



**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**
War Memorial (American Legion Hall)
515, East 2nd South Street Mountain Home, ID 83647

Thursday, September 26th, 2024, at 6:00pm

AMENDED
Meeting Agenda
PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

Chairperson Patti Osborn
Ed Oppedyk
Mitch Smith

Vice-Chairman Jeff Blanksma
Sue Fish
KC Duerig

Counsel Abbey R. Germaine

Director Mitra Mehta-Cooper

PLEDGE OF ALLEGIANCE

PUBLIC HEARING ITEMS

1. **ZOA-2024-02** County Initiated Zoning Ordinance Amendment
2. **CUP-2024-04 with Master Site Plan** Wind and Solar farm with BESS for Appaloosa
3. **VAR-2024-04** Variance for a One Time Division in the North Mountain Home Aquifer Recharge Overlay District for Drewskee Estates-**Application Withdrawn on 9/19/2024.**

CONSENT/ACTION ITEMS

1. **Findings of Fact, Conclusions of Law, and Order** for ZOA-2024-02
2. **Minutes** from August 22nd, 2024
3. **Findings of Fact, Conclusions of Law, and Order** for CUP-2024-11 Glenns Ferry Frontsite Shooters

ITEMS FROM THE PUBLIC: For information purposes only on items not placed on the agenda.

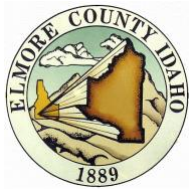
Name:	Address:

INFORMATIONAL & DISCUSSION ITEMS

1. Next Hearing: October 24th, 2024, American Legion Hall at 7:00pm.
2. Department Heads Memo

EXECUTIVE SESSION – Pursuant to I.C. 74-206(1)(f) – Pending Litigation

MEETING ADJOURN



Land Use and Building Department

Findings of Fact, and Conclusions of Law

Application: Zoning Ordinance Text Amendment 2024-02

Hearing Date: September 26, 2024

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a Zoning Ordinance Text)	ZOA-2024-02
Amendment to Title 7, 8, and 10 of the)	
Elmore County Zoning and Development)	FINDINGS OF FACT,
Ordinance for updates to Solid Waste)	CONCLUSIONS OF LAW,
Facilities and inconsistencies within Titles)	AND ORDER.
7, 8, and 10)	
)	

In Re: Zoning Ordinance Text Amendment (ZOA-2024-02): This matter having come before the Planning and Zoning Commissioners of Elmore County, Idaho (the “**Commission**”), on September 26, 2024, for a public hearing held pursuant to public notice as required by law, on a county-initiated Zoning Ordinance Text Amendment that is intended to update Title 7, 8, and 10 of the Zoning and Development Ordinance, which was originally adopted on May 18, 2018, and amended on January 17, 2020, February 17, 2023, and March 1, 2024. The proposal consists of updated language related to Solid Waste Facilities and corrections to inaccuracies within Title 7, 8, and 10 of the Zoning and Development Ordinance. The Commission heard from the Consulting Planner, Ms. Elizabeth Allen with Bristlecone Land Use Consulting. After public testimony, upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations. After making findings and conclusions in accordance with the applicable law, the Commission recommended approval to the Board of County Commissioners (the “**Board**”), as hereafter defined.

FINDINGS OF FACT

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

1) The Commission finds that the zoning text amendment is comprised of:

- Elmore County Board of County Commissioners initiated the Zoning Ordinance Text Amendment in a duly noticed public meeting on August 23, 2024.

2) The Commission finds that the applicant is:

- Elmore County, Idaho.

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

- In accordance with § 7-3-15 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), the Board has proposed to amend this ordinance on August 23, 2024, in a duly noticed public meeting.

- b) In accordance with § 7-3-5 (A) of the Zoning and Development Ordinance, the Public Hearing Notice was published in the Mountain Home News (“newspaper”) on September 11, 2024, and September 18, 2024.
- c) In accordance with § 7-3-4 (A) of the Zoning and Development Ordinance, the Public Hearing Notice and Zoning Ordinance Amendment summary was sent to agencies on September 11, 2024.
- d) The Commission opened the public hearing on September 26, 2024, and received verbal and written information regarding the application.
- e) At the conclusion of the testimony, the Chairperson closed the public hearing.
- f) The Commission commenced deliberations on the application.
- g) Thereafter, the Commission moved to recommend approval of ZOA-2024-02 to the Board as set forth below.

4) The Commission finds that:

ZOA-2024-02 is triggered after staff identified a series of discrepancies, outdated language, and errors in the Zoning and Development Ordinance that include:

- a) Inadequate special use standards for solid waste facilities for ensuring public health and safety; and
- b) Alignment of definitions of solid waste facilities with state and federal regulations; and
- c) Inaccuracies in the definitions and Section 7-2-26 and Table 7-2-26(A) of the Zoning Ordinance for special uses that are allowed by right, through administrative approval, through conditional use permit, or prohibited in a specific zoning designation.
- d) Outdated section references and typos.

ZOA-2024-02 was initiated to address the above-mentioned discrepancies and to ensure seamless administration of the Zoning and Development Ordinance.

5) The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations for consideration of the ZOA-2024-02:

- a) Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the “Comprehensive Plan”); and
- b) Zoning and Development Ordinance, adopted May 18, 2018, as Ordinance 2018-03; and
- c) The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.; and
- d) Other applicable local, state, and federal laws and regulations.

6) The Commission finds that the Board shall make the following five findings as set forth in Zoning and Development Ordinance § 7-3-15 (B).

- a) The Zoning Ordinance Text Amendment complies with the applicable Comprehensive Plan; and
- b) The Zoning Ordinance Text Amendment complies with the regulations outlined for the proposed base zone, specifically the purpose statement; and

- c) The Zoning Ordinance Text Amendment shall not be materially detrimental to the public health, safety, and welfare; and
- d) The Zoning Ordinance Text Amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the planning jurisdiction including, but not limited to, school districts.
- e) Following the approval of Zoning Ordinance Text Amendment, the Board shall adopt an Ordinance, and within thirty (30) days, publish a summary of the Ordinance in the official newspaper of general circulation in the County.

The Commission finds that the Comprehensive Plan envisions that the Zoning and Development Ordinance be in compliance with all federal and state regulations to avoid confusion in development activities. The purpose of the proposed amendment is to address a series of discrepancies, outdated language, and errors in the Zoning and Development Ordinance. The proposed amendment applies primarily to the Agriculture and Industrial zoning designations. The proposal will ensure public health, safety, and welfare, and will not create adverse impacts on any political subdivision of Elmore County. Therefore, the Commission finds that ZOA-2024-02 meets all required findings of a Zoning Ordinance Text Amendment.

CONCLUSIONS OF LAW

Based on the aforementioned findings of fact, the Commission concludes that ZOA-2024-02 has complied with the following requirements governing the amendment:

- A. The Commission concludes that the request complies with the Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 14, 2014; and
- B. The Commissions concludes that the request complies with the Zoning and Development Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.; and
- D. Other applicable local, state, and federal laws.

ORDER

Based on evidence presented at the September 26, 2024, public hearing, the Commission recommended that the Board of County Commissioners approve ZOA-2024-02.

Dated this _____ day of _____, 2024

COMMISSION VOTE:

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

VOTED	_____
VOTED	_____
VOTED	_____
VOTED	_____
VOTED	_____
VOTED	_____

Patti Osborn, Chairperson

ATTEST:

Mitra Mehta-Cooper, Director

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.



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 1254
Fax: (208) 587-2120
www.elmorecounty.org

Mitra Mehta-Cooper
Director

Kacey Ramsauer
Planner

David Abrahamson
Planner

Johnny Hernandez
Building Official

Colton Janousek
Building Inspector

James Roddin
Administrative Manager/Code Enforcement

Sandra Nuner
Permit Technician

Alyssa Nieto
Administrative Assistant

***Supplemental Staff Report to the Planning and Zoning Commission** **Hearing Date September 26, 2024**

Meeting/Hearing Date: 09-26-2024

Date Supplemental Report Compiled: 09-25-2024

Agenda Item: Conditional Use Permit for a Wind and Solar with Master Site Plan

Applicant: Appaloosa Wind and Solar, LLC
C/O North Renew Energy Partners, LLC

Case Number: CUP-2024-04

Staff: Mitra Mehta-Cooper, Planner, Kacey Ramsauer, Planner

Location/Site: Elmore County Wind Locations:

3S 8E Section 36
3S 9E Section 31
4S 8E Sections 1, 11-14, 23-24
4S 9E Sections 5-10, 16-18, 20-21

Elmore County Solar Locations:

4S 8E Sections 22-27, 36
5S 8E Sections 1, 11-13

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

Property Size: Approximately 10,969 acres of private land and 1,359 acres of Idaho Department of Lands (IDL) property.

