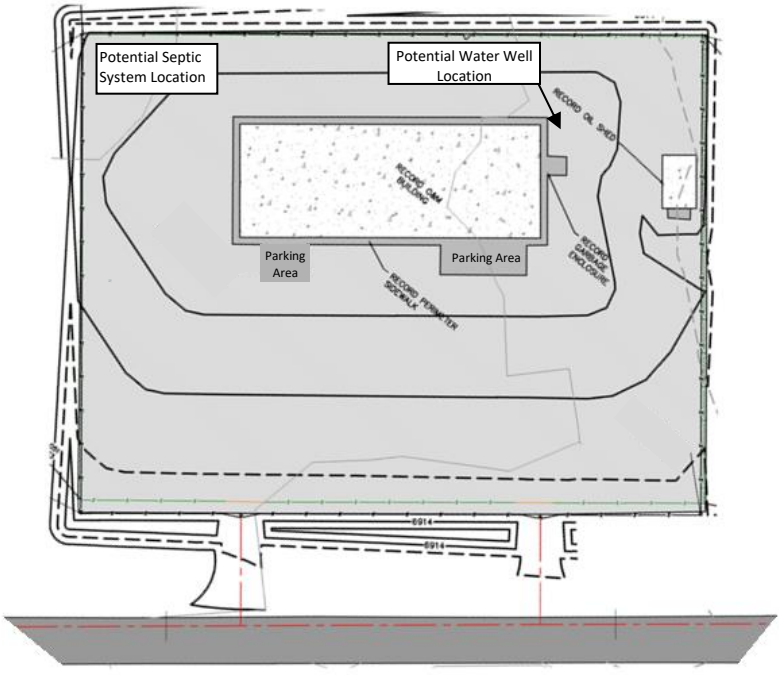
The typical finished access road will be no greater than 16 feet in width with occasional wider pull-offs to accommodate passing vehicles, and temporary earthen shoulders on either side to accommodate equipment traffic. A detailed site plan is provided on Map 2c.

3.2.3 BESS

An access road will be constructed within the BESS to provide access to the storage units, battery inverters, and the two auxiliary equipment units. The access road will allow two points of entry to the BESS from SE Ross Road/Rye Grass Cut Off Road. The total length of access road required to service the BESS is approximately 0.3 mile.

During construction, access road installation and use could result in temporary soil disturbance of a maximum width of 30 feet. The access road will be gravel-surfaced. The typical finished access road will be no greater than 20 feet in width. The proposed access roads are shown on Maps 2b and 2c.

Image 1: Typical O&M Building



Map 3: Typical O&M Facility Layout

4.0 Natural Features Analysis

4.1 Hydrology

The Project Area spans across two watersheds in southwestern Idaho. Watersheds include the Cold Springs Creek – Snake River Watershed (HUC 10: 1705010106; 119,910 acres), and the Bennett Creek – Snake River Watershed (HUC 10: 1705010108; 166,810 acres). The Snake River is the largest river in the region at 1,078 miles long. There are four named waterways that are within the Project Area including Bennett Creek, Ryegrass Creek, Hot Springs Creek, and Cold Springs Creek.

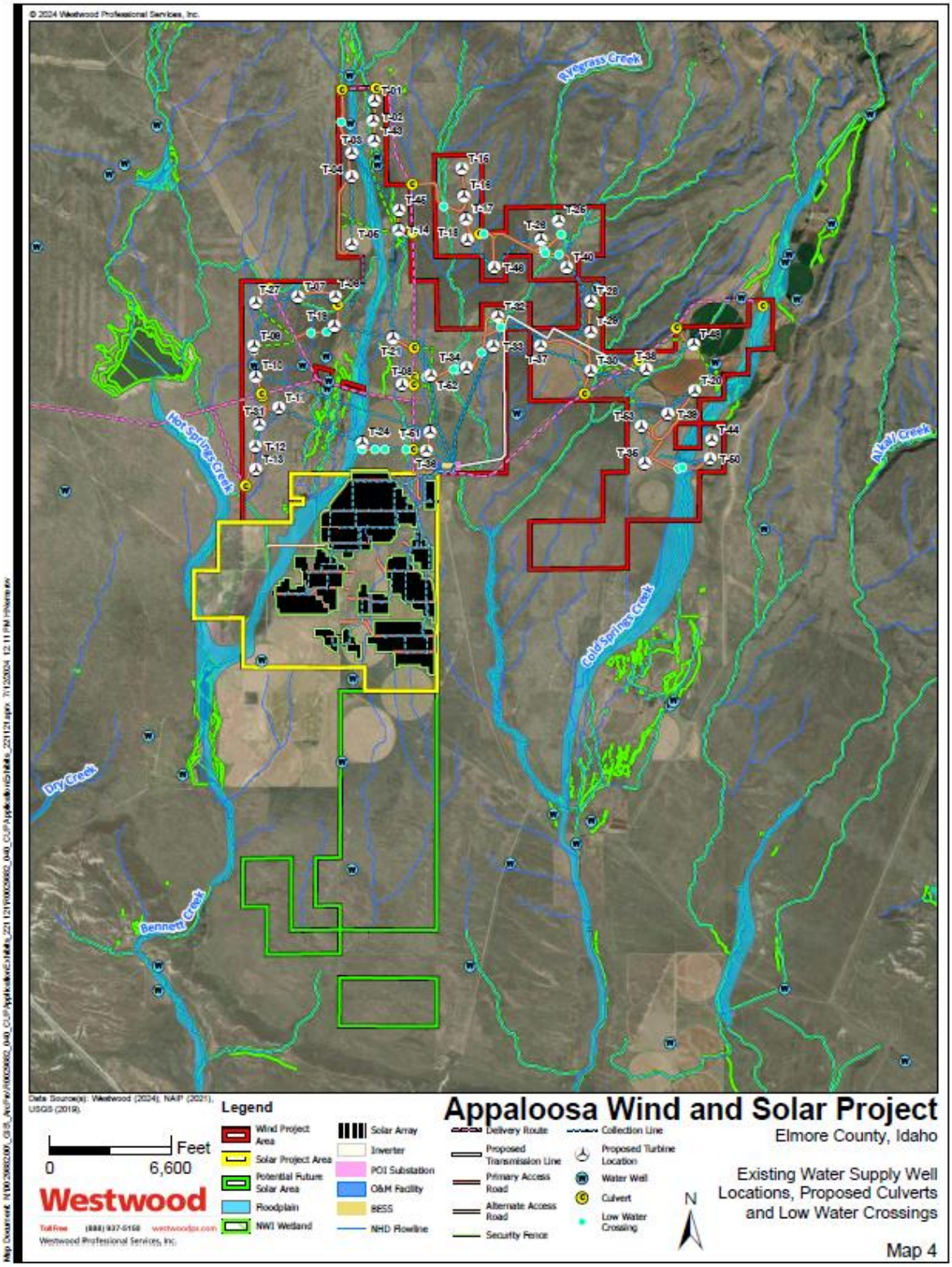
FEMA has completed a study to determine flood hazards for the selected location; the project area is covered by panels 1602120650B, 1602120625C, 1602120750B, and 1602120775B. The flood zones can be seen on Map 2a. Hot Spring Creek, Bennett Creek, and Cold Spring Creek all have FEMA Zone A flood hazards associated with them which intersect the project boundary. A FEMA Zone A flood hazard is a 100-year flood hazard with no base flood elevation determined. Ryegrass Creek has a FEMA Zone A flood hazard associated with it as well; however, the flood hazard does not begin until downstream of the project limits.

Westwood was engaged to conduct a hydrology study and floodplain analysis to determine water depths, velocities and 100-year water surface and floodplain elevations of the Project Area. The hydrology analysis showed low to moderate water depths and velocities across the majority of the Project Area and therefore no significant flood risks exist. See the Conditional Use Permit for the complete hydrological study. The floodplain analysis provided water surface elevations (WSEs) and floodplain elevations (FPEs) across the entire Project Area and for each facility (Wind, Solar, O&M, BESS, and Substation). Areas proposed for construction are not within a FEMA 100-year floodplain or a regulatory floodway. Detailed information on the floodplain analysis, including WSEs and FPEs at each facility, along with maps, was submitted as part of the Floodplain Permit application.

Westwood also field-delineated wetlands and watercourses within the Project Area in 2023. A total of 46 wetlands (72 acres) and 133 watercourses (13 acres; 950,782 linear feet) were delineated. See the CUP for the complete Wetland Delineation Report.

The Applicant anticipates the need to obtain a construction stormwater permit under the Idaho Pollutant Discharge Elimination System (IPDES). Construction storm water permits include requirements for erosion and sediment control, pollution prevention, and site stabilization. As part of the permit, a storm water pollution prevention plan (SWPPP) will be prepared to document the temporary and permanent BMPs to be used on the site to reduce or prevent the discharge of pollutants. The Project will not impact groundwater resources.

Map 4 depicts all water supply well locations, and proposed culverts and low water crossings to be constructed to maintain drainage.



Map 4: Well Locations and Proposed Culverts and Low Water Crossings

4.2 Soils

An analysis of soil types in the Project Area including identification of prime farmland, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development was conducted using Elmore County Soils Survey (Soil Survey Staff, 2024). Map 5 shows the soil types and their farmland classifications within the Project Area.

4.2.1 Farmland Classification

The Project Area includes several types of soil but is generally made up of silty loam (54.3%) and well-drained complex soils (32.3%). A majority of the soils are classified as prime farmland if irrigated (59.1%). Other classifications include farmland of statewide importance if irrigated (10.6%), not prime farmland (30%), and prime farmland if irrigated and reclaimed of excess salts and sodium (0.3%).

4.2.2 Erosion Susceptibility

Soils having a high silt content, as do the soils present in the Project Area, are especially susceptible to erosion. Erosion susceptibility is determined by the soil-erodibility factor K. Low K values (0.05-0.25) represent a low risk of erosion/runoff, moderate K values (0.25-0.45) represent a moderate risk, and high K values (around 0/45-0/65) represent a high risk of erosion/runoff. Roughly 32% of the soils within the Project Area have a low risk of erosion. The majority of the soils have a high risk of erosion (55%) and a fraction of the soils (13%) have a moderate risk of erosion.

4.2.3 Aquifer Recharge Areas

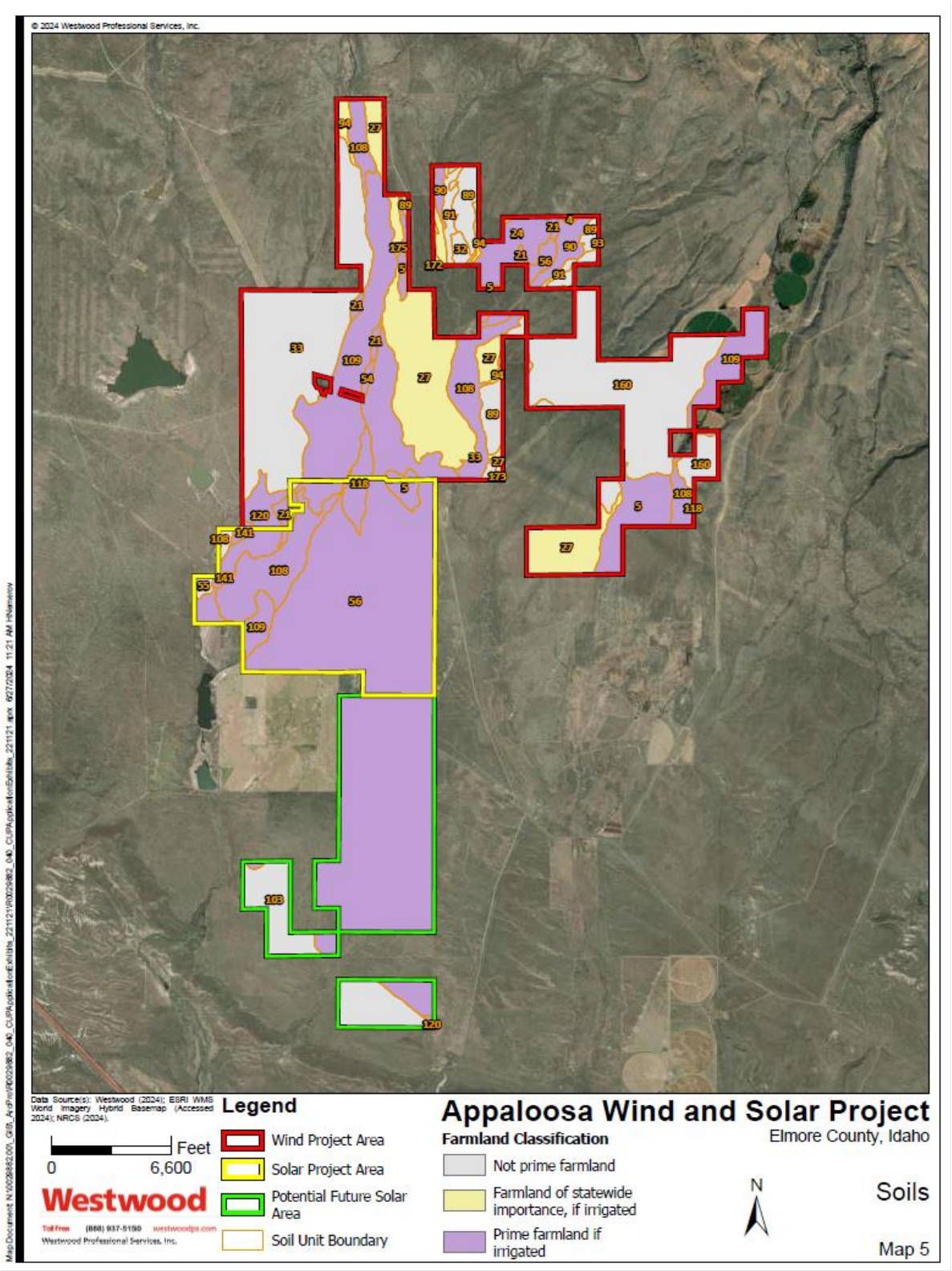
An aquifer is a layer of underground rock or sand which stores and carries water. A recharge area is the place where water is able to seep into the ground and refill an aquifer because no confining layer is present. The Project is located in the Snake River watershed, which is the extent of the area drained by the Snake River and which contributes to the Snake River Plain Aquifer. Additionally, the Project Area is not located in an Aquifer Recharge District (ARD). The nearest ARD is the Lower Snake River ARD located southeast of Glenns Ferry, south of Hwy 26 near Bliss, ID (Idaho Department of Water Resources, 2024a). The Project Area is also not located in a Critical Groundwater Area (CGA). The nearest CGA is located southeast of Glenns Ferry and generally abuts the western portion of the ARD (IDWR, 2024b).

4.2.4 Soils Suitable for Development

When determining soils suitable for development, the Applicant reviewed the most intrusive development type on the NRCS Web Soil Survey (Soil Survey Staff, 2024). The most severe development the site factors for is Solar Arrays, Soil-based Anchor Systems. Based on type of development, the majority of the Project Area has the rating of somewhat limited (83.1%). Somewhat limited indicates that the soil has features that are moderately favorable for the specified use (i.e. solar installation). The limitations can be overcome or minimized by special planning, design, or installation. The other 16.9% of the Project Area includes soils have a rating of "very limited." Very limited indicates that the soil has one or more features that are unfavorable for the specified use.

While a minority of soils are at risk of erosion and are not favorable for installation, the Applicant will mitigate these issues through planning and best management practices (BMPs). Prior to

construction, the Applicant will work with engineers to outline the reasonable methods for erosion control BMPs and prepare the SWPPP.



Map 5: Soils Map

During operation of the Project, ongoing soil compaction could occur from the use of access roads. This impact is expected to be negligible, confined to the roadbed and mainly from relatively light duty maintenance vehicles. Overall, the Project is expected to reduce the potential for erosion by establishing permanent vegetation in certain areas, in contrast to the current amount of exposed soils common to row cropping in the existing agriculture fields. Potential erosion will be further minimized by dressing access roads with gravel and installing culverts under access roads where necessary to redirect concentrated surface water runoff and maintain natural flows. Erosion control measures would primarily include silt fencing on the downside of all hills, near waterways, and near drain tile inlets. This silt fencing would control soil erosion via stormwater. Check dams and straw waddles will also be used to slow water during rain events in areas that have the potential for high volume flow. In addition, the Applicant can use erosion control blankets on any steep slopes. Lastly, as outlined above, topsoil and sub-grade material will be piled and loosely compacted and / or "tracked" while stored. The BMPs employed to mitigate wind and stormwater erosion on these soil stockpiles will include installing silt fence on the downward side of the piles as needed and installation of straw waddles if these spoil piles are located near waterways.

4.3 Topography

Elevation ranges from 3,068 to 3,514 feet above mean sea level (amsl). Surrounding lands consist of shrub/scrub and sagebrush-steppe habitat, cultivated crops, local and state roads, and other residential homes. The Project Area is relatively flat with features throughout with steeper slopes. A majority of the Project Area (94.04%) has slopes less than 8%. Furthermore, land with slopes 8-15% makes up 3.74%, land with 15-25% slopes making up 1.75%, and land with slopes above 25% make up 0.47% of the Project Area. Map 6 shows these slope categories and topography of the Project Area.

4.4 Sensitive Plant and Wildlife Species

To support the development of the Project, Westwood was engaged to conduct a variety of baseline biological surveys to identify biological resources that may occur within the Project Area and additional buffer areas (Study Area) in accordance with the Tier 3 Field Studies set forth in the United States Fish and Wildlife Service's (**USFWS**) Land-based Wind Energy Guidelines (**WEGs**) (USFWS 2012). These studies include fixed-point count avian and eagle surveys, aerial eagle and raptor nest surveys, aerial Greater Sage-grouse (*Centrocercus urophasianus*) lek surveys, and passive acoustic bat monitoring. These surveys serve to provide the information needed to address questions posed under Tier 1, Tier 2 and Tier 3 of the WEGs and determine if Tier 4 or Tier 5 studies are necessary (USFWS, 2012). Results of the wildlife surveys are presented below.

4.4.1 Common Wildlife Species Review

Coyote (*Canis latrans*), bobcat (*Lynx rufus*), red fox (*Vulpes vulpes*), elk (*Cervus canadensis*), mule deer (*Odocoileus hemionus*), and pronghorn (*Antilocapra americana*) are the primary large mammalian species found in the region (iNaturalist 2022a, IDFG 2020a). In addition, the region is home to smaller mammals such as the American badger (*Taxidea taxus*), striped skunk (*Mephitis mephitis)*, fox squirrel (*Sciurus niger*), black-tailed jackrabbit (*Lepus californicus*), mountain cottontail (*Sylvilagus nuttallii*), and Piute ground squirrel (*Urocitellus mollis*) (iNaturalist 2022b). A ground squirrel colony encompasses approximately the western 1/3 of the Project Area and surrounding western vicinity. Avian species commonly found in the region include the Horned Lark (*Eremophila alpestris*), Western Meadowlark (*Sternella neglecta*), Brewer's Sparrow (*Spizella*

breweri), Red-winged Blackbird (*Agelaius phoeniceus*), Red-tailed Hawk (*Buteo jamaicensis*), Prairie Falcon (*Falco mexicanus*), Common Raven (*Corvus corax*), Northern Harrier (*Circus hudsonius*), Bald Eagle (*Haliaeetus leucocephalus*), and Golden Eagle (*Aquila chrysaetos*) (iNaturalist 2022b). Fish species that typically occurring in the region include minnows and suckers, with some salmonids and sculpins present. The predominant fauna of the region includes introduced livestock animals, most prolifically cattle.

4.4.2 Aerial Eagle and Raptor Nest Surveys

Westwood biologists conducted aerial raptor nest surveys on April 2 and 3, 2021, March 12, 2022, and March 27, 2023 to evaluate raptor usage of the Project Area and an associated 2-mile buffer of the Wind Project Area, and to identify nesting sites and potential areas of avoidance. Surveys were conducted prior to deciduous tree leaf-out and during the active nesting period for most raptor species in the region.

Nest status (i.e., in-use or alternate) was categorized following definitions provided in the Code of Federal Regulations (CFR) (2022). Nests were classified as in-use by the presence of one or more eggs, dependent young, or adult eagles/raptors on the nest in the past 10 days during the breeding season. An alternate nest is considered one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests (CFR, 2022).

In 2021, no raptor nests were identified during aerial raptor nest surveys within the Project Area or 2-mile buffer.

In 2022, five raptor nests were identified and documented within the Project Area or 2-mile buffer. Observed nests include one Bald Eagle nest, one Golden Eagle nest, one Prairie Falcon nest, and two Red-tailed Hawk nests. All nests were in-use except the Bald Eagle nest, which was documented as an alternate nest during the aerial flight. Due to its location on an area of private property in which flights were requested to avoid, neither up-close aerial views nor an on-the-ground field confirmation of activity status or species use was possible.

In 2023, six raptor nests were identified and documented within the Project Area or 2-mile buffer. Observed nests include one Bald Eagle nest, one Golden Eagle nest, one Prairie Falcon nest, one Great Horned Owl nest, one Red-tailed Hawk nest, and one unidentified nest. One Golden Eagle nest was within the Project Area while the other Red-tailed Hawk, Bald Eagle, Golden Eagle, Prairie Falcon, and Great Horned Owl nests were observed within the 2-mile buffer. Three nests were in-use which included one Prairie Falcon nest, one Red-tailed Hawk nest, and one Great Horned Owl nest while two Golden eagle nests, a probable Bald Eagle nest, and an old unidentified nest were documented as alternate nests during the aerial flight. The unidentified nest characteristics including size, substrate, and landscape position appear to be consistent with Bald Eagles, although no raptors were observed on or near the nest to provide confirmation. Given that the activity status of the nest could not be verified, the nest will be appropriately buffered during the design process as though it is an active Bald Eagle nest.

4.4.3 Greater Sage-Grouse Lek Surveys

Westwood biologists conducted aerial Greater Sage-grouse lek surveys on April 2 and 3, 2021, March 12, 2022, and March 27, 2023 to evaluate Greater Sage-grouse usage of the Project Area,

and to identify breeding sites and potential areas of avoidance. Surveys were conducted during the active breeding period for Greater Sage-grouse.

In 2021, no lek or Greater Sage-grouse sightings were recorded.

In 2022, no leks were recorded and three potential incidental Greater Sage-grouse sightings were observed within the Project Area. These sighting locations were visited on April 11 and 12 to field confirm the aerial survey sightings but no Greater Sage-grouse were detected; therefore, these areas were determined not be leks.

In 2023, no incidental sightings for leks were observed.

4.4.4 Pre-Construction Avian and Eagle Point Count Surveys

Westwood conducted pre-construction avian and eagle point count surveys from August 2021 through May 2023. The principal goals of the studies were to (1) provide baseline information of avian and eagle activity within the Project Area, (2) estimate potential impacts that wind power development may have on birds and eagles, and (3) provide information that would help to design a wind farm such that it minimizes the potential for bird and eagle collisions with turbines. Observations of special status species, such as federal or state listed species or Idaho Species of Greatest Conservation Need (SGCN) were documented and analyzed to assess Project-related risk to these species. Results of pre-construction avian and eagle point count surveys are summarized below.

4.4.5 Avian Point Count Surveys 2021-2022

During the 2021 - 2022 avian point count (**APC**) surveys, twelve point count locations were distributed throughout the Project Area and an associated 1-kilometer (km) buffer. Surveys were conducted one time per month during the spring (March 20 – June 19), summer (June 20 – September 21), fall (September 22 – December 20), and winter (December 21 – March 19). Surveys were conducted for 10-minute periods within 250-meter (m) radius circular plots and the information gathered during point counts was used to assess avian community composition, species-specific relative abundances, and avian spatial and temporal usage of the Study Area.

A total of 2,657 birds representing 54 species, nine species groups (e.g., passerines, raptors, etc.), and two unknown groups (e.g., unknown bird, unknown duck) were identified. Species within the passerine group were consistently the most frequently observed across all seasons during 2021 - 2022 APC surveys. Other groups containing species that occurred across all seasons include raptors, upland gamebirds, and doves and pigeons. Species within the waterfowl, shorebird, woodpecker, wading bird, and goatsucker groups were observed less consistently and typically had less than a 10 percent frequency of occurrence in the season in which they were detected. The Horned Lark, Red-winged Blackbird, and Common Redpoll were ranked within the top five most abundant species across all four seasons.

Seven of the 54 avian species (13.0 percent) identified during avian point count surveys are considered special-status species. Special-status species include those listed as threatened or endangered under the federal Endangered Species Act (ESA) of 1973, as amended; the Bald and Golden Eagle Protect Act (BGEPA) (USFWS 2018), species identified by the USFWS as Birds of Conservation Concern (BCC) (USFWS, 2021), and species identified by Idaho Department of Fish and

Game (IDFG) as SGCN (IDFG, 2016).

Of the seven special-status species observed, sixteen individuals were observed during the APC surveys. The most abundant special-status species observed were the Longbilled Curlew, Northern Harrier, and Golden Eagle. Collectively, these species comprised 75 percent of all observed special-status species.

While BCCs and SGCN are of interest to the USFWS and IDFG and they are classified as protected non-game species in Idaho, they are not afforded regulatory protections. However, Bald and Golden Eagles are protected by BGEPA and many other species are protected under the Migratory Bird Treaty Act (MBTA). No federally threatened or endangered species were observed during surveys.

4.4.6 Eagle Point Count Surveys 2021-2023

Eagle point count (**EPC**) surveys were conducted once per month from August 1, 2021 to July 31, 2023. The Eagle Conservation Plan Guidance (ECPG) recommends 800-m (0.50 mile) radius circular plots that cover a minimum of 30 percent of a Project Area within a 1-km (0.67 mile) buffer of proposed wind turbine sites (USFWS, 2013). Twelve point count locations were distributed throughout the potentially buildable portions of the Wind Project Area and associated 1 km buffer. Each eagle point count station was surveyed for 60 minutes during each visit.

Surveys occurred in all weather conditions except when visibility was poor (i.e., fog or more than light precipitation). Eagle point count stations were visited in a different order for each survey cycle so that each eagle point count station was visited at different times of the day. The time of observation and duration (minutes observed) an eagle was within the 800-m radius buffer was recorded. Observers documented flight paths of all eagles observed, as well as behavior, developmental stage (i.e., juvenile or adult), and the land cover type the individual was flying over when first observed. The date, time of survey start and end, and weather conditions were also recorded for each survey.

Twenty-four EPC survey events occurred from August 2021 – July 2023 (totaling 288 observation hours) resulting in 26 Golden Eagle and 37 Bald Eagle observations within the Project Area and associated 1 km buffer. Each eagle point count station was surveyed for 60 minutes during each visit.

There was a total of 286.5 Golden Eagle observation minutes and 881.75 Bald Eagle observation minutes within the 800-m radius during the 2021 - 2023 field season. Observations primarily occurred September – March, with fewer observations documented in April – August. EPC surveys are on-going as of November 2023.

4.4.7 Passive Acoustic Bat Monitoring

Passive acoustic bat monitoring was performed from April 9, 2022 through October 26, 2022, to document bat presence and activity within the Project Area. Acoustic monitors were installed at two (North and South) of the three meteorological evaluation towers (METs) within the Project Area. Ultrasonic microphones were installed at two different heights on the METs to capture bat activity at different strata, with one microphone installed at 5-m above ground level (AGL) and the other microphone installed at 45-m AGL. Recorders were programmed to record from one half-hour before sunset until one half-hour after sunrise each day of the monitoring period.

Fourteen bat species are known to occur in Idaho (IDFG, 1998), including the pallid bat (*Antrozous pallidus*), canyon bat, big brown bat (*Eptesicus fuscus*), spotted bat (*Euderma maculatum*), Townsend's big-eared bat (*Corynorhinus townsendii*), hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), California myotis (*Myotis californicus*), western small-footed bat (*Myotis ciliolabrum*), long-eared myotis (*Myotis evotis*), little brown bat (*Myotis lucifugus*), fringed myotis (*Myotis thysanodes*), long-legged myotis (*Myotis volans*), and Yuma bat (*Myotis yumanensis*). Of these fourteen species, five are considered Species of Greatest Conservation Need (SGCN) at the state-level, including the hoary bat, silver-haired bat, little brown bat, Townsend's big-eared bat, and western small-footed bat. The little brown bat is also currently under Species Status Assessment (**SSA**) by the USFWS for consideration of listing under the ESA.

A total of 70,783 audio files were recorded and analyses of the audio files were performed by Kaleidoscope version 5.4.2 (KaPro) (Wildlife Acoustics Inc., Maynard, MA) and Sonobat version 4.4.5 (Sonobat, Arcata, CA) programs separately. KaPro identified 16,114 as bat passes and Sonobat identified 9,622 as bat passes. KaPro and Sonobat identified call files from 13 of the 14 species known to occur in Idaho; the spotted bat was not identified by either program. KaPro and Sonobat agreed on the identification of 1,462 call files amongst the 13 species.

According to KaPro analyses, western small-footed bats, silver-haired bats, and hoary bats accounted for the most bat passes recorded, respectively. According to Sonobat analyses, silver-haired bats, hoary bats, and canyon bats accounted for the most bat passes. These results varied by MET. Cave bats accounted for more bat passes at both METs based on KaPro analysis, while Sonobat attributed migratory tree bats with a greater number of calls at both MET locations. The total number of bat passes identified by KaPro and Sonobat within the Project Area were greatest at the South MET. Similarly, the mean number of bat passes per night (± 1SE) were greatest at the South MET based on KaPro and Sonobat analyses.

Historically, migratory tree bats account for the greatest number of fatalities at wind energy facilities nationwide (Allison and Butryn, 2020b). AWWI summarized bat fatality data collected from 281 post-construction monitoring studies conducted at 198 onshore wind projects. According to the studies, migratory tree bats constituted approximately 72 percent of all fatality incidents, and the majority of all fatality incidents occurred during the time period corresponding to fall mating and migration (Allison and Butryn 2020b). Migratory tree bats were two of the top three species recorded at each MET location in the Project Area. While cave bat species typically comprise a smaller portion of fatalities, big brown bats and little brown bats are included in the top eight species found as fatalities nationwide (Allison and Butryn 202b). At the Project Area, big brown bats ranked fifth and seventh in activity according to KaPro and Sonobat, respectively, while little brown bats ranked fourth and ninth, respectively. As documented by IDFG (2020b) quality hibernating, roosting, and foraging habitat for cave bats (i.e., lava tube caves, karsts, crevices) is available in the surrounding region and, as such, risk to cave bat species cannot be eliminated.

4.4.8 Bird & Bat Conservation Strategy ("BBCS")

The Applicant developed a project specific BBCS to reduce potential impacts to birds and bats as a result of construction and operation of the proposed Project.

The BBCS incorporates recommendations and guidance from the following sources: USFWS Final Land-Based Wind Energy Guidelines (USFWS, 2012a), USFWS's Eagle Conservation Plan Guidance

(EPCG) – Module 1 – Land-based Wind Energy, Version 2 (USFWS, 2013), USFWS's Bird Protection Plan Guidelines (Avian Power Line Interaction Committee [APLIC] and USFWS, 2005), and the Edison Electric Institute's Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (APLIC, 2012). The BBCS also incorporates the results of pre-construction bird and bat studies conducted for the Project, pre- and post-construction bird and bat studies conducted at other wind facilities near the Project Area, wildlife data and reports from the IDFG, Best Management Practices (BMPs) for avoiding or minimizing potential impacts to birds and bats, and comments and recommendations that have been received to-date from the USFWS and IDFG during the Project development process.

The goal of the BBCS is to minimize or avoid potential impacts to birds and bats in a scientifically sound, and commercially reasonable manner. The Applicant intends to achieve this goal by incorporating into the BBCS the following actions:

- Implement a permanent (for the life of the Project) wildlife response and reporting system ("WRRS") immediately following Project construction and a corresponding reporting procedure for biologically significant events;
- Implement a tiered consultation strategy to guide decision-making and allow for modifications to the BBCS, based on information gathered and changes that may occur over the life of the Project; and
- Evaluate the feasibility and effectiveness of existing and new avoidance and mitigation measures and adaptive management strategies on minimizing bird and bat mortality, as appropriate.

In summary, while several special status bird and bat species were recorded within the Project Area, species population level impacts are not anticipated. This is based on Appaloosa's commitment to incorporate BMPs into the Project siting and design, construction, operations and maintenance, and decommissioning phases of the Project, to implement adaptive management techniques into their operational process where appropriate and avoid sensitive habitat within the Project Area to the greatest extent practicable.

4.5 Historic Resources

Westwood conducted a literature review on December 29, 2020 to provide an inventory of the recorded archaeological sites, historic standing structures, and other previously recorded cultural resources within the proposed Project area at the time. The report was further updated on March 8, 2023. A one-mile buffer was also examined ("Study Area") in order to give an idea of site types which could potentially be identified in the Project area during future field investigations. The search was performed by examining cultural resource inventory data provided by the Idaho State Historic Preservation Office (SHPO). The Archaeological Survey of Idaho maintains the SHPO database of registered historic and prehistoric cultural resource sites located within the State of Idaho. The database contains location information for known archaeological sites, historical features, National Register properties, and previously conducted cultural resource surveys.

The literature review identified 60 cultural resource sites that are documented within the one-mile Study Area (ASI, Class, Isolates, Linear, and NR). Of the total sites identified, 9 are located within the Project area and 51 are located within the surrounding one-mile buffer; external to the defined

Project area.

An Archaeological Reconnaissance Survey was conducted between May 10 and June 14, 2023, over the course of three, eight-day field sessions to determine if archaeological resources are present within an Area of Potential Effect (APE) and to define vertical and horizontal boundaries of identified sites. A total of six newly recorded archaeological sites and seven isolated finds were identified during the survey. The newly recorded archaeological sites consist of prehistoric lithic scatters and historic trash debris from the 1950s. The isolated finds consist of prehistoric debitage, projectile points, a biface, and a scraper. There are also isolated finds for a historic tobacco can lid and a small trash scatter. The Project will avoid the four large lithic scatters. No further work is recommended at the remaining nine newly recorded resources.

Westwood archaeologists inspected eight areas of the Oregon Trail that will be crossed by proposed Project (Field Designation #OTC-001 to #OTC-008). These segments are associated with the North Alternate Oregon Trail, Kelton Road (NRHP Eligible; Site 10EL1918), and the Oregon Trail, Goodale's Cutoff, Kelton Road (NRHP Eligible; Site 10EL1372). No cultural resources or trail ruts were identified at seven of the crossing locations. One crossing, Field Designation #OTC-003, contains trail ruts and was intersected by a turbine pad. Westwood surveyed a location to the south for an alternative turbine pad that will avoid the Oregon Trail at this location. No cultural resources were identified in the survey of the alternative areas.

Westwood found no indication of any archaeological resources or trail remnants at seven Oregon Trail crossing locations (#OTC-001, #OTC-002, and #OTC-004 to #OTC-008). There is no federal or state jurisdiction over the trail segments within the project. This was further confirmed in a review letter from the Idaho SHPO regarding the crossings received on August 29, 2023. While the Oregon Trail segments are NRHP-eligible, Westwood has found no archaeological indication that the seven locations crossed by the Project contribute to the overall eligibility of the trail system. Westwood recommends that these seven locations be considered non-contributing portions to the NRHP eligibility of the Oregon Trail. No further work is recommended at the seven crossings.

Although an archaeological survey was completed, the possibility of unidentified resources remains. If unrecorded archaeological sites are discovered during construction, all ground-disturbing activities in the immediate area should stop and archaeologists at Westwood should be contacted. Further, if human remains are encountered during construction activities, all ground-disturbing activity within the immediate vicinity must cease, and local law enforcement along with professional archaeologists, must be notified. Idaho Statute 27-502, Protection of Graves, prohibits the intentional disturbance of human burials.

4.6 Hazardous Areas

Based on the Phase I Environmental Site Assessment (ESA), dated March 2, 2023, there are no known hazards (such as hazardous material spills, soil/water contamination, etc.) within the Project Area, other than landowner irrigation canals.

Based on results of the Phase I ESA field work, the Applicant does not anticipate any hazardous conditions will be encountered within the Project Area. If any hazardous conditions within the Project Area are identified, the Applicant will provide evidence that they have been or will be eliminated or minimized in accordance with all applicable regulations so as not to create a nuisance

or be detrimental to the public health, safety, or welfare.
The Project is not expected to create a nuisance or be detrimental to the public health, safety, or welfare. Appropriate standards will be met for housekeeping, construction and installation, and operations. Applicable safety procedures will be followed during and after construction and installation. As mentioned above, all equipment will follow applicable industry code(s) such as IEEE, NEC, NESC, and ANSI standards.

As mentioned in Section 4.1, there is no flood hazard within the Project Area. It can also be noted that high groundwater will not be an issue as 100% of the Project Area has a depth of at least 6.6 feet to the water table. Additionally, 100% of the soils in the Project Area are well drained. The Applicant does not expect any flooding or water issues based on the soil data and flood zone mapping.

A very small portion of the Project Area has steep slopes of greater than 25% (0.47%). Steep slopes are not expected to be an issue within the Project Area. Any slopes that may cause an issue will be graded and topsoil will be protected as discussed in Section 5.4.

As part of the pre-construction development program, the Applicant performed a geotechnical exploration and evaluation that included borings at each turbine location to provide subsurface soil properties, static water level, rock quality description, percent recovery, and depth and description of the bedrock contact and recommendations needed for the final design and construction of each turbine foundation. According to NRCS, the majority of the Project Area (86%) has a greater than 6.5-foot depth to bedrock. Rock formations are ultimately unlikely to pose any risks.

The Applicant is aware of a gas transmission pipeline and a hazards liquid pipeline that cross through the southern portion of the solar farm. Appropriate setbacks from the pipelines will be maintained.

4.7 Impact on Natural Features

The Project has been designed with the objective of avoiding, and where this is not possible, minimizing possible adverse impacts to the environment and surrounding community. Multiple studies were conducted as part of the Conditional Use Permit Application and appropriate setbacks incorporated into the Project design. As a result, the following mitigation measures will take place.

4.7.1 Viewshed

The corn crops grown in the area will obscure portions of the solar arrays from late July until harvest in the fall. After harvest and until mid-July when corn crops begin to reach 6-foot heights, the PV arrays would be visible and identifiable while viewed from approximately one-half mile or less, due to the sloping and gently rolling topography. Other agricultural crops including forage crops, wheat and vegetables will be shorter than the solar arrays and will not typically obscure the solar arrays.

Upper portions of all wind turbines will be visible from each receptor location except when trees near the receptor obscure portions of the turbine. Portions of solar arrays will be visible from some receptor locations. The visual appearance of the Project will not add new elements to the existing viewshed that are not similar in appearance to existing turbines currently present, and therefore, will not create any undue adverse visual impacts.

4.7.2 Dust and Odor

Construction activities will generate limited exhaust emissions and fugitive dust from equipment and vehicles. Water trucks will be used to reduce the amount of fugitive dust. Exhaust emissions and fugitive dust will cease after completion of construction activities. Odors generated will be typical of construction activities.

4.7.3 Noise

A predictive model was run using equipment inputs based on the preliminary site layout. After generating a noise contour map, all Project turbines, solar inverters, battery inverters, BESS containers, and transformers were within the 58 dB(A) noise limits set by Elmore County. While the exact equipment models may change during the design and procurement process, noise levels are not expected to exceed county noise limits.

4.7.4 Shadow Flicker

There is no regulatory standard for shadow flicker limits in Elmore County, ID that are applicable at the time the shadow flicker assessment was done. In the absence of such regulation, results of the analysis conducted are compared to an industry accepted standard best practice of a maximum of 30 hours/year of flicker impact at any residence. Results of the shadow flicker assessment indicated that there are three residences registering more than 30 hours per year, ranging from 30 hours and 43 minutes to 113 hours and 28 minutes.

4.7.5 Radioactivity and Electric/Electromagnetic Disturbance

The nearest residence to solar arrays is 1,460 feet, 2,060 feet to the nearest transformer/inverter, and 2,023 feet to the nearest electrical collection line (Maps 2a, 2b, and 2c). At these distances, both electric and magnetic fields would have dissipated to background levels. As such, impacts will be negligible, and no mitigation measures are proposed.

