



# MASTER APPLICATION/PETITION

ADACOUNTY DEVELOPMENT SERVICES

Mailing: 200 W. Front Street, Boise, ID 83702 Website: adacounty.id.gov Phone: 208-287-7900 Fax: 208-287-7909

RECEIVED BY:	PROJECT #
	PLANNING/GIS FEES:
DATE:	ENGINEERING FEES:
DATE STAMPED:	

### REQUIRED SUBMITTALS FOR ALL APPLICATIONS:

- DEED or evidence of proprietary interest
- APPLICATION SPECIFIC CHECKLIST(S)
- One (1) electronic copy of all required application submittal documents.

### ADMINISTRATIVE APPLICATIONS:

- |  |   |
|--|---|
| <input type="checkbox"/> ACCESSORY USE                 | <input type="checkbox"/> LIGHTING PLAN                  |
| <input type="checkbox"/> DRAINAGE PLAN                 | <input checked="" type="checkbox"/> MASTER SITE PLAN    |
| <input type="checkbox"/> EXPANSION NONCONFORMING USE   | <input type="checkbox"/> ONE-TIME DIVISION              |
| <input type="checkbox"/> FARM DEVELOPMENT RIGHT        | <input type="checkbox"/> PLANNED UNIT DEVELOPMENT (PUD) |
| <input type="checkbox"/> FLOODPLAIN PERMIT             | <input type="checkbox"/> PRIVATE ROAD                   |
| <input type="checkbox"/> HILLSIDE DEVELOPMENT          | <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT   |
| <input type="checkbox"/> HIDDEN SPRINGS ADMINISTRATIVE | <input type="checkbox"/> SIGN PLAN                      |
| <input type="checkbox"/> HIDDEN SPRINGS SPECIAL EVENT  | <input type="checkbox"/> TEMPORARY USE                  |
| <input type="checkbox"/> LANDSCAPE PLAN                |   |

### HEARING LEVEL APPLICATIONS:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> VACATION              |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT      | <input checked="" type="checkbox"/> VARIANCE   |
| <input type="checkbox"/> PLANNED COMMUNITIES        | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> SUBDIVISION, PRELIMINARY   | <input type="checkbox"/> ZONING TEXT AMENDMENT |
| <input type="checkbox"/> SUBDIVISION, SKETCH PLAT   |  |

### HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

### ADDENDA ITEMS:

- |   |  |
|---|--|
| <input type="checkbox"/> ADMINISTRATIVE MODIFICATION        | <input type="checkbox"/> FINAL PLAT                      |
| <input type="checkbox"/> APPEAL                             | <input type="checkbox"/> TIME EXTENSION (ADMINISTRATIVE) |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT MODIFICATION | <input type="checkbox"/> TIME EXTENSION (HEARING)        |
| <input type="checkbox"/> REVIEW REQUEST                     |  |

### OVERLAY DISTRICTS: Some Overlays require a separate checklist. All require additional information.

- |  |   |
|--|---|
| <input type="checkbox"/> BOISE AIR TERMINAL AIRPORT INFLUENCE AREAS (ACC 8-3A) | <input type="checkbox"/> PLANNED UNIT DEVELOPMENT (ACC 8-3D)      |
| <input type="checkbox"/> BOISE RIVER GREENWAY (ACC 8-3G)                       | <input type="checkbox"/> SOUTHWEST PLANNING AREA (ACC 8-3D)       |
| <input type="checkbox"/> FLOOD HAZARD (ACC 8-3F)                               | <input type="checkbox"/> WILDLAND-URBAN FIRE INTERFACE (ACC 8-3B) |
| <input type="checkbox"/> HILLSIDE DEVELOPMENT (ACC 8-3H)                       |   |

### SITE INFORMATION:

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Total Acres: 1,356

Subdivision Name: Not Applicable Lot: Not Applicable Block: \_\_\_\_\_

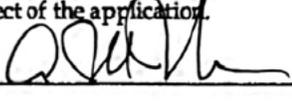
Site Address: See Exhibit J: Legal Description for Section, Township, Range City: Not Applicable

Tax Parcel Number(s): See Exhibit K: List of Parcels

Existing Zoning: RR Proposed Zoning: Not Applicable Area of City Impact: Not Applicable

**PLEASE PRINT ALL INFORMATION CLEARLY & LEGIBLY!**

APPLICANT/AGENT:	ADDITIONAL CONTACT (if applicable):
Company Name (if applicable): Powers Butte Energy Center, LLC	Company Name (if applicable): Powers Butte Energy Center, LLC
Applicant Name: Adam Williams	Applicant Name: Mitchell Taylor
Address: 422 Admiral Blvd	Address: 422 Admiral Blvd
City: Kansas City State: MO Zip: 64106	City: Kansas City State: MO Zip: 64106
Telephone: 510-220-2326 Fax:	Telephone: 801-641-3985 Fax:
Email: awilliams@savionenergy.com	Email: mtaylor@savionenergy.com
I certify this information is correct to the best of my knowledge.   1/18/2024 Signature: (Applicant) Date:	ENGINEER/SURVEYOR:
	Company Name (if applicable):
	Name:
	Address:
	City: State: Zip:
	Telephone: Fax:
	Email:

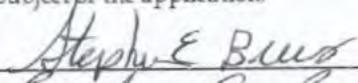
OWNER(S) OF RECORD:	OWNER(S) OF RECORD:
Company Name (if applicable):	Company Name (if applicable): Powers Butte Energy Center, LLC
Owner Name (or authorized representative/agent, see below*): Stephen E. Beus and Becky A. Beus	Owner Name (or authorized representative/agent, see below*): Adam Williams
Address: [REDACTED]	Address: 422 Admiral Boulevard
City: Kuna State: ID Zip: 83634	City: Kansas City State: MO Zip: 83702
Telephone: [REDACTED] Fax:	Telephone: 801-641-3985 Fax:
Email: [REDACTED]	Email: mtaylor@savionenergy.com
I consent to this application. I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I understand that as the property owner of record I will be required to enter into a Development Agreement with Ada County, either personally or on behalf of the entity owning the property, in the event this application includes a request for a Zoning Map Amendment. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application. I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I understand that as the property owner of record I will be required to enter into a Development Agreement with Ada County, either personally or on behalf of the entity owning the property, in the event this application includes a request for a Zoning Map Amendment. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.   1/18/2024 Signature: All Owner(s) of Record Date

**ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN**

(Additional signature pages are Available Online, if needed)

**\*If the property owner(s) are a business entity, include business entity documents, including those that indicate the person(s) who are eligible to sign documents.**

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Email: awilliams@savionenergy.com	Email: mtaylor@savionenergy.com
I certify this information is correct to the best of my knowledge.      Signature: (Applicant) Date:	<b>ENGINEER/SURVEYOR, if applicable:</b>
	Company Name (If applicable):
	Name:
	Address:
	City: State: Zip:
	Telephone: Fax:
Email:	

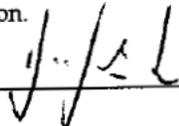
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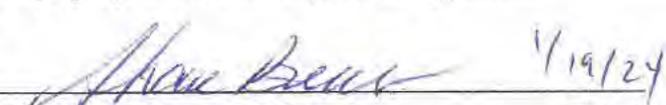
\*If the property owner(s) are a business entity, include business entity documents, including those that indicate the person(s) who are eligible to sign documents.

OWNER(S) OF RECORD: (Please print)	OWNER(S) OF RECORD: (Please print)
Name: Beus Capital, LLC	Name: Silver Butte Holsteins, Inc.      Stephen E. Beus
Address: 1580 Kuna Cave Rd.	Address: 1580 Kuna Cave Rd.
City: Kuna      State: ID      Zip: 83634	City: Kuna      State: ID      Zip: 83634
Telephone: [REDACTED]	Telephone: [REDACTED]
Fax:	Fax:
Email: [REDACTED]	Email: [REDACTED]
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Signature: All Owner(s) of Record      Date	Signature: All Owner(s) of Record      Date

OWNER(S) OF RECORD: (Please print)	OWNER(S) OF RECORD: (Please print)
Name: Grasslands, L.L.C.      Dennis Dunlop	Name:
Address: 211 W. Jefferson Street	Address:
City: Boise      State: ID      Zip: 83702	City:      State:      Zip:
Telephone: 208-863-9206	Telephone:
Fax:	Fax:
Email: [REDACTED]	Email:
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I understand that as the property owner of record I will be required to enter into a Development Agreement with Ada County, either personally or on behalf of the entity owning the property, in the event this application includes a request for a Zoning Map Amendment. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I understand that as the property owner of record I will be required to enter into a Development Agreement with Ada County, either personally or on behalf of the entity owning the property, in the event this application includes a request for a Zoning Map Amendment. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.
 Signature: All Owner(s) of Record      1/17/24 Date	Signature: All Owner(s) of Record      Date

**ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN**  
(Additional signature pages are Available Online, if needed)

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City: Kuna      State: ID      Zip: 83634	City: Kuna      State: ID      Zip: 83634
Telephone: [REDACTED]	Telephone: [REDACTED]
Fax:	Fax:
Email: [REDACTED]	Email: [REDACTED]
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 1/19/24 Signature: All Owner(s) of Record      Date	 1/19/24 Signature: All Owner(s) of Record      Date

<b>OWNER(S) OF RECORD: (Please print)</b>	<b>OWNER(S) OF RECORD: (Please print)</b>
Name: Grasslands, L.L.C.      Dennis Dunlop	Name:
Address: 211 W. Jefferson Street	Address:
City: Boise      State: ID      Zip: 83702	City:      State:      Zip:
Telephone: 208-863-9206	Telephone:
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Signature: All Owner(s) of Record      Date	Signature: All Owner(s) of Record      Date

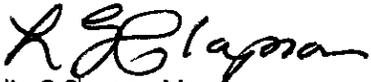
**ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN**  
(Additional signature pages are Available Online, if needed)

If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.

Grasslands LLC Resolution 1/17/2024

The members of Grasslands LLC hereby authorize Dennis C Dunlop to sign on behalf of the LLC confirming Grasslands status as an owner of record in an application by Powers Butte Energy Center LLC to Ada County in regard to a conditional use permit in regard to the Powers Butte Energy development project.

Signed this day 1/17/24



Leslie G Clapson-Member



Patricia J Dunlop-Member



Dennis C Dunlop-Member

SECRETARY'S CERTIFICATE

January 18, 2024

The undersigned for and on behalf of Powers Butte Energy Center, LLC, a Delaware limited liability company ("Powers Butte"), and its sole member, Savion, LLC, a Delaware limited liability company ("Member"), and not in his individual capacity and without personal liability therefore, does hereby certify to the following:

1. The undersigned is the Secretary of Powers Butte and its sole Member.
2. Adam Williams is an "Authorized Person" of Powers Butte who is authorized to execute and submit any and all documents, certifications, and agreements on behalf of Powers Butte in connection with its application for a conditional use permit (or similar permits), including submissions required by Ada County, Idaho and Canyon County, Idaho.

IN WITNESS WHEREOF, the undersigned, has made and executed this certificate on the date shown above.

DocuSigned by:  
By: *John Larigan*  
720B24CA8B4B411  
John Larigan, Secretary

UNANIMOUS CONSENT RESOLUTIONS  
OF SHAREHOLDERS/DIRECTORS  
OF SILVER BUTTE HOLSTEINS, INC.

We, the undersigned, being all of the shareholders and directors of SILVER BUTTE HOLSTEINS, INC. ("Company"), do hereby adopt the following resolutions as if they had been adopted in a duly noticed meeting of the shareholders/directors.

Discussion was held about sale of Company property commonly known as the Svedin Farm and legally described on Exhibit A attached hereto.

THEREFORE, IT IS HEREBY RESOLVED that Shane Beus be, and the same is hereby, appointed, authorized and designated to act as the sole negotiator of said sale and to execute all documents on behalf of the Company related in any way to the transfer of said property to Savion or any other person or entity; including all documents as required or requested by Ada County Development Services and Canyon County Development Services to prepare the property for sale.

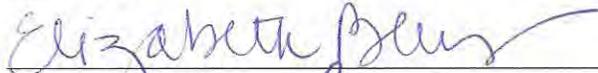
IT IS HEREBY RESOLVED that all prior lawful acts of the Officers and Directors of the Company be, and the same are hereby, ratified and approved.

Dated effective as of January 18th, 2024.

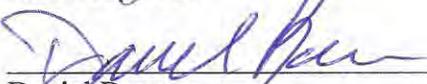
Date: 1-19-24

  
Shane Beus

Date: 1-19-24

  
Elizabeth Beus

Date: 18 Jan 2024

  
Daniel Beus

UNANIMOUS CONSENT RESOLUTIONS  
OF MEMBERS  
OF BEUS CAPITAL, LLC.

We, the undersigned, being all of the Members of BEUS CAPITAL, LLC (“Company”), do hereby adopt the following resolutions as if they had been adopted in a duly noticed meeting of the Members.

Discussion was held about sale of Company property commonly known as the Svedin Farm and legally described on Exhibit A attached hereto.

THEREFORE, IT IS HEREBY RESOLVED that Shane Beus be, and the same is hereby, appointed, authorized and designated to act as the sole negotiator of said sale and to execute all documents on behalf of the Company related in any way to the transfer of said property to Savion or any other person or entity; including all documents as required or requested by Ada County Development Services and Canyon County Development Services to prepare the property for sale.

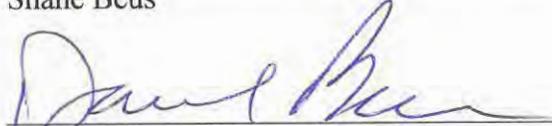
IT IS HEREBY RESOLVED that all prior lawful acts of the Members of the Company be, and the same are hereby, ratified and approved.

Dated effective as of January 18th, 2024.

Date: 1-19-24

  
Shane Beus

Date: 18 Jan 2024

  
Daniel Beus



# VARIANCE CHECKLIST (ACC 8-7-4)

A Variance Request is a **hearing** level application.

## GENERAL INFORMATION:

Applicant:	DESCRIPTION	Staff:
Exhibit A	MASTER APPLICATION FORM	
4.2	DETAILED LETTER by the applicant fully describing the request or project and addressing the following:	
	Reason for the variance request	
	Explain how the variance does not grant a right or special privilege that is not otherwise allowed in the base district:	
	Explain how the variance relieves an undue hardship due to the characteristics of the site:	
	Explain how the variance is not detrimental to the public health, safety, and welfare:	
	Identify the bulk and placement requirements of the ordinance a variance is being request for (in compliance with Idaho Code 67-6516): Lot Size: <input type="checkbox"/> Lot Coverage: <input type="checkbox"/> Width: <input type="checkbox"/> Depth: <input type="checkbox"/> Front Yard: <input type="checkbox"/> Side Yard: <input type="checkbox"/> Rear Yard: <input type="checkbox"/> Setbacks: <input type="checkbox"/> Parking Space: <input type="checkbox"/> Height of Building: <input type="checkbox"/> Other Ordinance Provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots: <input type="checkbox"/>	
	What is the hardship if the variance is denied	
	Are there characteristics of the property that are unusual and make it necessary to obtain the variance: YES <input type="checkbox"/> NO <input type="checkbox"/>	
	Were you aware of this hardship prior to purchasing or developing your property: YES <input type="checkbox"/> NO <input type="checkbox"/>	
	How does the request comply with Idaho Code 67-6516	
Exhibit D	CURRENT SITE PLAN: One (1) copy reduced to 8 1/2" x 11"	
Exhibit F	NEIGHBORHOOD MEETING CERTIFICATION	
Exhibit H	PRE-APPLICATION CONFERENCE NOTES	
	MUST COMPLY WITH SIGN POSTING REGULATIONS (ACC 8-7A-5)	

	<b>APPLICATION FEE: \$550</b> <i>NOTE: Building, Engineering, and Surveying applications and fees may be required and are separate from Planning &amp; Zoning Applications and Fees.</i>	
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Supplementary information at the discretion of the Director or County Engineer may be required to sufficiently detail the proposed development within any special development area, including but not limited to hillside, planned unit development, floodplain, southwest, WUFI, Boise River Greenway, airport influence, and/or hazardous or unique areas of development.

Application will not be accepted unless all applicable items on the form are submitted. This application shall not be considered complete until staff has received all required information.



# CONDITIONAL USE CHECKLIST (ACC 8-5B)

## Solar Photovoltaic (Centralized Power Facility)

A Conditional Use Request requires a **public hearing**

**GENERAL INFORMATION:**

Applicant:	DESCRIPTION	Staff:
Exhibit A	<b>MASTER APPLICATION FORM</b>	
	<b>DETAILED LETTER</b> by the applicant fully describing the request or project and addressing the following:	
3.0	Explain the proposed use, and all uses associated with the request	
See Exhibits	Any supporting information	
	Address the standards in ACC 8-5-3 for proposed use(s).	
3.5	Days of Use.	
3.5	Hours of Use.	
3.10	Duration of Use (s).	
3.2	Number of Solar Panels.	
4.1, Exhibit D	<b>MASTER SITE PLAN (if required)</b>	
5.1, Exhibit F	<b>NEIGHBORHOOD MEETING CERTIFICATION</b>	
4.2.5, Exhibit H	<b>PRE-APPLICATION CONFERENCE NOTES</b>	
	<b>SITE PLAN</b> is not required if associated with a MSP	
	Show existing and proposed structures	
	Submit one electronic copy drawn to scale	
	<b>MUST COMPLY WITH SIGN POSTING REGULATIONS (ACC 8-7A-5)</b>	

	<p><b>APPLICATION FEE: \$800 (base fee) + \$50/acre*</b> (project footprint, including the panels, inverters &amp; operations and maintenance buildings) <i>*Maximum of \$25,000</i></p> <p><i>NOTE: Building, Engineering, and Surveying applications and fees may be required and are separate from Planning &amp; Zoning Applications and Fees.</i></p>	
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Supplementary information at the discretion of the Director or County Engineer may be required to sufficiently detail the proposed development within any special development area, including but not limited to hillside, planned unit development, floodplain, southwest, WUFI, Boise River Greenway, airport influence, and/or hazardous or unique areas of development.

Application will not be accepted unless all applicable items on the form are submitted. This application shall not be considered complete until staff has received all required information.



# MASTER SITE PLAN CHECKLIST (ACC 8-4E)

## Solar Photovoltaic (Centralized Power Facility)

A Master Site Plan Request is a **staff level** application, as long as it is not associated with a conditional use.

### GENERAL INFORMATION:

Applicant:	DESCRIPTION	Staff:
Exhibit A	<b>MASTER APPLICATION FORM</b>	
4.1	<b>DETAILED LETTER</b> by the applicant fully describing the request or project & addressing the following:	
2.0, 3.0	Proposed Use(s)	
	Is the project associated with a Conditional Use: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	Total square feet of all proposed structures	
	Is this a modification and/or expansion of an approved master site plan: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Original MSP File#	
3.5	Hours & Days of Operation:	
Exhibit D	Number of Required Parking Spaces (include ADA parking stalls)	
3.11.1	Number of employees (during largest shift) & Total number of employees	
N/A	Maximum number of patrons/clients expected (daily average)	
	Outdoor Speaker System: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (If yes, identify location & proposed hours)	
N/A	Proposed Sewer or Septic System	
	Proposed Water System or Well	
	Type of Irrigation: Pressurized <input type="checkbox"/> Gravity <input type="checkbox"/> None <input type="checkbox"/> Other (Explain) <input type="checkbox"/>	
3.4.1, 4.1.8	Explain if utilities are underground, or if screening is provided	
	Phased Project: YES <input type="checkbox"/> NO <input type="checkbox"/> (Explain phases of parking & landscaping)	
Exhibit D	<b>SITE PLAN:</b> Full-sized, scaled plot plan, showing all existing and proposed easements, property lines, structures, septic and well locations, and existing and proposed driveways drawn to scale to include the following:	
	Structure(s) locations on subject property	
	Outdoor Speaker System. Identify the location(s) and size of proposed speakers	
	Pedestrian access and circulation	
	Building Elevations	
	Drive-Up Window: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (If yes, identify location & stacking lane)	
	Well location(s)	
	Septic System & Drain field location(s)	
	Hydrant location, fire department access, fire flow resources, etc.	
	Pressurized Irrigation (if required)	
	Automobile access and circulation	
Exhibit D	<b>OFF STREET PARKING &amp; LOADING FACILITIES PLAN (ACC8-4G)</b> <i>Can be included on the site plan</i>	
	Identify all off-street parking and loading spaces	
	Identify the proposed drive aisle width:	
	Parking within 300-feet of the entrance: YES <input type="checkbox"/> NO <input type="checkbox"/>	
	Joint Parking Agreement: YES <input type="checkbox"/> (submit copy of agreement) NO <input type="checkbox"/>	
	Identify width, angle, and depth of parking spaces	
	Address Bicycle Parking/ Bicycle Racks	
	List the number of required spaces for cars/ vehicles, loading spaces and bicycles:	
	List the number & dimensions of off-street loading spaces:	
	Detailed description of proposed paving materials:	
4.1.2	<b>NATURAL FEATURES ANALYSIS (ACC 8-4E-4D)</b>	
	Hydrology	

	Soils (Visit <a href="http://www.nrcs.usda.gov">www.nrcs.usda.gov</a> )	
	Topography	
	Vegetation	
	Sensitive Plant & Wildlife Species (Provide Letter from Idaho Dept. of Fish & Game)	
	Historic Resources	
	Hazardous Areas	
	Impact on Natural Features	
4.1.12	<b>LANDSCAPING (ACC8-4F):</b> - can be a condition of approval <i>(NOTE: If landscape plan is submitted after approval, as a condition of approval, additional application and review fees will apply.)</i>	
	One (1) Full-sized, scaled landscape plan to include the following:	
	Drawn by a landscape professional (required within a City's Area of Impact)	
	Location, size, type of proposed landscaping (shown at 75% maturity)	
	Proposed size at planting (i.e., caliper, gallon, etc.)	
3.4, 3.6.1	Existing vegetation to remain: YES <input type="checkbox"/> NO <input type="checkbox"/>	
3.4.2.4, 4.1.12	Fences over 100-feet in length: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	Flood Hazard Overlay: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	Sound Walls Proposed: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
4.1.12	<b>Perimeter Landscaping &amp; Screening</b>	
	Required landscape points:	
	Minimum width of landscape areas:	
N/A	<b>Parking Area Landscaping &amp; Screening</b>	
	Percentage (%) of parking area shading required:	
	Screening: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
	Pedestrian access required: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
4.1.14	<b>LIGHTING PLAN (ACC8-4H):</b> - can be a condition of approval <i>(NOTE: If lighting plan is submitted after approval as a condition of approval, additional applications and review fees will apply.)</i>	
	Location, orientation, and height of all proposed exterior lighting (attached & detached)	
	Detail the type of lighting (include cut sheets of all lighting fixtures)	
	Setbacks of the proposed lights:	
	Illumination of lighting:	
	Watts:	
	Lumens output:	
	Luminous area:	
	Photometric test report	
	Maximum Height:	
	Floodlights: YES <input type="checkbox"/> NO <input type="checkbox"/>	
	Shielding: YES <input type="checkbox"/> NO <input type="checkbox"/> Identify extent of shielding including cut off angles	
	<b>SIGN PLAN (ACC8-4I):</b> - can be a condition of approval <i>(NOTE: If signage plan is submitted after approval as a condition of approval, additional applications and review fees will apply.)</i>	

**APPLICATION FEE: \$350** (base fee) + **\$50/acre\*** (project footprint, including the panels, inverters & operations and maintenance buildings) \*Maximum of \$25,000  
**NOTE: Building, Engineering, and Surveying applications and fees may be required and are separate from Planning & Zoning Applications and Fees.**

Supplementary information at the discretion of the Director or County Engineer may be required to sufficiently detail the proposed development within any special development area, including but not limited to hillside, planned unit development, floodplain, southwest, WUFI, Boise River Greenway, airport influence, and/or hazardous or unique areas of development. Application will not be accepted unless all applicable items on the form are submitted. This application shall not be considered complete until staff has received all required information.

<b>Parcel No.</b>	<b>Address</b>	<b>City, State, Zip Code</b>	<b>Zoning</b>	<b>Section</b>
S2208121100	South Robinson Road	Kuna, Idaho 83634	RR	1N1W08
S2208130000	South Robinson Road	Kuna, Idaho 83634	RR	1N1W08
S2208417200	South Robinson Road	Kuna, Idaho 83634	RR	1N1W08
S2208311250	South Robinson Road	Kuna, Idaho 83634	RR	1N1W08
S2218212420	S Can Ada Road	Kuna, Idaho 83634	RR	1N1W18
S2217110100	W Kuna Cave Road	Kuna, Idaho 83634	RR	1N1W17

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Wm. Lyman Belnap  
Belnap Legal, PLLC  
12554 W. Bridger, Ste. 120  
Boise, ID 83713

### GRANT DEED

For the consideration of [REDACTED] and other good and valuable consideration, the receipt of which is hereby acknowledged, Beus Land & Cattle, LLC, an Idaho limited liability company ("Grantor"), grants, bargains, sells and conveys to Stephen E. Beus and Becky A. Beus, husband and wife ("Grantees"), whose current address is [REDACTED] Kuna, ID 83634, and their heir, devisees, legal representatives, successors and assigns forever, the real property described on Exhibit A attached hereto and made part hereof

SUBJECT TO taxes and assessments for the year 2018 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

IN WITNESS WHEREOF, the Grantor has hereunto subscribed its name to this instrument this 16 day of May, 2018.

BEUS LAND & CATTLE, LLC

  
Daniel S. Beus, Manager

2018-056629

RECORDED

12/17/2018 11:53 AM



00410976201800566290040041

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 PBRIDGES

\$15.00

DEED

BRIAN MERRELL

BAM



## **EXHIBIT A**

### **PARCEL 1:**

The South Half of Section 12, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Northerly 25 feet as conveyed to the Nampa Highway District by Warranty Deed recorded July 13, 1966 as Instrument No. 583951.

### **PARCEL 2:**

The North Half of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM a parcel of land being a portion of the NW¼ of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho as shown on the Record of Survey filed as Instrument No. 9801167, in the Offices of the Canyon County Recorder, and being more particularly described as follows:

Commencing at a brass cap marking the West ¼ Corner of said Section 13;  
Thence along the South boundary of said NW¼ of Section 13 South 89°27'47" East 40.00 feet to an iron pin on the East right of way line of Southside Boulevard;  
Thence along said East right of way line North 00°37'51" East 690.05 feet to an iron pin being the TRUE POINT OF BEGINNING;  
Thence continuing North 00°37'51" East 569.95 feet to an iron pin;  
Thence leaving said East right of way South 89°27'47" East 330.00 feet to an iron pin;  
Thence South 00°37'51" West 600.69 feet to an iron pin;  
Thence along a curve to the left having a radius of 280.00 feet, a central angle of 04°00'48", a length of 19.61 feet and a long chord that bears North 89°27'23" West 19.61 feet to an iron pin;  
Thence North 89°27'47" West 280.35 feet to an iron pin;  
Thence along a curve to the right having a radius of 30.00 feet, a central angle of 90°05'38", a length of 47.17 feet and a long chord that bears North 44°24'58" West 42.46 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land being a portion of the NW¼ of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho as shown on Record of Survey filed as Instrument No. 9801167, in the Offices of the Canyon County Recorder, and being more particularly described as follows:

Commencing at a brass cap marking the West ¼ Corner of said Section 13;  
Thence along the South boundary of said NW¼ of Section 13 South 89°27'47" East 40.00 feet to an iron pin on the East right of way line of Southside Boulevard, said iron pin being the POINT OF BEGINNING;  
Thence along said East right of way line North 00°37'51" East 570.05 feet to an iron pin;

Thence leaving said East right of way line and along a curve to the right having a radius of 30.00 feet, a central angle of 89°54'22", a length of 47.07 feet and a long chord that bears North 45°35'02" East 42.39 feet to an iron pin;  
Thence South 89°27'47" East 280.55 feet to an iron pin;  
Thence along a curve to the right having a radius of 220.00 feet, a central angle of 05°05'06", a length of 19.52 feet and a long chord that bears South 86°55'14" East 19.52 feet to an iron pin;  
Thence South 00°37'51" West 599.13 feet to an iron pin;  
Thence North 89°27'47" West 330.00 feet along the South line of said NW¼ to the POINT OF BEGINNING.

**PARCEL 3:**

The NE¼ SW¼ and the N½ SE¼ of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL 4:**

The Northwest Quarter of Section 18, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho

**PARCEL 5:**

That portion of Government Lot 2, Section 7, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Government Lot 2;  
Thence North 400.00 feet;  
Thence East 79.00 feet to the North-South line that runs midway between the major pump (on this property) and the sheet metal cellar (on adjoining property to the East);  
Thence South 400.00 feet;  
Thence West 79.00 feet to the POINT OF BEGINNING.



8151 W. Rifleman Street  
Boise, ID 83704

ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT

ADA COUNTY RECORDER Phil McGrane  
BOISE IDAHO Pgs=10 VICTORIA BAILEY  
PIONEER TITLE COMPANY OF ADA COUNTY

2020-042764  
04/13/2020 02:45 PM  
\$15.00

File No. 715890 SRM/JAS

## WARRANTY DEED

For Value Received

PARCEL 1:

HWHL LLC, an Administratively Dissolved Idaho limited liability company, as to a 40% Interest; Cardon Family, LLC, an Arizona limited liability company, as to a 27.95 Interest; Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership, as to a 2.05% Interest.

PARCEL 2:

HWHLII LLC, an Administratively Dissolved Idaho limited liability company, as to a 30% Interest; Boa Sorte Limited Partnership, an Arizona limited partnership, as to a 27.95% Interest; Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership, as to a 0.24% Interest; Cardon Family, LLC, an Arizona limited liability company, as to a 1.81% Interest; HWHL LL Administratively Dissolved C, an Idaho limited liability company as to a 10% Interest.

PARCEL 3:

HWHLII LLC, an Administratively Dissolved Idaho limited liability company, as to a 30% Interest; HWHL LLC, an Administratively Dissolved Idaho limited liability company, as to a 10% Interest; Boa Sorte Limited Partnership, an Arizona limited partnership, as to a 27.95 % Interest; Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership, as to a 2.05% Interest.

PARCEL 4:

HWHL LLC, an Administratively Dissolved Idaho limited liability company, as to a 40% Interest; Cardon Family, LLC, an Arizona limited liability company, as to a 27.95% Interest; Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership, as to a 2.05% Interest.

PARCEL 5:

HWHL LLC, an Administratively Dissolved Idaho limited liability company, as to a 40% Interest; Boa Sorte Limited Partnership, an Arizona limited partnership, as to a 27.95% Interest; Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership, as to a 2.05% Interest.

PARCEL 6:

HWHL LLC, an Administratively Dissolved Idaho limited liability company, as to a 40% Interest; Boa Sorte Limited Partnership, an Arizona limited partnership, as to a 27.95% Interest; Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership, as to a 2.05% Interest

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Silver Butte Holsteins, Inc., an Idaho corporation and Beus Capital LLC, an Idaho limited liability company.

hereinafter referred to as Grantee, whose current address is 1580 W Kuna Cave Rd, Kuna, ID 83634

The following described premises, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTIONS

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

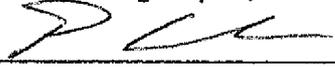
Dated: April 9, 2020

SEE ATTACHED SIGNATURE AND NOTARY PAGES

Old Corrals & Sagebrush, LLLP, an Arizona limited liability limited partnership

By: FOGO, LLC Its Sole General Partner

By: Binghampton, LLC Its Manager



Patrick R. Cardon, Manager

STATE OF Arizona

County of Maricopa

This record was acknowledged before me on the 9<sup>th</sup> day of April, 2020

By Patrick R. Cardon as Manager of Binghampton, LLC which is the Manager of FOGO LLC, which LLC is the Sole General Partner of Old Corrals & Sagebrush Limited Partnership



Notary Public

My commission expires: 8-5-2023

Residing at: \_\_\_\_\_



Boa Sorte Limited Partnership, an Arizona limited partnership  
by Boa Sorte, LLC Its General Partner



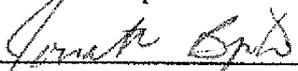
Patrick R. Cardon, Manager

STATE OF Arizona

County of Maricopa

This record was acknowledged before me on the 9<sup>th</sup> day of April, 2020

By Patrick R. Cardon as Manager of Boa Sorte LLC, which LLC is the General Partner of Boa Sorte Limited Partnership



Notary Public

My commission expires: 8-5-2023

Residing at: \_\_\_\_\_



Cardon Family, L.L.C.