*This Supplemental Staff Report amends and supplements that Staff Report dated September 20th, 2024. All information and conditions not otherwise amended or supplemented herein this Supplemental Staff Report remain unchanged and continue to be the recommendation of Staff.

SUPPLEMENTAL INFORMATION:

- After the original staff report was compiled on September 20th, 2024, a public comment letter was received by the Department on September 23rd, 2024.
- It was discovered in the review that four agencies that were contacted in the past for agency notifications were not listed on the staff's report including Idaho National Guard.
- A letter from the Idaho National Guard was received after September 20th, 2024, and has been added to the agency comments.
- Staff has made some corrections to wording in the report as well as some language in the conditions of approval.

REVISED STAFF RECOMMENDATION:

Staff recommends **Continuation** of the Public Hearing to October 24, 2024, of the proposed Conditional Use Permit (CUP-2024-04) with a Master Site Plan, to construct an electricity generation and energy production facility, **with the 31 conditions of approval.**

Agency Correspondence

i. Idaho National
Guard

From: [Mitra Mehta-Cooper](#)
To: [Kacey Ramsauer](#); [David Abrahamson](#)
Cc: suzy.cavanagh@hdrinc.com; arg@elamburke.com
Subject: FW: IDNG Comments Elmore County - Appaloosa Wind/Solar/BESS CUP-2024-04
Date: Thursday, September 26, 2024 8:28:28 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning, Kacey and David,

Please place Col. Carpenter's comments in supplemental staff report.

Please take their information from this email and ensure that IDNG is notified on all energy projects and any development within Simco Corridor. If you are not sure at the time of agency notifications, please ½ hour on my calendar to verify the list of agencies being notified prior to sending out those notifications.

Thank you,
Mitra

From: Mitra Mehta-Cooper
Sent: Thursday, September 26, 2024 8:23 AM
To: CARPENTER, KYLE E Col USAF ANG JFHQ-ID/JFHQ-ID <kyle.carpenter@us.af.mil>
Cc: Baun, Charles W NFG NG IDARNG (USA) <charles.w.baun.nfg@army.mil>; Williams, Albert A (Bud) JR MAJ USARMY (USA) <albert.a.williams6.mil@army.mil>
Subject: RE: IDNG Comments Elmore County - Appaloosa Wind/Solar/BESS CUP-2024-04

Thank you, Col Carpenter. I truly appreciate these comments.

I want you to know the following for Appaloosa:

1. Staff has provided conditions to require low-reflective solar panels per IDNG's verbal comments on September 19, 2024.
2. The Applicant is going to address the issue of lights. On one hand the community members do not want them, and for the reasons you outlined, they are needed. The Applicant is proposing to use radar sensory lights on wind and MET (existing three that I approved are conditioned for these) that will turn on when a flying object is identified within certain radius. I am no expert on this technology, but I have asked him to articulate it in his presentation.
3. I have placed this email in our supplemental staff report so that the Planning and Zoning Commission is aware of IDNG's concerns with these projects.

My staff is advised, in no uncertain terms, to keep IDNG on notifications for each of alternative

energy projects in Elmore County going forward. Again, please accept my apologies for missing this on Appaloosa CUP.

Please know that these meetings are public meetings, and we encourage agencies to attend them. If your calendars permit, we would love to have you attend tonight.

With regards,
Mitra



Mitra Mehta-Cooper, BArch, MURP, AICP, CFM

Director, Land Use and Building Department

520 E 2nd S Street, Mountain Home, Idaho 83647

208-587-2142 ext 1256

208-598-5334 (Cell)



<https://elmorecounty.org/land-use-and-building-department/>

From: CARPENTER, KYLE E Col USAF ANG JFHQ-ID/JFHQ-ID <kyle.carpenter@us.af.mil>

Sent: Wednesday, September 25, 2024 4:06 PM

To: Mitra Mehta-Cooper <mmehtacooper@elmorecounty.org>

Cc: Baun, Charles W NFG NG IDARNG (USA) <charles.w.baun.nfg@army.mil>; Williams, Albert A (Bud) JR MAJ USARMY (USA) <albert.a.williams6.mil@army.mil>

Subject: FW: IDNG Comments Elmore County - Appaloosa Wind/Solar/BESS CUP-2024-04

IDNG Comments:

Based on the location of the proposed action and project area for Appaloosa Wind/Solar/BESS relative to Idaho National Guard (IDNG) aviation training operations (fixed and rotor wing) and flight paths (to and from training areas), we do not see any conflicts with the proposed action. However, during the review of the proposal the IDNG has identified a few general issues and recommendations relative to proposed energy projects in Elmore County in the future. These are outlined below:

Wind Turbines and Meteorological (Met) Towers

Issues: The IDNG's primary base of operations (BO) is the Boise Airport. Aviation assets (fixed and rotor wing) travel from this location to regional training sites throughout Southwest Idaho identified as military operations areas (MOA) to conduct required training operations. Unlike fixed wing aircraft, rotor wing aviation units fly at lower elevations between the BO and MOA, which is also part of their training. Turbines and Met towers located within these flight paths are a safety issue and result in diminished training and increased resources (time and fuel).

Similarly, wind turbines and met towers, including met tower guidelines, pose significant safety threats to both fixed and rotor wing aircraft flying at low altitudes for low flight operations and evasive maneuvers. Currently, the FAA only requires lights and notification on structures over 200 feet, and there are no requirements for any visual cues (lights or flagging) to identify guidelines which are nearly invisible to pilots.

Lastly, wind turbines can give off electromagnetic fields. These fields may adversely affect communications, radar, or other sensors on ground stations and aircraft.

Recommendation – To address the issue with wind turbines and met towers we highly recommend that the County work with the IDNG and Mountain Home Air Force Base to identify flight paths, MOAs, and other training corridors/areas throughout Elmore County. These sites/corridors should limit all structures over 50 feet, with exceptions made on a site-by-site basis. In addition, all structures over 50 feet should have lighting (see past recommendations on IR lighting and military approved lighting for night Vision Goggle operations), and guidewires (if required) should require visual cues (lights or flagging).

Solar Panels – Little to no impact on aviation training operations so these are considered a compatible use for military training. However, this assumes the use of low reflective solar panels that are not impacted by concussive noise events i.e., conformance with IDNG noise contours from live rounds on the Orchard Combat Training area. Lighting on the solar panels should be approved LED lighting for Night Vision Goggle operations near the military operating area (MOA) and flight corridors between military bases and the training areas.

Battery Energy Storage System - Little to no impact on aviation training operations so these are considered a compatible use. However, this assumes there are not impacts to communications, radar, or other sensors that could be affected by electromagnetic fields.

Elmore County - Notification and Coordination

Issue: The IDNG was not made aware of the Appaloosa Wind/Solar/BESS CUP-2024-04 project application until September 19, 2024. As stated in the application materials, Mountain Home AFB was contacted and were in agency coordination meetings. They identified there would be no issue with the application. However, they do not have rotor wing aircraft which are affected differently than fixed wing aircraft.

Recommendation: The IDNG notification boundary should be increased and include any project with structures in excess of 50-feet.

Let me know what other details you need for these comments. We are unable to make the meeting tomorrow, but hope these comments can be put into the record. Thank you!

Col Kyle E. Carpenter
IDARNG EPM
Cell: (208)801-3571
Office: (208)272-4170

6. Public Comment

a. John Steiner

John C Steiner
Appaloosa Wind and Solar
24597 Collett Rd
Oreana, ID 83650
jsteiner@rtci.net

Elmore County Land Use and Building Department
520 East 2nd South Street
Mountain Home, ID 83647
anieto@elmorecounty.org

September 17, 2024

Sent via email: anieto@elmorecounty.org

To Elmore County Planning and Zoning Commission,

Appaloosa Wind and Solar written public testimony of John C Steiner, 24597 Collett Rd, Oreana, ID 83650. For Public Hearing to be held on Thursday September 26th, 2024 at the War Memorial (American Legion Hall) in Mountain Home, Idaho.

