



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Conditional Use Permit 2025-08 with Master Site Plan

Hearing Date: April 24, 2025

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a Conditional Use Permit)	CUP-2025-08 with Master Site
with Master Site Plan to operate a municipal)	Plan
solid waste landfill under the Resource)	
Conservation and Recovery Act ("RCRA"))	FINDINGS OF FACT,
Subtitle D at the former Simco Road)	CONCLUSIONS OF LAW,
Regional Landfill site and Compliance)	AND ORDER
Agreement.)	

In Re: Conditional Use Permit 2025-08 ("CUP-2025-08") with Master Site Plan: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the "**Commission**"), on April 24, 2025, for a public hearing held pursuant to public notice as required by law on a request from Republic Services Environmental Solutions III, LLC ("**Applicant**"), for a Conditional Use Permit 2025-08 with Master Site Plan (the "**CUP**" or "**Application**") in the Heavy Industrial (M-2) zoned property in unincorporated areas of Elmore County on Assessor's Parcel Numbers RP02S05E077210, RP02S05E180010, and RP02S04E120010 (the "**Site**"). The Application included a proposal to remediate existing violations present at the Site for over two decades, through a properly executed Compliance Agreement with Elmore County. The Application also contemplated future additional construction activities, commercial operation of a landfill, and eventually closer of the Site ("**Project**"). Elmore County Zoning Ordinance Table §7-2-26(B) requires an approved conditional use permit prior to commencing any landfill related activities in the M-2 base zone. The Commission heard from staff and the Applicant in support of the Application. No persons testified in opposition or in neutral, and two people testified in favor of the Project during the public hearing. Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the Application, and after making conclusions in accordance with the applicable law, approved the Application with conditions of approval as amended, and the requirement for execution of the Host Agreement (as discussed herein) and Compliance Agreement as hereafter defined.

FINDINGS OF FACT

If any of these findings of fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the

Application, the analysis and recommendations of the Elmore County Land Use and Building Department (the “**Department**”), and the record.

1) The Commission finds that Application is comprised of:

- a) Application form prepared and submitted by Applicant for CUP-2025-08 with Master Site Plan; and
- b) Draft Compliance Agreement and Compliance Schedule to remediate existing violations at the Site; and
- c) Those supplemental information reports, letters, exhibits, documentation and memoranda submitted by the Applicant or on their behalf, whether submitted in response to questions from contract employees of the Department (the “**Staff**” or “**County Review Team**”) or the Commission in connection with Application material submitted to the Commission.

2) The Commission finds that the Applicant is:

Republic Services Environmental Solutions III, LLC
C/O Jorden Foster, Environmental Manager, Republic Services
2130 W. Franklin Road
Meridian, ID 83642

3) The Commission finds the following facts as to the procedural matters pertaining to the Application:

- I. In accordance with section § 7-3-2 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), the Applicant completed three pre-application meetings with the Director, Department of Environmental Quality (“DEQ”), and Central District Health (“CDH”) on December 9, 2024, January 2, 2025, and January 23, 2025 respectively to discuss a compliance schedule for the existing violations at the Site and the proposed CUP with Master Site Plan.
- II. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant has conducted two Pre-application Neighborhood Meetings on January 9, 2025, and January 10, 2025 with neighboring property owners within a 5-mile radius of the Site.
- III. On January 31, 2025, the Department received a Conditional Use Permit application packet per § 7-3-2 of the Zoning Ordinance along with the required application fees.
- IV. On January 31, 2025, the Department also received application DA-2025-01 for a Host Agreement along with the required fees.

- V. On March 13, 2025, a Public Workshop was conducted with the Commission to introduce the Project, discuss the outstanding technical information, and receive feedback from the Commission.
- VI. Since the workshop, additional information including a revised Master Site Plan, draft Operations Plan, and Hillside Development Permit (ADD-2025-14) was developed and submitted by the Applicant as requested by Staff.
- VII. After the Applicant provided the requested information on March 28, 2025, the Department deemed the Application complete and set the matter for a Public Hearing on April 24, 2025.
- VIII. In accordance with sections § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to surrounding landowners within 5-mile radius on March 26, 2025.
- IX. In accordance with section § 7-3-4 (A) of the Zoning Ordinance, the Department emailed Public Hearing Notices to agencies on March 24, 2025.
- X. In accordance with section § 7-3-5 (A) of the Zoning Ordinance, the Public Hearing Notice was published in the Mountain Home News (newspaper) on April 9, 2025.
- XI. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on March 26, 2025.
- XII. The Commission opened the public hearing on April 24, 2025, and received verbal and written information regarding the Application from staff, the Applicant, and the public.
- XIII. At the conclusion of the testimony from two people in favor of the proposal, the Chairperson closed the public hearing, and moved to recommend approval of the Conditional Use Permit with Master Site Plan with eighty-eight (88) Conditions of Approval, an executed Compliance Agreement and Host Agreement. The Commission's decision on the Application is as set forth below.

4) The Commission finds the proposed Conditional Use Permit request as follows:

CUP-2025-08 with a Master Site Plan is requested to remediate existing violations at the Site through a Compliance Agreement, restart operation of the municipal landfill with 500,000 tons per year of initial disposal and 2,000,000 tons per year maximum disposal, allow for disposal of certain non-municipal solid waste as outlined in the Application, and eventually closer of the Site and completion of post-closure activities as anticipated in this review and approval process.

5) The Commission finds the following facts and circumstances pertaining to the Site:

A. Parcel Numbers: RP02S05E077210, RP02S05E180010, and RP02S04E120010

B. The “Owner” of the Site:

CFO Solutions, LC
d/b/a Ampleo Turnaround and Restructuring, LLC
as court appointed receiver of IRWS, LLC.

Applicant is the Purchaser in that certain Asset Purchase Agreement, dated November 1, 2024, by and between Applicant and CFO Solutions, LC
d/b/a Ampleo Turnaround and Restructuring, LLC

Affidavit of Legal Interest provided on November 15, 2024

C. Applicant’s Right to the Site is:

Applicant is the Purchaser of that certain Asset Purchase Agreement, dated November 1, 2024, by and between Applicant and CFO Solutions, LC
d/b/a Ampleo Turnaround and Restructuring, LLC

Affidavit of Legal Interest provided on November 15, 2024

D. Site Characteristics:

Property Size: 640 acres.

Existing Structures: A stormwater collection pond, a weigh scale, a 4,200 sq. ft. office and shop building, a 4875 sq. ft. warehouse storage building, and a 5,000 sq. ft. shredder shop.

Existing Vegetation: Shrub/scrub, desert land, and slickspot peppergrass.

Slope: The Site has existing landfill cells slopes that are greater than 15%.

Flood Zone: N/A

Irrigation: N/A

Views: Large acreage parcels with similar industrial and manufacturing uses in the surrounding areas.

6) The Commission finds the current zoning of the Site is as follows:

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners), and the Comprehensive Plan, the current zoning for the Site is Heavy Industrial/Manufacturing (M-2) with Wildland Urban Interface (WUI) Overlay.

7) The Commission finds the Site is within rural Elmore County surrounded by other parcels of similar size and uses.

8) The Commission finds the existing services and access to the proposed site are as follows:

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners) and materials found in the Department's file for CUP-2025-08 with Master Site Plan, the following facts concerning services and infrastructure, are not in dispute, and are adopted as findings of fact in the Commission's Findings of Fact, Conclusions of Law, and Order (FCO):

1. Access Street and Designation: I 84 EB to right on Simco Road towards south and then left onto N Waste Site Dr.
2. Fire Protection: None; Wildfire Urban Interface (WUI) Overlay.
3. Sewage Disposal: Septic
4. Water Service: Private Well
5. Irrigation District: N/A
6. Drainage District: N/A
7. Area of Impact: N/A

9) The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations for consideration of the Application:

- A. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2015 (the "Comprehensive Plan"); and
- B. Zoning Ordinance adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. Idaho Local Land Use Planning Act, § 67-6501 et seq.; and
- D. Other applicable local, state, and federal laws and regulations.