By Boa Sorte Limited Partnership Its Sole Member

By Boa.Sorte, LLC, Its General Partner

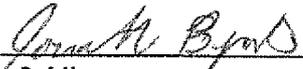
  
Patrick R. Cardon, Manager

STATE OF Arizona

County of Maricopa

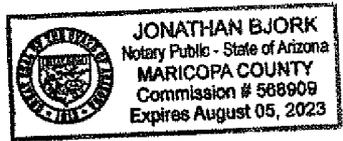
This record was acknowledged before me on the 9<sup>th</sup> day of April, 2020

By Patrick R. Cardon as Manager of Boa Sorte LLC, which LLC is the General Partner of Boa Sorte Limited Partnership, which limited partnership if the Sole Member of Cardon Family L.L.C.

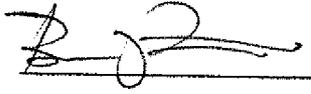
  
Notary Public

My commission expires: 8-5-2023

Residing at: \_\_\_\_\_



HWHL, LLC and HWHL II, LLC  
both Administratively Dissolved Idaho limited liability companies



Ben Peterson

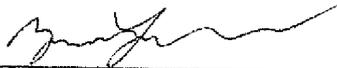
Sole Member/Manager of HWHL, LLC and HWHL II, LLC

STATE OF Utah

County of Utah

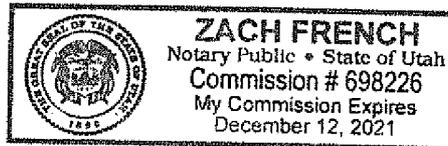
This record was acknowledged before me on the 8<sup>th</sup> day of April, 2020

By Ben Peterson as the Sole Member/Manager of HWHL, LLC and HWHL II, LLC both  
Administratively Dissolved Idaho limited liability companies



Notary Public

My commission expires: 12/12/2021



## EXHIBIT A

### PARCEL 1

A parcel located in the South Half of the Northeast Quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap monument marking the Southeasterly corner of said South Half of the Northeast Quarter from which a 5/8-inch diameter iron marking the Southwesterly corner of said South Half of the Northeast Quarter bears

North 89°23'30" West a distance of 2640.21 feet; thence

North 89°23'30" West along the Southerly boundary of said South Half of the Northeast Quarter a distance of 2640.21 feet to a 5/8-inch diameter iron marking the Southwesterly corner of said South Half of the Northeast Quarter; thence

North 0°26'12" East along the Westerly boundary of said South Half of the Northeast Quarter a distance of 1323.28 feet to a 5/8-inch diameter iron pin marking the Northwesterly corner of said South Half of the Northeast Quarter; thence

South 89°25'51" East along the Northerly boundary of said South Half of the Northeast Quarter a distance of 2640.82 feet to a 5/8-inch diameter iron pin marking the Northeasterly corner of said South Half of the Northeast Quarter; thence

South 0°27'47" West along the Easterly boundary of said South half of the Northeast Quarter a distance of 1325.08 feet to the REAL POINT OF BEGINNING;

### PARCEL 2:

A parcel located in the South Half of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Southeasterly corner of said South Half of Section 8 from which a 5/8-inch diameter iron pin marking the Southwesterly corner of said South Half of Section 8 bears

North 89°30'47" West a distance of 2638.97 feet; thence

North 89°30'47" West along the Southerly boundary of said South Half of Section 8 a distance of 3545.36 feet to a point on the centerline of the Waldvogel Canal; thence along said canal centerline the following described courses; thence leaving said Southerly boundary

North 4°37'15" East a distance of 2026.52 feet to a point; thence a distance of 201.47 feet along the arc of a 289.00 foot radius curve right, said curve having a central angle of 39°56'32" and a long chord bearing North 24°35'31" East a distance of 197.41 feet to a point; thence

North 44°33'47" East a distance of 607.53 feet to a point on the Northerly boundary of said South Half of Section 8; thence leaving said canal centerline

South 89°23'30" East along said Northerly boundary a distance of 2894.98 feet to a brass cap monument marking the Northeasterly corner of said South Half of Section 8; thence

South 0°22'00" West along the Easterly boundary of said South Half of Section 8

South 0°22'00" West a distance of 74.68 feet to a brass cap monument; thence continuing along said Easterly boundary  
South 0°27'59" West a distance of 2557.10 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH an Easement for Ingress and Egress recorded August 11, 2005 as Instrument No. 105112763.

ALSO TOGETHER WITH an Easement for Ingress and Egress recorded March 15, 2006 as Instrument No. 106039692.

**PARCEL 3:**

A parcel located in the West Half of the Northwest Quarter of Section 17, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Southwesterly corner of said West Half of the Northwest Quarter from which a half inch diameter iron pin marking the Northwesterly corner of said West half of the Northwest Quarter bears

North 0°30'55" East a distance of 2668.61 feet; thence

North 0°30'55" East along the Westerly boundary of said West Half of the Northwest Quarter a distance of 1334.31 feet to a point on the centerline of the Waldvogel Canal, said point also being the Northwesterly corner of the Southwest Quarter of the Northwest Quarter of said Section 17; thence leaving said Westerly boundary

North 80°42'04" East along said centerline a distance of 1129.96 feet to a point; thence continuing along said centerline a distance of 217.30 feet along the arc of a 740.00 foot radius curve left, said curve having a central angle of 16°49'29" and a long chord bearing

North 72°17'20" East a distance of 216.52 feet to a point on the Easterly boundary of said West Half of the Northwest Quarter; thence leaving said centerline

South 0°31'59" West along said Easterly boundary a distance of 997.79 feet to a half inch diameter iron pin; thence leaving said Easterly boundary

North 89°34'17" West a distance of 513.69 feet to a half inch diameter iron pin; thence

South 0°30'55" West a distance of 211.84 feet to a half inch diameter iron pin; thence

North 89°34'17" West a distance of 400.00 feet to a half inch diameter iron pin; thence

South 0°30'55" West a distance of 193.00 feet to a half inch diameter iron pin; thence

North 89°34'17" West a distance of 106.00 feet to a half inch diameter iron pin; thence

South 0°30'55" West a distance of 190.00 feet to a half inch diameter iron pin on the Southerly boundary of said West Half of the Northwest Quarter; thence

North 89°34'17" West along said Southerly boundary a distance of 299.08 feet to the REAL POINT OF BEGINNING.

**PARCEL 4:**

A parcel located in the South Half of the Southwest Quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a half inch diameter pin marking the Southwesterly corner of said Southwest Quarter from which a 5/8-inch diameter iron pin marking the Northwesterly corner of said Southwest Quarter bears

North 0°24'32" East a distance of 2642.96 feet; thence

North 0°24'32" East along the Westerly boundary of said South Half of the Southwest Quarter a distance of 776.48 feet to a 5/8-inch diameter iron pin; thence leaving said Westerly boundary

South 89°27'09" East a distance of 450.00 feet to a 5/8-inch diameter pin; thence

North 0°24'32" East a distance of 545.00 feet to a 5/8-inch diameter pin on the Northerly boundary of said South Half of the Southwest Quarter; thence along said Northerly boundary

South 89°27'09" East a distance of 1379.74 feet to a point on the centerline of the Waldvogel Canal; thence leaving said Northerly boundary

South 4°37'15" West along said centerline a distance of 1322.98 feet to a point on the Southerly boundary of said South Half of the Southwest Quarter; thence leaving said centerline

North 89°30'47" West along said Southerly boundary a distance of 1732.58 feet to the REAL POINT OF BEGINNING.

#### PARCEL 5:

A parcel located in the Northwest Quarter of the Northeast Quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Northeasterly corner of said Northwest Quarter of the Northeast Quarter from which a 5/8-inch diameter iron pin marking the Northwesterly corner of said Northwest Quarter of the Northeast Quarter bears

North 89°28'12" West a distance of 1320.71 feet; thence

North 89°28'12" West along the Northerly boundary of said Northwest Quarter of the Northeast Quarter a distance of 90.57 feet to a point on the centerline of the Waldvogel Canal; thence along said canal centerline the following described courses; thence leaving said Northerly boundary:

South 26°02'58" West a distance of 31.45 feet to a point; thence a distance of 218.69 feet along the arc of a 345.00 foot radius curve right, said curve having a central angle of 36°19'09" and a long chord bearing South 44°12'33" West a distance of 215.05 feet to a point; thence a distance of 202.04 feet along the arc of a 257.00 foot radius curve left, said curve having a central angle of 45°02'32" and a long chord bearing South 39°50'51" West a distance of 196.87 feet to a point; thence a distance of 153.01 feet along the arc of a 285.00 foot radius curve right, said curve having a central angle of 30°45'37" and a long chord bearing

South 32°42'24" West a distance of 151.18 feet to a point; thence a distance of 591.32 feet along the arc of a 1240.00 foot radius curve right, said curve having a central angle of 27°19'21" and a long chord bearing

South 61°44'53" West a distance of 585.73 feet to a point; thence

South 75°24'33" West a distance of 308.22 feet to a point; thence a distance of 55.84 feet along the arc of a 168.00 foot radius curve left, said curve having a central angle of 19°02'43" and a long chord bearing

South 65°53'12" West a distance of 55.59 feet to a point on the Westerly boundary of said Northwest Quarter of the Northeast Quarter; thence leaving said canal centerline

South  $0^{\circ}26'12''$  West along said Westerly boundary a distance of 473.51 feet to a 5/8-inch diameter iron pin marking the Southwesterly corner of said Northwest Quarter of the Northeast Quarter; thence South  $89^{\circ}25'51''$  East along the Southerly boundary of said Northwest Quarter of the Northeast Quarter a distance of 1320.41 feet to a 5/8-inch diameter iron pin marking the Southeasterly corner of said Northwest Quarter of the Northeast Quarter; thence North  $0^{\circ}27'00''$  East along the Easterly boundary of said Northwest Quarter of the Northeast Quarter a distance of 1324.18 feet to the POINT OF BEGINNING.

PARCEL 6:

A parcel located in the Northwest Quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Southeasterly corner of said Northwest Quarter (center one-quarter corner) from which a 5/8-inch diameter iron pin marking the Northeasterly corner of said Northwest Quarter (one-quarter corner) bears North  $0^{\circ}26'12''$  East a distance of 2646.55 feet; thence North  $0^{\circ}26'12''$  East along the Easterly boundary of said Northwest Quarter a distance of 1796.78 feet to a point on the centerline of the Waldvogel Canal; thence along said centerline the following described courses; thence leaving said Easterly boundary a distance of 108.35 feet along the arc of a 168.00 foot radius non-tangent curve left, said curve having a central angle of  $36^{\circ}57'08''$  and a long chord bearing South  $37^{\circ}53'16''$  West a distance of 106.48 feet to a point; thence South  $19^{\circ}24'42''$  West a distance of 43.73 feet to a point; thence a distance of 364.44 feet along the arc of a 1039.00 foot radius curve left, said curve having a central angle of  $20^{\circ}05'49''$  and a long chord bearing South  $9^{\circ}21'48''$  West a distance of 362.57 feet to a point; thence South  $0^{\circ}41'07''$  East a distance of 1047.47 feet to a point; thence a distance of 223.49 feet along the arc of a 283.00 foot radius curve right, said curve having a central angle of  $45^{\circ}14'54''$  and a long chord bearing South  $21^{\circ}56'20''$  West a distance of 217.73 feet to a point; thence South  $44^{\circ}33'47''$  West a distance of 86.52 feet to a point on the Southerly boundary of said Northwest Quarter; thence leaving said centerline South  $89^{\circ}23'30''$  East along the Southerly boundary a distance of 254.76 feet to the POINT OF BEGINNING.

TOGETHER WITH an Easement for ingress and egress, recorded August 11, 2005 as Instrument No. 105112763.

ALSO

TOGETHER WITH an easement for ingress and egress recorded March 15, 2006 as Instrument No. 106039692.

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER  
J. DAVID HAWKRO  
BOISE ID

STEWART TITLE OF IDAHO, INC.

STEWART TITLE  
'95 SEP 5 PM 4 50

READ &amp; APPROVED BY GRANTEE(S):

FEE 9.00 *e.j.h.*  
RECORDED IN \_\_\_\_\_ DISTRICT OF \_\_\_\_\_SPACE ABOVE THIS LINE FOR RECORDING DATA  
Order No.: 95054788A

## WARRANTY DEED

1915000673

FOR VALUE RECEIVED JERRY D. DAVIS and LINDA M. DAVIS, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto GRASSLANDS  
L.L.C., an Idaho limited liability company

GRANTEE(S), whose current address is: 2002 SO. STATE STREET, NAMPA, ID 83686

the following described real property in ADA County, State of Idaho, more particularly  
described as follows, to wit:That portion of the Northeast Quarter of the Southeast Quarter  
of the Southeast Quarter Section 7, Township 1 North, Range 1  
West of the Boise Meridian, lying North and West of the  
centerline of the South Power Lateral, Ada County, Idaho.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said  
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from  
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered  
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and  
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,  
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend  
the same from all lawful claims whatsoever.

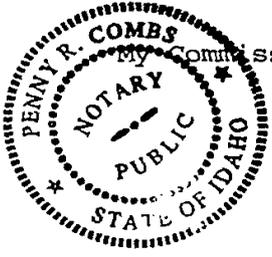
Dated: August 24, 1995

*Jerry D. Davis*  
\_\_\_\_\_  
Jerry D. Davis*Linda M. Davis*  
\_\_\_\_\_  
Linda M. Davis

STATE OF IDAHO, County of Ada, ss.

On this 5<sup>th</sup> day of Sept. in the year of 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry D. Davis and Linda M. Davis known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: *Penny R. Combs*  
Name: Penny R. Combs  
(Type or Print)  
Residing At: Meridian, Idaho  
My Commission expires: 05/04/00



ORDER NO. 95054788A

EXHIBIT "A"

1915000675

That portion of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter Section 7, Township 1 North, Range 1 West of the Boise Meridian, lying North and West of the centerline of the South Power Lateral, Ada County, Idaho.

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Powers Butte Energy Center, LLC  
Attn: Aaron Lipscomb  
422 Admiral Blvd  
Kansas City, MO 64160

<b>2023-039883</b>	
RECORDED	
<b>12/15/2023 03:43 PM</b>	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=4 NHANEY	\$15.00
TYPE: DEED	
FIRST AMERICAN TITLE INSURANCE	
ELECTRONICALLY RECORDED	

**FIRST AM**  
**NCS-1160842**

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(Space Above For Recorder's Use)

**SPECIAL WARRANTY DEED**  
(Canyon County, State of Idaho)

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, BORAH PEAK FARMS, LLC, a Delaware limited liability company, having a mailing address of 8789 Penrose Lane, Suite 400, Lenexa, Kansas 66219 ("**Grantor**"), hereby grants to Powers Butte Energy Center, LLC, a Delaware limited liability company, having a mailing address of 422 Admiral Boulevard, Kansas City, Missouri 64106 ("**Grantee**"), against all claiming by, through, or under Grantor, but not otherwise, those certain tracts of land, together with any and all interests, rights and appurtenances thereto, as well as any and all improvements thereon, situated in Canyon County, State of Idaho, as more particularly described in attached Exhibit A (the "**Subject Property**"), TO HAVE AND TO HOLD the Subject Property, together with all tenements, hereditaments, and appurtenances thereunto belonging unto the Grantor, and its successors and assigns, forever, subject to those matters set forth in attached Exhibit B.

[Signature and acknowledgement on following page.]

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Powers Butte Energy Center, LLC  
Attn: Aaron Lipscomb  
422 Admiral Blvd  
Kansas City, MO 64160

RECORD ELECTRONICALLY

ID: 2023-039883 County: Canyon  
Date: 12/15/2023 Time: 3:43 pm

simplifile.com 800.460.5657

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(Space Above For Recorder's Use)

**SPECIAL WARRANTY DEED**

(Canyon County, State of Idaho)

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, BORAH PEAK FARMS, LLC, a Delaware limited liability company, having a mailing address of 8789 Penrose Lane, Suite 400, Lenexa, Kansas 66219 ("**Grantor**"), hereby grants to Powers Butte Energy Center, LLC, a Delaware limited liability company, having a mailing address of 422 Admiral Boulevard, Kansas City, Missouri 64106 ("**Grantee**"), against all claiming by, through, or under Grantor, but not otherwise, those certain tracts of land, together with any and all interests, rights and appurtenances thereto, as well as any and all improvements thereon, situated in Canyon County, State of Idaho, as more particularly described in attached Exhibit A (the "**Subject Property**"), TO HAVE AND TO HOLD the Subject Property, together with all tenements, hereditaments, and appurtenances thereunto belonging unto the Grantor, and its successors and assigns, forever.

[Signature and acknowledgement on following page.]



**EXHIBIT A**

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

**Parcel 1**

The South Half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter and the Northeast Quarter of Section 12, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**Parcel 2**

[Intentionally omitted]

**Parcel 2A**

[Intentionally omitted]

**File No. 651162**

Grasslands, LLC

**Exhibit 'A'**

That part of the Southeast quarter of Section 6, Township 1 North, Range 1 West of the Boise Meridian, lying South of the North Power Irrigation Lateral as the said lateral is presently located;

The Northeast Quarter, Government Lots 3 and 4 and the East half of the Southwest quarter, and the North half of the Southeast quarter, and the Southwest quarter of the Southeast quarter of Section 7; and the Northwest quarter of the Northeast quarter of Section 18; and

That portion of the Southeast quarter of the Southeast quarter of Section 7, and the Northeast quarter of the Northeast quarter of Section 18, lying North and West of the centerline of the South Power Lateral, all in Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho.

EXCEPTING THEREFROM:

A parcel of land on the west side of Robinson Road, Ada County, being a portion of the Southeast quarter of Section 6, Township 1 North, Range 1 West, Boise Meridian, Ada County, State of Idaho, described as follows, to wit:

Commencing at the West quarter corner of Section 5, Township 1 North, Range 1 West, Boise Meridian, thence South 01°01'34" West, 1,138.50 feet along the west line of Southwest quarter of said Section 5 to a point, thence North 88°58'26" West 16.17 feet to a point, said point being the TRUE POINT OF BEGINNING,  
Thence North 88°58'26" West, 10.93 feet to a point;  
Thence North 61°28'58" West 3.27 feet to a point;  
Thence North 01°01'34" East, 12.92 feet to a point;  
Thence South 72°20'03" East, 15.04 feet to a point;  
Thence South 04°20'20" West 10.14 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

Beginning at the Southwest corner of the Northwest quarter of Section 7, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, and running thence South approximately 82 feet to the existing power line; thence roughly East 1000 feet, following the existing power line; thence North approximately 82 feet to intersect the quarter section line; thence West 1000 feet to the point of beginning.

**Commitment No. NCS-1160842-WA1**

**EXHIBIT A**

**Borah Peak**

The Land referred to herein below is situated in the County of Ada, State of Idaho, and is described as follows:

**PARCEL 2:**

LOT 7 AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO;

EXCEPTING THEREFROM, A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN MARKING THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 7, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°51'29" EAST ALONG THE NORTHERLY BOUNDARY OF SAID GOVERNMENT LOT 7 FOR A DISTANCE OF 695.32 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF AN EXISTING CANAL; THENCE SOUTH 28°39'42" WEST FOR A DISTANCE OF 167.27 FEET; THENCE SOUTH 36°07'09" WEST FOR A DISTANCE OF 33.10 FEET; THENCE SOUTH 70°54'28" WEST FOR A DISTANCE OF 22.57 FEET; THENCE NORTH 43°48'09" WEST FOR A DISTANCE OF 23.75 FEET; THENCE NORTH 19°49'36" WEST FOR A DISTANCE OF 45.42 FEET; THENCE NORTH 30°31'17" WEST FOR A DISTANCE OF 28.34 FEET; THENCE NORTH 53°14'35" WEST FOR A DISTANCE OF 41.76 FEET; THENCE NORTH 67°03'01" WEST FOR A DISTANCE OF 91.98 FEET; THENCE NORTH 81°07'17" WEST FOR A DISTANCE OF 92.00 FEET; THENCE SOUTH 87°12'51" WEST FOR A DISTANCE OF 53.67 FEET; THENCE SOUTH 80°16'22" WEST FOR A DISTANCE OF 43.43 FEET; THENCE SOUTH 63°56'16" WEST FOR A DISTANCE OF 84.39 FEET; THENCE SOUTH 53°14'41" WEST FOR A DISTANCE OF 76.80 FEET; THENCE SOUTH 31°12'26" WEST FOR A DISTANCE OF 94.98 FEET; THENCE SOUTH 34°51'56" WEST FOR A DISTANCE OF 67.91 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 7; THENCE LEAVING THE CENTERLINE OF THE EXISTING CANAL NORTH 00°38'26" EAST ALONG THE SAID WESTERLY BOUNDARY OF GOVERNMENT LOT 7 FOR A DISTANCE OF 253.23 FEET TO THE TRUE POINT OF BEGINNING.

**File No. 651171**

**Silver Butte Holsteins, Inc., an Idaho corporation and Beus Capital LLC, an Idaho limited liability company**

**Exhibit 'A'**

**PARCEL1:**

A parcel located in the South half of the Northeast Quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a brass cap monument marking the Southeasterly corner of said South half of the Northeast quarter from which a 5/8-inch diameter iron marking the Southwesterly corner of said South half of the Northeast Quarter bears North 89°23'30" West a distance of 2640.21 feet; thence North 89°23'30" West along the Southerly boundary of said South half of the Northeast quarter a distance of 2640.21 feet to a 5/8-inch diameter iron marking the Southwesterly corner of said South half of the Northeast quarter; thence North 0°26'12" East along the Westerly boundary of said South half of the Northeast quarter a distance of 1323.28 feet to a 5/8-inch diameter iron pin marking the Northwesterly corner of said South half of the Northeast quarter; thence South 89°25'51" East along the Northerly boundary of said South half of the Northeast quarter a distance of 2640.82 feet to a 5/8-inch diameter iron pin marking the Northeasterly corner of said South half of the Northeast quarter, thence South 0°27'47" West along the Easterly boundary of said South half of the Northeast quarter a distance of 1325.08 feet to the REAL POINT OF BEGINNING;

**PARCEL 1A:**

Together with an easement for ingress and egress along the south boundary of Parcel 3 herein, more particularly described as follows:

An easement for ingress and egress purposes located in the Southwest quarter of the Southwest quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at a 1/2 inch diameter iron pin marking the Southwesterly corner of said Southwest quarter of the Southwest quarter from which a 5/8 inch diameter iron pin marking the Northwesterly corner of said Southwest quarter of the Southwest quarter bears North 0°24'32" East, a distance of 1321.48 feet; thence South 89°30'47" East along the southerly boundary of said Southwest quarter of the Southwest quarter, a distance of 1319.48 feet to the Southeasterly corner of said Southwest quarter of the Southwest quarter, thence North 0°25'22" East along the Easterly boundary of said Southwest quarter of the Southwest quarter a distance of 12.00 feet to a point; thence leaving said Easterly boundary North 89°30'47" West a distance of 1319.49 feet to a point on the Westerly boundary of said Southwest quarter of the Southwest quarter; thence South 0°24'32" West along said Westerly boundary a distance of 12.00 feet to the POINT OF BEGINNING.

AND

An easement for ingress-egress purposes located in the South half of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin marking the southwesterly corner of said South half from which a 5/8-inch diameter iron pin marking the southeasterly corner of said South half of bears South 89°30'47" East distance of 5277.94 feet;

Thence South 89°30'47" East along the southerly boundary of said South half a distance of 1319.48 feet to the southeasterly corner of the Southwest quarter of the Southwest quarter of said Section 8; Thence continuing South 89°30'47" East a distance of 425.12 feet to a point; Thence leaving said southerly boundary North 4°37'15" East a distance of 2025.66 feet to a point; Thence a distance of 193.10 feet along the arc or a 277.00 foot radius curve right, said curve having a central angle of 39°56'32" and a long chord bearing North 24°35'31" East a distance of 189.22 feet to a point; Thence North 44°33'47" East a distance of 602.43 feet to a point; Thence South 89°23'30" East a distance of 349.66 feet to a point; Thence North 0°36'30" East a distance of 12.00 feet to a point on the northerly boundary of said South half; Thence North 89°23'30" West along said northerly boundary a distance of 354.76 feet to a point; Thence South 44°33'47" West a distance of 607.53 feet to a point; Thence a distance of 201.47 feet along the arc of a 289.00 foot radius curve left, said curve having a central angle of 39°56'32" and a long chord bearing South 24°35'31" West a distance of 197.41 feet to a point; Thence South 4°37'15" West a distance of 2014.49 feet to a point; Thence North 89°30'47" West a distance of 413.97 feet to a point on the easterly boundary of said Southwest quarter of the Southwest quarter; Thence South 0°25'22" West a distance of 12.00 feet to the POINT OF BEGINNING.

**PARCEL 2:**

A parcel located in the South half of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Southeasterly corner of said South half of Section 8 from which a 5/8-inch diameter iron pin marking the Southwesterly corner of said South half of Section 8 bears North 89°30'47" West a distance of 2638.97 feet; thence North 89°30'47" West along the Southerly boundary of said South half of Section 8 a distance of 3545.36 feet to a point on the centerline of the Waldvogel Canal; thence along said canal centerline the following described courses; thence leaving said Southerly boundary North 4°37'15" East a distance of 2026.52 feet to a point; thence a distance of 201.47 feet along the arc of a 289.00 foot radius curve right, said curve having a central angle of 39°56'32" and a long chord bearing North 24°35'31" East a distance of 197.41 feet to a point; thence North 44°33'47" East a distance of 607.53 feet to a point on the Northerly boundary of said South half to Section 8; thence leaving said canal centerline South 89°23'30" East along said northerly boundary a distance of 2894.98 feet to a brass cap monument marking the Northeasterly corner of said South half of Section 8; thence South 0°22'00" West along the Easterly boundary of said South half of Section 8 South 0°22'00" West a distance of 74.68 feet to a brass cap monument; thence continuing along said Easterly boundary South 0°27'59" West a distance of 2557.10 feet to the REAL POINT OF BEGINNING.

**PARCEL 2A:**

Together with an easement for ingress and egress along the south boundary of Parcel 3 herein, more particularly described as follows:

An easement for ingress and egress purposes located in the Southwest quarter of the Southwest quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at a 1/2 inch diameter iron pin marking the Southwesterly corner of said Southwest quarter of the Southwest quarter from which a 5/8 inch diameter iron pin marking the Northwesterly corner of said Southwest quarter of the Southwest quarter bears North 0°24'32" East, a distance of 1321.48 feet; thence South 89°30'47" East along the southerly boundary of said Southwest quarter of the Southwest quarter, a distance of 1319.48 feet to the Southeasterly corner of said

Southwest quarter of the Southwest quarter, thence North 0°25'22" East along the Easterly boundary of said Southwest quarter of the Southwest quarter a distance of 12.00 feet to a point; thence leaving said Easterly boundary North 89°30'47" West a distance of 1319.49 feet to a point on the Westerly boundary of said Southwest quarter of the Southwest quarter; thence South 0°24'32" West along said Westerly boundary a distance of 12.00 feet to the POINT OF BEGINNING.

AND

An easement for ingress-egress purposes located in the South half of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin marking the southwesterly corner of said South half from which a 5/8-inch diameter iron pin marking the southeasterly corner of said South half of bears South 89°30'47" East distance of 5277.94 feet; Thence South 89°30'47" East along the southerly boundary of said South half a distance of 1319.48 feet to the southeasterly corner of the Southwest quarter of the Southwest quarter of said Section 8; Thence continuing South 89°30'47" East a distance of 425.12 feet to a point; Thence leaving said southerly boundary North 4°37'15" East a distance of 2025.66 feet to a point; Thence a distance of 193.10 feet along the arc or a 277.00 foot radius curve right, said curve having a central angle of 39°56'32" and a long chord bearing North 24°35'31" East a distance of 189.22 feet to a point; Thence North 44°33'47" East a distance of 602.43 feet to a point; Thence South 89°23'30" East a distance of 349.66 feet to a point; Thence North 0°36'30" East a distance of 12.00 feet to a point on the northerly boundary of said South half; Thence North 89°23'30" West along said northerly boundary a distance of 354.76 feet to a point; Thence South 44°33'47" West a distance of 607.53 feet to a point; Thence a distance of 201.47 feet along the arc of a 289.00 foot radius curve left, said curve having a central angle of 39°56'32" and a long chord bearing South 24°35'31" West a distance of 197.41 feet to a point; Thence South 4°37'15" West a distance of 2014.49 feet to a point; Thence North 89°30'47" West a distance of 413.97 feet to a point on the easterly boundary of said Southwest quarter of the Southwest quarter; Thence South 0°25'22" West a distance of 12.00 feet to the POINT OF BEGINNING.

**PARCEL 3:**

A parcel located in the South half of the Southwest quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a half inch diameter pin marking the Southwesterly corner of said Southwest quarter from which a 5/8-inch diameter iron pin marking the Northwesterly corner of said Southwest quarter bears North 0°24'32" East a distance of 2642.96 feet; thence North 0°24'32" East along the Westerly boundary of said South half of the Southwest quarter a distance of 776.48 feet to a 5/8-inch diameter iron pin; thence leaving said Westerly boundary South 89°27'09" East a distance of 450.00 feet to a 5/8-inch diameter pin; thence North 0°24'32" East a distance of 450.00 feet to a 5/8-inch diameter pin; thence North 0°24'32" East a distance of 545.00 feet to a 5/8-inch diameter pin on the Northerly boundary of said South half of the Southwest quarter; thence along said Northerly boundary South 89°27'09" East a distance of 1379.74 feet to a point on the centerline of the Waldvogel Canal; thence leaving said Northerly boundary South 4°37'15" West along said centerline a distance of 1322.98 feet to a point on the Southerly boundary of said South half of the Southwest quarter; thence leaving said centerline North 89°30'47" West along said Southerly boundary a distance of 1732.58 feet to the REAL POINT OF BEGINNING.