Project-specific EMF levels have not been modeled for the 230 kV electric transmission line at this time. However, several studies have documented EMF exposure of various high voltage transmission line (HVTL). The National Institute of Environmental Health Sciences (NIEHS) provides typical EMF levels for power transmission lines. For 230 kV transmission lines, electric fields directly below the transmission line were reported at 2.0 kV/m before dissipating to 1.5 kV/m at 50 feet. Similarly, average magnetic fields directly below the transmission line were reported at 57.5 mG before dissipating to 19.5 mG at 50 feet. The NIEHS concluded that EMF from transmission lines dissipates rapidly with distance from the source (NIEHS, 2002). Based on these studies, the magnetic fields within the proposed transmission line right-of-way are expected to be less since the right-of-way extends further than 50 feet (the strength of magnetic fields decrease with distance).

Additionally, an evaluation of electric fields measurements from the Omaha Public Power District (OPPD) were conducted on the District's 345 kV 60-Hz transmission lines. OPPD measured electric fields from a variety of potential transmission line structures, including a lattice tower, tubular H-frame, wooden H-frame, and single steel pole. For the purposes of the analyses, OPPD used a standard conductor design height of 31 feet. The measured electric field at a distance of 5 feet on either side of a 345 kV single steel pole was measured to be 4.4 kV/m before dissipating to 1.0 kV/m at a distance of 40 feet. The Applicant is implementing a 150-foot right-of-way (75 feet on either side) for the transmission line. The OPPD study indicated an electric field of 0.1-0.2 kV/m at a

distance of 70 feet on either side of a 345 kV single steel pole (Bruening, 1987).

According to a report published by the New Zealand Ministry of Health, after 30 years of studying magnetic fields, there is still no persuasive evidence that the fields pose any health risks (Ministry of Health, 2013). Additionally, epidemiological studies of various other diseases, in both children and adults, have failed to show any consistent pattern of harm from EMFs (Minnesota State Interagency Working Group, 2002).

As demonstrated above, both electric and magnetic fields are expected to be well below the Minnesota guidelines for electric fields (8 kV/m) and international guidelines of 833 mG for magnetic fields.

The Applicant does not anticipate issues regarding stray voltage resulting from the Project. The Project is self-contained with all electrical components, including collection wiring, both substations, and the tap lines, being underground or inside the fenced areas of the substations. The Project will be designed and installed per the guidelines of the NEC and NESC as applicable, including the proper selection of grounding equipment, conductors, insulation, and shielding. Project monitoring and controls can detect ground faults and remotely shut down equipment as needed.

Constructing the project to NESC standards and Commission route permit requirements will mitigate stray voltage concerns. Therefore, potential impacts from stray voltage are anticipated to be minimal.

5.0 Standards

5.1 Screening

The Applicant does not anticipate the need for the implementation of a landscaping and screening plan to meet Ordinance requirements.

5.2 Drainage

Culverts, low water crossings and stormwater basins will be constructed to maintain drainage patterns and manage stormwater.

5.3 Water Supply and Sewage Disposal

The Project will not rely on County sewer, water, or other utilities. The Project will establish its own electrical interconnection service with Idaho Power and will obtain the necessary permits to install a well and septic system to serve the limited potable water and sewer requirements of the O&M building. Map 4 shows the general location where a water supply well and septic system for sewage disposal would be installed at the O&M Facility.

5.4 Filling, Excavation, and Earthmoving

During construction, one of the primary means to protect and preserve the topsoil at the Project site will be to separate the topsoil from the other subgrade/subsoil materials when earthmoving activities, excavation or trenching are taking place during grading, road construction, cable installation, foundation installation, etc. Grading will be minimized to the extent practicable. There

may be limited situations where excavated subsoil will be stored on adjacent undisturbed topsoil as most subsoil will be untouched. In these situations, subsoil will be returned to the excavation with as little disturbance of the underlying topsoil as practicable. Laying down a thin straw mulch layer as a buffer between the subsoil and topsoil will be used as practicable to facilitate more effective separation of the subsoil and underlying topsoil during the excavation backfill process.

Topsoil thickness will be confirmed with geotechnical soil tests by prior to earthwork activities on the site. The Applicant will identify the appropriate depth of topsoil that should be stripped and segregated from other subsoil materials during earthwork activities.

Following earthwork activities that require segregation of topsoil/subsoil, topsoil materials will be re-spread on top of the backfilled and disturbed areas to maintain the overall integrity and character of the pre-construction farmland. Any excess topsoil material would be re-spread on the Project Area site at pre-established locations. The location and amount of topsoil will be documented to facilitate re-spreading of topsoil as a part of Project decommissioning.

The Applicant anticipates the need to obtain a construction stormwater permit under the Idaho Pollutant Discharge Elimination System (IPDES). Construction storm water permits include requirements for erosion and sediment control, pollution prevention, and site stabilization. As part of the permit, a SWPPP will be prepared to document the temporary and permanent BMPs to be used on the site to reduce or prevent the discharge of pollutants. The Project will not impact groundwater resources.

5.5 Irrigation Services and Delivery Systems

The Applicant anticipates the need to obtain a construction stormwater permit under the Idaho Pollutant Discharge Elimination System (IPDES). Construction storm water permits include requirements for erosion and sediment control, pollution prevention, and site stabilization. As part of the permit, a SWPPP will be prepared to document the temporary and permanent BMPs to be used on the site to reduce or prevent the discharge of pollutants. The Project will not impact groundwater resources.

Culverts, stormwater basins, and low water crossings will be constructed to maintain drainage patterns, preserve on site and downstream gravity flow irrigation systems and to manage stormwater. Map 4 shows the proposed culverts and low water crossings.

5.6 Utilities

The Project will not rely on County sewer, water or other utilities. The Project will establish its own electrical interconnection service with Idaho Power and will obtain the permits and approvals necessary to install a well and septic system to serve the limited potable water and sewer requirements of the O&M Building (see Map 3).

The Project will connect to the 230 kV Boise Bench-Midpoint #2 transmission line owned by Idaho Power Company (IPC) via a short overhead utility interconnection tap line from a new POI Substation on leased private land on the west side of SE Ross Road. IPC will construct and own the POI Substation. See the location of the interconnection on Maps 2a and 2b.

5.7 Maintenance

The Applicant is committed to maintaining the appearance, health, and safety of the Project. The Project will require asset management and Project planning, preventive and corrective maintenance of the wind turbines, solar arrays, BESS; preventive and corrective maintenance of the electrical collection system and substations; and direct operations dispatch to assure continuing facility and transmission system safety and reliability. Professional management staff will support planning, accounting, and other operations functions. Typically, one maintenance technician is required for every six to eight turbines, approximately five for the solar arrays, and three for BESS, during any single shift. Therefore, an aggregate local staff of approximately thirteen to sixteen people will be involved in the day-to-day onsite management, operation, and maintenance of the Project as a whole. The labor estimate is in support of the routine Project facility maintenance program and excludes all contract workers and additional support staff engaged to implement the preventative and major maintenance and repair programs, as well as the site management activities. Additional personnel will be used to test and maintain the electrical collection system and substation on a recurring basis, but these infrequent duties will likely be allocated to electrical subcontractors or local utility crews.

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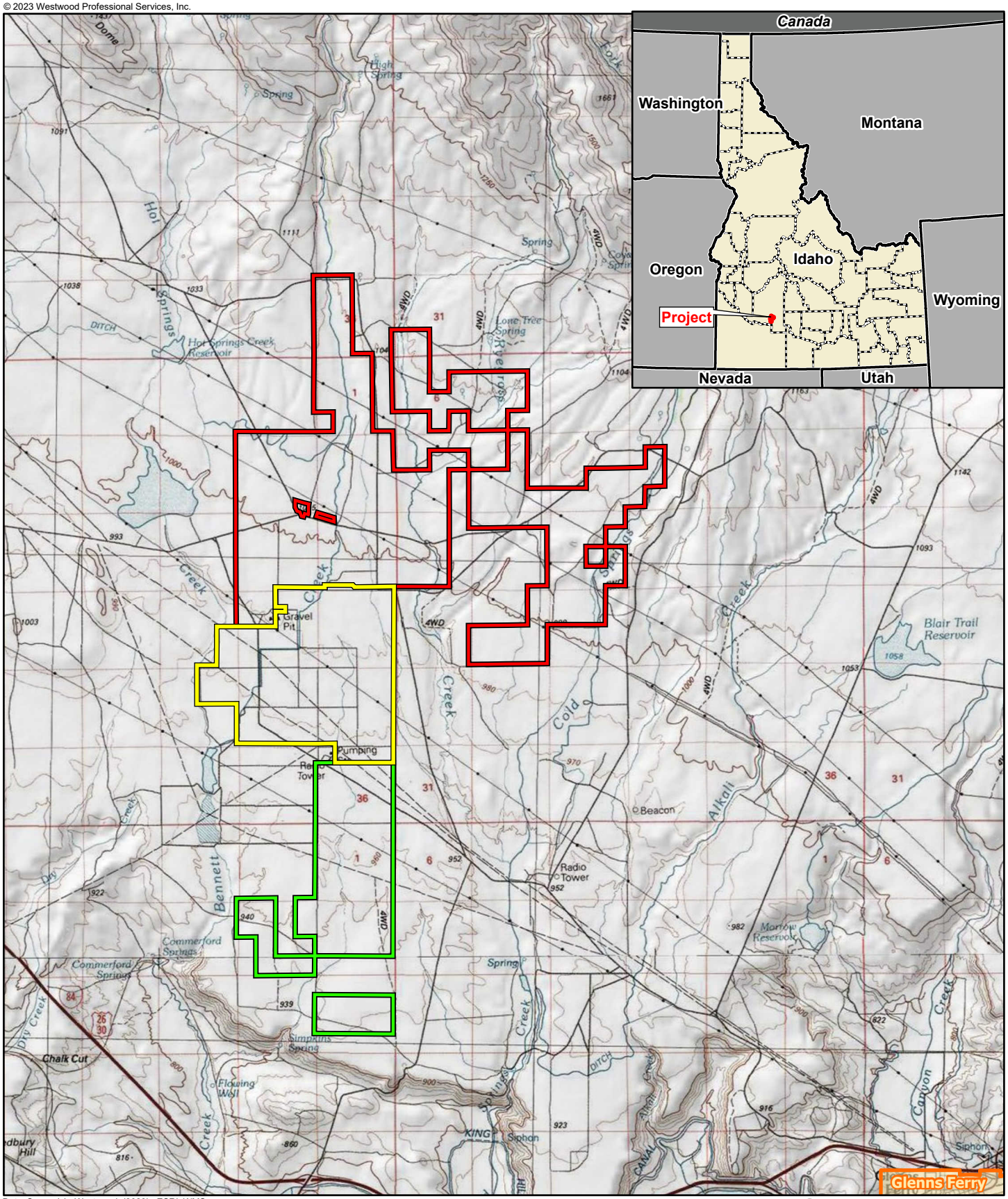

Data Source(s): Westwood (2023); ESRI WMS World Streets and USGS Topography Basemaps (Accessed 2022), U.S. Census Bureau (2022).

Feet
0 9,000

Westwood

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Legend

- Wind Project Area
- Solar Project Area
- Potential Future Solar Area
- County Boundary
- Municipal Boundary

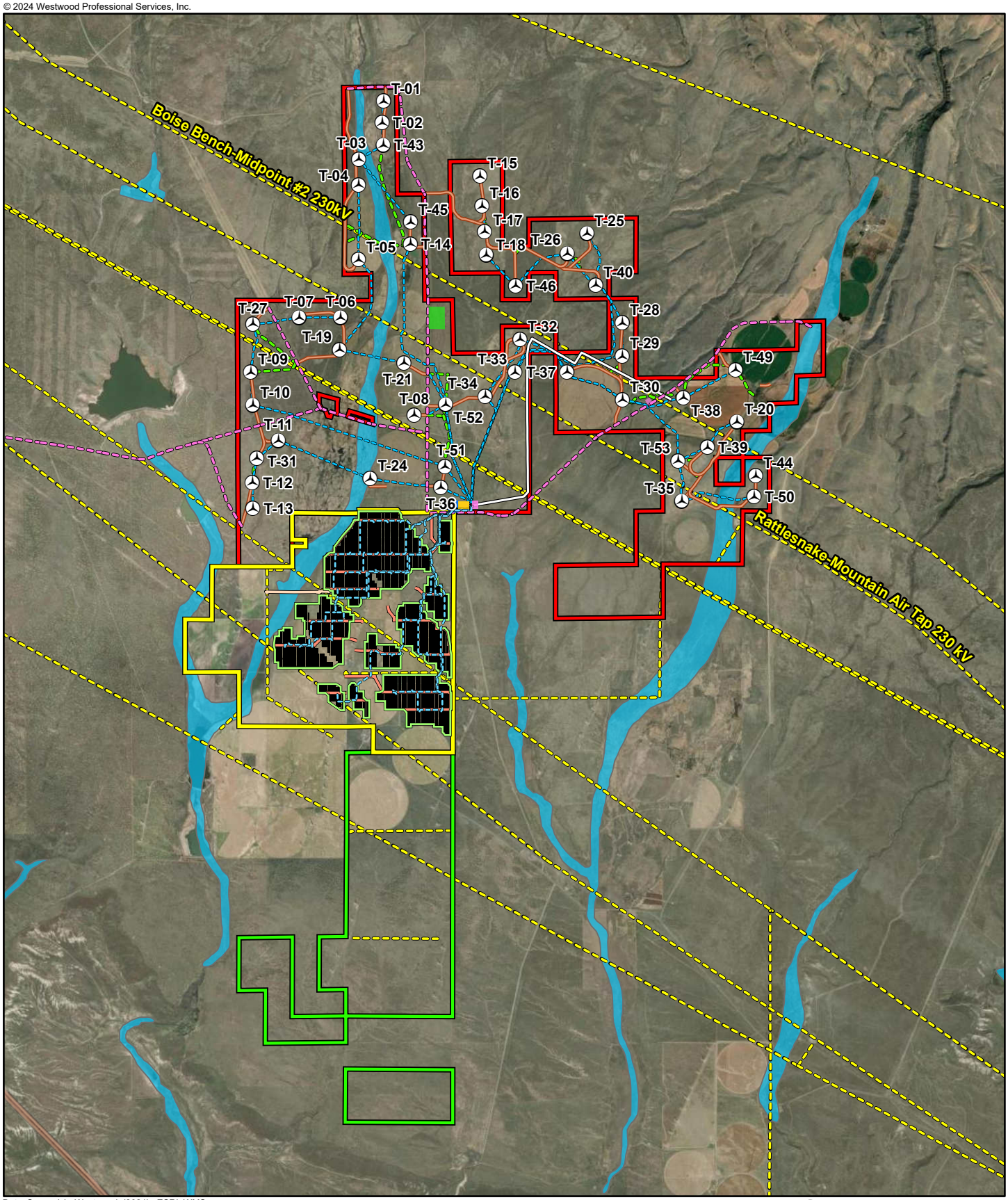
Appaloosa Wind and Solar Project

Elmore County, Idaho

N

Project Area

MAP 1



Data Source(s): Westwood (2024); ESRI WMS World Streets and USGS Topography Basemaps (Accessed 2022), U.S. Census Bureau (2022).

Feet
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Legend

- Wind Project Area
- Solar Project Area
- Potential Future Solar Area
- Solar Array
- POI Substation
- Laydown Yard
- O&M Facility
- BESS
- Floodplain
- Existing Transmission Line
- Proposed Transmission Line
- Security Fence
- Collection Line
- Crane Path
- Delivery Route
- Primary Access Road
- Alternate Access Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

Elmore County, Idaho

N

Overall Site Plan

MAP 2a

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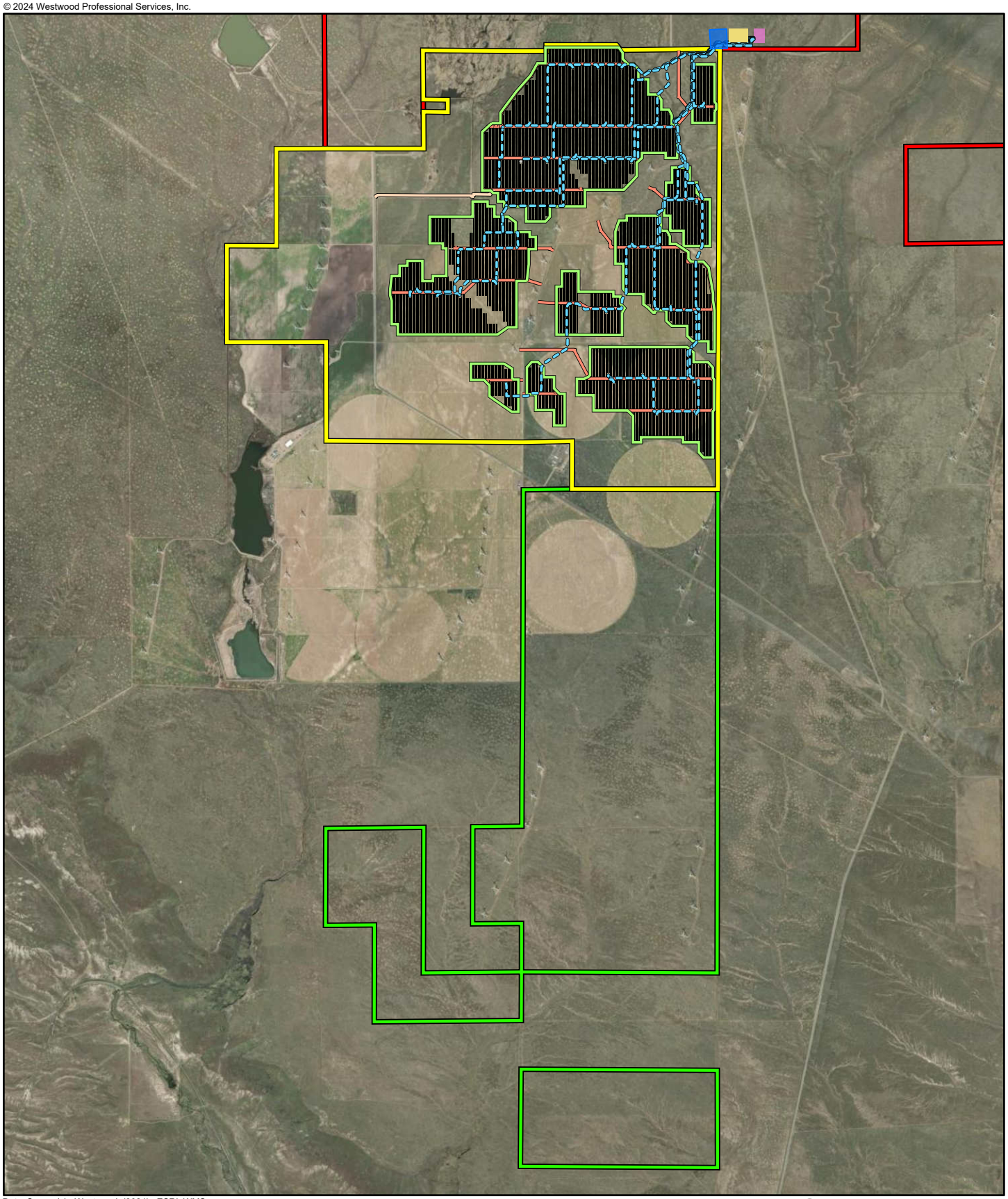

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Feet
0 3,600

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Legend

- Wind Project Area
- Solar Project Area
- Potential Future Solar Area
- Solar Array
- Laydown Yard
- Inverter
- O&M Facility
- POI Substation
- BESS
- Collection Line
- Security Fence
- Primary Access Road
- Alternate Access Road

N

Appaloosa Wind and Solar Project

Elmore County, Idaho

Solar Facility Site Plan

MAP 2c

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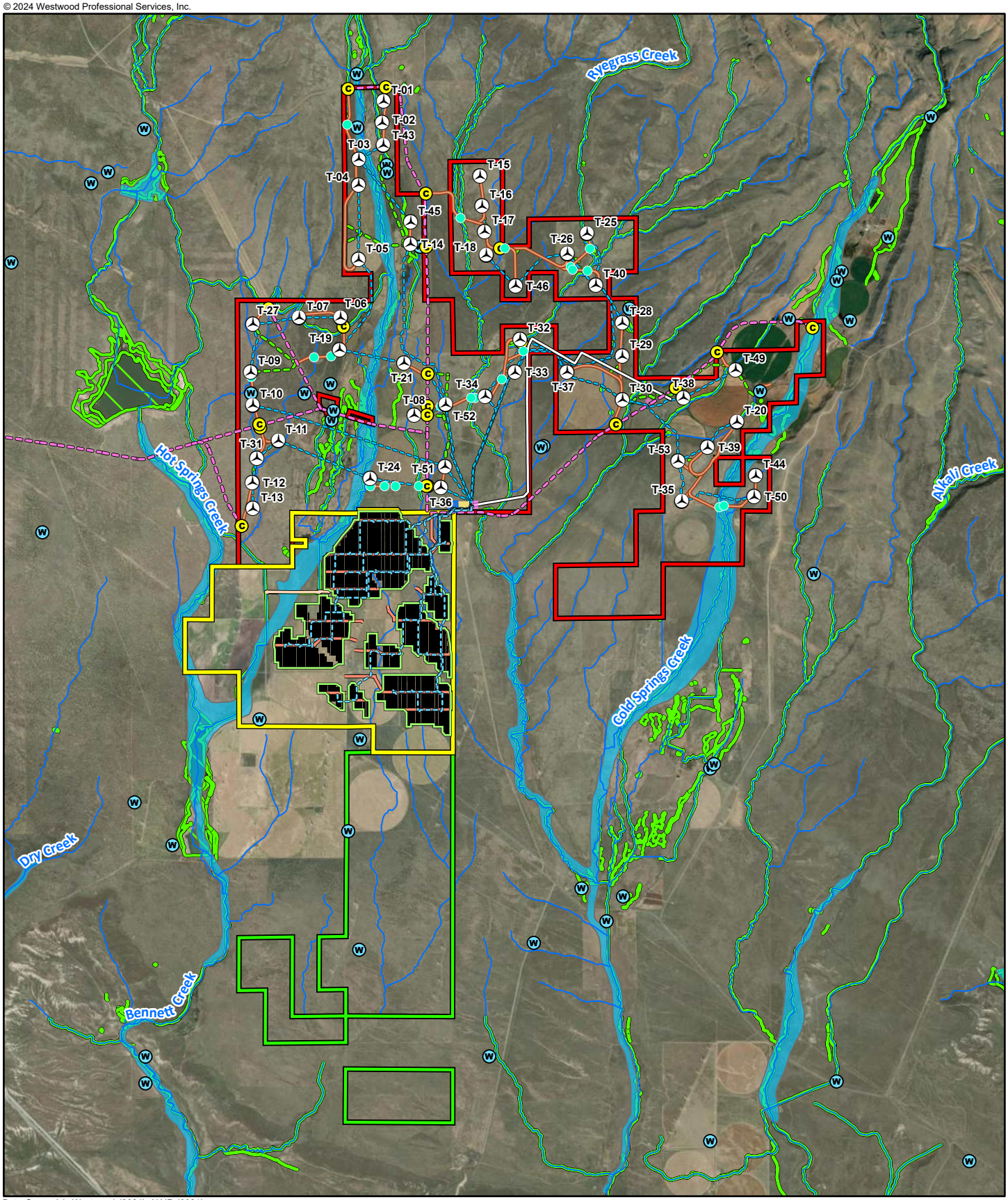

Data Source(s): Westwood (2024); NAIP (2021), USGS (2019).

0 6,600 Feet

Legend

- Wind Project Area
- Solar Project Area
- Potential Future Solar Area
- Floodplain
- NWI Wetland
- Solar Array
- Inverter
- POI Substation
- O&M Facility
- BESS
- NHD Flowline
- Delivery Route
- Proposed Transmission Line
- Primary Access Road
- Alternate Access Road
- Security Fence
- Collection Line
- Proposed Turbine Location
- Water Well
- Culvert
- Low Water Crossing

N

Appaloosa Wind and Solar Project

Elmore County, Idaho

Existing Water Supply Well Locations, Proposed Culverts and Low Water Crossings

Map 4

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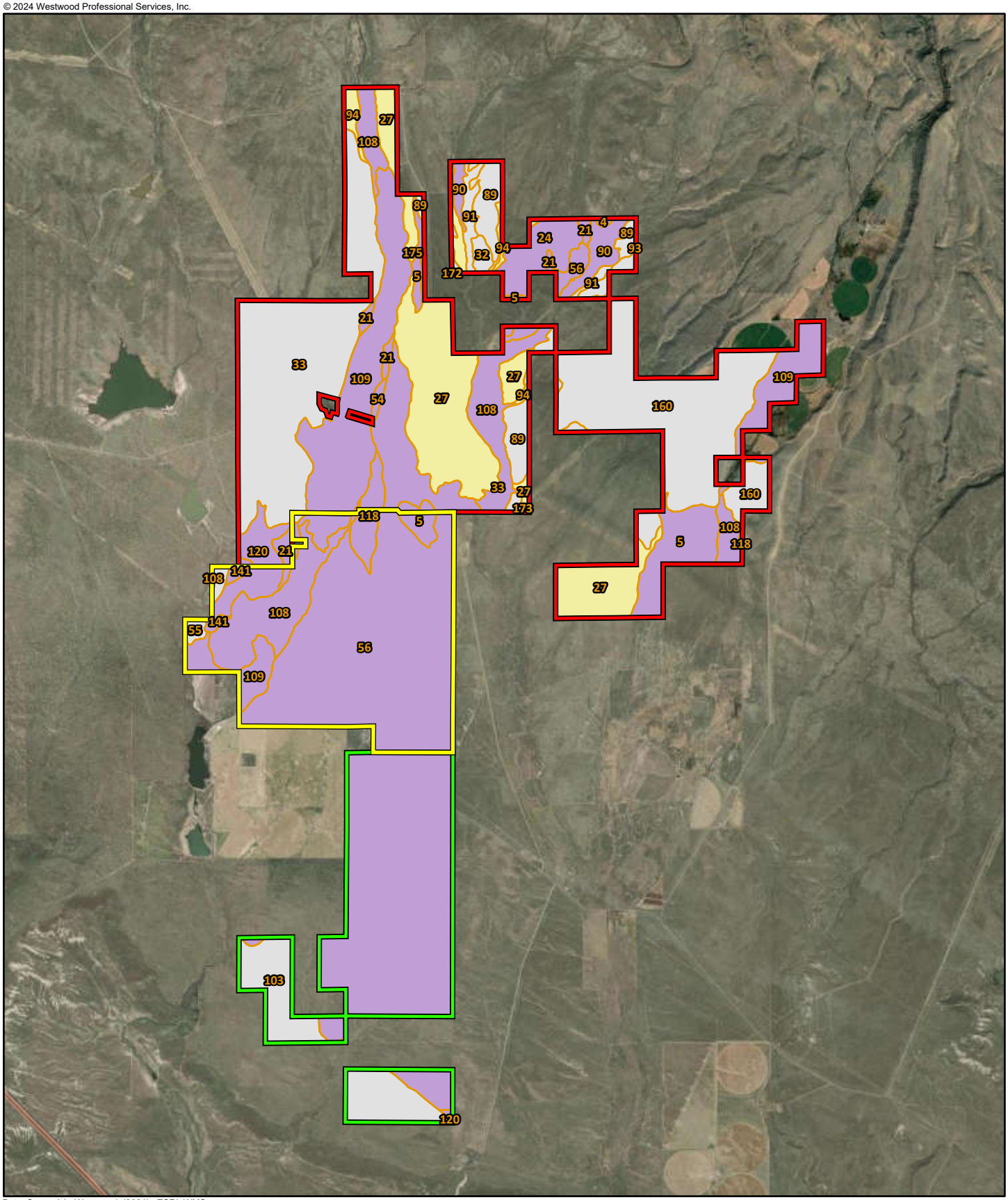

Data Source(s): Westwood (2024); ESRI WMS World Imagery Hybrid Basemap (Accessed 2024); NRCS (2024).

Feet
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Legend

- Wind Project Area
- Solar Project Area
- Potential Future Solar Area
- Soil Unit Boundary

Appaloosa Wind and Solar Project

Elmore County, Idaho

Farmland Classification

- Not prime farmland
- Farmland of statewide importance, if irrigated
- Prime farmland if irrigated

N

Soils

Map 5

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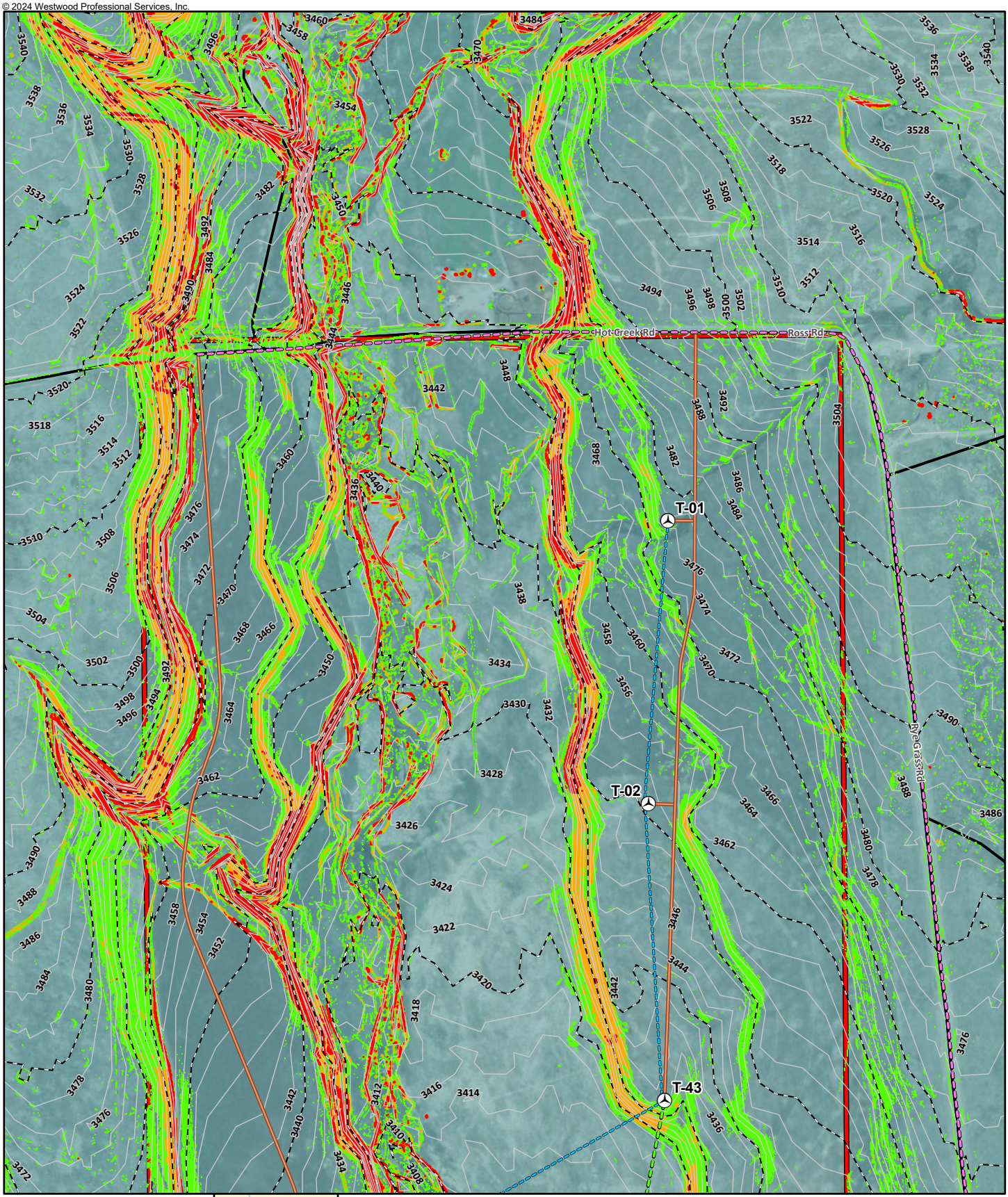

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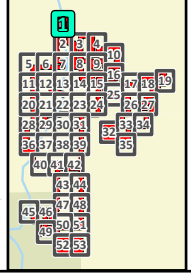

Legend

- Project Area
- < 8% Slope
- 8-15% Slope
- 15.01-25%
- > 25% Slope
- Solar Array
- Laydown Yard
- POI Substation
- O&M Facility
- BESS
- Inverter
- Crane Path
- Collection Line
- Security Fence
- Primary Access Road
- Alternate Access Road
- Proposed Transmission Line
- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

N

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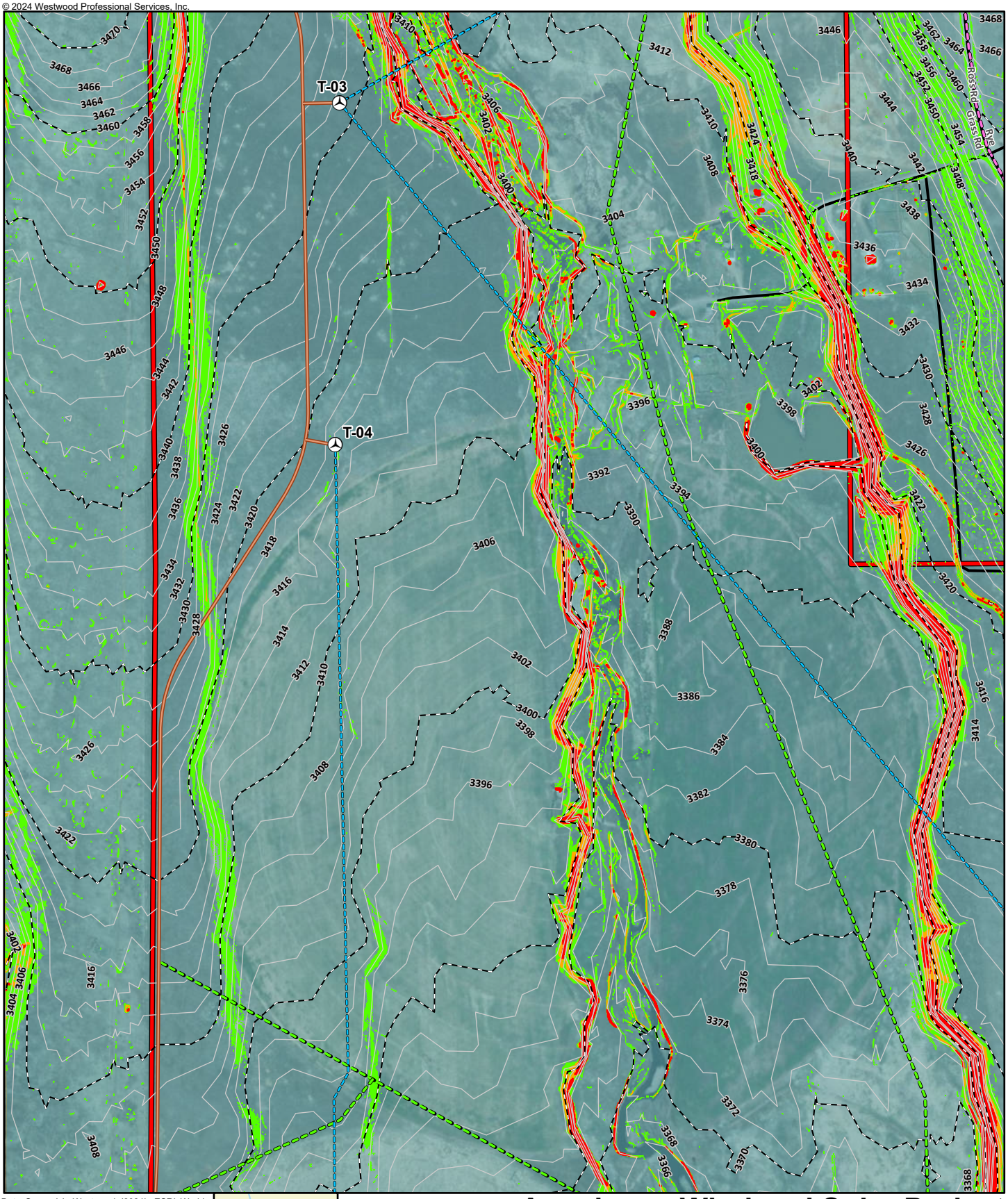

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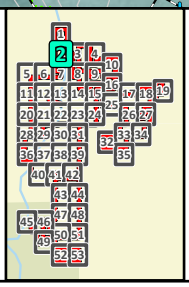

Legend

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

N

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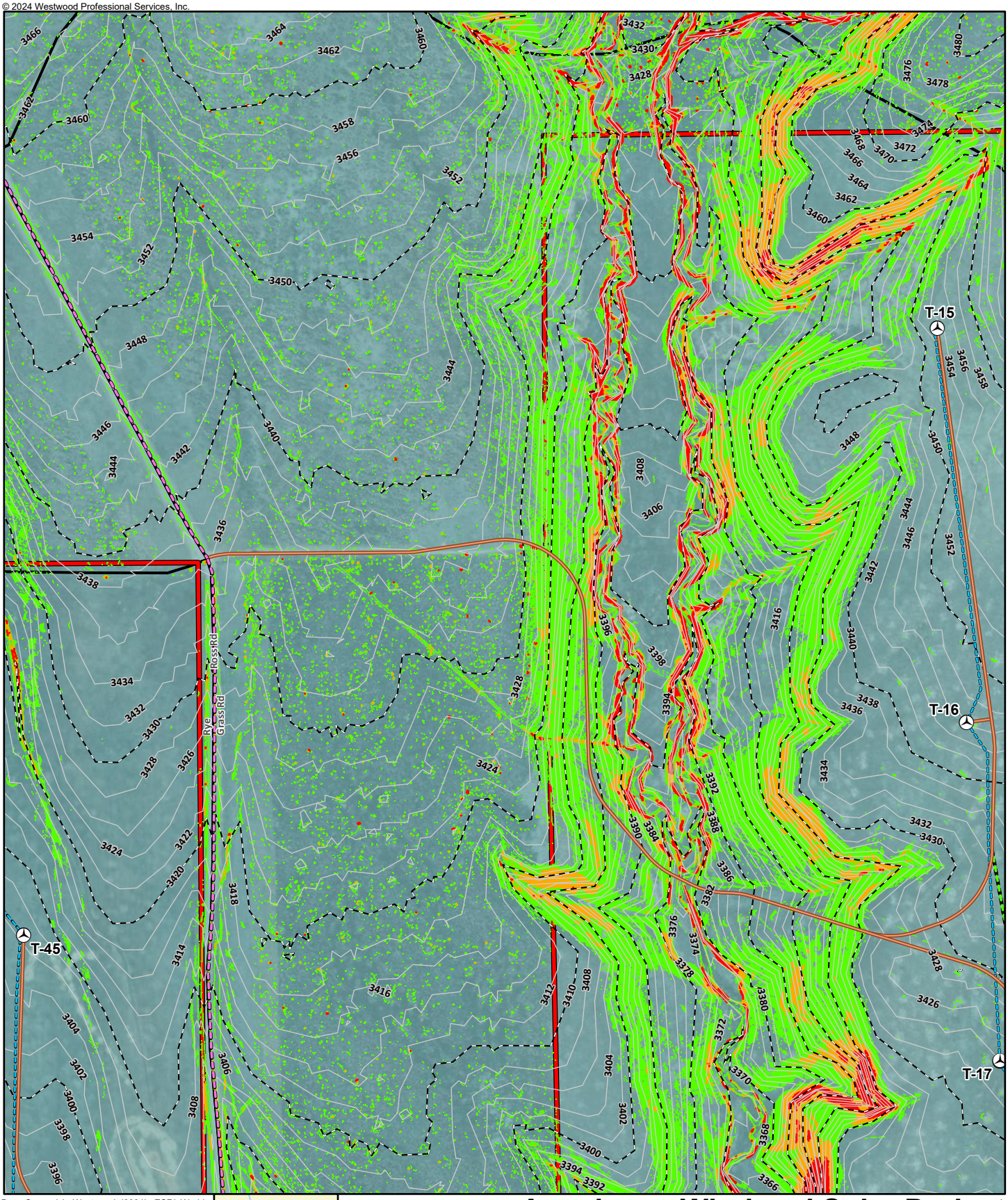

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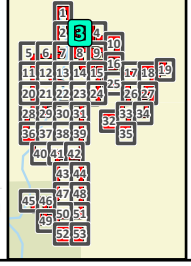