10) The Commission finds the following regarding the Comprehensive Plan.

- A. That the Comprehensive Plan Future Land Use Map (Map 4) has the property classified as Heavy Industrial/Manufacturing (M-2) within the Simco Road District.
- B. The Application is in conformance with the Private Property Rights section of the Comprehensive Plan.

11) The Commission finds the following regarding the Zoning Ordinance.

- A. The Elmore County Zoning and Development Ordinance adopted through Ordinance 2018-03 on May 18, 2018, and all amendments thereof, is the document governing the Site.

- B. In order to approve CUP-2025-08 with Master Site Plan, the required eleven findings pursuant to § 7-9-7 shall be made for the proposed conditional use permit and § 10-6-7 shall be made for the proposed master site plan.

12) The Commission finds the eleven (11) required findings pertaining to a Conditional Use per Zoning Ordinance §7-9-7(A) are met.

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

Finding: The proposed use will be located on approximately 640 acres of land that is zoned Heavy Industrial (M-2). The proposed use of a Municipal Solid Waste Disposal Facility is broken down into several uses as defined in §8-5-3 and include Landfill, Solid Waste Disposal Facilities, and Solid Waste Processing Facilities. As outlined in §7-2-26(B) Elmore County Land Use Table, all of the known requested uses are permitted in the M-2 zone with the approval of a Conditional Use Permit.

The proposed Municipal Solid Waste Landfill anticipates acceptance of bulk liquid wastes, which falls within the definition of Non-Municipal Solid Waste in §8-5-3 of the Zoning Ordinance. Bulk liquid waste is generally liquid or semi-liquid waste such as municipal wastewater treatment plant sludge, grease sludge, septage, and other non-hazardous waste. The Application is considering accepting bulk liquid wastes in the future, but does not have specific details for the amount, processing, storage, or disposal at this time. The draft Operations Plan submitted to CDH, and requested by the Elmore County staff, does contemplate “Non-hazardous Solid Waste Impoundment Operations” at the Site to include “any lined or unlined area of a facility where pumpable waste or sludge that does not pass the paint filter test managed outside of a closed container, including any area where solidification occurs”.

The storage of liquid waste is defined as a Solid Waste Processing Facility in the Zoning Ordinance. This is a use that requires a Conditional Use Permit in compliance with the Zoning Ordinance at §8-5-3 and Table 7-2-26(B). Due to lack of clarity about this use at this time, Commission provides a conditional approval that gives approval of this use with identified waste streams in the Application of the CUP, conditioned on a required subsequent Master Site Plan Amendment application, which will be reviewed in compliance with Title 10 Chapter 6 of the Zoning Ordinance to demonstrate compliance with those findings in order to comply with the Solid Waste Processing Facility requirements.

The draft Operations Plan anticipates acceptance of other special waste such as petroleum contaminated soil (PCS), waste tires, diseased animal management, asbestos containing waste materials, white goods, used oil, and organics/ yard debris which fall within the definition of Non-Municipal Solid Waste in §8-5-3 of the Zoning Ordinance. The draft Operations Plan also discusses the following additional special waste potentially being accepted at the Site in the future:

- Any waste requiring on-site treatment (other than at the landfill) before disposal;
- Asbestos (friable and non-friable) containing materials or wastes from a building, structure, or unit that is involved with a manufacturing or industrial process;
- Ash from fires, furnaces, boilers, or incinerators, including medical waste incineration;
- Auto shredder residue;
- Bulk liquids for solidification processing;
- Chemical compounds or petroleum products – new or used;
- Chemical process waste and chemical spill clean-up debris;
- Containerized materials (e.g., tank trucks, barrels, drums, pails, etc.);
- Contaminated soils and debris, including soils from the removal of underground storage tanks (USTs), and UST remediation material;
- Debris and/or residue from spill clean-up, such as dirt, sand, plastic, concrete, tanks, and tyvek suits;
- Demolition waste from industrial facilities or decommissioned industrial facilities;
- Dry cleaning wastes such as spent filters;
- Electronic waste from commercial and industrial facilities;
- Fine powders or highly dusty materials;
- Heat generating or reactive waste;
- Medical waste (treated) from hospitals, doctor's offices, clinics, nursing homes, mortuaries, testing laboratories, veterinary clinics, etc.;
- Mining, exploration and production wastes (e.g., E&P wastes);
- Odiferous waste or waste that cause substantial odors; Off-specification, contaminated, spoiled, outdated or banned products or chemicals. This includes large volumes of food and beverage products;
- Other materials defined as special waste by State or Federal rules or regulations (e.g., CERCLA non-hazardous waste);
- Paint spray booth wastes, filters, and paint sludge;
- Pharmaceutical wastes;
- Pollution control wastes;
- Print shop wastes such as inks, toners, rags/wipes, etc.;
- Regulated radioactive (NORM/TENORM) waste;
- Sandblast grit;
- Sludge waste generated by domestic septic tanks, sewage treatment plants, food processing plants, industrial wastewater treatment plants, oil/water separators, vehicle washing facilities, etc. Sludge can be produced in several forms such as liquid material, cake-like material, flaky rubber-like material, dirt-like material or mud-like material; or
- Vehicle maintenance wastes such as used oil filters, sludge, oily rags, solvents, chemicals, etc”.

The amount, processing, storage, and disposal details of these special wastes are not clear in the draft Operations Plan and DEQ and CDH have not reviewed or approved the Operations Plan at the time of this approval. The Commission requires a Condition of Approval that gives approval to acceptance of the remaining special waste materials

identified in this draft Operations Plan, only with DEQ/CDH's approved Special Waste Management Plan, and requires a subsequent Master Site Plan Amendment application, which will be reviewed in compliance with Title 10 Chapter 6 of the Zoning Ordinance to demonstrate compliance with this finding when those details are available to the Applicant.

The Commission does not support the acceptance of new waste tires at the Site. This is outlined in the Conditions of Approval.

The Application also anticipates a Railroad Unloading Facility (RUF) in the future. Waste streams, amounts, storage, loading/unloading details, internal circulation, and disposal details are not provided. The Commission places a Condition of Approval that authorizes acceptance of waste through railroad, and requires a subsequent Master Site Plan Amendment application, which will be reviewed in compliance with Title 10 Chapter 6 of the Zoning Ordinance to demonstrate compliance with this finding when those details are available to the Applicant.

These and all other future landfill and ancillary uses would be subject to review pursuant to Title 7, Chapter 2 and Table 7-2-26(B) as outlined in the Conditions of Approval. With the Conditions of Approval, the Application has met the finding of Zoning Ordinance 7-9-7 (A)1.

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

Finding (Comprehensive Plan): The proposed use is in harmony and in accordance with the following goals and objectives of the 2014 Elmore County Comprehensive Plan.

Population Goal Statement 2: To guide future growth in order to enhance the quality and character of the County while providing and improving the amenities and services available to Elmore County residents.

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

The proposed uses will help maintain Elmore County's quality of life by providing a necessary service – solid waste disposal – for the current and future population and land uses.

Land Use Objective 17: Evaluate all development proposals in terms of land use and environmental compatibility. Discourage development proposals, which negatively impact land use patterns and negatively impact the human and natural environment.

Public Service Solid Waste Objective 1: Develop solid waste disposal policies and procedures based upon analyzing:
a. effects on the environment;

- b. growth patterns and existing population areas;*
- c. land use requirements; and*
- d. transportation costs.*

As required by staff, the Applicant has provided a Phase 1 Environmental Site Assessment, a Traffic Impact Analysis, and other engineering documents as part of this Application. The staff review included an analysis of geography and soils, air emissions, surface water, groundwater, water runoff, vegetation, animals, energy and natural resources, environmental health hazards, land use, housing, aesthetics of the operation, historic and cultural preservation, transportation, public services and utilities, etc.

