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Planning and Zoning Commission
PUBLIC HEARING STAFF REPORT
CONTINUATION

Hearing Date: September 2, 2026

Continued Hearing Date: October 22, 2026 **Report Submitted:** October 16, 2026

Agenda Item: Continuation of Conditional Use Permit (CUP) with Master Site Plan (MSP) for the Desert Ridge Wind-Solar-Storage Project

Applicant: Desert Ridge Power LLC

Case Number: CUP-2024-01 with Master Site Plan (Application)

Associated Case Numbers: Floodplain ADD-2023-03, Private Road ADD-2026-006, Development Agreement DA-2024-03, and Hillside Development ADD-2026-059

County Review Team: James Roddin, Director
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Current Zoning District and Future Land Use: Agriculture (Ag) with Wildfire Urban Interface (WUI) Overlay

Exhibits

A. Recommended Conditions of Approval

B. County Engineer Hillside Development Application Review

C. County Engineer Private Road Application Review

BACKGROUND AND EXECUTIVE SUMMARY

Desert Ridge Power LLC (Applicant) seeks approval of a Conditional Use Permit (CUP) with Master Site Plan (CUP-2024-01 or Application) to construct, operate, maintain, and decommission a 695-megawatt (MW) renewable energy generation and storage facility along with associated uses on approximately 7,099 acres of unincorporated Elmore County (collectively referred to as the Project).

The Project has undergone extensive review by the Land Use and Building Department (Department), County Review Team, and affected agencies (Staff). Throughout the development review process, Staff has worked with the Applicant and identified several technical deficiencies that prevented a complete evaluation of Project's compliance with applicable provisions of the Elmore County Zoning and Development Ordinance (Zoning Ordinance) and the findings required to approve a Conditional Use Permit and Master Site Plan.

The Planning and Zoning Commission (Commission) held a duly noticed public hearing on September 2, 2026. The staff report and all exhibits of record of the September public hearing are incorporated herein for this continued public hearing of the Applications.

After hearing from Staff, Applicant, and the public, the Commission continued the public hearing to October 22, 2026. The Commission directed the Department to revise the proposed conditions of approval for the Commission's consideration as they felt that revised or additional conditions were necessary in order to find the criteria of the conditions use permit had been met. The Commission requested that the public hearing remain open to consider additional information from Staff regarding Project specifics from the record and proposed changes to the conditions of approval. Staff provides the following information from the record for the Commission's consideration on major issues discussed at the public hearing, followed by revised conditions of approval, and staff recommendation.

The Applicant had submitted a Hillside Development Application and provided supplemental information for the Private Road Application on September 1, 2026. Because the Applicant submitted this information a day before the last public hearing, Staff could not review it to determine whether it resolved any outstanding information during the September 2, 2026 public hearing. Since then, the County Engineer has reviewed the information and provides the following analyses for the record.

Since the September 2nd public hearing, the Applicant has provided additional materials and information to support the Application. The Department held a meeting with Staff and Applicant on October 15, 2026, to discuss changes to the proposed conditions of approval. Staff has accepted some changes that were suggested by the Applicant to the proposed conditions of approval (outlined below). However, the additional information and discussions still fail to provide the necessary technical analyses and data for supporting the required findings and the CUP-2024-01 application remains incomplete. Staff is unable to verify that all potential impacts associated with the Project have been adequately identified, analyzed, or mitigated in this review. Accordingly, Staff's recommendation remains denial of CUP-2024-01 and the associated Master Site Plan.

Additional Information:

1) **Hillside, Private Road, and Floodplain Applications:**

   The Hillside Development Application submitted on September 1, 2026, does not include a complete site grading plan, an acceptable Revegetation Plan, a Soils

Engineering and Geology Report (geotech report), or an Engineering Hydrology Report. The Private Road Application does not show drainage being perpetuated through the Project, and the plans submitted are not stamped by an Idaho-licensed engineer. Additionally, given the Project has FEMA floodplain passing through numerous areas, the FEMA floodplain should be shown on the roadway plans to confirm compliance with the Flood Hazard Ordinance. The County Engineers' review and comments are attached as Exhibits B and C of this report.

As a result, the County Engineer does not recommend approval of CUP-2024-01 with Master Site Plan. The Hillside Development Application (ADD-2026-059) and Private Road Application (ADD-2026-006) were reviewed and found incomplete (See Exhibits B and C). Both applications defer the required grading, hydrology, soils, geology, and drainage submittals to the building permit stage. Section 7-5-9 requires findings, based on the engineering reports, that the site is physically suitable for the proposed development and that areas unsuitable because of soil, geology, vegetation, or hydrology are designated as open space. The record also contains unresolved inconsistencies. The road plans are designed to a GE turbine specification, while the CUP's visual analysis models Nordex turbines. The road plans are unsealed, are based on unsurveyed contour data, and do not show the FEMA floodplain. Pursuant to FEMA Policy 104-008-2, FEMA looks to effective, preliminary, and advisory flood hazard information to determine the floodplain. The best available information is the source that provides the more restrictive flood hazard zone, the highest Base Flood Elevation and/or the greatest discharge. The draft maps are the best available data and shall be used in conjunction with the existing adopted maps, and the most restrictive of the existing or draft maps is to be used for development decisions.

Until these items are resolved, the County cannot confirm that the turbine, road, and facility locations shown on the Master Site Plan can be constructed as presented.

Please refer to revised Condition # 11.

2) Gross Earnings Production Taxes from Solar Energy Generation

Commercial solar and wind energy systems in Idaho are exempt from traditional property taxes and instead are subject to a 3.5 and 3.0 percent, respectively, gross earnings production tax under Idaho Code
§63-3502B. Historically, this tax revenue has been distributed to local taxing districts, including counties, schools, highway districts, fire districts, hospitals, and other public service providers.

The Applicant has stated that the Project is expected to generate approximately $12.3 million in annual gross earnings tax revenue for Elmore County and its taxing districts. This is incorrect. No property tax revenue will be generated from these projects.

In evaluating the required CUP finding that "the proposed use will 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" (Zoning Ordinance §7-9-7(A)(9)), Staff reviewed information provided by the County Clerk regarding the administration of Idaho's property tax budget laws. According to the County Clerk, amendments adopted through House Bill 389 (2021) affect how certain revenues, including solar and wind gross earnings tax revenues, are treated for property tax budget purposes. The Clerk has indicated that revenues generated by solar facilities are reported on the County's L-2 property tax budget form and may be a factor in future

property tax budget calculations under Idaho Law. As a result, the Project's projected gross earnings tax payments will result in a budgetary decrease, working against the County in its ability to increase its budget every year.

Commissioners may consider both the projected tax revenues and the potential effect on future levy capacity when evaluating whether the Project would be detrimental to the economic welfare of the County under Section 7-9-7(A)(9) of the Zoning Ordinance.

Please refer to revised Condition # 7.

3) Wildlife

At the September 2, 2026, public hearing, questions arose regarding wildlife-related conditions. These conditions were added at the recommendation of the Idaho Department of Fish and Game (IDFG), in their December 4, 2023, comment letter included in the application record. Additional discussion of this condition and the Staff's analysis is provided in the Revised Proposed Conditions of Approval and Staff Analysis section of this report.