**PARCEL 4:**

A parcel located in the Northwest quarter of the Northeast quarter of Section 8, Township 1 North , Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Northeasterly corner of said Northwest quarter of the Northeast quarter from which a 5/8-inch diameter iron pin marking the Northwesterly corner of said Northwest quarter of the Northeast quarter bears North 89°28'12" West a distance of 1320.71 feet; thence North 89°28'12" West along the Northerly boundary of said Northwest quarter of the Northeast quarter a distance of 90.57 feet to a point on the centerline of the Waldvogel Canal; thence along said canal centerline the following described courses; thence leaving said Northerly boundary:

South 26°02'58" West a distance of 31.45 feet to a point; thence a distance of 218.69 feet along the arc of a 345.00 foot radius curve right, said curve having a central angle of 36°19'09" and along chord bearing South 44°23'33" West a distance of 215.05 feet to a point; thence a distance of 202.04 feet along the arc of a 257 foot radius curve left, said curve having a central angle of 45°02'32" and a long chord bearing South 39°50'51" West a distance of 196.87 feet to a point; thence a distance of 153.01 feet along the arc of a 285.00 foot radius curve right, said curve having a central angle of 30°45'37" and a long chord bearing South 32°42'24" West a distance of 151.18 feet to a point; thence a distance of 591.32 feet along the arc of a 1240.00 foot radius curve right, said curve having a central angle of 27°19'21" and a long chord bearing South 61°44'53" West a distance of 585.73 feet to a point; thence South 75°24'33" West a distance of 308.22 feet to a point; thence a distance of 55.84 feet along the arc of a 168.00 foot radius curve left, said curve having a central angle of 19°02'43" and a long chord bearing South 65°53'12" West a distance of 55.59 feet to a point on the Westerly boundary of said Northwest quarter of the Northeast quarter; thence leaving said canal centerline South 0°26'12" West along said Westerly boundary a distance of 473.51 feet to a 5/8-inch diameter iron pin marking the Southwesterly corner of said Northwest quarter of the Northeast quarter; thence South 89°25'51" East along the Southerly boundary of said Northwest quarter of the Northeast quarter a distance of 1320.41 feet to a 5/8-inch diameter iron pin marking the Southeasterly corner of said Northwest quarter of the Northeast quarter; thence North 0°27'00" East along the Easterly boundary of said Northwest quarter of the Northeast quarter a distance of 1324.18 feet to the POINT OF BEGINNING.

**PARCEL 4A:**

Together with an easement for ingress and egress along the south boundary of Parcel 3 herein, more particularly described as follows:

An easement for ingress and egress purposes located in the Southwest quarter of the Southwest quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at a 1/2 inch diameter iron pin marking the Southwesterly corner of said Southwest quarter of the Southwest quarter from which a 5/8 inch diameter iron pin marking the Northwesterly corner of said Southwest quarter of the Southwest quarter bears North 0°24'32" East, a distance of 1321.48 feet; thence South 89°30'47" East along the southerly boundary of said Southwest quarter of the Southwest quarter, a distance of 1319.48 feet to the Southeasterly corner of said Southwest quarter of the Southwest quarter, thence North 0°25'22" East along the Easterly boundary of said Southwest quarter of the Southwest quarter a distance of 12.00 feet to a point; thence leaving said Easterly boundary North 89°30'47" West a distance of 1319.49 feet to a point on the Westerly boundary of said Southwest quarter of the Southwest quarter; thence South 0°24'32" West along said Westerly boundary a distance of 12.00 feet to the POINT OF BEGINNING.

AND

An easement for ingress-egress purposes located in the South half of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin marking the southwesterly corner of said South half from which a 5/8-inch diameter iron pin marking the southeasterly corner of said South half of bears South 89°30'47" East distance of 5277.94 feet;  
Thence South 89°30'47" East along the southerly boundary of said South half a distance of 1319.48 feet to the southeasterly corner of the Southwest quarter of the Southwest quarter of said Section 8;  
Thence continuing South 89°30'47" East a distance of 425.12 feet to a point;  
Thence leaving said southerly boundary North 4°37'15" East a distance of 2025.66 feet to a point;  
Thence a distance of 193.10 feet along the arc or a 277.00 foot radius curve right, said curve having a central angle of 39°56'32" and a long chord bearing North 24°35'31" East a distance of 189.22 feet to a point;  
Thence North 44°33'47" East a distance of 602.43 feet to a point;  
Thence South 89°23'30" East a distance of 349.66 feet to a point;  
Thence North 0°36'30" East a distance of 12.00 feet to a point on the northerly boundary of said South half;  
Thence North 89°23'30" West along said northerly boundary a distance of 354.76 feet to a point;  
Thence South 44°33'47" West a distance of 607.53 feet to a point;  
Thence a distance of 201.47 feet along the arc of a 289.00 foot radius curve left, said curve having a central angle of 39°56'32" and a long chord bearing South 24°35'31" West a distance of 197.41 feet to a point;  
Thence South 4°37'15" West a distance of 2014.49 feet to a point;  
Thence North 89°30'47" West a distance of 413.97 feet to a point on the easterly boundary of said Southwest quarter of the Southwest quarter;  
Thence South 0°25'22" West a distance of 12.00 feet to the POINT OF BEGINNING.

**PARCEL 5:**

A parcel located in the Northwest quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron pin marking the Southeasterly corner of said Northwest quarter (center one quarter corner) from which a 5/8-inch diameter iron pin marking the Northeasterly corner of said Northwest quarter (one quarter corner) bears North 0°26'12" East a distance of 2646.55 feet; thence North 0°26'12" East along the Easterly boundary of said Northwest quarter a distance of 1796.78 feet to a point on the centerline of the Waldvogel Canal; thence along said centerline the following described courses thence leaving said Easterly boundary a distance of 108.35 feet along the arc of a 168.00 foot radius non tangent curve left, said curve having a central angle of 36°57'08" and a long chord bearing South 37°53'16" West a distance of 106.48 feet to a point; thence South 19°24'42" West a distance of 43.73 feet to a point ; thence a distance of 364.44 feet along the arc of a 1039.00 foot radius curve left, said curve having a central angle of 20°05'49" and a long chord bearing South 9°21'48" West a distance of 362.57 feet to a point; thence South 0°41'07" East a distance of 1047.47 feet to a point; thence a distance of 223.49 feet along the arc of a 283.00 foot radius curve right, said curve having a central angle of 45°14'54" and a long chord bearing South 21°56'20" West a distance of 217.73 feet to a point; thence South 44°33'47" West a distance of 86.52 feet to a point on the Southerly boundary of said Northwest quarter; thence leaving said centerline South 89°23'30" East along the southerly boundary a distance of 254.76 feet to the POINT OF BEGINNING.

**PARCEL 5A:**

Together with an easement for ingress and egress along the south boundary of Parcel 3 herein, more particularly described as follows:

An easement for ingress and egress purposes located in the Southwest quarter of the Southwest quarter of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at a 1/2 inch diameter iron pin marking the Southwesterly corner of said Southwest quarter of the Southwest quarter from which a 5/8 inch diameter iron pin marking the Northwesternly corner of said Southwest quarter of the Southwest quarter bears North 0°24'32" East, a distance of 1321.48 feet; thence South 89°30'47" East along the southerly boundary of said Southwest quarter of the Southwest quarter, a distance of 1319.48 feet to the Southeasterly corner of said Southwest quarter of the Southwest quarter, thence North 0°25'22" East along the Easterly boundary of said Southwest quarter of the Southwest quarter a distance of 12.00 feet to a point; thence leaving said Easterly boundary North 89°30'47" West a distance of 1319.49 feet to a point on the Westerly boundary of said Southwest quarter of the Southwest quarter; thence South 0°24'32" West along said Westerly boundary a distance of 12.00 feet to the POINT OF BEGINNING.

AND

An easement for ingress-egress purposes located in the South half of Section 8, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin marking the southwesterly corner of said South half from which a 5/8-inch diameter iron pin marking the southeasterly corner of said South half of bears South 89°30'47" East distance of 5277.94 feet;  
Thence South 89°30'47" East along the southerly boundary of said South half a distance of 1319.48 feet to the southeasterly corner of the Southwest quarter of the Southwest quarter of said Section 8;  
Thence continuing South 89°30'47" East a distance of 425.12 feet to a point;  
Thence leaving said southerly boundary North 4°37'15" East a distance of 2025.66 feet to a point;  
Thence a distance of 193.10 feet along the arc or a 277.00 foot radius curve right, said curve having a central angle of 39°56'32" and a long chord bearing North 24°35'31" East a distance of 189.22 feet to a point;  
Thence North 44°33'47" East a distance of 602.43 feet to a point;  
Thence South 89°23'30" East a distance of 349.66 feet to a point;  
Thence North 0°36'30" East a distance of 12.00 feet to a point on the northerly boundary of said South half;  
Thence North 89°23'30" West along said northerly boundary a distance of 354.76 feet to a point;  
Thence South 44°33'47" West a distance of 607.53 feet to a point;  
Thence a distance of 201.47 feet along the arc of a 289.00 foot radius curve left, said curve having a central angle of 39°56'32" and a long chord bearing South 24°35'31" West a distance of 197.41 feet to a point;  
Thence South 4°37'15" West a distance of 2014.49 feet to a point;  
Thence North 89°30'47" West a distance of 413.97 feet to a point on the easterly boundary of said Southwest quarter of the Southwest quarter;  
Thence South 0°25'22" West a distance of 12.00 feet to the POINT OF BEGINNING.

**File No. 651141**  
**Stephen E. Beus and Becky A. Beus, husband and wife**

**Exhibit 'A'**

**Parcel 1**

The Northwest Quarter of Section 18, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho.



# NEIGHBORHOOD CERTIFICATION (ACC 8-7A-3)

## GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for conditional use, expansion or extension of a nonconforming use, subdivision, variance, and/or zoning ordinance map amendment. All registered Neighborhood Associations and property owners within the required buffer area (300'/1000'/2640') need to be invited to your meeting. See ACC 8-7A-5C (1), (2) & (3) for uses and districts requiring the 1000' and 2640' notification.

According to Ada County Code, the neighborhood meeting must be held either:

- On a weekend between the hours of 10 a.m. and 7 p.m.,
- Or a weekday between 6 p.m. and 8 p.m.

*\*Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend.*

The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples: fire stations, libraries, community center, etc.)
- An office space within a 1-mile radius of the subject property

The meeting cannot take place more than six (6) months prior to the acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted.

**\*Contacting and/or meeting individually with residents will NOT fulfill Neighborhood Meeting requirements.**

Description of the Proposed Project: Centralized Power Facility

Date & Time of Neighborhood Meeting: October 26, 2023, 6:00 - 8:00 pm

Location of Neighborhood Meeting: American Legion Hall, 304 4th Street, Melba, ID 83641

## SITE INFORMATION:

SITE ADDRESS: See parcel list in CUP Application CITY: Unincorporated Ada County

SECTION: See Ex J, CUP App TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_

SUBDIVISION NAME: Not Applicable LOT(S): \_\_\_\_\_ BLOCK(S): \_\_\_\_\_

TAX PARCEL NUMBER(S): See Exhibit K of CUP Application CURRENT ZONING DISTRICT: RR

## APPLICANT (Please Print):

NAME: Powers Butte Energy Center, LLC

ADDRESS: 422 Admiral Boulevard

CITY: Kansas City STATE: MO ZIP: 64106

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Ada county Code:

Signature (Applicant)

1/19/24

Date

## OFFICE USE ONLY

PROJECT #:

RECIEVED BY:

DATE:

DATE STAMPED:



**ADA COUNTY DEVELOPMENT SERVICES BUILDING DIVISION**

200 W. Front Street, Boise, ID 83702 Phone: (208) 287-7900 Fax: (208) 287-7909

**Pre-Application Conference Notes  
202300031-PREAP A**

Status	Received	Project Description	Property Location	Total Acres	Closed
Active	02/23/2023	Conditional use and master site plan for the Powers Butte Solar Center.	S2208121100, S2208130000, S2208417200, S2208311250, S2218212420	515.07	

**Meeting(s)**

Meeting	Assigned	Applicant	Staff	Attended
03/23/2023		Johnson, Bill	BRENT DANIELSON Amelia Haynes	<input type="checkbox"/> <input type="checkbox"/>

Parcel(s)		Twn/Rng/Sec				Zone	
Parcel	Address	Twn	Rng	Sec	Qtr	Zone Type	Zone
S2208130000	S ROBINSON RD, Kuna ID 83634-0000	1N	1W	8		Existing Zone	RP
S2208311250	S ROBINSON RD, Kuna ID 83634-0000	1N	1W	18		Existing Zone	RR
S2208121100	S ROBINSON RD, Kuna ID 83634-0000						
S2208417200	S ROBINSON RD, Kuna ID 83634-0000						
S2218212420	S CAN ADA RD, Kuna ID 83634-0000						

**Overlay Area(s)**

Area	Value	Code Reference	Comments
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Comp Plan:

**Agency**

Agency	Contact Person	Phone
IDAHO POWER COMPANY	MURRAY ALLISON	(208) 388-2402
CENTRAL DISTRICT HEALTH DEPARTMENT	BADIGIAN LORI	(208) 327-8517
ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT	WALLACE MINDY	(208) 387-6170

**Proposed Allowed Use(s)**

Centralized Power Facility

**Required Applications**

File Type	Description
CU	CONDITIONAL USE
MSP	MASTER SITE PLAN



## **Pre-Application Conference Notes**

### **202300031-PREAP A**

**Additional Preap Conference:** Not Recommended \_\_\_\_\_

**Neighborhood Meeting Required:** Yes \_\_\_\_\_

**Cross Reference:** \_\_\_\_\_



## Pre-Application Conference Notes

### 202300031-PREAP A

#### Notes

See Article 8-2A of the Ada County Code for information on the Rural Residential (RR) District.

The setbacks for the RR District are:

- 50' from Arterial, collector, or section line street
- 30' from other roadways
- 25' from property lines not fronting a roadway

See Article 8-4E of the Ada County Code for more information on Master Site Plans.

A master site plan requires a natural features analysis. See Subsection 8-4E-4D for information on natural features analysis.

The following features shall be mapped, described, or noted as not applicable in the natural features analysis:

1. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site.
2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils unsuitable for development. The analysis of soils shall be based on the Ada County soil survey (United States Department of Agriculture, Natural Resources Conservation Service).
3. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty five percent (25%), between fifteen percent (15%) and twenty five percent (25%), between eight percent (8%) and fifteen percent (15%), and less than eight percent (8%). Contour lines based on USGS datum of 1988 with intervals of not more than five feet (5') for properties with a general slope of greater than five percent (5%), or intervals of not more than two feet (2') for properties with a general slope of less than or equal to five percent (5%). Contour lines shall extend a minimum of three hundred feet (300') beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include entire drainage facility.
4. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.
5. Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho Conservation Data Center (State of Idaho Department of Fish & Game).
6. Historic Resources: Analysis of existing historic resources as identified on the Ada County Historic Resources Inventory.
7. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
8. Impact on Natural Features: The applicant shall provide a written statement explaining how the design of the plan protects or mitigates impacts on the natural features of the site.

A master site plan requires submittal for a parking plan. See Article 8-4G of the Ada County Code for information on Parking. The off-street parking and loading plan shall contain the location, size, and type of all proposed off-street parking and loading facilities. See Table 8-4G-1 for required automobile width and stall length by parking angle. See Table 8-4G-2 for required number of parking spaces by use.

The applicant may submit a landscaping and screening plan at the time of the application. If a landscaping and screening plan is not submitted at the time of application, then it will be required to be submitted as a condition of approval. See Article 8-4F of the Ada County Code for more information on landscaping and screening plans.

If any outdoor lighting is proposed or anticipated, the applicant shall submit a lighting plan. See Article 8-4H of the Ada County Code for information on lighting plans. Submittal of a lighting plan can be made as a condition of approval.

If any signs are proposed or anticipated, the applicant shall submit a sign plan. See Article 8-4I of the Ada County Code for information on sign plans.



## Pre-Application Conference Notes

### 202300031-PREAP A

#### Notes

See Article 8-5B for information on conditional uses.

See Section 8-5-3-83 of the Ada County Code for specific use standards for a Centralized Power Facility:

#### A. General Standards

##### 1. Electric Distribution Line:

- a. Electric distribution line shall be a principal permitted use. Master site plan approval shall not be required.
- b. Electric distribution line rights of way shall be exempt from the landscaping regulations of chapter 4, article F of this title.
- c. Electric distribution line shall comply with section 8-4A-20 of this title.

##### 2. Electric Subtransmission Line:

- a. Electric subtransmission line shall be a principal permitted use. Master site plan approval shall be required. A parking plan is not required with the master site plan application unless a parking area is proposed with the subtransmission line.
- b. Electric subtransmission line rights of way shall be exempt from the landscaping regulations of chapter 4, article F of this title.
- c. Electric subtransmission line shall comply with Section 8-4A-20 of this title.

##### 3. Electric Transmission Line and Substation:

- a. Electric transmission line and substations shall require conditional use approval.
- b. All electric transmission line rights of way shall be exempt from the landscaping regulations of chapter 4, article F of this title.
- c. Electric substations and other utility structures shall be deemed outdoor storage areas and shall meet the standards in section 8-5-3-78 of this chapter.
- d. Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.
- e. Electric transmission line and substations shall comply with section 8-4A-20 of this title.

##### 4. Centralized Or Distributed Power Facilities:

- a. No power facility shall be used for displaying any advertising except for reasonable identification of the manufacturer or operator.
- b. The power facility shall comply with section 8-4A-21 of this title.
- c. The power facility shall comply with all local, state, and federal regulations.
- d. Installation of an anemometer or similar devices shall be reviewed as a temporary use. See chapter 4, article L of this title for governing regulations.

#### B. Specific Standards Applicable to Centralized Power Facilities:

##### 1. Standards Applicable to all Centralized Power Facilities

- a. The minimum property size shall be forty (40) acres.
- b. The centralized power facility shall not be located within an area of city impact.
- c. The applicant may be required to obtain approval from the appropriate agency, but not limited to, the following: federal energy regulatory commission, federal aviation administration, national guard, Mountain Home military base, Idaho Bureau of Aeronautics, Boise Airport Director, IPUC, Idaho Power Company compliance, Idaho Fish & Game, U.S. Department of Fish & Wildlife, Idaho Department of Water Resources, IDEQ, Ada County Emergency Communications Division, Idaho Bureau of Homeland Security Public Safety Communications, and the appropriate fire authority as a condition of approval.
- d. The master site plan for the proposed centralized power facility shall include a map of the proposed transmission line corridors and any proposed or existing substations, if any.

##### 2. Additional Standards for Certain Centralized Power Facilities:

###### a. Biomass Facility:

- (1) The applicant shall identify the specific location and type of all fuel sources for the biomass facility, and the method of gathering and delivering the fuel to the site.
- (2) Mass burn facilities shall not use waste containing hazardous materials as a fuel source.

###### b. Hydroelectric Facility:

- (1) Major earthwork associated with construction and maintenance shall be scheduled to minimize soil disturbance between December 1 and April 15.
- (2) Any removal of riparian vegetation along watercourses shall be replaced at a ratio of two to one (2:1).
- (3) A master site plan approval is not required for a hydroelectric facility, relating to a seasonal irrigation canal.



## Pre-Application Conference Notes

### 202300031-PREAP A

#### Notes

c. Solar Facility:

- (1) Solar equipment shall meet the required setbacks of the Rural Preservation (RP) District.
- (2) All solar panels shall be nonreflective.

C. Specific Standards for Certain Distributed Power Facilities:

1. Geothermal Resources: Direct use of geothermal resources for heating spas, greenhouses, and other similar uses shall not constitute a distributed power facility.
2. Solar Facility:
  - a. All solar panels shall be nonreflective.
  - b. Roof mounted solar equipment shall not exceed five feet (5') above the roof surface and in no case shall the equipment exceed the maximum height of the base district.
  - c. Ground and pole solar equipment shall be prohibited in the required front or side yard.
  - d. Pole solar equipment shall not exceed a maximum height of fifteen feet (15').
  - e. Pole solar equipment shall be setback 1.5 feet from the property line for every one foot (1') of maximum height or the minimum setback for the district, whichever is greater.
  - f. Ground solar equipment shall meet the minimum setback for the district in which it is located.

3. Wind Facility:

a. Specific Standards for Rooftop or Freestanding Wind Tower:

(1) The applicant may be required to obtain approval from the appropriate agency, including, but not be limited to, the following: federal energy regulatory commission, federal aviation administration, national guard, Mountain Home military base, Idaho Bureau of Aeronautics, Boise Airport director, IPUC, Idaho Power Company compliance, Idaho fish and game, U.S. Department of Fish and Wildlife, Idaho Department of Water Resources, IDEQ, Ada County Emergency Communications Division, Idaho Bureau of Homeland Security Public Safety Communications. and the appropriate fire authority as a condition of approval.

(2) Documentation shall be submitted that describes the expected maximum noise level that will be generated by the facility. If the noise level exceeds the applicable standard set forth below, the applicant shall submit an acoustical study prepared by a licensed professional that demonstrates how the facility will comply with the maximum allowed noise level.

(3) No experimental, homebuilt, or prototype wind turbines shall be allowed.

b. Rooftop Wind Facilities:

- (1) A minimum property size shall be one acre.
- (2) One rooftop wind facility requires an accessory use; see article A of this chapter.
- (3) Two (2) or more rooftop wind facilities require a conditional use; see article B of this chapter.
- (4) Rooftop wind equipment shall not exceed the maximum height of the base district in which it is located.
- (5) The maximum diameter of the blades shall not exceed five feet (5').
- (6) Roof mounted wind equipment shall be located so that in the event of failure, no part of the equipment will fall across any property line.
- (7) Noise emitted from a rooftop wind facility shall not exceed thirty five (35) decibels (dBA) measured from all external property lines of the subject property.

c. Freestanding Wind Facilities:

- (1) Minimum Property Size: The minimum property size shall be forty (40) acres.
- (2) Number of Towers Allowed Per Acre: One wind tower per forty (40) acres shall be allowed.
- (3) Restriction on Number of Towers: A property owner shall only be allowed to construct a maximum of two (2) wind towers on their property, including all of their abutting properties.
- (4) Maximum Height: The maximum height shall be one hundred twenty feet (120') including the tip height of the blade.
- (5) Location From Property Lines: All wind tower facilities shall be located a minimum of 1.5 feet from all property lines for every one foot (1') of tower height, including the tip height of the blade as illustrated in section 8-1A-2, figure 7, of this title.
- (6) Fall Zone: In addition to the setback requirements in subsection C3c(5) of this section, a fall zone for each wind tower facility shall be delineated and permanently restricted from future development, as follows:

(A) The fall zone shall consist of the land area centered beneath the wind facility and circumscribed by a circle with a radius equal to the maximum height including the tip height of the blade plus ten feet (10') as illustrated in section 8-1A-2, figures 7 and 8, of this title.



## Pre-Application Conference Notes 202300031-PREAP A

### Notes

(B) All future development with the exception of agricultural structures shall be prohibited within the fall zone.

(7) Minimum Setback From Overhead Utility Lines: The minimum required setback distance from all overhead utility lines shall be no less than the tower height including the tip height of the blade plus ten feet (10') unless extended by an easement from the overhead utility line company for the fall distance.

(8) Maintenance and Removal:

(A) Maintenance: All wind facilities and their identification tags, supports, braces, mechanical and electrical equipment, and associated apparatus must be kept fully operable and maintained in a safe, neat, and clean condition.

(B) Removal: Any wind facility that is not operated for a continuous period of twelve (12) months or more or that is in an obvious state of disrepair and a threat to public safety will be deemed abandoned and must be removed within sixty (60) days.

(9) Shadow Flicker: The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any nonparticipating landowner's property.

(10) Color: Wind facilities shall be a neutral, nonreflective color designed to blend with the surrounding environment. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.

(11) Minimum Distance from Ground to Blade: Minimum distance between the ground and the tip of the blade closes to the ground in a resting position shall not be less than twenty feet (20').

(12) Landscaping: All wind facilities shall be exempt from the landscaping regulations of chapter 4, article F of this title.

(13) Lighting: No lighting is allowed, except as required by the federal aviation administration.

(14) Uncontrolled Rotation Prevention: All wind turbines must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation creating excessive pressure on the tower structure, rotor blades, and turbine components.

(15) Emergency Shutdown: Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three feet (3') of the meter panel.

(16) Director's Review: The conditional use permit shall require a director's review every five (5) years upon issuance of a zoning certificate. The director shall review the conditions of approval for compliance.

(17) Noise: Noise emitted from a freestanding wind facility shall not exceed forty five (45) decibels (dBA) as measured from all external property lines of the subject property.

How will the property get frontage and access to the properties? A private road extension or private road application may be required.

See Section 8-7-4: VARIANCES: If lot coverage is over 5%:

Applications for floodplain variance shall comply with the regulations of section 8-3F-11 of this title and are not subject to the regulations of this section.

A. Process:

1. An application and fees, as set forth in article A of this chapter, shall be submitted to the director on forms provided by the development services department.

2. The board shall apply the standard listed in subsection B of this section and the findings listed in subsection C of this section to review the variance.

B. Standard: The variance shall comply with Idaho Code section 67-6516.

C. Required Findings: In order to grant a variance, the board shall make the following findings:

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;
2. The variance relieves an undue hardship due to characteristics of the site; and
3. The variance shall not be detrimental to the public health, safety, and welfare.

A neighborhood meeting will need to be conducted prior to submittal of the application. See Section 8-7A-3 of the Ada County Code for more information on neighborhood meetings.

- The meeting shall be on a weekend between 10:00 A.M. and 7:00 P.M. or on a weekday between 6:00 P.M. and 8:00 P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before or after a holiday or holiday weekend.

- The meeting shall be held at one of the following locations:

a. On the subject property;

b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or



## Pre-Application Conference Notes

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#### Notes

c. At an office space with suitable meeting facilities if such facilities are within a one mile radius of the nearest public meeting place.

The applicant is also responsible for posting the public hearing notice sign on the property. See Subsection 8-7A-5F for more information on the public hearing notice sign posting.

- The sign will need to be posted at least ten (10) days before the public hearing.
- A sign posting certification form along with photos of the sign need to be submitted at least seven (7) days prior to the public hearing.

#### CODE REFERENCES:

- Article 8-2A ~ Rural Residential (RR) District
- Article 8-3A ~ Boise Air Terminal Airport Influence Areas
- Article 8-3B ~ Wildland-Urban Fire Interface Overlay District
- Article 8-4E ~ Master Site Plans
- Subsection 8-4E-4D ~ Natural Features Analysis
- Article 8-4F ~ Landscaping & Screening Plan
- Article 8-4G ~ Off-street Parking and Loading Plan
- Article 8-4H ~ Lighting Plan
- Article 8-4I ~ Sign Plan
- Article 8-5B ~ Conditional Uses
- Section 8-5-3-83 ~ Centralized Power Facility
- Section 8-7-4 ~ Variances
- Section 8-7A-3 ~ Neighborhood Meeting
- Subsection 8-7A-5F ~ Public Hearing Sign Posting

#### MEETING NOTES:

The projects would require the following applications: Conditional Use, Master Site Plan, and Variance if you are planning to go over the maximum lot coverage of 5%.

This would involve a public hearing in front of our Board of Commissioners (with the variance).

Depending on your access, you may need to apply for a private road or private road extension.

A neighborhood meeting will be required. As a solar facility, you will be required to send notice to property owners and neighborhood group within 2,640 feet. You can hold the meeting either on site, or at a nearby public meeting place. Once you've had your neighborhood meeting, you have to submit your application no later than 6 months after the meeting, or you will have to have another neighborhood meeting. You can request the address labels from our office using the Neighborhood Meeting List Request Form, which has a fee of \$26.50.

Part of your master site plan application will include a natural features analysis. You will need to request a letter from Idaho Dept of Fish & Game regarding protected wildlife on the site. You can email Brandon Flack at [brandon.flack@idfg.idaho.gov](mailto:brandon.flack@idfg.idaho.gov) for that letter.

For the variance, you will need to provide evidence in your detailed letter on why you meet the three required findings for the lot coverage.

Submit your application materials to [mechanical@adacounty.id.gov](mailto:mechanical@adacounty.id.gov). Please do not send zip files, as our system cannot accept them.

Once you've sent in your materials, one of our planners will review for completeness. Once deemed complete, we will reach out for payment. Once paid, you will be scheduled for the next available public hearing.



## **Pre-Application Conference Notes**

### **202300031-PREAP A**

<b>Notes</b>
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10 days prior to the hearing, you will need to post a public hearing notice sign. At least 7 days prior to the hearing, you will need to fill out and send the Sign Posting Certification form to be included in the record.

## Sun and Weather



Cloudy

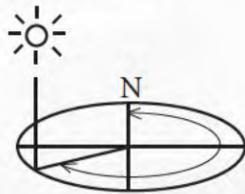
Date:  
**3-29-23**  
Photo Time:  
**12:33 pm**

Visibility:



Air Quality: **Good**

Sun Azimuth:



**172.98°**

Sun Angle: **49.62°**

Lighting Angle on Project:  
**Front Lit**

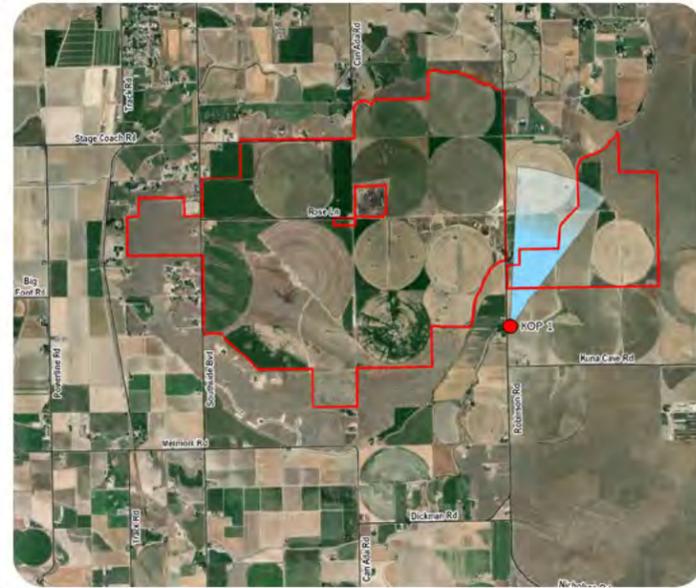
Wind: **6 mph**

Cloud Cover: **100 %**

Temperature (°F): **41°F**

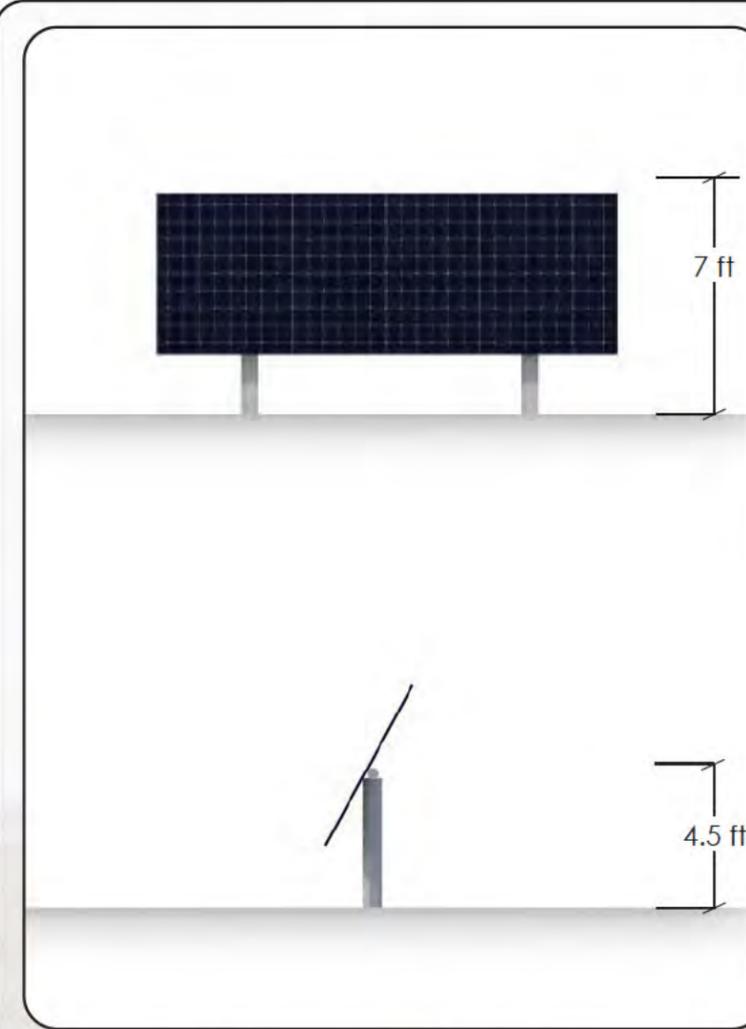
Simulation was prepared using information provided by client. Locations, colors, and heights may vary based on final engineering and design.