Legend

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- 2 ft Contour
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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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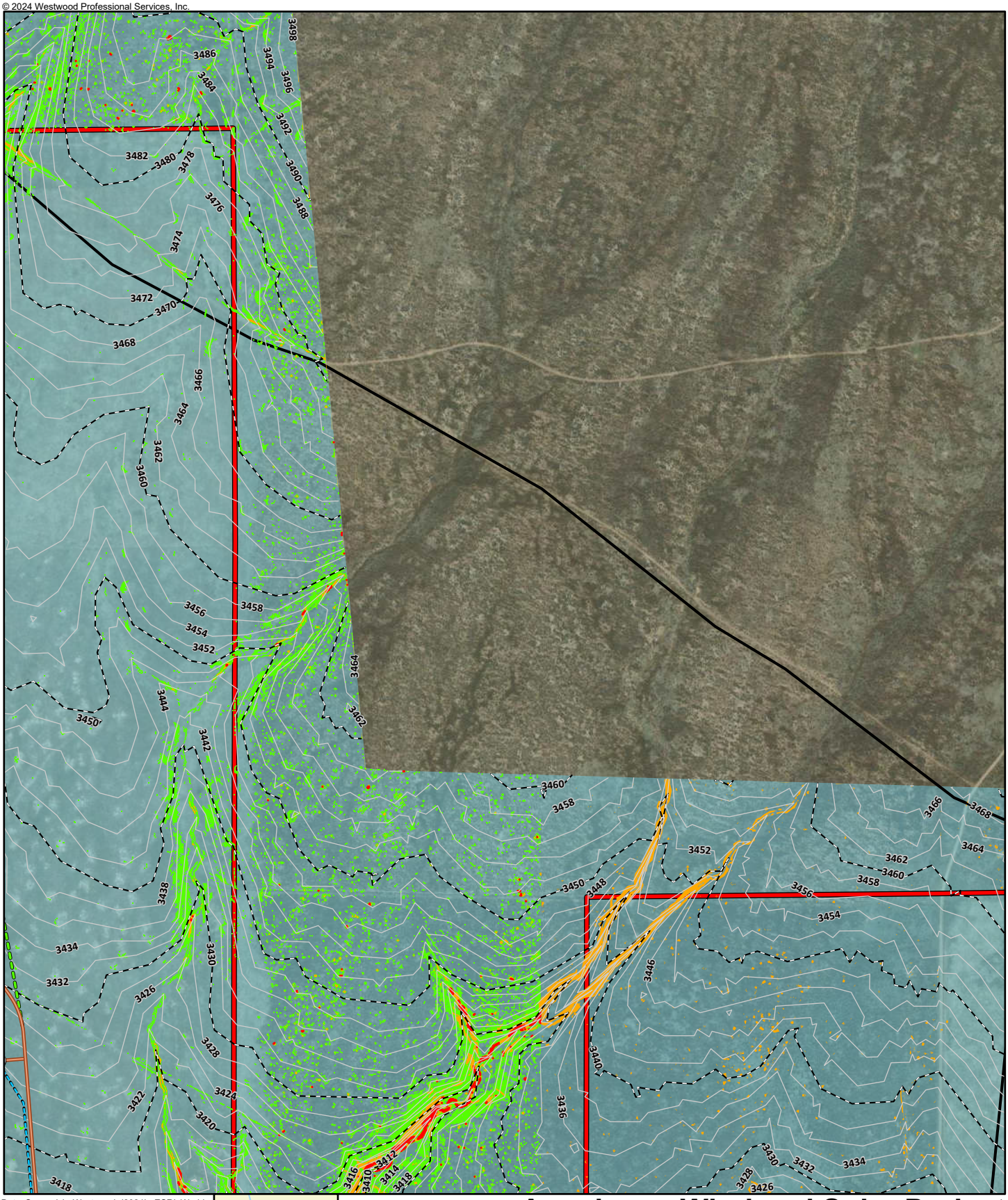

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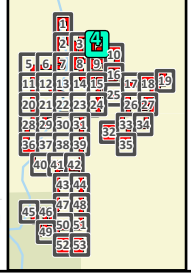

Legend

- Project Area
- < 8% Slope
- 8-15% Slope
- 15.01-25%
- > 25% Slope
- Solar Array
- Laydown Yard
- POI Substation
- O&M Facility
- BESS
- Inverter
- Crane Path
- Collection Line
- Security Fence
- Primary Access Road
- Alternate Access Road
- Proposed Transmission Line
- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

N

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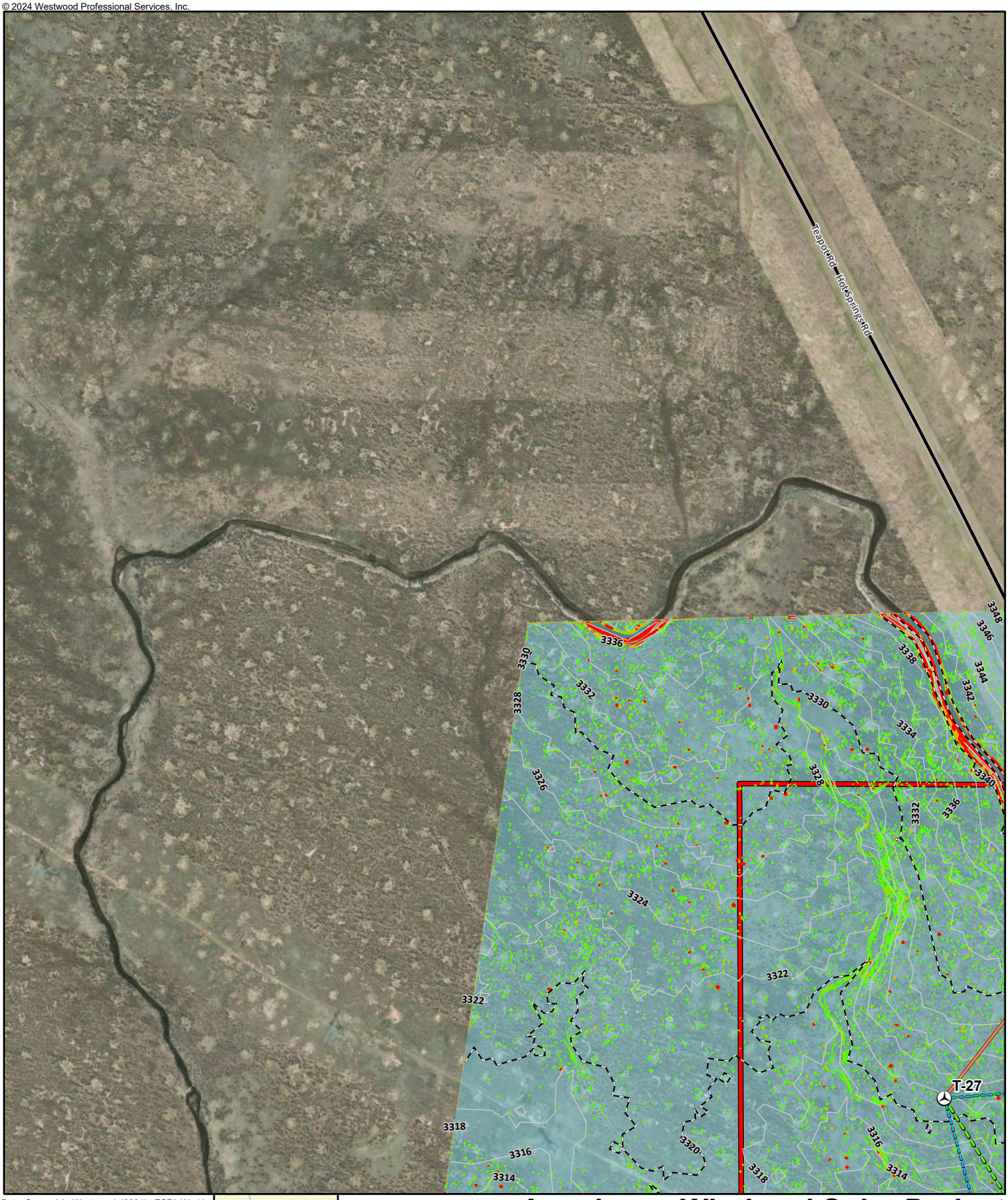

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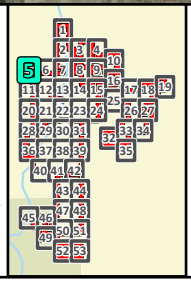

Legend

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- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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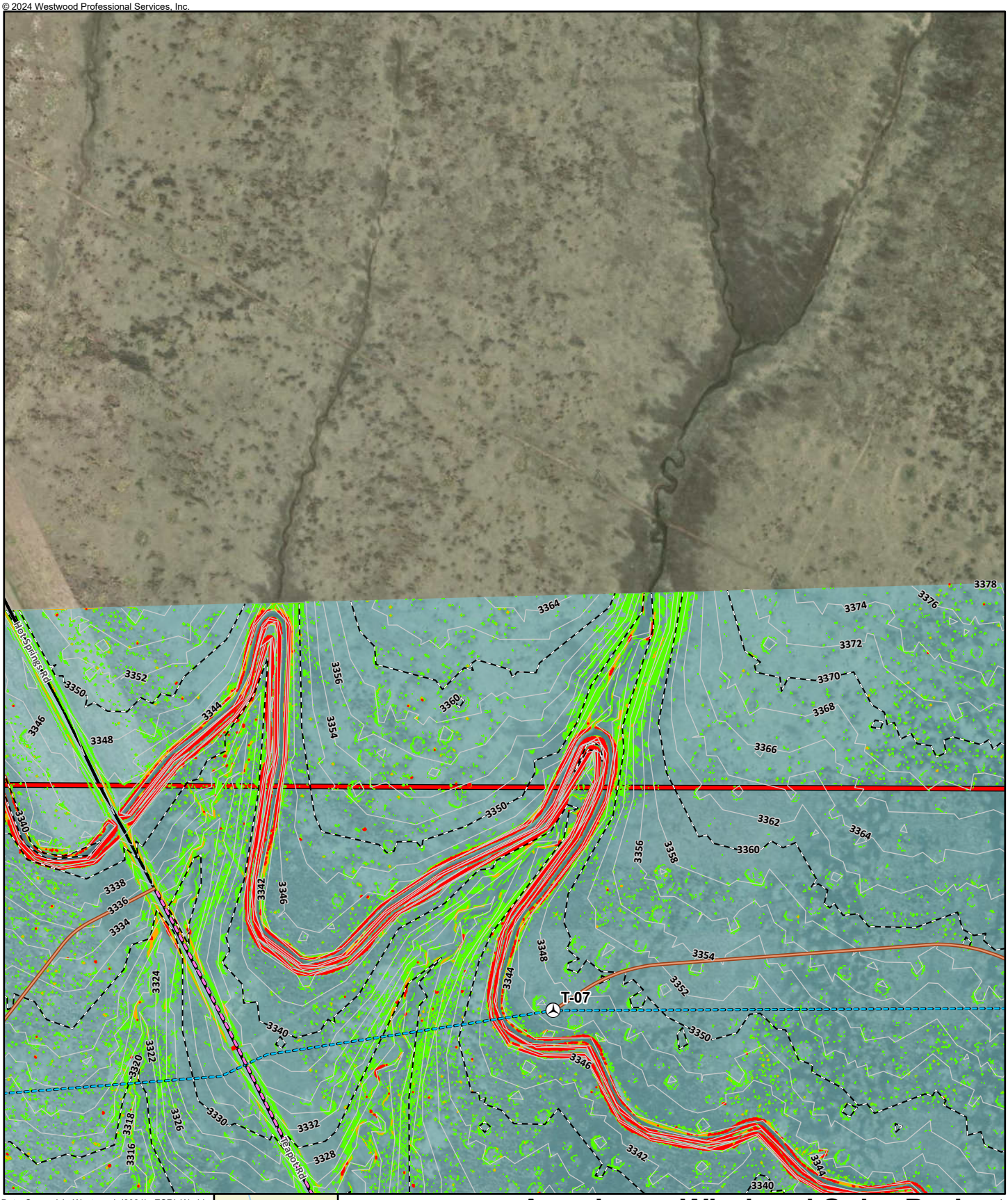

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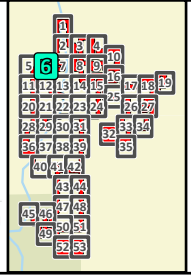

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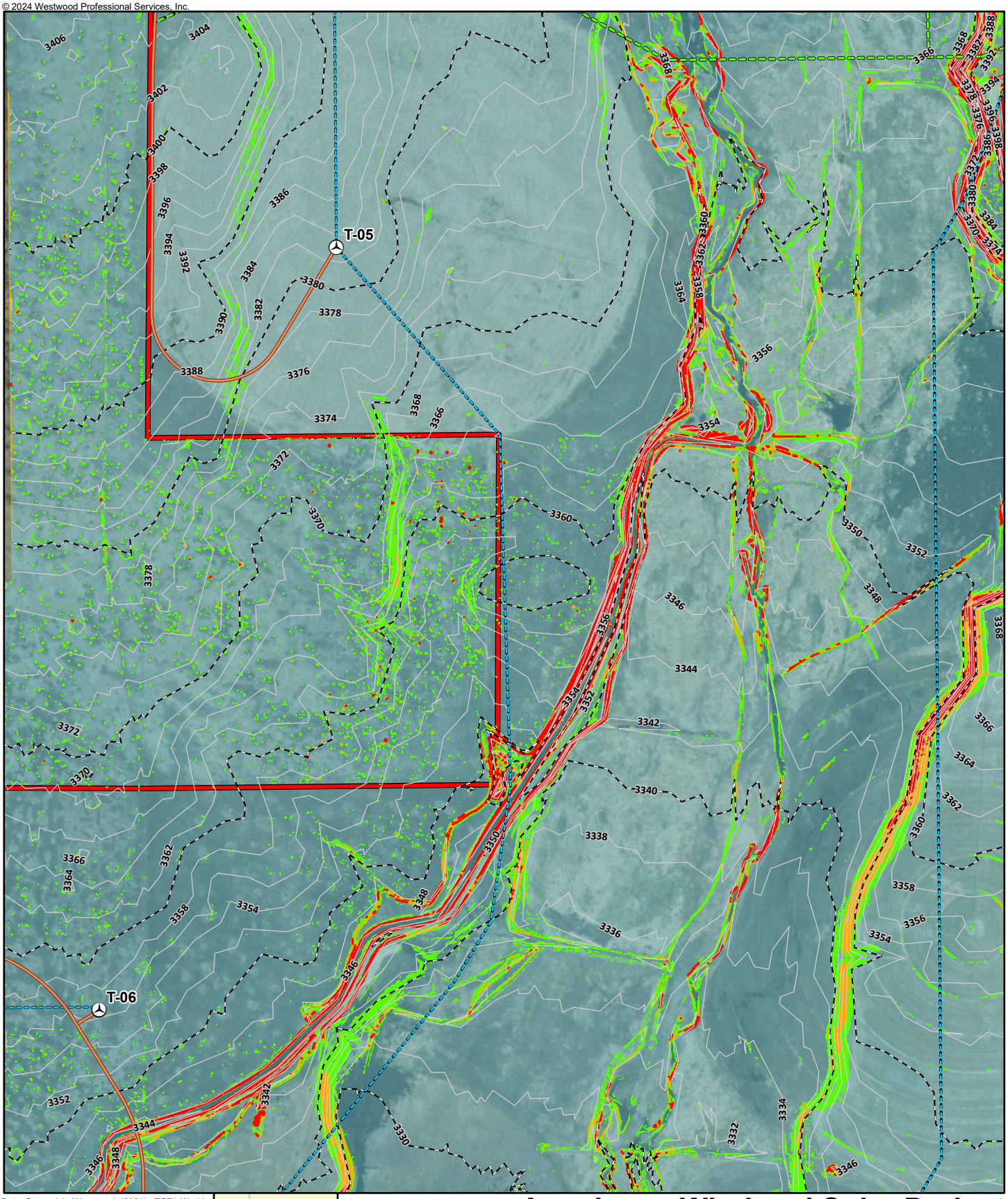

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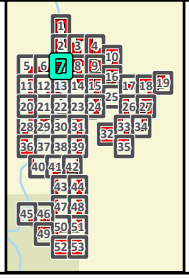

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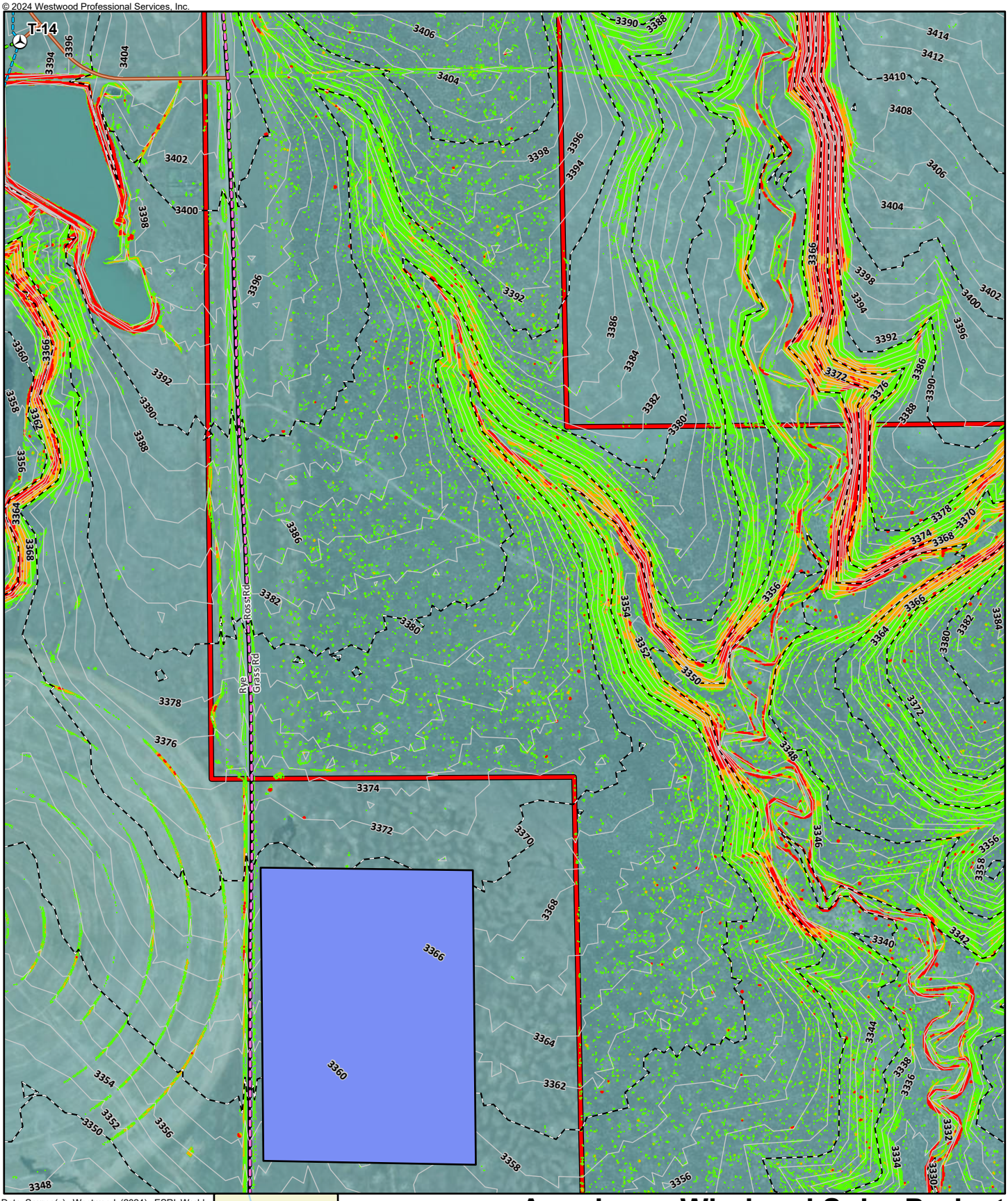

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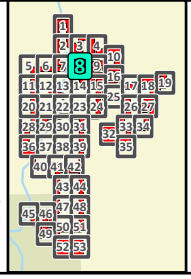

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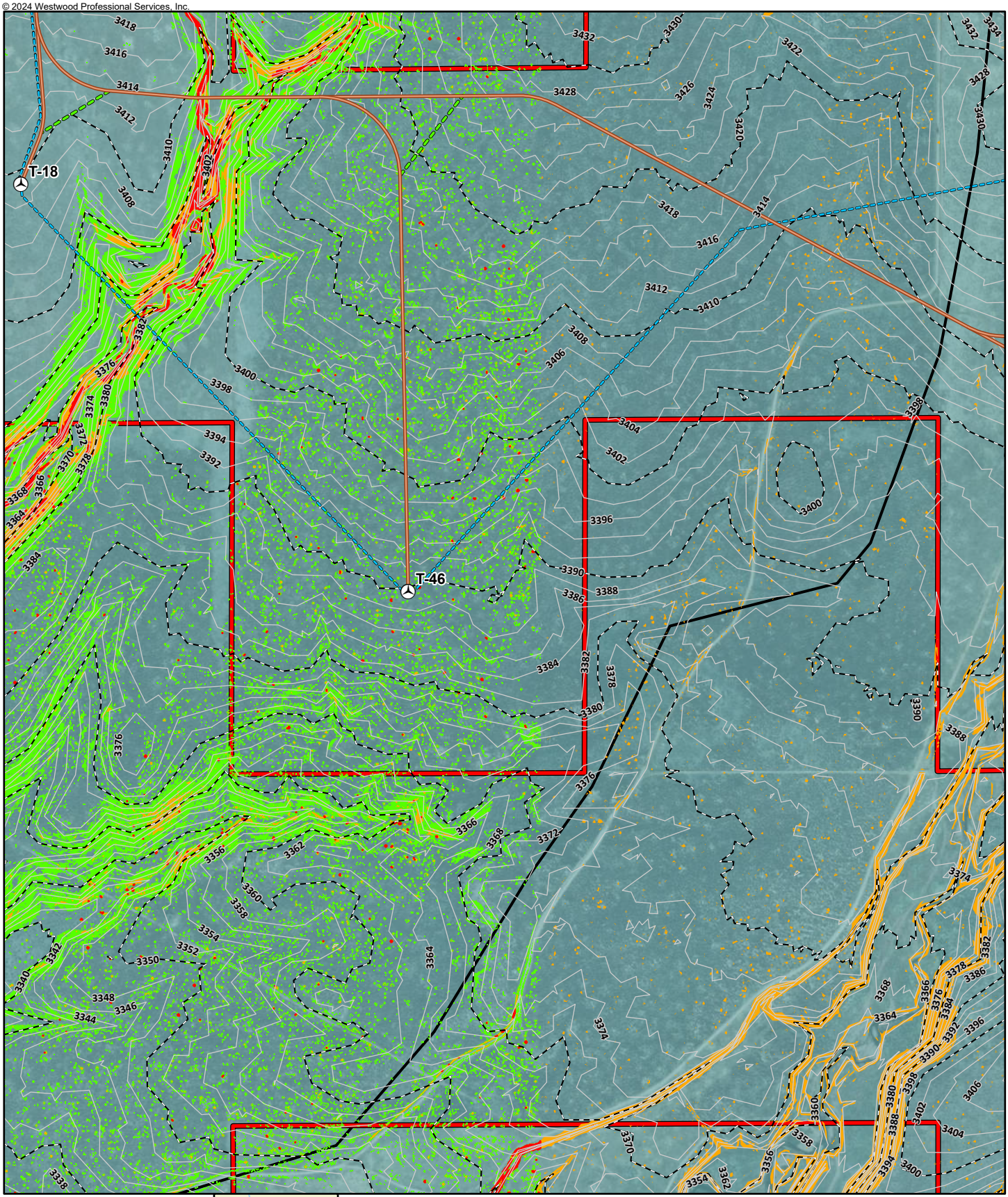

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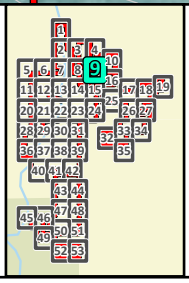

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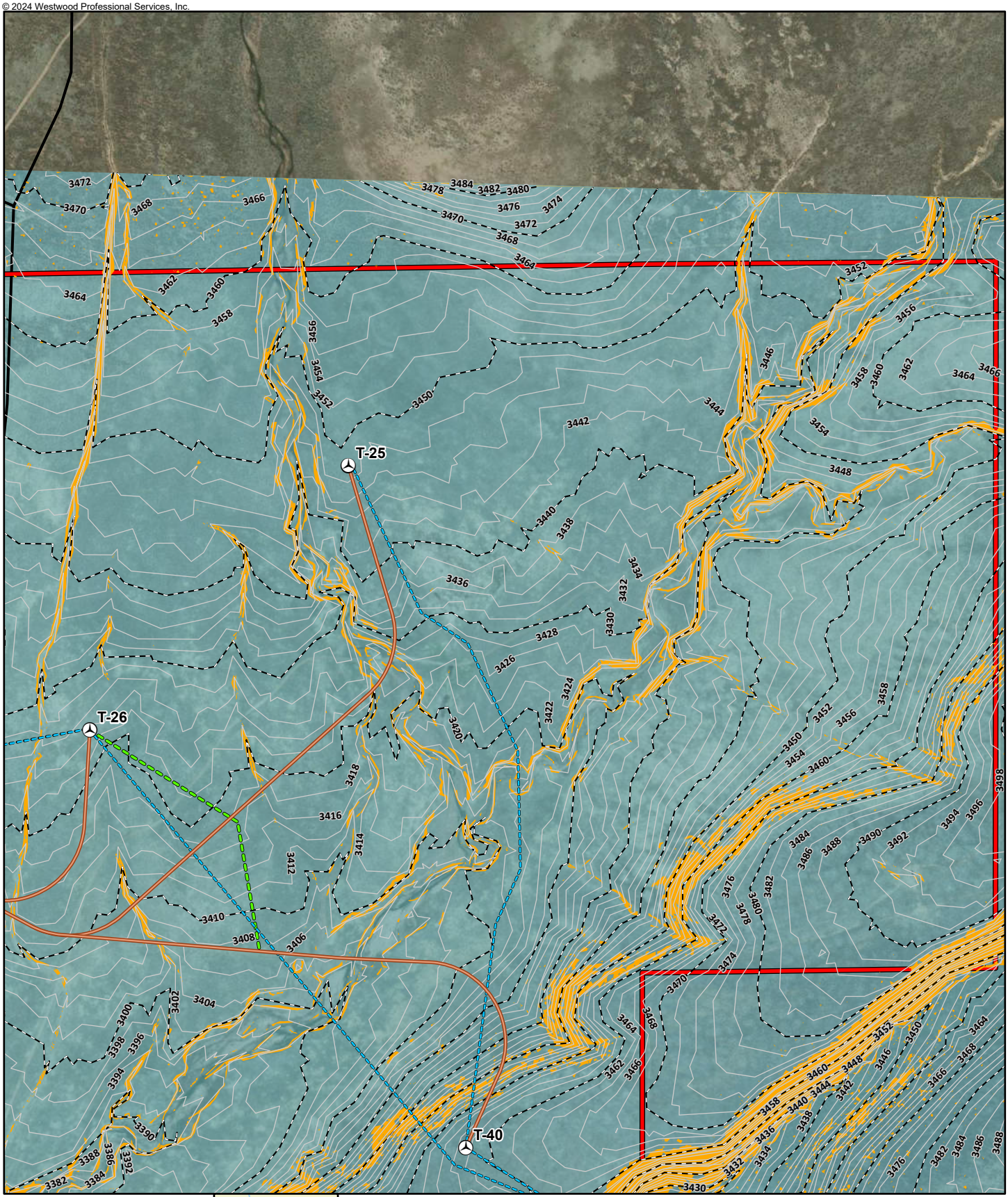

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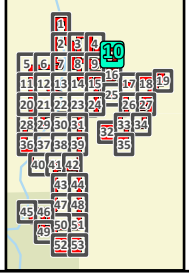

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Elmore County, Idaho

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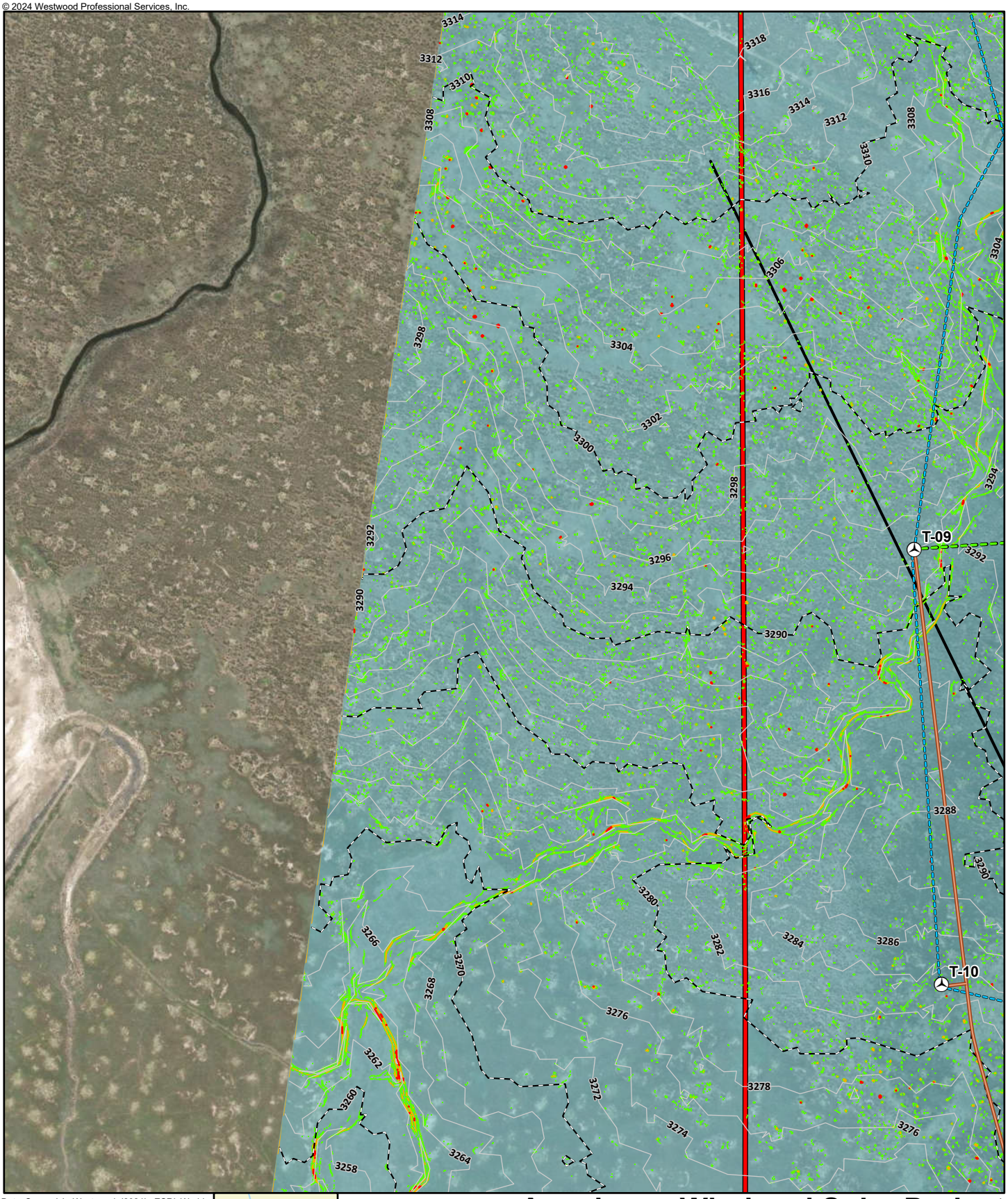

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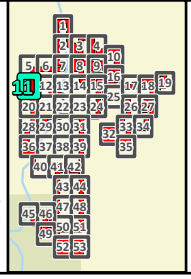

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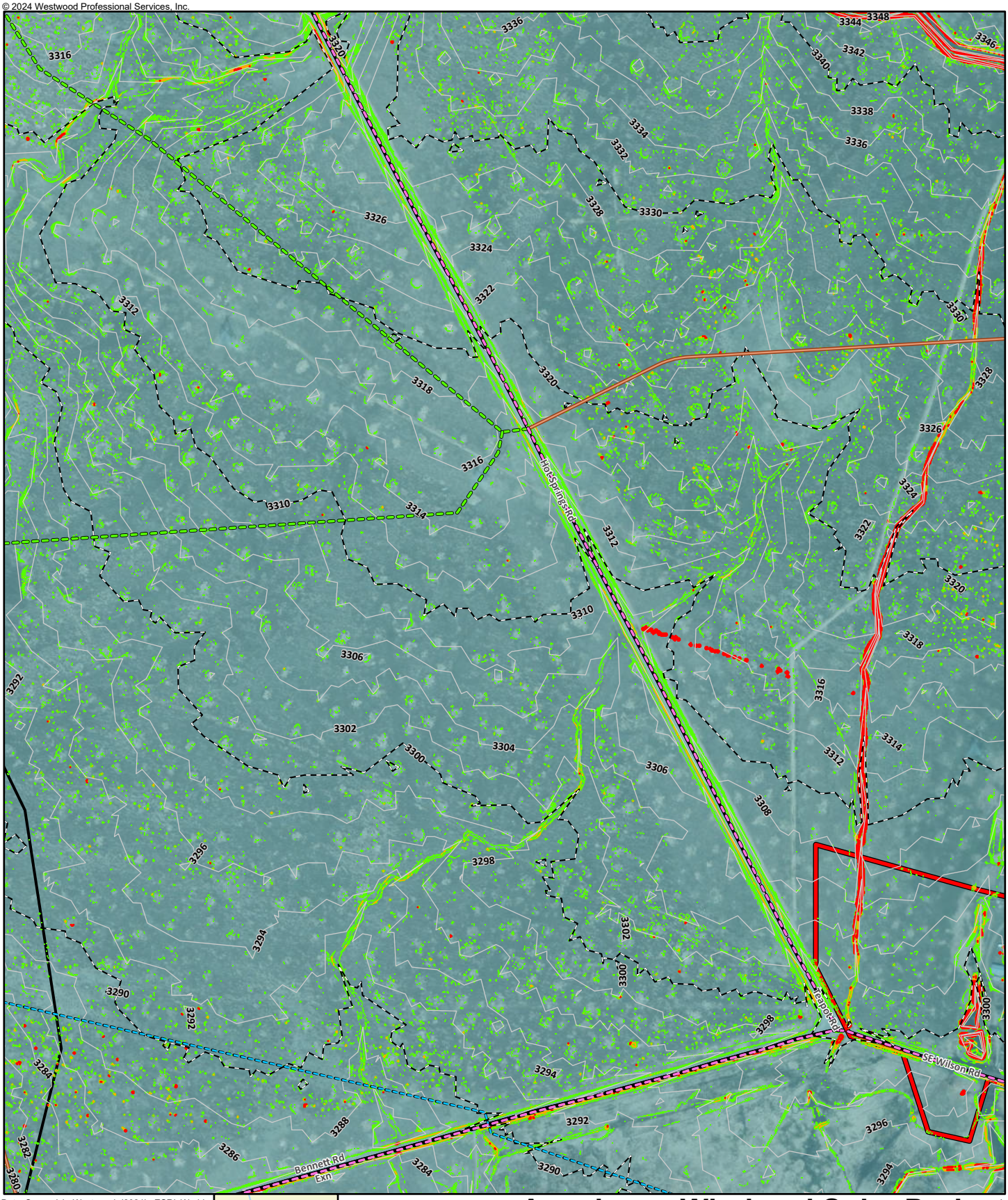

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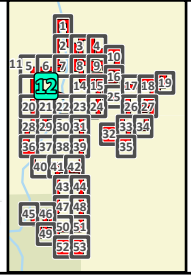

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Elmore County, Idaho

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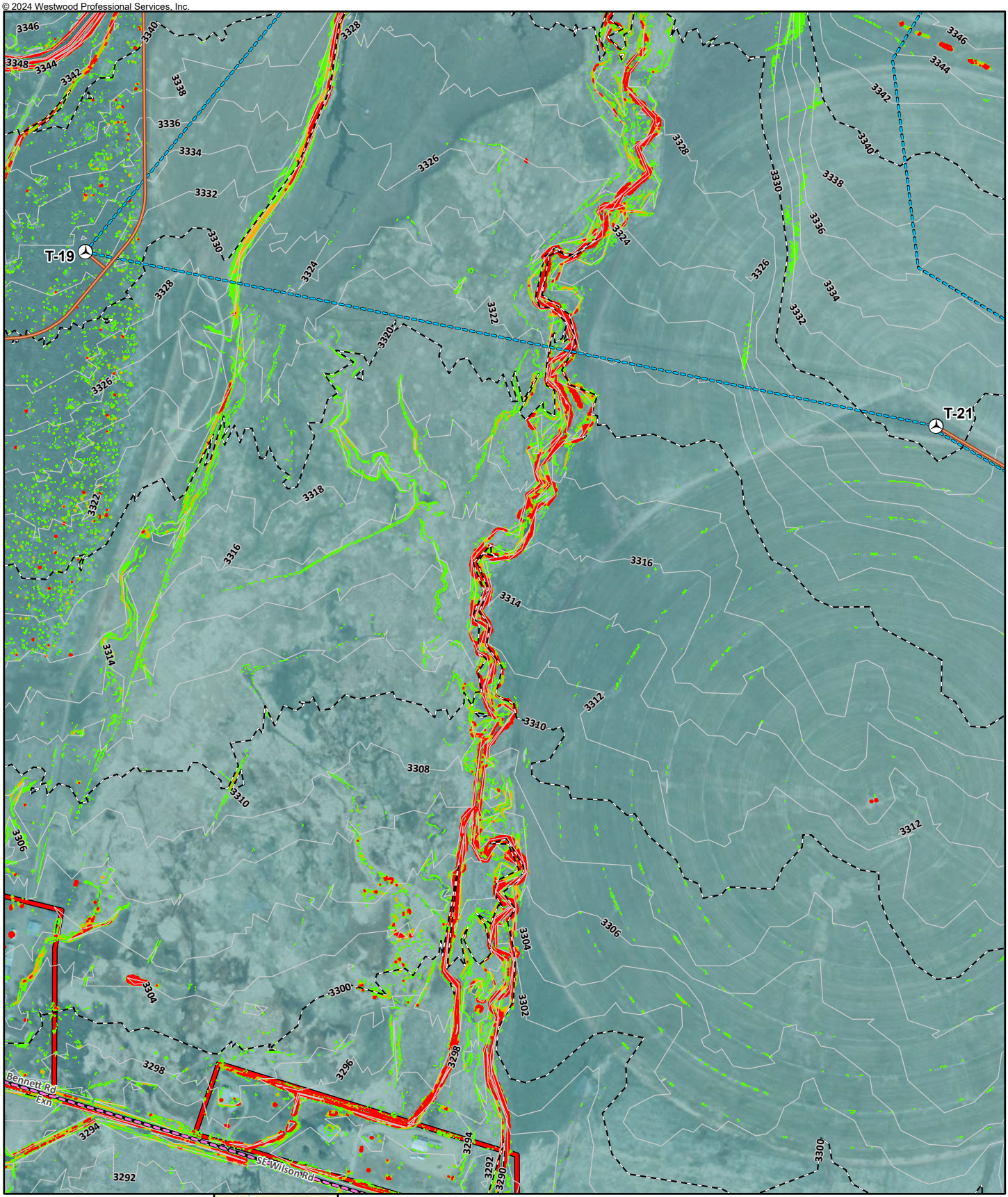

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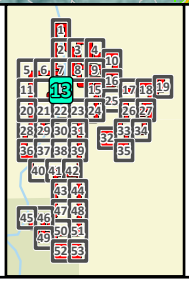