Staff also notes that similar conditions have typically not been included as conditions of approval for other similar projects because those applicants provided the requested wildlife information as a part of their application material during the development review process, consistent with guidance provided during the pre-application meetings for those projects. In other words, the needed wildlife related analyses and data was available in the record for those projects, necessary Master Site Plan changes were made to accommodate those wildlife considerations in coordination with IDFG. That same information has not been provided in this Application and therefore, those conditions are necessary here. .

For example, the Appaloosa Wind and Solar Project included this information in its application materials itself. Staff draw the Commission's attention to records that indicate that differences between the project's conditions and those imposed on other projects reflect differences in the information contained in the application record and are not indicative of inconsistent regulatory treatment.

As a result, Staff recommend that the Commission keeps Condition # 15.

4) Class III Archaeological Surveys

At the public hearing on September 2, 2026, questions arose regarding the proposed condition requiring a Class III Archaeological Survey. The Idaho State Historic Preservation Office (SHPO) recommended a Class III Archaeological Survey for the Project in their February 18, 2025, correspondence provided by the Applicant.

Staff notes that similar conditions have not typically been included as conditions of approval for other projects because those applicants completed the recommended Class III Archaeological Survey prior to application submittal and provided the survey results as part of the application materials, consistent with guidance received during the pre-application process. In those cases, the information was already available in the record, and a condition requiring its future completion was unnecessary.

For example, the adjacent Appaloosa Wind and Solar Project included a completed Class III Archaeological Survey (also referred to as an Archaeological Reconnaissance Survey) in its application materials based on the request made in the pre-application

meeting. Staff draw the Commission's attention to records that indicate that differences between the conditions recommended for this project and those applied to other projects reflect differences in the information available in each project's record and the recommendations of reviewing agencies, rather than inconsistent application of County requirements.

As a result, Staff recommend that the Commission keeps 13.

5) Large Generator Interconnection Process (LGIP):

Staff has identified concerns regarding demonstration of compliance with applicable Idaho Public Utility and federal regulatory requirements. The Applicant is not currently participating in Idaho Power Company's Large Generator Interconnection Process (LGIP), and Staff is unable to independently verify interconnection feasibility, required system upgrades, or compliance with applicable utility requirements outside of that process. Lack of interconnection information stifles Staff's ability to ensure that the Master Site Plan incorporates all required components to support viability of CUP-2024-01.

REVISED PROPOSED CONDITIONS OF APPROVAL AND STAFF ANALYSIS

1. Approval (Current)

A Conditional Use Permit (CUP-2024-01) shall be granted to Desert Ridge Power LLC (Applicant) to construct, operate, maintain, and decommission a 695-megawatt (MW) electrical generation and energy production facility consisting of wind turbine generators, solar arrays, battery energy storage system, temporary laydown yards, an Operations and Maintenance (O&M) facility, access roads, and associated infrastructure on the approved Site as identified in the application and Master Site Plan.

Applicant Request

A Conditional Use Permit (CUP-2024-01) shall be granted to Desert Ridge Power LLC (Applicant) to construct, operate, maintain, and decommission an ~~695-megawatt (MW)~~ electrical generation and energy production facility consisting of 31 wind turbine generators, 2,650 acres of solar arrays, 8 acres of battery energy storage system, temporary laydown yards, an Operations and Maintenance (O&M) facility, access roads, and associated infrastructure on the approved Site as identified in the application and Master Site Plan.

Staff Recommendation

Accept the Applicant's requested revision to wind turbine generators, solar arrays, and battery energy storage system and add "approximately" in front of 695 megawatts.

Staff Analysis

The requested changes provide a clear and enforceable description of the proposed Project.

5. Commencement and Completion of Construction (Current)

Construction shall commence within two (2) years of approval of CUP-2024-01 and shall be completed within five (5) years of approval. For good cause, the Director may administratively grant, at their sole discretion, a one-year extension to the start of construction and/or end of construction. Any extension request beyond one year shall require a formal modification of CUP-2024-01 and compliance with all County Ordinances in effect at that time.

Applicant Request

Construction shall commence within ~~two (2)~~ three (3) years of approval of CUP-2024-01 (2029) and shall be completed within ~~five (5)~~ seven (7) years of approval (2033). For good cause, the Director may administratively grant, at their sole discretion, a one-year extension to the start of construction and/or end of construction. Any extension request beyond one year shall require a formal modification of CUP-2024-01 and compliance with all County Ordinances in effect at that time.

Staff Recommendation

Maintain the original condition as proposed by Staff.

Staff Analysis

Staff does not support the Applicant's requested revision. Staff believes the condition, as written, provides additional time considering the scale of this proposal to commence and be completed. The condition, as proposed by Staff, provides an extra year beyond what Zoning Ordinance § 7-9-3 requires, which requires commencement within 1 year of CUP approval. Additionally, as written, the condition gives the Applicant the opportunity to request a 1-year administrative extension of the start of construction and/or the end of construction. Longer extensions would require a CUP modification and would allow the Commission to ensure the Project remains feasible.

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7. Decommissioning Bond

Upon commencement of construction of Phase 1, the permittee shall provide to the Department a decommissioning bond in an amount equal to 50 percent of the approved decommissioning cost estimate ($12,306,407). The bond amount shall increase to 100 percent of the approved decommissioning cost estimate on the tenth anniversary of CUP approval and to 125 percent of the approved decommissioning cost estimate on the fifteenth anniversary of CUP approval. The bond shall be maintained in the required amount for the duration of the Project unless otherwise approved by the Department.

Staff Recommendation

Upon commencement of construction ~~of Phase 1,~~ the permittee shall provide to the Department a decommissioning bond in an amount equal to 50 percent of the approved decommissioning cost estimate ~~($12,306,407)~~. The bond amount shall increase to 100 percent of the approved decommissioning cost estimate on the tenth anniversary of CUP approval and to 125 percent of the approved decommissioning cost estimate on the fifteenth anniversary of CUP approval. The bond shall be maintained in the required amount for the duration of the Project unless otherwise approved by the Department and the Board of County Commissioners through the Development Agreement.

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8. Facility Design Standards and Housekeeping (Current)

d. All improvements for the Site (excluding wind turbines and access road) shall be enclosed by seven-foot (7') high chain link fencing as identified in this CUP application and Master Site Plan.

h. The solar arrays, BESS, O&M facilities, and substation facilities shall be enclosed by a 7-foot-high chain link fence.

Staff Recommendation

Revise the condition as shown below.

The Project shall comply with the following design requirements:

~~d. All improvements for the Site (excluding wind turbines and access road) shall be enclosed by seven-foot (7') high chain link fencing as identified in this CUP application and Master Site Plan.~~

h. The solar arrays, BESS, ~~O&M facilities,~~ and substation facilities shall be enclosed by a 7-foot-high chain link fence.

11. Environmental and Engineering Submittals (Current)

Prior to construction and Site-improvement, the Applicant shall submit and obtain approval of:

a. The Project Storm Water Pollution Prevention Plan (SWPPP) and proof of permit coverage by IDEQ.

b. Hydrology and Drainage Report stamped by Idaho licensed Engineer with site-specific hydrology and drainage information. The Project to maintain pre-development runoff rates and prevent downstream impacts to adjacent properties and waterways.

c. Proof of water supply for all uses within the Master Site Plan during construction, operations, and decommissioning of the Project to the Department.

d. The Hillside Development Application shall be submitted and approved per Elmore County Zoning and Development Ordinance Title 7, Chapter 5 before the start of construction. A grading plan showing the grades and details of improvements on the Site shall be provided to the County Engineer with the Hillside Development Application.

e. Erosion Control Plans

f. Updated Floodplain Development Application including detailed construction plans 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.