1. I John C Steiner, testify as follows: I am in favor of this project and its CUP approval.
2. I am part of the Appaloosa Wind and Solar Project, and have been very involved in preparing for approval of the project.
3. My experience is part of and involved with previous development from start to commissioning of the other wind farms within Elmore County. Those being Bennett Creek Wind Farm and Mountain Air Wind Farm in this general area.
4. I have been involved in the development of large wind farms in Oregon and Idaho from start to finish.
5. I have been a consultant on many wind farm and other renewable energy projects.
6. I have worked with all of the needed studies and aspects of developing many megawatts of wind energy, including Appaloosa Wind and Solar Project.
7. The Appaloosa Wind and Solar Project has been planned and meets all the required standards.
8. The Appaloosa Wind and Solar Project, as well as those that I have developed in the past, will provide thousands of dollars in revenue to Elmore County to support schools and other entities for the County.
9. The Appaloosa Wind and Solar project development has worked closely to the satisfaction of the Elmore County land owners involved along with consideration of their neighbors.
10. The Appaloosa Wind and Solar Project has worked in agreement with items of concern such as FAA requirements, Wetlands, Communications, Roads, Wildlife and other items of importance for approval.

11. The Appaloosa staff has worked closely with Elmore County and other officials in our planning process.
12. Renewable Energy in our United States of America is a growing need to assist and meet energy issues and will provide reliable energy to our country.
13. We the Appaloosa Wind and Solar staff will continue to work on any manner of concern of the Elmore County Planning and Zoning.
14. I John C Steiner, wish to thank and commend the Elmore County Land Use and Building Department staff for working with Appaloosa Wind and Solar to address any concerns and needs in the completion of our application for approval.

Thank you Staff for allowing my written testimony.



John C Steiner

Appaloosa Wind and Solar

Cc: Kacey Ramsauer, Elmore County Land Use and Building Department

b. Robin and
Oksana Friend

Date: September 18th, 2024

To: Elmore County Planning and Zoning Commission Members

From: Robin and Oksana Friend at 18196 SE Wilson Rd., Glens Ferry, ID., 83623

Subject: Written Comments for the record regarding Case #'s CUP-2024-04 and DA-2024-02

We object in the strongest terms to the Application by Appaloosa Wind and Solar (AWS) for the following reasons;

1. According to the Project Site Layout included with your letter we, our home and 14-acres are in the center, ground-zero of the proposed layout. Many wind turbine towers are marginally outside 2500 feet of our residence and less of our private property.
2. We will receive nothing of monetary value from this development.
3. We will be surrounded on four sides, all four directions by towers. They will destroy by visual pollution, 500-foot-high towers bristling with lights day and night our unincumbered view of the Bennett Mountain Range and surrounding area.
4. We live in an unincorporated fire district and the construction, operation, and maintenance will increase dramatically the fire danger to our property. We know of no portion of this plan that forces AWS to be responsibility for mitigation of danger or responsibility for damage caused by their willful or unwilful acts. It is a fact that there have recently been fires in our County caused by similar type projects.
5. Our property value will be substantially reduced by the Commissioners approval of this proposed plan. No one wants to

live under the proposed Kaleidoscope of movement color and lights being considered.

6. Because of the increased fire danger our home and property insurance costs are more than likely to increase.
7. Construction of the overall plan will likely happen throughout a four-year period. During that time survey, access road and pad construction, foundation, and tower erection, feeder and highline work, office and maintenance building construction battery storage, and then operation and maintenance work will follow. Who will provide the massive road maintenance and dust mitigation required to offset the gravel, concrete trucks, heavy crane equipment and construction and O&M crew transport?
8. We enjoy viewing and hunting game birds and animals on our private property. We believe that this construction effort as well as the ongoing O&M required will all but destroy our near-area game population.
9. For 20-years we have owned the property at 18196 SE Wilson Rd. and developed it for our enjoyment in the future.

We are being offered no compensation of any form for the losses we will suffer by the Commissions approval of Appaloosa Wind and Solar's application.

The private property land owners on which the development will reside are being compensated for their contribution by AWS. The State of Idaho (IDL) will be compensated, not that they need the money, they have a tax revenue surplus as it is.

We ask, what compensation is being offered for the County to consider or justify the costs we (the tax paying residences of Elmore County) will suffer?

Please consider our concerns and Please Do Not Approve the subject Application.

Sincerely,

Robin and Oksana Friend

c. Jayme Self

Date: September 13th, 2024

To: Elmore County Planning and Zoning Commission

Subject: Public Hearing concerning Appaloosa Wind and Solar

The topic of a field of solar panels has been discussed with myself and my neighbor, Kelly Riggs and their engineer, behind said project. They ask my husband and I to sign a paper releasing them from liabilities that could be caused from a field of solar panels being closer than recommended to our home. This caused me some alarm so I researched information on negative effects due to solar fields. There were not many available, due to lack of time to have an effectual study. Australia had some articles about the negative effects that had been noted from people living near the fields of solar panels. There were compiled complaints of people suffering from dizziness, headaches and nausea. In the article they did not have information on the solar panels being a cause of cancer due to lack of time to perform a conclusive study. Australia is the area that has used green energy for the longest period of time, therefore the only place able to acquire any substantial evidence.

When I returned to find the article and get the names connected to the study, it was not to be found. Imagine that. For the record, it does not change the fact that my family and I are not willing guinea-pigs in this venture. It seems my conservative neighbors are willing to support a progressive agenda of green energy, to pad their pockets. No concern for those around them.

Sorry I could not attend this meeting, due to my 2 year old grandson's birthday party the same evening.


Jayme Self

7551 N Walker Rd

Glenns Ferry, Idaho

208-366-3117



Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
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James Roddin,
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Sandra Nuner,
Permit Technician

Alyssa Nieto,
Admin Assistant

Planning and Zoning Commission Staff Report

Public Hearing Date: 09/26/2024

Date Report Completed: 9/20/2024

Elmore County Staff:

Mitra Mehta-Cooper, AICP, CFM
Kacey Ramsauer, Planner

Elmore County Consultants:

Suzy Cavanagh, Qualified Environmental Planner, HDR Inc.
Angie Michaels, Consulting County Engineer, Engineering with a Mission, LLC
Anne Wescott, Consulting County Economist
Abbey Germaine, Consulting County Counsel, Elam & Burke, P.A.

Agenda Item: Appaloosa Wind and Solar CUP Application and Master Site Plan

Case Number(s): CUP-2024-04 with Master Site Plan

Associated Cases: DA-2024-02
ADD-2024-25 through 29

Applicant/Developer:

Appaloosa Wind and Solar LLC
C/O North Renew Energy Partners, LLC
31 Rosner Ln
PO Box 588 (USPS Mailing)
Beckett, MA 01223

Landowners:

Elizabeth Ann Nettleton
Idaho Department of Lands
Ark Properties LLC
Carl F Reynolds & Sons LLC

Location:

Elmore County Wind Locations:
3S 8E Section 36

CUP-2024-04 with Master Site Plan; P&Z Staff Report; September 26, 2024

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3S 9E Section 31
4S 8E Sections 1, 11-14, 23-24
4S 9E Sections 5-10, 16-18, 20-21

Elmore County Solar Locations:
4S 8E Sections 22-27, 36
5S 8E Sections 1, 11-13

Current Base Zoning and Overlay District:

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

Future Land Use Designation of Comp Plan:

Agriculture (AG)

REQUEST:

Appaloosa Wind and Solar LLC (c/o) North Renew Energy Partners, LLC ("Applicant") is requesting the approval of a Conditional Use Permit to construct, operate, maintain, and decommission a 400-megawatt (MW) electricity generation and energy production facility located approximately 10 miles east of Mountain Home ("CUP-2024-04"). The proposal includes wind turbine generators, solar arrays, a battery energy storage system (BESS), a temporary laydown yard, Operation and Maintenance (O&M) facility, access roads, temporary crane paths, and associated facilities (the "Project" or "Facility") on approximately 10,969 acres of private land and 1,359 acres of Idaho Department of Lands (IDL) property in the unincorporated area of Elmore County ("Site").

A detailed Master Site Plan is submitted with the CUP and shows all pertinent aspects of the temporary, permanent and future Project improvements discussed in CUP-2024-04. The location of these improvements is subject to minor changes through site preparation as contemplated in the Elmore County Zoning and Development Ordinance ("Zoning Ordinance") Title 10 Chapter 6. Any relocation of these improvements will remain within the Site and must be in compliance with Section 10-6-3(C).

The Project will consist of wind, solar, BESS and more infrastructure including up to 47 new wind turbine generators up to 3.8 MW in size each, solar arrays with no more than 51 solar inverters equating to approximately 200 MW of generating capacity (Solar Facility), a BESS with up to 100 MW of storage capacity, two main power transformers, up to two permanent and three temporary meteorological towers (onsite, approved through previous CUPs), one Project substation, one Point of Interconnection Substation (utility switching station, or POI), approximately 24.9 miles of graded gravel access roads, 6.6 miles of temporary crane paths, approximately 48.6 miles of underground electrical collection system lines, and approximately 3 miles of overhead transmission line (the Transmission Lines).