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Elmore County, Idaho

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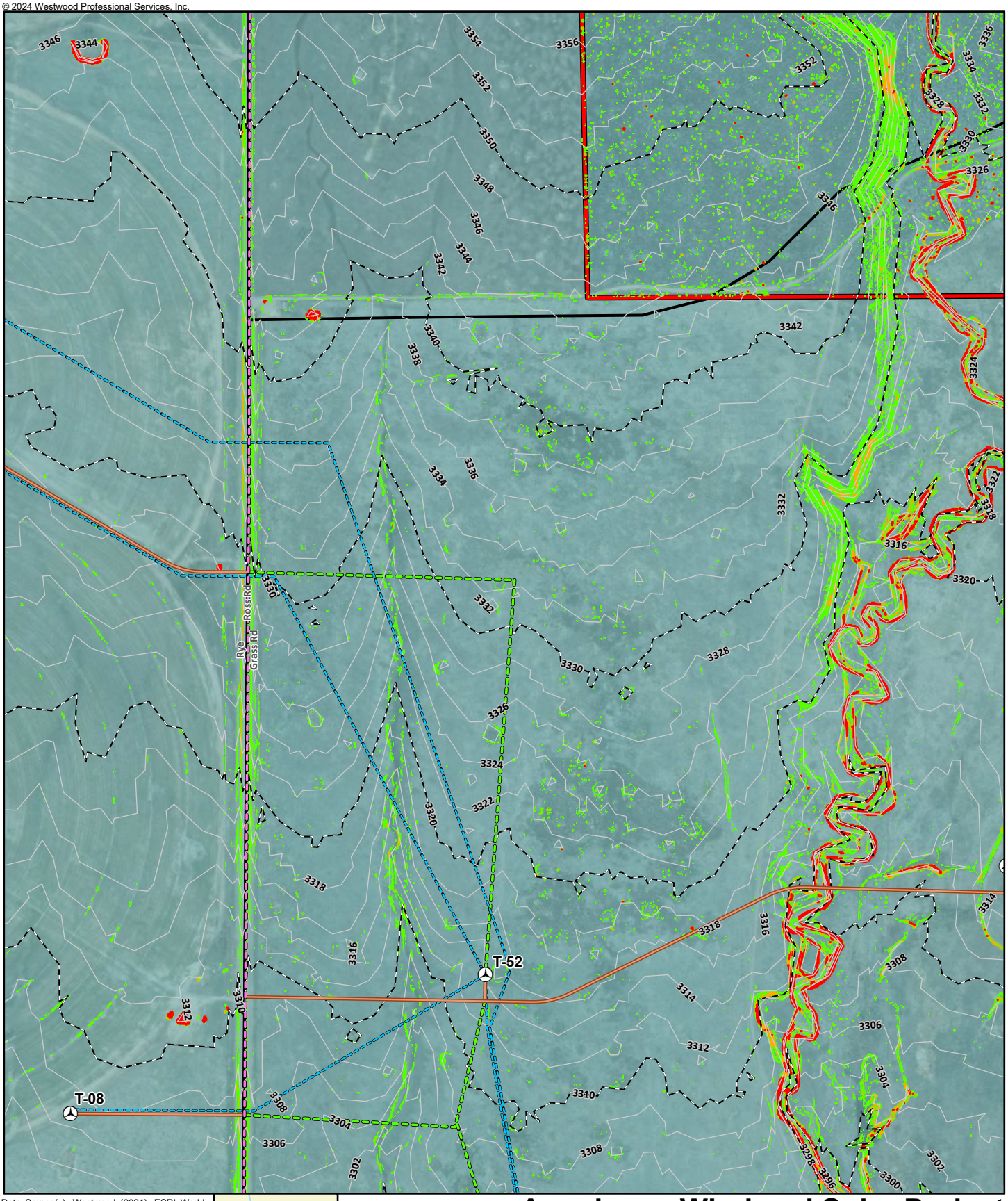

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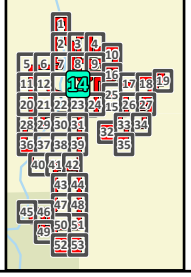

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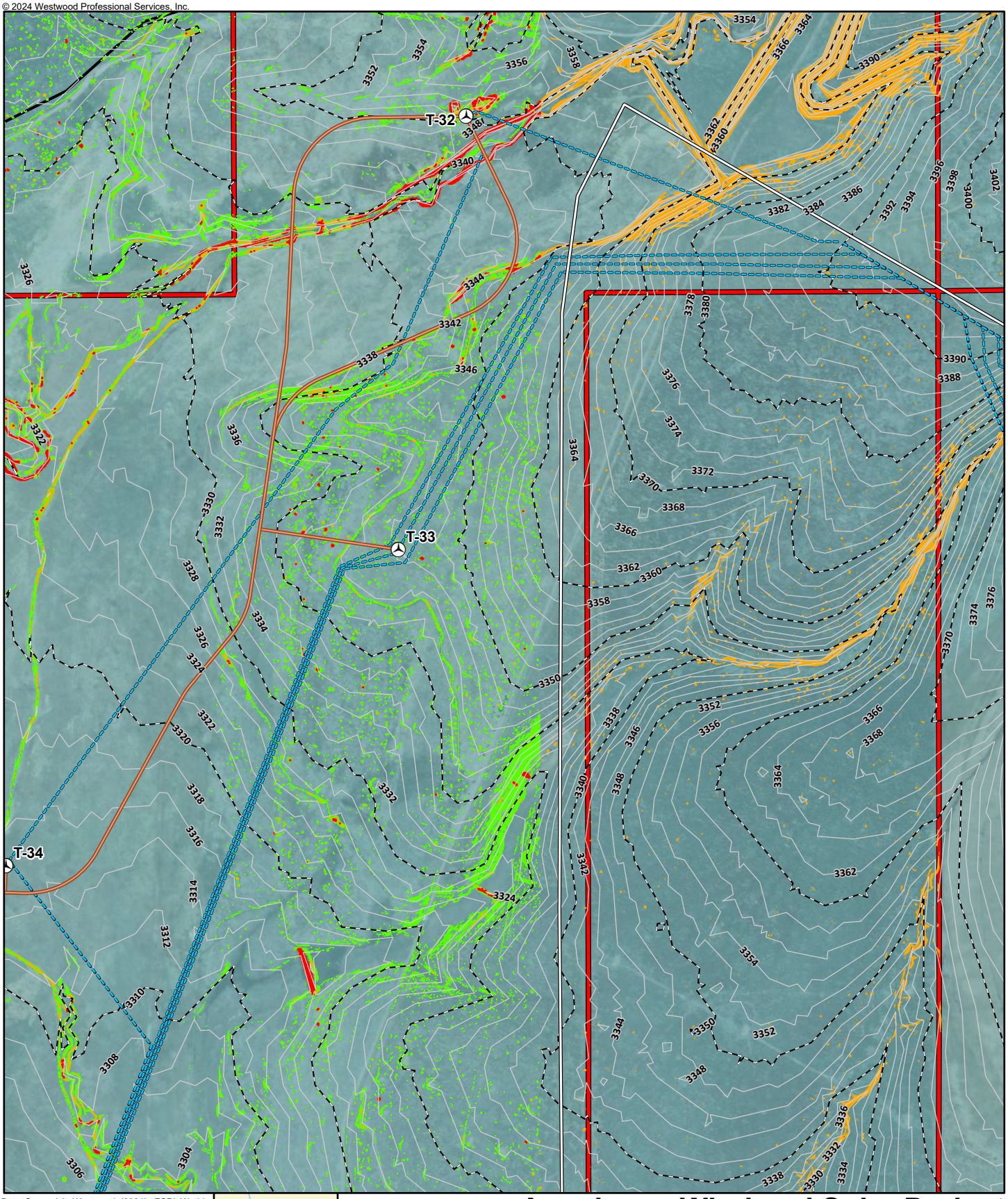

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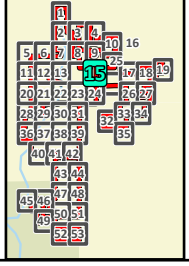

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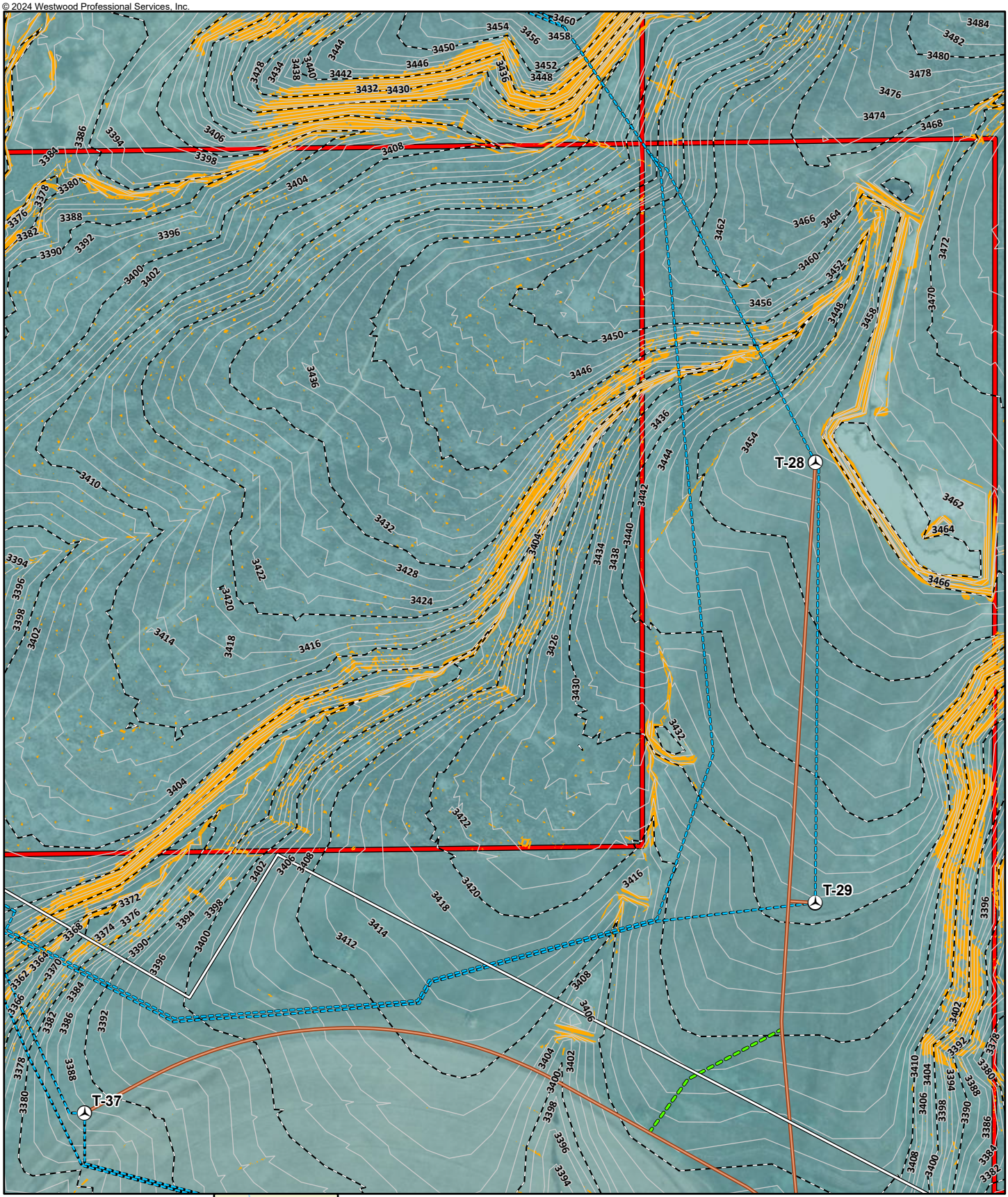

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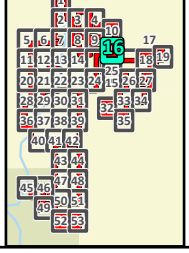

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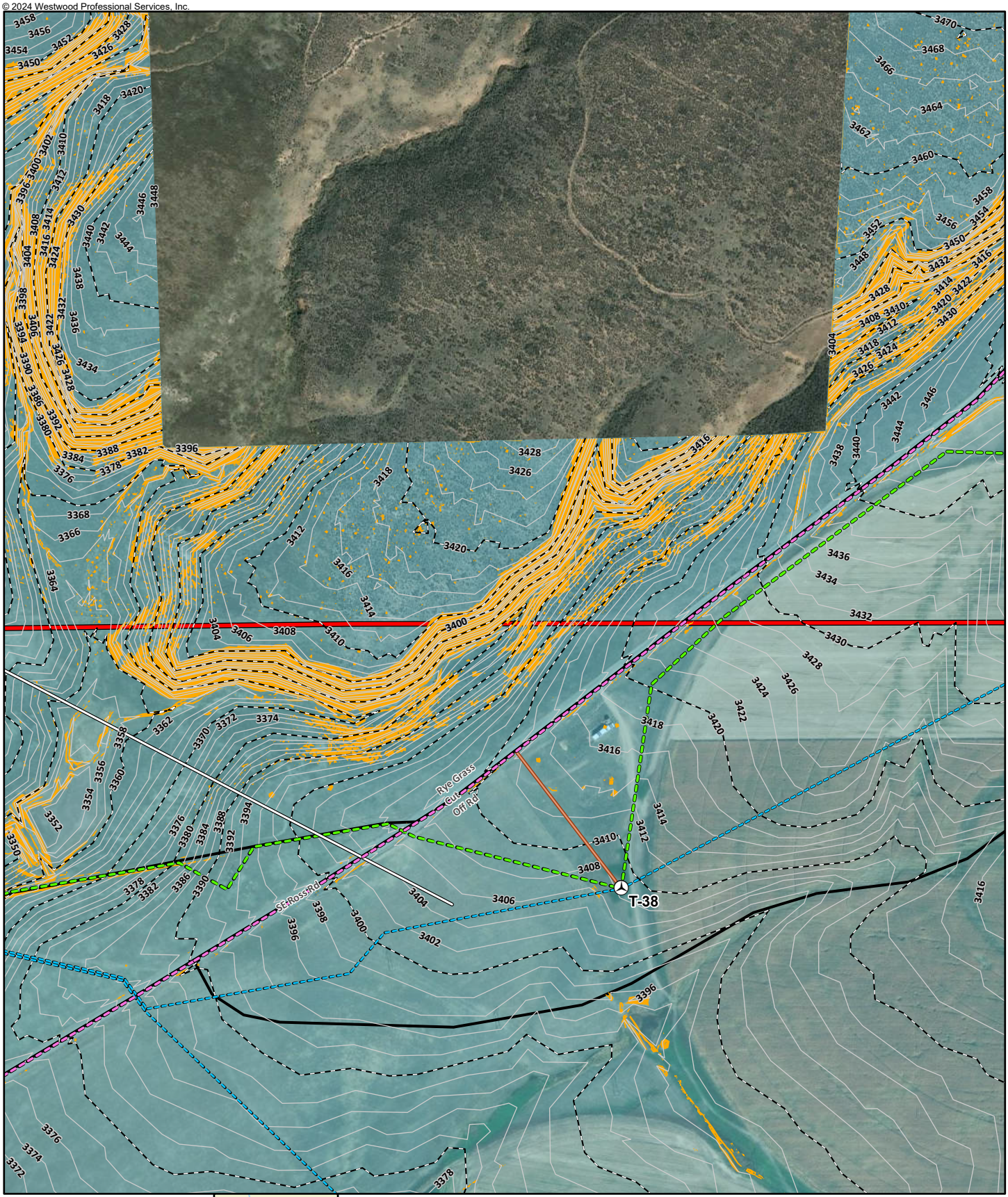

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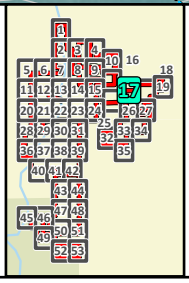

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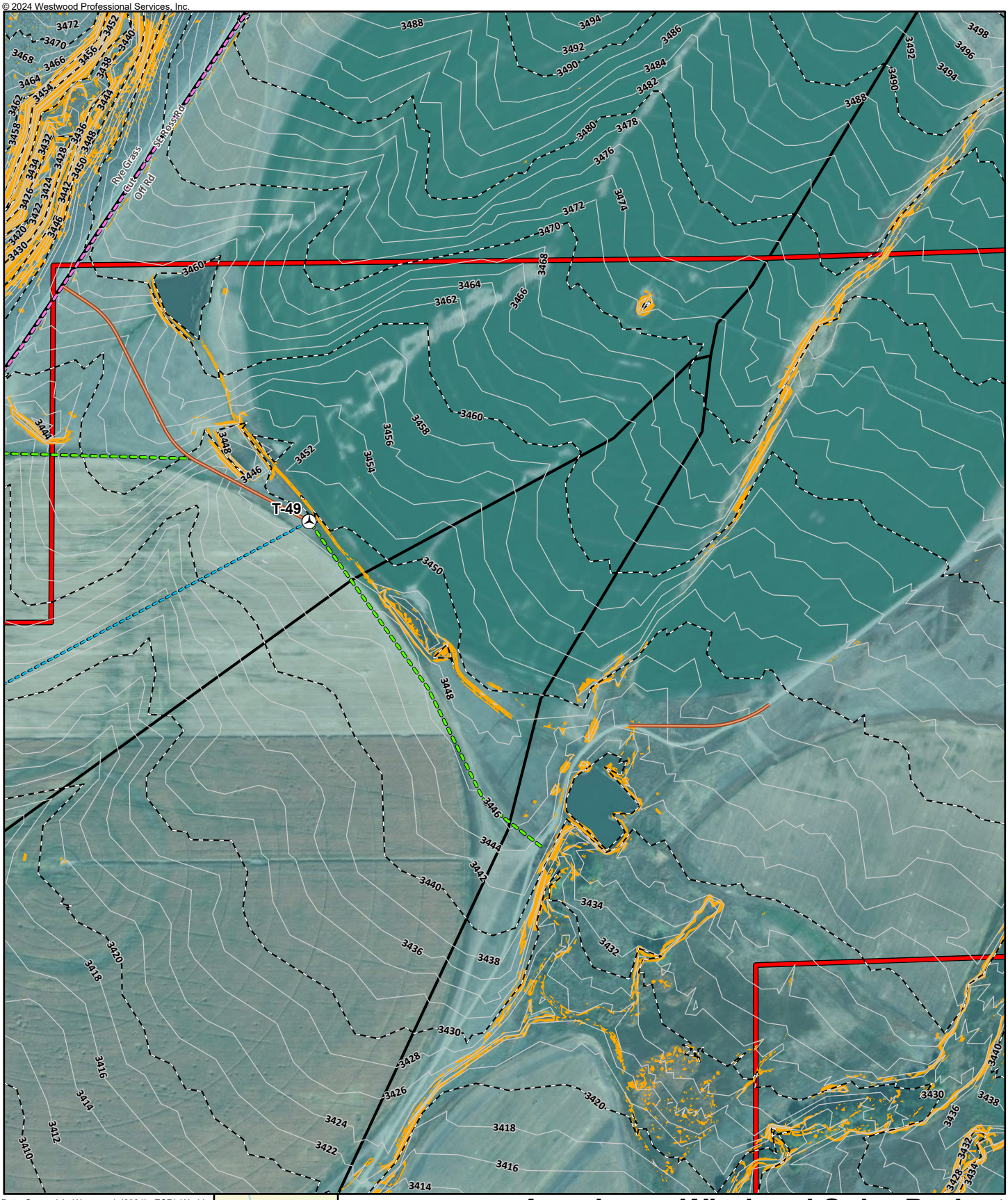

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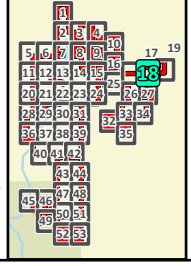

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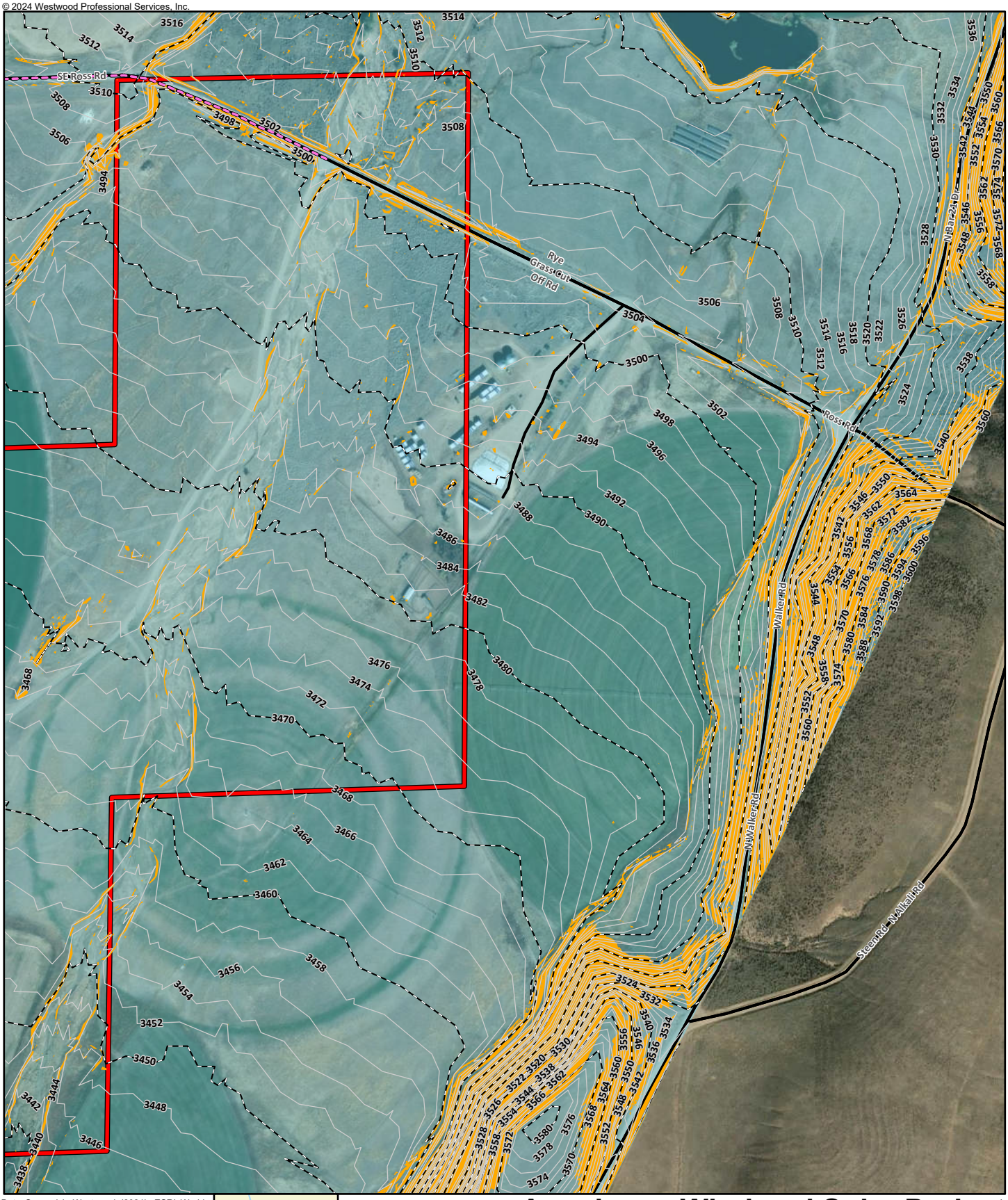

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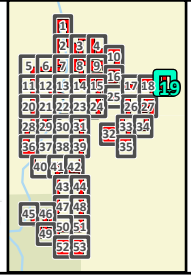

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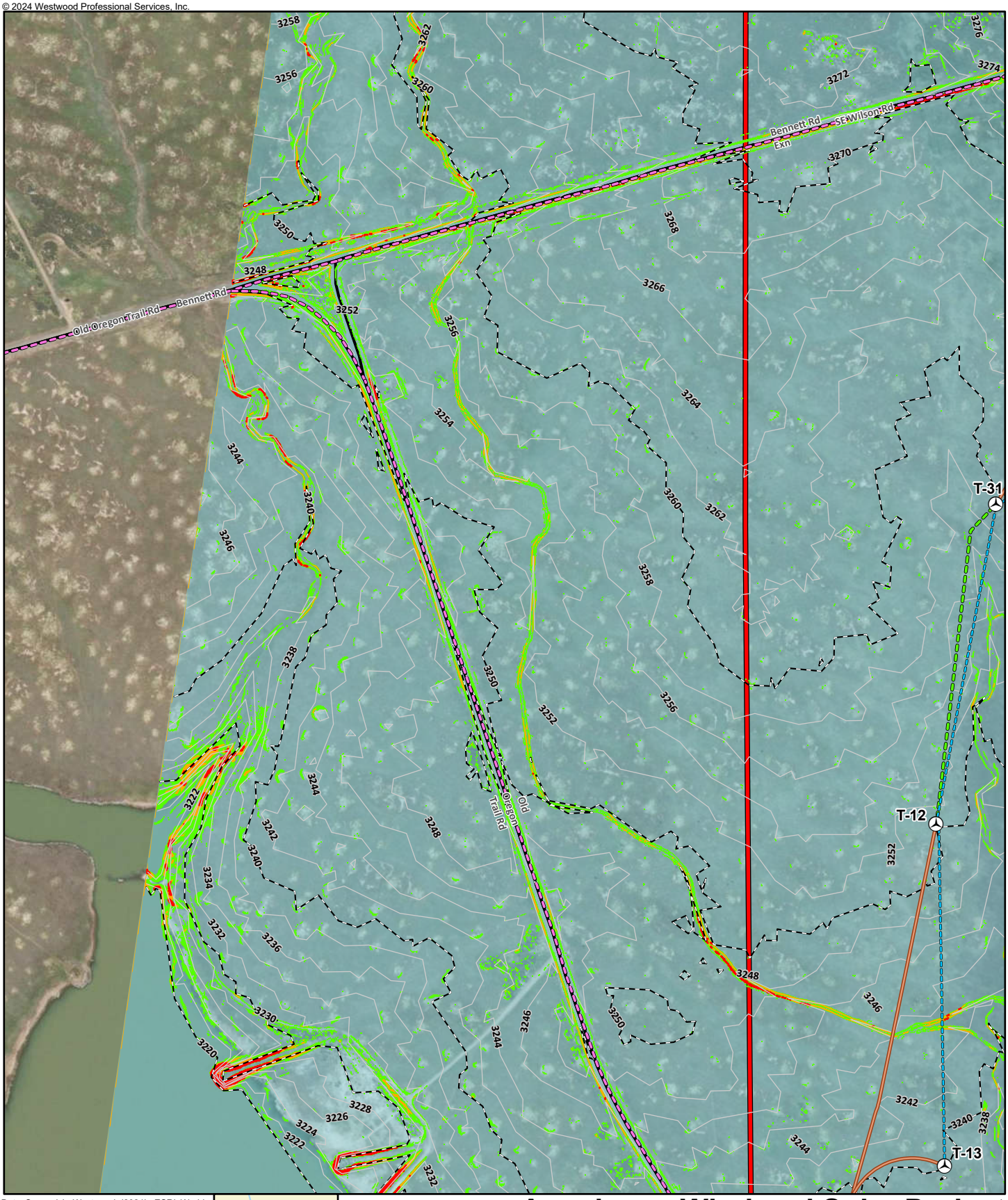

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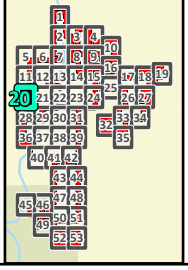

Legend

- Project Area
- < 8% Slope
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- Solar Array
- Laydown Yard
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- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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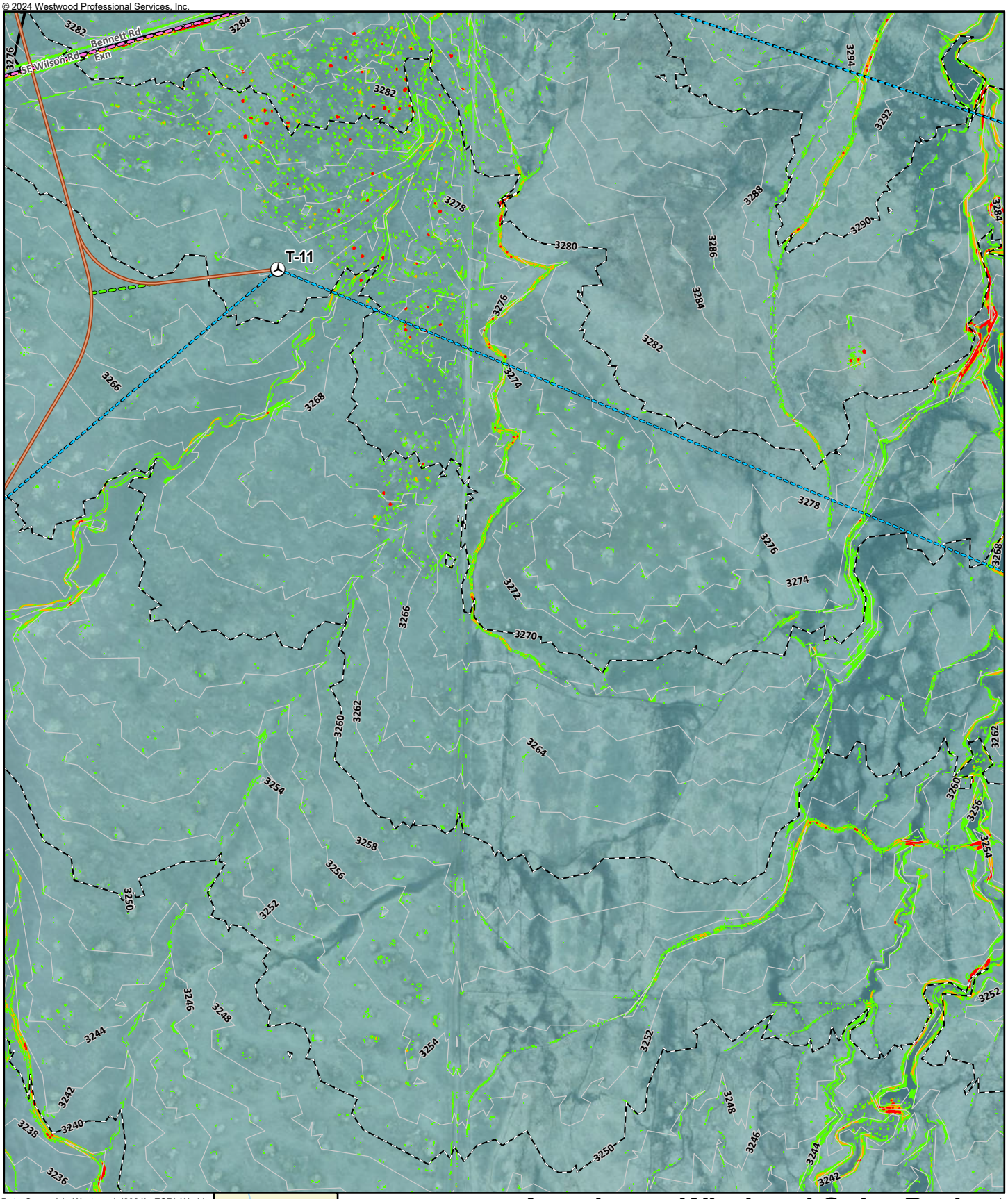

Data Source(s): Westwood (2024); ESRI World Imagery Basemap (Accessed 2024).

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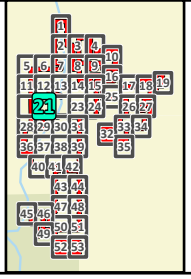

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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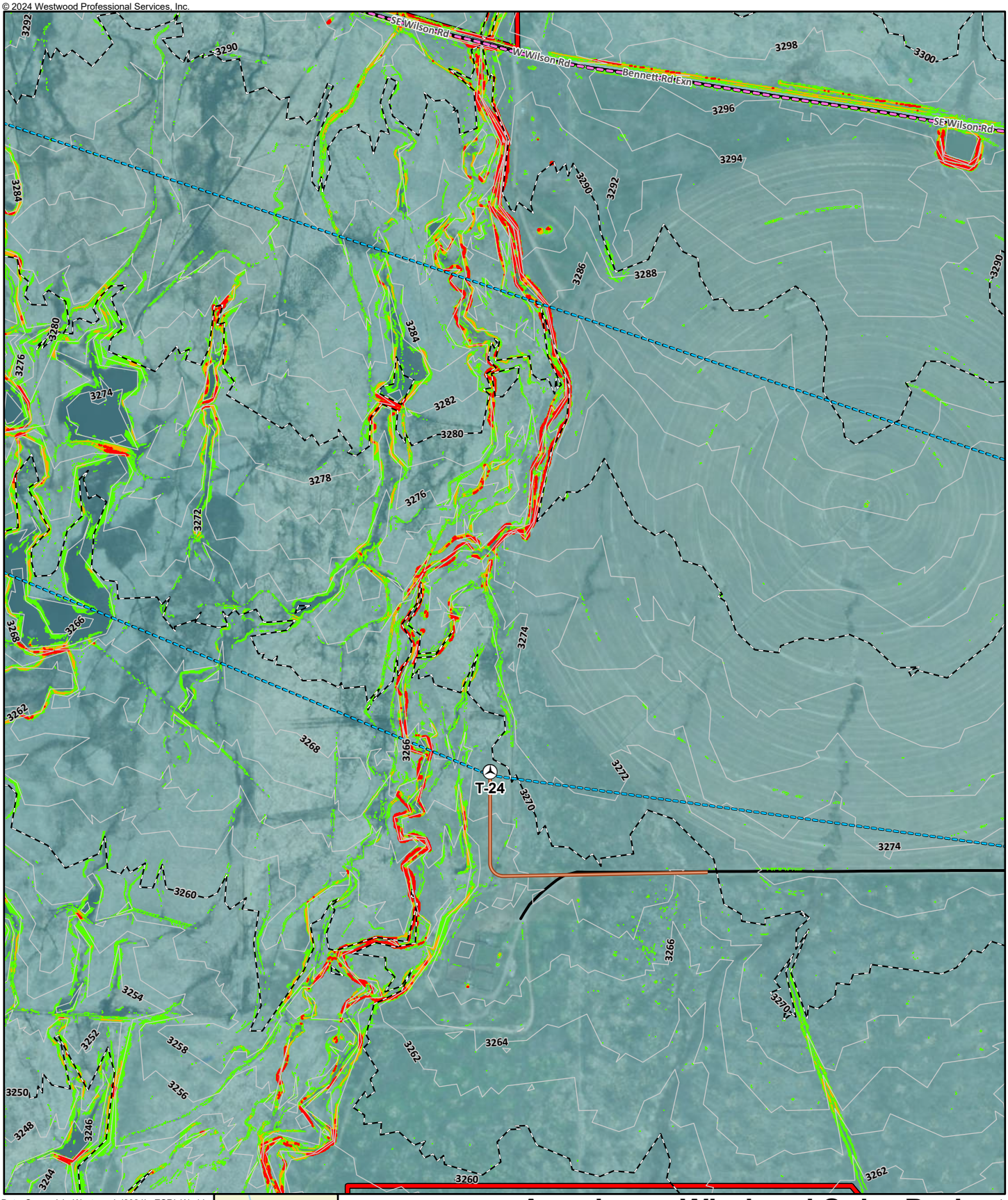

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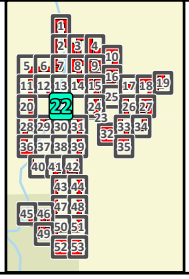

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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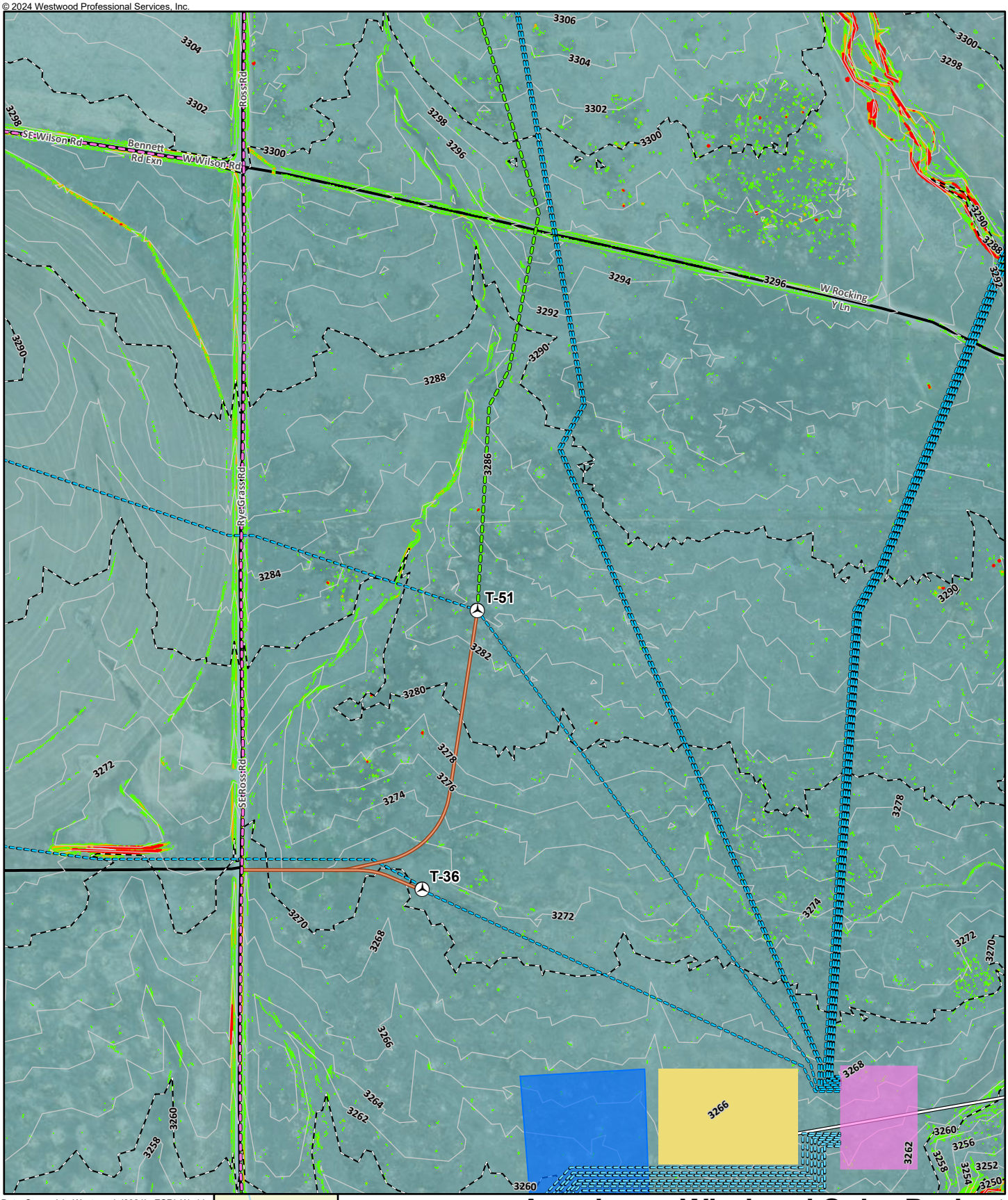

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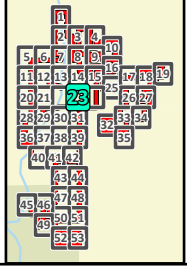

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Appaloosa Wind and Solar Project