The Site is located near the City of Mountain Home, the largest current and future population center of Elmore County. The proposed use will reduce the transportation cost for hauling solid waste for disposal.

The Host Agreement, to be executed, and required by the Conditions of Approval, provides host fees to Elmore County taxpayers for allowing the proposed landfill operations within their jurisdiction. The Host Fees are earmarked for Community Services and will be used for improving social services in Elmore County.

Based on the record, Conditions of Approvals, and state and federal requirements, the proposed uses will not negatively impact land use patterns or the human and natural environment.

Public Service Solid Waste Objective 2: Work with local officials and continue to develop and maintain approved solid waste disposal landfills and programs that meet ongoing disposal needs in every Community within the County.

The Applicant has worked closely with staff, DEQ and CDH to develop the applicable plans to remediate the Site and re-start operation of the municipal solid waste landfill in order to meet the ongoing solid waste disposal needs of every community within Elmore County. The Applicant will continue that coordination with staff, DEQ, and CDH to comply with federal, state and local regulations, while meeting the needs of the County.

Finding (Ordinance): The Applicant has met all the procedural requirements and standards for a Conditional Use Permit as identified in Title 7 Chapter 9 of the Zoning Ordinance in the following manner:

§7-9-3 (A) - The Applicant has filed a CUP Application and paid the required fees.

§7-9-3 (B) - The Applicant has filed a Master Site Plan and paid the required fees. The submitted Master Site Plan identifies accessory buildings, facilities, and other site improvement areas on one and half parcels of the Site encompassing a total of three parcels. Due to lack of clarity for the remaining one and half parcels that are not

contiguous to the primary landfill areas, the Commission places Conditions of Approval to ensure compliance with this requirement.

§7-9-3 (C) – The Applicant has provided information on the specific use standards, general conditional use standards, and the findings listed in the Zoning Ordinance in the CUP Application as requested by staff. The Applicant has also provided an Environmental Assessment requested by staff in the pre-application meeting.

§7-9-3 (D) The Applicant has provided the necessary documents for operation of the Site to include a draft Compliance Schedule Agreement with DEQ and a draft Operating Plan with CDH. The Applicant has worked with these agencies to ensure that the necessary documents are developed and approved in a timely manner. Furthermore, the Commission requires a series of Conditions of Approval to ensure that necessary state and federal approvals are in place.

§7-9-4 (A) – The Applicant has agreed to comply with approved plans and specifications.

§7-9-4 (B) – The Applicant has agreed to comply with the Conditions of Approval to maintain adequate housekeeping practices so as not to create a nuisance.

§7-9-4 (C) – The Site is not located within a fire district. The Application provides for a Fire Suppression Water Pond on the Site which holds 50,000 gallons of water and confirms that the Applicant will hold a minimum of 35,000 gallons in this pond at all times. This is a Condition of Approval. In addition, the Application discusses 8,500 gallon tanks as secondary source of fire protection on the Site.

The Application is conditioned to maintain a fire truck, hose and firewise training to its employees and to compensate any emergency response service providers for cost incurred while responding to a fire at the Site. Furthermore, all future building permits for a structure or facility at the Site will require review and signature from the County Engineer for fire safety.

§7-9-4 (D) – The Site is located within a rural and remote area of Elmore County, and no structures or facilities will be within 20 feet of a residential district.

§7-9-4 (E) – This standard is not applicable since no residential districts exist within the immediate vicinity of the Site.

§7-9-4 (F) – The Applicant has agreed to maintain sanitary practices so as not to create a nuisance and reduce noise and odor as required in the Conditions of Approval.

§7-9-4 (G) – The municipal solid waste landfill operations could be detrimental to the public health, safety, and welfare, as witnessed in the past at this Site. However, the Applicant has provided requested information by staff and agreed to robust conditions to ensure that the detrimental effects of existing violations are addressed through a Compliance Agreement and the detrimental effects of restarting its operations are eliminated or minimized through the Conditions of Approval and Host Agreement.

§7-9-4 (H) – The Application is not abutting or within a residential district. Therefore, this finding is met.

§7-9-4 (I) – The Site is mainly within an Industrial District and adjoins an Agriculture district to the north and east. The Applicant agrees to comply with the Condition of Approval to ensure that there is no detrimental impact to any existing agricultural operations in its immediate vicinity.

§7-9-4 (J) – The Applicant has agreed to comply with all Conditions of Approval required by the decision-making body for the landfill operations at the Site.

3. The proposed use complies with the purpose statement of the applicable base zone and with the specified use standards as set forth in this Chapter 2 Title 7;

Finding: The Heavy Industrial/Manufacturing (M-2) base zone is applied to Simco Road District of Elmore County and allows for a variety of land uses with approval of a Conditional Use Permit when development is appropriate, as identified in §7-2-5.

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

The Site is located approximately thirteen miles northwest of the City of Mountain Home, Idaho and surrounded by active and inactive agriculture grazing land. The proposal meets the intent of the M-2 zone and has provided a Master Site Plan to show available details of Site-development and a Host Agreement, to be executed before effectiveness of this CUP, which outlines the Applicant’s obligations to mitigate for some of the adverse social, environmental, and fiscal impacts on Elmore County’s natural environment and citizens.

The Applicant has met the specific use standards in Title 8 Chapter 5 for Solid Waste Facilities as discussed below:

Section 8-5-4(A): General Standards:

§8-5-4 (A.a) – The Applicant has requested all known uses that are allowed in the M-2 zoning district as outlined in Table 7-2-26(B) with the approval of a Conditional Use Permit and has applied for a Host Agreement.

§8-5-4 (A.b) – The Site is not within a mapped floodplain. The Applicant has submitted a Phase 1 Environmental Assessment and Hillside Development Permit (ADD-2025-14) as deemed necessary by staff and County Engineer. CUP-2025-08 is conditioned for safe access to the Site and internal circulation of the Site.

§8-5-4 (A.c) – The Applicant has agreed to comply with all regulations of Title 8. The Site is located within a WUI overlay district and is not located within a Fire District.

Therefore, CUP-2025-08 is conditioned to ensure fire protection at the Site through multiple conditions of approval.

§8-5-4 (A.d) – The Applicant has submitted a Master Site Plan along with this Application that shows that no structures are located within two hundred (200') feet from the property lines. The required one-thousand-foot (1000') setback from any residential dwelling is not applicable as no residential dwelling units are within 1000' feet of the Site.

§8-5-4 (A.e) – The Applicant has submitted a Hillside Development Application and supporting documents to the County Engineer with this Application.

§8-5-4 (A.f) – The Site does not contain a floodplain and therefore a Floodplain Development Application is not necessary.

§8-5-4 (A.g) – The Applicant has provided information in the CUP narrative and Master Site Plan for perimeter fencing. The Application packet has provided information for secure perimeter fencing with access for Emergency Services, adequate queuing is provided and reviewed by the County Engineer, and that the Signage Plan shows traffic control signs that will be installed for safe traffic patterns.

§8-5-4 (A.h) – Considering that this is a municipal solid waste disposal facility, staff has conditions that restricts hours of operations. If code complaints are received, there is a condition that would allow the Department to restrict hours further.

§8-5-4 (A.i) – The Applicant has worked with the Department, DEQ, and CDH to ensure that there is a closure and post-closure plan in place, and is conditioned to provide Closure and Post Closure Bonds to DEQ with Elmore County as an obligee upon ownership.