If any of these environmental or engineering submittals result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance.

Staff Recommendation

Staff recommends an updated condition based on the missing information from the private road, hillside development, and floodplain development applications. The condition also adds language addressing a backup water source that was mentioned during the public hearing.

~~Prior to construction and Site-improvement,~~ ~~t~~The Applicant shall submit and obtain approval of:

a. Hillside Development, Private Roadway, and Floodplain Development

1. **Condition Precedent to Effectiveness.** CUP-2024-01 shall not become effective, and no development, grading, building, or floodplain permit shall be

issued, until all of the following occur:

i. The Hillside Development Application (ADD-2026-059) receives final approval from the Director under §7-5-7 and in accordance with §7-5-6 and §-7-5-8.

The Private Road Application (ADD-2026-006) receives approval from the Director under §10-5-3(B) and in accordance with §10-5-4. The Application submittal shall include gate locations and emergency access details; written acceptance of road slopes and turnarounds from EMS and the King Hill/Glenns Ferry Rural Fire District; written acknowledgment from EMS and the King Hill/Glenns Ferry Rural Fire District that floodplain roads may be impassable during flood events.

The Floodplain Development Application (ADD-2023-03) receives final approval from the Director under §8-2-4 and in accordance with §8-2-3 through §8-2-5.

ii. The Director (for minor modification) or Commission (for major modification) approves any Master Site Plan amendment required as a result of the Hillside, Private Road, or Floodplain approvals. If the engineering approvals require relocating facilities, adding floodplain crossings, designating open space, or increasing disturbance, any amendment shall be approved by the Commission in compliance with the Zoning Ordinance.

If these approvals are not obtained within twelve (12) months of the Commission's decision on CUP-2024-01, CUP-2024-01 shall be void. After the CUP becomes effective, no building permit shall be issued for any structure that uses a private road for access until the roads are constructed and certified and the Private Road Application receives final approval (§10-5-3(C), §10.5-4(E)(2)).

2. **Floodplain Submittals.** The Application shall include:

i. Floodplain. No improvement in the effective or draft floodplain (whichever is more restrictive) shall be constructed until the Floodplain Development Application is approved. No material shall be deposited in any floodway or watercourse (§7-5-8(E)(3)). Crossings shall comply with condition 12c.

ii. Updated Floodplain Development Application including detailed construction plans for all development within the effective and draft mapped floodplains (whichever is most restrictive) to ensure compliance with the National Flood Insurance Program requirements and Elmore County Zoning Ordinance Title 8, Chapter 2. The updated Floodplain Development Application will be required to incorporate and consider the revised mapping being adopted by FEMA.

b. Hydrology and Drainage Report. A single, project-wide Hydrology and Drainage Report, stamped by an Idaho-licensed engineer, with site-specific hydrology and drainage information, shall support the Hillside Development, Private Road, and

Floodplain Development applications. In addition to addressing the requirements of those applications listed above, the report shall demonstrate that post-development runoff does not exceed pre-development runoff at any point where runoff leaves the site and that existing drainage is perpetuated at rates that prevent downstream impacts to adjacent properties and waterways.

c. The Project Storm Water Pollution Prevention Plan (SWPPP) and proof of permit coverage by IDEQ.

d. Proof of water supply for all uses within the Master Site Plan during construction, operations, and decommissioning of the Project to the Department.

e. The Project shall maintain a backup water supply, in addition to water buffaloes, sufficient to support emergency fire supplies and suppression and site safety functions during outages or interruptions of the primary water source. The Applicant shall submit a water supply contingency plan, including identification of backup water sources and procedures for replenishment, for review and approval by the Department and the applicable fire protection district prior to operation of the facility.

~~e. The Hillside Development Application shall be submitted and approved per Elmore County Zoning and Development Ordinance Title 7, Chapter 5 before the start of construction. A grading plan showing the grades and details of improvements on the Site shall be provided to the County Engineer with the Hillside Development Application.~~

~~If any of these environmental or engineering submittals result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance.~~

13. Archaeological and Cultural Resources (Current)

a. Prior to the initiation of any ground-disturbing or construction activities, the Applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards to conduct a Class III archaeological survey of the Area of Potential Effects (APE) including all proposed disturbance areas and a 1-mile search radius in all directions. The survey and documentation shall be completed in accordance with current Idaho State Historic Preservation Office (SHPO) standards and guidelines.

If the survey identifies archaeological resources, historic properties, or cultural resources that may be adversely affected by the project, the Applicant shall implement avoidance, minimization, mitigation, data recovery, or other protective measures recommended by the qualified archaeologist and required through consultation with SHPO. A copy of the completed Class III archaeological survey report shall be submitted to SHPO for review and consultation. Prior to the commencement of construction, the Applicant shall provide the Department with a copy of the final survey report and any SHPO concurrence, comment, or consultation correspondence documenting completion of the review process. All required mitigation measures shall be completed or incorporated into the Project prior to disturbance of the affected area.

b. If previously undiscovered cultural or archaeological resources are encountered during construction, work shall cease within the affected area until appropriate evaluation and

mitigation are completed by qualified professionals.

If any of the required mitigation measures result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance.

Applicant Request

~~a.~~ ~~Prior to the initiation of any ground-disturbing or construction activities, the Applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards to conduct a Class III archaeological survey of the Area of Potential Effects (APE) including all proposed disturbance areas and a 1-mile search radius in all directions. The survey and documentation shall be completed in accordance with current Idaho State Historic Preservation Office (SHPO) standards and guidelines.~~

~~If the survey identifies archaeological resources, historic properties, or cultural resources that may be adversely affected by the project, the Applicant shall implement avoidance, minimization, mitigation, data recovery, or other protective measures recommended by the qualified archaeologist and required through consultation with SHPO. A copy of the completed Class III archaeological survey report shall be submitted to SHPO for review and consultation. Prior to the commencement of construction, the Applicant shall provide the Department with a copy of the final survey report and any SHPO concurrence, comment, or consultation correspondence documenting completion of the review process. All required mitigation measures shall be completed or incorporated into the Project prior to disturbance of the affected area.~~

~~b.~~ If previously undiscovered ~~cultural or archaeological resources~~ human remains or funerary objects are encountered during construction, work shall cease within the affected area until appropriate evaluation and mitigation are completed by qualified professionals.

If any of the required mitigation measures result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance

Staff Recommendation

Maintain the 13a as proposed by staff and amend 13b to be consistent with other project conditions as shown below.