The Project will connect to the 230 kV Boise Bench-Midpoint #2 transmission line owned by Idaho Power via a short overhead utility interconnection tap line from a new POI Substation.

The Applicant has submitted comprehensive environmental and cultural assessments for the Site and surrounding area. These studies included: Site Characterization Study, Aerial Eagle and Raptor Nest Surveys, Greater Sage-Grouse Lek Surveys, Pre-Construction Avian and Eagle Point Count Surveys, Acoustic Bat Monitoring Surveys, Hydrology Study, Cultural / Archaeological Resources Investigations, Visual and Shadow Flicker Analyses, Noise Analysis, and Microwave Beam and Communications Tower Studies.

EXHIBITS OF THE RECORD

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

1. CUP Application
 - 1a. CUP Application with Maps
 - 1b. CUP Application Appendices A and B
 - 1c. CUP Application Appendix C
 - 1d. Cup Application Appendices D through M
2. Master Site Plan
3. Agency Correspondence
 - a. Central District Health
 - b. Idaho Department of Fish and Game
 - c. Idaho Department of Lands
 - d. Idaho Department of Transportation
 - e. Mountain Home Air Force Base
 - f. Idaho Department of Fish and Wildlife
 - h. Idaho Power Company
 - i. Idaho National Guard
4. Public Hearing Notices
 - a. Agency Notice
 - b. Newspaper Notice
 - c. Neighborhood Notice
 - d. Site Posting
5. Draft Development Agreement and Decommissioning Plan Requirements
6. Public Comments
 - a. John Steiner
 - b. Robin and Oksana Friend
 - c. Jayme Self

The CUP record includes all written public comments submitted to the Department by physical or electronic delivery by 5:00 p.m. on Friday, September 20th, 2024, for the Public Hearing scheduled for Thursday, September 26th, 2024. The CUP record also includes all documents obtained as part of the staff's analysis and review of the Application and all documents and exhibits submitted before the close of the public hearing. Those portions of the CUP record received prior to the public hearing have been provided to the Commission as part of the Commissioners' packets. Staff has provided a draft Development Agreement (DA-2024-04) and Decommissioning Plan Requirements to Planning and Zoning Commission for information purposes only with this staff report (Exhibit 5).

BACKGROUND AND REVIEW

The Applicant began meeting with County staff in 2022 to discuss the application process that would be required for the wind and solar project. The Applicant had a pre-application meeting with the Land Use and Building Department (the “Department”) on October 13, 2023, pursuant to Zoning Ordinance §7-3-2(A). Considering the scope and impacts of the proposal, the Director extended the mailing radius for neighborhood notification to 5-miles. Furthermore, the Director required a Development Agreement Application with the CUP to ensure that such a large project and its social, fiscal and environmental impacts are mitigated through a legally binding contract between the Board of County Commissioners (the “Board”) and the Applicant.

The Applicant sent out neighborhood meeting letters on November 7, 2022, June 2, 2023, and October 17, 2023, giving notice of the time, date, and location of the meetings to neighboring property owners within a 5-mile radius per Zoning Ordinance §7-3-3(B) and conducted the required neighborhood meetings on November 17, 2022, June 13, 2023, and October 27, 2023, per Zoning Ordinance §7-3-3.

On November 20, 2023, the Department received CUP-2024-04 Application packet and on February 6, 2024, the Department received DA-2024-02 Application along with the required fees.

The Department conducted an agency meeting on January 3, 2024, at 2:00 p.m. with affected agency representatives to discuss this proposed project. In addition, agency comments were identified in writing by Central District Health, Idaho Department of Fish and Game, Idaho Department of Lands- South Idaho Fire Program, Idaho Transportation Department Division of Aeronautics, and Mountain Home Air Force Base.

On March 14, 2024, a Public Workshop was conducted with the Planning and Zoning Commission (the “Commission”) to introduce the Project and discuss outstanding technical information with the Applicant. Elmore County staff and consultants presented the results of their initial CUP Application review, which at that time, identified the application as incomplete. The following additional information was requested from the Applicant and summarized in a staff report for the workshop:

1. A Floodplain Development Permit with the Department to ensure compliance with the National Flood Insurance Program requirements and Elmore County Zoning Ordinance Title 8, Chapter 2.
2. LiDAR data to determine a need for Hillside Development Permit in order to ensure compliance with the Elmore County Zoning Ordinance Title 7, Chapter 5.
3. An agreement with a Fire Authority such as Glenns Ferry King Hill Rural Fire District and/or Mountain Home Rural Fire District for fire protection at the Site;
4. An application/agreement with the Glenns Ferry Highway District to ensure that the proposed use and its construction activities will be conducted in compliance with the District’s Highway Standards and Development Procedures.

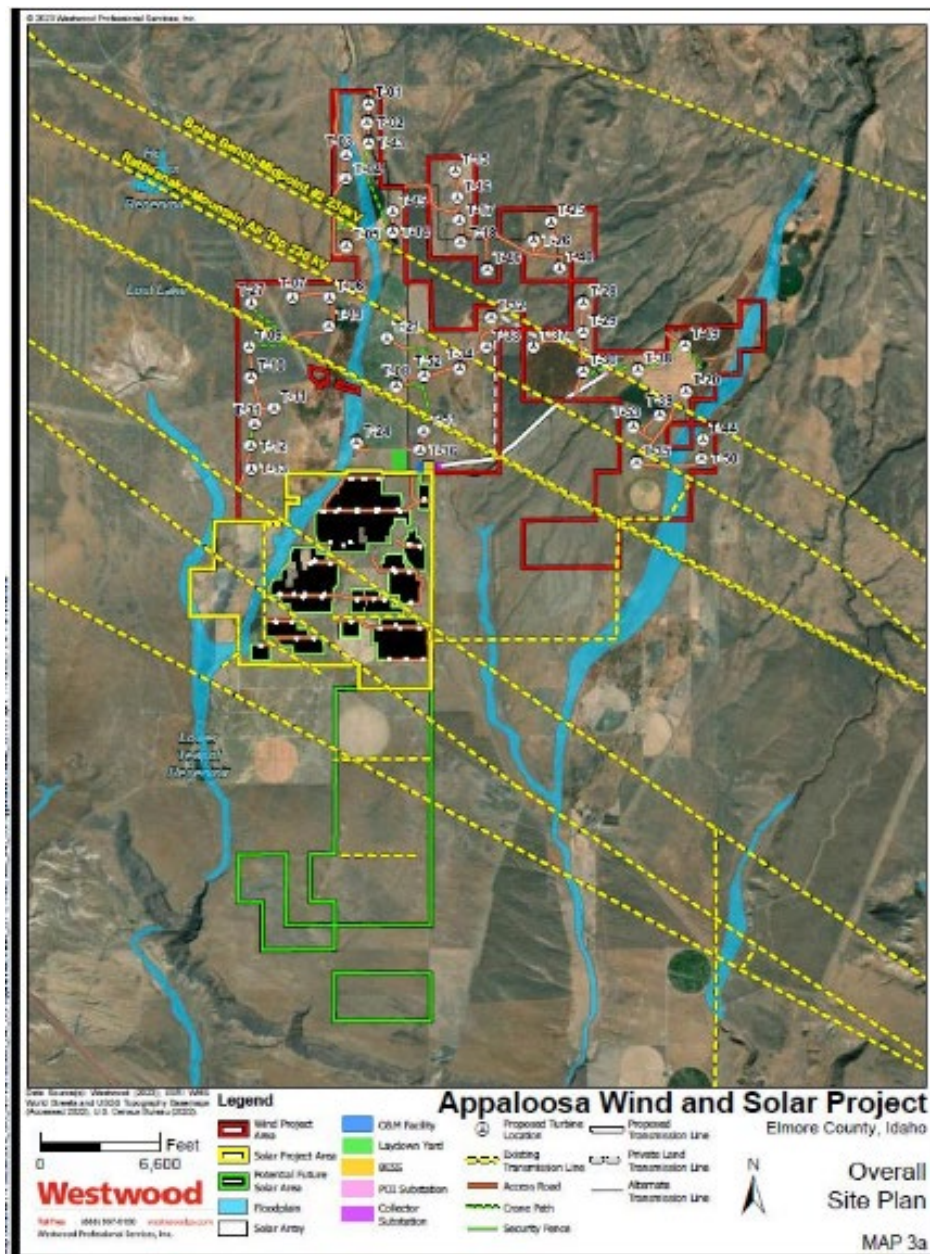
The Commission decided to accept public comments at the workshop allowing the Applicant an additional opportunity to understand the community members' concerns. A member of the public voiced a concern of a visual impact from the community of Hammett.