§8-5-4 (A.j) – The Applicant has provided a Compliance Schedule indicating that the existing violations at the Site will be remediated within two years in order to be in compliance with all applicable local, state, and federal requirements. As conditioned, the Applicant has agreed and shall be required to designate, license, and maintain all Solid Waste Facility uses in compliance with the Zoning Ordinance Title 8, Chapter 5, and all State and Federal requirements. Violation of any local, state, or federal requirements will revoke the approval of this Application. The Applicant is conditioned to execute the Compliance Agreement before the CUP will be effective.

§8-5-4 (A.k) – The Applicant has provided that litter control inspections will be performed once a week and more often as needed. Litter cleanup will be conducted by landfill staff on a daily basis. All litter control inspections and cleanup will be recorded in the Daily Operations Logs. In addition, a litter screen will be utilized to catch and trap wind-blown litter near the active cell as agreed upon with the County.

§8-5-4 (A.l) – The Applicant has provided information in a signage plan and County Engineer has approved it.

§8-5-4 (A.m) – The Applicant has provided information that hazardous waste will be prohibited at the Site and CUP-2025-08 is conditioned for such. The draft Operations Plan has provided details for other industrial/non-municipal special waste, and CUP-2025-08 has conditions to comply with local, state, and federal requirements pertaining to these special wastes.

§8-5-4 (A.n) – The Applicant has provided information that the facility complies with this standard; the Site will be kept secure from unauthorized entry through the use of secure perimeter fencing and surveillance.

§8-5-4 (A.o) – The Applicant has provided information that the facility operator will meet this requirement; all waste loads will be screened and logged in compliance with the Pre-Screening and Hazardous Waste Exclusion Program.

§8-5-4 (A.p) – The Applicant has provided information to ensure compliance with this standard; operation records will be complete and maintained at the office with duplicates provided to the Elmore County Clerk's office.

§8-5-4 (A.q) – The Applicant has shown this standard has been met; an existing computerized weight scale is used to gather accurate weight of materials entering and leaving the facility.

§8-5-4 (A.r) – The Applicant has provided information indicating this standard has been met; all records will be available for inspection during normal business hours at the office.

§8-5-4 (A.s) – The Applicant has provided information meeting this standard; dust control will consist of gravel internal circulation that is watered down, and the removal of vegetative cover will be limited to future excavation areas, construction areas, and firebreaks.

§8-5-4 (A.t) – The Applicant has indicated compliance with this standard; heavy machinery will only be operated during permitted business hours.

Section 8-5-4(B): Solid Waste Facility Design Standards:

§8-5-4 (B.a.a) – As discussed in this report, the Applicant has demonstrated compliance with Section A and other requirements of this ordinance.

§8-5-4 (B.a.b) – As the Applicant explained, the existing and proposed uses comply with the requirements of IDAPA 58.01.06. As conditioned, the Applicant is required to comply with all local, state, and federal requirements.

§8-5-4 (B.b.a) – The Applicant has explained that the financial assurance for the municipal solid waste landfill will be provided to DEQ and CDH annually to meet this requirement.

Section 8-5-4(C): Solid Waste Processing Facility Design Standards:

§8-5-4 (C) – The Application does contemplate a Solid Waste Processing Facility, but does not provide the necessary details for the amount, processing, storage, or disposal at this time. The Commission requires a Condition of Approval to meet this requirement.

Section 8-5-4(D): Solid Waste Transfer Facility Design Standards:

§8-5-4 (D) – The Application does not contemplate Solid Waste Transfer Facility at this time.

Section 8-5-4(E): Waste Tire Storage Site Design Standards:

§8-5-4 (E) – The Application does not contemplate any new Waste Tire Storage at this time.

Therefore, the Commission concludes that CUP-2025-08, as proposed and conditioned, has met these requirements and this finding.

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

Finding: The proposal is reviewed by an Elmore County Review Team per standards established in the Zoning Ordinance. The Application was transmitted to the affected County agencies listed below on February 5, 2025, and discussed at Agency Coordination Meetings on February 5, and March 26, 2025. All comments received from agencies are reviewed by the County Review Team and integrated into the record and Conditions of Approval as appropriate.

- Elmore County Assessor
- Elmore County Ambulance

- Elmore County Engineer
- Elmore County Sheriff
- Elmore County Surveyor
- City of Mountain Home
- Mountain Home Highway District
- Oasis Fire Protection District

Therefore, the Commission concludes that the use will be constructed and operated in compliance with all applicable County Ordinances.

5. The proposed use shall comply with all applicable State and Federal regulations;

Finding: The Application was transmitted to affected State and Federal agencies listed below on February 5, 2025, and discussed at Agency Coordination Meetings on February 5, and March 26, 2025. All comments received from agencies are reviewed by the County Review Team and integrated into the record and Conditions of Approval as appropriate.

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

Therefore, the Commission concludes that the use will be constructed and operated in compliance with state and federal regulations.

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

Finding: The Site is surrounded by land owned by the Bureau of Land Management, Union Pacific Railroad, as well as private landowners. Properties in the vicinity of the

Site are used seasonally to graze cattle. The Simco Road District has promoted similar heavy industrial/manufacturing uses in this general vicinity with the intent to promote similar uses in the future. Furthermore, a municipal solid waste landfill was a use that operated at the Site for more than two (2) decades prior to Elmore County's revocation of the prior CUP in 2023. CUP-2025-08 is conditioned to ensure that the use is designed, constructed, operated, and maintained in such a way as to be harmonious with the existing and intended character of the general vicinity and that the use will not change the essential character of the said area.

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

Finding: No residential uses are located near the Site due to the Comprehensive Plan and Zoning Ordinance requirements of Elmore County. There are similar heavy industrial and manufacturing uses that currently operate in the general vicinity of the Site. Similar uses, which include two non-municipal solid waste disposal/processing facilities, are proposed within a 5-mile radius of the Site. Additionally, the site has operated as a privately owned municipal solid waste disposal landfill through a prior Conditional Use Permit approved on October 2, 1997 until its revocation in 2023. Therefore, the Commission concludes that the proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development.

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

Finding: The Application is within Mountain Home Highway District, they have not provided any comments on the Application. The Commission has required a Condition of Approval that requires the Applicant to ensure that the necessary improvements for safe Site access are made as approved by the County Engineer within a year of CUP-2025-08 approval. The State Fire Marshall, Elmore County Emergency Management Services and Sheriff as well as Mountain Home Rural Fire District have reviewed the proposal, and their comments are integrated into the Conditions of Approval. The facility will operate under the Site License issued by DEQ and Operations Plan approved and enforced by CDH which will address water, sewer, refuse disposal, etc. Furthermore, the Applicant has coordinated with the Idaho Department of Water Resources to ensure that the necessary water for site operations, dust mitigation, and fire suppression will be available at all times as required in the Conditions of Approval. There is a Condition of Approval which requires that an on-site self-sufficient operational well is drilled prior to year end of 2025 to ensure that the use is not dependent on any off-site well. The Elmore County Engineer has worked closely with the Applicant in ensuring that all the known drainage improvements at the Site are in compliance with County codes. Therefore,

the CUP will operate in a self-sufficient manner and the Applicant will be responsible for the establishment and closure of the use.

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

Finding: The restart of operations and expansion of the municipal solid waste disposal will not create additional requirements at public cost since this facility and its use existed in the County for more than two decades prior to its closure in 2023. Furthermore, the Applicant has agreed to a Compliance Agreement and Schedule, to remediate the existing violations at the Site in a time sensitive manner, reducing the public cost. A Host Agreement is further negotiated with the Applicant, to mitigate for the future economic impacts of the proposed use to the County's economic welfare. The proposed use and Site operations are going to support the Elmore County's waste disposal needs. Therefore, the proposed restart and expansion will benefit the economic welfare of the County by providing the necessary service, solid waste disposal, for the County and its communities.