## Savion Solar Project - Powers Butte



Approximate Distance to Nearest Panels:  
**0.25 miles**

### Project Location



### Structure Diagram



Extent of Single Frame Simulation

## KOP 1 - South Robinson Boulevard

Base Photographic Documentation

Latitude, Longitude (degrees):

**43.42672, -116.49350**

Viewpoint Elevation (feet): **2,729**

Camera Height (meters): **1.5**

Camera Heading (degrees): **20**

Camera Make & Model:  
**Canon EOS 5D Mark IV**

Camera Sensor Size (mm):  
**36 x 24 Full Frame**

Crop Factor: **1x**

Lens Make & Model:  
**AF-P Nikkor**

Lens Focal Length (mm): **50**

Image Size (pixels):  
**6720 x 4480**

Viewing Instructions: Printed at 100% the resulting simulation is 16 inches wide by 10 inches high. At this size and focal length, the simulation should be viewed at arms length (24 inches). If viewed on a computer monitor, scale should be 100%.

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ENVIRONMENTAL CONSULTANTS



**KOP 1: View from South Robinson Boulevard looking northeast - Existing Condition**



**KOP 1: View from South Robinson Boulevard looking northeast - Simulated Condition**

## Sun and Weather



Sunny

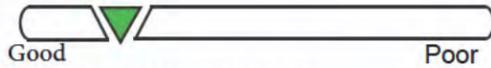
Date:

**8-31-23**

Photo Time:

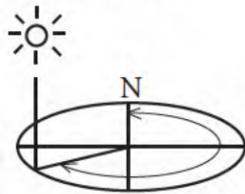
**4:22 pm**

Visibility:



**Air Quality: Good**

Sun Azimuth:



**250.62°**

Sun Angle:

**31.12°**

Lighting Angle on Project:

**Front Lit**

Wind:

**8 mph**

Cloud Cover:

**0 %**

Temperature (°F):

**87°F**

Simulation was prepared using information provided by client. Locations, colors, and heights may vary based on final engineering and design.

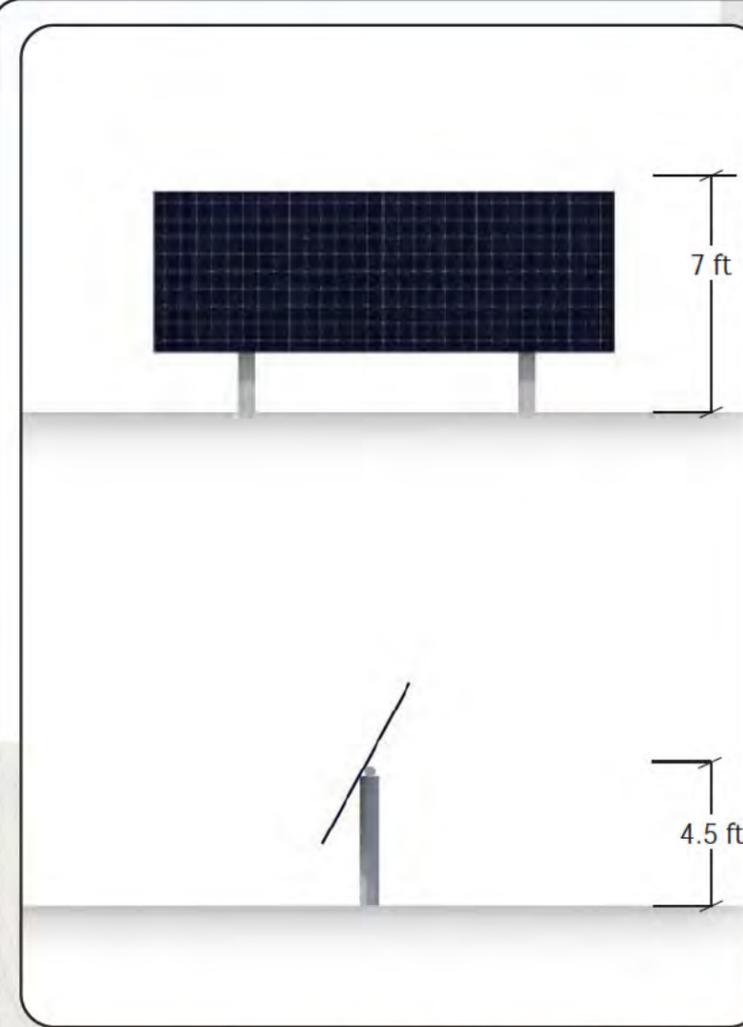
## Savion Solar Project - Powers Butte



Approximate Distance to Nearest Panels:

**0.13 mile**

**Project Location**



**Structure Diagram**

## KOP 4 - Intersection of Dickman Road and West Fairchild Road

Base Photographic Documentation

Latitude, Longitude (degrees):

**43.44466, -116.49356**

Viewpoint Elevation (feet): **2,756**

Camera Height (meters): **1.5**

Camera Heading (degrees): **265**

Camera Make & Model:

**Canon EOS 5D Mark IV**

Camera Sensor Size (mm):

**36 x 24 Full Frame**

Crop Factor:

**1x**

Lens Make & Model:

**AF-P Nikkor**

Lens Focal Length (mm):

**50**

Image Size (pixels):

**6720 x 4480**

Viewing Instructions: Printed at 100% the resulting simulation is 16 inches wide by 10 inches high. At this size and focal length, the simulation should be viewed at arms length (24 inches). If viewed on a computer monitor, scale should be 100%.

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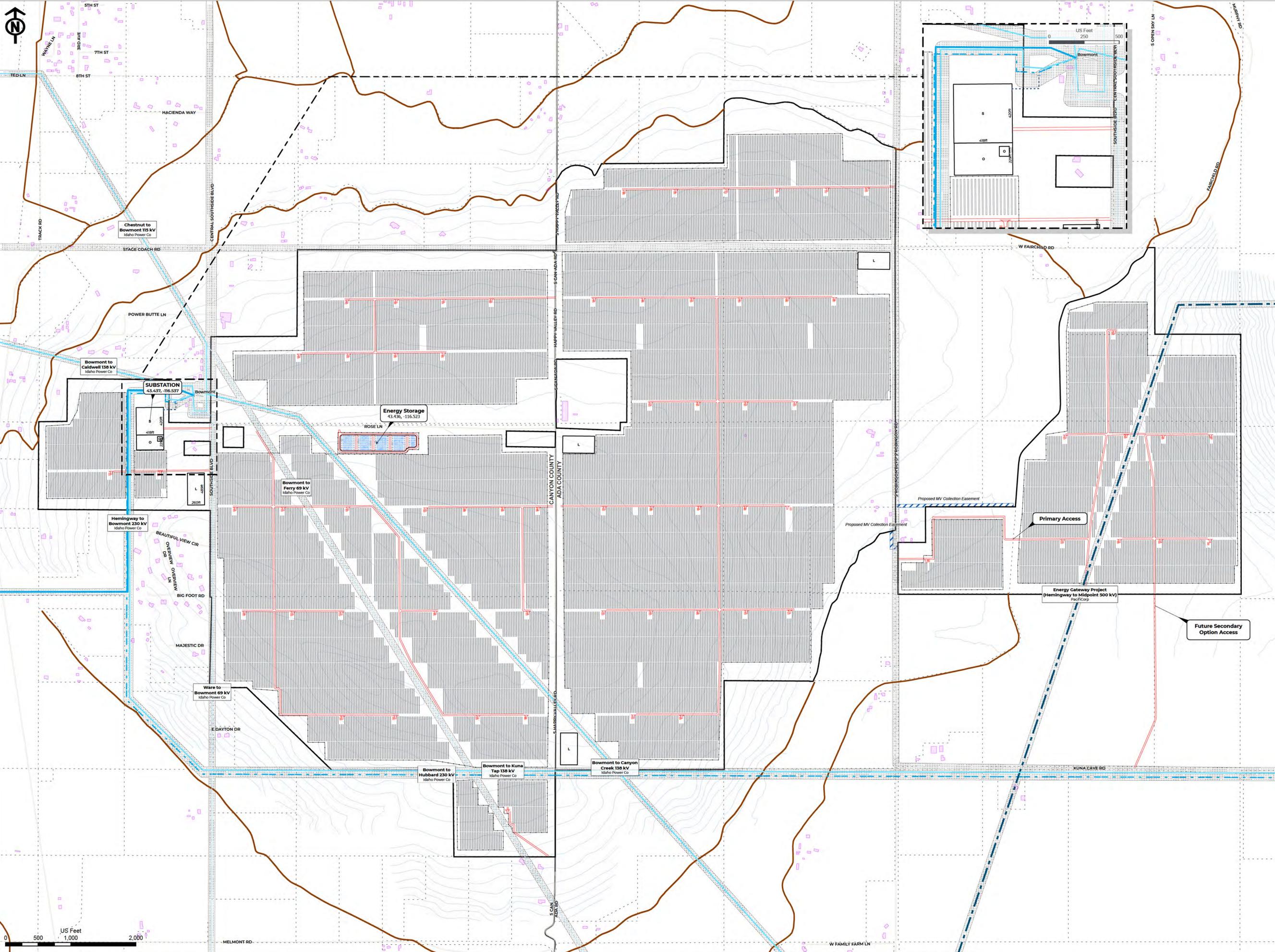
Extent of Single Frame Simulation



**KOP 4: View from Intersection of Dickman Road and West Fairchild Road looking west - Existing Condition**



**KOP 4: View from Intersection of Dickman Road and West Fairchild Road looking west - Simulated Condition**



**POWERS BUTTE ENERGY CENTER, LLC**  
**PRELIMINARY SITE PLAN**

- Project Boundary
- Property Lines
- Project Layout**
- PCS
- Battery Storage Container
- Inverter
- Panel
- Proposed MV Collection Easements
- Project Gen-Tie
- Access Road (738')
- Ditches Canals
- Facilities**
- Substation
- Energy Storage
- Laydown Yard
- O&M / Parking & Loading Area
- Security Fence
- Parking Space
- Existing Transmission Lines**
- 69
- 115
- 138
- 230
- Substations
- Proposed Transmission Lines**
- Voltage kV
- 230
- 500
- Existing Site Conditions**
- Structures
- Transmission Line ROW (Existing + Proposed)
- County / Local Roads
- Contours**
- Index
- Intermediate



PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

**PROJECT**  
**POWERS BUTTE**

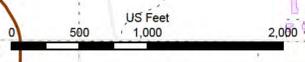
DEVELOPER: SAVION, LLC      ENGINEER: LINDSEY WEISMAN

DATE: 1/12/2024      SCALE: 1 INCH = 625 FEET

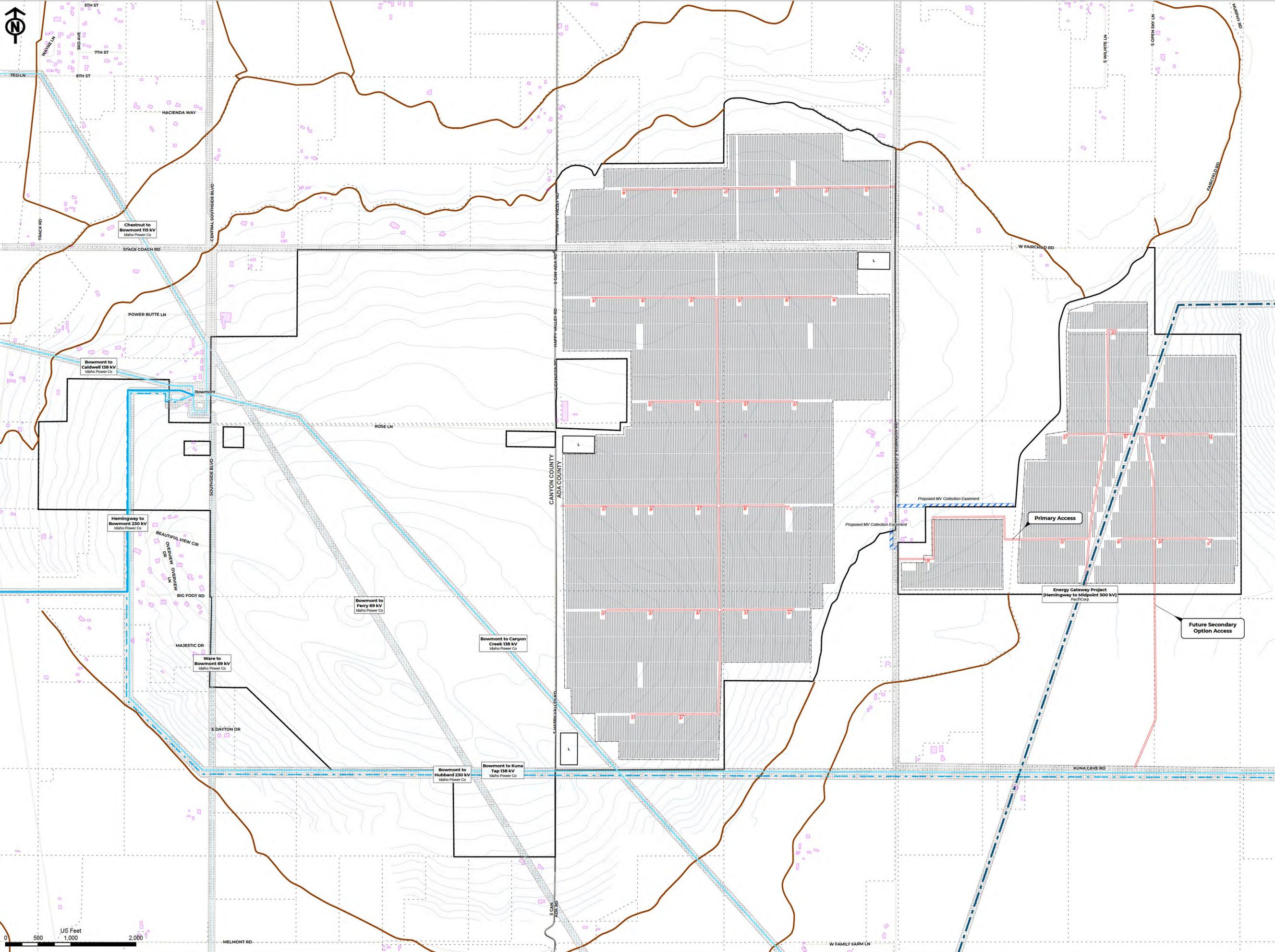
NOTES:

SHEET:  
**PRELIMINARY SITE PLAN (24 X 36)**

Coordinate System: NAD 1983 StatePlane Idaho West FIPS 1103 Feet  
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The following companies and organizations provided data that contributed to the production of this map - CoreLogic, Inc., Environmental Systems Research Institute (ESRI), ReGrid, Loveland Technologies, U.S. Department of Agriculture (USDA), U.S. Federal Aviation Administration (FAA), U.S. Geological Survey (USGS), WhiteStar Corporation, Ventyx, Inc., An ABB Company, Imagery © 2024 Hexagon and data partners.



**POWERS BUTTE ENERGY CENTER, LLC**  
**PRELIMINARY SITE PLAN**

- Project Boundary
- Property Lines
- Project Layout**
  - Inverter
  - Panel
  - Proposed MV Collection Easement
  - Access Road
  - Ditches Canals
- Facilities**
  - Laydown Yard
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  - Voltage kV
  - 230
  - 500
- Existing Site Conditions**
  - Structures
  - Transmission Line ROW (Existing + Proposed)
  - County / Local Roads
- Contours**
  - Index
  - Intermediate



PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

**PROJECT**  
**POWERS BUTTE**

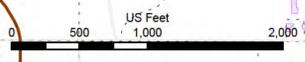
DEVELOPER: SAVION, LLC      ENGINEER: LINDSEY WEISMAN

DATE: 1/12/2024      SCALE: 1 INCH = 625 FEET

NOTES:

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**PRELIMINARY SITE PLAN (24 X 36)**

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The logo for SWCA (Southwest Watershed Council of America) is displayed vertically on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' stacked vertically in a large, light blue, sans-serif font.

# Aquatic Resources Delineation Report for Powers Butte Energy Center, Ada and Canyon Counties, Idaho

JUNE 2023

PREPARED FOR

**Powers Butte Energy Center,  
LLC**

PREPARED BY

**SWCA Environmental Consultants**

**AQUATIC RESOURCES  
DELINEATION REPORT  
FOR POWERS BUTTE ENERGY CENTER,  
ADA AND CANYON COUNTIES, IDAHO**

Prepared for

Christopher Powers  
Powers Butte Energy Center, LLC  
422 Admiral Boulevard  
Kansas City, Missouri 64106

Prepared by

**SWCA Environmental Consultants**  
257 East 200 South, Suite 200  
Salt Lake City, Utah 84111  
[www.swca.com](http://www.swca.com)

June 2023

## **REPORT SUMMARY**

The Survey Area covers 2,385.18 acres within Ada and Canyon Counties, Idaho, on privately-owned lands. SWCA observed no hydrophytic vegetation and no hydric soils within the Survey Area. Four human-made ponds (2.59 acres) were delineated within the Survey Area with hydrology but no other wetland indicators. Additionally, seven irrigation canals (15,079.76 feet; 4.57 acres) were delineated within the Survey Area. None of the delineated aquatic resources are suspected to be jurisdictional.

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## **ACRONYMS AND ABBREVIATIONS**

CFR	Code of Federal Regulations
CWA	Clean Water Act
delineation	aquatic resources delineation
EPA	U.S. Environmental Protection Agency
FAC	Facultative
FACU	Facultative Upland
FACW	Facultative Wetland
GPS	global positioning system
IDWR	Idaho Department of Water Resources
NHD	National Hydrography Dataset
NLCD	National Land Cover Database
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OBL	Obligate Wetland
OHWM	ordinary high-water mark
project	Powers Butte Energy Center
SSURGO	Soil Survey Geographic Database
SWCA	SWCA Environmental Consultants
UPL	Upland
USACE	U.S. Army Corps of Engineers
WOTUS	Waters of the United States

## **1.0 INTRODUCTION**

Savion LLC, doing business as Powers Butte Energy Center, LLC, is seeking to develop the Powers Butte Energy Center (project), a 250-megawatt (MW) solar generation facility, 200-MW battery energy storage system, and ancillary facilities on 2,385.18 acres of private developable land in Ada and Canyon Counties, Idaho (Figure A-1 in Appendix A). Savion LLC contracted SWCA Environmental Consultants (SWCA) to conduct an aquatic resources delineation (delineation). The purposes of this delineation are to identify and evaluate potential aquatic resources including wetlands, within the Survey Area that may be subject to U.S. Army Corps of Engineers (USACE) Walla Walla District and the State of Idaho jurisdiction as defined in Sections 401 and/or 404 of the Clean Water Act and Idaho code § 42- 3801.

### **1.1 Contact Information**

Applicant:	Christopher Powers Powers Butte Energy Center, LLC 422 Admiral Boulevard Kansas City, Missouri 64106
Agent:	SWCA Environmental Consultants 257 East 200 South, Suite 200 Salt Lake City, Utah 84111 (801) 322-4307 bill.johnson@swca.com

### **1.2 Survey Area Location**

The Survey Area covers 2,385.18 acres within Ada and Canyon Counties, Idaho, on privately-owned lands (see Figure A-1). The center point of the Survey Area is located at 43.43402, -116.51994. To access the Survey Area from Nampa, Idaho, head southeast on 1st Street South toward Wall Street for 0.3 mile. Turn right, heading southwest, onto 16th Avenue South for 374 feet. Turn left, heading southeast, onto 2nd Street South for 1.7 miles. Turn left onto Southside Boulevard, and head south for 8.5 miles. Turn left, heading east, onto Rose Lane to arrive at the center of the Survey Area.

## **2.0 METHODS**

### **2.1 Desktop Resource Review**

Before the delineation fieldwork, SWCA reviewed the following data sources as they pertain to the Survey Area:

- Aerial photographs (see Figure A-1) and aquatic resources maps to identify potential aquatic resources in the Survey Area (see Appendix A, Appendix B)
- Antecedent Precipitation Tool (Appendix C) to compare recent rainfall conditions of the Survey Area to the range of normal rainfall conditions that occurred during the preceding 30 years and evaluate how that affects site conditions
- Topographic maps (Figure D-1 in Appendix D) to identify nearest aquatic resources to the Survey Area (see Appendix D)

- National Wetlands Inventory (NWI) data (U.S. Fish and Wildlife Service 2023) and the National Hydrography Dataset (NHD) (Idaho Department of Water Resources [IDWR] and U.S. Geological Survey 2022) to identify potential aquatic resources in the Survey Area (Figure D-2 in Appendix D)
- Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database (SSURGO) to identify potential hydric soils in the Survey Area (NRCS 2023) (Figure D-3 in Appendix D).

## **2.2 Regulatory Setting**

### **2.2.1 Waters of the United States**

On December 30, 2022, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (“the agencies”) announced the final “Revised Definition of ‘Waters of the United States’ ” rule promulgated by the current administration, and the rule took effect on March 20, 2023. Due to ongoing litigation, the agencies were interpreting “waters of the United States” consistent with the pre-2015 regulatory regime in approximately half of the states with the other half utilizing the new rule.

On May 25, 2023, the U.S. Supreme Court issued the *Sackett v. EPA* decision narrowing the interpretation of federal WOTUS. The opinion determined that the Clean Water Act (CWA) extends to only those wetlands with a “continuous surface connection to bodies that ‘are Waters of the United States’ in their own right,” so that they are “indistinguishable” from those waters. In addition, the decision abandons the existing significant nexus test for adjacent wetlands moving forward. The *Sackett v. EPA* opinion also emphasizes statutory language in the CWA that protects the “primary responsibilities and rights of States” to reduce water pollution and to manage land and water resources.

The decision is inconsistent with the most recent “Revised Definition of ‘Waters of the United States’ ” rule that took effect on March 20, 2023, as well as the pre-2015 CWA regulatory regime, both of which are in effect in different states. In light of this decision, the agencies will interpret the phrase “waters of the United States” consistent with the Supreme Court’s decision in *Sackett*.

“The term waters of the United States in as defined by the agencies under 43 CFR 120 and 33 CFR 328.3 is as follows:

*(a) Water of the United States* means:

- (1) All waters which are:
  - (i) currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  - (ii) territorial seas; or
  - (iii) Interstate waters, including interstate wetlands;
- (2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
- (3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section:
  - (i) That are relatively permanent, standing or continuously flowing bodies of water; or
  - (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;
- (4) Wetlands adjacent to the following waters:
  - (i) Waters identified in paragraph (a)(1) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3)(i) of this section and with a continuous surface connection to those waters; or

(iii) Waters identified in paragraph (a)(2) or (3) of this section when the wetlands either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section:

(i) That are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3)(i) of this section; or

(ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section.

Eight exclusions from the definition of “waters of the United States” are codified at 43 Code of Federal Regulations (CFR) 120 and 33 CFR 328.3 paragraph (b), and key terms are defined at paragraph (c).

Wetlands are a subset of jurisdictional WOTUS and are jointly defined by the USACE and the EPA as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas” (Environmental Laboratory 1987).

Under Section 404 of the CWA, dredged and fill material may not be discharged into jurisdictional WOTUS, including wetlands, without a permit.

Regulated activities include

- fill for development,
- utility line projects (such as pipelines), and
- infrastructure development (such as roads).

## **2.2.2 Waters of the State**

Sections 42-3801-3802 of the Idaho Statutes requires that the stream channels of the state and their environments be protected against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. No alteration of any stream channel shall hereafter be made unless approval therefore has been given as provided in this act (Justia US Law 2022). *Stream channel* refers to a natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water. Ditches, canals, laterals, and drains that are constructed and used for irrigation or drainage purposes are not stream channels (Idaho Statute 42-3802). The IDWR must approve any work being done within the beds and banks of a continuously flowing stream. A stream channel alteration permit from IDWR must be acquired before beginning any work that alters a stream channel. Stream alteration is defined as “any activity that will obstruct, diminish, destroy, alter, modify, relocate or change the natural existing shape or direction of water flow of any stream channel. This includes taking material out of the channel or placing material or structures in or across the channel where the potential exists to affect flow in the channel” (IDWR 2023).

The Idaho Department of Water Resources, Idaho Department of Lands, and the USACE have developed a joint application for permits under the Stream Protection Act. An application must be filed at least 60 days before the applicant proposes to start construction. The application is required to be accompanied by plans that clearly describe the nature and purpose of the proposed work. In those cases where the applicant intends to follow the minimum standards, detailed plans may be eliminated by referring to the specific minimum standard; however, drawings necessary to adequately define the extent, purpose, and location of the work may be required (Cornell Law School 2023).

## **2.3 Field Survey**

### **2.3.1 Wetlands**

During the fieldwork, all potential wetland and upland vegetation communities observed were sampled to characterize vegetation, soil, and hydrology. SWCA recorded all sampling points and wetland boundaries using a global positioning system (GPS) unit with submeter accuracy.

The fieldwork was done in accordance with the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008). The delineation methodology used was routine and there were no deviations from the USACE guidelines. Based on these documents, wetlands are identified using the following three criteria:

1. Hydrophytic vegetation
2. Wetlands hydrology
3. Hydric soil

All three criteria must be met for an area to be considered a wetland. An explanation of the three wetlands criteria follows.

#### **2.3.1.1 HYDROPHYTIC VEGETATION**

Hydrophytic plants are plants that are adapted to wet conditions. The National Wetland Plant List (USACE 2020) is used to determine the wetlands indicator status of plant species observed at the sampling points. There are five categories of wetland indicator status ratings: Obligate Wetland (OBL), Facultative Wetland (FACW), Facultative (FAC), Facultative Upland (FACU), and Upland (UPL). These rating categories are defined by the USACE as follows:

- OBL: almost always occur in wetlands;
- FACW: usually occur in wetlands but may occur in non-wetlands;
- FAC: occur in wetlands and non-wetlands;
- FACU: usually occur in non-wetlands but may occur in wetlands; and
- UPL: almost always occur in non-wetlands.

#### **2.3.1.2 WETLANDS HYDROLOGY**

Wetlands hydrology examines the behavior of water in wetlands. Primary hydrologic indicators assessed in the field include soil saturation, surface water, hydrogen sulfide odor, and presence of reduced iron in the soil. Secondary indicators are also assessed and can include drainage patterns, dry-season water table,

crayfish burrows, saturation visible on aerial imagery, shallow aquitard, FAC-neutral test, water marks (Riverine), sediment deposits (Riverine), and drift deposits (Riverine). One primary indicator or two or more secondary indicators is sufficient to conclude wetland hydrology is present.

### **2.3.1.3 HYDRIC SOILS**

The NRCS defines hydric soils as those soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper portion of the soil column (above 12- to 20-inch soil depth, depending on soil texture [NRCS 2018]). Soils are assessed for hydric conditions in the field using a sharpshooter shovel to excavate a soil pit and to examine the soil profile. Some hydric soil indicators are depleted matrix, redox dark surface, stripped matrix, depleted dark surface, and black histic. A Munsell soil color chart is used to determine soil color.

### **2.3.2 Other Aquatic Resources**

Potential non-wetland aquatic resources, including ephemeral, intermittent, and perennial streams, were delineated based on the location of the ordinary high-water mark (OHWM), which typically occurs at the transition between the active floodplain and the low terrace. An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. A perennial stream has flowing water year-round during a typical year (USACE 2022). Indicators of OHWM can be physical or vegetative and include benches, drift lines, changes in sediment size distribution, and transitions in vegetation type and density. During the delineation process, SWCA uses the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Lichvar and McColley 2008); *A Guide to Ordinary High Water Mark (OHWM) Delineation for Non-Perennial Streams in the Western Mountains, Valleys, and Coast Region of the United States* (Mersel and Lichvar 2014); and *Regulatory Guidance Letter 05-05* (USACE 2005). Although the OHWM field guide (Lichvar and McColley 2008) focuses primarily on ephemeral and intermittent streams, the OHWM indicators also apply to perennial streams and were used to delineate these types of systems in the Survey Area. OHWM indicators include a change in average sediment texture, vegetation species, or vegetation cover; a break in bank slope; and a change in soil crust. OHWM width and height were also recorded.

## **3.0 EXISTING CONDITIONS**

SWCA conducted the delineation of the 2,385.18 -acre Survey Area between April 24 and 27, 2023. The entire Survey Area was field verified. According to the USACE Antecedent Precipitation Tool, the Survey Area had normal conditions during the field survey (see Appendix C). There was no surface water flow within the Survey Area. At the time of the survey, there was evidence of heavy cattle use and manure storage in the Survey Area. Several irrigation canals had been constructed along the perimeter.

The Survey Area is composed of agricultural fields, grasslands, and upland shrub habitat. The National Land Cover Database (NLCD) (Dewitz 2019) characterizes the Survey Area as predominantly Cultivated Crops (84.24%) (Table 1).

**Table 1. NLCD cover types within the Survey Area**

NLCD cover type	Acres	Percent of Survey Area
Cultivated Crops	2,104.63	88.24%

<b>NLCD cover type</b>	<b>Acres</b>	<b>Percent of Survey Area</b>
Herbaceous	177.83	7.46%
Shrub/Scrub	46.19	1.94%
Hay/Pasture	24.62	1.03%
Developed, Open Space	19.27	0.81%
Developed, Low Intensity	10.04	0.42%
Developed, Medium Intensity	2.38	0.10%
Open Water	0.22	0.01%
<b>Total</b>	<b>2,385.18</b>	<b>100.00%</b>

Source: Dewitz (2019).

## **4.0 AQUATIC RESOURCES**

There were no wetlands delineated within the Survey Area (see Appendix B). SWCA observed no indications of wetlands, including no hydrophytic vegetation and no hydric soils. Four human-made ponds (2.59 acres) were delineated within the Survey Area (Table 2), but these lacked hydric soils and vegetation. These human-made ponds are not jurisdictional under the CWA.

U01 is an human-made pond that lacked wetland vegetation. This pond was located behind a fence located in a neighbor’s front yard. SWCA was unable to dig a wetland soil pit (Figure 1).



**Figure 1. Photograph of U01 from photo point PP12.**

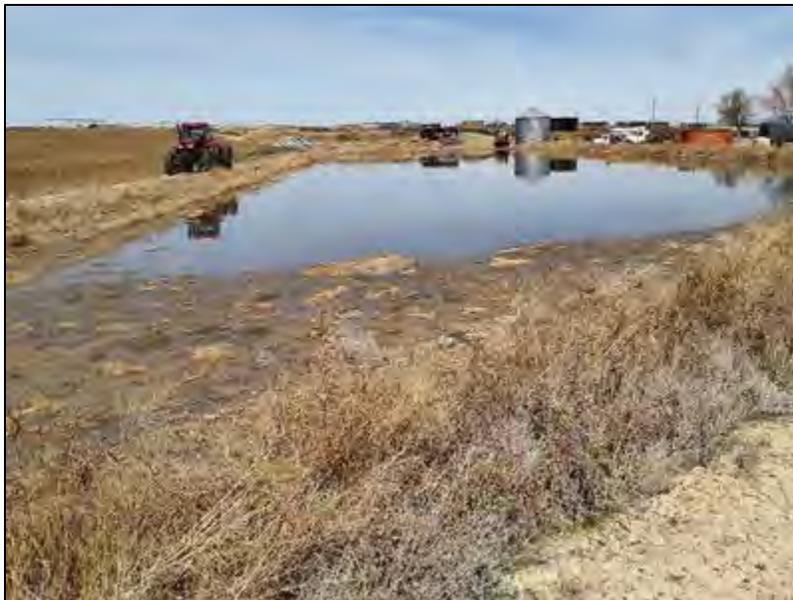
U02, U03, and U04 are human-made pond features that are used as manure holding ponds (Figures 2 through 4). These features lacked hydric soils and wetland vegetation. Active manure dumping was present at the time of the survey.