Since the workshop, the additional information for visual impact, Floodplain Development Permits and Hillside Data (ADD-2024-25 through 28)) was developed and submitted by the Applicant to the Department on July 7th and July 24th, 2024, as requested. In addition, the Master Site Plan was submitted on July 15th, 2024. The Application is now deemed complete and ready for a Public Hearing.

SITE, PLAN, AND SURROUNDING AREA CHARACTERISTICS

The Site includes 166 parcels that are zoned General Agriculture (Ag) with WUI overlay. The Site consists of limited cultivated agricultural activities, grazing, seven (7) existing wind turbines, and seven (7) residences. There are approximately 1,359 acres of public land managed by the State of Idaho within the Project Area. Land cover within the Site consists mainly of shrub/scrub habitat and agricultural lands, with many ditches and drainages. The Site is incised with many named and unnamed waterways as well as several existing transmission lines of Idaho Power. Elevation of the Site ranges from 3,068 to 3,514 feet above mean sea level (amsl).

Surrounding land uses include agriculture, grazing, rural residential, utility corridors, and eighty-seven (87) existing wind turbines. Surrounding lands consist of shrub/scrub and sagebrush-steppe habitat, [slickspot peppergrass](#), cultivated crops, local and state roads, and other utilities. Identified public lands adjacent to the Site include lands managed by the Bureau of Land Management ("BLM") and Idaho Department of Lands (IDL). The BLM and IDL parcels are managed for multiple uses and are subject to extraction (e.g., mining or logging) or Off Highway Vehicle (OHV) use. Access to, and use of, these public lands will not be restricted due to the location and operation of the Project.



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

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

Staff Response: The proposed use is on 166 parcels that are zoned Agriculture in the adopted zoning map of Elmore County. The proposed use of wind turbines, solar panels, and battery energy storage system fall within the definitions of Electrical Generating Facilities and Energy Production Facilities of the Zoning Ordinance in Title 7 Chapter 1. Those uses require a conditional use permit pursuant to Table 7-2-26(B) of the Zoning Ordinance in Ag zone. Therefore, the proposed CUP Application has met this requirement.

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

Staff Response: The proposal is in harmony and accordance with the following Electrical Power – Public Service Objectives and Goals of the 2014 Elmore County Comprehensive Plan.

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

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

The Project will help protect and maintain Elmore County's quality of life and the goal of providing a reliable source of energy and increasing energy capacity to meet existing demands and future growth. The Project will also support existing agricultural operations that the Comprehensive Plan envisions by allowing landowners to continue farming and grazing operations within the wind farm and areas outside the fenced boundaries of the solar facility, substation, and BESS. The Project will also support existing agricultural operations by limiting development and by diversifying the revenue base of participating landowners and Elmore County as envisioned in the Comprehensive Plan.

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 has paid all appropriate filing fees.

§7-9-3 (B) - The Applicant has filed a Master Site Plan and has paid all appropriate filing fees. The submitted Master Site Plan identifies accessory buildings, facilities, and other site improvement areas.

§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 Department staff. The Applicant has also provided environmental and cultural information identified by Department staff in the pre-application meeting.

§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 proposed conditions of approval to maintain adequate housekeeping practices so as not to create a nuisance.

§7-9-4 (C) – The Applicant has agreed to annex the Site into a King Hill/Glenns Ferry Rural Fire District and/or have an agreement with the Fire District to provide fire protection as required in the proposed conditions of approval. All future building permits at the Site for a structure or facility will require a signature from the King Hill/Glenns Ferry Rural Fire District.

§7-9-4 (D) - The Applicant has provided information that the project is located in a rural and remote area of Elmore County and no Project structures or facilities will be within 20 feet of a residential district.

§7-9-4 (E) - The Applicant has provided information that the project is not open to public access and no parking areas are abutting a residential district.

§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 proposed conditions of approval.

§7-9-4 (G) – The Applicant has provided information indicating that there are no known hazards (such as hazardous material spills, soil/water contamination, etc.) within the Site. The Applicant has also stated that if any dangerous characteristics within the Site are identified, they will provide evidence that they have been or will be eliminated or minimized in accordance with all applicable regulations so as not to create a nuisance or be detrimental to the public health, safety, or welfare.

§7-9-4 (H) – The Applicant has provided information that the project is located in a rural and remote area of Elmore County and is not abutting or within a residential district. Therefore, Department staff finds no need to limit facility hours.

§7-9-4 (I) – The Applicant has provided information that the Project is within and surrounded by an Agriculture district. The Applicant maintains that the construction and operation of the Project will support the continued use of the surrounding land for agricultural purposes by providing substantial additional revenues to the host landowners for the project facilities. For parcels hosting wind turbines, the ability for landowners to continue their agricultural and grazing activities will only be minimally impacted. For parcels hosting solar arrays, areas outside the security fence may continue agricultural activities and activities within the security fence would be temporarily ceased until the conclusion of the facility's useful life cycle. Upon decommissioning, the solar improvements would be removed, and the area restored as required in the Decommissioning Plan.

§7-9-4 (J) –The Applicant has indicated in the CUP Application that they do not anticipate the need for additional conditions to mitigate impacts for the above-stated conditions.

Furthermore, the Applicant has applied for a Floodplain Development Application and provided hillside data and the use is conditioned to ensure compliance with Title 8 Chapter 2 – Flood Hazard Damage Prevention and Title 7 Chapter 5 – Hillside Development Requirements of the Zoning Ordinance. Therefore, CUP-2024-04 has met this requirement.

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

Staff Response: The agriculture base zone is applied to most unincorporated areas of Elmore County and allows for a variety of land uses with a Conditional Use Permit when development is appropriate, as identified in Section 7-2-5.

“The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations.”

The proposed facility is located ten (10) miles east of the city of Mountain Home and is surrounded by active and inactive agriculture grazing land. The proposal meets the intent of Ag zone and has followed all applicable procedural requirements of the Ag zone for a Conditional Use Permit.

The Applicant has provided supporting documentation to meet the requirements of the special use standards for an Electrical Generating Facility and Energy Production (Zoning Ordinance §§7-2-103 and 7-2-106) as discussed below.

§7-2-103 (A.1): The Applicant has indicated that they will only use solar arrays and wind power to produce electricity for sale.

§7-2-103 (A.2) and §7-2-106 (A.1): The Applicant has agreed to a Condition of Approval that requires compliance with all applicable Idaho Public Utility and Federal Agency rules and regulations before receiving a building permit and operating the facility in conformance with those regulations.

§7-2-103 (A.3): The Applicant provided information that the Project complies with this requirement, with the exception of five wind turbines where a residence is within 2,500 ft, for which the Applicant has obtained waivers from the landowners. Waivers are included in the lease agreements in Appendix C of the application in Exhibit 1. The proposed Electricity Generation and energy production facility will not generate radio frequency emissions. Furthermore, the proposed electricity generation and energy production facility is in a remote area of Elmore County and will have adequate setbacks from all permanent structures.

§7-2-103 (A.4): The Applicant provided information that the project complies with this requirement as certified by a licensed engineer, except in tower locations where there are existing non-project turbines interspersed within the proposed solar array. The Applicant has provided lease agreements in Exhibit 1.

§7-2-103 (A.5): The Applicant is required through Condition of Approval to provide a landscaping plan and screening details to the Department prior to building permit.

§7-2-103 (A.6) and §7-2-106 (A.3): The Applicant is conditioned and agreed to enter into an agreement with the King Hill/Glenns Ferry Rural Fire Department for providing fire protection to the site. The Applicant is required to provide evidence to Elmore County that fire protection is provided prior to commencement of construction.

§7-2-103 (A.7), (A.12) and §7-2-106 (A.7),(A.8): The Applicant has held three neighborhood meetings with the appropriate public notices to meet the requirement. In addition, the Applicant has agreed to extend the landowner notices to 5 miles for the public meetings and conducted a viewshed analysis and photo simulation assessment for the project.

§7-2-103 (A.8) and §7-2-106 (A.5): The Applicant has conducted impact assessments for many resources and concludes that additional mitigation will not be required for visual, dust and odor, noise and shadow flicker, radioactivity and electric/electromagnetic disturbance, cultural resources, or public services. Furthermore, the Applicant has agreed to the conditions of approvals to mitigate for those that Department staff has determined to have impacts for the surrounding communities.