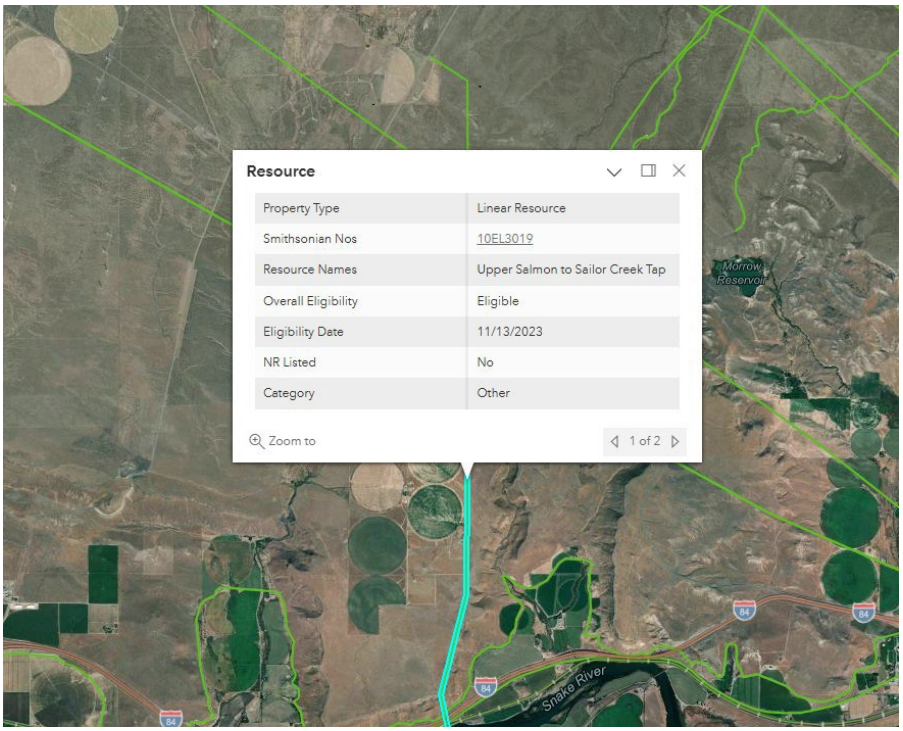
"If any previously unknown subsurface cultural or archaeological resources are discovered during construction or any phase or operations, the Applicant must immediately stop all activity in the affected area and follow the industry practice for the Inadvertent Discovery Guidance as recommended by a certified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

Staff Analysis

The proposed project involves substantial ground disturbance in an area where cultural resources may be present (cultural resources were identified in an adjoining property). For example, the Idaho Cultural Resources Information System (ICRIS) Historic Resources Map

shows several cultural resources in the area, some of which are eligible for listing in the National Register of Historic Places, such as the Upper Salmon to Sailor Creek Tap that may be impacted by this Project.

Image 1. ICRIS Historic Resources Map screenshot showing the Upper Salmon to Sailor Creek Tap adjacent to the Project.



Once such resources are disturbed or destroyed, the impact is permanent and cannot be reversed. Requiring a Class III archaeological survey before construction is a standard, widely accepted method for identifying cultural resources and determining whether project activities may adversely affect significant archaeological or historic sites. The condition does not prohibit development; instead, it ensures that staff identify potential cultural resources and address them appropriately before disturbance occurs.

Several applicants, including Appaloosa Wind and Solar and Soles Rest Solar, completed a Class III Archaeological Survey before submitting their applications; therefore, those projects did not require a condition of approval. However, the Appaloosa Wind and Solar Project demonstrates the importance of conducting archaeological surveys before ground-disturbing activities occur. The project's Class I inventory identified 60 cultural resource sites within one mile of the project area, including 9 sites within the project area and 51 in the buffer area. The Class III Archaeological Survey identified six new archaeological sites and seven isolated finds. As part of the Class III survey, the team inspected eight areas of the Oregon Trail and found that one crossing contained trail ruts that a turbine pad would have intersected. Through this field survey, investigators determined that one proposed turbine pad would intersect a segment of the Oregon Trail that contained intact trail ruts. As a result, the turbine location was modified to avoid the resource.

The Applicant requested replacing the term "cultural or archaeological resources" with "human remains or funerary objects." Staff recommends retaining the condition as written. The condition ensures that any previously undiscovered cultural or archaeological resources encountered during construction are appropriately protected and evaluated. Limiting the condition to human remains or funerary objects would narrow its applicability and may not adequately protect other significant cultural or archaeological resources that could be discovered during site disturbance.

Additionally, this condition is a standard condition of approval applied to similar conditional use permits and is intended to ensure compliance with applicable resource protection requirements.

Please see the September 2, 2026 Public Hearing Staff Report for additional analysis related to cultural resources.

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15. Wildlife Protection and Monitoring (Current)

i. Provide an updated Bird and Bat Conservation Strategy (BBCS) that provides a life-of-project framework for identifying avoidance and minimization measures to conserve birds and bats and coordinate with the Idaho Department of Fish and Game (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 two (2) years of operation commencement.

ii. Install acoustic bat deterrent systems at each turbine prior to the commencement of operations, and maintain/repair them as recommended by the manufacturer (see https://www.nrgsystems.com/)

vii. Re-vegetate disturbed areas with a native seed mix that incorporates several species of flowering forbs.

~~c.~~ The Applicant shall conduct post-construction wildlife monitoring and submit annual mortality monitoring results to the Department. If significant wildlife mortality is documented, the Applicant shall implement additional mitigation measures approved by Elmore County in coordination with appropriate wildlife agencies.

Applicant Request

i. Provide an updated Bird and Bat Conservation Strategy (BBCS) that provides a life-of-project framework for identifying avoidance and minimization measures to conserve birds and bats and coordinate with the Idaho Department of Fish and Game (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, while considering the potential benefits the Project has on birds and bats. Such information shall be submitted to the Department within two (2) years of operation commencement.

~~ii. Install acoustic bat deterrent systems at each turbine prior to the commencement of operations, and maintain/repair them as recommended by the manufacturer (see https://www.nrgsystems.com/)~~

vii. Re-vegetate disturbed areas with a native seed mix that incorporates several species of flowering forbs and/or a seed mixture consistent with use and approved by the Project landowners.

c. For the first two years of commercial operation, ~~T~~the Applicant shall conduct post-construction ~~wildlife~~ bird and bat monitoring and submit annual mortality monitoring results to the Department. If significant wildlife mortality is documented, the Applicant shall implement additional mitigation measures approved by Elmore County in coordination with appropriate wildlife agencies.

Staff Recommendation

Maintain the original condition as proposed by staff.

Staff Analysis

The Wildlife Protection and Monitoring Conditions of Approval were developed directly from recommendations provided by the Idaho Department of Fish and Game (IDFG) in the December 4, 2023, comment letter provided in the Application materials. IDFG identified potential impacts to birds, bats, raptors, migratory wildlife, and big game and recommended that the Applicant implement pre-construction studies, operational mitigation measures, and long-term monitoring. In response, staff incorporated many of IDFG's recommendations into Condition 15 and related approval conditions to ensure wildlife impacts are identified, minimized, monitored, and addressed throughout the life of the Project.

Staff does not support revision to condition 15b-i. The Applicant requested adding the phrase, "*while recognizing and accounting for the benefits the Project has on birds and bats*," to the adaptive management program language. The purpose of this condition is to ensure that project-related impacts to birds and bats are identified, monitored, and appropriately addressed through avoidance, minimization, and adaptive management measures, if warranted. The condition already requires the updated Bird and Bat Conservation Strategy (BBCS) to evaluate monitoring data, coordinate with the Idaho Department of Fish and Game (IDFG), and determine whether additional minimization or deterrent measures are necessary based on observed project effects. Conditions of approval outline requirements; they do not make statements of fact. Acoustic bat deterrent systems have been developed specifically to reduce bat interactions with wind turbines and provide immediate protection during project operation, rather than relying solely on post-construction monitoring to identify impacts after they occur.