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

Finding: The proposed uses, activities, processes, materials, equipment, and conditions of operation are prone to create traffic, noise, smoke, fumes, glare and odors for the surrounding areas. However, the Site is located within the Simco Road District, which is designated for heavy industrial and manufacturing uses. As requested by the Applicant and required in the Conditions of Approval for the use, the operations will not be detrimental to any persons, property or the general welfare. The proposed use will generate additional production of traffic as provided in the Traffic Impact Study. However, at this time the Mountain Home Highway District has not provided any comments on the Traffic Impact Study triggered by the County Review Team. Therefore, the Commission places a Condition of Approval which will require additional Traffic Impact Studies as disposal tonnage increases beyond 500,000 tons. A temporary increase in noise levels will occur during construction and operations while the long-term noise generation will remain consistent with noise levels at present in this industrial area for other industrial uses. Additionally, most heavy noise producing operations will take place during daylight hours. No exceptional smoke or glare will be produced from the proposed uses. Additional smoke, fumes, glare or odors may be caused by the proposed use. However, those are to be mitigated through the compaction of solid waste, the daily application of compacted cover materials, and Conditions of Approval for Special Waste. The Application is widely reviewed by local, state, and federal agencies and Conditions of Approval have been added to ensure the uses will not generate excessive traffic, noise, smoke, fumes, glare or odors.

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

Finding: The Applicant conducted a Natural Features Analysis of the Site as well as a Visual Impact Analysis as discussed in the Application narrative and environmental assessment. No natural or scenic features of major importance were identified. Furthermore, a municipal solid waste landfill operation existed at the Site for more than two decades. Therefore, the proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.

13) The Commission finds the required findings pertaining to a Master Site Plan per Zoning Ordinance § 10-6-7(A) are met.

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

Finding: Please refer to findings under Zoning Ordinance §7-9-7(A)2.

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

- Location of structures on the site; and
- Non-Vehicular Access and internal Circulation;
- Automobile Access and Internal Circulation; and
- Additional Off-street Parking Design Standards

Finding: The Master Site Plan is for a Municipal Solid Waste Disposal Facility and Solid Waste Processing Facility, which will be owned by the Applicant or successors thereof. A Master Site Plan is submitted with the CUP and shows all known pertinent aspects of the temporary and permanent improvements discussed in CUP-2025-08 for one and half parcels containing the primary disposal area. Specific details on the remaining one and half parcels are not available at this time. However, additional future improvements may be necessary on those parcels as envisioned in CUP-2025-08. The location of these improvements is subject to minor changes through site preparation as contemplated in the Zoning Ordinance Title 10, Chapter 6. The Applicant states that no structures or improvements will be made unless a Master Site Plan amendment is submitted. Any addition, modification, and relocation of these improvements will remain within the Site and must be in compliance with Section 10-6-3(C).

The Site will be initially operated by a maximum of 20 employees once in operation. The Master Site Plan allows for public access to the site, and therefore, the County Engineer has reviewed non-vehicular access and internal vehicular circulation for such. The Master Site Plan establishes access from public roads as well as layout of internal private roadways as further explained in Zoning Ordinance §7-9-7(A)8 finding above.

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:

- a. Any natural constraints detected or observed; and

Finding: The Applicant has submitted a Natural Features Analysis. The technical studies provided with the CUP-2025-08 Application were prepared by Civil and Environmental Consultants, Inc (CEC) and their sub-consultants. The information contained in the submitted technical studies was used to develop the submitted Master Site Plan, which is reviewed by the County Engineer, Solid Waste Engineer, as well as the remaining members of County Review Team.

Groundwater flow at the Site is reported to be to the northwest; however, general movement in the region is southwest towards the Snake River. The Cinder Cone Butte aquifer exists below the Site at approximately 470 feet below ground surface (bgs) and a perched aquifer, located in the southeast corner of the Site, exists about 408 feet bgs.

A Soil Engineering Analysis and Report showed sand, silt, silty sand, or silty/sandy soils within the Site. A steep slope analysis was performed to identify all areas with slopes greater than 15%. The data provided is reviewed by the County Engineer and used to develop the Conditions of Approval for CUP-2025-08.

- b. Historical and Cultural Resources; and

Finding: The Applicant performed a desktop review of Historical and Cultural Resources using the Idaho Cultural Resource Information System. Within the landfill site, no buildings or structures are listed or eligible for national, state, or local preservation registers, as all buildings or structures were constructed after the year 1998. Further the desktop review revealed no historic resources, objects, or artifacts. This is consistent with Cultural Resources Surveys conducted in 1994 and 1997 when the Landfill was originally permitted.

- c. Sensitive Plant and Wildlife Species; and

Finding: A Phase 1 Environmental Site Assessment (ESA) was completed on March 25, 2025. With that, the Applicant performed a desktop review using the United States Fish and Wildlife Services Information for Planning and Consultation (IPaC). Three species were identified in this search: the Monarch Butterfly, Suckley's Cuckoo Bumble Bee, and Slickspot Peppergrass. Critical Habitat for Slickspot Peppergrass exists in Elmore County, but it is located outside the Landfill's boundaries on all parcels. This information is consistent with surveys previously conducted at the Site. Exhibit O of the Supplemental Information of the Application contains the Sensitive Plant Survey (Prentice, 1994) that describes the variety of

plant species and specifically the sensitive species identified at the landfill site location prior to initial construction of the Landfill. Also, the project is reviewed by the Idaho Department of Fish and Game that does not have any concerns due to the prior operations.

d. Any impacts on Natural Features

Finding: 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 Site design through Conditions of Approval.

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

a. Screening; and

Finding: The Project is located within the remote areas of unincorporated Elmore County. Furthermore, CUP-2025-08 conditions require the necessary screening for the project prior to commencing operations.

b. Drainage; and

Finding: Culverts and stormwater basins will be constructed to maintain drainage patterns and manage stormwater. The Commission has Conditions of Approval for site drainage for CUP-2025-08.

c. Water Supply and Sewage Disposal; and

Finding: The Project will not rely on County sewer, water, or other utilities. The Applicant will establish and maintain their own electrical connection service with Idaho Power and will obtain the necessary permits from CDH for a well and septic system to serve the limited potable water and sewer requirements of the O&M buildings.

d. Filling, Excavation, and Earthmoving; and

Finding: Filling, Excavation and earthmoving will be necessary for the proposed municipal solid waste disposal facility. The Commission requires Conditions of Approval for CUP-2024-04 to address any future filling or excavation in compliance with the Zoning Ordinance.

e. Irrigation Services and Delivery Systems; and

Finding: The proposed landfill development will not impact any irrigation or delivery systems. The proposed use will be operational under oversight of DEQ and CDH and the Operations Plan will ensure that the operation of the landfill 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. Through the Conditions of Approval, the County Engineer will provide an oversight for these improvements.

f. Utilities; and

Finding: The use will not rely on County for any utilities. Existing utilities enter the Site through the main access road and are contained in utility corridors beneath the road. The Applicant does not propose any additional utilities at this time. Should additional utilities be warranted in the future they are encouraged to be placed underground in a utility corridor. Such utilities will be properly sited and buffered in accordance with the screening standards of the Zoning Ordinance Section 10-6-6(F).

g. Maintenance; and

Finding: The Applicant is committed to maintaining the appearance of the Site, and health, and safety of the surrounding communities. The Commission requires a series of Conditions of Approval to ensure that the Site is maintained with adequate housekeeping practices.

h. Supplemental Information; and

Finding: The Applicant has provided supplemental information as demonstrated in the Record.

i. Alternate Site Development.

Finding: The Applicant has not provided a request for Alternate Site Development.

ORDER:

CUP-2025-08 with Master Site Plan, along with the Compliance Agreement, Host Agreement, and Conditions of Approval, comply with the requirements of the Elmore County Zoning Ordinance. Based on the evidence presented at the public hearing, record, and staff's analysis, the Planning and Zoning Commission approves CUP-2025-08 with a Master Site Plan, to operate a Municipal Solid Waste Disposal Landfill and Solid Waste Processing Facility, with the following Conditions of Approval, and required execution of the Compliance Agreement and Host Agreement.