§7-2-103 (A.9): The Applicant has met the requirement by coordinating with local, state, federal, and military aviation officials to determine that the towers and structures will be compatible with the flight operations of Mountain Home Air Force Base (MHAFB), and the cities of Mountain Home and Glenns Ferry public airport operations. In addition, the Applicant has provided a Federal Aviation Administration (FAA) letter of Determination of No Hazard in Appendix K to the CUP Application (Exhibit 1).

§7-2-103 (A.10) – The Applicant has shown that the project is not within 5 miles of MHAFB nor along depicted flight corridors; therefore, towers and structures will be compatible with the flight operations MHAFB, and no variances will be requested.

§7-2-103 (A.11) – The Applicant has shown that the project is not within the Mountain Home or Glenns Ferry airport influence areas overlay districts, as determined by the Capital Airspace Obstruction Analysis conducted. In addition, the Idaho Transportation Department Division of Aeronautics confirmed that the project would have no substantial adverse effects.

§7-2-106 (A.2) – The Applicant provided information that the project complies with this requirement; the BESS will not be located within the 2,500-foot residential setback requirements.

§7-2-106 (A.4) – The Applicant provided information that the project complies with this requirement and will not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine.

§7-2-106 (A.6) – The Applicant has shown it will comply with 7-2-103 (A)(4); the noise impact assessment was prepared by Westwood Inc., a surveying and engineering firm. The Applicant provided information that the solar arrays, BESS, O&M, and substation facilities will be enclosed within chain link fences.

Therefore, Department staff concludes that CUP-2024-04 has met this requirement.

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

Staff Response: The proposal is reviewed by Elmore County review team per standards established in Zoning Ordinance and the CUP Application was transmitted on December 19th, 2023, and September 5th, 2024, to the following County entities to ensure compliance with other County Ordinances. Their comments are incorporated in the proposed conditions of approval for this project and provided herein as a record.

- Elmore County Engineer
- Elmore County Sheriff
- Mountain Home Highway District
- Mountain Home Rural Fire Department
- Glenns Ferry Municipal Airport
- Elmore County Ambulance Service
- Elmore County Surveyor
- Elmore County Assessor
- Elmore County Treasurer
- Elmore County Rural Economic Development
- Glenns Ferry Highway District
- City of Glenns Ferry
- King Hill/Glenns Ferry Rural Fire District

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

Staff Response: To ensure that the Applicant has adhered to all Federal and State laws, rules, and regulations applicable to the construction, maintenance, and operation of an electricity generation and production facility, staff has transmitted this CUP Application to the following agencies on December 19th, 2023, and September 5th, 2024.

- Bureau of Land Management
- Central District Health
- Mountain Home Air Force Base
- State Fire Marshall
- Idaho Department of Lands
- Bureau of Land Management
- Idaho Power/[Public Utility Commission](#)
- Idaho Department of Fish and Game

- [Idaho Department of Transportation](#)
- [Idaho Fish and Wildlife](#)
- [Idaho Office of Energy and Mineral Resources](#)
- [Federal Emergency Management Agency](#)
- [Idaho National Guard](#)
- [Idaho Department of Water Resources](#)

As a result, the proposed Electricity Generation and Energy Production Facility is conditioned to build a perimeter fence in compliance with National Electric and National Safety codes as well as wildlife friendly fencing as requested by the Idaho Department of Fish and Game. Therefore, staff concludes that the Facility will be constructed and operated in compliance with local, state, and federal standards as recommended by these agencies.

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

Staff Response: The proposal is in remote location of Elmore County and surrounded by state land along with other undeveloped private properties. There are 94 existing wind turbines in and around the proposed Site. Some of those are located on three nearby wind farm projects. The Cold Springs wind farm includes 60 turbines with a total rated capacity of 138 MW. The Mountain Home wind farm includes 20 turbines with a total rated capacity of 42 MW. Both wind farms partially overlap with the solar facility (outside the fenced boundary) portion of the proposed Project. The Sawtooth wind farm, at its nearest, is about two miles east of the southernmost portion of the Project. Sawtooth includes 14 turbines with a total rated capacity of 22.4 MW. The nearby wind farms range in heights from 121 to 130.5 meters (397 to 428 feet).

The Site is crossed by several existing transmission lines of Idaho Power. The project will allow the Applicant to convert wind and solar energy into electricity and support Idaho Power's increased demand for electricity for supporting future growth in the local area. Furthermore, there is an existing off-site substation located on the southeast side of the proposal that is owned by Idaho Power. Therefore, an addition of 47 turbines with a maximum 577 ft height and solar panels for electrical generation will be in harmony with the existing and intended character of the general vicinity.

Most residential dwellings are outside the required radius of safety, with the exception of five wind turbines that have residential units within the 2,500 ft. radius, for which the Applicant has obtained waivers from the landowners. Waivers are included in the lease agreements in Exhibit 1 to this report. Furthermore, the proposed use is reviewed by Elmore County staff as well as other affected agencies on multiple occasions. As a result, the Site is conditioned so installation, operation, construction, maintenance, and decommissioning processes will ensure that proposed wind and solar electricity generation and production facility with a battery energy storage system should be

harmonious in appearance with the general vicinity and character of the area. Therefore, the proposed project will have minimal impact on the existing and intended character of the general vicinity.

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

Staff Response: Please refer to finding # 6. The proposed facility is surrounded by active Ag land and dry grazing land with several land cover types. There are seven (7) existing residential units on the Site and those are owned by the owners of the Site that have leased land to the Applicant for the proposed Use. There are several other residences in the area and the Applicant has worked with those owners to receive waivers as required in the Zoning Ordinance. There are no planned residential developments in its surrounding area. Furthermore, the Applicant has provided information for a before and after photo simulation of the Project Area and surrounding viewsheds to the neighbors.

The Site is crossed by several existing transmission lines; however, the Applicant will maintain the required setback from the center of the existing transmission line as required by Idaho Power. The Applicant has provided multiple safety measures that will eliminate potential risk of fire or system failure to the battery energy storage system.

The proposed use is reviewed by Department staff as well as other affected agencies on multiple occasions. As a result, the Site is conditioned so installation, operation, construction, maintenance, and decommissioning processes will ensure that proposed wind and solar electricity generation and energy production facility will not be hazardous or disturbing to existing neighboring uses or impede normal development.

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

Staff Response: The proposed facility will operate in a self-sufficient manner and the Applicant will be responsible for the establishment and decommissioning of the proposed conditional use through a series of proposed Conditions of Approval and associated development agreement (DA-2024-02).

The use and its operation will not require significant water, sewer services, or additional electrical services for the facility. However, upon completion of construction, the project will have operations and maintenance (O&M) staff of a maximum of eight (8) employees onsite during the core daytime hours, 5 days per week, with weekend shifts and extended hours as required. Those will require water, septic, and electricity within an O&M Building. This building and all other site improvements will be required to go through building permits, at which time, Central District Health will be verifying water and septic capacity of that building depending upon occupancy. In addition, the Applicant will require water for dust suppression during construction and to wash solar panels during operation. Prior to commencing any construction, the Applicant will be

required to provide proof of water supply to the Department as required in Conditions of Approval.

The Project will generate significant off-site traffic during the construction and installation of the facility and minor off-site traffic during operation of the use. The Project will require the construction of new private roads and improved ingress and egress from public roads, as well as temporary paths to provide access to the proposed turbines and affiliated workspace areas. The total length of access roads required to service all proposed wind turbine locations is approximately 16.7 miles and the total length of temporary crane paths is approximately 6.6 miles. Access roads will be constructed within the Solar Project Area to provide access to the proposed solar arrays and affiliated workspace areas. The total length of private access roads required to service the 10 solar blocks is approximately 8.2 miles. All private roadways will be reviewed by the County Engineer prior to any construction activities at the Site as required in the Conditions of Approval.

The CUP Application was transmitted and reviewed by the Mountain Home Highway District and Glenns Ferry Highway District on multiple occasions to make sure that the necessary road-maintenance of public roads damaged by construction of the Project and installation of the facility are a responsibility of the Applicant. They have not required any additional traffic study or data from the Applicant. ~~Their limited comments are incorporated in the Conditions of Approval.~~

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

Staff Response: The Project will be privately owned and all necessary improvements, including public facilities and services necessary to support the use, will be paid for by the Applicant or any successor thereof.

The CUP Application shows that once in operation, the Project will create over 80 direct and indirect full-time, well-paying jobs. The Project will also inject an estimated \$700,000 annually to Elmore County's tax base through the Idaho Payment in Lieu of Property Tax program for wind and solar facilities. The effect of this program is that the Project will pay a 3.0% and a 3.5% gross earnings tax on wind and solar revenues respectively, 100% of which is returned to Elmore County, in lieu of paying a property tax on the real and personal property of the Project.