**Figure 2. Photograph of U02 from photo point PP48.**



**Figure 3. Photograph of U03 from photo point PP48.**



**Figure 4. Photograph of U04 from photo point PP47.**

Additionally, seven irrigation canals (15,079.76 feet; 4.57 acres) were delineated within the Survey Area (see Table 2).

C01 is an irrigation canal on the western edge of the Survey Area (Figure 5). C01 flows southwest outside the Survey Area and is characterized by a change in vegetation with an OHWM width of 2 feet. Both C01 and C02 begin at a water control feature from an irrigation canal outside of the Survey Area.



**Figure 5. Photograph of C01 from cross section XS01.**

C02 is an irrigation canal on the western edge of the Survey Area beginning at an irrigation feature outside of the Survey Area and flows south out of the Survey Area to the west (Figure 6). C02 is characterized by a change in vegetation with an OHWM width of 4 feet.



**Figure 6. Photograph of C02 from cross section XS03.**

C03 is an irrigation canal flowing west on the northern edge of the Survey Area beginning and ending outside of the Survey Area. It is characterized by a bed and bank and a change in vegetation within an OHWM width of 4 feet (Figure 7). Water was present at the time of the survey.



**Figure 7. Photograph of C03 from cross section XS05.**

C04 is an irrigation canal along the northern edge of the Survey Area that flows west outside of the Survey Area and connects to C03 (Figure 8). The OHWM indicators include a bed and bank and a change in vegetation with an OHWM width of 5 feet.



**Figure 8. Photograph of C04 from cross section XS06.**

C05 is an irrigation canal along the southern edge of the Survey Area with several water control features throughout that flows south outside of the Survey Area (Figure 9). OHWM indicators include a bed and bank and OHWM width of 4 feet. C05 connects to C06 outside of the Survey Area.



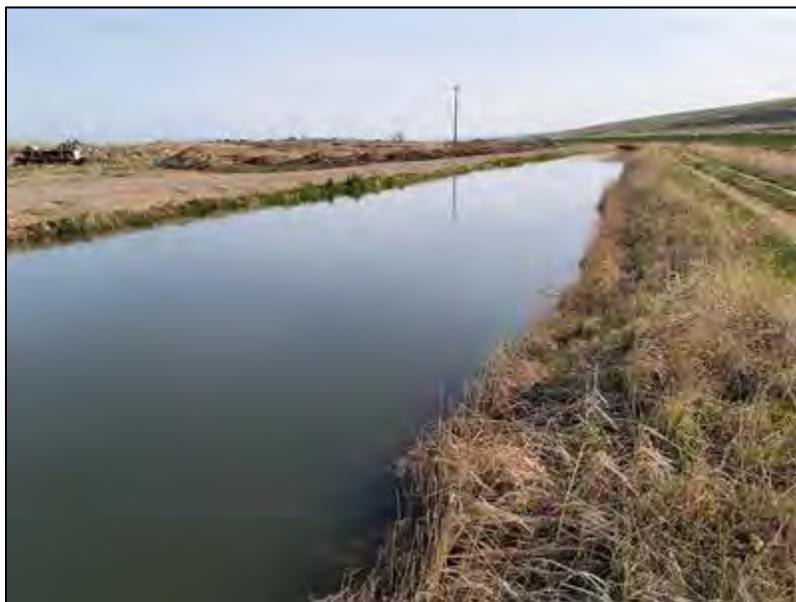
**Figure 9. Photograph of C05 from cross section XS04.**

C06 is an irrigation canal with several water control features throughout it that flows west along the edge of the Survey Area from C07, continues out of the Survey Area, and flows into C05 (Figure 10). Water was present at the time of the survey. OHWM indicators include a bed and bank and a change in vegetation and OHWM width of 4 feet.



**Figure 10. Photograph of C06 from cross section XS08.**

C07 is a large irrigation canal, named the Waldvogel Canal, which begins outside the Survey Area to the north, flows south along the edge of the Survey Area, and continues south (Figure 11). Some water is diverted from C07 into C06 for irrigation purposes. Water was present at the time of the survey. OHWM indicators consist of a bed and bank, and a change in vegetation. The OHWM width is 25 feet. There were many water control features throughout the canal.



**Figure 11. Photograph of C07 from cross section XS07.**

SWCA took representative photographs of habitat throughout the Survey Area (see Figures 1–12, see Appendix B for photo locations).



**Figure 12. Representative photograph of habitat from photo point PP04.**

Biologists took one upland sampling point within the Survey Area (U1). This area lacked hydric soil indicators and hydrophytic vegetation. Hydrology within the area is driven by irrigation for agriculture and runs through the area. Corresponding wetland forms are in Appendix E.



**Figure 13. Photograph of upland area from point U1.**

## 4.1 Aquatic Resources Table

Table 2. Other Aquatic Resources in the Survey Area

Aquatic Resource Name	Photo Point	Type	Location		Length (feet)	Mean OHWM Width (feet)	Area (acres)
			Latitude	Longitude			
C01	XS01	Canal	43.43527	-116.54330	108.93	1.5	0.01
C02	XS03	Canal	43.43599	-116.54338	500.66	3.5	0.05
C03	XS05	Canal	43.43015	-116.49723	969.17	4	0.09
C04	XS06	Canal	43.44803	-116.51294	2,872.98	5	0.33
C05	XS05	Canal	43.45033	-116.49831	2,856.24	4	0.26
C06	XS07	Canal	43.43648	-116.48607	1,355.17	4	0.12
C07	XS08	Canal	43.43383	-116.49046	6,416.62	25	3.71
U01	PP12	Human-made pond	43.43550	-116.53396	N/A	N/A	0.08
U02	PP48	Human-made pond	43.43576	-116.49504	N/A	N/A	1.14
U03	PP48	Human-made pond	43.43576	-116.49504	N/A	N/A	0.35
U04	PP47	Human-made pond	43.43258	-116.49518	N/A	N/A	1.03
<b>Total</b>					<b>15,079.77</b>		<b>7.17</b>

N/A: Not applicable.

## 4.2 Non-jurisdictional Aquatic Resources

The aquatic resources delineated within the Survey Area are suspected to be non-jurisdictional. The four human-made ponds lack wetland indicators and are artificial ponds used for agricultural purposes. The seven irrigation canals are suspected to be non-jurisdictional because they are human made and used for agricultural purposes and lack a continuous connection with traditionally navigable waters. C07 does not connect two navigable WOTUS that are used for interstate commerce and is not susceptible to use in interstate or foreign commerce. C07, the Waldvogel Canal, is a distributary of Mora canal and appears to end within agricultural fields south of the Survey Area (see Figure D-1).

Under the CWA, the USACE has sole authority to determine what resources are jurisdictional or not jurisdictional the federal level. Under Idaho code, ditches, canals, laterals, and drains that are constructed and used for irrigation or drainage purposes are not stream channels.

## 4.3 Vegetation

The Survey Area is relatively flat and is characterized by large hay and alfalfa agricultural fields, upland shrubland habitat, and invasive-plant-dominated grasslands. Dominant vegetation includes yellow rabbitbrush (*Chrysothamnus viscidiflorus*), burningbush (*Bassia scoparia*), narrowleaf willow (*Salix exigua*), timothy (*Phleum pratense*), lenspod whitetop (*Cardaria draba*), prickly Russian thistle (*Salsola tragus*), cheatgrass (*Bromus tectorum*), and African mustard (*Malcolmia africana*).

There are 16.38 acres of mapped NWI data within the Survey Area (Table 3). NWI data for the Survey Area and the surrounding area are shown on Figure D-2.

**Table 3. Wetland Features within the Survey Area**

Wetland Type	Acres
Freshwater emergent wetland	12.03
Freshwater pond	0.77
Riverine	3.57
<b>Total</b>	<b>16.38</b>

Source: U.S. Fish and Wildlife Service (2023).

## 4.4 Hydrology

There are 8,020.76 linear feet of mapped NHD data within the Survey Area. NHD data for the Survey Area are provided in Table 4 and shown on Figure D-2. There are also 2.63 acres of NHD waterbodies mapped within the Survey Area. The Waldvogel Canal, C07, flows through the eastern portion of the Survey Area and is the nearest aquatic resource that appears on the USGS topographic map.

**Table 4. National Hydrography Dataset Results for the Survey Area**

NHD Classification	Length (feet)
Stream/river: intermittent	2,535.08
Canal/ditch	4,137.11
Artificial path	1,348.57
<b>Total</b>	<b>8,020.76</b>

Source: Idaho Department of Water Resources and U.S. Geological Survey (2022).

## 4.5 Soils

NRCS SSURGO soil data for the Survey Area are provided in Table 5 and shown on Figure D-3. There are no hydric soils mapped within the Survey Area.

**Table 5. NRCS SSURGO Soil Data for the Survey Area**

Map Unit Symbol	Soil Unit Name	Hydric? (yes or no)	Area (acres)
161	Scism silt loam, 2 to 4 percent slopes	No	442.34
127	Potratz-Power silt loams, 4 to 8 percent slopes	No	322.68
SdC	Scism silt loam, deep over basalt, 3 to 7 percent slopes	No	266.07
PhB	Power silt loam, 1 to 3 percent slopes	No	258.94
160	Scism silt loam, 0 to 2 percent slopes	No	234.66
PcC	Potratz-Power silt loams, 3 to 7 percent slopes	No	175.96
TkE	Trevino-Rock outcrop complex, 0 to 20 percent slopes	No	108.66

<b>Map Unit Symbol</b>	<b>Soil Unit Name</b>	<b>Hydric? (yes or no)</b>	<b>Area (acres)</b>
165	Scism silt loam, bedrock substratum, 4 to 8 percent slopes	No	101.07
SdB	Scism silt loam, deep over basalt, 1 to 3 percent slopes	No	87.61
164	Scism silt loam, bedrock substratum, 2 to 4 percent slopes	No	66.10
130	Power silt loam, 2 to 4 percent slopes	No	64.39
166	Scism silt loam, bedrock substratum, 8 to 12 percent slopes	No	52.81
TrD	Trevino silt loam, 3 to 12 percent slopes	No	33.44
145	Purdam-Power silt loams, 2 to 4 percent slopes	No	30.61
BaE	Bahem silt loam, 12 to 30 percent slopes	No	29.53
PhA	Power silt loam, 0 to 1 percent slopes	No	24.97
PeC	Power-McCain silt loams, 8 to 12 percent slopes	No	20.42
136	Power-Potratz silt loams, 2 to 4 percent slopes	No	19.19
140	Potratz silt loam, 1 to 3 percent slopes	No	17.18
PaB	Potratz-Power silt loams, 1 to 3 percent slopes	No	9.67
PeB	Scism silt loam, 7 to 12 percent slopes	No	6.36
ScD	Trevino silt loam, 1 to 3 percent slopes	No	4.96
TrB	Rock outcrop-Trevino complex, 5 to 20 percent slopes	Unranked	3.26
158	Scism silt loam, 1 to 3 percent slopes	No	2.22
ScB	Garbutt silt loam, 4 to 8 percent slopes	No	1.21
62	Scism silt loam, 4 to 8 percent slopes	No	0.73
162	Potratz silt loam, 4 to 8 percent slopes	No	0.14
<b>Total</b>			<b>2,385.18</b>

Source: NRCS (2023).

## 5.0 REFERENCES

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## **APPENDIX A**

### **Location Map**

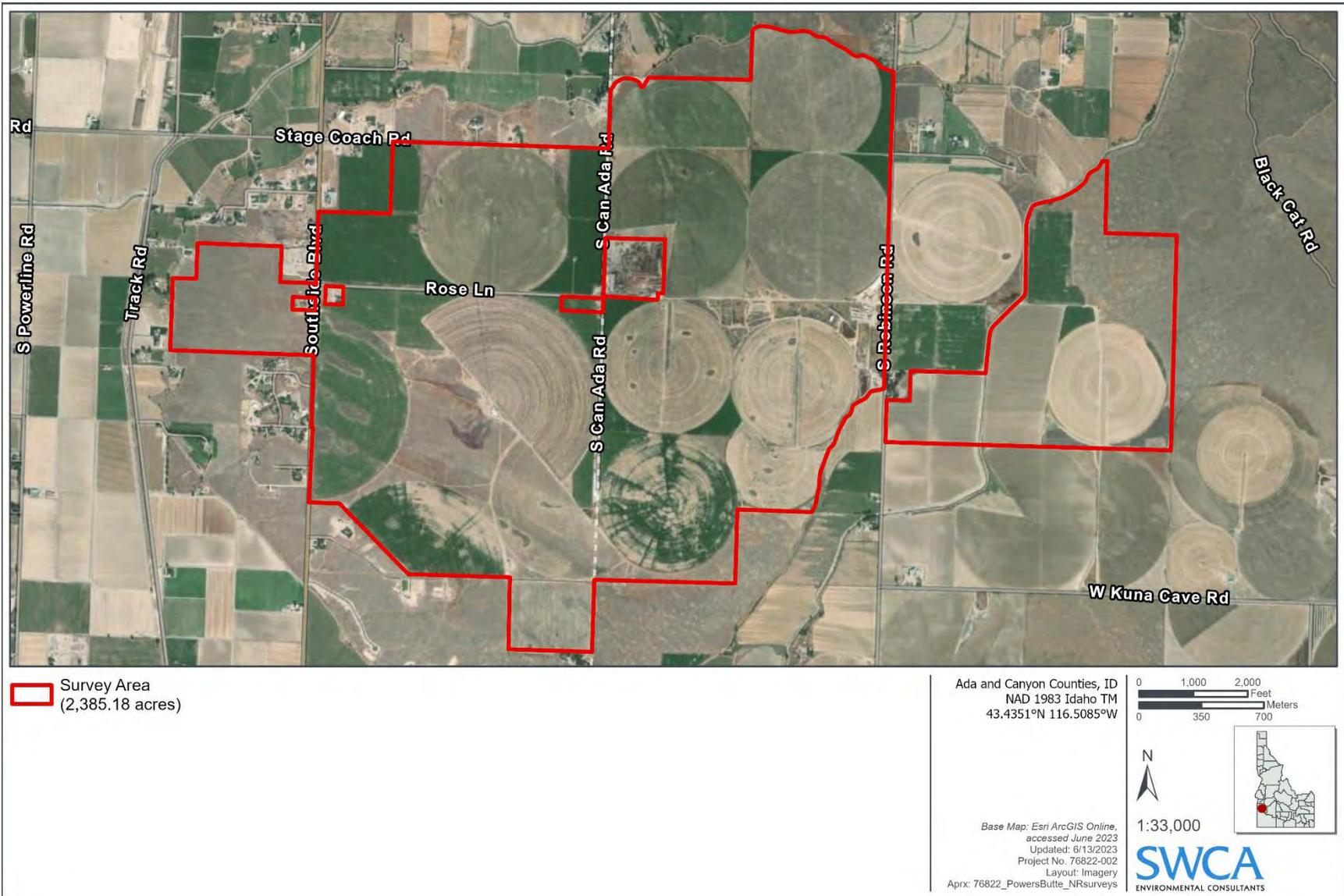


Figure A-1. Survey Area location.

## **APPENDIX B**

### **Aquatic Resources Maps**

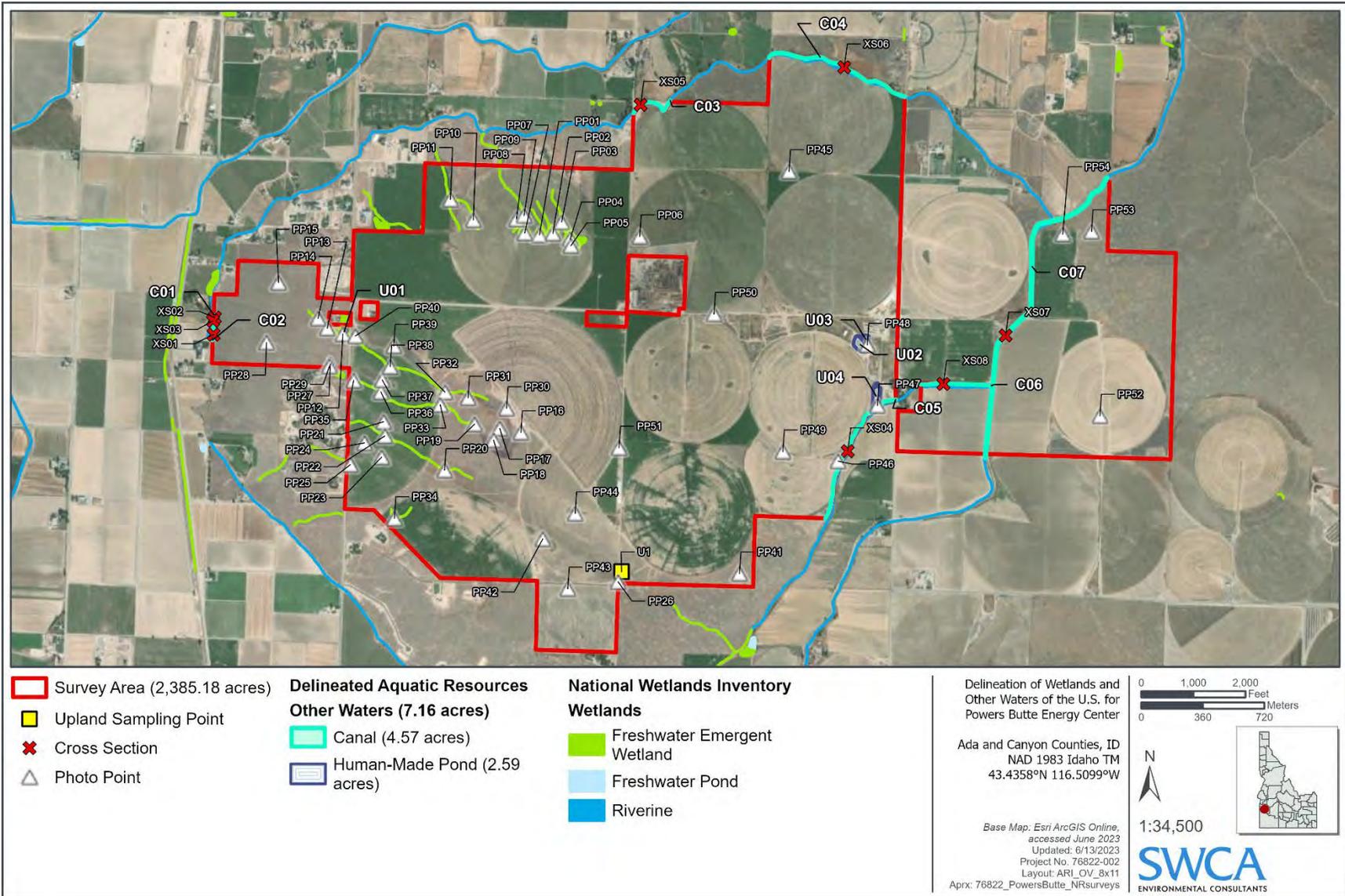


Figure B-1. Overview map of aquatic resources delineation.

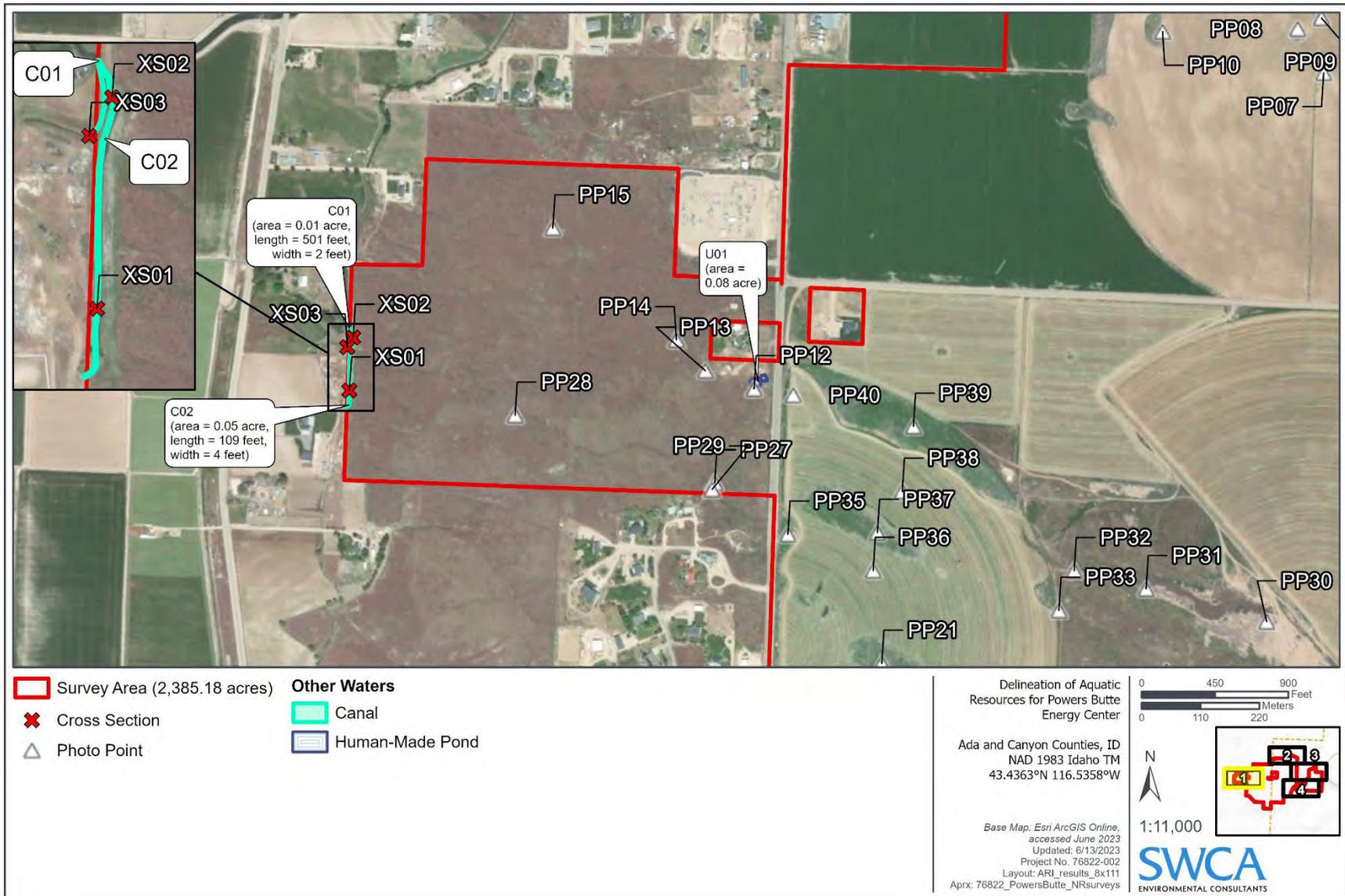


Figure B-2. Results of aquatic resources delineation (map 1 of 4).

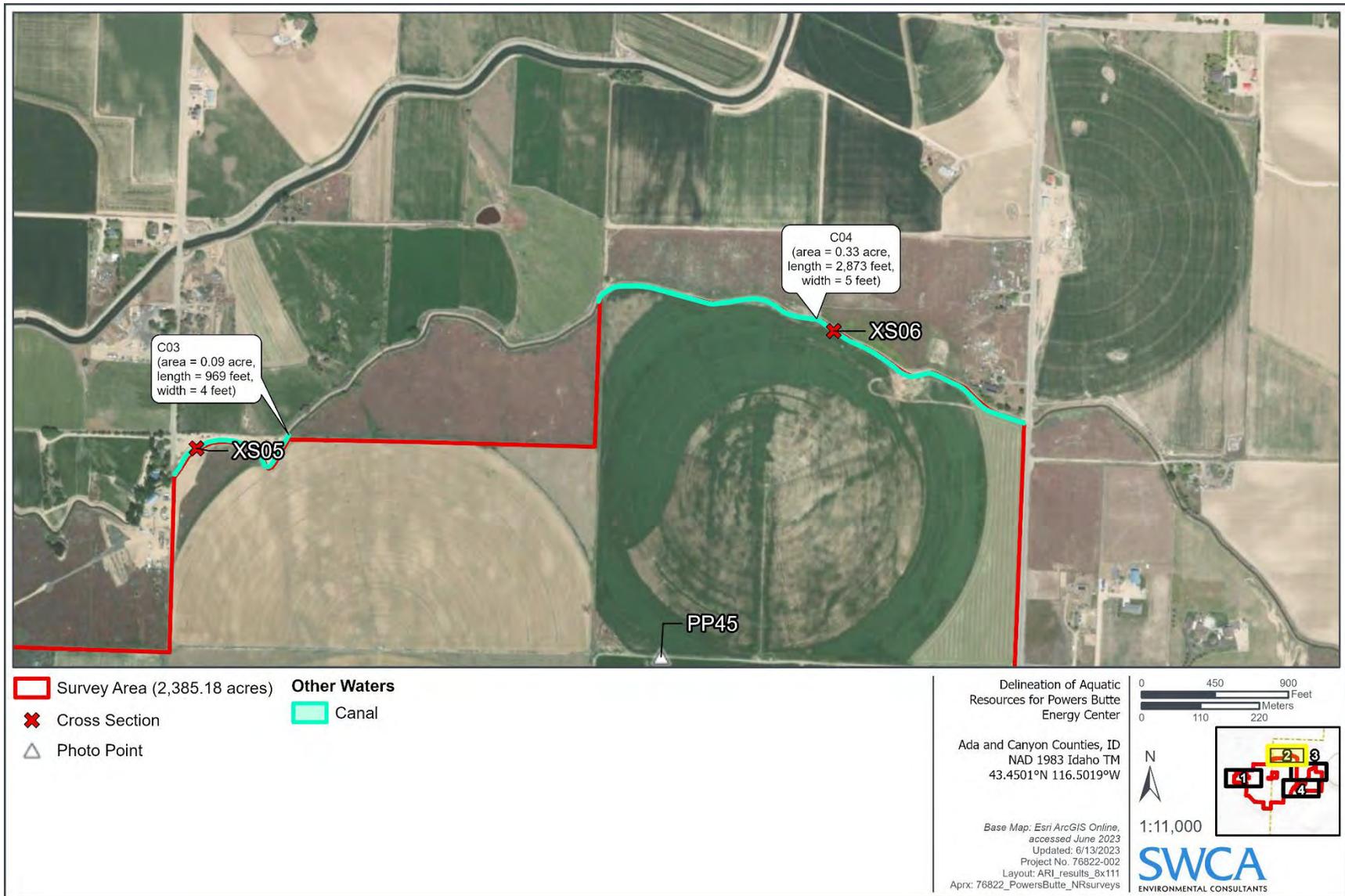


Figure B-3. Results of aquatic resources delineation (map 2 of 4).

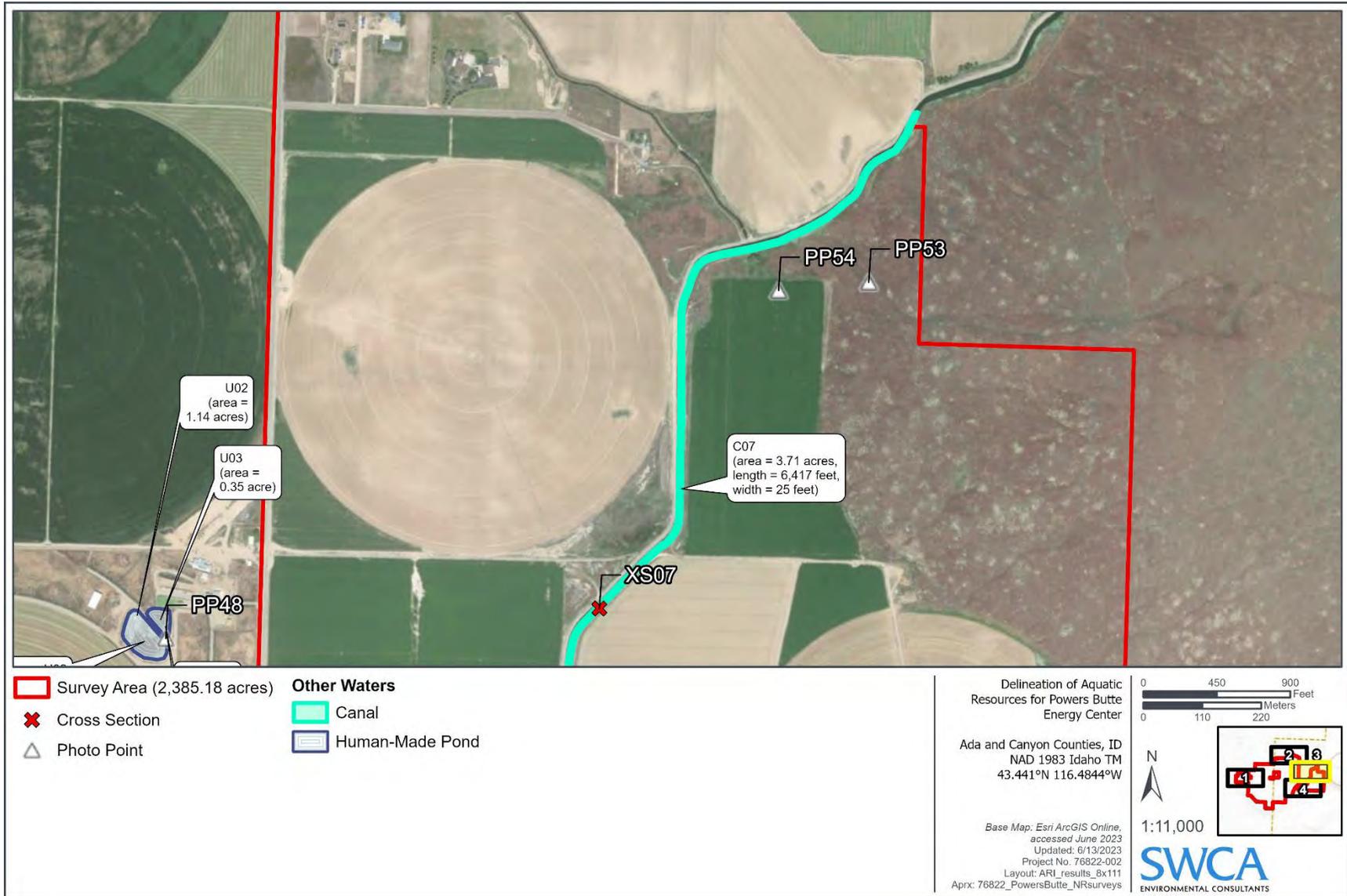


Figure B-4. Results of aquatic resources delineation (map 3 of 4).