CONDITIONS OF APPROVAL FOR CUP-2025-08 WITH MASTER SITE PLAN

1. A Conditional Use Permit (“CUP-2025-08” or “Application”) with Master Site Plan shall be granted to Republic Environmental Solutions III, LLC (“Applicant”) to operate a private Municipal Solid Waste Disposal Landfill and Solid Waste Processing Facility under the Resource Conservation and Recovery Act (“RCRA”) Subtitle D, on assessor’s parcel numbers RP02S05E077210, RP02S05E180010, and RP02S04E120010 (“Site”) comprising of 640 acres of unincorporated land within Elmore County, conditioned on the satisfaction of all conditions of approval.
2. The Site currently has multiple violations of the Zoning Ordinance and State regulations. This CUP-2025-08 shall not be effective until the Applicant has a fully executed Compliance Agreement with the County. Execution of the Compliance Agreement is required prior to the effectiveness of CUP-2025-08 in order to demonstrate compliance with the Zoning Ordinance Section 7-16-2 (B). The Applicant shall remediate the Site as agreed upon in the Compliance Agreement and Compliance Schedule.
3. This CUP-2025-08 shall not be effective until the Applicant has a fully executed Host/Development Agreement (“DA-2025-01”) with the County and has provided the same to the County Land Use and Building Department (the “Department”).
4. All remediation, development, operation, and closure/post closure activities of the Site shall comply with Conditions of Approval of CUP-2025-08 with Master Plan, Compliance Agreement, terms of the associated DA-2025-01, Administrative Decision for Hillside Development Permit (ADD-2025-14), as well as the Zoning Ordinance. Any violation thereof shall result in revocation of the CUP-2025-08.
5. Should the Department discover a violation of the terms and conditions of this CUP-2025-08, or any County, state, or federal law or regulation, the Department may issue a Notice of Violation(s) to the Applicant, with sixty-five (65) days’ from receipt of such notice to cure or remedy said violation; provided, however, if the Applicant is using and continues to use good faith efforts to so cure or so remedy, such period of time may be extended, upon approval of the County, such approval not to be unreasonably withheld, conditioned, or delayed, for such reasonable time as the Applicant continues to use such good faith efforts to so cure or so remedy. Should the violation not be resolved, and depending upon the severity of the violation and the Applicant’s response thereof, the Department may advise the Applicant that a Site-Monitor will be assigned to the Site. The Site-Monitor would be a County employee, and their cost shall be reimbursed by the Applicant for the duration of the assignment, which shall conclude upon confirmation of cure of the alleged violation.
6. All Conditions of Approval of CUP-2025-08 with Master Site Plan, Compliance Agreement, and terms of DA-2025-01 shall be appurtenant to and run with the Site

and shall be binding upon the Applicant, the parties hereto, their heirs, transferee, successors, and assignees.

7. The Applicant may petition to terminate the Compliance Agreement upon completing remediation of the Site in compliance with all local, state and federal regulations, and as outlined in the Compliance Schedule. A compliance report outlining how the terms of the Compliance Agreement have been satisfied shall be submitted to the Department prior to any petition to terminate the Compliance Agreement. Upon the Applicant's successful completion of terms of the Compliance Agreement, Elmore County shall release the Applicant from the terms and conditions of the Compliance Agreement and terminate such Compliance Agreement as necessary.
8. The Application and its supporting documents anticipate 500,000 tons per annum solid waste disposal at the Site initially. This disposal tonnage shall include all waste received at the weigh scale to include liquid waste, special waste, and any other waste that gets unloaded from the Union Pacific Railroad.
9. CUP-2025-08 grants the Applicant the ability to accept up to 2,000,000 tons per annum of solid waste disposal in the future at the Site. The Applicant shall submit a periodic written report to the Department on the five (5) year anniversary of the CUP approval or when the annual disposal tonnage exceeds 500,000, whichever happens first ("Periodic Written Report"). This Periodic Written Report shall provide detailed tonnage information, any new waste streams, an updated Master Site Plan (if required), an updated Traffic Impact Analysis (if applicable), and other pertinent information, including but not limited to potential updated environmental analysis, as reasonably requested by the Department. The Applicant must seek necessary approval by the Department of any solid waste disposal over 500,000 tons per year in compliance with Title 7, Chapter 2 and Title 8, Chapter 5, which approval shall not be unreasonably withheld so long as all conditions of this CUP-2025-08 have been met.
10. The 2,000,000 average annual tonnage maximum limit is inclusive of all incoming waste materials received, processed, and/or disposed at the Site including materials such as, but not limited to, solid wastes, liquid wastes, special wastes and any other material accepted for mixing with dirt or soil. Clean dirt or soil used for beneficial reuse such as for erosion control, slope stabilization, road construction, and daily, intermittent, or final cover are not subject to this tonnage limit, as well as materials received in select situations such as statewide or local emergencies or natural disasters as approved by the County in writing prior to the acceptance of the materials related to specific events.
11. 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-2025-08 and DA-2025-01 along with the appropriate application fee at the time of submittal. The Periodic Written Report shall be transmitted to the Planning and Zoning

Commission and Board of County Commissioners within thirty (30) days of the request for a periodic review by the Department.

12. The Board of County Commissioners, the Planning and Zoning Commission, or the Department may request a Periodic Written Report from the Applicant when the Department reasonably suspects non-compliance with the terms of CUP-2025-08 and conditions of approval.
13. The Applicant shall not develop a use, construct any structures, or make any Site improvements that are not in the current Master Site Plan , or CUP-2025-08, unless a Master Site Plan amendment, or conditional use permit amendment, as the case may be, is submitted, reviewed, and approved. This requirement shall include any use, structure, or improvements on the 240 non-contiguous acres, as well as the entire Site (640 acres). The Applicant shall provide additional details to the Department for any use or construction contemplated on these non-contiguous acres for the determination of the need, if any, for a conditional use permit amendment or Master Site Plan amendment. Such review and approval shall be in conformance with the requirements of the Zoning Ordinance.
14. Prior to commencing any activity for future, ancillary, or expanded use, 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.
15. Prior to commencing construction activities for the first cell, 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 amount and bond will be further outlined in the Compliance Agreement and DA-2025-01. A similar surety may be required for subsequent cells to the extent such improvements are not covered within the then-existing Closure and Post-Closure Bond.
16. Prior to applying for any building permit or construction permit, the Applicant shall ensure that the proposed structure, use or improvement was contemplated in the CUP and/or Master Site Plan, as amended from time to time.
17. Prior to any new building permit or construction activity triggering a Master Site Plan amendment pursuant to the Zoning Ordinance or proposing to modify the existing stormwater facilities, the Applicant shall submit a drainage study/report for the proposed stormwater facilities to the Department and receive approval from the County Engineer.
18. Prior to commencing any construction activity, the Applicant shall comply with the following and receive approval if requested by the Department:
 - a. Compliance with Idaho Administrative Rules ("IDAPA") 58.01.01 (Air Pollution Control) from DEQ;