In addition, removal of condition ii would eliminate a direct mitigation measure currently incorporated into the Project's wildlife protection framework and could result in avoidable bat mortality during the period in which monitoring data are being collected and analyzed. The condition also provides certainty regarding implementation by requiring deterrent systems to be installed prior to operation and maintained in accordance with manufacturer recommendations throughout the life of the Project.

For these reasons, Staff finds that Condition ii remains necessary to minimize impacts to bats to the maximum extent practicable and support the Project's overall wildlife conservation objectives. Staff added this condition because the Applicant has not provided baseline data and will mitigate impacts to bats. Mitigation conditions cannot be added after the CUP is approved without a modification.

Staff does not support the requested modification to condition 15b-vii. The Applicant requested "*and/or a seed mixture consistent with use and approved by the Project landowners*" be added to the condition. However, this condition aims to restore disturbed areas with native vegetation that promotes long-term soil stabilization, supports pollinator habitat, and enhances ecological function by establishing several species of flowering forbs as recommended in the December 4, 2023 IDFG letter. Allowing alternative seed mixtures based solely on landowner preference or intended land use may not achieve these objectives and could result in the establishment of non-native or less beneficial vegetation. Therefore, staff recommends retaining the original condition as written to ensure consistent implementation of the mitigation measure and achieve the project's reclamation and habitat enhancement goals.

Staff does not support the requested revision to condition 15c. The Applicant requested adding the following language at the beginning of the condition: "*For the first two years of commercial*

operation". The condition aims to ensure wildlife impacts are adequately monitored throughout the project's life and that additional mitigation can be implemented if significant mortality is identified. Wildlife use patterns, migration routes, and project-related impacts may vary over time and may not be fully apparent during the initial two years of operation. Limiting monitoring to a fixed 2-year period could prevent Elmore County from identifying and addressing long-term wildlife impacts that emerge after the monitoring period has ended.

Staff also note that post-construction wildlife monitoring is a standard mitigation measure for utility-scale wind and solar energy projects because pre-construction surveys cannot fully predict operational wildlife mortality or changes in wildlife use over time. Ongoing monitoring provides a mechanism to evaluate actual project effects and determine whether additional mitigation measures are warranted. Retaining the condition as written ensures continued accountability and allows the county to respond to documented wildlife impacts throughout the Project's operational life, if necessary.

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18. Shadow Flicker (Current)

Shadow flicker at non-participating residences shall not exceed thirty (30) hours per year or thirty (30) minutes per day.

Applicant Request

Shadow flicker at existing non-participating residences shall not exceed thirty (30) hours per year or thirty (30) minutes per day.

Staff Recommendation

Revise the condition as shown below.

Shadow flicker at existing non-participating residences shall not exceed thirty (30) hours per year or thirty (30) minutes per day.

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19. Operational Reporting (Current)

Annual reporting shall be submitted to the Department on the anniversary date of this approval and must include the following information:

- Wildlife monitoring results;

Applicant's Requested Change

Annual reporting shall be submitted to the Department, following commercial operation, on the anniversary date of this approval and must include the following information:

- ~~Wildlife~~ Bird and bat monitoring results for the first 2 years;

Applicant Recommendation

Maintain the original condition as proposed by staff.

Staff Analysis

Staff does not support the Applicant's requested modification to limit wildlife monitoring reporting to bird and bat monitoring results for only the first two years of operation. The Applicant has not provided technical analyses or other supporting evidence demonstrating that wildlife impacts would be limited to specific species groups or that monitoring beyond the first two years would be unnecessary. Without such information, Staff cannot evaluate whether potential operational

impacts to other wildlife resources may occur or whether impacts could emerge over time as facility operations continue.

The annual reporting condition provides ongoing verification that the facility operates in compliance with the approved permit, identifies emerging impacts that may not be evident in the initial years of operation, and ensures that the Department can implement appropriate corrective actions if necessary. Limiting wildlife monitoring reporting to the first 2 years would reduce the Department's ability to evaluate long-term operational effects on wildlife resources and assess whether mitigation measures remain effective throughout the project's life.

Additionally, annual reporting serves as an important compliance and transparency mechanism by documenting operational performance and providing the Department with the information needed to respond to public concerns, evaluate compliance trends, and determine whether additional review or enforcement actions are warranted. Staff finds that continued annual reporting of wildlife monitoring results is reasonable and necessary to support ongoing oversight of the facility and to ensure continued compliance with the Conditions of Approval. Therefore, Staff recommends retaining the condition as originally drafted.

20. Phasing (Current)

Phase 2 (wind turbines) shall not proceed until Phase 1 is fully constructed and compliance is verified by the Department. Any changes in the construction phasing shall be discussed with the Department and have received written approval for.

Applicant Request

In the event that Phase 1 and Phase 2 do not start simultaneously, Phase 2 (wind turbines) shall not proceed until Phase 1 is fully constructed and compliance is verified by the Department. Any changes in the construction phasing shall be discussed with the Department and have received written approval for.

Staff Recommendation

Accept the Applicant's requested revision.

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21. Compliance (Current)

b. In order to keep the CUP active, all outdoor storage areas shall be maintained in orderly manner and not include any equipment in disrepair unless specifically approved by the Department. Any storage of equipment in disrepair or waste materials or anything else that would be classified as "junk" shall be limited to combined storage area of 1 acre.

g. Failure to comply with any of the above Conditions of Approval shall result in the revocation of CUP-2024-01.

Applicant Request

b. ~~In order to keep the CUP active, a~~All outdoor storage areas shall be maintained in orderly manner and not include any equipment in disrepair unless specifically approved by the Department. Any storage of equipment in disrepair or waste materials or anything else that would be classified as "junk" shall be limited to combined storage area of 1 acre. Violations and remedies thereof shall follow the process outlined in Elmore County Zoning and Development Ordinance Title 7, Chapter 16.

g. Failure to materially comply with any of the above Conditions of Approval ~~shall~~ may

result in the revocation of CUP-2024-01. However, upon written notice from Elmore County, the Applicant shall be provided a reasonable opportunity to correct any deficiency.

Staff Recommendation

Accept the Applicant's requested change to 21b.Maintain the 21g as proposed by staff with the addition of the following "Violations and remedies thereof shall follow the process outlined in Elmore County Zoning and Development Ordinance Title 7, Chapter 9 and 16".

Staff Analysis

Staff does not support replacing "Failure to comply" with "Failure to materially comply." The term "materially comply" is subjective and introduces ambiguity regarding which violations are significant enough to warrant enforcement. Such language could lead to disputes over the severity of noncompliance and hinder Elmore County's ability to effectively enforce permit conditions that were imposed to ensure compatibility with surrounding land uses and protect public health, safety, and welfare.

Recommended Conditions of Approval

The recommended Conditions of Approval are provided in their entirety in Exhibit A.

EXHIBIT A

PROPOSED CONDITIONS OF APPROVAL RECOMMENDED BY STAFF

1. Approval

A Conditional Use Permit (CUP-2024-01) shall be granted to Desert Ridge Power LLC (Applicant) to construct, operate, maintain, and decommission an approximately 695-megawatt (MW) electrical generation and energy production facility consisting of 31 wind turbine generators, 2,650 acres of solar arrays, 8 acres of battery energy storage system, temporary laydown yards, an Operations and Maintenance (O&M) facility, access roads, and associated infrastructure on the approved Site as identified in the application and Master Site Plan.