Elmore County, Idaho

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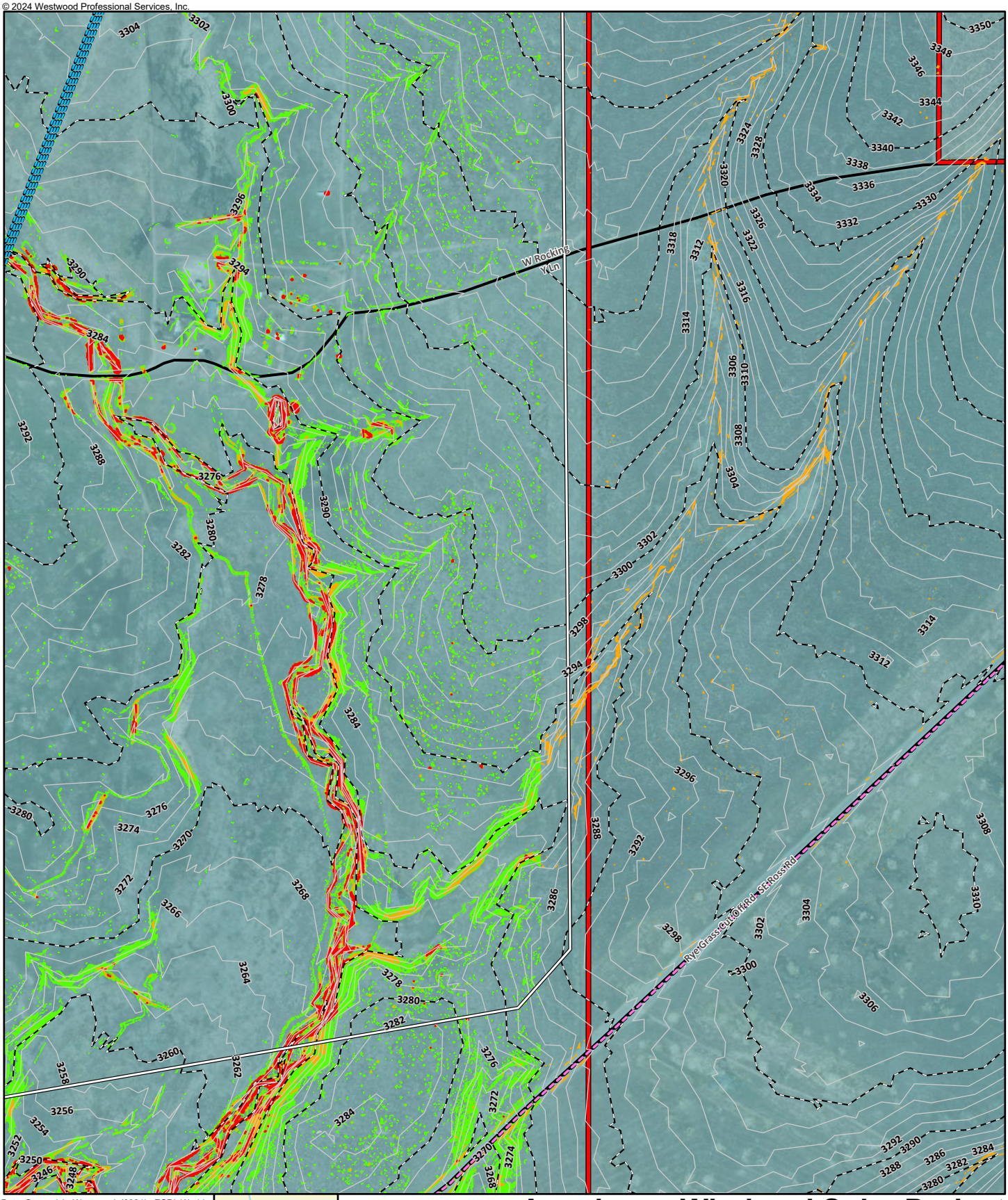

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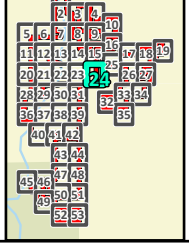

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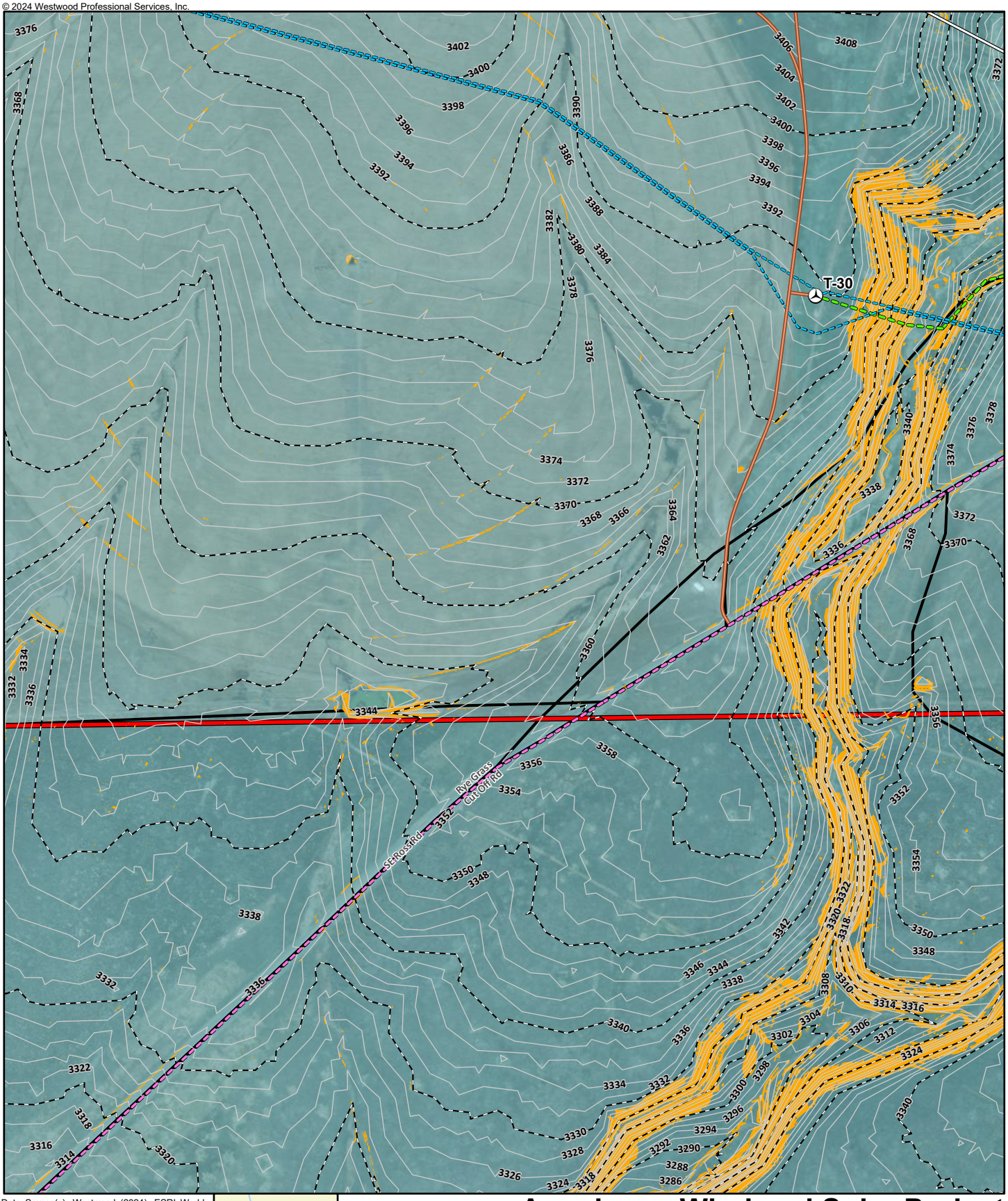

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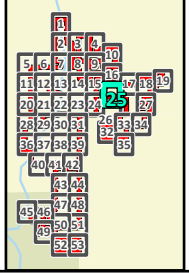

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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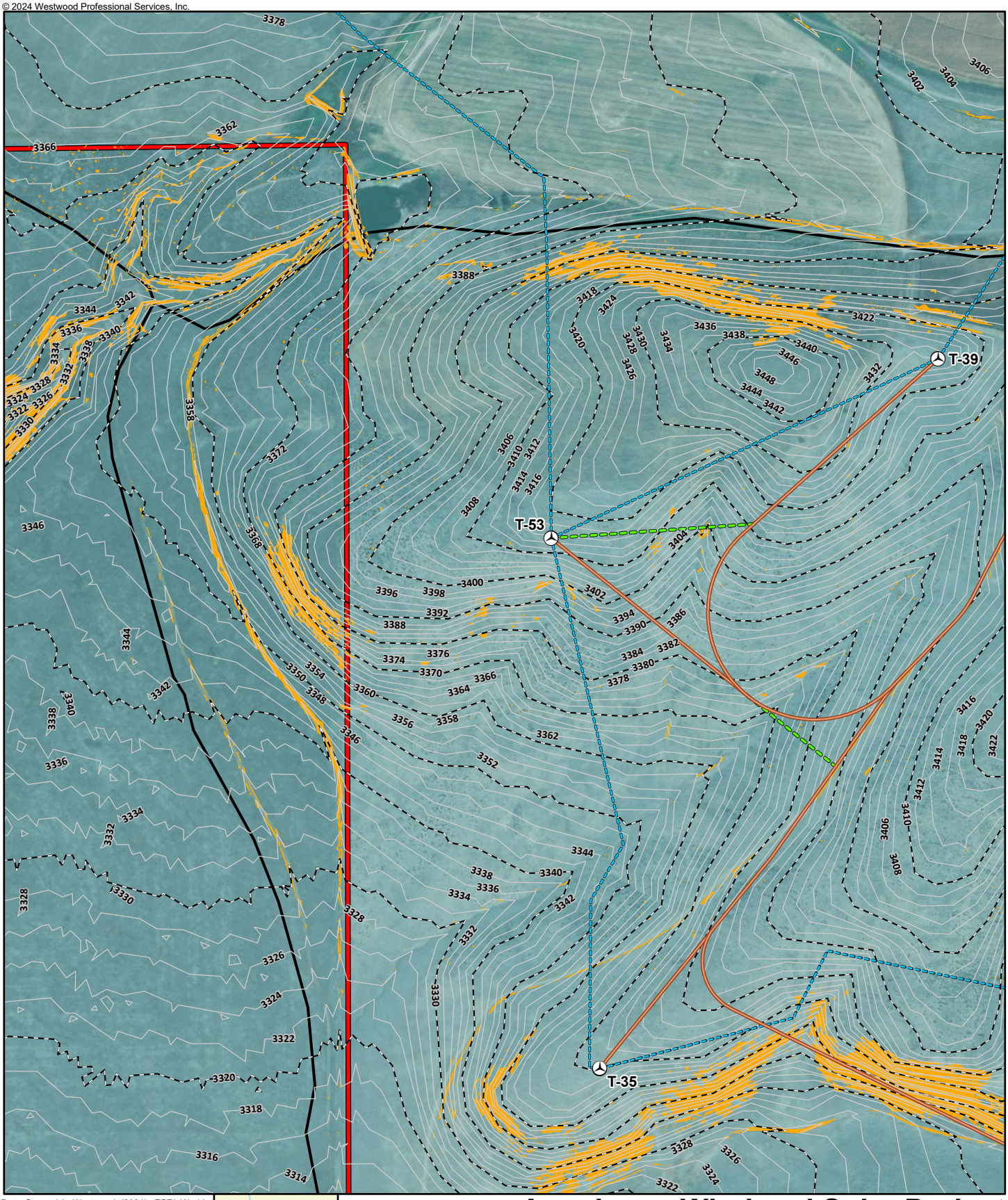

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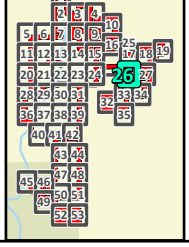

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Appaloosa Wind and Solar Project

Elmore County, Idaho

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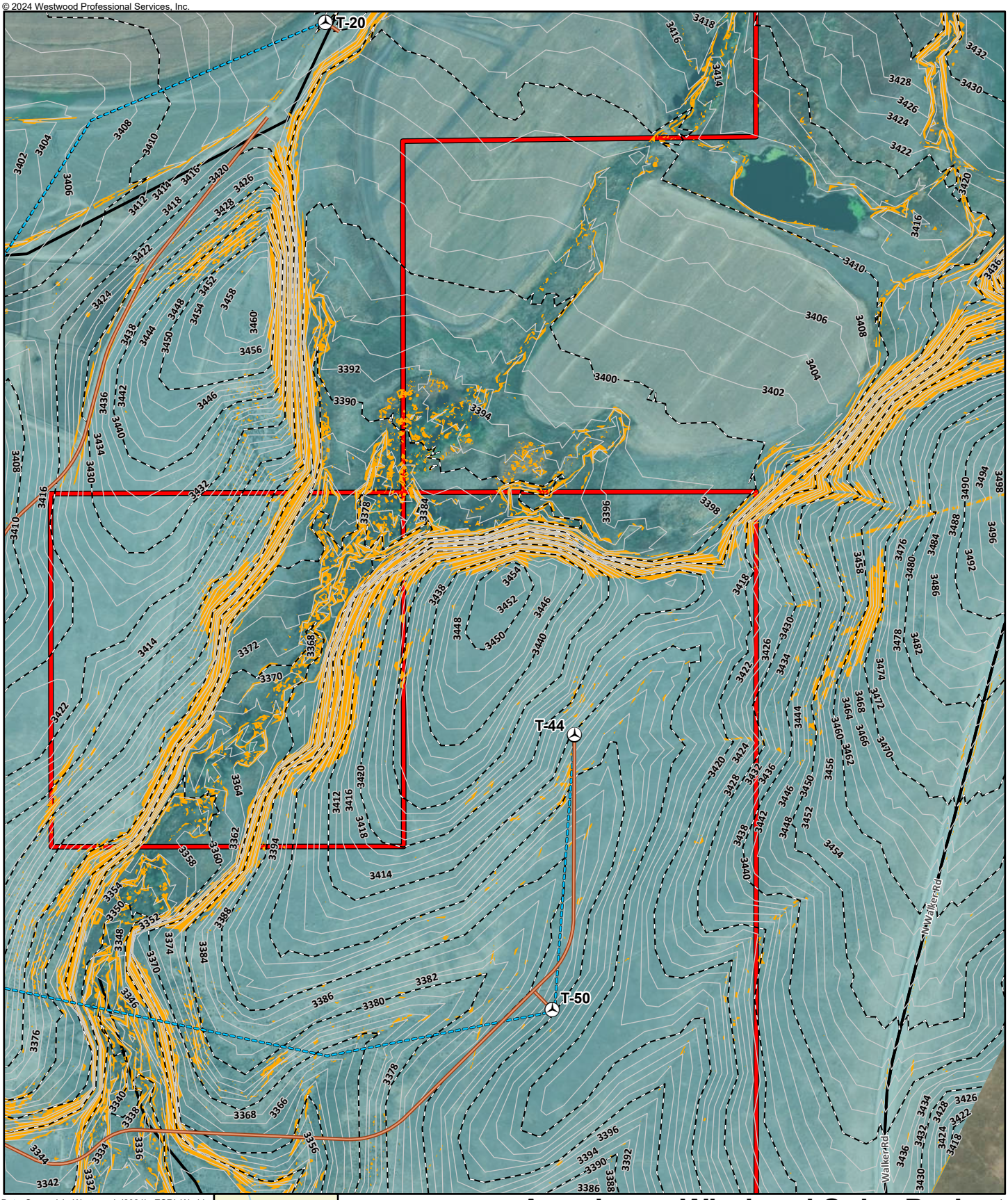

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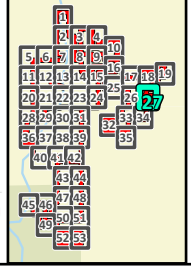

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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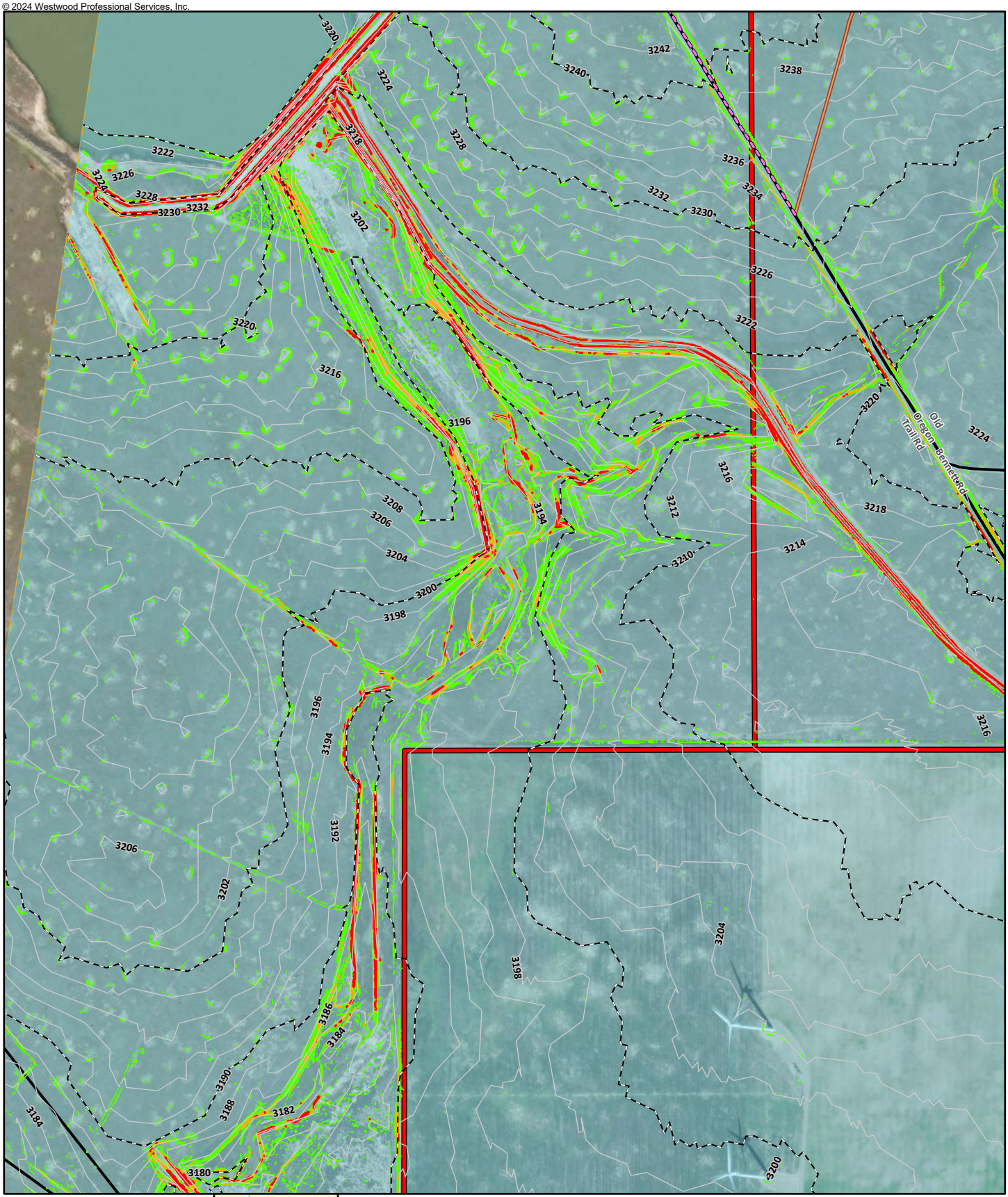

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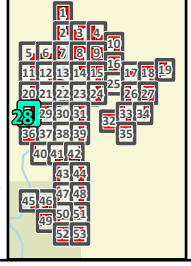

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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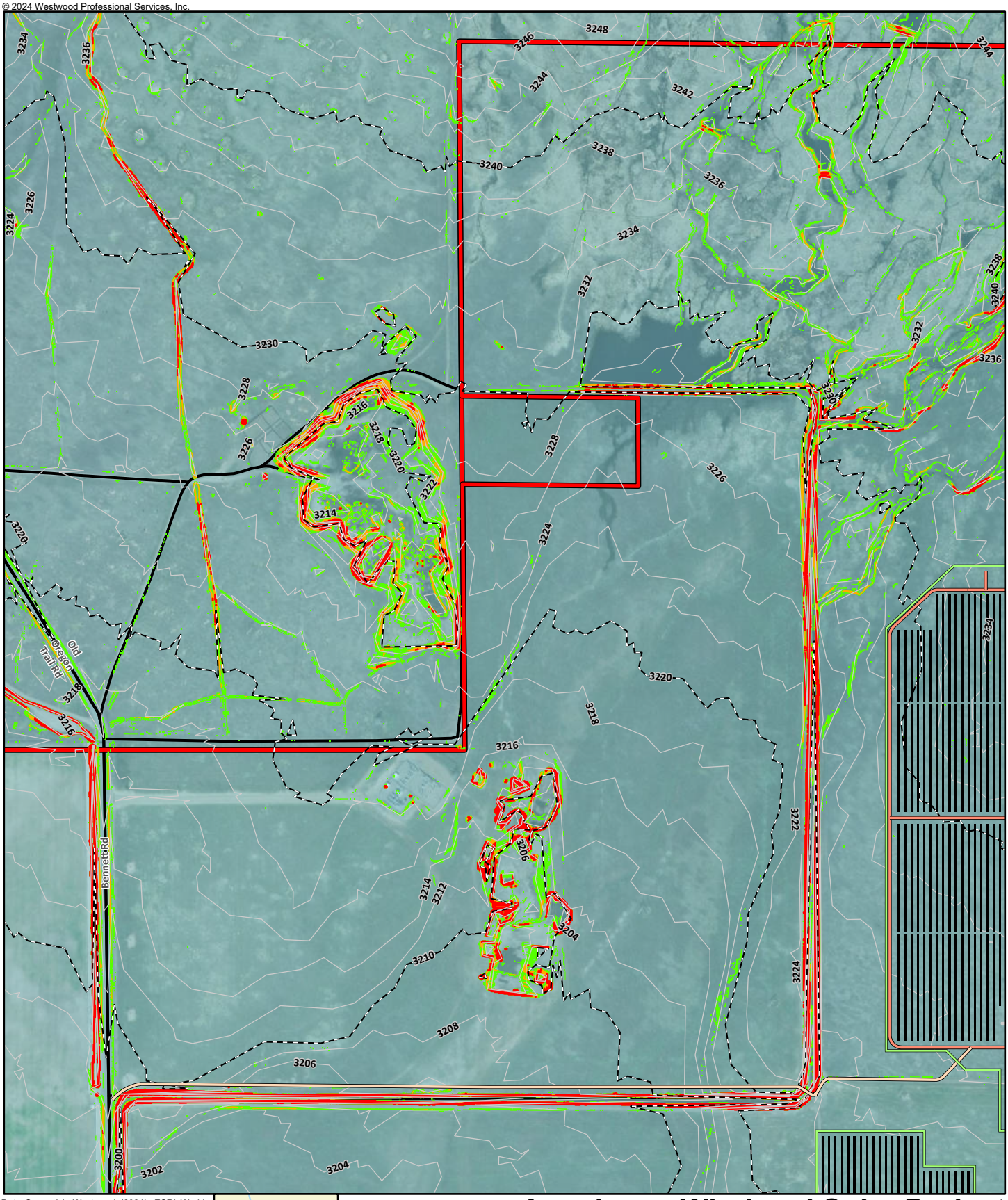

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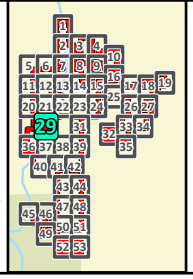

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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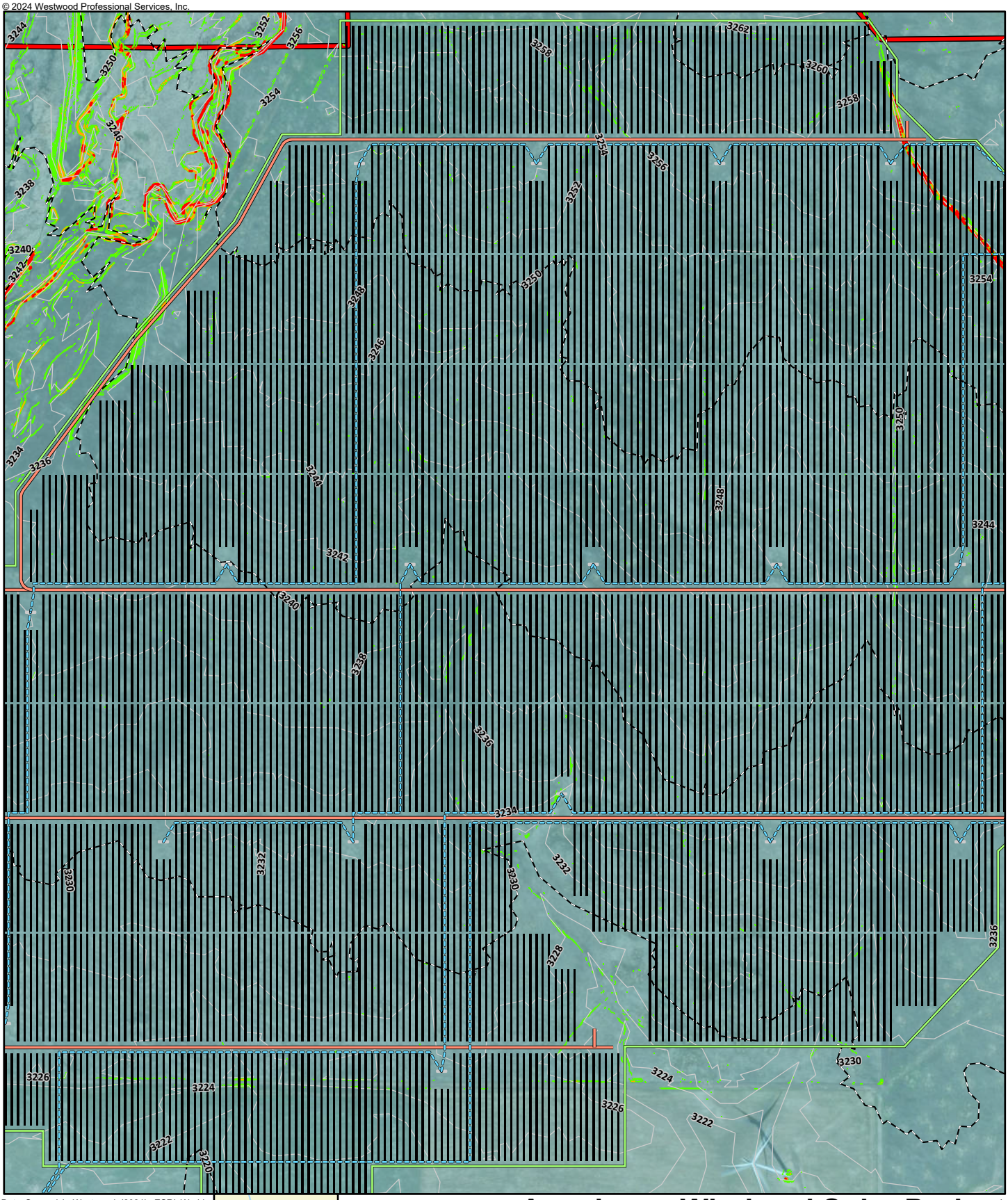

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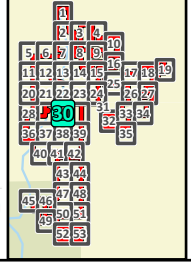

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Appaloosa Wind and Solar Project

Elmore County, Idaho

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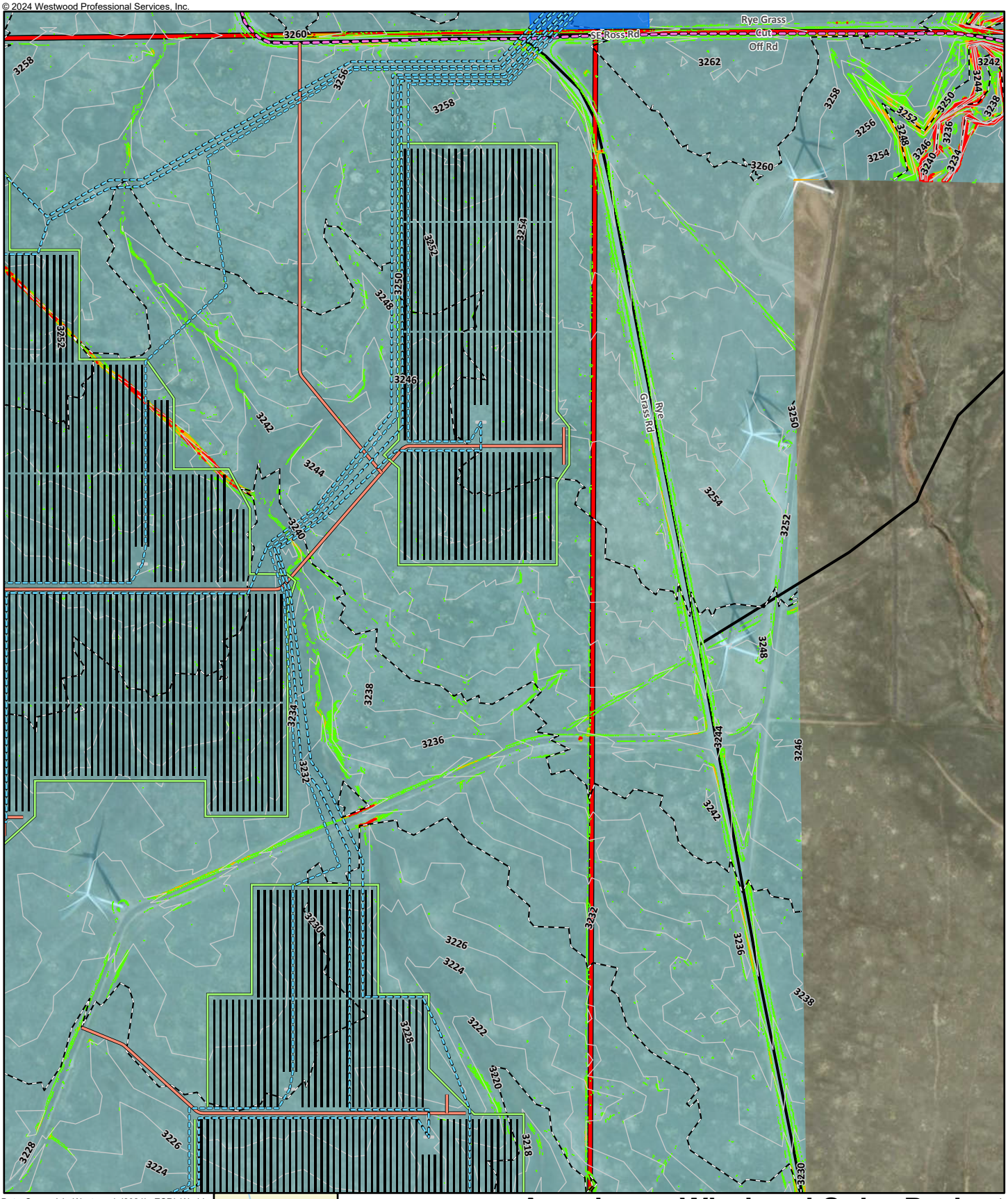

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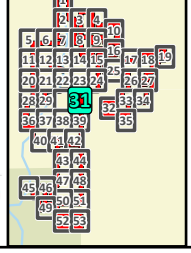

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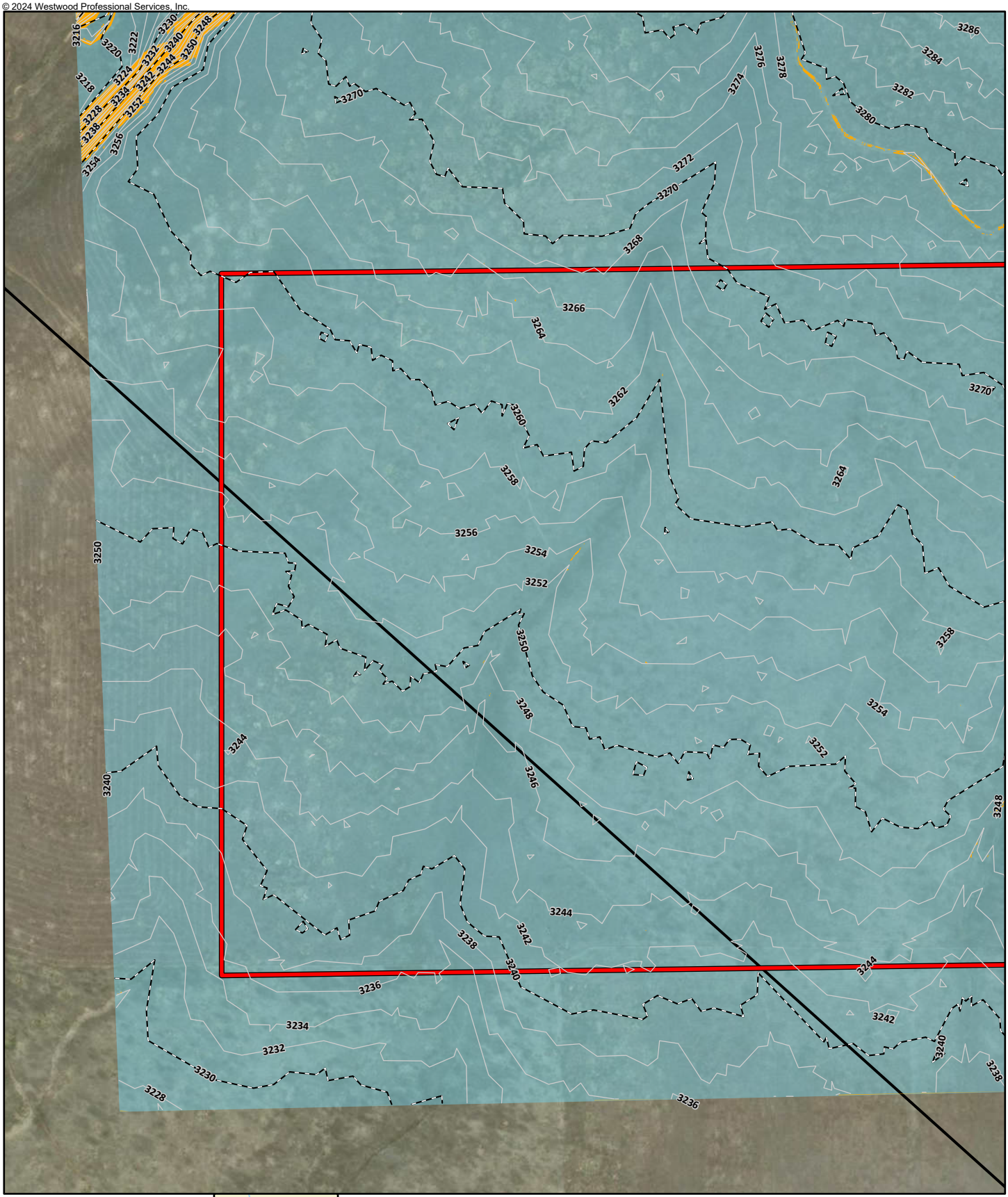

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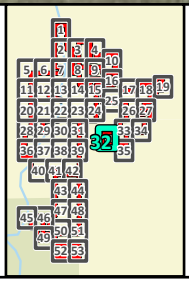

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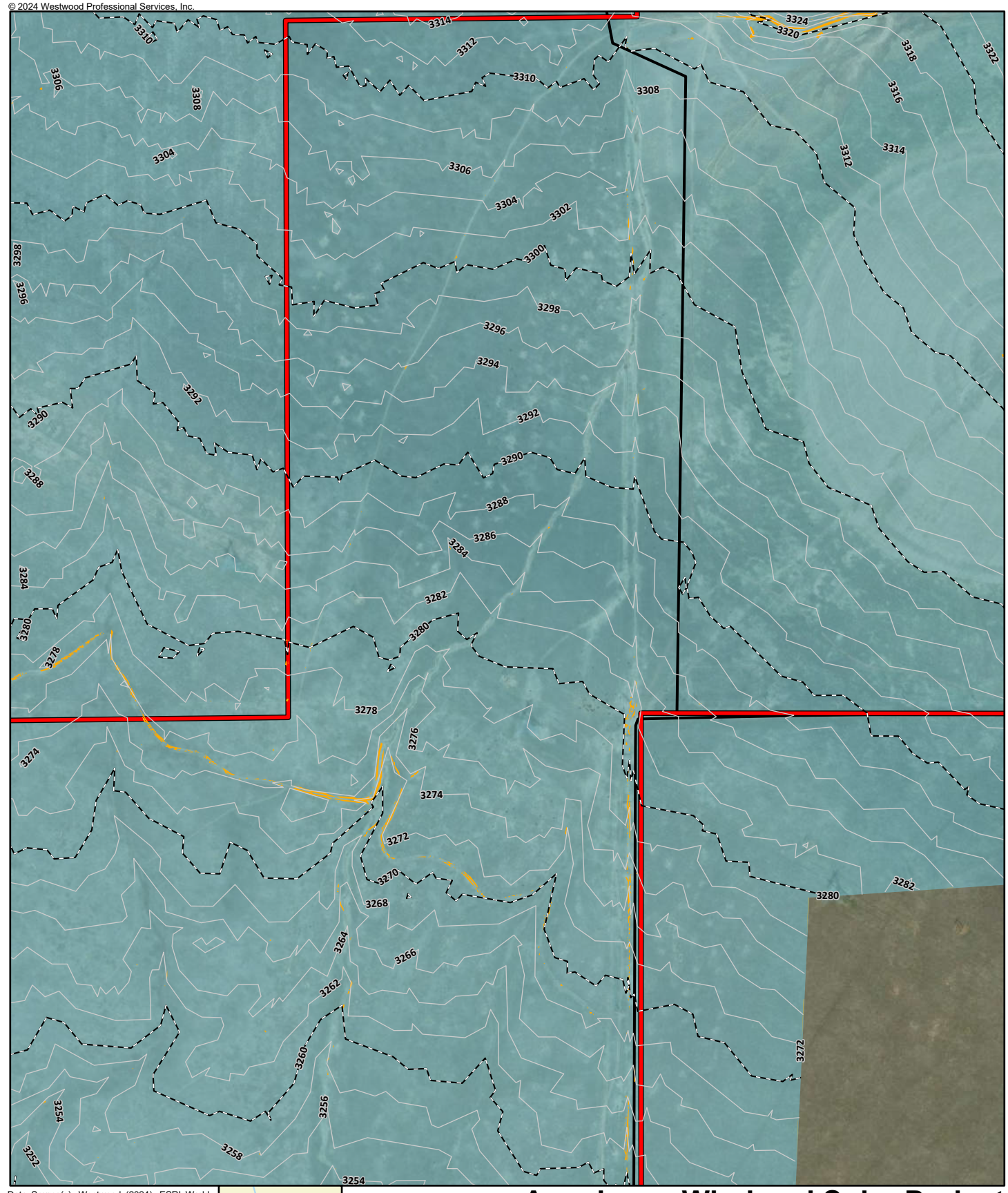

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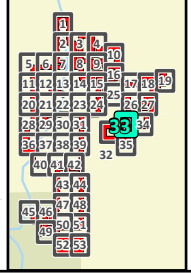

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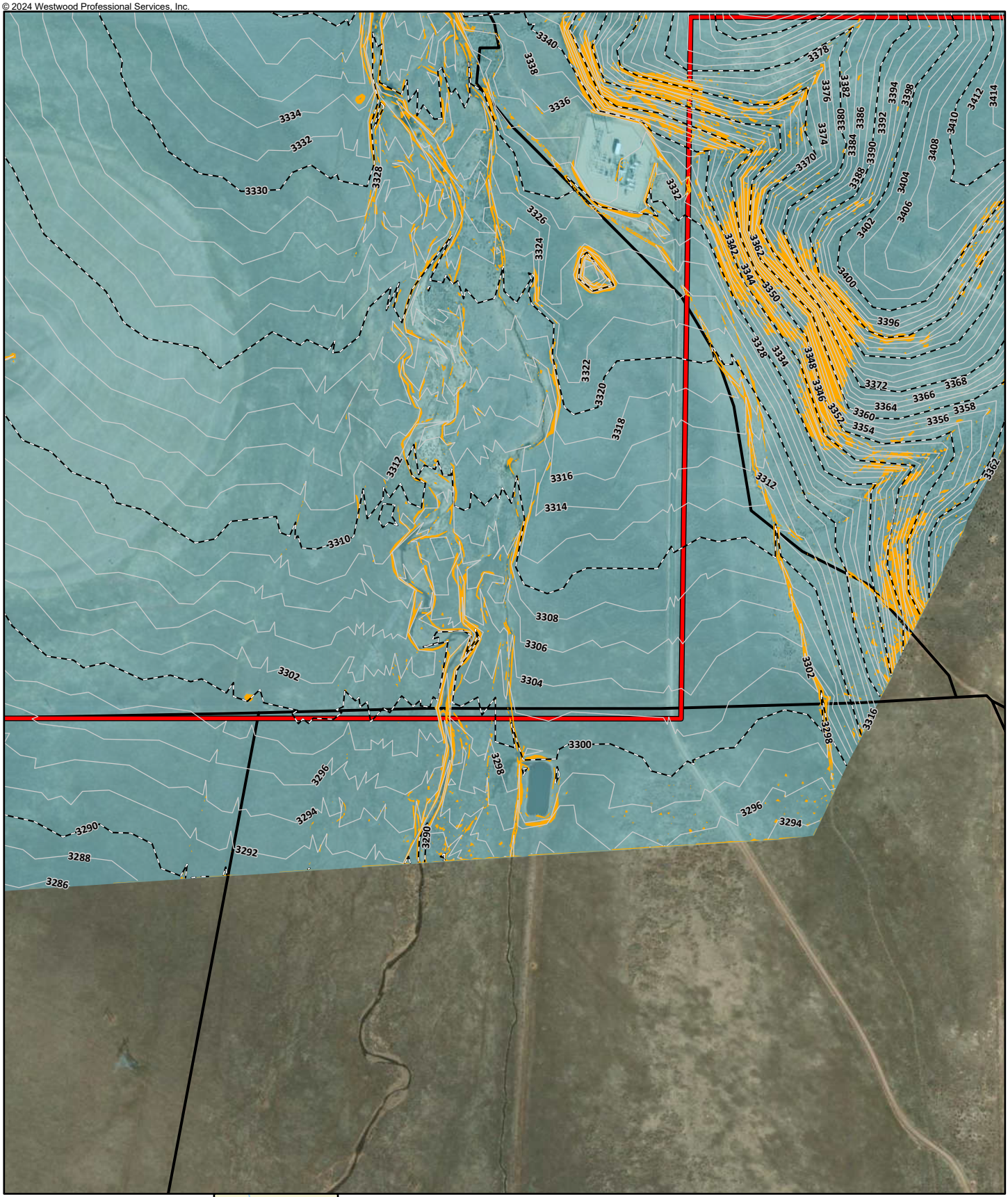