- b. Compliance with IDAPA 58.01.05 (Hazardous Waste) and 58.01.06 (Solid Waste Management) from DEQ; 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 DEQ.
19. If any unknown subsurface cultural or archaeological finds are encountered during project construction or operations the Applicant shall stop all activity in the area of the finding and follow Inadvertent Discovery Guidance of a Certified Archaeologist.
20. A Hillside Development Application was submitted with CUP-2025-08 to comply with the Hillside Development requirements of Title 7, Chapter 5 of the Zoning Ordinance. In the event modifications to the existing Hillside Development Application are proposed or areas not previously covered under the existing Hillside Development Application are identified for grading, the Applicant shall provide the applicable Hillside Development documents, prior to grading or filling any future slopes steeper than 15%, to the Department for review and approval by the County Engineer.
21. Idaho has the “right to farm act” (Title 22, Chapter 45). The Applicant shall not file a nuisance lawsuit against any of the surrounding agricultural operations if they follow generally recognized farming practices.
22. All utilities needed for future cell and use expansion are encouraged to be placed underground in a utility corridor and properly sited and buffered in accordance with the screening standards of the Zoning Ordinance Section 10-6-6(F). Given the unique features of this site and the proposed use, underground siting of utilities should be accomplished where feasible, but underground siting of utilities is not required.
23. Subject to the notice and cure provisions of Condition 5, any violation of a term or condition of this CUP-2025-08 may result in the revocation of this CUP-2025-08.
24. Subject to the notice and cure provisions therein, any violation of a term or condition of the Host Agreement (DA-2025-01) may be a violation of the conditions of approval of CUP-2025-08 and shall result in the revocation of CUP-2025-08.
25. Subject to the notice and cure provisions therein, any violation of a term or condition of the Compliance Agreement, Exhibit 4, may be a violation of the conditions of approval of CUP-2025-08 and may result in the revocation of CUP-2025-08.
26. Subject to the notice and cure provisions of Condition 5, any violation of a term or condition of an agreement with any local, state, or federal agency, related to the ownership or operation of this Site, may be a violation of the conditions of approval of CUP-2025-08 and may result in the revocation of CUP-2025-08.

Operations

27. The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times, including but not limited to Idaho Statute Title 31 (Counties and County Law), Chapter 44, Solid Waste Disposal Sites; Idaho Statute Title 39 (Health and Safety), Chapter 65, Waste Tire Disposal; Chapter 70, Sale and Disposal of Batteries; Chapter 74, Idaho Solid Waste Facilities Act; and the Idaho Administrative Procedure Act (IDAPA) 58.01.06, Solid Waste Management Rules.
28. All operations at the Site shall comply with an approved Operations Plan by Central District Health ("CDH") and with the general guidance of Site License issued by Idaho Department of Environmental Quality ("DEQ") at all times. Operations of any new solid waste disposal at the Site cannot commence until an approved Operations Plan has been issued by CDH.
29. The Applicant shall always maintain a current Closure and Post-Closure Plan for the facility. The Applicant shall submit a copy of the approved and updated Closure and Post-Closure Plan to the Department. The Department may request this information from the Applicant at any time.
30. The Site shall only be open to the public and receive materials between the hours of 6:00 a.m. and 8:00 p.m., Monday through Friday, and 7:00 a.m. and 5:00 p.m., Saturdays. The facility shall not be open to the public and shall not receive materials outside of these specified hours. The operating staff may perform waste handling activities such as disposal, processing, transfer, and maintenance anytime as needed. In the event that a Railroad Unloading Facility (RUF) is approved in the future via a Master Site Plan amendment, applicable hours of operation specific to the RUF shall be set forth in the Master Site Plan amendment.
31. The governing Operations Plan and the Master Site Plan shall clearly identify areas that are publicly accessible and shall identify necessary safety and directional measures for safe operations of the landfill activities.
32. The Applicant shall notify the Department, CDH, and DEQ prior to modifying the hours of operation.
33. The Applicant shall comply with applicable rules and regulations pertaining to daily cover and there shall be at least six inches (6") from day one of ownership on all areas actively receiving waste and will provide interim cover on the top, flat portion of the Site within 90 days and otherwise consistent with the Compliance Agreement Schedule.
34. The Applicant shall provide interim daily cover of twelve inches (12") of compacted soil on all areas of cell that are not actively receiving waste in compliance with applicable rules and regulations.

35. Operational records, including waste acceptance and disposal, shall be complete and always maintained at the office for duration of landfill operations. The Department may request these records at any time.
36. Signage at the primary entrance shall be installed and maintained and include the following information:
- Name and permit number of the facility.
 - Operating hours.
 - A list of materials that are accepted and not accepted. In addition, the sign may state "All materials must have prior approval."
 - Telephone number of two emergency contact persons.
37. The Site shall have lighting and security throughout the active areas of the landfill facility.
38. A minimum of twenty (20) standard parking stalls for employees, five (5) standard parking stalls for visitors, and two (2) accessible parking stalls, shall be provided in a designated parking area as shown on the Master Site Plan in accordance with Title 10 Chapter 8 for existing Facility Operations within 180 days of the days of the Planning and Zoning Commission signing the Findings of Fact, Conclusions of Law, and Order for CUP-2025-08. The parking area shall be graded to drain and surfaced with all weather material. Parking stalls shall be designated by means approved by the County Engineer. The parking area shall be maintained on the same schedule as the internal routes.
39. Should the waste from operating cells or windblown dust from its daily cover become a hazard or nuisance, water or other suppressant shall be applied for mitigation immediately.

Traffic and Transportation

40. The Applicant shall receive written approval from the Mountain Home Highway District for installing a southbound bypass lane on Simco Road within a year of CUP approval and complete that improvement within two years of CUP approval. The Applicant shall provide a copy of the approval to the Department.
41. The Applicant shall receive written approval from the Mountain Home Highway District for any future improvements triggered by future Traffic Impact Analyses for tonnage acceptance beyond 500,000 tons at the Site. The Applicant shall provide a copy to the Department.
42. The Applicant shall maintain N. Waste Site Drive in accordance with that certain Amended and Restated Grant of Easements and Maintenance Agreement (Inst. 394097), as the same may be amended from time to time. Within one year of the effective date of this approval, the Applicant shall provide the County Engineer with a road construction and maintenance schedule for N. Waste Site Drive.

43. The Site shall have secure perimeter fencing at all times as identified in the CUP Application and Master Site Plan.
44. The Applicant shall provide primary and secondary gate access for emergency response to the State Fire Marshall (if requested), Elmore County Sheriff, and Elmore Ambulance Service.
45. All access roads shall be maintained and watered to mitigate dust depending on weather and traffic levels on Site.
46. The Site Operators shall ensure that vehicles shall not be queuing back out onto Simco Road. If at any time the Site does not have adequate vehicle queuing, the Applicant shall submit a new Master Site Plan to the Department showing additional vehicle queuing locations.
47. One or more Site attendants shall direct traffic on Site unless internal traffic control signage is installed providing clear and safe traffic directions for the public and staff.
48. Internal routes, including access to the active disposal area, shall be surfaced with gravel and graded to provide safe vehicle travel as needed, and maintained/resurfaced at least twice annually.

Public Facilities and Services

49. The Applicant shall maintain adequate water supply for all uses within Master Site Plan, including necessary water for dust mitigation and fire protection.
50. In addition to the fire suppression requirements contained in Conditions 51, 53, and 56, at all times while the Applicant is conducting disposal of the existing tire stockpile, the following fire suppression protocols shall be maintained: (i) a water truck having a capacity of no less than 4,000 gallons shall be present and utilized during any removal or movement of tires from the site; (ii) nearby soils shall be watered and any vegetation removed in the immediate area prior to any removal or movement of tires or tire shreds; (iii) in addition to any defensible space required for the overall Site, including in connection with Condition 61, a firebreak shall be maintained adjacent to any stored tires or tire shreds of no less than 200 feet.
51. Prior to commencing operations, the Applicant shall provide proof of approval from the County Engineer for the use of the existing retention pond on site as a Fire Suppression Water Pond. Pond must be able to hold approximately 50,000 gallons of water and shall hold a minimum of 35,000 gallons at all times.
52. Prior to the commencing of any cell development beyond the currently approved cells by DEQ and CDH (1 and 2A), the Applicant shall obtain approval of the proposed

roadways and internal circulation of the Site from the County Engineer for safe fire access.