2. Development Agreement

CUP-2024-01 shall not become effective until the Applicant executes Development Agreement (DA-2024-03), along with the associated Decommissioning Plan, with the Board of County Commissioners and provides a fully executed copy to the Department.

3. Compliance

The Project shall be constructed, operated, maintained, and decommissioned in compliance with:

- These Conditions of Approval;
- Development Agreement DA-2024-03;
- Private Road Permit ADD-2026-006;
- Floodplain Development Permit ADD-2023-03;
- Hillside Development Application;
- The approved Master Site Plan;
- Elmore County Zoning and Development Ordinance; and
- All applicable federal, state, and local laws, regulations, licenses, and permits.

Failure to comply with these requirements will result in enforcement action, including permit revocation.

4. Covenant Running with the Land

All Conditions of Approval of CUP-2024-01 and terms of DA-2024-03 shall be appurtenant to and run with the Site and shall be binding upon Desert Ridge Power LLC, the parties hereto, their heirs, transferees, successors, and assignees. Desert Ridge Power LLC may assign or transfer all or any portion of the Project to any person or entity (successor in interest) in accordance with the terms and conditions of DA-2024-03.

Neither the Applicant nor any other party shall develop any use, construct structures, or make site improvements to the Site not shown in the approved Master Site Plan or as specifically required by conditions of approval, unless an amendment to the Master Site Plan is submitted, reviewed, and approved in accordance with the Zoning Ordinance.

5. Commencement and Completion of Construction

Construction shall commence within two (2) years of approval of CUP-2024-01 and shall be completed within five (5) years of approval. For good cause, the Director may administratively grant, at their sole discretion, a one-year extension to the start of construction and/or end of construction. Any extension request beyond one year shall require a formal modification of CUP-2024-01 and compliance with all County Ordinances in effect at that time.

6. Improvement Surety

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 Elmore County. The requirements of such surety will be further outlined in DA-2024-03.

7. Decommissioning Bond

Upon commencement of construction, the permittee shall provide to the Department a decommissioning bond in an amount equal to 50 percent of the approved decommissioning cost estimate. The bond amount shall increase to 100 percent of the approved decommissioning cost estimate on the tenth anniversary of CUP approval and to 125 percent of the approved decommissioning cost estimate on the fifteenth anniversary of CUP approval. The bond shall be maintained in the required amount for the duration of the Project unless otherwise approved by the Department and the Board of County Commissioners through the Development Agreement.

8. Facility Design Standards and Housekeeping

The Project shall comply with the following design requirements:

- **a.** The Applicant shall commit to a maximum tower height of six hundred forty-three feet (643') for the development of wind turbines.
- **b.** Solar panels shall utilize low-glare, anti-reflective technology.
- **c.** All structures shall utilize non-reflective, neutral-colored finishes.
- **d.** The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance, including quarterly maintenance of a fire-wise setback.
- **e.** The Applicant shall use night-vision-goggle-compliant lighting and operate within a four hundred fifty (450) to nine hundred twenty (920) nanometer wavelength. Light on any turbine or structure that exceeds fifty feet (50') in height shall provide visual cues for night vision goggles of Military Operations Areas.
- **f.** All metal fences, metal structures, and metal objects shall be grounded.
- **g.** The solar arrays, BESS, and substation facilities shall be enclosed by a 7-foot-high chain link fence.

9. Agency Permits and Approvals

Prior to commencing any construction activity, the Applicant shall obtain all applicable permits, approvals, and authorizations and submit evidence of such approvals to the Department, including but not limited to:

- **a.** Federal, state, and local agency permits
- **b.** IDEQ approvals including but not limited to:
    - **i.** Compliance with Idaho Administrative Rules (IDAPA) 58.01.01 (Air Pollution Control) from the Idaho Department of Environmental Quality (IDEQ);
    - **ii.** Compliance with IDAPA 58.01.05 (Hazardous Waste) and 58.01.06 (Solid Waste Management) from IDEQ; and
    - **iii.** 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.
- **c.** Glenns Ferry Highway District approvals, agreements, and memorandum of understanding.
- **d.** Central District Health approvals.
- **e.** Any permits or authorizations required by the U.S. Fish and Wildlife Service, Idaho Department of Fish and Game, Federal Aviation Administration, or other regulatory agencies.

10. Utility Interconnection and Energy Offtake

- **a.** Prior to construction, the Applicant shall provide an executed Large Generator Interconnection Agreement.
- **b.** Prior to operations, the Applicant shall provide evidence of a Power Purchase Agreement or equivalent offtake agreement.

11. Environmental and Engineering Submittals

The Applicant shall submit and obtain approval of:

- **a.** Hillside Development, Private Roadway, and Floodplain Development
    1. Condition Precedent to Effectiveness. CUP-2024-01 shall not become effective, and no development, grading, building, or floodplain permit shall be issued, until all of the following occur:
        - **i.** The Hillside Development Application (ADD-2026-059) receives final approval from the Director under §7-5-7 and in accordance with §7-5-6 and §-7-5-8.

The Private Road Application (ADD-2026-006) receives approval from the Director under §10-5-3(B) and in accordance with §10-5-4. The Application submittal shall include gate locations and emergency access details; written acceptance of road slopes and turnarounds from EMS and the King Hill/Glenns Ferry Rural Fire District; written acknowledgment from EMS and the King Hill/Glenns Ferry Rural Fire District that floodplain roads may be impassable during flood events.

The Floodplain Development Application (ADD-2023-03) receives final approval from the Director under §8-2-4 and in accordance with §8-2-3 through §8-2-5.

ii. The Director or Commission approves any Master Site Plan amendment required as a result of those approvals. If the engineering approvals require relocating facilities, adding floodplain crossings, designating open space, or increasing disturbance, any amendment shall be approved by the Commission in compliance with the Zoning Ordinance.

If these approvals are not obtained within twelve (12) months of the Commission's decision, CUP-2024-01 shall be void. After the CUP becomes effective, no building permit shall be issued for any structure that uses a private road for access until the roads are constructed and certified and the Private Road Application receives final approval (§10-5-3(C), §10.5-4(E)(2)).

2. Floodplain Submittals. The Application shall include:

i. Floodplain. No improvement in the effective or draft floodplain (whichever is more restrictive) shall be constructed until the Floodplain Development Application is approved. No material shall be deposited in any floodway or watercourse (§7-5-8(E)(3)). Crossings shall comply with condition 12c.

ii. Updated Floodplain Development Application including detailed construction plans for all development within the effective and draft mapped floodplains (whichever is most restrictive) to ensure compliance with the National Flood Insurance Program requirements and Elmore County Zoning Ordinance Title 8, Chapter 2. The updated Floodplain Development Application will be required to incorporate and consider the revised mapping being adopted by FEMA.

f. Hydrology and Drainage Report. A single, project-wide Hydrology and Drainage Report, stamped by an Idaho-licensed engineer, with site-specific hydrology and drainage information, shall support the Hillside Development, Private Road, and Floodplain Development applications. In addition to addressing the requirements of those applications listed above, the report shall demonstrate that post-development runoff does not exceed pre-development runoff at any point where runoff leaves the site and that existing drainage is perpetuated at rates that prevent downstream impacts to adjacent properties and waterways.

g. The Project Storm Water Pollution Prevention Plan (SWPPP) and proof of permit coverage by IDEQ.

h. Proof of water supply for all uses within the Master Site Plan during construction, operations, and decommissioning of the Project to the Department.

i. The Project shall maintain a backup water supply, in addition to water buffaloes, sufficient to support emergency fire supplies sufficient to support emergency fire suppression and site safety functions during outages or interruptions of the primary water source. The Applicant shall submit a water supply contingency plan, including identification of backup water sources and procedures for replenishment, for review and approval by the Department and the applicable fire protection district prior to operation of the facility.

