



Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 1255
Fax: (208) 587-2120
www.elmorecounty.org

Planning and Zoning Commission **Supplemental** Staff Report

Mitra Mehta-Cooper
Director

David Abrahamson
Planner 1

Vacant
Planner 2

Vacant
Planner 3

Johnny Hernandez,
Building Official

Colton Janousek
Building Inspector

James Roddin,
Admin Manager

Karl Holt
Code Enforcement

Sandra Nuner,
Permit Technician

Alyssa Nieto,
Admin Assistant

Public Hearing Date: 3/13/2025

Date Report Completed: 3/13/2025

Elmore County Staff:

Mitra Mehta-Cooper, Director, AICP, CFM
David Abrahamson, Planner

Elmore County Consultants:

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

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

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

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

Applicant/Developer:

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

Landowner:

JR Simplot Company
PO Box 27
Boise, ID 83707

Location:

RP03S06E081890; RP03S06E090080; RP03S06E103040; RP03S06E034810; and
RP03S06E033600

Current Base Zoning and Overlay District:

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

Future Land Use Designation of Comp Plan:
Agriculture (AG)

***NEW AND ADDITIONAL INFORMATION:**

This Supplemental Staff Report amends and supplements that Staff Report submitted to the Planning and Zoning Commission on March 10, 2025. All information and conditions not otherwise amended or supplemented herein shall remain unchanged and continue to be the recommendation of Staff. The following are additional supplemental materials not included in the March 10, 2025, Staff Report:

- Letter of support from Idaho Power (Exhibit 1)
- Information from Crimson Orchard on solar panel “Unfounded concerns about photovoltaic module toxicity and waste are slowing decarbonization”. (Exhibit 2)
- Revised “Impacts of the Clenera Crimson Orchard Solar Project” (Exhibit 3)

At the Applicant’s request, the Department review team met with the Applicant on March 12, 2025, to discuss the proposed Conditions of Approval. As a result, the Department proposes the following revised proposed conditions of approval.

REVISED PROPOSED CONDITIONS OF APPROVAL (29)

1. A Conditional Use Permit (CUP-2024-18) shall be granted to Crimson Orchard Solar LLC, to construct and operate a 100-megawatt alternating current (MWac) utility scale solar generation facility and a 100MWac Battery Energy Storage System that will include solar arrays, a battery storage, a temporary laydown yard, Operations and Maintenance (O&M) facilities, access roads, and associated facilities.
2. Within ninety (90) days of the Planning and Zoning Commission signing the Findings of Facts, Conclusions of Law, and Order for CUP-2024-18, the Applicant shall provide a fully executed Development Agreement to the County Land Use and Building Department (the “**Department**”). The Applicant may request an extension of this requirement, should failure to execute the Development Agreement be caused by delay outside of the Applicant’s control.
3. All development, operation, and decommissioning of the Site shall comply with Conditions of Approval of CUP-2024-18, terms of the associated Development Mitigation Agreement (DA-2025-02), Administrative Decision for Floodplain Development Permit (ADD-2024-17 through 19), as well as the Elmore County Zoning and Development Ordinance adopted on May 18, 2018 (“**Zoning Ordinance**”). Any violation thereof shall result in revocation of the CUP-2024-18 Title 7 Chapter 16 of the Zoning Ordinance

4. All Conditions of Approval of CUP-2024-18 and terms of DA-2025-02 shall be appurtenant to and run with the Site and shall be binding upon Crimson Orchard Solar LLC, the parties hereto, their heirs, transferee, successors, and assignees. Crimson Orchard Solar LLC may assign or transfer all or any portion of the Project to any person or entity (successor in interest) as defined in DA-2025-02.
5. The Applicant shall commence construction of the Project within two years of approval of CUP-2024-18 and complete construction within five years of approval of CUP-2024-18.
6. The Applicant shall install low glare solar panels with anti-reflection technology to help minimize glare.
7. Once the construction commences, the Applicant shall provide proof of a surety, to ensure completion of all improvements as required by the County and this Conditional Use Permit. The requirements of such surety will be further outlined in DA-2025-02.
8. The Applicant shall submit a Periodic Written Report to the Department on every five (5) year anniversary of the CUP approval that outlines compliance with CUP-2024-18 and DA-2025-02 along with the appropriate application fee at the time of submittal.
9. Prior to commencing any construction activity, the Applicant shall obtain and provide copies of permits and approvals to the Department of all certificates, permits, and other permits/approvals required by federal, state, and local authorities.
10. The Applicant shall submit a Floodplain Development Application for all development within the mapped floodplains to ensure compliance with the National Flood Insurance Program requirements and Elmore County Zoning Ordinance Title 8, Chapter 2. Applications must be approved before Building Permits are issued.
11. Prior to commencing any construction activity, the Applicant shall comply with the following and coordinate with Idaho Department of Environmental Quality (IDEQ) if asked by the Department:
 - a. Compliance with Idaho Administrative Rules ("IDAPA") 58.01.01 (Air Pollution Control) from the Idaho Department of Environmental Quality ("IDEQ");
 - b. Compliance with IDAPA 58.01.05 (Hazardous Waste) and 58.01.06 (Solid Waste Management) from IDEQ; and
 - c. Compliance with IDAPA 58.01.02 (Water Quality Standards), 58.01.03 (Individual Subsurface Sewage Disposal Rules), and 58.01.11 (Ground Water Quality) from IDEQ.