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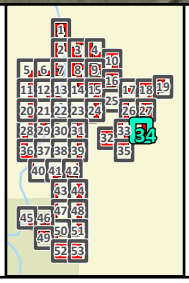

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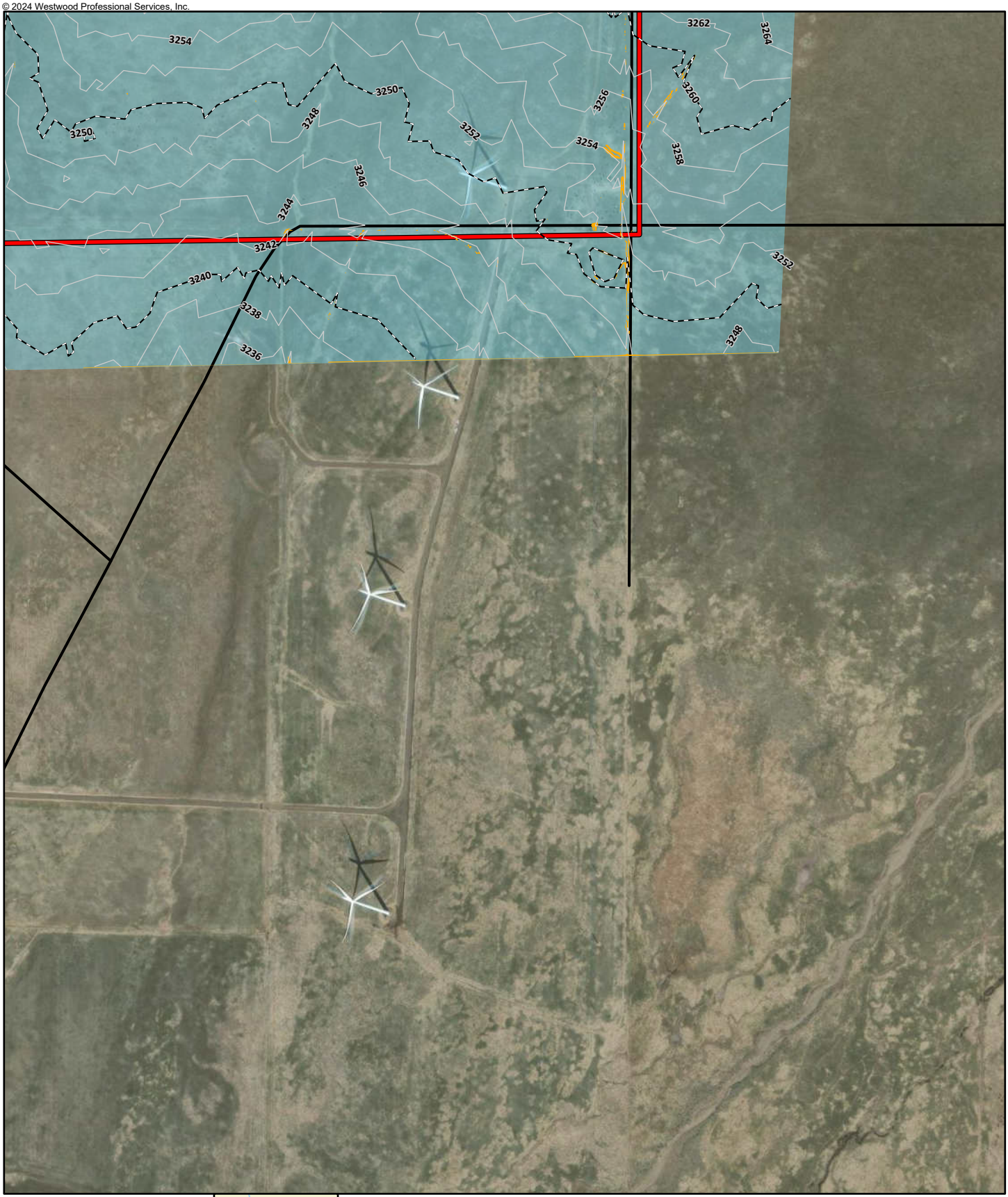

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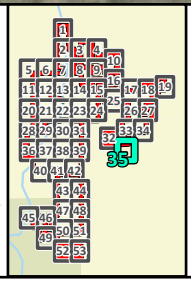

Legend

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- < 8% Slope
- 8-15% Slope
- 15.01-25%
- > 25% Slope
- Solar Array
- Laydown Yard
- POI Substation
- O&M Facility
- BESS
- Inverter
- Crane Path
- Collection Line
- Security Fence
- Primary Access Road
- Alternate Access Road
- Proposed Transmission Line
- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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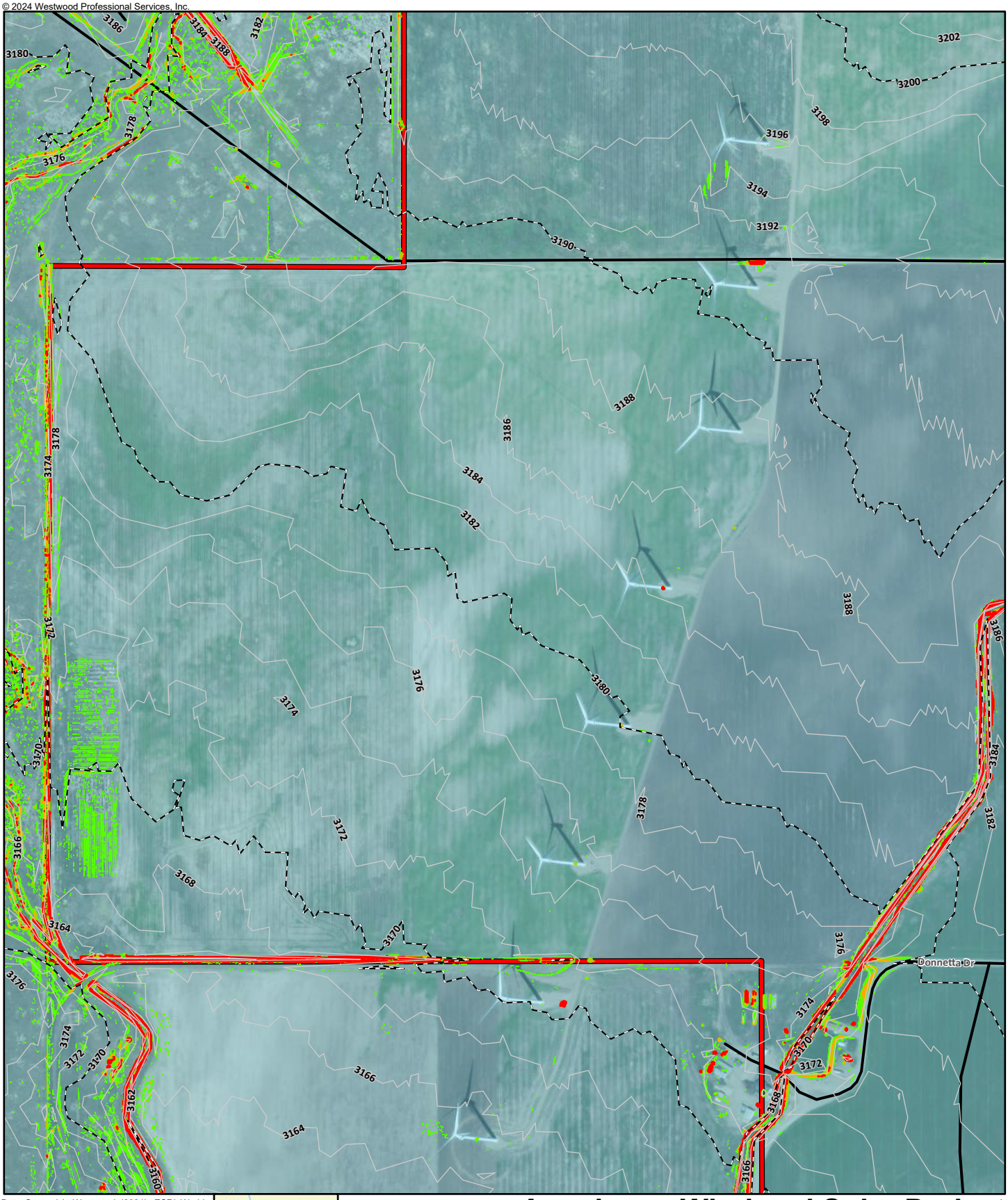

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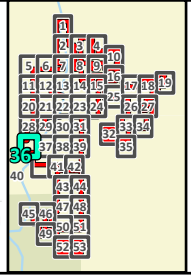

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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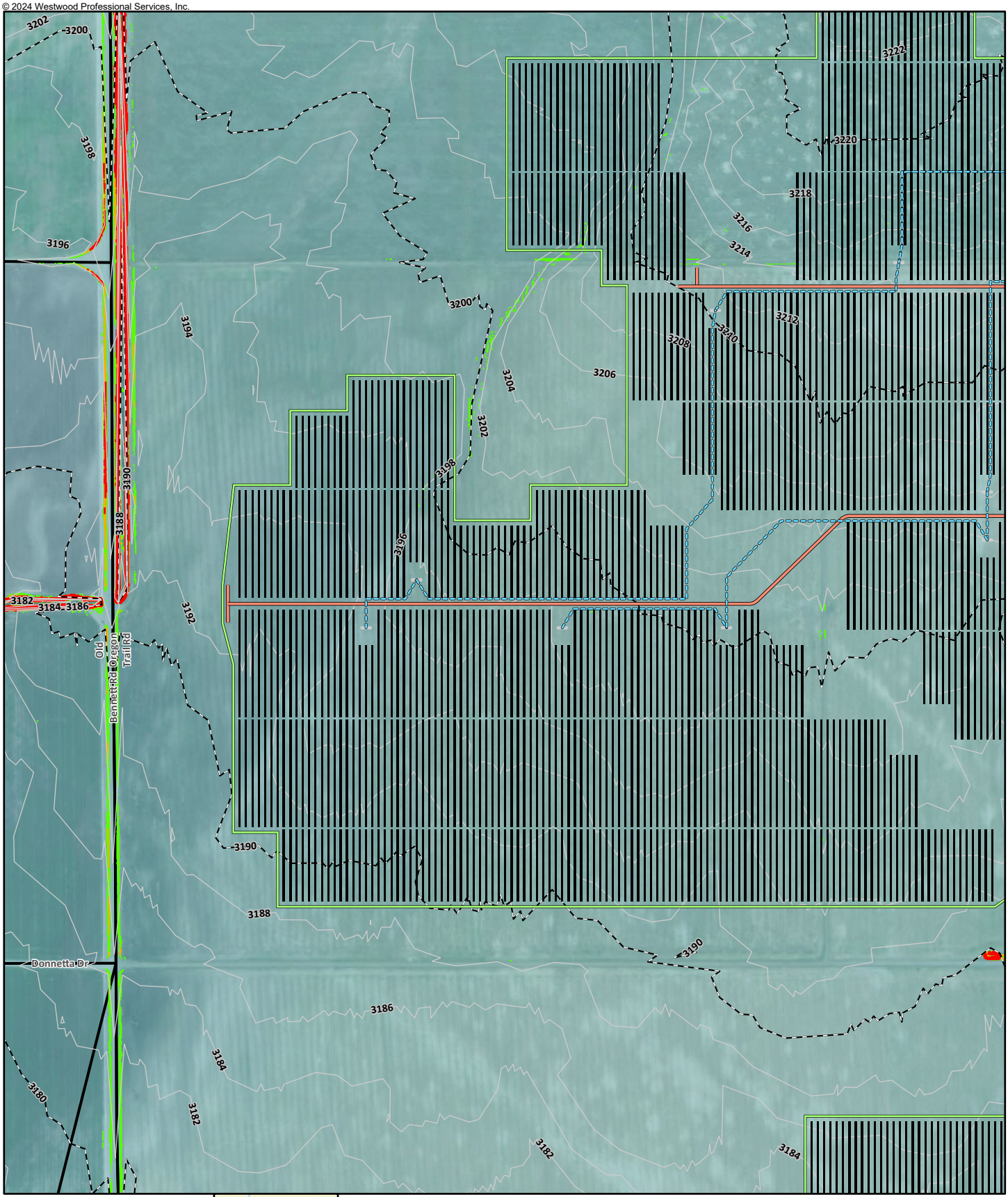

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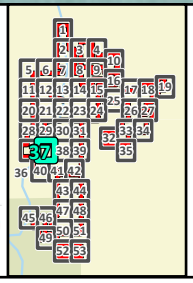

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Appaloosa Wind and Solar Project

Elmore County, Idaho

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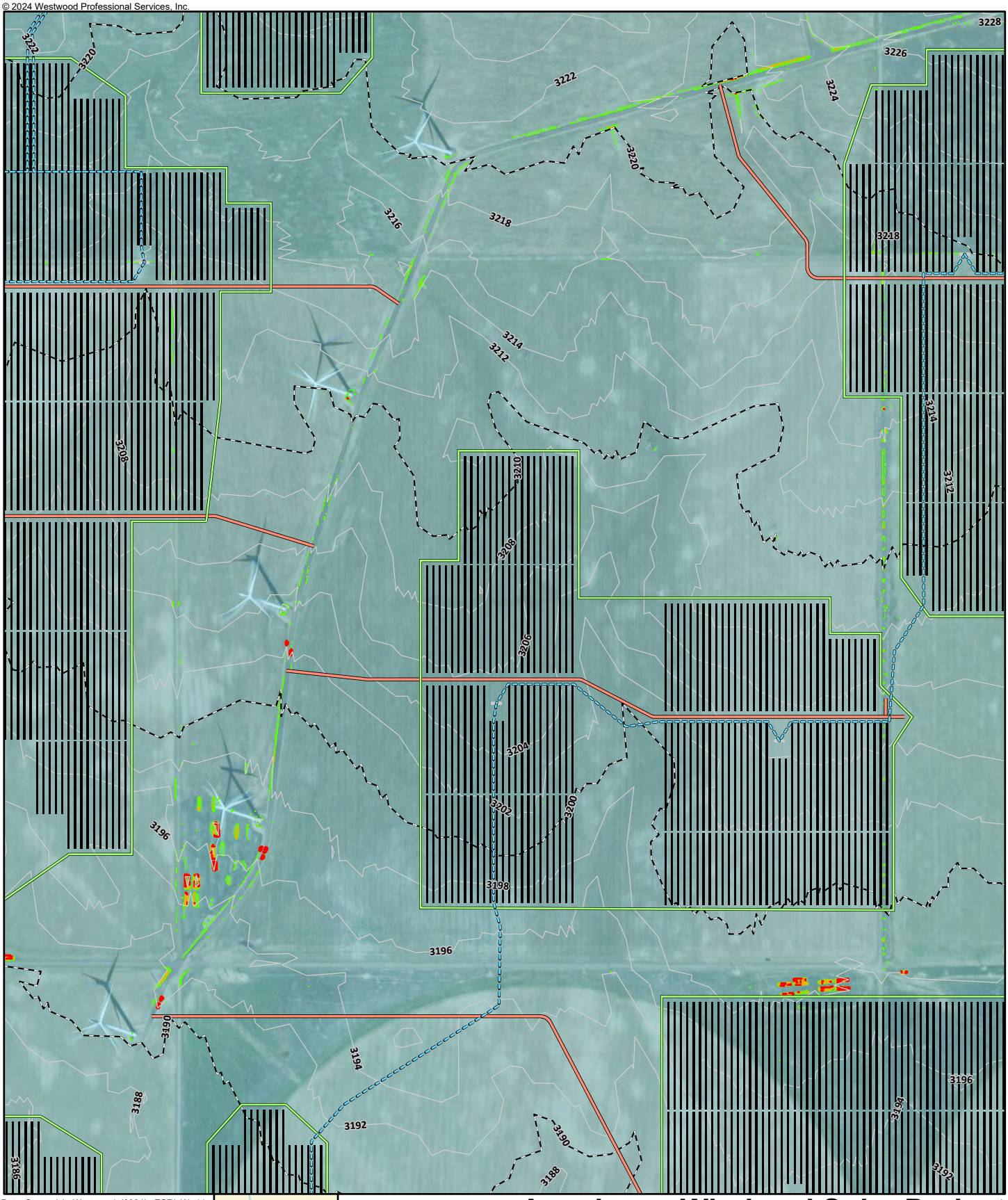

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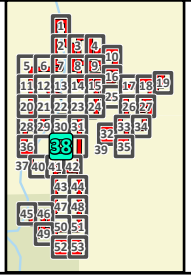

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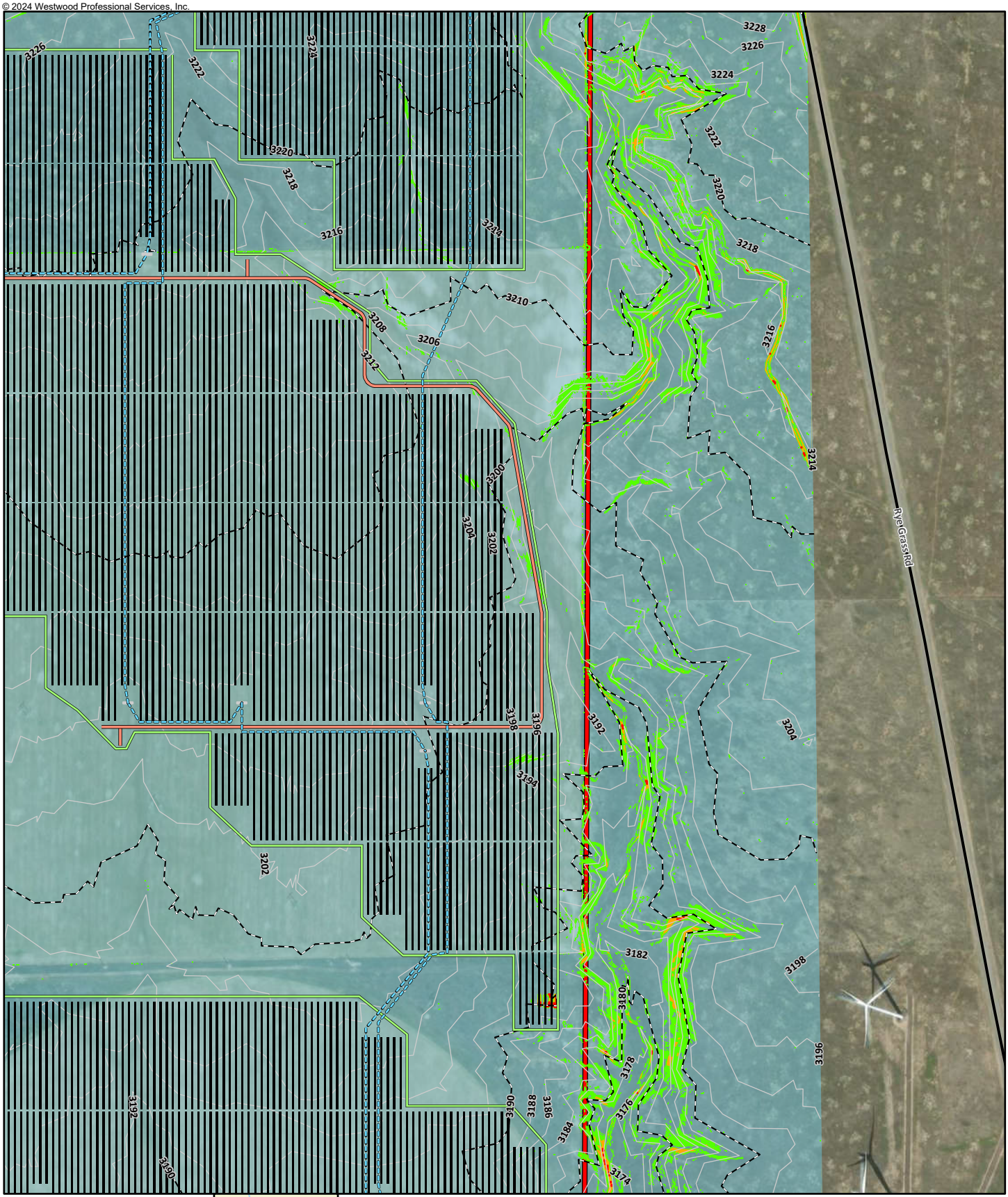

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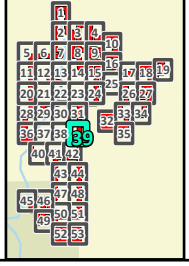

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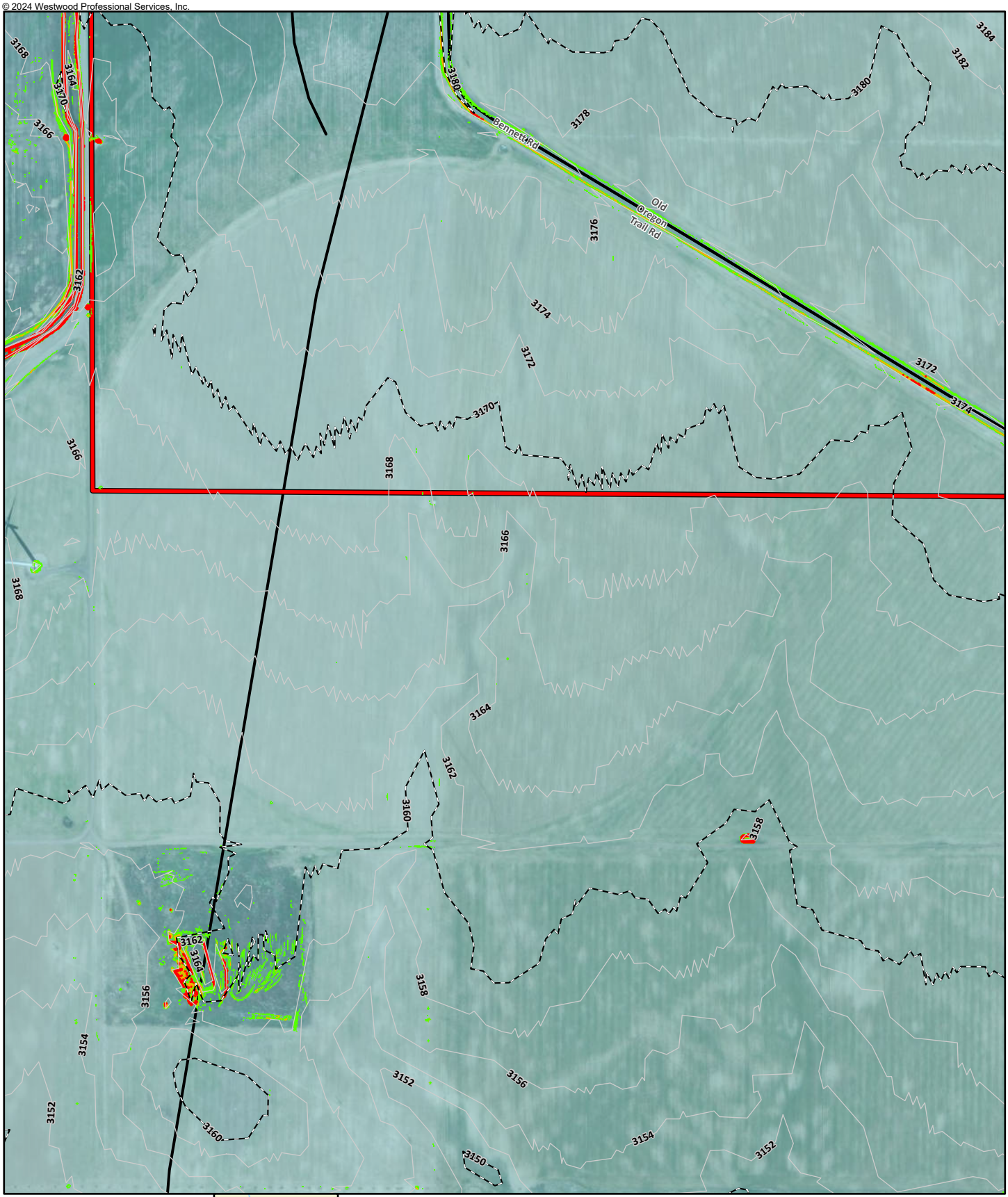

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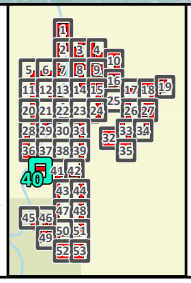

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Elmore County, Idaho

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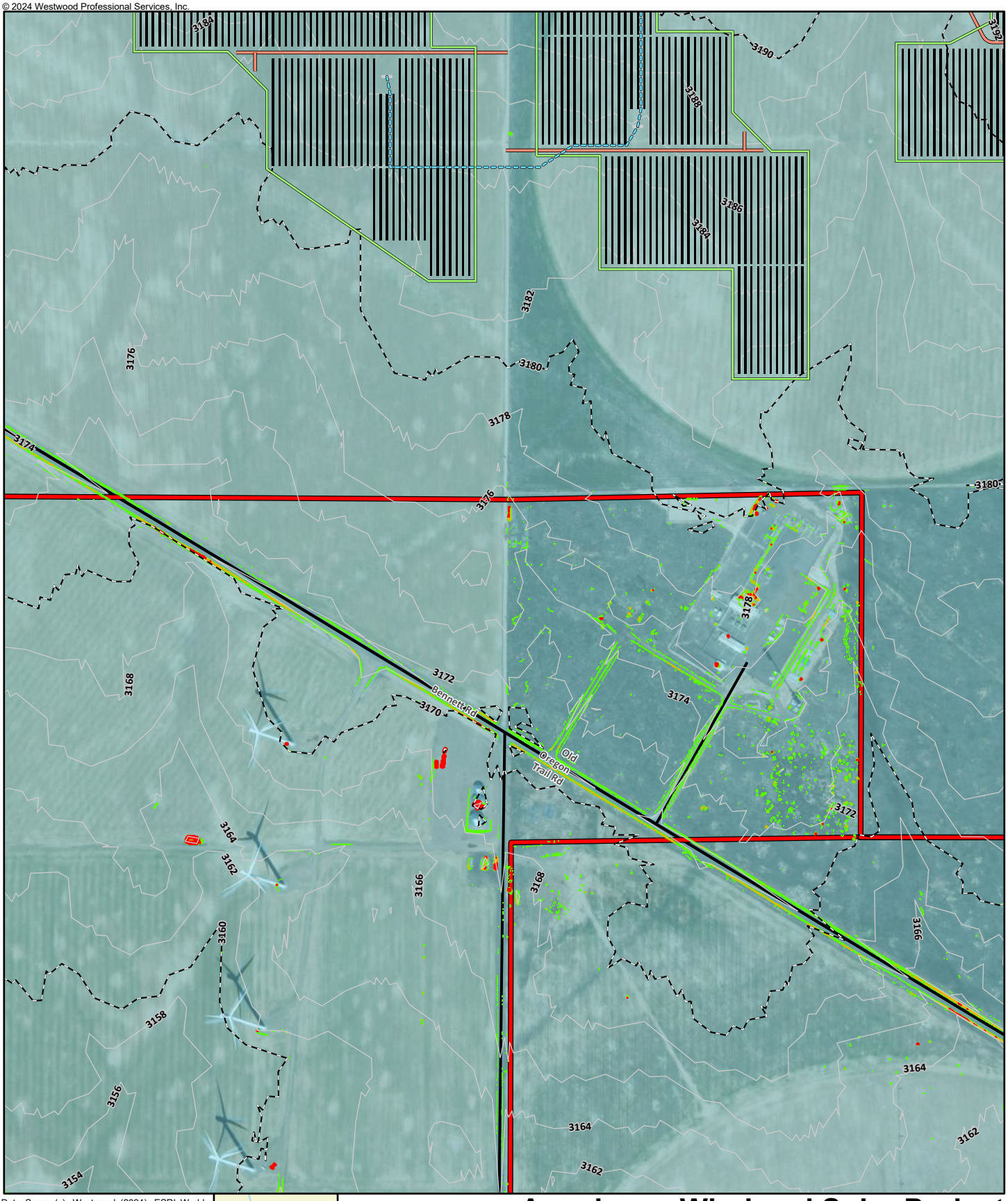

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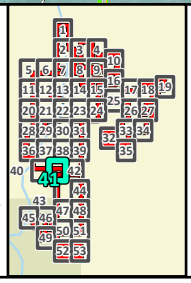

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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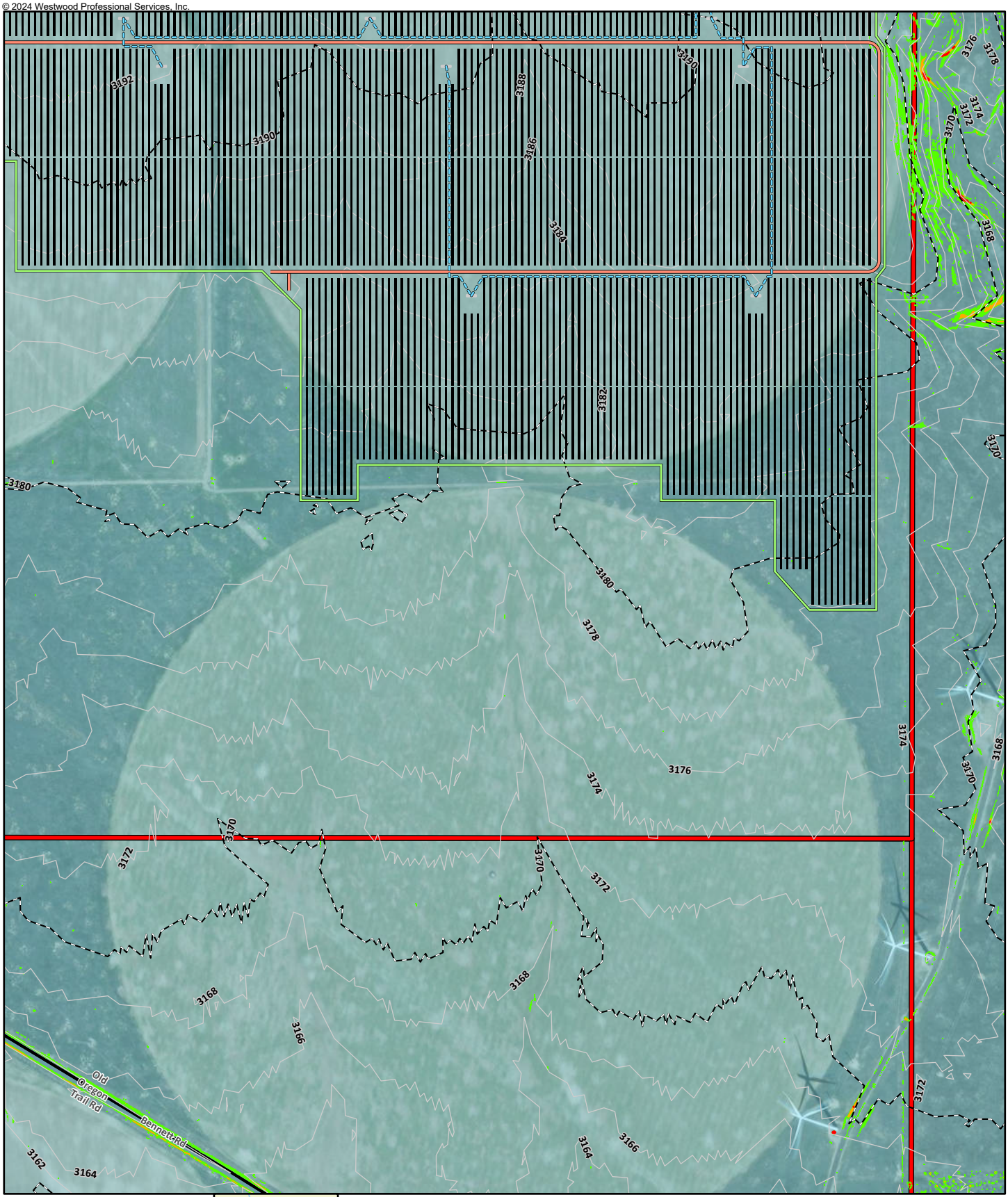

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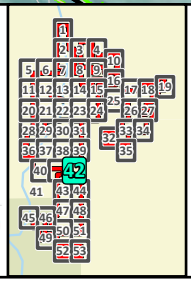

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Appaloosa Wind and Solar Project

Elmore County, Idaho

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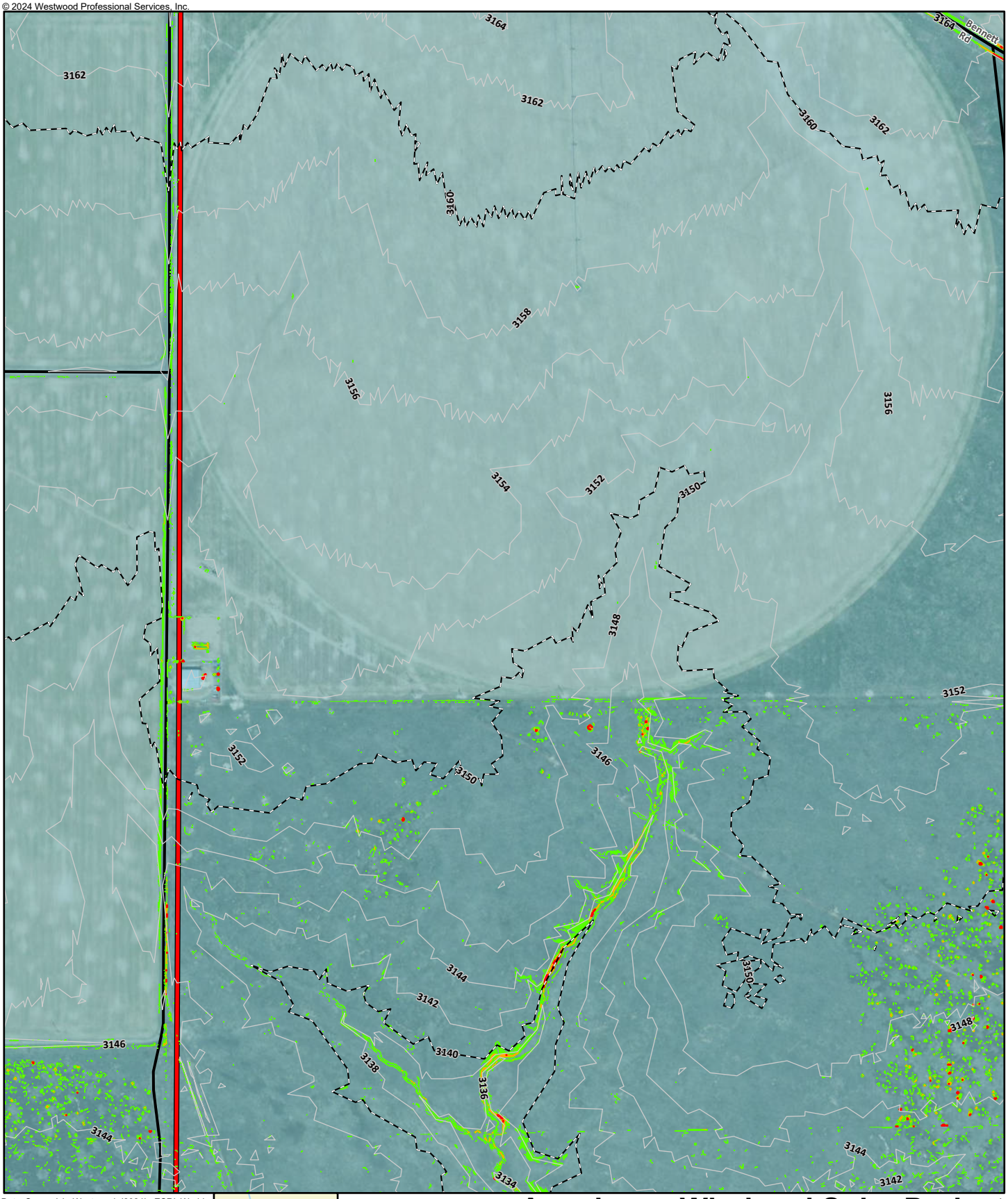

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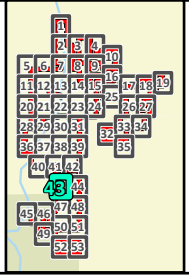

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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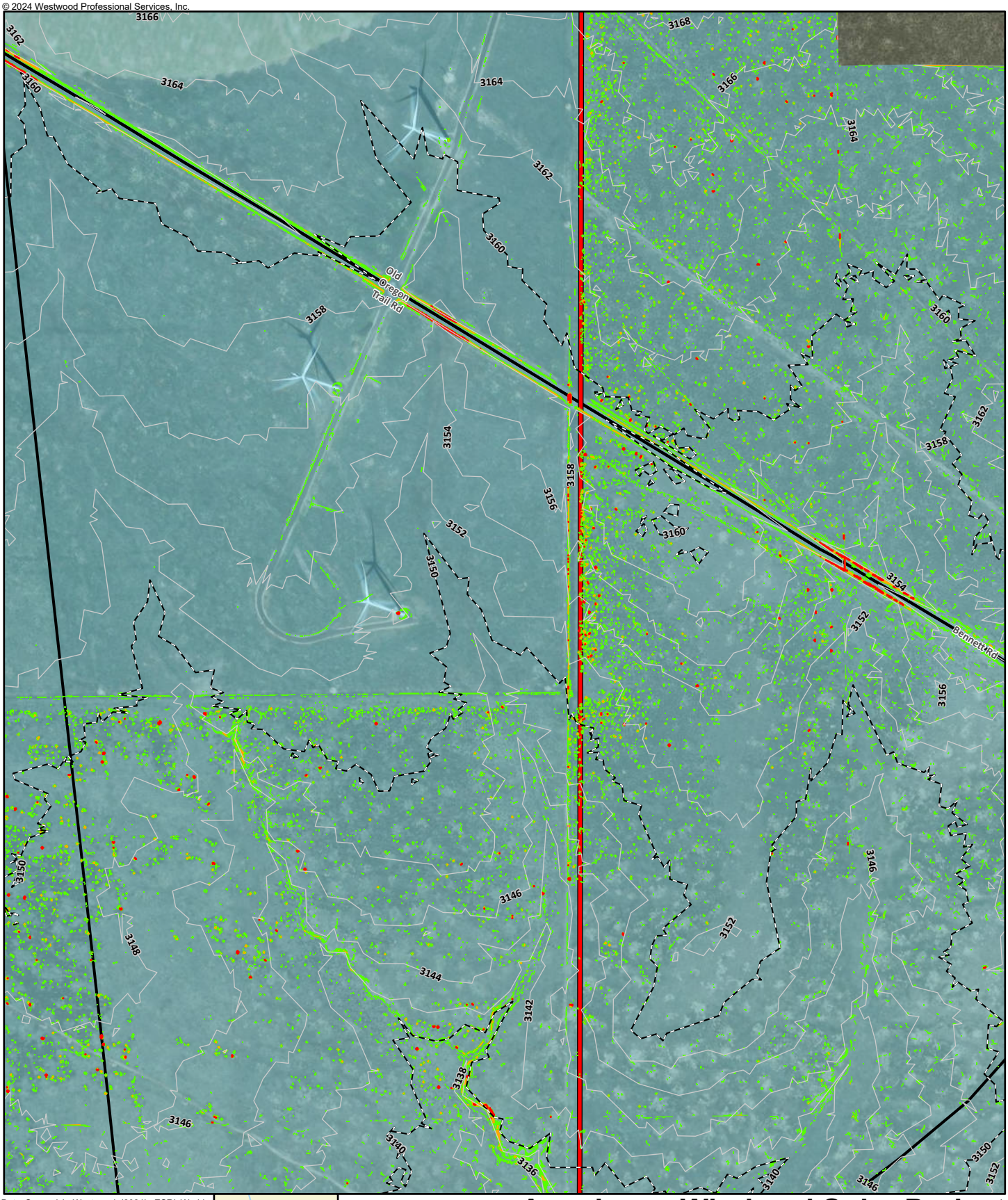