12. Transportation and Access

a. Prior to beginning any construction activity, including roads, the Applicant shall submit a Private Roadway Application to the Department and Glenns Ferry Highway District for the internal roads. The private roads and associated drainage design shall meet the current road standards of Elmore County and Glenns Ferry Highway District. Approval from the Department and Glenns Ferry Highway District is required prior to the construction of private roads. Upon construction of those roads, the Engineer of Record shall provide stamped as-built drawings to the Glenns Ferry Highway District and Department.

b. Prior to beginning 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 Glenns Ferry Highway District's Standards and Development Procedures, and that impacts to existing roads from construction activity are mitigated 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.

c. If a roadway goes through a mapped floodplain, the crossing shall be at the 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.

d. Prior to beginning any construction activity, the Applicant shall submit a Construction Management Plan addressing:

i. Haul routes;
ii. Traffic control;
iii. Dust control;
iv. Noise control;
v. Construction hours;
vi. Emergency response coordination; and
vii. Road maintenance and repair.

e. Prior to beginning any construction activity, approach permits, overweight haul permits, and agreements with Glenns Ferry Highway District and Idaho Transportation Department shall be provided to the Department.

If any of these transportation or access related discussions result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance.

13. Archaeological and Cultural Resources

a. Prior to the initiation of any ground-disturbing or construction activities, the Applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards to conduct a Class III archaeological survey of the Area of Potential Effects (APE) including all proposed disturbance areas and a 1-mile search radius in all directions. The survey and documentation shall be completed in accordance with current Idaho State Historic Preservation Office (SHPO) standards and guidelines.

If the survey identifies archaeological resources, historic properties, or cultural resources that may be adversely affected by the project, the Applicant shall implement avoidance, minimization, mitigation, data recovery, or other protective measures recommended by the qualified archaeologist and required through consultation with SHPO. A copy of the completed Class III archaeological survey report shall be submitted to SHPO for review and consultation. Prior to the commencement of construction, the Applicant shall provide the Department with a copy of the final survey report and any SHPO concurrence, comment, or consultation correspondence documenting completion of the review process. All required mitigation measures shall be completed or incorporated into the Project prior to disturbance of the affected area.

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

If any of the required mitigation measures result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance.

14. Landscaping, Revegetation, and Site Maintenance

a. Prior to beginning any construction activity, the Applicant shall submit and obtain Department approval of a Landscaping Plan (revegetation plan for all temporarily and permanently disturbed areas) prepared by a qualified professional to the Land Use and Building Department and develop the Site in accordance with an approved landscaping plan. The plan shall include revegetation of all temporarily disturbed areas, such as crane paths, construction trailers, and temporary laydown yards. The plan shall provide fire-wise landscaping, noxious weed management, screening, and buffers, as well as thirty feet (30') of defensible space all around the Site. This defensible space shall be cleared of all vegetation quarterly to ensure it remains an effective firebreak. The Applicant shall provide the Department with evidence of its compliance annually and whenever a code violation complaint is received.

b. The Applicant shall maintain all landscaping and defensible space areas for the life of the Project and provide annual documentation of compliance to the Department.

c. At the time of the building permit, the Applicant shall submit a lighting plan in compliance with the Conditions of Approval and Title 7 Chapter 6 of Elmore County Code.

15. Wildlife Protection and Monitoring

a. Prior to beginning any construction activity, the Applicant shall conduct and receive Department approval of a pre-construction avian survey, large-bird use survey, small-bird use survey, and pre-construction bat survey.

b. The Applicant shall do the following to minimize or avoid potential impacts to birds, bats, and the natural habitat of the Site and its surrounding areas:

i. Provide an updated Bird and Bat Conservation Strategy (BBCS) that provides a life-of-project framework for identifying avoidance and minimization measures to conserve birds and bats and coordinate with the Idaho Department of Fish and Game (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 two (2) years of operation commencement.

ii. Install acoustic bat deterrent systems at each turbine prior to the commencement of operations, and maintain/repair them as recommended by the manufacturer (see https://www.nrgsystems.com/)

iii. Feather turbine blades when wind speeds are below the manufacturer's cut speed

iv. Install white strobe lights or blinking red lights on turbines, rather than a combination of blinking and non-blinking red lights and marked/lighted in accordance with Federal Aviation Administration (FAA) Advisory Circular 70/7460-1 M, Obstruction Marking and Light.

v. Place all turbines at least one thousand feet (1,000') from the ordinary high water mark of perennial stretches of water, as federally defined by the United States. If a stretch of a particular stream is not currently categorized as perennial, then this setback does not apply.

vi. Reduce impacts on bats and nocturnal bird migration by designing security and operational lighting to turn off when not in use, or use shielded down-cast lighting where twenty-four (24) hour lighting is required.

vii. Re-vegetate disturbed areas with a native seed mix that incorporates several species of flowering forbs.

viii. 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.

ix. 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.

x. Avoid creating fences that are not legally required; if livestock exclusion fences are necessary, use wildlife-friendly fencing.

c. The Applicant shall conduct post-construction wildlife monitoring and submit annual mortality monitoring results to the Department. If significant wildlife mortality is documented, the Applicant shall implement additional mitigation measures approved by Elmore County in coordination with appropriate wildlife agencies.

If any of the required mitigation measures for Wildlife Protection and monitoring result in changes to the approved Master Site Plan, the Applicant shall submit an amendment to the Master Site Plan to the Department and have it reviewed and approved in accordance with the Zoning Ordinance.

16. Fire Protection

a. Prior to beginning 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.

b. Such agreement shall be maintained throughout the construction, operation, and decommissioning of the Project. In the event any public agency responds to the site in connection to a fire event, the Applicant shall be responsible for reimbursement to such agencies for their reasonable costs of response.

c. Prior to beginning Site use, the Applicant shall provide the access code for gate locks 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, and the Department, Emergency Medical Services, Elmore County Sheriff, and King Hill/Glenns Ferry Rural Fire District shall be provided new access codes.

d. Before any grading permit is issued, the Applicant must provide a maintenance schedule for the firebreak perimeter, including vegetation control, quarterly. The Applicant must maintain accurate, up-to-date maintenance records and make them available to the Department upon request.

17. Pipeline Coordination

Prior to the start of construction, once the Applicant has the final project design, the Applicant shall meet with Marathon and Williams Pipeline to review the project design plans to verify Marathon and Williams Pipeline safety and setback requirements are met. A written approval shall be received and submitted to the Department prior to the start of construction

18. Shadow Flicker

Shadow flicker at existing non-participating residences shall not exceed thirty (30) hours per year or thirty (30) minutes per day.

19. Operational Reporting

Annual reporting shall be submitted to the Department on the anniversary date of this approval and must include the following information:

- Wildlife monitoring results;
- Noise compliance;
- Complaints received and how they were resolved;
- Fire-wise maintenance activities;
- Emergency incidents;
- Compliance actions;
- Major operational changes.