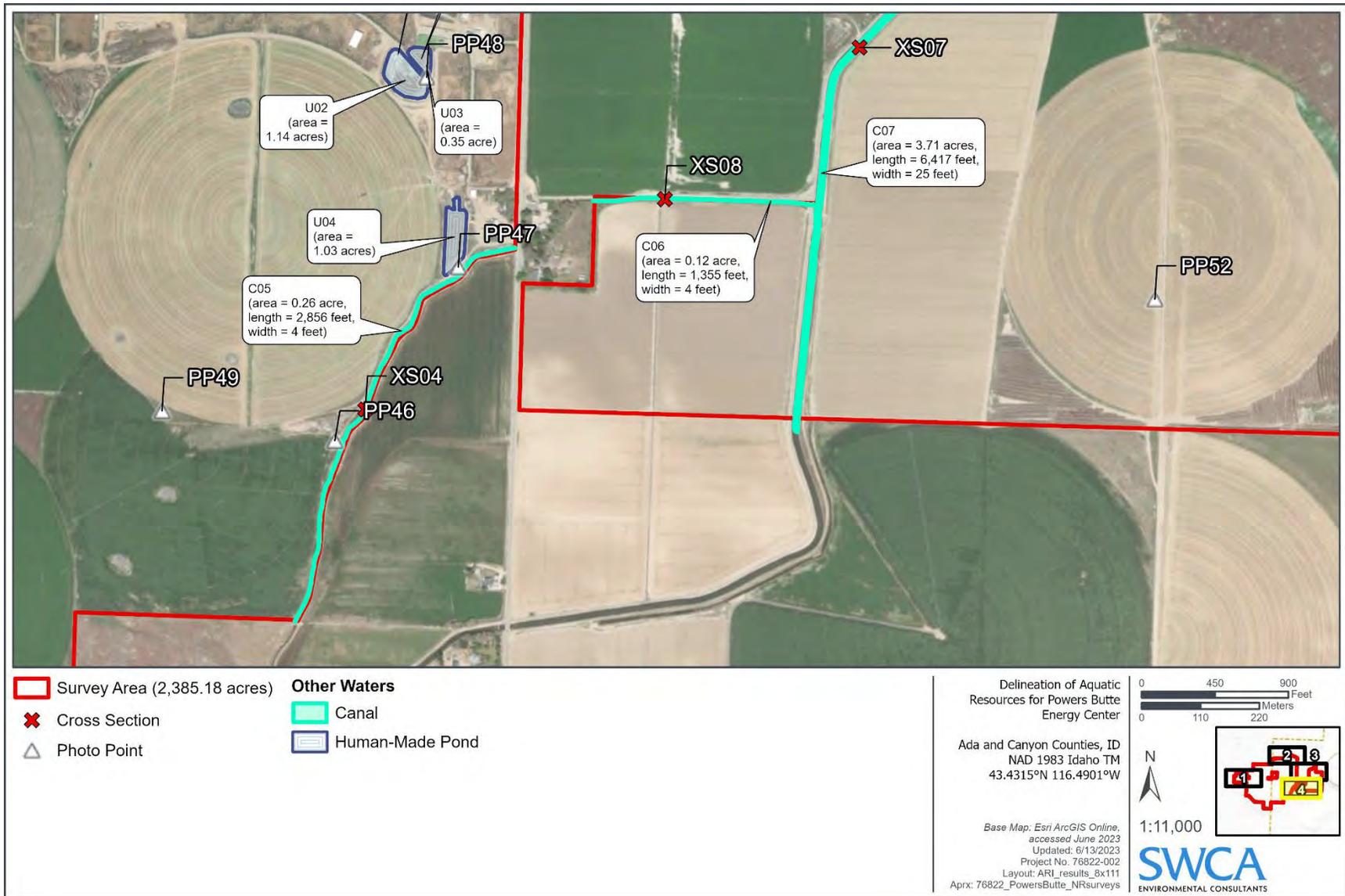
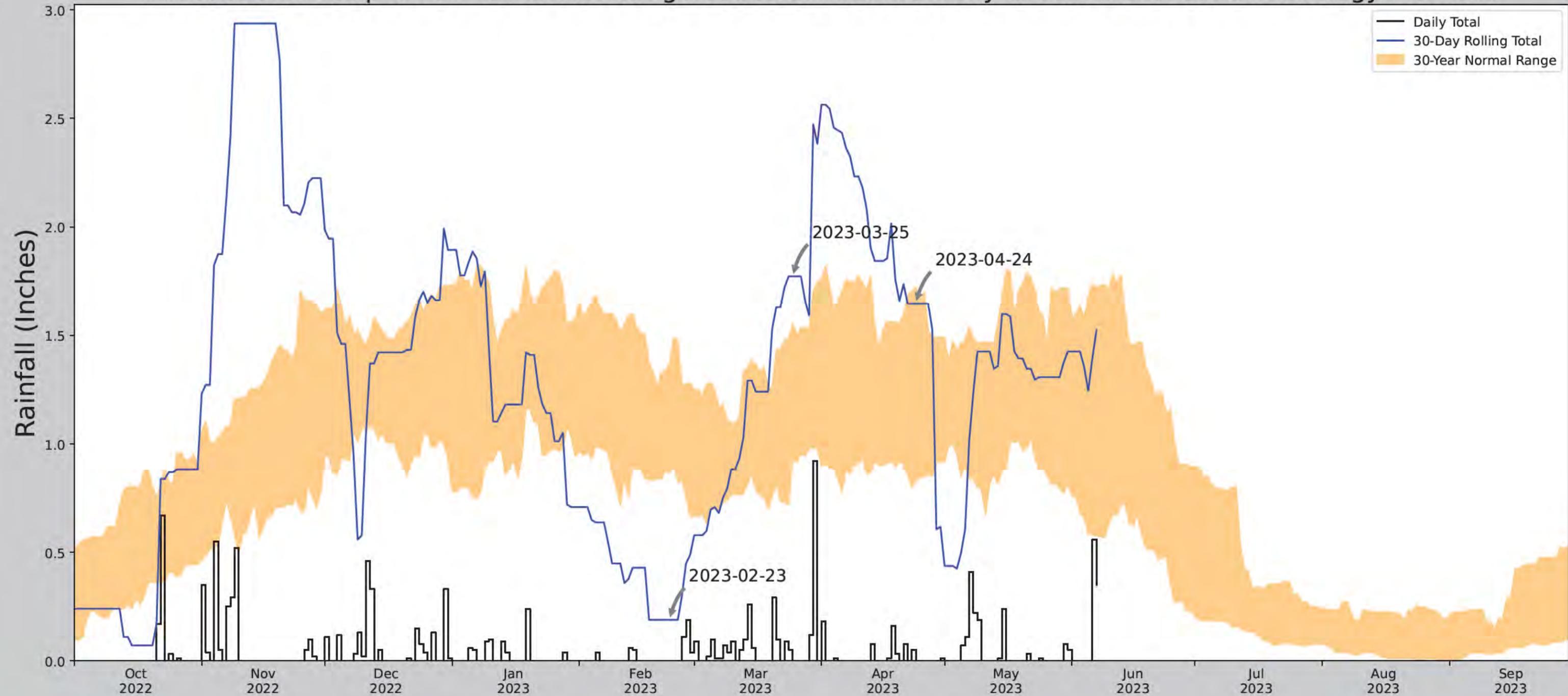


Figure B-5. Results of aquatic resources delineation (map 4 of 4).

## **APPENDIX C**

### **U.S. Army Corps of Engineers Antecedent Precipitation Tool for the Survey Area**

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-24
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-24	0.830315	1.720866	1.645669	Normal	2	3	6
2023-03-25	0.933071	1.552362	1.771654	Wet	3	2	6
2023-02-23	0.866535	1.370079	0.188976	Dry	1	1	1
Result							Normal Conditions - 13

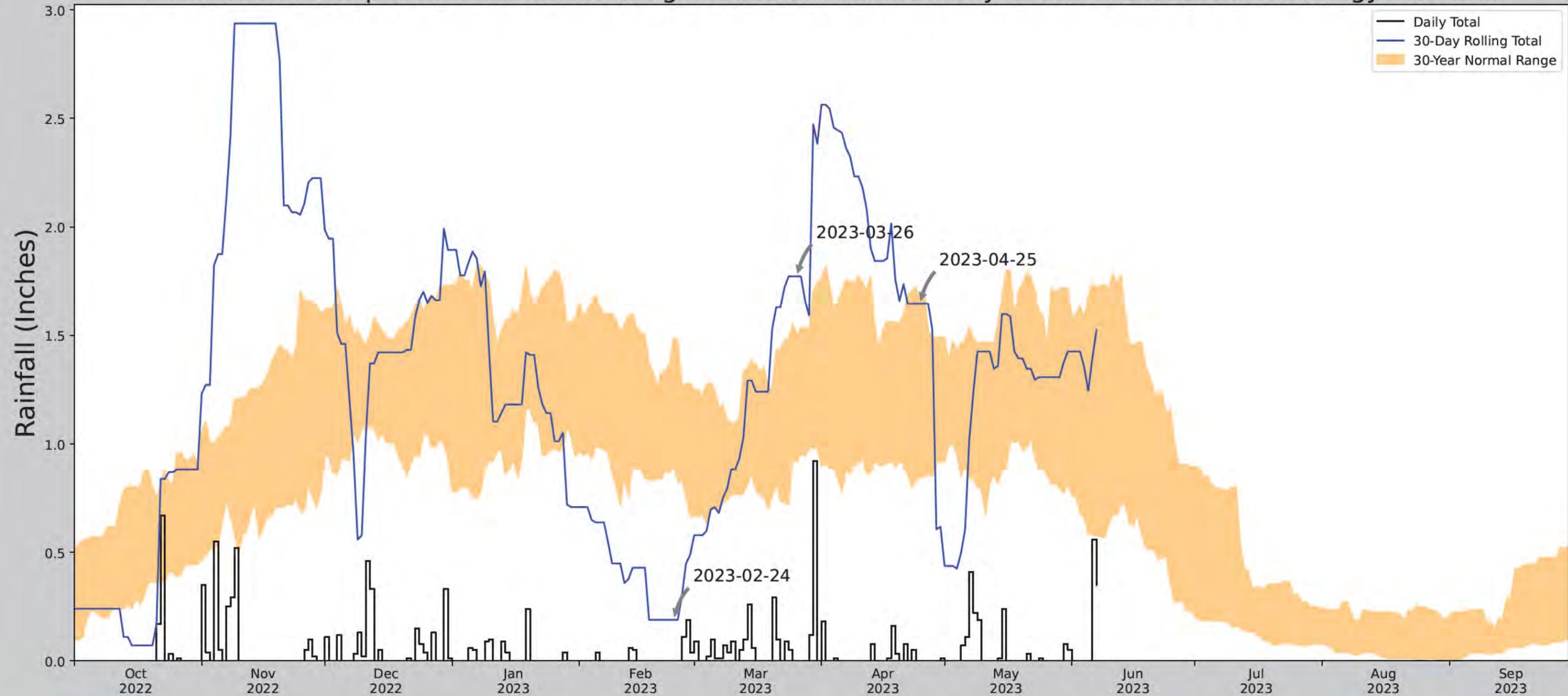


Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-25
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-25	0.844095	1.656299	1.645669	Normal	2	3	6
2023-03-26	0.91378	1.501969	1.771654	Wet	3	2	6
2023-02-24	0.914567	1.487402	0.188976	Dry	1	1	1
Result							Normal Conditions - 13

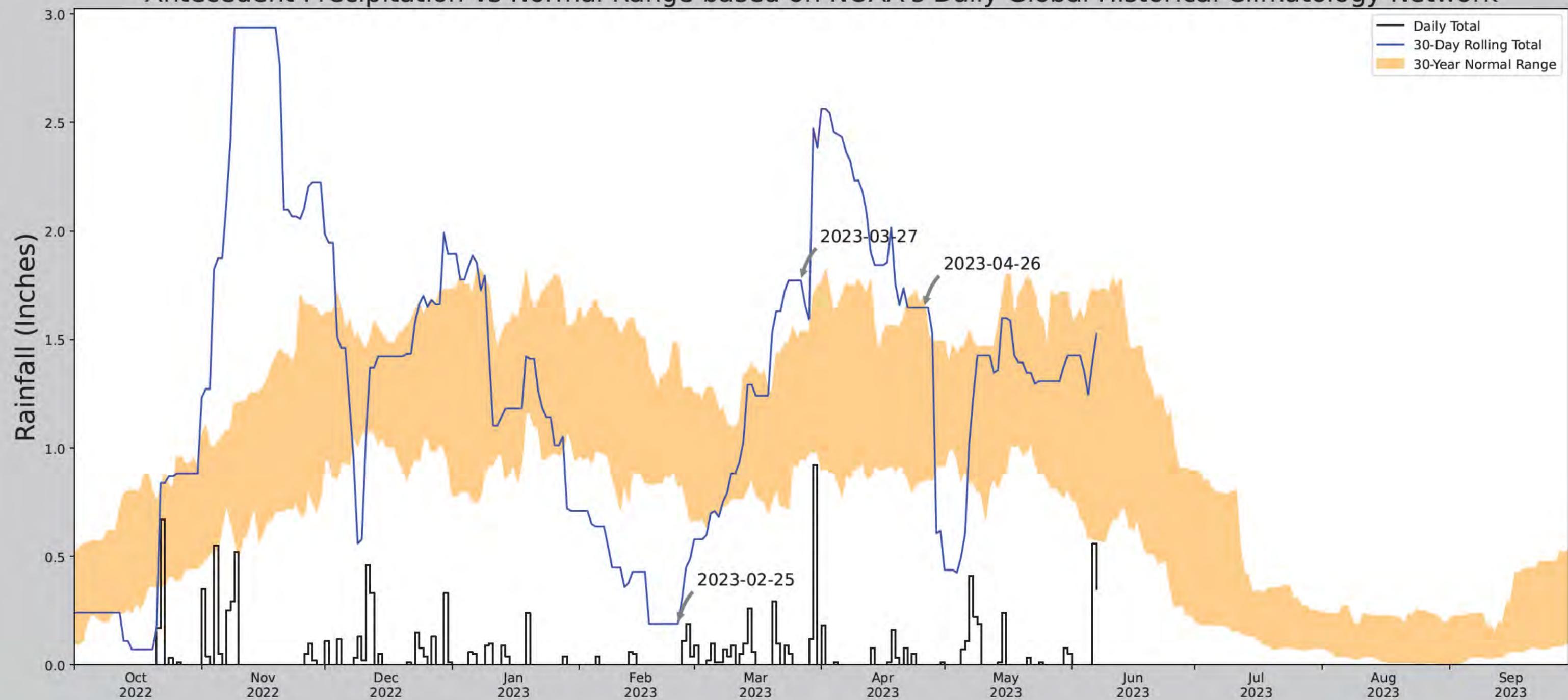


Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-26
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-26	0.84685	1.699213	1.645669	Normal	2	3	6
2023-03-27	0.95315	1.533465	1.771654	Wet	3	2	6
2023-02-25	0.823622	1.474409	0.188976	Dry	1	1	1
Result							Normal Conditions - 13

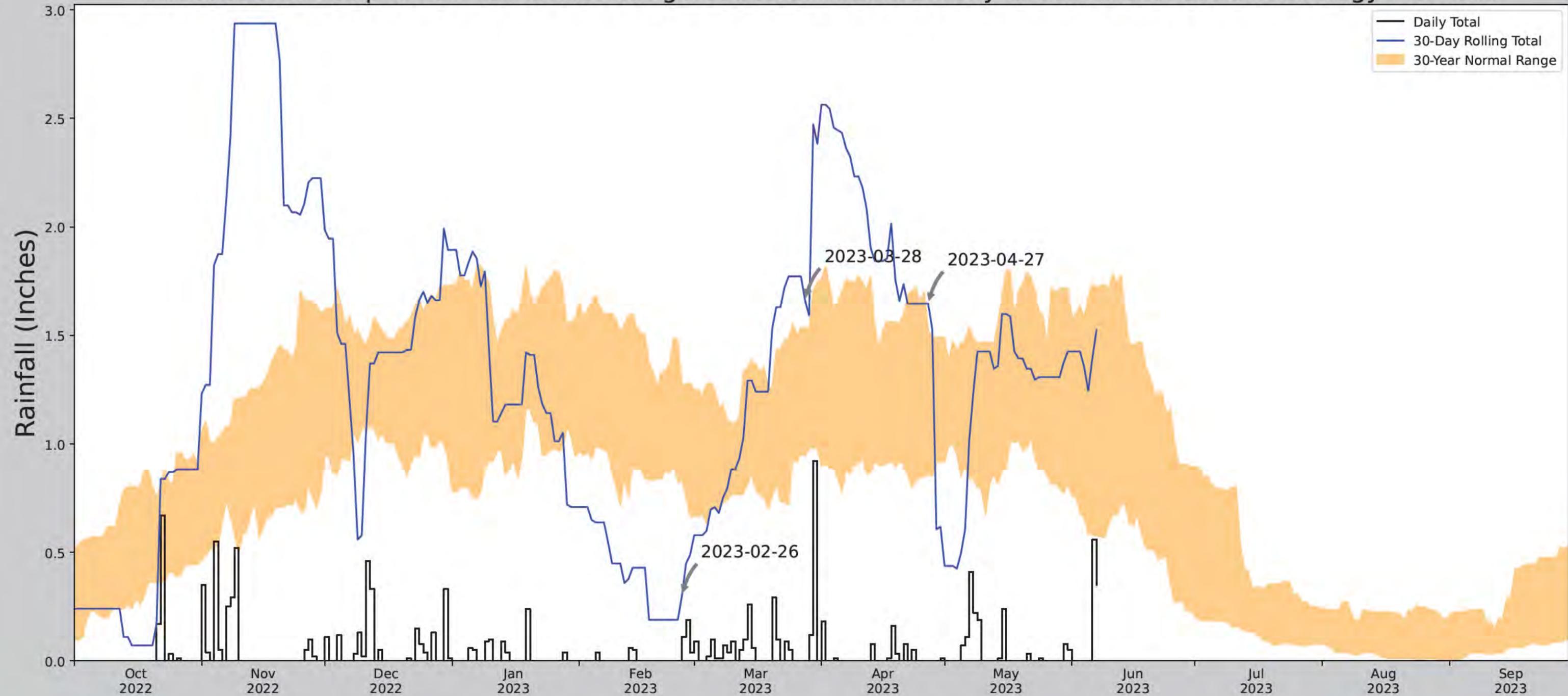


Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	43.43401873, -116.51993947
Observation Date	2023-04-27
Elevation (ft)	2859.969
Drought Index (PDSI)	Mild wetness
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2023-04-27	0.86063	1.521654	1.645669	Wet	3	3	9
2023-03-28	0.944882	1.53937	1.661417	Wet	3	2	6
2023-02-26	0.83622	1.266929	0.299213	Dry	1	1	1
Result							Wetter than Normal - 16



Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
BOISE AIR TERMINAL	43.5669, -116.2406	2823.163	16.742	36.806	8.15	11353	90

## **APPENDIX D**

### **Supplementary Maps**

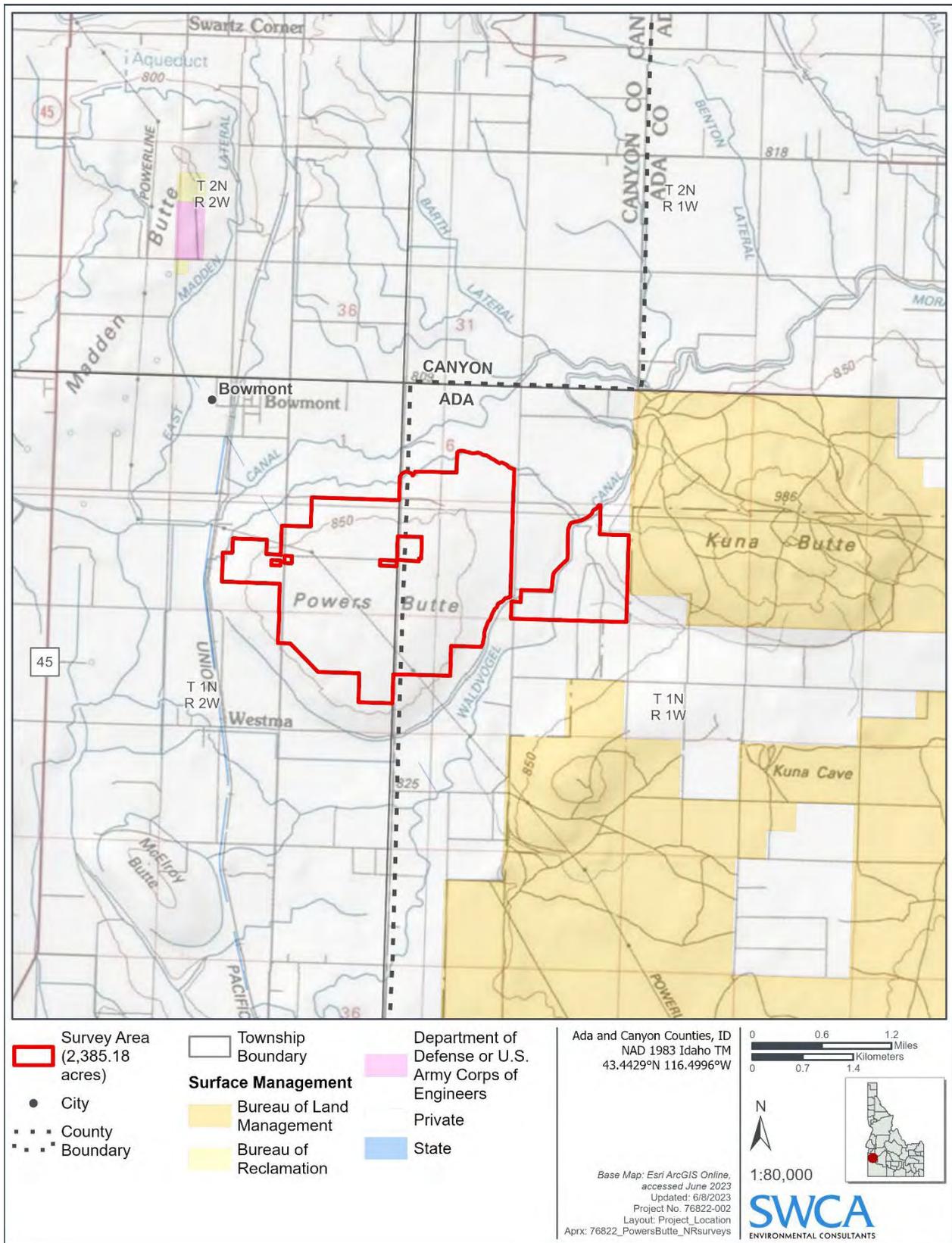


Figure D-1. Topographic map of the Survey Area.

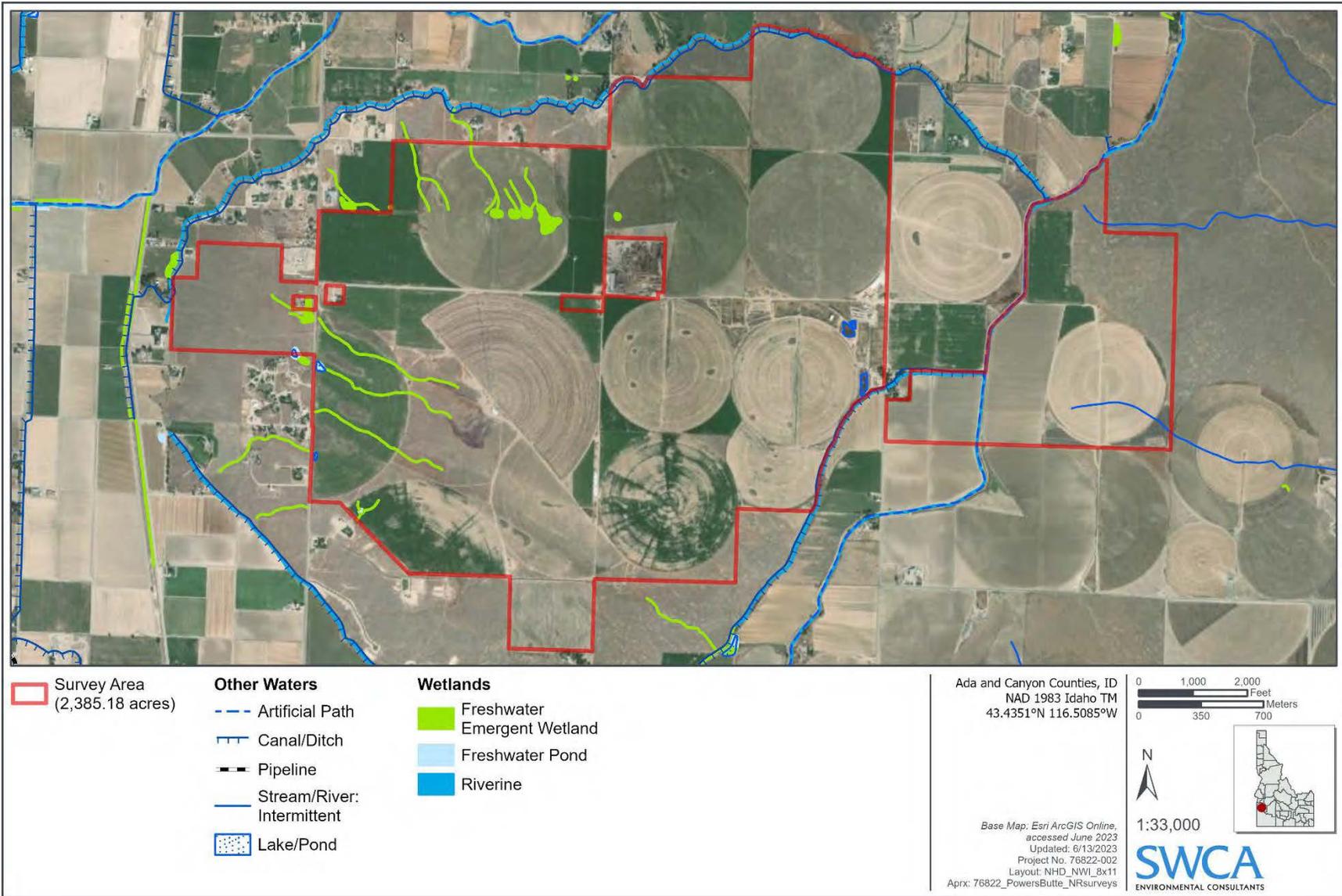


Figure D-2. National Wetlands Inventory and National Hydrography Dataset features within the Survey Area.

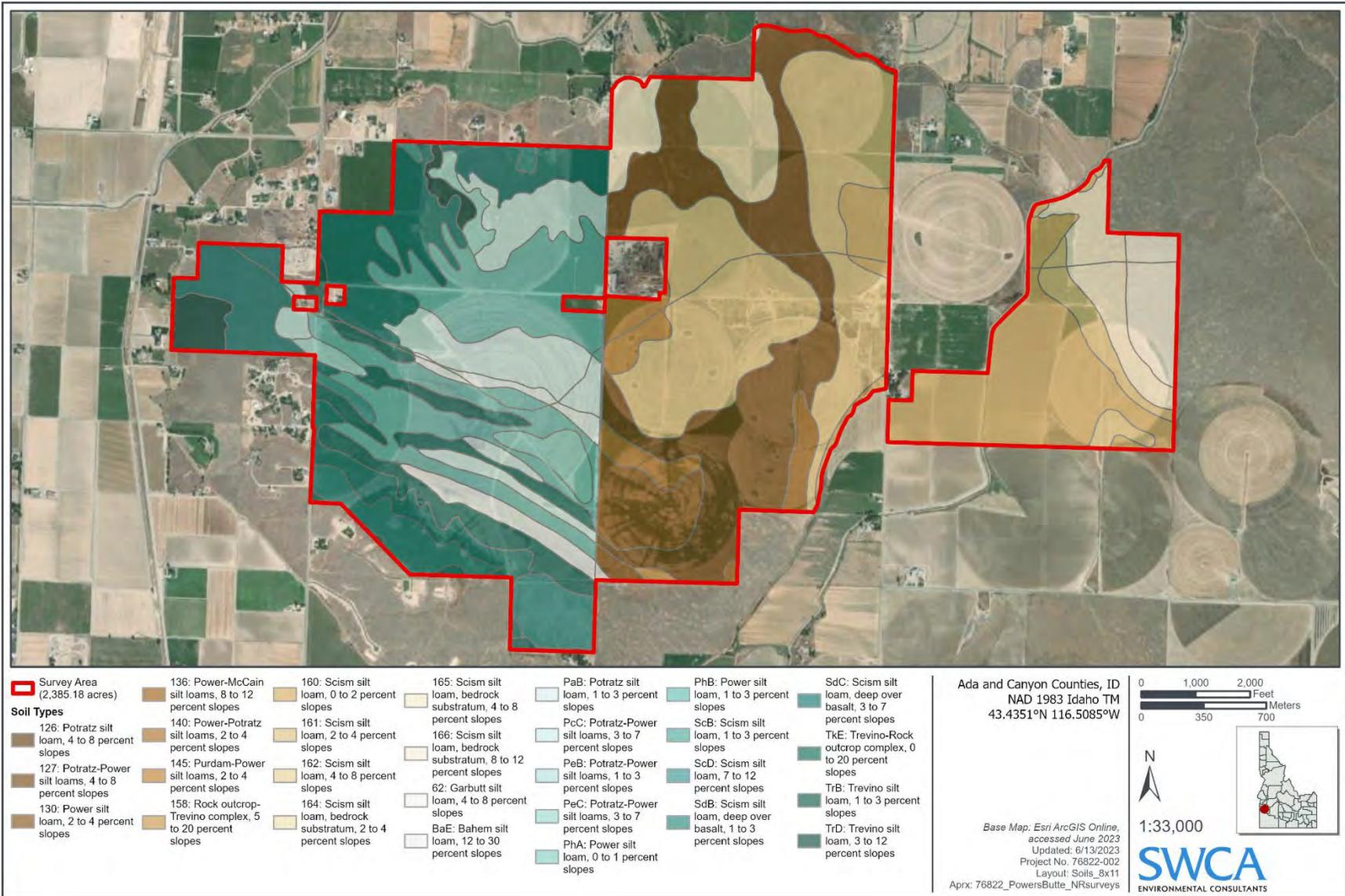


Figure D-3. SSURGO soils data for the Survey Area.

**APPENDIX E**

**Wetland Determination Data Form**

**WETLAND DETERMINATION DATA FORM — Arid West Region**

Project/Site: Powers Butte City/County: Ada County Sampling Date: 04/25/2023  
 Applicant/Owner: Savion State: ID Sampling Point: U1  
 Investigator(s): SMF, ZEV Section, Township, Range: Sec. 18 T1N R1W  
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): \_\_\_\_\_ Slope (%): <5%  
 Subregion (LRR): LRR B Lat: 43.4234 Long: 116.513 Datum: NAD83  
 Soil Map Unit Name: 130 - Power silt loam, 2 to 4 percent slopes NWI classification: No

Are climatic / hydrologic conditions on the site typical for this time of year? Yes \_\_\_\_\_ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS — Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes: _____	No: <u>X</u>	<b>Is the Sampled Area within a Wetland?</b>	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes: _____	No: <u>X</u>			
Wetland Hydrology Present?	Yes: <u>X</u>	No: _____			
Remarks: Some wetland plant species are present due to agricultural irrigation. Areas that could have standing water are limited due to micro topographic changes. AKA piles of rocks.					

**VEGETATION — Use scientific names of plants.**

<u>Tree Stratum:</u> (Plot size: <u>15</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Domant Species That Are OBL, FACW, or FAC: <u>33</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
<u>0</u> =Total Cover				
<u>Sapling/Shrub Stratum:</u> (Plot size: <u>10</u> )				<b>Prevalence Index worksheet:</b> Total % Cover of:                      Multiply by: OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>35</u> x 2 = <u>70</u> FAC species <u>0</u> x 3 = <u>0</u> FACU species <u>35</u> x 4 = <u>140</u> UPL species <u>50</u> x 5 = <u>250</u> Column Totals: <u>120</u> (A) <u>460</u> (B) Prevalence Index = B/A= <u>3.83</u>
1. <u>Salix exigua</u>	<u>35</u>	<u>Y</u>	<u>FACW</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>35</u> =Total Cover				
<u>Herb Stratum:</u> (Plot size: <u>5</u> )				<b>Hydrophytic Vegetation Indicators:</b> _____ Dominance Test is >50% _____ Prevalence Index is <u>3.0</u> <sup>1</sup> _____ Morphological Adaptations <sup>1</sup> (Profice supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Cardaria draba</u>	<u>50</u>	<u>Y</u>	<u>UPL</u>	
2. <u>Phleum pratense</u>	<u>35</u>	<u>Y</u>	<u>FACU</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
<u>85</u> =Total Cover				
<u>Woody Vine Stratum:</u> (Plot size: )				<b>Hydrophytic Vegetation Present?</b> Yes _____ No <u>X</u>
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
<u>0</u> =Total Cover				
% Bare Ground in Herb Stratum <u>5</u> % Cover of Biotic Crust <u>0</u>				

Remarks: Heavy herbacious litter cover, beginning of growing season, not able to identify all species.