53. Prior to commencing operations (and as modified from time to time in connection with any updates to the approved Operations Plan), the Application shall provide documentation to the Department that there are two (2), 8500 gallons tanks as secondary sources of fire protection on the Site. A minimum of 6000 gallons of water shall be available for fire protection at all times.
54. All landfill operation vehicles shall carry at least one portable fire extinguisher, and all operation personnel shall carry a portable radio or other communication device at all times.
55. A fire suppression plan shall be detailed and implemented as described in the Wildland Urban Interface Fire Protection Plan submitted with CUP-2025-08.
56. The Applicant shall provide training for on-site fire response to all staff prior to commencing the operations and at least twice annually. Training shall include the policies and procedures identified in the Wildland Urban Interface Fire Protection Plan submitted by the applicant in connection with CUP-2025-08. In the event of a fire incident at the site, reporting shall be made to the Department providing the basic facts of the fire and fire response. A minimum of one water truck with no less than 4,000 gallon capacity shall be present at the site. In the event any public agency responds to the site in connection with a fire event, the Applicant (or current operator) shall be responsible for reimbursement to such agencies for their reasonable costs of response.
57. All future building or construction permits at the Site shall require review and approval from County staff.
58. Open burning is prohibited except for periodic burning of wood debris piles under controlled conditions with the approval of the landfill manager, Central District Health, Idaho Department of Environmental Quality, and Elmore County Sheriff. Infrequent burning of agricultural wastes, silvicultural wastes, land clearing debris, diseased trees, or debris from emergency cleanup operations may occur as deemed necessary in accordance with Title 40 of the Code of Federal Regulations (CFR) 258.24(b).
59. Highly flammable and volatile substances shall not be accepted for disposal at the site except in accordance with an approved use within CUP-2025-08, Master Site Plan, Operations Plan, and Special Waste Management Plan.
60. A minimum two hundred (200) feet wide firebreak shall be maintained along the perimeter of the Site in accordance with the approved wildfire plan.

61. Wood waste stockpiles and/or containers shall be kept in compliance with the International Fire Code, including but not limited to a twenty-five (25) feet wide buffer free of vegetation and combustible materials.
62. The Applicant shall submit a post-construction revegetation plan and closed cell revegetation plan to the Department for the temporarily disturbed areas such as crane paths, construction trailers, or temporary laydown yard.

Waste Management

63. All waste loads shall be screened and logged in compliance with the Operations Plan's Pre-Screening and Hazardous Waste Exclusion Program.
64. All computerized weight scales shall be kept in working condition and used to gather accurate weight of materials entering and leaving the Site or transferred off-Site. All materials entering the Site, other than those expressly excluded by this CUP-2025-08 and condition of approval, shall be weighted and recorded.
65. The Applicant may accept special wastes as defined by the Idaho Solid Waste Facilities Act Section 39-7403(51), in compliance with County Title 8 Chapter 5, local, state, and federal law, and consistent with the findings of this CUP to comply with County Title 7 Chapter 9 and an approved Special Waste Management Plan. The Applicant shall provide additional information to Elmore County, as applicable, to ensure that the special waste handling activities comply with the above regulations, including, but not limited to, maintaining adequate housekeeping, sanitary, and operating practices so as not to create a public nuisance, reduce noise and odor impacts, and not create detrimental impact to public health, safety, and welfare. A Master Site Plan amendment or conditional use permit amendment application may be required for certain special wastes, pursuant to the requirements above.
66. The Applicant shall receive approval of a Special Waste Management Plan from Central District Health (CDH) prior to accepting waste identified therein. The Department shall be notified within 30 days of CDH approval. A Master Site Plan amendment or conditional use permit amendment application may be required, as applicable. No special waste, bulk liquid waste or waste accepted from the railroad shall be accepted without prior written approval of a Master Site Plan amendment from the County (if required).
67. The Applicant shall not accept any new Waste Tires at the Site. Should waste tires be found in the waste stream, the waste tires shall be removed and disposed of at a DEQ approved facility in accordance with the approved Operations Plan.
68. The Site currently has an estimated 550,000 waste tires and waste tire equivalent tire-shreds stored. As the Applicant works toward disposing of them in a DEQ approved manner, the Applicant shall comply with the State and County regulations, including maintaining a financial assurance in the form of a cash bond payable to the County

for \$2.50 per waste tire. This amount could be reduced annually with written documentation of disposal and the remaining amount of waste tires.

- 69. Wood waste may be stockpiled until a sufficient amount is obtained for processing in compliance with the International Fire Code and as approved by CDH in the Operations Plan.
- 70. Hazardous waste, polychlorinated biphenyl (PCB) waste, medical waste, and radioactive waste shall be prohibited from acceptance and disposal on Site.
- 71. Materials may be collected for recycling as approved by DEQ in the Operations Plan.
- 72. All batteries shall be stored in chemically compatible leakproof containers until pickup.

Housekeeping and Sanitary Practices

- 73. The Applicant shall establish and maintain their own electrical connection service with Idaho Power and shall obtain the necessary permits from Central District Health for a well and septic system to serve the limited potable water and septic requirements of the O&M and other buildings.
- 74. The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance.
- 75. Litter control inspections shall be performed at a minimum of once a week and after each high-wind events. High wind events are when the National Weather Service issues a wind advisory, severe thunderstorm warning, blizzard warning, or red-flag advisory. Litter shall be cleaned up regularly as needed based on inspection results. The results of all inspections and litter clean-up shall be noted in the Daily Operations Log.
- 76. Litter screens shall be used and located near the landfill's active face.
- 77. Scavenging is strictly prohibited. If it is determined that items were scavenged at any time, a record of the incident shall be made in the Daily Operations Log.
- 78. Domestic animals of site operators or customers (other than service animals) shall remain in vehicles. This applies to all dogs, cats, horses, and any other animals.
- 79. The removal of vegetative cover shall be limited to excavation areas, construction areas, and firebreaks.
- 80. Odors shall be controlled by proper compaction and daily application of compacted cover materials. Odor complaints shall be kept and maintained in the Daily Operations Log and remediate where possible.

- 81. Additional cover soil placement shall occur if vectors become a nuisance.
- 82. Alternative daily cover materials may be used when approved by DEQ and CDH.
- 83. All structures shall be designed to minimize dust and litter escaping from out of the building, keep precipitation out of the building, and prevent the attraction or harboring of vectors in the building.
- 84. Groundwater sampling wells shall be installed and monitored in accordance with state and federal requirements.

Closure and Post-Closure Financial Assurance

- 85. Financial assurance documents and the Closure and Post-Closure Bond shall be updated and submitted each year to DEQ and demonstrate the financial ability to close the landfill and maintain post-closure in accordance with the approved Closure and Post-Closure Plan. The Applicant shall provide this documentation, including cost estimations, on an annual basis to the Department. The Department may request this information from the Applicant at any time as well.
- 86. The Applicant, prior to accepting such waste shall provide a Closure and Post-Closure Plan and Bond to Elmore County for bulk liquid waste storage and processing, and other special waste not anticipated in the CUP and/or is not covered by the Closure and Post-Closure Plan and Bond with DEQ.
- 87. Adherence to the Compliance Agreement to be entered into between the Applicant and the Idaho DEQ shall be a condition of this approval.
- 88. The Applicant shall replace reliance on the existing off-site irrigation well with a self-sufficient on-site operational well no later than the end of calendar year 2025.

Dated this 1st day of May 2025

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED	Aye
VICE CHAIRMAN JEFF BLANKSMA	VOTED	Aye
SUSAN FISH	VOTED	Aye
ED OPPEDYK	VOTED	Aye
K.C.DEURIG	VOTED	Aye
MITCH SMITH	VOTED	Aye

Patti Osborn, Chair

ATTEST:

James Roddin and Johnny Hernandez, Interim Directors

NOTICE PURSUANT TO IDAHO CODE § 67-6519(5)(c)

The Applicant shall have the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. An applicant denied an application or aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-10 E-F

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal application

is complete, and appeal fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

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