A comprehensive compliance review shall be submitted every five (5) years.

20. Phasing

In the event that Phase 1 and Phase 2 do not start simultaneously, Phase 2 (wind turbines) shall not proceed until Phase 1 is fully constructed and compliance is verified by the Department. Any changes in the construction phasing shall be discussed with the Department and have received written approval for.

21. Compliance

a. In accordance with Idaho's Right to Farm Act (Title 22, Chapter 45), the Applicant shall not initiate a nuisance lawsuit against surrounding agricultural operations that follow generally accepted farming practices.

b. All outdoor storage areas shall be maintained in orderly manner and not include any equipment in disrepair unless specifically approved by the Department. Any storage of equipment in disrepair or waste materials or anything else that would be classified as "junk" shall be limited to combined storage area of 1 acre. Violations and remedies thereof shall follow the process outlined in Elmore County Zoning and Development Ordinance Title 7, Chapter 16.

c. The Applicant shall maintain the Site to prevent, any conditions or development that would constitute a nuisance under Title 8, Chapter 4, at all times.

d. The Applicant shall actively, regularly, and accurately maintain a log of all hazardous materials with all relevant and current safety data sheets from the manufacturers, including liquids and solids. The Applicant shall ensure all hazardous materials are stored or otherwise maintained to ensure the materials do not enter the air, soil, or natural drainage. All handling and storage shall be consistent with the safety data sheets and any other manufacturer recommendations or regulating agency requirements.

e. The Applicant must abide by all state, federal, and local laws and ordinances. Any violation of state, federal, or local law or ordinance may result in the revocation of CUP-2024-01.

f. The Applicant shall ensure all property taxes, PILTs, or other taxes are kept current.

g. Failure to comply with any of the above Conditions of Approval shall result in the revocation of CUP-2024-01. Violations and remedies thereof shall follow the process outlined in Elmore County Zoning and Development Ordinance Title 7, Chapter 9 and 16.

EXHIBIT B
Hillside Development Application
County Engineer Review

CIVIL DYNAMICS
CONSULTING · ENGINEERING · DESIGN

5605 S 10th Ave ◆ Caldwell, Idaho 83607 208.453.2028

October 13, 2026

Land Use & Building Department
2280 American Legion Blvd
Mountain Home, ID 83647

RE: DESERT RIDGE POWER LLC – HILLSIDE DEVELOPMENT APPLICATION

Thank you for the opportunity to review the Hillside Development Application for the Desert Ridge Wind-Solar Project in Elmore County, Idaho. Review comments on behalf of the County Engineer are summarized below:

1. Preliminary Grading Plan - The grading plans provided are for the roads only. Please provide a complete site grading plan including all proposed facilities in accordance with Section 7-5-6.B.
2. Revegetation Plan - The plan states that revegetation will be initiated within 12 months of the project commercial operation date. As 71% of the site is covered by soils with a high erosion risk k-factor, this timeline is not workable. In accordance with the Idaho Discharge Elimination System's Construction General Permit, stabilization shall be initiated within 14 calendar days after final grading is complete. If the work is completed in a season that is unreasonable for planting, alternative stabilization methods will need to be employed. Seeding will take place as soon as seasonable conditions allow. Please update the Revegetation Plan accordingly. A copy of the Storm Water Pollution Prevention Plan will be required to be submitted to county staff prior to construction.
3. Soils Engineering and Geology Reports - A comprehensive geotechnical report has not been provided, as required by Section 7-5-6.E. Per the hillside ordinance and in accordance with the GE specifications provided and referenced, the roadway design must be based on a geotechnical investigation. Per the GE specifications section 6.1.1, *Road foundation is one of the most critical aspects of site preparation for deliveries. Road foundation and roadway structure must be tailored for local conditions and weather conditions anticipated by the customer's civil engineer based on the results of a geotechnical analysis at the project site.* Please provide a site-specific soils engineering and geology report with specific road section design parameters.
    a. Please have the report include recommendations for slope stabilization.
    b. Please have the report include specific recommendations for any turbine approved within a flood risk area. Foundation/scour/saturated soils/flood related loads.
4. Engineering Hydrology Report - No report was provided, as required by 7-5-6.D. Please provide a full Engineering Hydrology Report to comply with this requirement.

If you have questions or would like to discuss any of the comments in greater detail, please email me at 'kevin@civildynamics.net' or give me a call at (208) 453-2028.

Respectfully submitted,
Civil Dynamics PLLC
Elmore County Engineer



By: Kevin Craig, P.E.

EXHIBIT C
Private Road Application
County Engineer Review

CIVIL DYNAMICS
CONSULTING • ENGINEERING • DESIGN

5605 S 10th Ave ◆ Caldwell, Idaho 83607 208.453.2028

October 13, 2026

Land Use & Building Department
2280 American Legion Blvd
Mountain Home, ID 83647

RE: DESERT RIDGE POWER LLC – PRIVATE ROADWAY APPLICATION

Thank you for the opportunity to review the Private Roadway Application for the Desert Ridge Wind-Solar Project in Elmore County, Idaho. Review comments on behalf of the County Engineer are summarized below:

1. Drainage does not appear to be perpetuated throughout the project. This is a county standard and also a requirement of the GE specs (sect 6.1.2). In a number of locations, the road grade is higher than existing grade and no culvert or drainage structure is shown. As noted, no structures can be located in FEMA floodplains but otherwise they are allowed when needed to perpetuate drainage.

2. Proposed private road section does not have accommodation for cut/fill in all areas. Show the limits of the roadway cut and fill, with associated slopes.

3. The plans need to be stamped by an Idaho licensed engineer per County standards. This is also part of the GE requirements (section 2.2).

4. EMS
    a. Provide locations where gates will be used to access the site. Clarify the type of gate proposed and how emergency responders will have access.
    b. Provide verification from EMS that proposed longitudinal roadway slopes are acceptable and maintainable.
    c. Provide verification/acknowledgement from EMS that
        i. Proposed roadways are located within floodplain
        ii. The roads will likely not be traversable in large rainfall and/or flood events.

5. Please show the updated draft FEMA floodplain on the plans including the cross sections. Note that FEMA policy requires the more conservative of the adopted maps and draft FEMA maps to be used in analysis.
    a. The GE Requirement Specification Section 2.2 notes that any deviations from the requirements must be discussed with and approved in writing by GE before they are included in the civil plans. Accordingly, correspondence with GE is requested for guidance regarding:
        i. Any turbines designed to be located within floodplains.
        ii. Any turbine access road crossing floodplains, with a specific language that select roadways proposed with this development are to be constructed on-grade, subject to potential washout in flood event(s).

6. Applicant shall show vertical curves in profile on civil drawings to:
    a. Verify no fill in flood areas.
    b. Verify K-value recommendations are met based on Section 6.1.8 of the GE requirements.

CIVIL DYNAMICS
CONSULTING • ENGINEERING • DESIGN

5605 S 10th Ave ◆ Caldwell, Idaho 83607 208.453.2028

If you have questions or would like to discuss any of the comments in greater detail, please email me at 'kevin@civildynamics.net' or give me a call at (208) 453-2028.

Respectfully submitted,
Civil Dynamics PLLC
Elmore County Engineer



By: Kevin Craig, P.E.
4899-0263-1129, v. 3