12. Prior to commencing any construction activity, the Applicant shall submit to the County Engineer a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to IDEQ.
 13. Prior to commencing any construction activity, the Applicant shall be required to provide proof of water supply, if applicable, for all uses within the Master Site Plan and operation of the Project to the Department.
 14. Prior to commencing any construction activity, the Applicant will either enter into an agreement with the Mountain Home Highway District or provide evidence that the Mountain Home Highway District is not requiring such an agreement. The Applicant shall provide a copy of this agreement, or proof that no such agreement is required, to the Department prior to applying for any development or building permit.
 15. Prior to commencing any construction activity that requires cutting or filling of areas that are steeper than fifteen percent (15%), a Hillside Development Application will be submitted and approved per Elmore County Zoning and Development Ordinance Title 7, Chapter 5. A map showing the grades and details of improvements on the Site shall be provided to the County Engineer with the Hillside Development Application.
 16. Prior to commencing any construction activity, including roads, the Applicant shall submit a Private Roadway Application to the County for the internal roads. The private roads and associated drainage design shall meet the current standards of the County and Mountain Home Highway District. Approval from the County is required prior to construction of private roads. Upon construction of those roads, the Engineer of Record shall provide stamped as-built drawings to the County. The purpose of this condition is to ensure safe access for emergency services and project employees. Pursuant to Zoning Ordinance 10-5-4(F), the County Engineer may approve alternative road standards considering the non-public access nature of this Site and the limited need for emergency services access.
 17. If a roadway goes through a mapped floodplain, the crossing shall be at existing grade with no impact to the floodplain channel. Grading plans shall be provided to the County Engineer for such crossings. The mapping shall be based on recent and accurate topographic information approved by the County Engineer.
- [Prior Condition No. 18 deleted and incorporated into Condition No. 20]**
18. 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.
 19. All improvements for the Site shall be enclosed by an appropriate security fence as identified in this CUP Application and Master Site Plan.
 20. The Applicant shall submit a Landscaping Plan for the Site 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 recommended seed mixture for revegetation during construction and post-construction, fire-wise landscaping, continuous noxious weed-management, as well as thirty feet (30') defensible space all around the Site. This defensible space shall be cleared of all vegetation on a quarterly basis to ensure that it remains an effective firebreak. The Applicant shall provide evidence to the Department on an annual basis of its compliance and any time a code violation complaint is received.

21. Applicant shall comply with all State and Federal laws as it relates to impacts to protected species and plants. The Applicant shall do the following to minimize or avoid potential impacts to birds, bats, game, and natural habitat of the Site and its surrounding areas:
 - Continue to engage and share information with the County, on Project programs implemented to minimize impacts to wildlife and natural habitat.
 - Contact the USFWS to develop best management practices for slickspot peppergrass. Proof of this shall be provided to the Department prior to the commencement of construction.
 - Adhere to construction timing restrictions and avoid blasting activity from December 15th to April 15th annually to minimize disturbance to wintering big game in the immediate vicinity.
 - Avoid creating fences that are not legally required; if livestock exclusion fences are necessary, utilize wildlife-friendly fencing.
 - Make sure big game corridors are kept clear of debris.
22. The Applicant shall stop all construction activities within the vicinity of any finds at the Site, if any unknown subsurface cultural or archaeological finds are encountered during Project construction the Applicant shall follow Inadvertent Discovery Guidance and have a Certified Archaeologist study the area.
23. 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.
24. The Applicant shall obtain written approval from Mountain Home Rural Fire District, Central District Health, and Mountain Home Highway District with regard to any proposed structure, facility, or use identified in this Master Site Plan. The Applicant shall provide copies of all permits and approvals to Elmore County prior to submitting a building permit for those.
25. Prior to commencing the use, the Applicant shall provide access code for gate lock to the Department, Emergency Medical Services, Elmore County Sheriff, and Mountain Home Rural Fire District. If a change of Assignment and Assumption of any aspect of the CUP takes place, Elmore County shall be notified in compliance with DA-2025-02 and the Department, Emergency Medical Services, Elmore County Sheriff, and Mountain Home Rural Fire District shall be provided new access codes.

26. The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.
27. The Applicant shall provide a Decommissioning Plan that meets the requirements of the Development Agreement and this Conditional Use Permit. Any failure to abide by the terms of the Development Agreement and Decommissioning Plan will result in the revocation of CUP-2024-18.
28. Failure to comply with any of the above Conditions of Approval, the terms of the Development Agreement, and the terms Decommissioning Plan, shall result in the revocation of the CUP-2024-18, after compliance with applicable state law and county code requirements.
29. Applicant shall comply with requirements with Mountain Home Rural Fire Department as detailed by correspondence from Fire Marshal Brian Reed dated 06/24/2024, which includes the requirement to maintain a fuels management plan.

4932-7367-1463, v. 2