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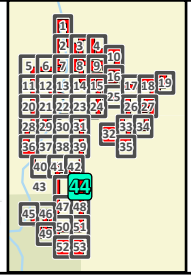

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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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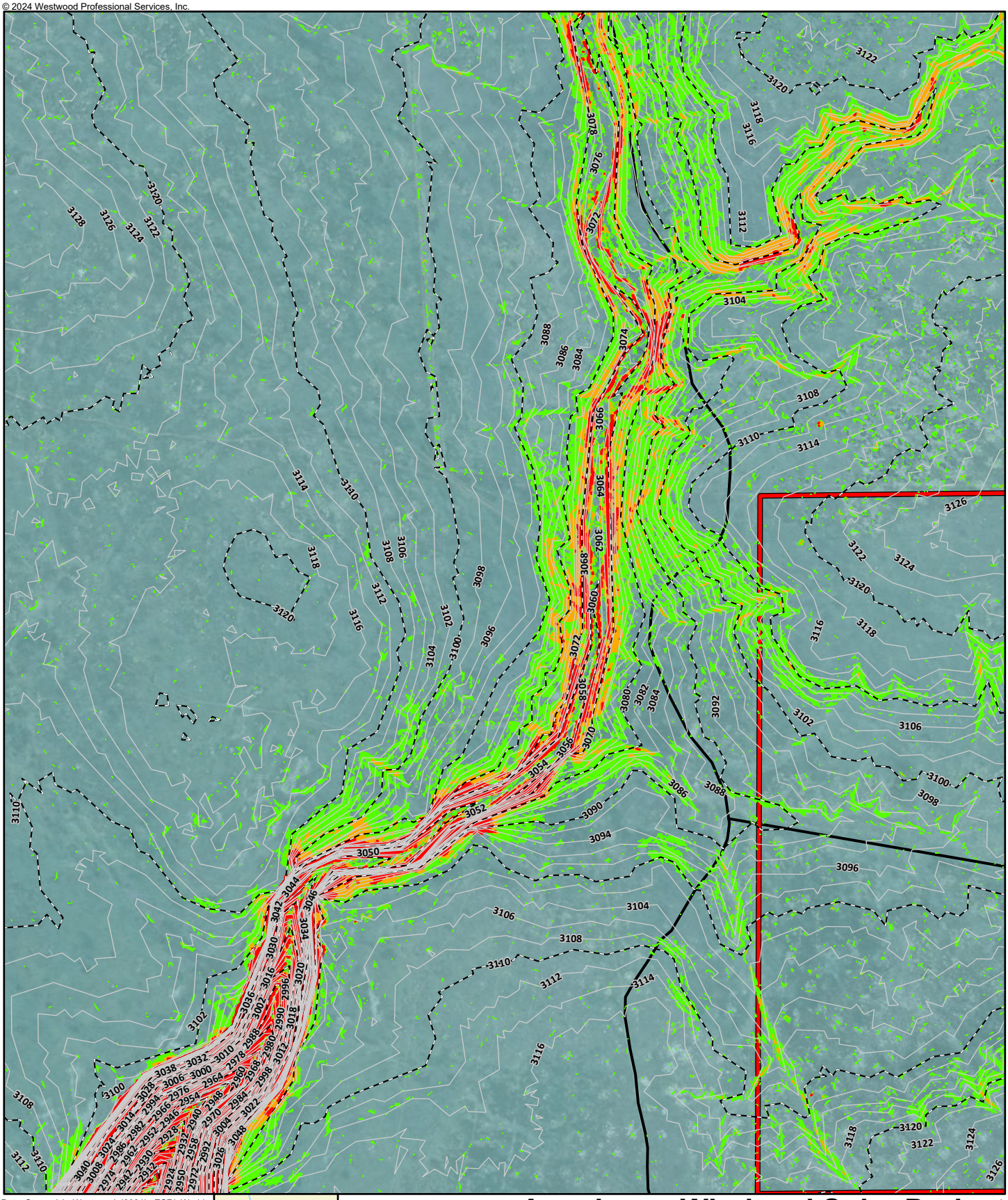

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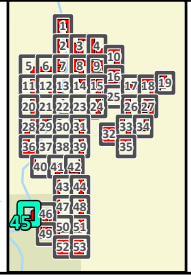

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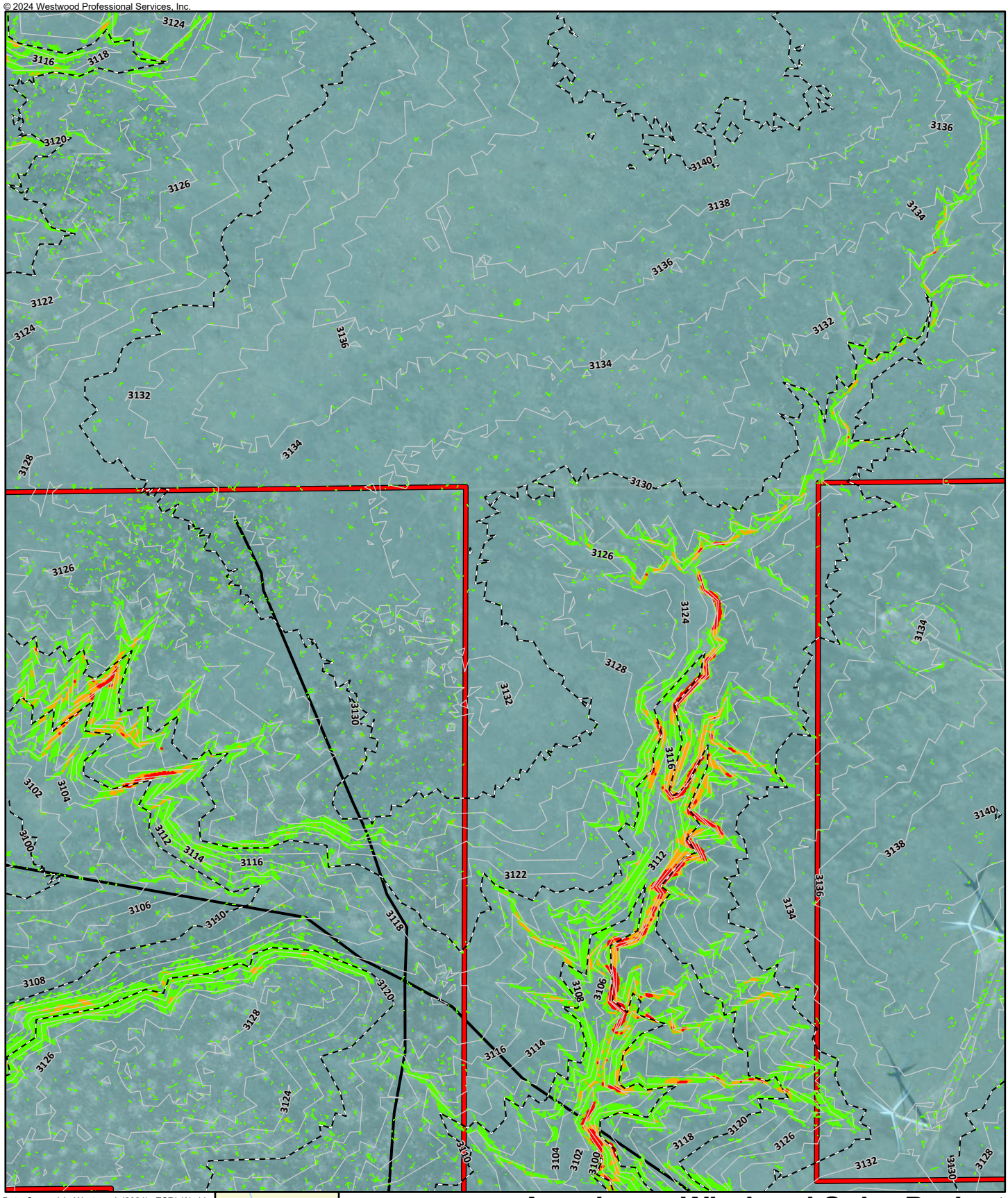

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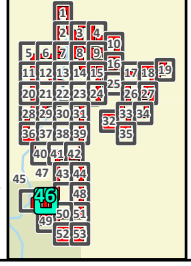

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Appaloosa Wind and Solar Project

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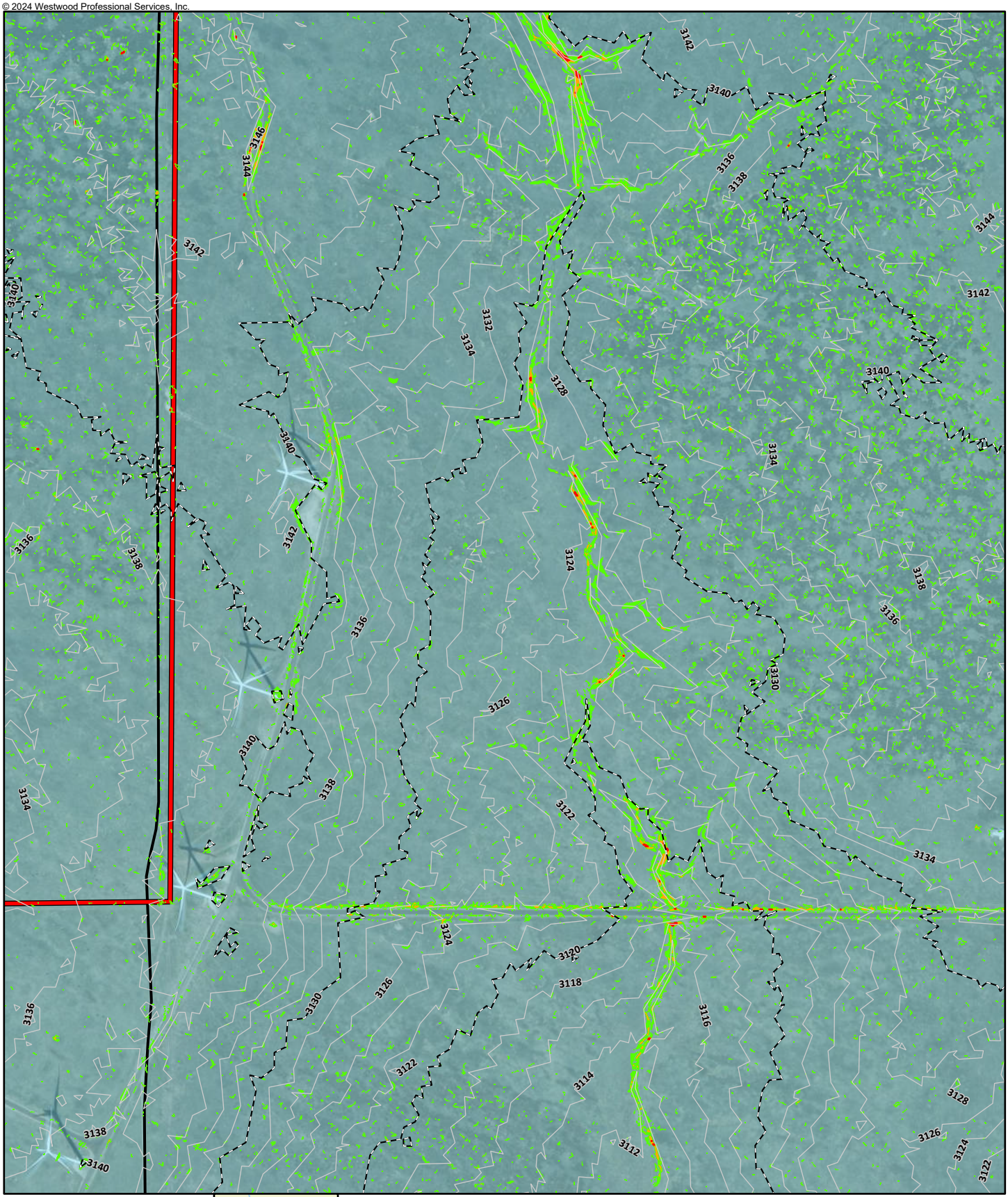

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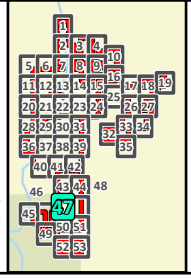

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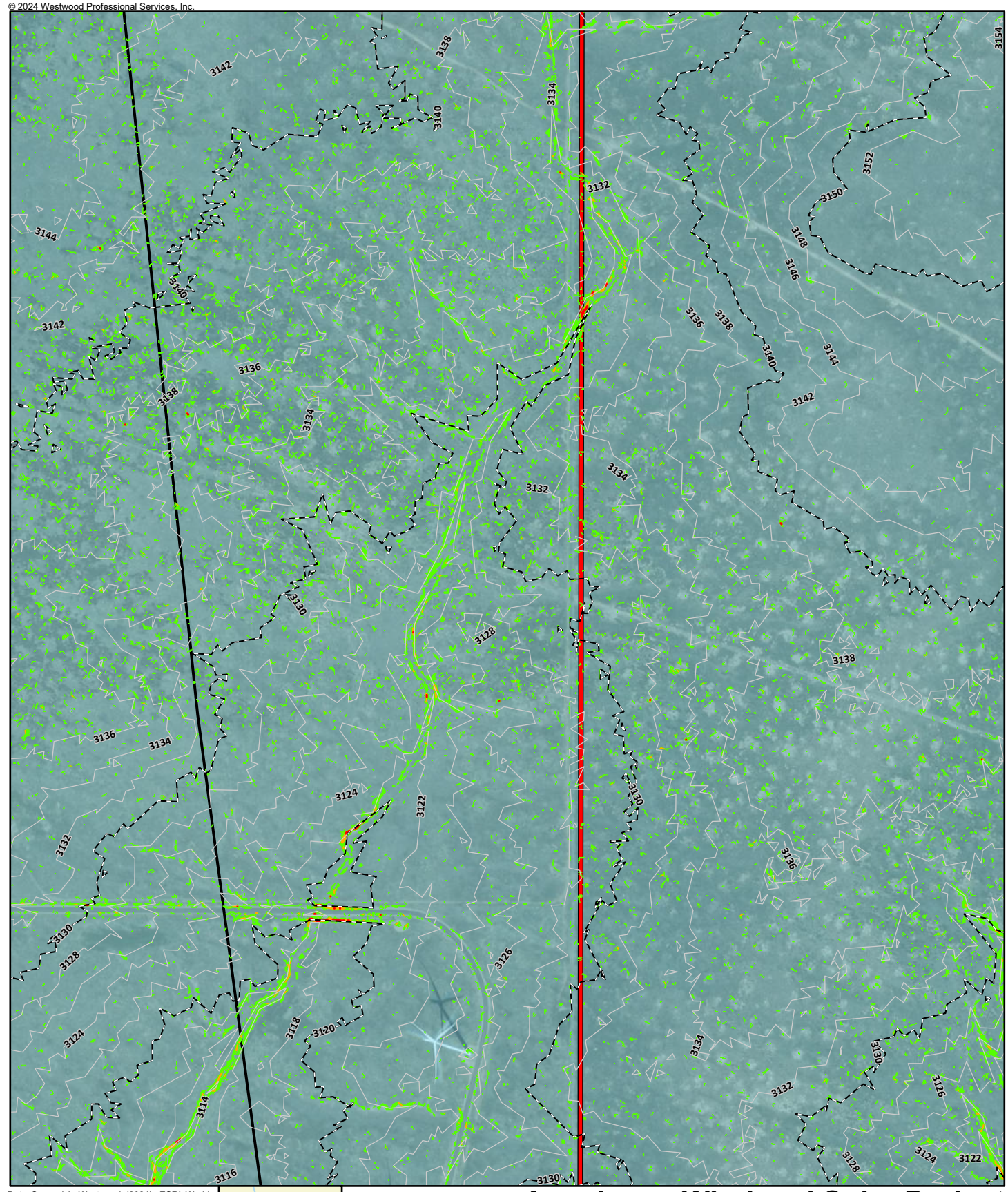

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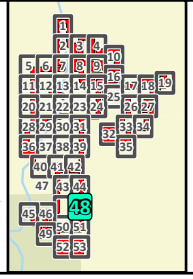

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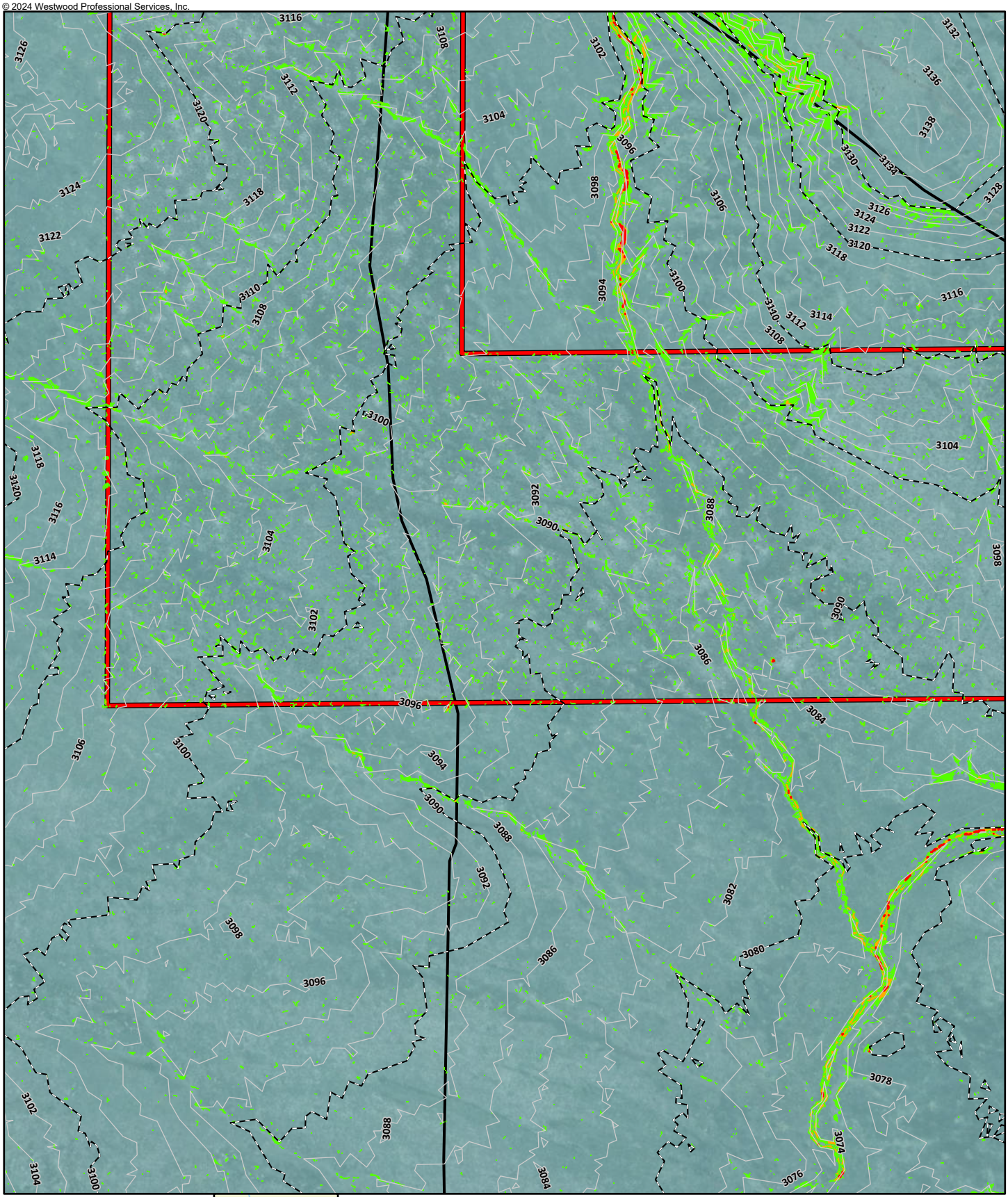

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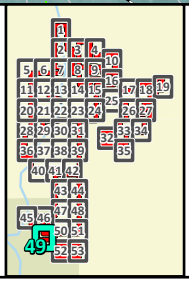

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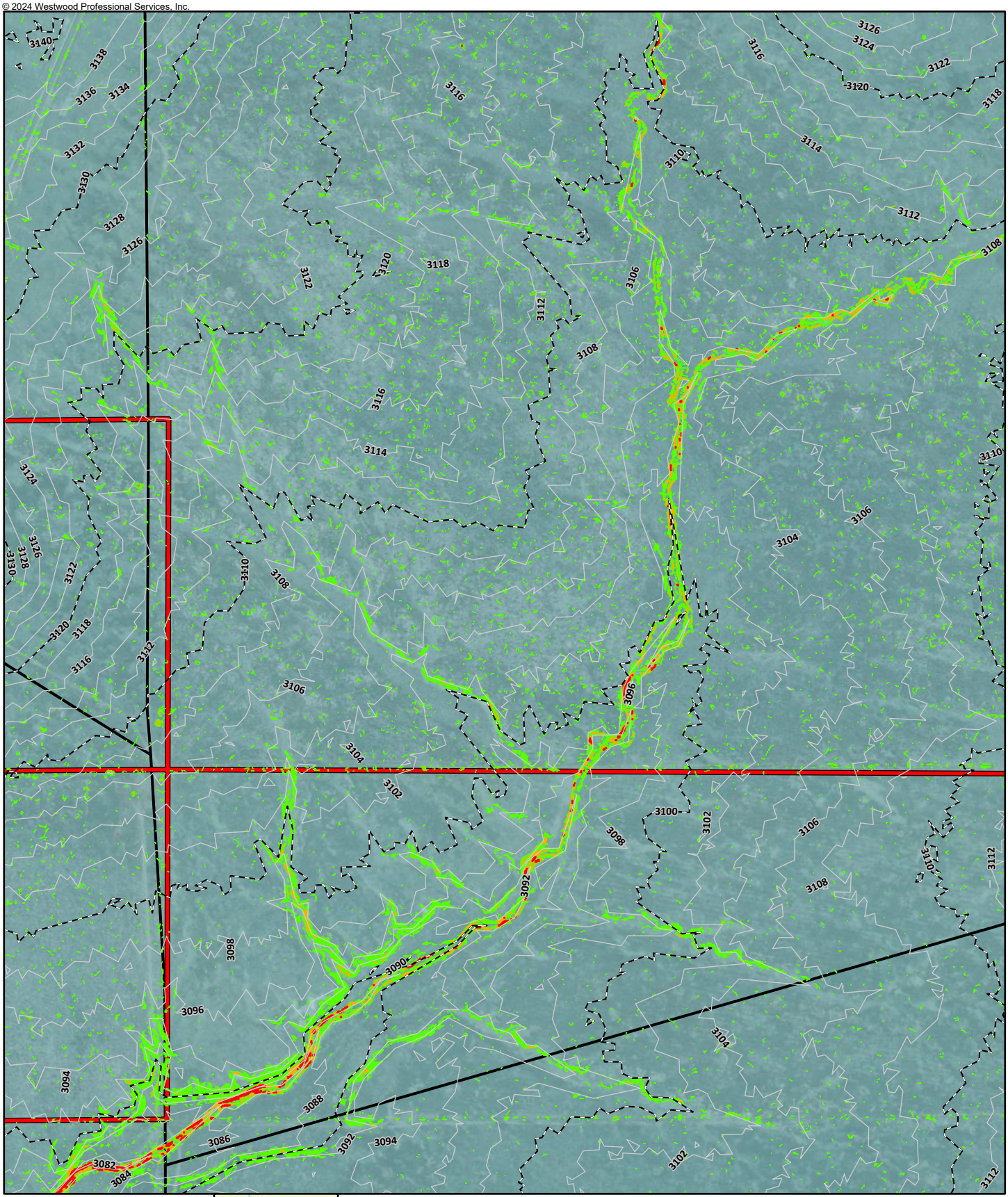

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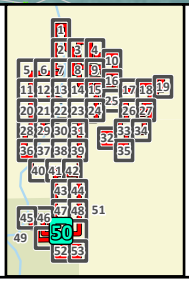

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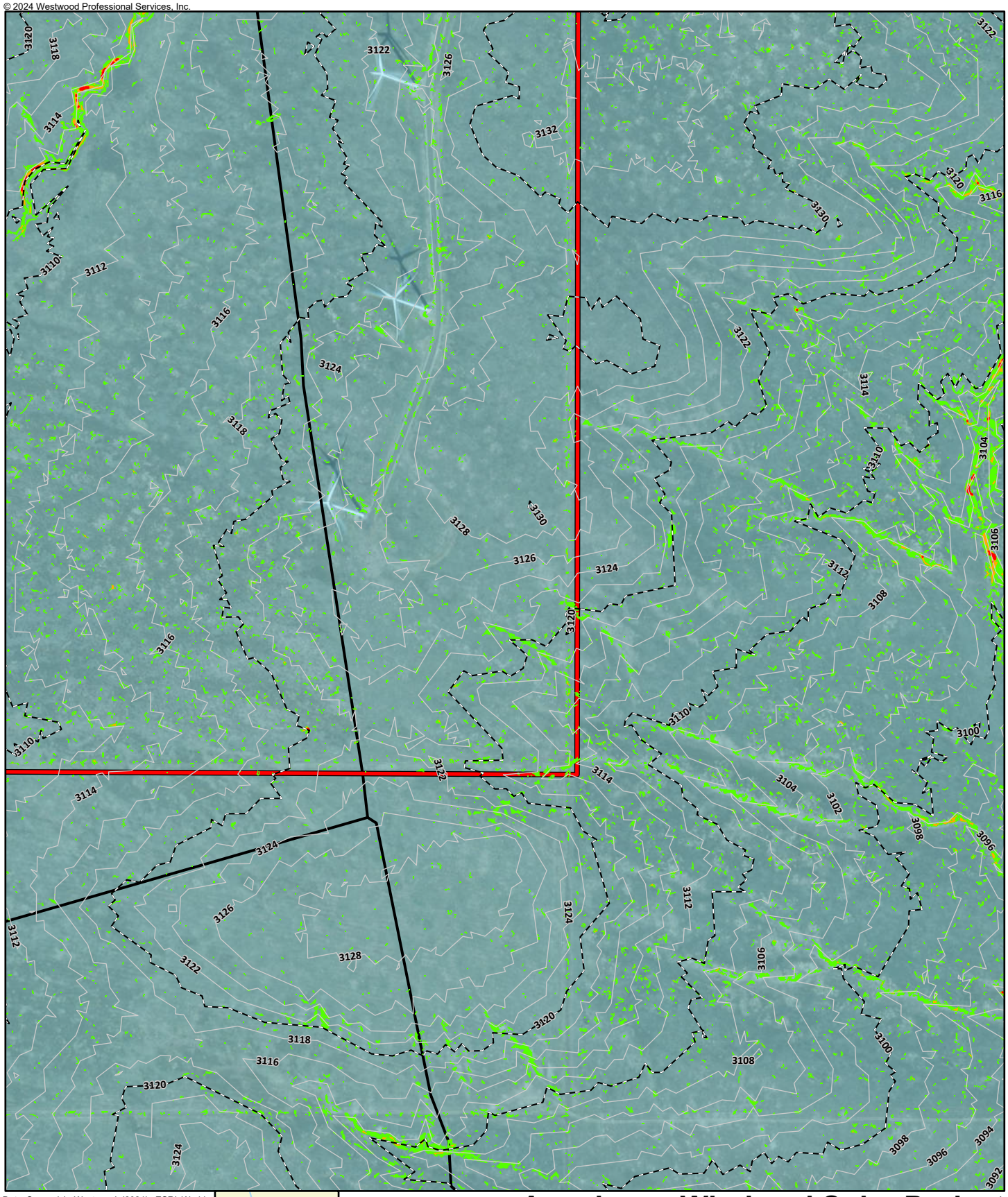
- Alternate Access Road
- Proposed Transmission Line
- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

N



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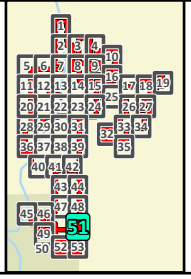


Legend

- Project Area
- < 8% Slope
- 8-15% Slope
- 15.01-25%
- > 25% Slope
- Solar Array
- Laydown Yard
- POI Substation
- O&M Facility
- BESS
- Inverter
- Crane Path
- Collection Line
- Security Fence
- Primary Access Road
- Alternate Access Road
- Proposed Transmission Line
- Delivery Route
- 10 ft Contour
- 2 ft Contour
- Road
- Proposed Turbine Location

Appaloosa Wind and Solar Project

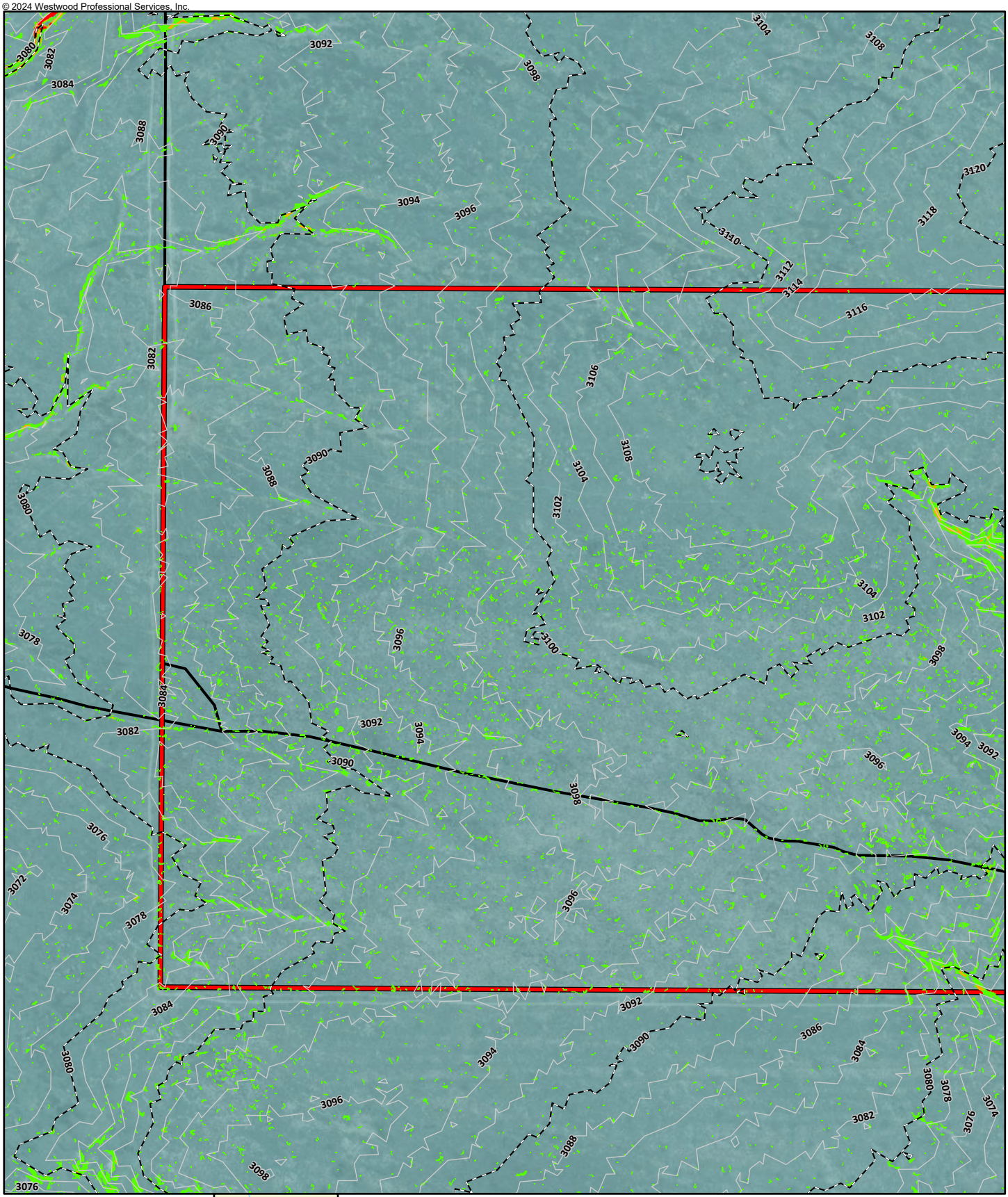
Elmore County, Idaho

Slope & Contour Map

N

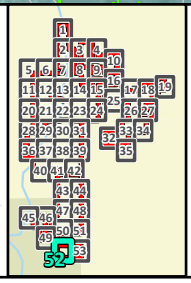
Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: N:\00298882.00_GIS_ArcPro\R00298882_040_SteepSlopeExhibits_20240603\R00298882_040_SteepSlopeExhibits_20240603.aprx 6/12/2024 9:54 AM HNemerov



Data Source(s): Westwood (2024); ESRI World Imagery Basemap (Accessed 2024).

0 500 Feet



Legend

- Project Area
- < 8% Slope
- 8-15% Slope
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- > 25% Slope
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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

N

Westwood

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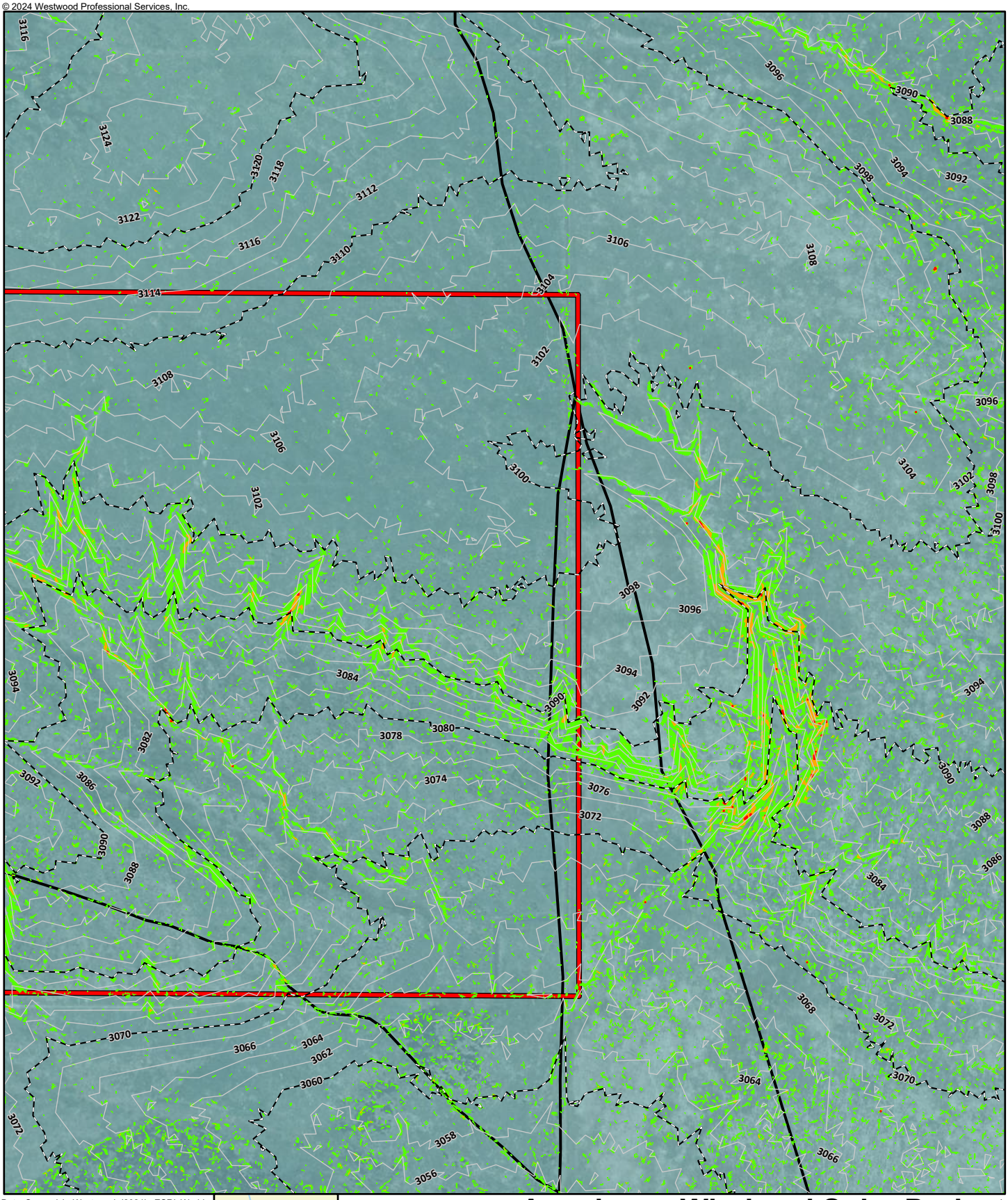
Map Document: N:\0029882.00_GIS_ArcPro\R0029882_040_SteepSlopeExhibits_20240603\R0029882_040_SteepSlopeExhibits_20240603.aprx 6/12/2024 9:54 AM HNemerov



Data Source(s): Westwood (2024); ESRI World Imagery Basemap (Accessed 2024).