**SOIL**

Sampling Point: U1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0 12	10YR 3/4	100		0			Clay Loam	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) ( <b>LRR C</b> )
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) ( <b>LRR B</b> )
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) ( <b>LRR C</b> )	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) ( <b>LRR D</b> )	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if present):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes ___ No <u>X</u>
--	---

Remarks: No hydric soils present, no redox

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>	
<u>Primary indicators (minimum of one required: check all that apply):</u>	<u>Secondary indicators (2 or more required):</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Water Marks (B1) ( <b>Nonriverine</b> )	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Sediment Deposits (B2) ( <b>Nonriverine</b> )	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)
<input type="checkbox"/> Drift Deposits (B3) ( <b>Nonriverine</b> )	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Water Stained Leaves (B9)	<input type="checkbox"/> Other (Explain in Remarks)
	<input type="checkbox"/> Water Marks (B1) ( <b>Riverine</b> )
	<input type="checkbox"/> Sediment Deposits (B2) ( <b>Riverine</b> )
	<input type="checkbox"/> Drift Deposits (B3) ( <b>Riverine</b> )
	<input checked="" type="checkbox"/> Drainage Patterns (B10)
	<input type="checkbox"/> Dry-Season Water Table (C2)
	<input type="checkbox"/> Crayfish Burrows (C8)
	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
	<input type="checkbox"/> Shallow Aquitard (D3)
	<input type="checkbox"/> FAC Neutral Test (D5)

<b>Field Observations:</b> Surface Water Present?    Yes ___ No ___    Depth (inches): _____ Water Table Present?    Yes ___ No <u>X</u> Depth (inches): _____ Saturation Present?    Yes ___ No ___    Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes <u>X</u> No ___
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Hydrology is driven by irrigation agriculture. Irrigation runs through the area.



# Ada County, Idaho, Conditional Use Permit Application for the Powers Butte Energy Center

JANUARY 2024

PREPARED FOR

**Powers Butte Energy Center, LLC**

PREPARED BY

**SWCA Environmental Consultants**



**ADA COUNTY, IDAHO, CONDITIONAL USE PERMIT  
APPLICATION FOR THE POWERS BUTTE ENERGY CENTER**

Submitted by

**Powers Butte Energy Center, LLC**  
422 Admiral Boulevard  
Kansas City, Missouri 64106

Submitted to

**Ada County Development Services Department**  
200 West Front Street  
Boise, Idaho 83702

January 2024



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Exhibit C.	Master Site Plan Checklist
Exhibit D.	Site Plan Map
Exhibit E.	Variance Checklist
Exhibit F.	Neighborhood Certification
Exhibit G.	Property Deeds for the Ada County Permit Boundary
Exhibit H.	Pre-application Conference Notes
Exhibit I.	Letter from Idaho Fish and Game Department
Exhibit J.	Legal Description of the Ada County Permit Boundary
Exhibit K.	List of Parcels in the Ada County Permit Boundary
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# 1 INTRODUCTION AND SUMMARY OF PROPOSED USE

Savion, LLC (Savion), doing business as Powers Butte Energy Center, LLC (Applicant), is pleased to file this application for a conditional use permit (CUP) in compliance with Ada County Code of Ordinances [ACC] 8-5B; Master Site Plan (ACC 8-4E), and Variance (ACC 8-7-4) for construction and operation of a utility-scale solar photovoltaic (PV) facility on 1,356 acres in Ada County, approximately 1.5 miles southeast of Bowmont, Idaho (Figure 1). The Powers Butte Energy Center (Project) would consist of an up to 250-megawatt (MW) solar PV generation array, up to 200-MW battery energy storage system (BESS), and ancillary facilities on 2,385 acres of privately owned lands in both Ada County and Canyon County, Idaho; the Project straddles the Ada County and Canyon County line (Project area).

The Project would include a utility-scale solar PV generation array consisting of panels, racking, and a collection system (direct current [DC] collection and alternating current [AC] collection), as well as access roads in the section of the Project area that is in Ada County (the Ada County Permit Boundary). The BESS, Project substation, and operation and maintenance (O&M) facilities are anticipated to be sited in Canyon County and will be described in detail in the CUP application for that county. The Applicant intends to continue agricultural operations in the Project area, a practice known as *agrivoltaics*. The term *agrivoltaics* (also known as *dual-use solar* or *agrisolar*) refers to using land for both agriculture and solar PV energy generation to pair generating energy with agricultural practices; for example, providing space for crops, grazing, and/or pollinator habitat (U.S. Department of Agriculture 2023).

This CUP application is organized to meet the ACC references listed above. Section 1 introduces the Project and documents the Ada County Permit Boundary conformance with Ada County permitted uses and standards. Section 2 summarizes the Ada County Permit Boundary proposed use and existing use. Section 3 describes the proposed use in detail. Section 4 identifies Master Site Plan Standards per ACC 8-4E-4 and the request for a variance. Section 5 describes the pre-hearing requirements. The following exhibits supplement this application and include additional information as required by Ada County for the proposed Powers Butte Energy Center Ada County Permit Boundary:

- Exhibit A. Master Application Form
- Exhibit B. Conditional Use Checklist: Solar Voltaic
- Exhibit C. Master Site Plan Checklist
- Exhibit D. Site Plan Map
- Exhibit E. Variance Checklist
- Exhibit F. Neighborhood Certification
- Exhibit G. Property Deeds for the Ada County Permit Boundary
- Exhibit H. Pre-application Conference Notes
- Exhibit I. Letter from Idaho Fish and Game Department
- Exhibit J. Legal Description of the Ada County Permit Boundary
- Exhibit K. List of Parcels in the Ada County Permit Boundary
- Exhibit L. Project Area Aquatic Resources Delineation Report
- Exhibit M. Project Area Hydrology and Flood Inundation Study
- Exhibit N. Ada County Visual Simulations

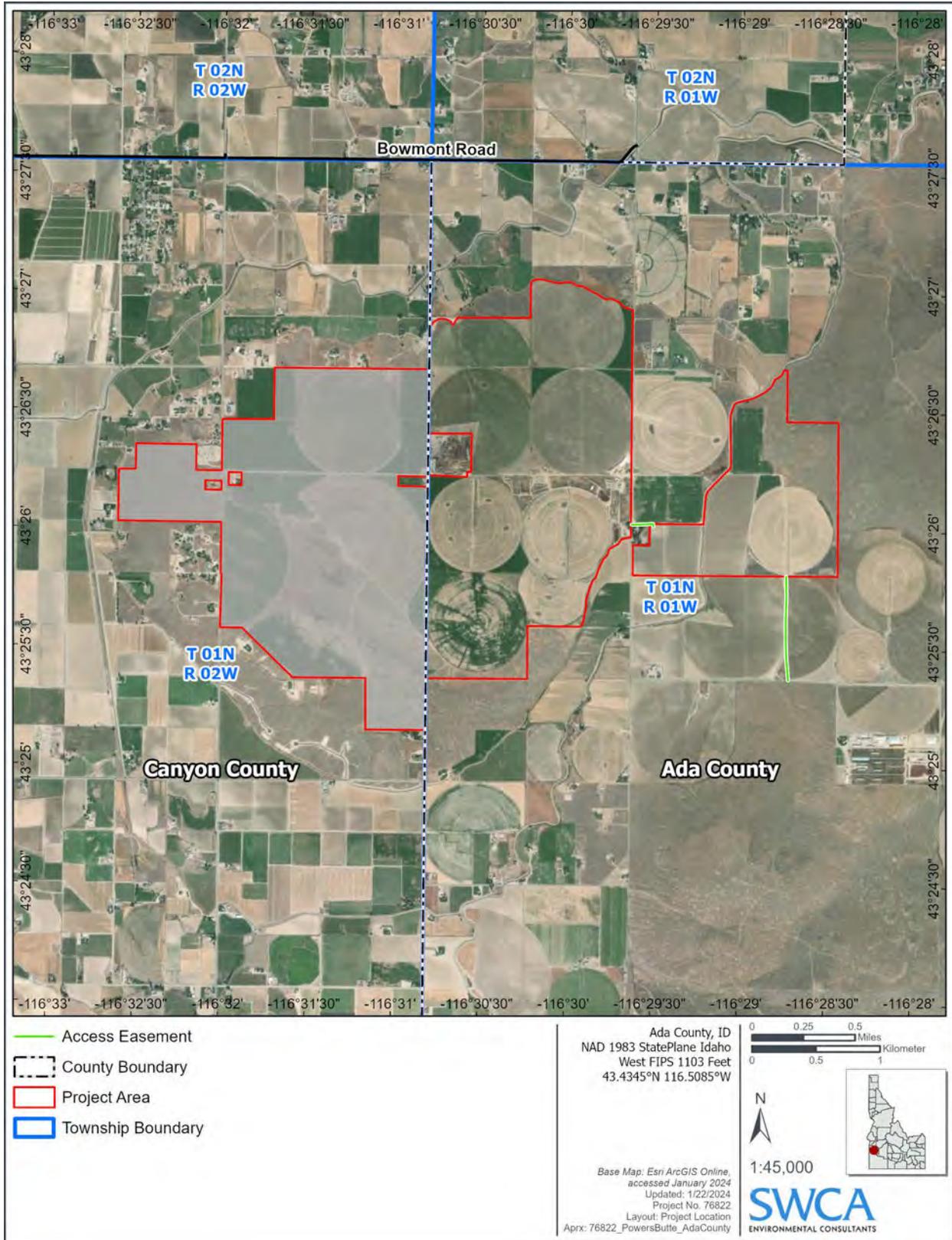


Figure 1. Project area location.

## 1.1 Conformance with Ada County Permitted Uses and Standards

In accordance with ACC 8-5-3-83, the Project is best categorized as a Centralized Power Facility. Centralized Power Facilities are a permitted conditional use within base district areas zoned as Rural Residential (RR) per ACC 8-2A-3 (Table 1). The pre-application meeting conference occurred on March 23, 2023, and the conference notes are provided in Exhibit H. The Ada County Permit Boundary consists of 1,356 acres of privately owned lands that are designated Agriculture (Irrigated) on the Ada County Future Land Use Map (Ada County 2023a) and are primarily zoned as Rural Residential (RR) (Figure 2).

**Table 1. Allowed Use within the Rural Residential Rural Base District**

Allowed Use	Rural Residential
Centralized Power Facility	C <sup>4</sup>

Source: ACC 8-2A-3

Note: C<sup>4</sup> = allowed on irrigation districts and/or canal company's existing seasonal irrigation canals or ditches

In accordance with the general standards for a Centralized Power Facility (ACC 8-5-3-83-A-4), the Project a) will not be used for displaying any advertising except for reasonable identification of the manufacturer or operator; b) will comply with ACC 8-4A-21 (Utilities) such that utilities will be installed underground for a new dwelling or approved use, including electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services unless the requirement is waived by the Director; and c) will comply with all local, state, and federal regulations.

The Ada County Permit Boundary conforms with the specific standards for a Centralized Power Facility (ACC 8-5-3-83-B-1) in that a) the area is larger than 40 acres; b) Project components are not within an area of city impact; c) the Applicant is coordinating with appropriate agencies and will obtain permits and approvals where needed, including from the Federal Energy Regulatory Commission, Federal Aviation Administration, National Guard, Mountain Home Air Force Base, Idaho Division of Aeronautics, Boise Airport director, Idaho Public Utilities Commission, Idaho Power, Idaho Fish and Game Department (IDFG), U.S. Fish and Wildlife Service, Idaho Department of Water Resources, Idaho Department of Environmental Quality (IDEQ), Ada County Emergency Management & Community Resilience, Idaho Bureau of Homeland Security Public Safety Communications section, Ada County Highway District (ACHD), and the appropriate fire authority as applicable; and d) the master site plan for the proposed Centralized Power Facility (see Exhibit D) includes a map of the proposed PV solar arrays (see Section 3 for a detailed description of Ada County Permit Boundary components).

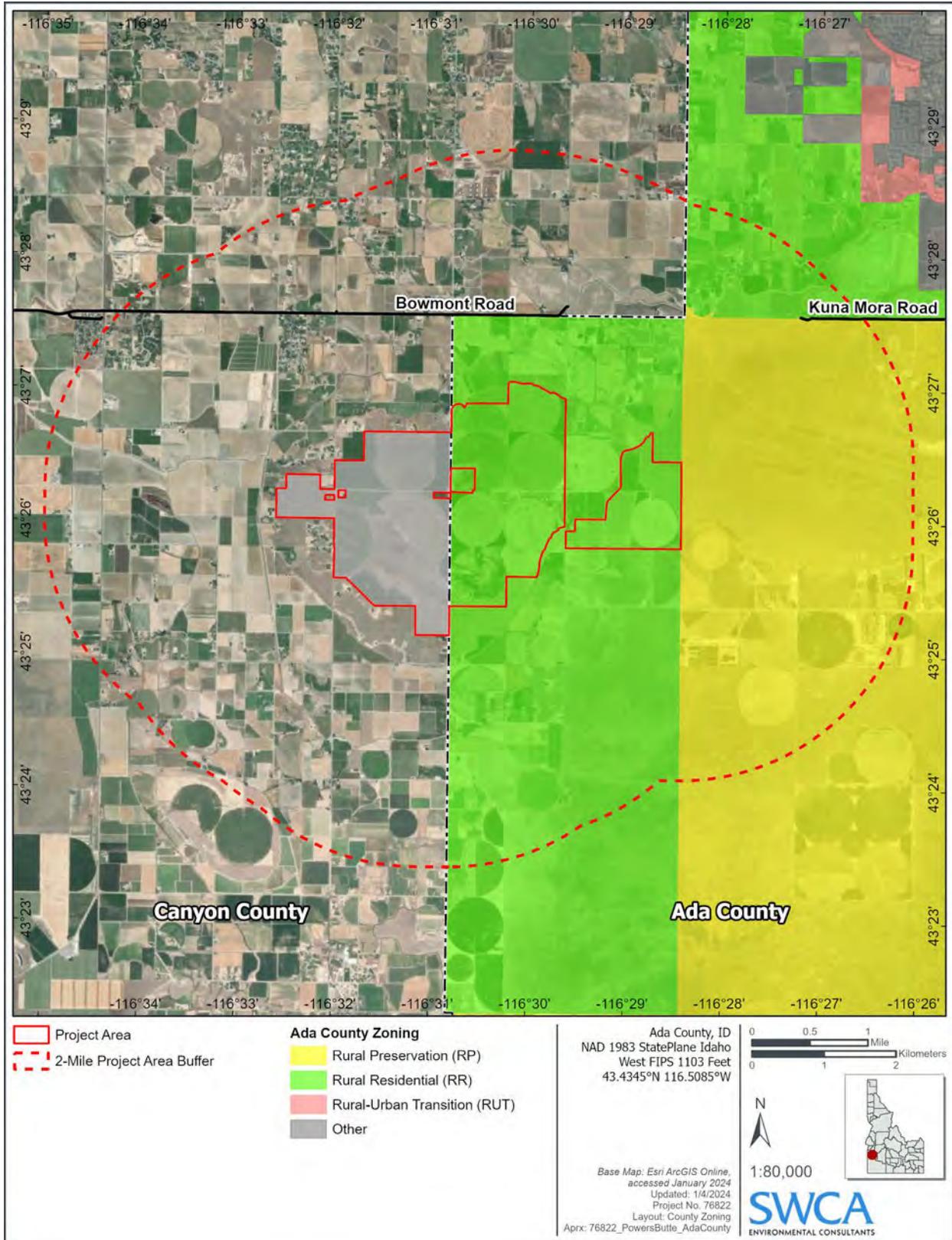


Figure 2. Project area and Ada County zoning designations.

The Project also meets additional solar facility standards described in ACC 8-5-3-83-B-2(c) in that all solar equipment will meet the required setbacks of the RR district (ACC 8-2A-4), as shown in Table 2, and all the solar panels will be nonreflective.

**Table 2. Allowed Dimensional Standards within the Rural Residential Rural Base District**

<b>Dimensional Standard</b>	<b>Rural Residential</b>
Property size (acres)	10 minimum
Minimum street frontage (feet)	100
Minimum setback (feet) from:	
Arterial, collector, or section line street	50
Other roadway	30
Property line not fronting a roadway	25
Maximum coverage (percentage)	5
Maximum height (feet)	35
Minimum property width and depth (feet)	100

The Ada County Permit Boundary does not overlap any portion of the Ada County overlay districts as shown in Figure 3 and as described below.

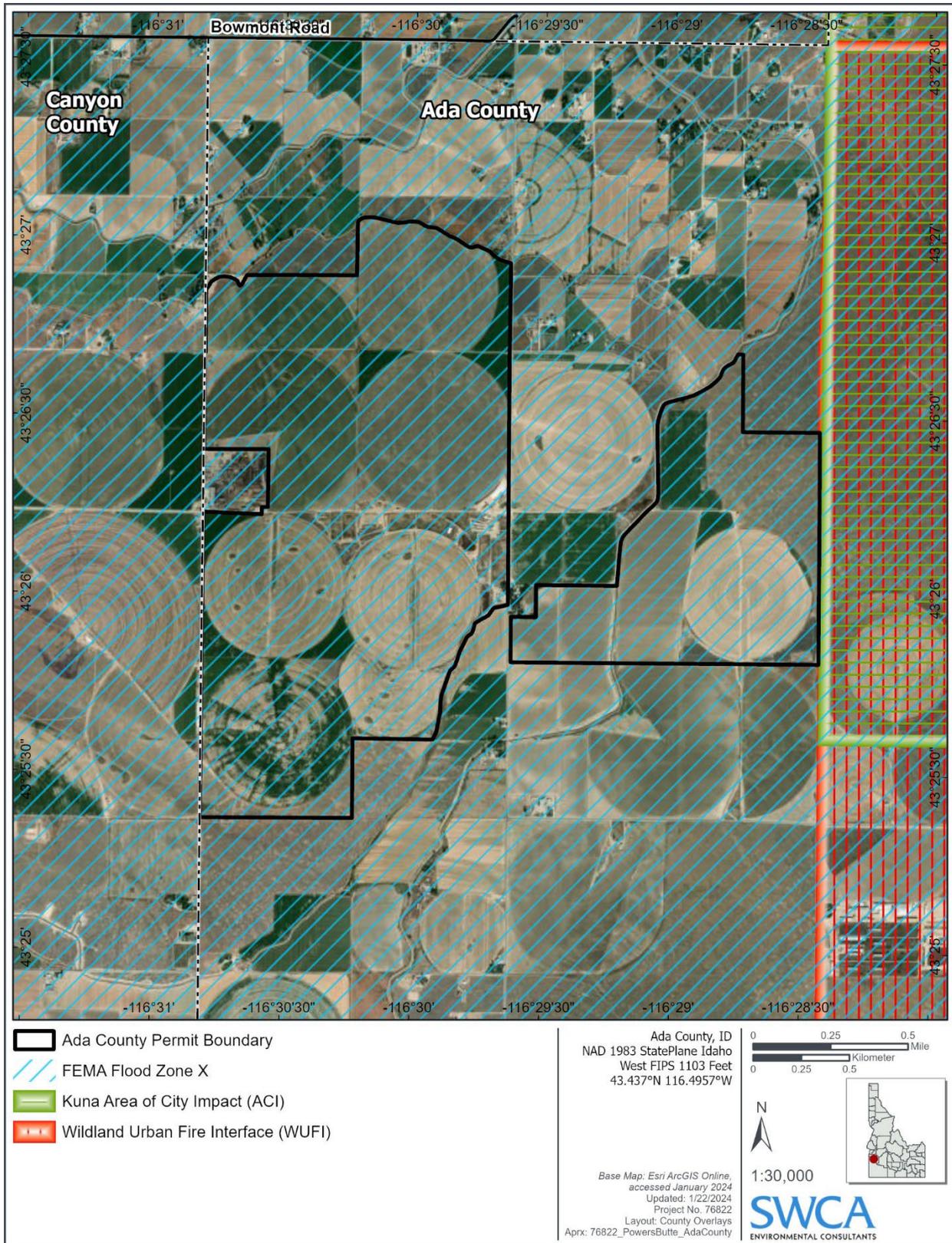


Figure 3. Ada County Permit Boundary in relation to Ada County overlay districts.

### **1.1.1 Boise Area of City Impact**

The Ada County Permit Boundary is entirely zoned as RR and there are no Project components that are within the Boise Area of City Impact per ACC 9-3-1 (see Figure 2).

### **1.1.2 Boise Airport Influence Area**

The Ada County Permit Boundary and its components are not proposed for siting within any zone of the Boise Airport Influence Area as defined in ACC 8-3A (see Figure 3).

### **1.1.3 Special Flood Hazard Area**

The entire Ada County Permit Boundary is located within Federal Emergency Management Agency (FEMA) Flood Zone X, or areas of minimal flood hazard (see Figure 3). No Project components are proposed for siting within Flood Zone A. As such, a floodplain checklist is not required. The Project footprint is designed to avoid natural drainages and floodplains and will not contribute to flood hazard.

### **1.1.4 Wildland-Urban Fire Interface**

The Project and its components are not proposed for siting within any Wildland-Urban Fire Interface. The Applicant will coordinate with the Melba Rural Fire Protection District, Idaho State Fire Marshal, and Ada County Building Division concerning all wildland fire-related Project requirements prior to start of construction.

## **1.2 Project Construction**

The Applicant anticipates that the Project will require between 12 and 18 months for construction activities.

## **1.3 Assignment**

As required by ACC 8-5B-2C, the Applicant will ensure that, upon the sale or transfer of this conditional use, the subsequent owner or operator will be licensed to own, operate, and maintain facilities such as the one being proposed. Prior to the sale, assignment, or transfer of the Project, Ada County will receive all required information, including a legal description and map and evidence of proper licensing.

## **2 PROJECT SUMMARY: PROPOSED USE AND EXISTING USE**

**Type of Development:** The proposed Project, a solar PV generating facility, is classified as a Centralized Power Facility in Ada County. The Project will have a total electrical output capacity of up to approximately 250 MW. Approximately 237,000 solar PV panels will be in the Ada County Permit Boundary. The BESS and ancillary facilities are anticipated to be located in Canyon County and will be described and permitted as part of that county's CUP application.

**Applicant:**

Powers Butte Energy Center, LLC  
422 Admiral Boulevard  
Kansas City, Missouri 64106

**Project Location:** The Ada County Permit Boundary is in Ada County, approximately 1.5 miles southeast of Bowmont, Idaho.

**Legal Description:** See Exhibit J for a legal description of the Project area.

**Landowners:** Powers Butte Energy Center, LLC; Grasslands, LLC; Silver Butte Holsteins, LLC; and Stephen E. Bues

**Parcels:** There are six privately owned parcels in the Ada County Permit Boundary: S2208121100, S2208130000, S2208417200, S2208311250, and S2218212420; a potential second access road may be provided through parcel S2217110100. Final location of utility easement property will be provided concurrent with application for a zoning permit. Utility easement will likely be placed underground, but a short section might be aboveground on poles less than 100 feet in height near Robinson Road. Four additional Project parcels are within Canyon County and are listed in that county's CUP application.

**Project Area and Fenced Area:** The Ada County Permit Boundary encompasses approximately 1,356 acres of private land. The Project footprint (area of permanent and temporary impacts) may vary slightly than what is provided on the Master Site Plan (see Exhibit D) based on final engineering and design requirements and coordination with permitting agencies.

**Zoning:** RR: 1,356 acres

**Overlay Districts:** None

**Existing Use:** The Ada County Permit Boundary area has primarily been used for grazing, irrigated farming, and dairy farming.

### **3 DETAILED DESCRIPTION OF PROPOSED USE**

#### **3.1 Purpose and Rationale**

This Project will help to diversify Idaho and the region's sources of energy while contributing to Idaho Power's statewide initiative of providing 100% clean energy by 2045 (Rodriguez 2021).

The Applicant anticipates that the Project will provide up to 400 new construction jobs and an increased tax base to Ada County while increasing the overall energy output of the state.

#### **3.2 Project Description and Site Characteristics**

The 1,356-acre Ada County Permit Boundary area is on private land in Ada County, Idaho, approximately 1.5 miles southeast of Bowmont, Idaho (see Figure 1). More specifically, the Ada County portion of the Project area is located east of Robinson Boulevard, north of Kuna Cave Road, south of Fairchild Road, and west of Black Cat Road.

The Ada County Permit Boundary will include approximately 237,000 ground-mounted solar PV panels, single-axis tracking structures to support the solar arrays, a power collection system, and access roads. The Project will include an on-site substation west and adjacent to Idaho Power's Bowmont Substation (located in the western portion of the Project area in Canyon County, west of the intersection of Southside Boulevard and Rose Lane). The Project will interconnect with the substation on either the 138-kilovolt (kV) or the 230-kV circuit.

The Ada County Permit Boundary contains approximately 237,000 solar PV panels and all other Project components will be located in Canyon County. Please refer to Exhibit D, Site Plan Map, to see details regarding lot lines, lot area, private roadways, walkways, topographic features, reserved open space, buildings and other structures, major landscape features, and the location of proposed utility easements. A list of Ada County Permit Boundary parcels is provided in Exhibit K, and property deeds are provided in Exhibit G. Details on Project components and features shown in the Site Plan are provided below.

The Ada County Permit Boundary footprint consists of the following components:

- AC, single-axis tracking PV modules/solar arrays
- Collection system (DC collection and AC collection) that is anticipated to be all underground with the potential for a short extent aboveground
- Inverters
- Access roads
- Telecommunications/supervisory control and data acquisition (SCADA) for facility operations monitoring
- Fencing
- Meteorological station

### **3.3 Project Schedule**

The Project schedule will depend on several factors, including the needs of utility and other power purchasers. In the preconstruction phase, geotechnical and drainage studies will be conducted to further refine the Project design, and construction financing will be coordinated. Completion of a power sales agreement with an electricity off-taker is required for financing and will establish the Project schedule.

Construction activities are planned to be completed over a period of approximately 12 to 18 months. The construction timeline is subject to change and is dependent on various contractual agreements, financing arrangements, or unforeseen circumstances outside of the Applicant's control. At present, Project construction is planned to start in early fall 2025, with a planned commercial operation date of June 2026. The Project schedule is still being developed and will be coordinated with Ada County as development progresses and through review of applicable zoning and building permits.

### **3.4 Site Design and Construction Methods**

The site plan map (see Exhibit D) provides a preliminary layout of Project components. Final details and component specifications will be developed after the Applicant has secured required permits, including the CUP, and construction financing. Construction will begin after construction service vendors have been selected and all building permits have been acquired.

Site preparation and grading will be necessary to accommodate the Project footprint, and grading will be limited to the extent practicable. For grading across the site, personnel will clear the impacted areas and grub them of vegetation and miscellaneous debris. During grading operations, existing contours will be smoothed out to eliminate potential washes and to accommodate future O&M activities.

Temporary construction staging areas are proposed to accommodate the delivery and assembly of materials and equipment. These areas may contain temporary storage of diesel and gasoline fuels, located in aboveground 1,000-gallon diesel and 500-gallon gasoline tanks, within designated secondary containment areas. Additionally, the Applicant may have one or more temporary concrete batch plant areas within the construction areas.

### **3.4.1 Solar Facility Design and Construction**

The Project will include approximately approximately 237,000 PV modules (panels) in Ada County to convert solar energy into DC electrical energy. The individual solar modules will be connected in a series to create “strings.” The strings are then grouped into combiner blocks and then further grouped into solar arrays using an aboveground or belowground collection system and ganged together at inverter stations.

The solar arrays will be oriented to allow them to follow the sun’s movement throughout the day. The panel faces will be minimally reflective, dark in color, and highly absorptive. Depending on the dimensions of the chosen solar panels, the individual tracker units will have a height of approximately 8 to 10 feet above grade. The arrays will be separated by approximately 20 to 30 feet to provide access for first responders along interior roads and for workers engaged in O&M.

The PV modules will be transported by truck to the Project area. Steel piles will be used to support the trackers and modules. The piles will be driven into the ground using pneumatic techniques to varying depths depending on soil characteristics. After the steel piles are installed, workers will assemble tracker motors, torque tubes, and other components. These systems will be field-assembled and attached according to the manufacturer’s guidelines. The final selection of the tracking system will occur when the Project is more fully developed.

As required by the additional standards for solar facilities described in ACC 8-5-3-83-B-2(c), all solar equipment will meet the required setbacks for the RR district, and all solar panels will be nonreflective.

#### **3.4.1.1 POWER COLLECTION SYSTEM**

The DC electricity from the solar modules will be connected to power inverters to convert to AC, which is used by the regional electrical grid. Underground cables, either rated for direct bury or installed in a polyvinyl chloride conduit, will be installed to transmit the DC electricity via combiner boxes throughout the solar array to the inverters. The inverter stations are typically open air, approximately 10 to 14 feet high, and suitable for a high desert environment. The inverters will perform three critical functions for the Project: 1) collect DC power in a central location, 2) convert the DC power into AC power, and 3) convert low-voltage AC power to medium-voltage AC power via a co-located transformer.

The output voltage from the inverters will be stepped up to the voltage of the electrical collection system (i.e., 34.5 kV). From the inverters, medium-voltage wiring rated at 34.5 kV will be encased in conduit and buried 18 to 24 inches below grade. This medium-voltage wiring will be routed to the Project’s on-site substation. The accumulated power will be transmitted to Idaho Power’s Bowmont Substation on either the 138- or 230-kV circuit. This infrastructure will likely be placed underground, but a short section might be aboveground on poles less than 100 feet high near Robinson Road. Final design plans will be provided at the same time as the building plans.

### **3.4.1.2 ON-SITE SUBSTATION**

The on-site substation will be located in Canyon County proximate to the BESS. No part of the substation will be located in Ada County.

## **3.4.2 Ancillary Facilities**

### **3.4.2.1 OPERATIONS AND MAINTENANCE FACILITY**

The O&M facility will be located in Canyon County proximate to the on-site substation and BESS. No part of the O&M facility will be located in Ada County.

### **3.4.2.2 TELECOMMUNICATIONS**

The SCADA system will collect operating, performance, and weather data from the solar arrays, providing continuous operation and 24/7 monitoring of the solar facility. The solar arrays will be linked to a central, on-site computer that reports to a remote operations center using a combination of fiber-optics, cellular, or satellite communications. The fiber optic cables will primarily be buried with the on-site electrical distribution lines to the central computer. A lattice construction tower or equivalent may be used to transmit the data and will not exceed the zone height requirements. The SCADA system will interface with local utility grid operations to allow for monitoring of plant operations and to disable output as necessary to ensure safety and/or grid operation requirements.