In addition, Elmore County collects Development Impact Fees per Title 12 of the Zoning Ordinance. Those will be collected from this Project at the time of issuance of building permits to mitigate its impact on Elmore County's facility needs for Sheriff, Jail, EMS, and Fire District. In order to mitigate on-going service impacts on Sheriff, EMS, and Fire District during the operation of the facility, Elmore County has required a development agreement with, and decommissioning plan from, the Applicant. Those are provided to the Planning and Zoning Commission for informational purposes and will be approved prior to construction and operation. As a result, Department staff concludes that the proposed use will not create excessive additional requirements at public cost for public facilities and services, and the associated Development Agreement (DA-2024-02) will ensure that the use will not be detrimental to the economic welfare of Elmore County.

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

Staff Response: The proposed wind and solar electricity generation and energy production facility with battery energy storage system will generate significant activities, materials, and equipment during construction that will generate noise, smoke, fumes, glare, or odors during the first five years. However, this Project is within a remote area of Elmore County, away from population centers in the City of Mountain Home and Glenns Ferry, with very few residences in and around the Site. Staff has proposed a series of Conditions of Approval to ensure those impacts are reduced during the construction phase.

The proposed facility will not generate significant amount of noise, smoke, fumes, glare, or odors during the operation of the Project. The Site will contain a battery energy storage system that contains lithium-ion batteries, which will degrade over time per information that the Applicant has submitted. Upon request from the department, the Applicant provided detailed information regarding the lithium-ion battery storage system and the proposed design for safety features. Department staff believes that the Applicant has demonstrated the integration of the sophisticated detection, monitoring, and technological solutions to mitigate a potential fire for the battery storage. Therefore, staff concludes that the proposed use will not be detrimental to any person, property or general welfare.

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

Staff Response: A viewshed assessment and photo simulation of viewsheds was prepared for the Project to provide visual impact information about the proposed Project's viewshed conditions to the neighboring landowners and Elmore County. The addition of 47 wind turbines with a maximum height of 577 ft. to the area will increase the density of turbines visible in the viewshed but will not add new features. Considering the height of the proposed wind turbines and the existing ground elevations, all wind turbines will be visible to the residences modeled and travelers along portions of Interstate 84 between Mountain Home and Glenns Ferry. The addition of solar arrays, being relatively low in height, will not significantly change the viewshed of this area. Therefore, staff concludes that the proposed facility will alter the natural landscape; however, the overall natural and scenic features will not be altered significantly, or the proposal will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.

REQUIRED FINDINGS FOR MASTER SITE PLAN PER ZONING ORDINANCE § 10-6-7(A):

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

Staff Response: 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:**

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

Staff Response: The Master Site Plan is for an Electrical Generating Facility and Energy Production Facility, which will be owned by the Applicant or successors thereof and operated by 8 maximum employees once installed. It does not allow public access to the site, and therefore, does not require non-vehicular access or internal circulation for such. The provided Master Site Plan clearly identifies placement of wind turbines, solar panels, battery energy storage system (BESS), temporary laydown yard area, Operation and Maintenance (O&M) facility, access roads, temporary crane paths, and associated facilities. 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

Staff Response: Although the Applicant has not done a formal Natural Features Analysis, much of the required information is provided with the CUP-2024-04 Application prepared by qualified professionals. All of this information is used to inform the submitted Master Site Plan, which is reviewed by the County Engineer as well as other members of Elmore County review team.

The Project Area includes many ditches and drainages. A hydrology study and floodplain analysis were conducted to determine water depths, velocities and 100-year water surface and floodplain elevations of the Project Area. Detailed information on the floodplain analysis at each facility - Wind Facility, Solar Facility, O&M Facility, BESS, and Substation - were submitted as part of the Floodplain Permit Application.

A soil analysis of the types of soil present within the Project Area including prime farmland, aquifer recharge areas, unstable soils, and soils most susceptible to erosion was submitted.

A steep slope analysis was performed to identify all areas with slopes greater than 15%.

To support the development of the Project, Westwood was engaged to conduct a variety of baseline biological surveys to identify biological resources that may occur

within the Project area.

The provided data is used to develop Conditions of Approval for CUP-2024-04.

b. Historical and Cultural Resources; and

Staff response: A cultural literature review was conducted on December 29, 2020, and updated on March 8, 2023, to provide an inventory of the recorded archaeological sites, historic standing structures, and other previously recorded cultural resources within the proposed Project area and one mile radius thereof. The literature review identified 60 cultural resource sites. Of the total sites identified, 9 are located within the Site and 51 are located within the surrounding one-mile buffer; external to the defined Project area. A condition is placed for inadvertent discovery during construction if any artifacts of cultural or archaeological importance are found.

c. Sensitive Plant and Wildlife Species; and

Staff response: A Phase 1 Environmental Site Assessment (ESA) was completed on March 2, 2023. Also, a Steep Slope Analysis was performed and provided to the County under separate cover. A Hydrology Study was also performed, and Floodplain Applications submitted for the Wind Facility, Solar Facility, O&M Facility, BESS and Substation. In addition, a detailed survey of the Project Site was performed to identify the location of underground infrastructure and ensure the Project's ability to avoid these locations, or where necessary, obtain the necessary crossing agreements. The project is reviewed by the Idaho Department of Fish and Game and the Applicant has worked extensively to identify acceptable Conditions of Approval for CUP-2024-04.

d. Any impacts on Natural Features

Staff Response: The Project has been designed with the objective of avoiding, and where this is not possible, minimizing possible adverse impacts to the environment and surrounding community. Multiple studies were conducted as part of the Conditional Use Permit Application and appropriate setbacks incorporated into the Project design through Conditions of Approval.

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

a. Screening; and

Staff Response: The Project is located within the remote areas of unincorporated Elmore County. Furthermore, CUP-2024-04 conditions require the necessary screening and landscaping plan for the project prior to commencing construction activities.

b. Drainage; and

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

proposed Conditions of Approval for site drainage for CUP-2024-04.

c. Water Supply and Sewage Disposal; and

Staff Response: The Project will not rely on County sewer, water, or other utilities. The Project will establish its own electrical interconnection service with Idaho Power and will obtain the necessary permits to install a well and septic system to serve the limited potable water and sewer requirements of the O&M building.

d. Filling, Excavation, and Earthmoving; and

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

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

Culverts, stormwater basins, and low water crossings will be constructed to maintain drainage patterns, preserve on Site and downstream gravity flow irrigation systems and to manage stormwater. Through Conditions of Approval, the County Engineer will provide an oversight for these improvements.

f. Utilities; and

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

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

g. Maintenance; and

Staff Response: The Applicant is committed to maintaining the appearance, health, and safety of the Project. The Project will require asset management and Project planning, preventive and corrective maintenance of the wind turbines, solar arrays, BESS; preventive and corrective maintenance of the electrical collection system and substations; and direct operations dispatch to assure continuing facility and transmission system safety and reliability. Professional management staff will support planning, accounting, and other operational functions of the Site.

- h. Supplemental Information; and

Staff Response:

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

- i. Alternate Site Development.

Staff Response:

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

STAFF RECOMMENDATION

~~Staff recommends Continuation of the Public Hearing to October 24, 2024, of the proposed Conditional Use Permit (CUP-2024-04) with a Master Site Plan, to construct an electricity generation and energy production facility, with the 31 conditions of approval. The proposed use, along with proposed Master Site Plan and proposed Conditions of Approval, complies with the requirements of the Elmore County Zoning Ordinance. Based on the evidence presented at the public workshop and staff's analysis above, staff recommends approval of the proposed Conditional Use Permit (CUP-2024-04) with a Master Site Plan, to construct an electricity generation and energy production facility, with the following conditions.~~

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PROPOSED CONDITIONS OF APPROVAL

1. A Conditional Use Permit (CUP-2024-04) shall be granted to Appaloosa Wind and Solar LLC (c/o) North Renew Energy Partners, LLC, to construct a 400 megawatt (MW) electricity generation and production facility that will include wind turbine generators, solar arrays, a battery storage, a temporary laydown yard, an Operations and Maintenance (O&M) facility, access roads, temporary crane paths, and associated facilities on approximately 10,969 acres of private land and 1,359 acres of IDL property.
2. Within ~~sixty thirty~~ (60)(30) days of the Planning and Zoning Commission signing the Findings of Facts, Conclusions of Law, and Order for CUP-2024-04, the Applicant shall provide a fully executed Development Agreement to the County Land Use and Building Department (the "Department").
3. All development, operation, and decommissioning of the Site shall comply with Conditions of Approval of CUP-2024-04, terms of the associated Development Agreement (DA-2024-