0 500 Feet

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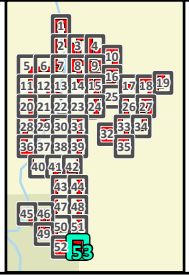

Legend

- Project Area
- < 8% Slope
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- Solar Array
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Appaloosa Wind and Solar Project

Elmore County, Idaho

Slope & Contour Map

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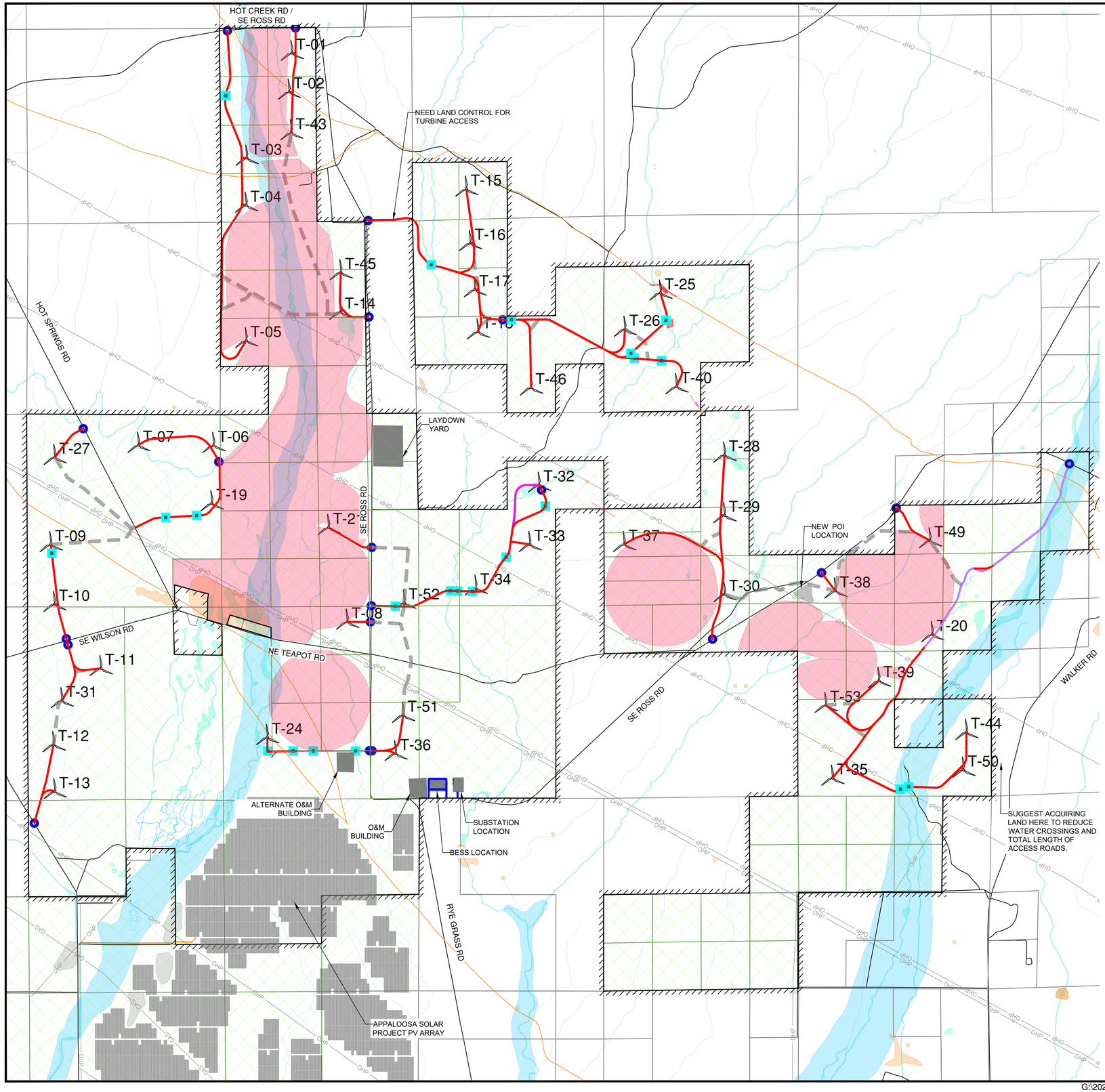


LEGEND

- TURBINE LOCATION (47 TOTAL)
- ## TURBINE NUMBER
- PROJECT BOUNDARY
- EXISTING PUBLIC ROAD CENTERLINE
- PROPOSED 16' ACCESS ROAD
- PROPOSED 16' ALTERNATE ACCESS ROAD
- PROPOSED BESS/SUBSTATION ROAD
- PROPOSED PRIVATE ROAD UPGRADE
- PROPOSED CROSS-COUNTRY CRANE PATH
- UGP PROPOSED UNDERGROUND POWER
- OHP PROPOSED OVERHEAD COLLECTION
- OHP PROPOSED TRANSMISSION LINE
- EXISTING PROPERTY LINES
- GAS EXISTING GAS LINE
- OHP EXISTING OVERHEAD POWER LINE
- OREGON TRAIL
- EXISTING WETLANDS
- FEMA ZONE DIGITIZED
- NO BUILD AREA
- HISTORIC SITES
- PARTICIPATING PROPERTY
- RIVERS / STREAMS / WETLANDS
- PROPOSED CULVERT
- PROPOSED LOW WATER CROSSING

APPALOOSA WIND PROJECT

ELMORE COUNTY, IDAHO

Rev.	Date	Description	By
0C	01/20/23	10% SUBMITTAL	PTP
0D	02/09/23	10% SUBMITTAL	PTP
0E	05/11/23	10% SUBMITTAL	PTP
0F	08/15/23	10% SUBMITTAL	PTP
0G	09/22/23	10% SUBMITTAL	PTP
0H	06/03/24	10% SUBMITTAL	PTP

NORTHRENEW ENERGY

31 Rosner Lane,
Becket, MA 01223

N W E S

0 700 1400 2800

NSRS 2011 Idaho State Planes, West Zone, US Foot

DRAFT - FOR REVIEW ONLY

Ulteig

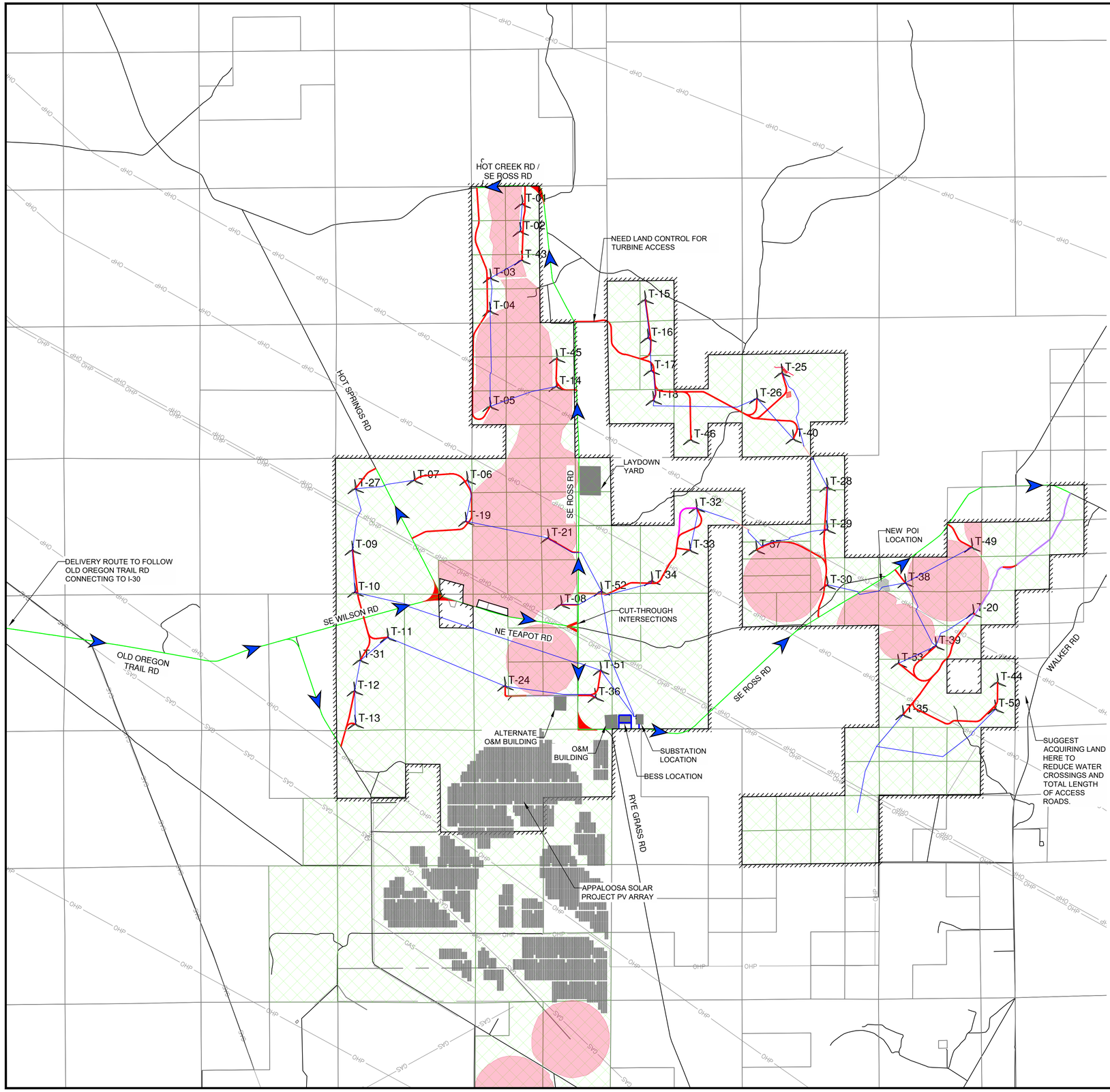
3350 38th Avenue South
Fargo, North Dakota 58104
Phone: 701.280.8500
Fax: 701.237.3191
www.ulteig.com
Project Number: 22.12740
Design By: T. SCHRINER
Drawn By: B. PEDERSON
Approved By: P. PEBLER

OVERALL SITE PLAN - WIND

DRAWING: APP-OSP-301

REVISION: 0H

G:\2022\22.12740\Drawings\PV Plant\30 Civil\01_Drawings\01_Plan Production\22.12740_Appaloosa_OSP_Wind.dwg OVERALL SITE PLAN - WIND



LEGEND

- TURBINE LOCATION (47 TOTAL)
- ## TURBINE NUMBER
- PROJECT BOUNDARY
- EXISTING PUBLIC ROAD CENTERLINE
- PROPOSED 16' ACCESS ROAD
- PROPOSED 16' ALTERNATE ACCESS ROAD
- PROPOSED BESS/SUBSTATION ROAD
- PROPOSED PRIVATE ROAD UPGRADE
- EXISTING PROPERTY LINES
- GAS EXISTING GAS LINE
- OHP EXISTING OVERHEAD POWER LINE
- NO BUILD AREA
- PARTICIPATING PROPERTY
- DELIVERY ROUTE DIRECTION
- EXISTING COUNTY ROAD - PROJECT DELIVERY
- PUBLIC INTERSECTION IMPROVEMENT

APPALOOSA WIND PROJECT

ELMORE COUNTY, IDAHO

Rev.	Date	Description	By
0C	01/20/23	10% SUBMITTAL	PTP
0D	02/09/23	10% SUBMITTAL	PTP
0E	05/11/23	10% SUBMITTAL	PTP
0F	08/15/23	10% SUBMITTAL	PTP
0G	09/22/23	10% SUBMITTAL	PTP
0H	06/03/24	10% SUBMITTAL	PTP

NORTHRENEW ENERGY

31 Rosner Lane,
Becket, MA 01223

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0 1000 2000 4000

NSRS 2011 Idaho State Planes, West Zone, US Foot

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FOR REVIEW ONLY

Ulteig

3350 38th Avenue South
Fargo, North Dakota 58104
Phone: 701.280.8500
Fax: 701.237.3191
www.ulteig.com

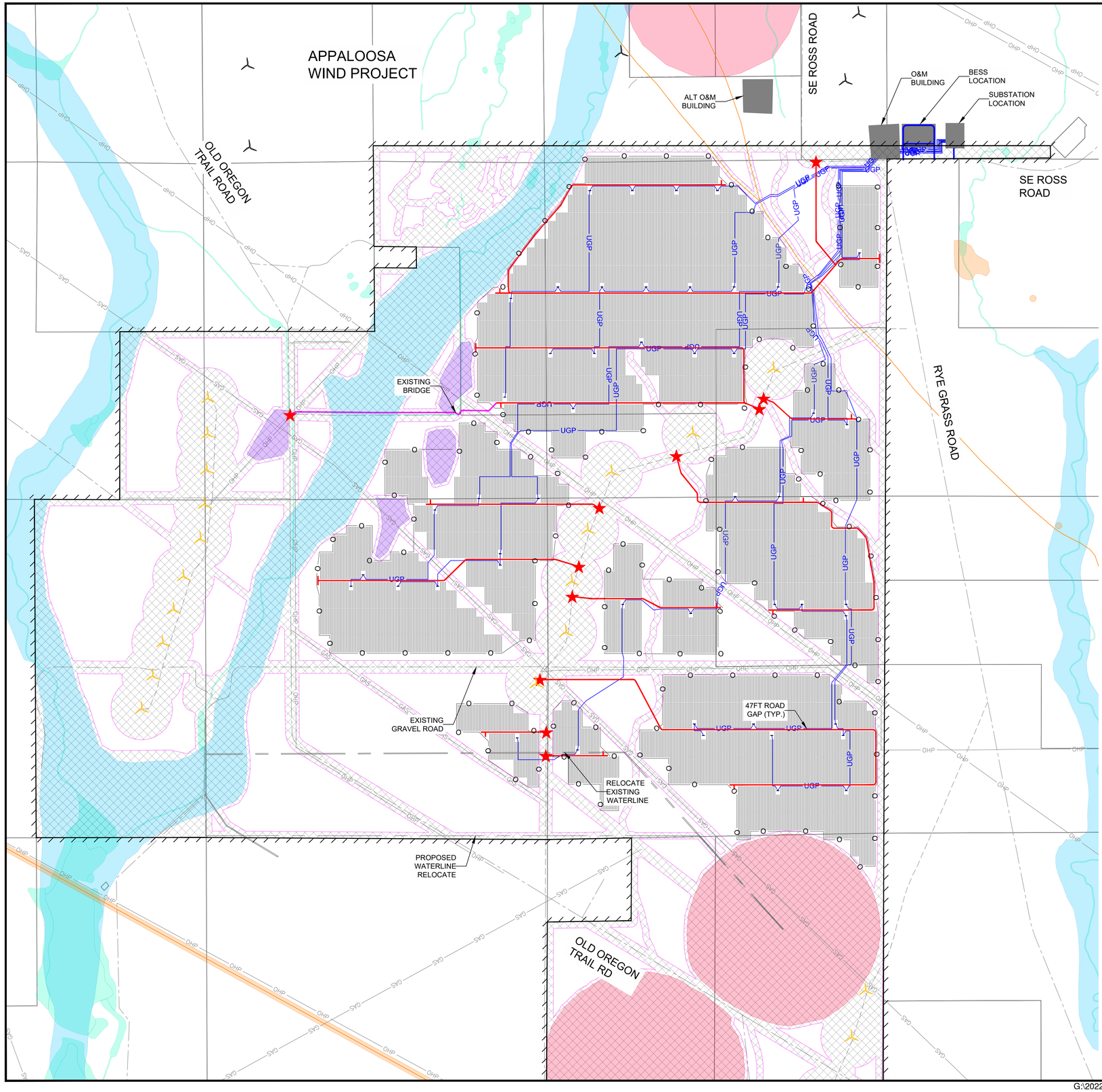
Project Number: 22.12740
Design By: T. SCHRINER
Drawn By: B. PEDERSON
Approved By: P. PEBLER

DELIVERY FLOW PLAN

DRAWING: APP-OSP-302

REVISION: 0H

G:\2022\22.12740\Drawings\PV Plant\30 Civil\01_Drawings\01_Plan Production\22.12740_Appaloosa_OSP_Wind.dwg DELIVERY FLOW PLAN



LEGEND

- PROJECT BOUNDARY - SOLAR
- PROPOSED PV ARRAY
- PROPOSED POWER STATION
- PROPOSED MV COLLECTION
- PROPOSED 16FT ACCESS ROAD
- PROPOSED 16FT ALTERNATE ACCESS ROAD
- PROPOSED 20FT BESS/SUBSTATION ROAD
- PROPOSED CHAIN-LINK FENCE
- PROPOSED ACCESS POINT
- PROPOSED TURBINE LOCATION
- EXISTING TURBINE LOCATION
- EXISTING ROAD CENTERLINE
- EXISTING TURBINE ROAD CENTERLINE
- EXISTING PROPERTY LINE
- EXISTING GAS LINE
- EXISTING OVERHEAD POWER LINE
- EXISTING STREAM (NATIONAL HYDROGRAPHY DATASET)
- EXISTING PIPE ROW
- OREGON TRAIL
- DELINEATED WETLANDS/WATERCOURSE
- EXISTING WETLAND (NATIONAL WETLAND INVENTORY)
- FEMA 100-YEAR FLOOD HAZARD AREA - ZONE A
- NON-BUILDABLE AREA LIMITS
- BUILDABLE LAND BOUNDARY - PV
- PROJECT FACILITIES
- NON-PARTICIPATING PARCEL
- HISTORIC SITE
- CULTURAL SITES

NOTES:

1. ELECTRICAL MV COLLECTION LINES ARE SHOWN FOR REFERENCE. PLEASE REFER TO ELECTRICAL DESIGN PLANS FOR CONSTRUCTION DETAILS AND LOCATIONS.
2. THE BUILDABLE LAND BOUNDARY - PV WAS BASED IN PART ON CONSTRAINT DIGITAL FILES PROVIDED BY NORTHRENEW ON 09/09/2022 - "Appaloosa Wind & Solar Project Buffers & Buildable Area-6-23-22.kmz" AND ON 07/31/2023 - "Appaloosa Site+solar+wind+Constraints-07-29-23 V5.kmz". ULTEIG PERFORMED MODIFICATIONS TO THIS BOUNDARY TO INCORPORATE THE WETLAND, STREAM, AND FEMA, AND DISTRIBUTION LINE CONSTRAINTS.
3. TYPICAL PV SETBACKS INCLUDE:
   - EXISTING ROAD CENTERLINE - 100 FT
   - EXISTING TRANSMISSION LINE - 100 FT
   - EXISTING DISTRIBUTION LINE - 50 FT
   - EXISTING GAS LINE - 100 FT
   - EXISTING TURBINES - 480 FT
   - PROPOSED TURBINES - 820 FT
   - PROPERTY LINE (EXTERIOR) - 100 FT
   - NON-PARTICIPATING PROPERTIES - 50 FT
   - PIPE ROW - 75 FT
   - HISTORIC SITES AND OREGON TRAIL - 50 FT
   - EXISTING STRUCTURES AND BUILDINGS - 100 FT
   - CULTURAL SITES - 50 FT
   - DELINEATED WETLAND/WATERCOURSE - 50 FT
   - EXISTING WETLAND (NWI) - 50 FT
   - EXISTING STREAM (NHD) - 50 FT
   - FEMA 100-YEAR FLOOD HAZARD AREA - 50 FT
4. EXISTING WETLAND AND STREAM DELINEATIONS ARE PER THE NATIONAL WETLANDS INVENTORY (NWI) AND THE NATIONAL HYDROGRAPHY DATASET (NHD). DELINEATIONS PROVIDED FROM THESE DATABASES ARE APPROXIMATE AND REQUIRE FIELD VERIFICATION VIA A WETLAND DELINEATION STUDY. DELINEATED WATERCOURSES AND WETLANDS FOR SOME AREAS OF THE PROJECT SITE IS SHOWN BASED ON "Appaloosa Site+solar+wind+Constraints-07-29-23 V5.kmz" PROVIDED ON 07/31/23. THE PROJECT BUILDABLE AREA MAY CHANGE BASED ON ADDITIONAL FIELD DELINEATION OF THESE WETLANDS AND STREAMS.
5. ACCESS ROAD AND CHAIN LINK FENCE CROSSINGS OF EXISTING STREAMS AND WETLANDS ARE REQUIRED. COORDINATION AND PERMITTING OF WETLAND CROSSINGS MAY BE REQUIRED.
6. FEMA 100-YEAR FLOOD HAZARD AREA (ZONE A) PER FEMA FIRM PANEL 160212 0650 B (EFFECTIVE DATE JUNE 18, 1989). LINEWORK PROVIDED FROM NORTHRENEW - *FEMA Digitized 2021-07-22.shp*
7. EXISTING TURBINE TURBINE ACCESS ROAD CENTERLINES AREA DEFINED VIA AERIAL IMAGERY. FOR ALL OTHER ROADS, THE USGS NATIONAL MAP GIS DATABASE (VIA TNM DOWNLOAD V2.0) WAS USED.

APPALOOSA SOLAR PROJECT

ELMORE COUNTY, IDAHO

Rev.	Date	Description	By
0A	11/18/22	10% SUBMITTAL	DWN
0B	12/09/22	10% SUBMITTAL	DWN
0C	05/19/23	10% SUBMITTAL	DWN
0D	08/15/23	10% SUBMITTAL	DWN
0F	06/03/24	10% SUBMITTAL	DWN

NORTHRENEW ENERGY
31 Rosner Lane,
Becket, MA 01223

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0 400 800 1600

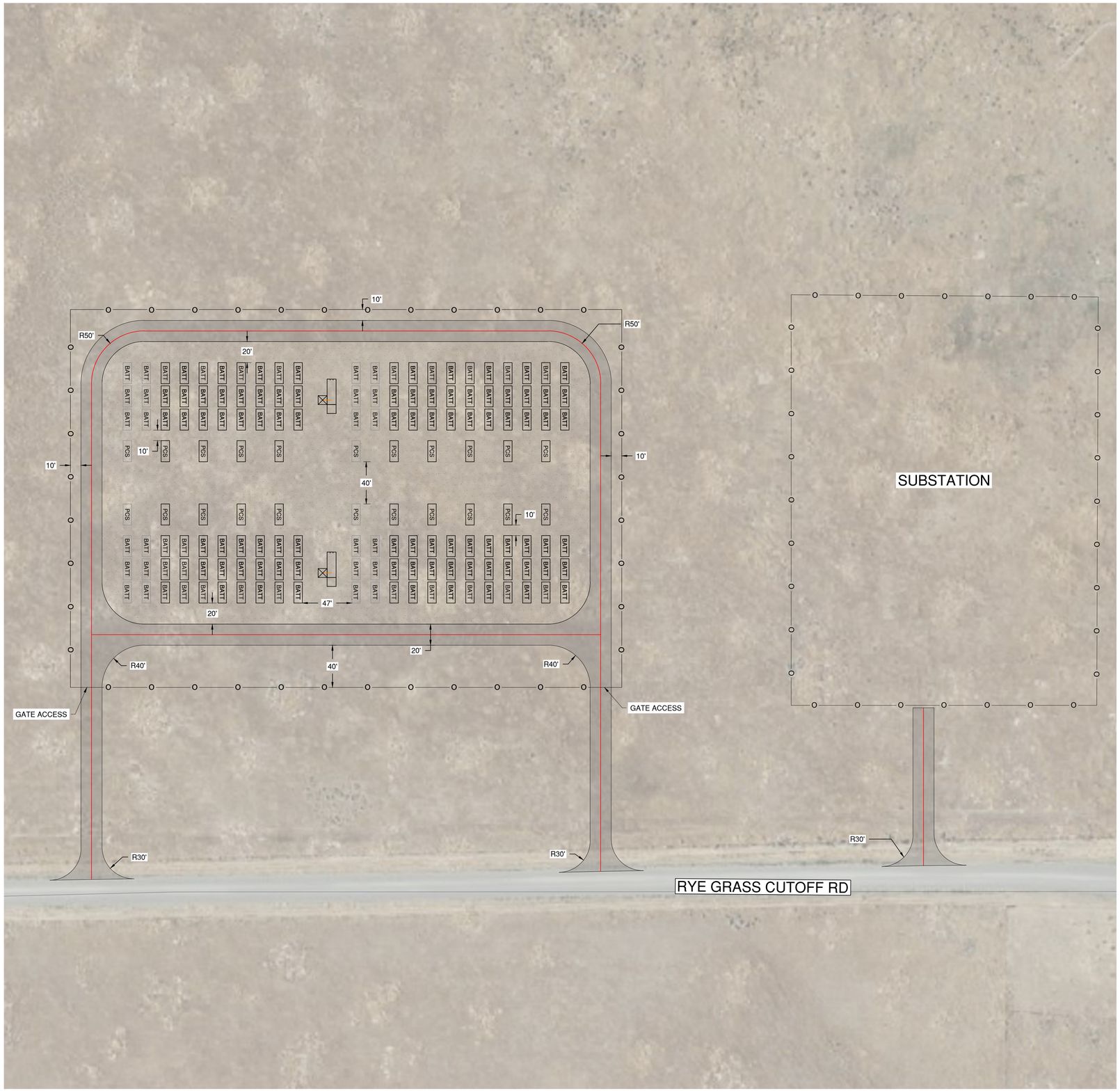
NSRS 2011 Idaho State Planes, West Zone, US Foot

DRAFT -
FOR REVIEW ONLY

Ulteig
3350 38th Avenue South
Fargo, North Dakota 58104
Phone: 701.280.8500
Fax: 701.237.3191
www.ulteig.com
Project Number: 22.12740
Design By: B. PEDERSON
Drawn By: B. PEDERSON
Approved By: D. NEUDER

OVERALL SITE PLAN - SOLAR

DRAWING: APP-OSP-303
REVISION: 0F



LEGEND

- 20' ACCESS ROAD
- PROPOSED GRAVEL SURFACE
- BATT — PROPOSED BATTERY STORAGE UNITS
- PCS — PROPOSED PCS UNIT
- PROPOSED AUXILIARY EQUIPMENT
- PROPOSED FENCE
- OHP — PROPOSED TRANSMISSION LINE
- EXISTING ROAD

NOTES:
1. THE PLANS UTILIZE HORIZONTAL DATUM: NSRS 2011 IDAHO STATE PLANES, WEST ZONE, US FOOT.
2. THESE DOCUMENTS ARE PRELIMINARY IN NATURE AND SHOULD BE CONSIDERED AS PERMITTING LEVEL ONLY. ADDITIONAL CONSIDERATION SHOULD BE GIVEN TO OVERALL SITE CONSTRUCTABILITY AND LOCAL CODE REQUIREMENTS INCLUDING SETBACKS, ZONING, STORMWATER MANAGEMENT AND ACCESS.

APPALOOSA BESS DESIGN	
PCS (INVERTER/TRANSFORMER)	(18) PCS 4.43MVA @ 50 DEG. C / 5.05MVA @ 40 DEG. C GE FLEX (AUGMENTATION QUANTITY: 4)
BATTERIES	(108) 3.4 MWh GE FLEX (6 UNITS PER PCS) (AUGMENTATION QUANTITY: 24)
TOTAL CAPACITY	65 MW (260 MWh)

APPALOOSA SOLAR, WIND, AND BESS PROJECT

ELMORE COUNTY, IDAHO

Rev.	Date	Description	By
0A	11/18/22	10% SUBMITTAL	BMB
0B	05/11/23	10% SUBMITTAL	BMB
0C	08/15/23	10% SUBMITTAL	BMB
0D	06/03/24	10% SUBMITTAL	BMB

NORTHRENEW ENERGY
31 Rosner Lane,
Becket, MA 01223

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NSRS 2011 Idaho State Planes, West Zone, US Foot

THIS DRAWING IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION. FOR REVIEW PURPOSES ONLY.

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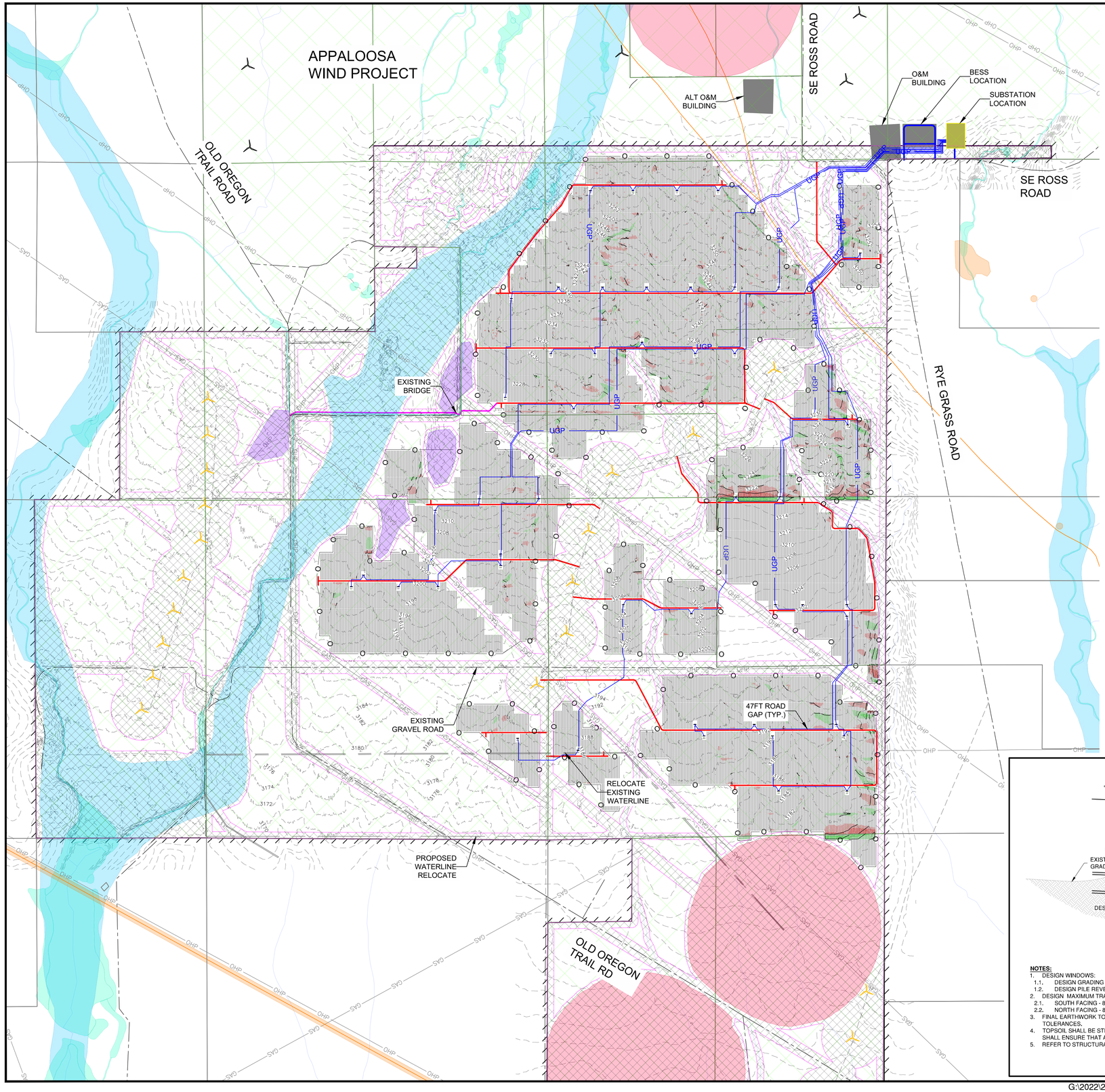
3350 38th Avenue South
Fargo, North Dakota 58104
Phone: 701.280.8500
Fax: 701.237.3191
www.ulteig.com
Project Number: 22.12740
Design By: B. GOLTZ
Drawn By: L. ZEREN
Approved By: T. REISDORF

OVERALL SITE PLAN - BESS

DRAWING: APP-OSP-304
REVISION: 0D



LEGEND

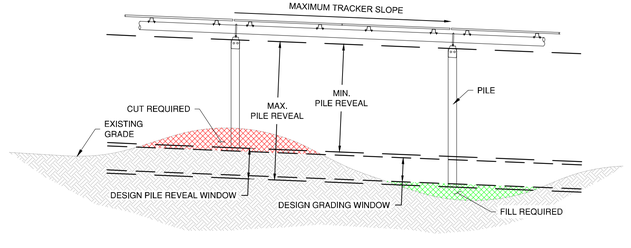
- PROJECT BOUNDARY - SOLAR
- PROPOSED PV ARRAY
- PROPOSED POWER STATION
- PROPOSED MV COLLECTION
- PROPOSED 16FT ACCESS ROAD
- PROPOSED 16FT ALTERNATE ACCESS ROAD
- PROPOSED 20FT BESS/SUBSTATION ROAD
- PROPOSED CHAIN-LINK FENCE
- PROPOSED TURBINE LOCATION
- EXISTING TURBINE LOCATION
- EXISTING ROAD CENTERLINE
- EXISTING TURBINE ROAD CENTERLINE
- EXISTING PROPERTY LINE
- EXISTING GAS LINE
- EXISTING OVERHEAD POWER LINE
- EXISTING PIPE ROW
- OREGON TRAIL
- EXISTING STREAM (NATIONAL HYDROGRAPHY DATASET)
- EXISTING GRADE 2' CONTOUR
- PROPOSED GRADE 2' CONTOUR
- DELINEATED WETLANDS/WATERCOURSE
- EXISTING WETLAND (NATIONAL WETLAND INVENTORY)
- FEMA 100-YEAR FLOOD HAZARD AREA - ZONE A
- NON-BUILDABLE AREA LIMITS
- BUILDABLE LAND BOUNDARY - PV
- PROJECT FACILITIES
- NON-PARTICIPATING PARCEL
- HISTORIC SITE
- CULTURAL SITES

NOTES:
1. ELECTRICAL MV COLLECTION LINES ARE SHOWN FOR REFERENCE. PLEASE REFER TO ELECTRICAL DESIGN PLANS FOR CONSTRUCTION DETAILS AND LOCATIONS.
2. EXISTING TOPOGRAPHIC DATA SOURCES: NRCS GEOSPATIAL DATA GATEWAY, NATIONAL ELEVATION DATASET 10M, DXF FILES WITH 3D POINTS AT 3.5FT SPACING PROVIDED BY NORTHRENEW.
3. EARTHWORK QUANTITIES ARE A SURFACE TO SURFACE COMPARISON. NO FACTORS FOR POTENTIAL SWELL OR SHRINKAGE ARE APPLIED.

PROPOSED CUT (2.5' - 1.0')	
PROPOSED CUT (1.0' - 0.1')	
PROPOSED FILL (0.1' - 1.0')	
PROPOSED FILL (1.0' - 2.65')	

EARTHWORK QUANTITIES	
CUT VOLUME (CY)	20,211
FILL VOLUME (CY)	17,063

DETAIL # GRD-812



NOTES:
1. DESIGN WINDOWS:
   1.1. DESIGN GRADING WINDOW IS +/- 5 INCHES
   1.2. DESIGN PILE REVEAL WINDOW PER STRUCTURAL PLANS.
2. DESIGN MAXIMUM TRACKER SLOPES:
   2.1. SOUTH FACING - 8.7%
   2.2. NORTH FACING - 8.7%
3. FINAL EARTHWORK TOTALS MAY VARY BASED ON FINAL TRACKER GRADING REQUIREMENTS, PILE REVEALS, AND GRADING TOLERANCES.
4. TOPSOIL SHALL BE STRIPPED PRIOR TO SITE GRADING IN AREAS REQUIRING GREATER THAN 1FT OF CUT OR FILL. CONTRACTOR SHALL ENSURE THAT ADEQUATE TOPSOIL REMAINS AFTER ALL GRADING ACTIVITIES TO RE-VEGETATE THE SITE.
5. REFER TO STRUCTURAL PLANS FOR PILE DESIGN.

TYPICAL TRACKER GRADING DETAIL

APPALOOSA SOLAR PROJECT

ELMORE COUNTY, IDAHO

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0D	08/15/23	10% SUBMITTAL	DWN
0F	06/03/24	10% SUBMITTAL	DWN

NORTHRENEW ENERGY
31 Rosner Lane,
Becket, MA 01223

N W E S

0 400 800 1600

NSRS 2011 Idaho State Planes, West Zone, US Foot

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Fax: 701.237.3191
www.ulteig.com
Project Number: 22.12740
Design By: B. PEDERSON
Drawn By: B. PEDERSON
Approved By: D. NEUDER

OVERALL SITE GRADING PLAN

DRAWING: APP-GRD-501
REVISION: 0F

ATTACHMENT D – DECOMISSIONING REQUIREMENTS

DRAFT ELMORE COUNTY Decommissioning Bond and CUP Agreement Requirements

for Wind, Solar, other energy generating, and/or BESS Applications

It is common for a land entitlement body such as the County to require a bond to ensure the proper decommissioning of an energy project and remediation of land as part of the decommissioning section of the CUP Agreement with the operator and land owner. Doing so ensures that the County's taxpayers will not have to pay for decommissioning and remediation costs at the end of the project's life in the case the project operator abandons the project or otherwise fails to meet the requirements of the decommissioning plan.

Estimated Decommissioning Costs

Decommissioning cost estimates provided by the applicant should give the County accurate information about the potential level of risk the County could take on by approving the CUP. These cost estimates will be used to determine the amount of bond that should be required by the County in the CUP. The County will require applicants to provide cost estimates as follows:

- Cost estimates shall be based on current dollars. Costs and bond amounts will be adjusted based on inflation during future scheduled reviews.
- Estimates shall be prepared by a licensed professional engineer, preferably with experience in relevant energy projects.
- Estimated costs shall be broken out by activity (i.e., equipment dismantling, foundation removal, access road removal, transportation offsite, reclamation and restoration).
- Estimated costs shall include labor, equipment, safety, disposal fees, insurance, permits, inspections and reviews. An amount for contingency shall also be included.
- Applicants may provide estimated salvage and resale values as information only. These values must be identified separately from estimated costs. Due to the variability of salvage and resale markets, salvage values will not be used to determine the bond amount.
- Applicants must cite the sources of their cost estimate assumptions (i.e., RS Means indices, USGS scrap metal price reports, etc.).
- Unless the applicant has included a line item for the cost of managing the decommissioning, this would be an additional cost to the County and should be considered in bond amount determination.

Bond Amount, Effective Date and Periodic Review

Project owners will be required, as a condition of the CUP approval, to provide updated decommissioning cost estimates according to the original requirements, above. Failure to provide the required updated decommissioning cost estimates will result in the revocation of the conditional use permit

In alignment with current best practice, the required decommissioning bond will be set at 125% of gross estimated decommissioning costs.

The developer will provide evidence of the required decommissioning bond to the County when requested. Failure to secure the required bond or provide evidence of bond issuance will result in the revocation of the conditional use permit.

The amount and date of issuance of the required bond will be phased in from the date of the issuance of the conditional use permit and based on a percentage of updated decommissioning cost estimates submitted by the Developer/Project Owner and approved by the County as follows:

- At the point of conditional use permit approval – Permit includes preliminary decommissioning cost estimates updated from estimates submitted at CUP application and approved by the County; Bond issuance not required.

- At the point of first building permit – Developer submits updated decommissioning cost estimates; estimates are approved by County; Bond issuance not required.

- At the 5-year anniversary of the conditional use permit approval – Developer submits updated decommissioning cost estimates; estimates are approved by County; Developer provides proof of bond issuance in the amount of 50% of updated, County-approved decommissioning cost estimates.

- At the 10-year anniversary of the conditional use permit approval - Developer submits updated decommissioning cost estimates; estimates are approved by County; Developer provides proof of bond issuance in the amount of 100% of updated, County-approved decommissioning cost estimates.

- At the 15-year anniversary of the conditional use permit approval - Developer submits updated decommissioning cost estimates; estimates are approved by County; Developer provides proof of bond issuance in the amount of 125% of updated, County-approved decommissioning cost estimates.

- Extensions of time requirements stated above may be approved by the County based on the “Excused Delay; Extension of Time of Performance” section of the Development Agreement.

The breach, default, or failure to meet decommissioning requirements, shall be deemed written consent by the Developer to expiration, lapse, or termination of the development agreement in accordance with the provisions of Section 7-10-7 of the Zoning Ordinance and applicable notice and hearing requirements.

EXHIBIT 2 – RESOLUTION FOR DA-2024-02

RESOLUTION NO. XXX-24

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELMORE COUNTY ADOPTING THE DEVELOPMENT AGREEMENT BETWEEN ELMORE COUNTY AND APPALOOSA WIND AND SOLAR LLC RELATIVE TO CONDITIONAL USE PERMIT 2024-04; AUTHORIZING THE CHAIRMAN TO TAKE ACTION AND EXECUTE DOCUMENTS CONSISTENT WITH THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 67, Chapter 65 of the Idaho Code ("Local Land Use Planning Act") and Article 12, Section 2 of the Idaho Constitution provide authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS**,** the Board of Commissioners of Elmore County (the "Board") on November 21, 2024, conditionally approved CUP-2024-04, for Appaloosa Wind and Solar, LLC (the "Applicant") pursuant to the Findings of Fact, Conclusions of Law and Order dated November 21, 2024 (the "Approval");

WHEREAS**,** the Approval contained certain conditions. Condition No. 2 required the Applicant and Elmore County to enter into a recorded development agreement;

WHEREAS, on November 22, 2024, pursuant to a public hearing with notice, the Board conducted a public workshop to discuss the terms of the draft development agreement;

WHEREAS, the Board held a public hearing with notice on December 20, 2024, on consideration and approval of the Development Agreement Between Elmore County and Appaloosa Wind and Solar LLC Relative to Conditional Use Permit 2024-04 ("Development Agreement";

WHEREAS, the County agrees to approve Development Agreement, attached hereto as Exhibit A and incorporated herein as if set forth in full, and authorizes the Commission to execute said Development Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY A 3-0 VOTE, the Board hereby adopts and approves the Development Agreement, as set forth on Exhibit A which exhibit is attached hereto and made a part hereof.

DATED this 20th day of December, 2024.

ELMORE COUNTY BOARD OF COMMISSIONERS

Approving:

By:_____
Franklin Corbus, Chairperson

By:_____
Albert Hofer, Commissioner

By:_____
Crystal Rodgers, Commissioner

ATTEST:

_____
Shelley Essl, Elmore County Clerk

EXHIBIT A

DEVELOPMENT AGREEMENT BETWEEN ELMORE COUNTY AND APPALOOSA WIND AND SOLAR LLC RELATIVE TO CONDITIONAL USE PERMIT 2024-04