02), Administrative Decision for Floodplain Development Permit (ADD-2024-25 through 29), Hillside Development Requirements, as well as the Elmore County Zoning and Development Ordinance adopted on May 18, 2018 ("~~Zoning Ordinance County Code~~"). Any violation thereof shall result in revocation of the CUP-2024-04 Title 7 Chapter 16 of the Zoning Ordinance -

4. All Conditions of Approval of CUP-2024-04 and terms of DA-2024-02 shall be appurtenant to and run with the Site and shall be binding upon Appaloosa Wind and Solar LLC, the parties hereto, their heirs, transferee, successors, and assignees. Appaloosa Wind and Solar LLC may assign or transfer all or any portion of the Project to any person or entity (successor in interest) as defined in DA-2024-02.
5. The Applicant shall commence construction of the Project within ~~two~~ one years of approval of CUP-2024-04 and complete construction within five years of approval of CUP-2024-04.
6. The Applicant shall commit to a maximum tower height of five hundred and seventy-seven (577) feet for the development of wind turbines with a ten percent (10%) margin not to exceed six hundred and thirty-four (634) feet in height.
7. The Applicant shall install low glare solar panels with anti-reflection technology to help minimize glare.
8. Once the construction commences, the Applicant shall provide proof of a surety in compliance with Title 7 Chapter 11 of the Zoning Ordinance, to ensure completion of all improvements as required by the County. The requirements of such surety will be further outlined in DA-2024-02.
9. The Applicant shall submit a Periodic Written Report to the Department on every five (5) year anniversary of the CUP approval that outlines compliance with CUP-2024-04 and DA-2024-02 along with the appropriate application fee at the time of submittal.
10. Prior to commencing any construction activity, the Applicant shall obtain and provide copies of permits and approvals to the Department of all certificates, permits, and other permits/approvals required by federal, state, and local authorities.
11. The Applicant shall submit a Floodplain Development Application for all development within the mapped floodplains to ensure compliance with the National Flood Insurance Program requirements and Elmore County Zoning Ordinance Title 8, Chapter 2.
12. Prior to commencing any construction activity, the Applicant shall receive approval of the following and submit a copy to the Department:
 - a. Compliance with Idaho Administrative Rules ("IDAPA") 58.01.01 (Air Pollution Control) from the Idaho Department of Environmental Quality ("~~IDEQ~~");
 - b. Compliance with IDAPA 58.01.05 (Hazardous Waste) and 58.01.06 (Solid Waste Management) from IDEQ; and
 - c. Compliance with IDAPA 58.01.02 (Water Quality Standards), 58.01.03 (Individual Subsurface Sewage Disposal Rules), and 58.01.11 (Ground Water Quality) from IDEQ.

13. Prior to commencing any construction activity, the Applicant shall submit to the County Engineer a copy of the Project Storm Water Pollution Prevention Plan (SWPPP) submitted to IDEQ.
14. Prior to commencing any construction activity, the Applicant shall be required to provide proof of water supply for all uses within the Master Site Plan and operation of the Project to the Department.
15. Prior to commencing any construction activity, the Applicant shall annex into a Fire District and/or enter into an agreement with the King Hill/Glenns Ferry Rural Fire District for providing fire protection to the Site. The Applicant shall provide a copy of this agreement to the Department prior to applying for any development or building permit.
16. Prior to commencing any construction activity, the Applicant shall enter into an agreement with the Glenns Ferry Highway District to ensure that the proposed use and its construction activities will be conducted in compliance with the Highway District's Standards and Development Procedures, and that impacts to existing roads from construction activity are mitigated for in accordance with the agreement. The Applicant shall provide a copy of this agreement to the Department prior to applying for any development or building permit.
17. Prior to commencing any construction activity that requires cutting or filling of areas that are steeper than fifteen percent (15%), a Hillside Development Application will be submitted and approved per Elmore County Zoning and Development Ordinance Title 7, Chapter 5. A map showing the grades and details of improvements on the Site shall be provided to the County Engineer with the Hillside Development Application.
18. Prior to commencing any construction activity, including roads, the Applicant shall submit a Private Roadway Application to the County and the Glenns Ferry Highway District for the internal roads. The private roads and associated drainage design shall meet the current standards of the County and Glenns Ferry Highway District. Approval from the County and the Highway District is required prior to construction of private roads. Upon construction of those roads, the Engineer of Record shall provide stamped as-built drawings to the Highway District and the County.
19. If a roadway goes through a mapped floodplain, the crossing shall be at existing grade with no impact to the floodplain channel. Grading plans shall be provided to the County Engineer for such crossings. The mapping shall be based on recent and accurate information approved by the County Engineer.
20. The Applicant shall submit a post-construction revegetation plan to the Department for the temporarily disturbed areas such as crane paths, construction trailers, or temporary laydown yard.
21. The Applicant shall show compliance with all applicable Idaho Public Utility and Federal Agency rules and regulations before receiving a building permit and shall operate the facility in conformance with those regulations.
22. ~~The Applicant, with its Building Permit Application, shall submit and thereafter follow a landscaping, screening and noise control plan to comply with §7-2-103 (A.4).~~

~~23.~~ 22. All improvements for the Site shall be enclosed by an appropriate security fence as identified in this CUP Application and Master Site Plan.

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~~24.~~23. The Applicant shall submit a Landscaping Plan prepared by a qualified professional to the Land Use and Building Department prior to applying for a building permit and develop the Site in accordance with an approved landscaping plan. This plan shall provide fire-wise landscaping, noxious weed-management, screening, and buffers as well as thirty feet (30') defensible space all around the Site. This defensible space shall be cleared of all vegetation on a quarterly basis to ensure that it remains an effective firebreak. The Applicant shall provide evidence to the Department on annual basis of its compliance and any time a code violation complaint is received.

~~25.~~24. The Applicant shall do the following to minimize or avoid potential impacts to birds, bats and natural habitat of the Site and its surrounding areas:

- Comply with the recommendation to apply for an Eagle Take Permit with the USFWS prior to the application of the first Building Permit.
- Come to a ~~an consensus agreement~~ with IDFG on determining the most appropriate bat fatality minimization/deterrent system and how this system should be implemented, should one be necessary, based on the collection and analysis of post-construction monitoring data and the implementation of an adaptive management program. This shall be submitted to the Department within 2 years of operation commencement.
- Continue to engage and share information with the County, IDFG, and other interested agencies as the Project programs are implemented. Proof of this shall be submitted to the Department within 2 years of operation commencement.
- Contact the USFWS to develop best management practices for slickspot peppergrass. Proof of this shall be provided to the Department prior to the commencement of construction.
- Adhere to construction timing restrictions and avoid blasting activity from December 15th to April 15th annually to minimize disturbance to wintering big game in the immediate vicinity.
- Avoid creating fences that are not legally required; if livestock exclusion fences are necessary, utilize wildlife-friendly fencing.

~~26.~~25. The Applicant shall stop all construction activities within the vicinity of any finds at the Site, if any unknown subsurface cultural or archaeological finds are encountered during Project construction and the Applicant shall follow Inadvertent Discovery Guidance of a Certified Archaeologist.

~~27.~~26. The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance, including quarterly maintenance of fire-wise setback.

~~28.~~27. The Applicant shall obtain written approval from the appropriate fire authority, Central District Health, and Highway District with regard to any proposed structure, facility, or use identified in this Master Site Plan. The Applicant shall provide copies of all permits and approvals to Elmore County prior to submitting a building permit for those.

~~29.~~28. Prior to commencing the use, the Applicant shall provide access code for gate lock to the Department, Emergency Medical Services, Elmore County Sheriff, and King

Hill/Glenns Ferry Rural Fire District. If a change of Assignment and Assumption of any aspect of the CUP takes place, Elmore County shall be notified in compliance with DA-2024-02 and the Department, Emergency Medical Services, Elmore County Sheriff, and King Hill/Glenns Ferry Rural Fire District shall be provided new access codes.

~~30-29.~~ The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.

~~31-30.~~ The Applicant shall provide a Department approved Decommissioning Plan. Such Decommissioning Plan shall include the requirements established by the Development Agreement, including but not limited to a decommissioning bond. Applicant expressly agrees to ~~abide by bond~~ by the terms of Development Agreement and Decommission Plan. Any failure to abide by the terms of the Development Agreement and Decommission Plan will result in the revocation of CUP-2024-04.

~~32-31.~~ Failure to comply with any of the above Conditions of Approval shall result in the revocation of the CUP-2024-04.