### **3.4.2.3 EXTERIOR LIGHTING**

Permanent outdoor night lighting will be installed at the O&M facility and potentially around a water storage facility (if required for the wildfire mitigation plan); these facilities are not anticipated to be within the Ada County Permit Boundary. Some portable lighting may be needed for maintenance activities that must be performed at night. The lighting system will consist primarily of AC lighting but will include DC lighting for activities or emergency egress required during any unplanned outage of the Project's AC electrical system. Lights will be directed downward or toward the area to be illuminated to reduce glare in adjacent areas. Project light fixtures will not reflect light beyond the site. Lights in high-illumination areas that are not continuously occupied will be activated by switches, timer switches, or motion detectors so that the lights will be off when the area is not occupied. Where feasible, vehicle-mounted lights will be used for night maintenance activities. The Applicant will provide more details concerning the lighting plan closer to final design and with building plans.

### **3.4.2.4 PERIMETER FENCING AND GATES**

The Project area will be fenced to restrict public access during construction and operations. The security fence will consist of one of several varieties including a 7-foot-high wire mesh with wood poles, a 7-foot-high wire mesh with metal poles, or a 6-foot-high chain-link security fence with 1 foot of barbed wire (three strands) mounted on 45-degree extension arms facing outward. These fences will be installed around the site perimeter, the switchyard, and other areas requiring controlled access. Controlled security gates will be installed at the site entrance and will require an electronic swipe card or other similar electronic access. First responders will have access through the use of a Knox Box or other approved method.

### **3.4.2.5 SIGNS**

Signs will be needed during construction and will be primarily related to traffic control. Project facilities will not be used for advertisements, except for reasonable identification of affiliated construction companies, facility operators, etc. The Applicant will ensure all temporary signs used for construction are removed. Signs unrelated to construction and traffic, if any, will be sited according to Ada County Code and provided with the building plans. Project-associated signs will also comply with applicable guidelines from the Idaho Department of Transportation and ACHD.

### **3.4.2.6 METEOROLOGICAL**

Meteorological stations will be approximately 8.5 feet at the tallest point (meteorological sensor support tower) mounted either on a post/tower or a more modular tripod base.

### **3.4.2.7 SITE ACCESS**

The Ada County portion of the Project area will be accessed directly from Rose Lane and South Robinson Road and with a potential future secondary access easement on an existing developed access road from Kuna Cave Road for approximately 2,600 feet (see Exhibit D). The Ada County Permit Boundary access areas will be improved, if needed, with crushed aggregate, gravel, or equivalent material depending on local sourcing options. A small network of interior access roads will be developed within the Project area from the primary access points for construction and maintenance needs, as well as delivery of Project components.

The interior access roads will be designed and maintained for construction and O&M activities, such as cleaning the PV panels, and facilitating on-site circulation and adequate turnarounds for emergency vehicles. The interior access roads will be 20 feet wide and include a 35-foot turning radius to accommodate first responders and emergency vehicles. Road surfaces will be composed of gravel, compacted aggregate base, or another commercially available surface material.

#### **3.4.2.7.1 Raw Material Delivery**

Construction materials and supplies will be delivered to the Project area via truck (see Exhibit D). During construction, approximately 15 trucks per day are expected to deliver materials and construction equipment during non-peak periods, with 20 trucks per day expected during peak periods. Between one and three temporary laydown yards approximately 3 to 5 acres each will be established within the fenced solar facility area during construction. These laydown yards will be used for office trailers, parking areas for construction and personal vehicles, and storage of construction equipment and materials. The laydown yards will be developed with permanent Project infrastructure as construction progresses or will be restored following construction. The location of the laydown yards is shown in the Site Plan (see Exhibit D).

The Applicant will implement a 25-mile-per-hour speed limit on Project access roads for safety and dust control. Delivery vehicles will be directed to the temporary construction laydown yards or active construction sites. Vehicles not needed for installation of Project components will be staged at the laydown yards until the end of the workday. Traffic management procedures will be designed to minimize potential hazards from increased truck traffic and worker traffic and to minimize impacts to traffic flow in the vicinity of the Project.

#### **3.4.2.7.2 Existing and Proposed Roads**

The proposed roads in the Ada County Permit Boundary are shown in Exhibit D. Naming of internal Ada County Permit Boundary private roads and any required private road signs will comply with ACC 2-1-6 and ACC 2-1-10, as applicable, and will be provided closer to final design and with building plans.

#### **3.4.2.7.3 Off-Street Parking and Loading**

It is anticipated that there will be intermittently a maximum of four employees on a shift for O&M activities. Similar uses in Table 8-4G-2 (ACC) requires one parking space per two employees, which results in two spaces for the Project. However, no parking or loading areas are proposed in the Ada County Permit Boundary. Rather, parking spaces will be located adjacent to the O&M facility, which will be located in Canyon County. Additionally, O&M activities on the site will require traveling through and temporarily parking on the pullouts in the internal access road network along the solar panels rather than parking at one central location. Therefore, the Applicant requests that the Director approve an alternative off-street parking and loading plan as depicted on the Site Plan (see Exhibit D), as allowed by ACC 8-4G-5-D.

### **3.5 Operations and Maintenance**

Once construction is completed, the Project will operate year-round and be capable of generating power 7 days a week during daylight hours, with additional storage capacity during off-peak hours. The Applicant's SCADA system will monitor the Project and provide real-time control. The Applicant does not anticipate the need for full-time staff on-site, but up to four personnel will be needed for periodic maintenance. When required for maintenance purposes, personnel will typically be present between 7 a.m. and 8 p.m. (depending on task requirements) during a typical workday, unless circumstances at the facility require an alternate schedule.

The Applicant's maintenance personnel will visit the facility on an as-needed basis, but no less than quarterly. Data from other solar facilities across the country indicate that panel washing may not be needed. If this is not the case, the PV panels may be washed up to two times per year to increase the average optical absorption of the panel surface. The Applicant has access to an on-site water source; an off-site source might be used through a third-party vendor that supplies their own water.

### **3.6 Safety Considerations**

The Project will not pose any serious public health or safety concerns. Much of the power-generation system operates at low voltage and power levels. Substation and BESS equipment will be contained in a secure fenced area (all proposed in Canyon County). The proposed voltages and transmitted power are at similar (or lower) levels as the existing transmission lines traversing the immediate area. The design, construction, and O&M of the Project will meet the requirements of the National Electrical Safety Code and U.S. Department of Labor Occupational Safety and Health Administration standards and requirements for the safety and protection of landowners and their property. The Applicant and all associated contractors will provide a safe work environment at all times. During non-work periods, all tools and materials will be gathered, cached, and secured to prevent safety problems and vandalism. Safety plans will be developed and implemented as required by federal, state, and local regulations.

### **3.6.1 Fire Protection**

The Project is not located within the boundaries of the Ada County Wildland-Urban Fire Interface (see Figure 3). The Applicant will coordinate with state and local fire and officials such as the Melba Rural Fire Protection District to develop fire prevention, notification, and response procedures, and will follow ACC Title 8-3B-3 standards. A fire management plan will be prepared with fire prevention procedures, emergency notification procedures, and a site evacuation process. Training will be provided to all site personnel to ensure compliance with the approved fire plan.

The solar panels and other electrical equipment will be designed to meet all applicable Underwriters Laboratories and International Electrotechnical Commission ratings for their resistance to fire. The BESS (proposed in Canyon County) will be designed and constructed in accordance with safety guidelines from the National Fire Protection Association. The battery storage will incorporate seismic protection features to mitigate risks associated with earthquakes. Smoke and fire detection and suppression systems will also be incorporated into the system. Access to and within the Project area will be designed to allow appropriate access for fire and emergency vehicles. During construction and O&M fire extinguishers will be available at strategic locations throughout the Project area and inside Project vehicles. Vegetation will be routinely maintained to minimize the risk of wildfire. Appropriate signage will be used to assist firefighters and emergency response personnel.

### **3.6.2 Law Enforcement**

The responsibility for law enforcement in the Ada County Permit Boundary vicinity is under the jurisdiction of the Ada County Sheriff. The Applicant does not anticipate any adverse impacts to the operations of the sheriff's office or its ability to provide adequate protection services to the surrounding community.

## **3.7 Impact Control Measures for Sound, Odors, and Air Quality**

### **3.7.1 Noise**

Noise from construction activities will vary, depending on factors such as equipment used, operations schedule, and meteorological conditions. Truck traffic and heavy equipment will cause temporary elevated noise levels at and near active construction sites. Noise will also be generated along access roads by vehicles transporting workers and construction materials. Most construction activities will occur during the day, and nighttime noise levels are anticipated to drop to the current background levels of the Project site.

### **3.7.2 Air Quality**

Localized impacts to air quality could occur from Project construction and O&M activities in association with tailpipe emissions from delivery and construction vehicles, fugitive dust from soil disturbance, and vehicle travel on unpaved roads. Short-term increases in dust emissions during construction will be mitigated by the implementation of dust abatement plan. All vehicles and construction equipment will be maintained to minimize exhaust emissions and will be properly muffled to minimize noise. Disturbed areas will be watered as necessary to suppress dust. The Applicant will work with the IDEQ and secure any necessary air quality-related permits prior to commencement of construction.

The Project is expected to have no impacts on air quality, dust, or odors during Project operations. Solar facilities do not generate emissions or odors. Fugitive dust and vehicle emissions from occasional O&M activities will be minimal.

## **3.8 Waste Management**

Project waste will include nonhazardous solid waste, hazardous solid waste, and hazardous liquid waste. Safety-related plans and programs will be developed and implemented during construction and operations to ensure safe handling, storage, and use of waste materials. Project workers will be supplied with appropriate personal protective equipment (PPE) and will be properly trained in the use of PPE and the handling, use, and cleanup of hazardous materials used at the facility, as well as procedures to be followed in the event of a leak or spill. Adequate supplies of appropriate cleanup materials will be stored on-site.

### **3.8.1 Solid and Non-hazardous Waste**

Construction and O&M of the Project will generate non-hazardous solid wastes typical of power generation or other industrial facilities. The wastes that are produced will include oily rags, worn or broken metal and machine parts, defective or broken electrical materials, other scrap metal and plastic, insulation material, empty containers, paper, glass, and other miscellaneous solid wastes, including the typical refuse generated by workers. These materials will be disposed by means of contracted refuse collection and recycling services. Waste collection and disposal will be in accordance with applicable regulatory requirements to minimize health and safety effects. Food waste will be disposed of in closed containers to prevent attracting predatory species to the area.

### **3.8.2 Hazardous Chemicals**

A variety of hazardous materials will be used and stored during Project construction. During Project O&M, hazardous materials will be used but will not be stored on-site. A hazardous materials management plan and a spill prevention, control, and countermeasures plan will be developed and implemented in accordance with all federal and state requirements, as applicable. Hazardous materials that will be used during construction include gasoline, diesel fuel, oil, lubricants, and small quantities of solvents and paints. During construction, all hazardous materials will be stored on-site in storage tanks or vessels/containers that are specifically designed for the characteristics of the materials to be stored. The storage facilities will include secondary containment in case of tank/vessel failure.

### **3.8.3 Hazardous Solid and Liquid Waste**

Small quantities of hazardous waste will be generated during Project construction and O&M. Hazardous wastes generated during the construction phase will include substances such as paint and primer, thinners, and solvents. Hazardous solid and liquid waste streams generated during O&M include substances such as used hydraulic fluids, oils, greases, filters, etc., as well as spent cleaning solutions and spent batteries. A hazardous materials management plan and a spill prevention, control, and countermeasures plan will be developed and implemented in accordance with all federal and state requirements prior to the start of construction.

## **3.9 Environmental**

The Applicant has conducted a thorough review of the Project area and believes the site is well-suited for a utility-scale PV solar energy center. The Applicant has retained the services of an environmental services consultant (SWCA Environmental Consultants [SWCA]) with considerable experience with solar and other renewable energy projects to assess environmental impacts, including biological, cultural, vegetation, and wildlife field surveys and to perform monitoring activities. The results of the desktop and field surveys have been incorporated into the Natural Features Analysis that is part of this application (see Section 4.1.2).

## **3.10 Decommissioning**

The Project is expected to have a usable lifespan of approximately 40 years. After the Project is no longer operational, the Project will be decommissioned and the Project area will be reclaimed. The decommissioning process and procedures are designed to promote public health and safety, environmental protection, and compliance with applicable regulations. Project decommissioning activities will likely occur in a phased and sequential manner and are estimated to require 2 to 3 years to complete. A Project decommissioning plan will be developed in accordance with all applicable regulations and submitted to Ada County for review and approval prior to permanent closure. The decommissioning plan will likely include the following key components:

- Documenting and establishing health and safety procedures and all applicable federal, state, and local regulations.
- Conducting pre-decommissioning activities, such as final decommissioning and restoration planning.
- Dismantling equipment that can be sold on the used-equipment market.
- Recycling facility components where technologically and economically feasible.
- Demolishing aboveground structures (dismantling and removing improvements and materials) in a phased approach through mechanical or other approved methods while still using some items until decommissioning has been completed (e.g., water supply, O&M facility).
- Demolishing and removing belowground facilities (e.g., floor slabs, footings, and underground utilities) as needed to meet the decommissioning goals.
- Disposing hazardous materials and hazardous waste to appropriate facilities for treatment/disposal or recycling, as required.
- Conducting subsurface remediation, if required.
- Recontouring lines and grades to match the natural gradient.

## **3.11 Economic Impact and Community Benefits**

### **3.11.1 Construction**

Construction will generally follow a 12-hour, 5-day workweek, with work activities occurring between 7 a.m. and 7 p.m., Monday through Friday. Additional hours and/or weekends may be necessary to make up schedule deficiencies or to complete critical construction activities. The Applicant currently anticipates that Project construction will require up to between 150 and 400 full-time construction workers during the

peak construction period of the Project. Construction activities are expected to take between 12 to 18 months to complete, and the daily number of construction workers physically on-site will vary over time. As much as possible, qualified workers will be sourced from local communities in Ada County. Construction activities will require qualified engineers, surveyors, electricians, general contractors, project managers, and general laborers with applicable industry requirements for utility-scale energy projects.

### **3.11.2 Operations and Maintenance**

Up to four maintenance personnel will be needed for periodic maintenance for the lifetime of the Project. Maintenance personnel will typically be present between 7 a.m. and 8 p.m. (depending on task requirements) during a typical workday, unless circumstances at the facility require an alternate schedule.

The Applicant's maintenance personnel will visit the facility for normal preventative maintenance, but no less than quarterly. Maintenance workers will perform regular inspection of field components, condition assessment of critical equipment, and routine lubrication of equipment. Any painted facilities will be repainted on a regular basis to maintain their appearance and to provide protection from the elements. Data from other solar facilities across the country indicate that panel washing may not be needed. If this is not the case, the PV panels may be washed up to two times per year to increase the average optical absorption of the panel surface.

## **4 DETAILED LETTERS**

This section contains detailed letters to accompany the Master Site Plan and the Applicant's request for a Lot Coverage Variance. The Conditional Use Checklist: Solar Voltaic (see Exhibit B), Master Site Plan Checklist (see Exhibit C), Site Plan Map (see Exhibit D), and Variance Checklist (see Exhibit E) are included with this application.

### **4.1 Detailed Letter for Master Site Plan**

This detailed letter is provided to accompany the Master Site Plan Checklist (see Exhibit C) and Site Plan Map (see Exhibit D) that are part of this application. The following subsections outline the standards set forth in ACC 8-4E-4 (Master Site Plan Standards). Prior ACC sections 8-1, 8-2, and 8-3 are excluded here for simplicity. The Site Plan shows the preliminary conceptual layout of the Ada County Permit Boundary facilities. The proposed use is described above in Sections 1, 2, and 3. The Project is associated with a conditional use checklist associated with a Centralized Power Facility (see Exhibit B per ACC 8-5B). The Project's hours of operation are described above in Section 3.5. The Project components do not include sewer, septic, groundwater well, or irrigation.

#### **4.1.1 Nonvehicular and Automobile Access and Internal Circulation (ACC 8-4E-4B/C)**

The proposed primary access to the Project is anticipated to be via Rose Lane. South Robinson Road will also be used to access the panel arrays in Ada County.

The site design, described in Section 3.4, will provide sufficient internal circulation for all development activities in accordance with ACC 8-4E-4C. The Project's design will adequately address road widths and turnarounds for delivery vehicles and fire trucks. Pedestrian access will be prohibited and is not required by ACC because the Project does not fall within a commercial base district. Emergency access to the

Project area will be identified on the final site plan, and all required approvals and improvements will be completed before construction begins and will be reviewed as part of the building permits submittal.

Temporary construction parking will be at the laydown yards. Off-street parking or loading areas are proposed in the Ada County Permit Boundary because O&M activities will require traveling through and temporarily parking in the pullouts in the internal access road network and along the solar panels versus parking at one central location. There will be designated parking for the Project at the O&M facility in Canyon County. Therefore, the Applicant is requesting that the Director approve an off-street parking plan, the proposed Site Plan, according to ACC 8-4G-5-D.

#### **4.1.2 Natural Features Analysis (ACC 8-4E-4D)**

The Applicant has retained an environmental consulting firm with qualified staff to perform all required environmental analysis, field studies, and permitting. The Applicant is also coordinating with IDFG, IDEQ, and other state and local agencies, as applicable. A description of the natural features present in the Project area is provided below in accordance with ACC 8-4E-4D (1-8). The email communication from IDFG is included as Exhibit I. Per the email with Brandon Flack, IDFG: “Aerial imagery and the report from SWCA indicate most of the Project property is currently disturbed, being used mainly for agricultural production, and contains little native vegetation that could provide habitat for native wildlife species. Considering the footprint of the Project overlays an area that has already been disturbed (or is surrounded by other suburban development or agricultural lands) and little intact native habitat exists on the Project property or on the adjacent properties, IDFG would not anticipate effects of the proposed activities on native plant or terrestrial wildlife populations” (personal communication, email from Brandon Flack, Regional Technical Assistance Manager, IDFG, to Anneke Solsby, Savion, LLC , December 22, 2023).

##### **4.1.2.1 HYDROLOGY**

The Applicant’s consultant (SWCA) conducted a review of the U.S. Geological Survey’s (USGS’s) National Hydrography Dataset (Idaho Department of Water Resources and USGS 2022) data in preparation for a 2,385-acre wetland field survey conducted in Ada and Canyon Counties between April 24 and 27, 2023 (Exhibit L). The field survey did not differentiate between aquatic resources in Ada vs. Canyon counties, so the results for both counties are combined.

The desktop reviews indicated a total of approximately 8,020.76 linear feet of mapped National Hydrography Dataset features and 2.63 acres of intermittent lake/pond waterbodies within the surveyed areas (see Exhibit L). The Waldvogel Canal, C07, flows through the eastern portion of the Project area (referred to as Survey Area in Exhibit L) and is the nearest aquatic resource that appears on the USGS topographic map.

No surface water flow was found during field surveys within the Survey Area. At the time of the surveys, there was evidence of heavy cattle use and manure storage in the Survey Area. Several irrigation canals were identified along the perimeter of the Survey Area. The hydrologic features are shown in Figure 4 (note, vegetation not associated with hydrologic features is discussed in Section 4.1.2.4 and shown in Figure 7). A copy of the aquatic resources delineation report is provided in Exhibit L. A hydrology and flood inundation report was also conducted for the Project and is included as Exhibit M.

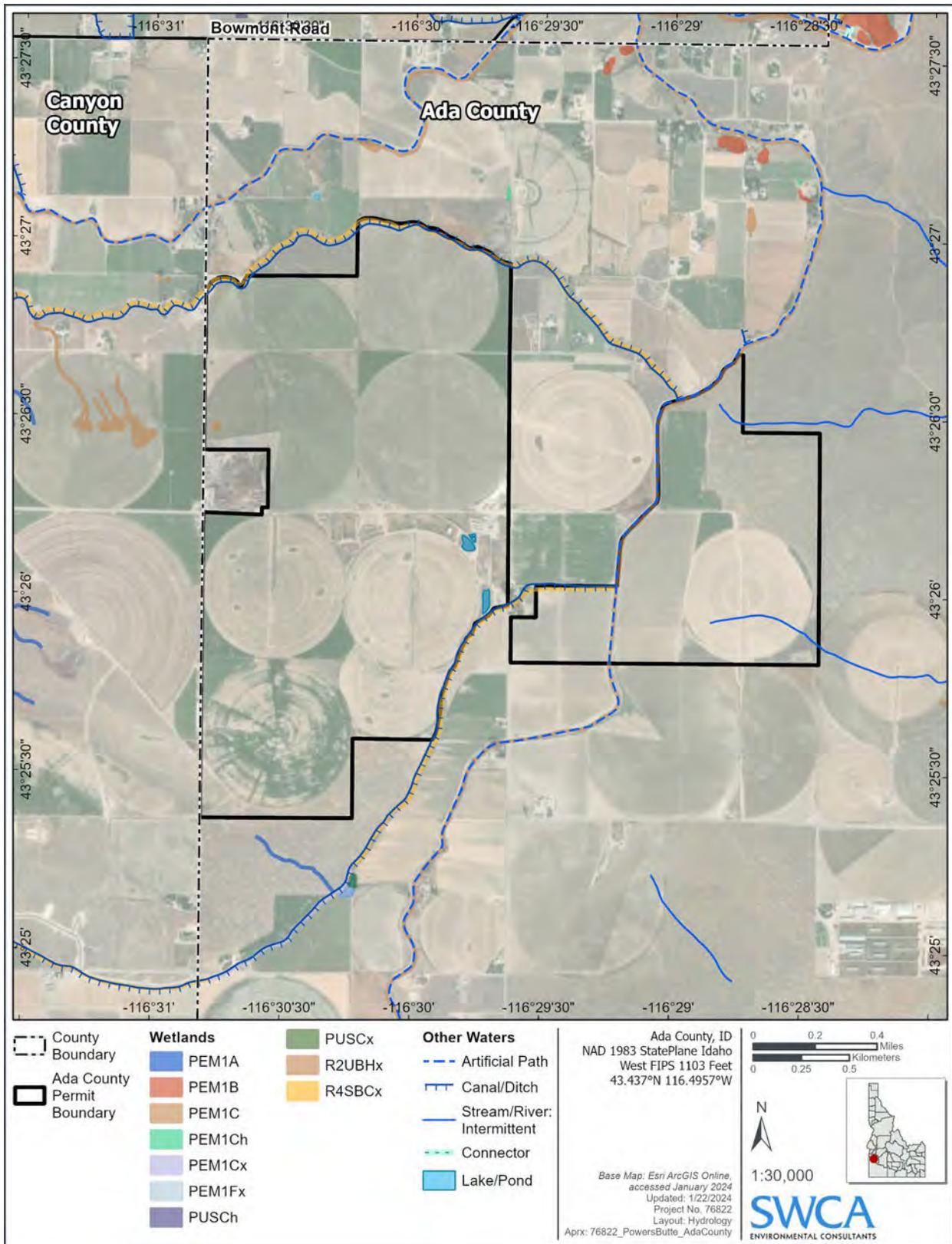


Figure 4. Ada County Permit Boundary hydrologic features.

Stream corridors are regulated under ACC 8-3-G, which requires a minimum development setback of 50 feet from the annual average high-water mark for all perennial and intermittent streams. The Project layout has been designed to avoid adverse impacts to sensitive hydrologic features and impacts to drainages. The analysis of hydrologic features also includes wetlands and floodplains as described below.

The proposed use is a private action proposed on privately owned lands and would not adversely affect the human or natural environment, other property in the immediate vicinity, or negatively change the essential character of the Project area and vicinity. The proposed use is compatible with existing agricultural, commercial, industrial, and residential uses and the character of the area.

#### **4.1.2.1.1 Wetlands**

The Applicant’s consultant (SWCA) conducted an initial field survey of aquatic resources and wetlands of the entire Project area between April 24 and 27, 2023, (approximately 2,385 acres) to identify and delineate wetlands. The aquatic resources delineation report is attached to this application (see Exhibit L).

The survey delineated four human-made cattle ponds (2.6 acres) lacking hydric soils and vegetation, and seven irrigation canals (15,079.76 feet, 4.57 acres) totaling 7.17 acres. All of the delineated aquatic resources are suspected to be non-jurisdictional as they are human-made, used for agriculture, and lack a continuous connection with traditionally navigable waters. Under the Clean Water Act, the U.S. Army Corps of Engineers has sole authority to determine what resources are jurisdictional or not jurisdictional at the federal level. Under Idaho Code, ditches, canals, laterals, and drains that are constructed and used for irrigation or drainage purposes are not stream channels (Idaho Code Annotated 42-3802).

The mapped aquatic resources delineated in the Survey Areas are summarized in Table 3. The Project footprint will avoid natural wetlands and drainages.

This section provides a summary of the Project area existing land use and resource conditions and how the preliminary design and proposed use is responding to existing conditions.

**Table 3. Aquatic Resources in the Project Area**

<b>Wetland Classification</b>	<b>Number of Wetlands in Project Area</b>	<b>Total Wetland Acreage in Project Area</b>
Human-made pond	4	2.60
Canal	7	4.57
<b>Total</b>	<b>11</b>	<b>7.17</b>

#### **4.1.2.1.2 Floodplains**

FEMA maps were evaluated to determine potential for flooding in the Project area (FEMA 2023). The entire Project area (2,385 acres) is designated as Flood Zone X, which is defined as an area of minimal flood hazard. The Project footprint was designed to avoid natural drainages and floodplains; therefore, it will not contribute to flood hazard. The Applicant’s consultant (Kleinfelder) prepared a hydrology and flood inundation report for the Project that is included as Exhibit M.

#### 4.1.2.2 SOILS

A desktop review of soils data from the Natural Resources Conservation Service was conducted for the Ada County Permit Boundary to identify soil types and slopes by acreage. The results are shown in Figure 5 and Table 4. The predominant soil type is the Scism silt loam on 2 to 4 percent slopes (soil unit 161). Shallow sloping areas are well suited for solar installations.

**Table 4. Soils in the Ada County Permit Boundary**

Soil Unit Number*	Soil Unit Name	Area (acres)
161	Scism silt loam, 2 to 4 percent slopes	440.1
127	Potratz-Power silt loams, 4 to 8 percent slopes	322.9
160	Scism silt loam, 0 to 2 percent slopes	234.6
165	Scism silt loam, bedrock substratum, 4 to 8 percent slopes	101.0
164	Scism silt loam, bedrock substratum, 2 to 4 percent slopes	65.7
130	Power silt loam, 2 to 4 percent slopes	64.4
166	Scism silt loam, bedrock substratum, 8 to 12 percent slopes	52.8
145	Purdam-Power silt loams, 2 to 4 percent slopes	30.5
140	Power-Potratz silt loams, 2 to 4 percent slopes	19.2
136	Power-McCain silt loams, 8 to 12 percent slopes	20.4
158	Rock outcrop-Trevino complex, 5 to 20 percent slopes	3.1
62	Garbutt silt loam, 4 to 8 percent slopes	1.2
126	Potratz silt loam, 4 to 8 percent slopes	0.1
<b>Total</b>		<b>1,356</b>

Source: Natural Resources Conservation Service (2023).

\* Soil unit number corresponds to soil units mapped in Figure 5.

Site-specific geotechnical investigations have been performed to identify subsurface soil conditions. These tests are being used to design specifications of roads, underground trenching, electrical grounding systems, and pile design for the solar panel and tracker systems. Soil tests were also conducted to measure the soil's electrical properties to ensure proper design of the grounding system.

Project activities will require the removal of subsurface and surface soils in some areas. Within temporary use areas, topsoil will be removed temporarily and replaced following the completion of development. Impacts to vegetation and soil will be minimized through the development and implementation of site restoration best management practices.

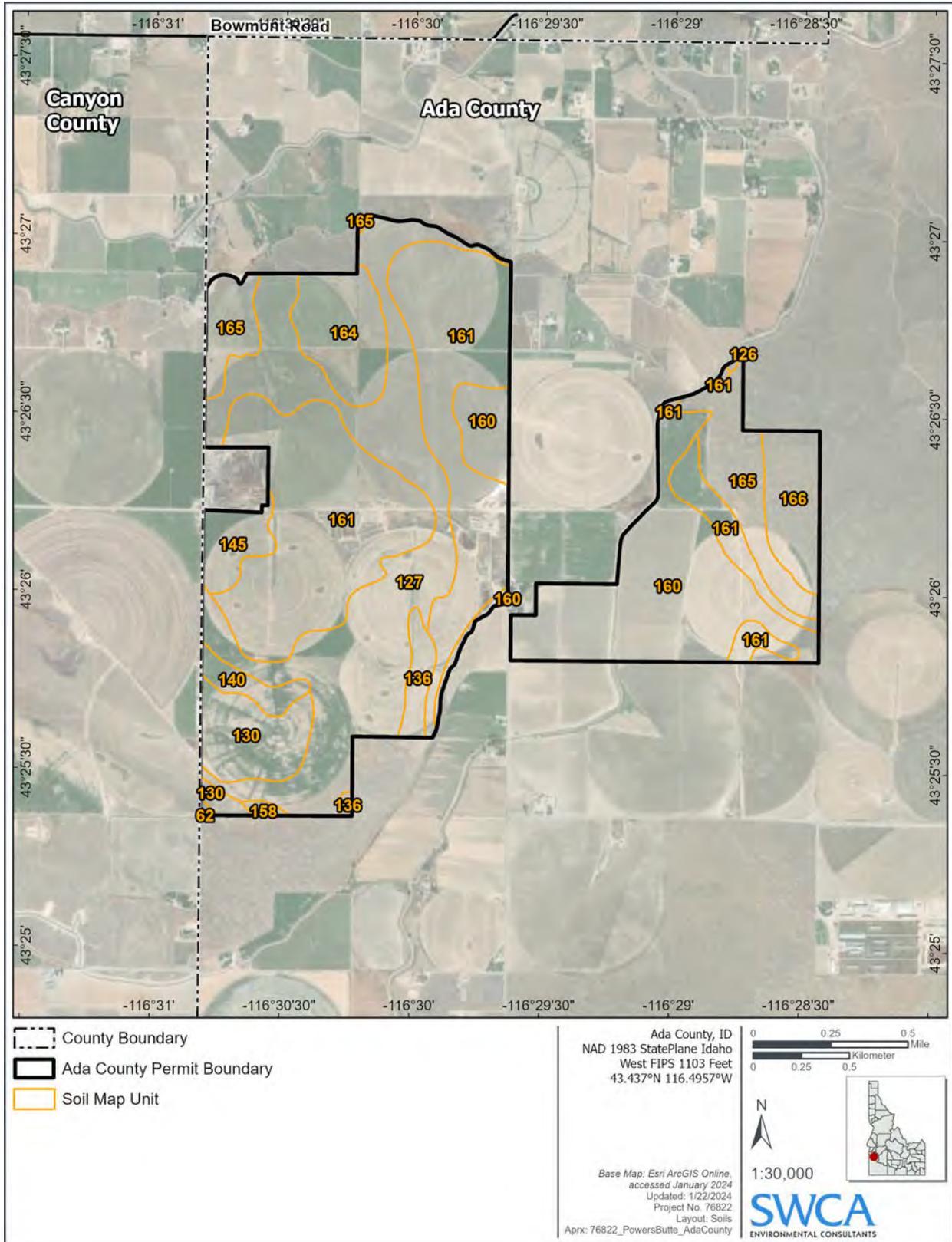


Figure 5. Ada County Permit Boundary soil map units (see also Table 4).

### **4.1.2.3 TOPOGRAPHY**

The Project area is located on the Snake River Plain, a broad, flat depression that covers a large portion of southern Idaho. Topography in the Project area is varied, with slopes ranging from less than 5 percent to over 30 percent. Some localized areas of steeper slopes (greater than 30 percent) occur in the center of the Project area, but most of the site has slopes of less than 5 percent and is well suited to PV solar development. Figure 6 shows topography in the Project area with contours. Contours are also provided on the Site Plan Map (see Exhibit D). Development in the Project area will avoid steep slope areas (greater than 30 percent) in accordance with ACC 8-4.

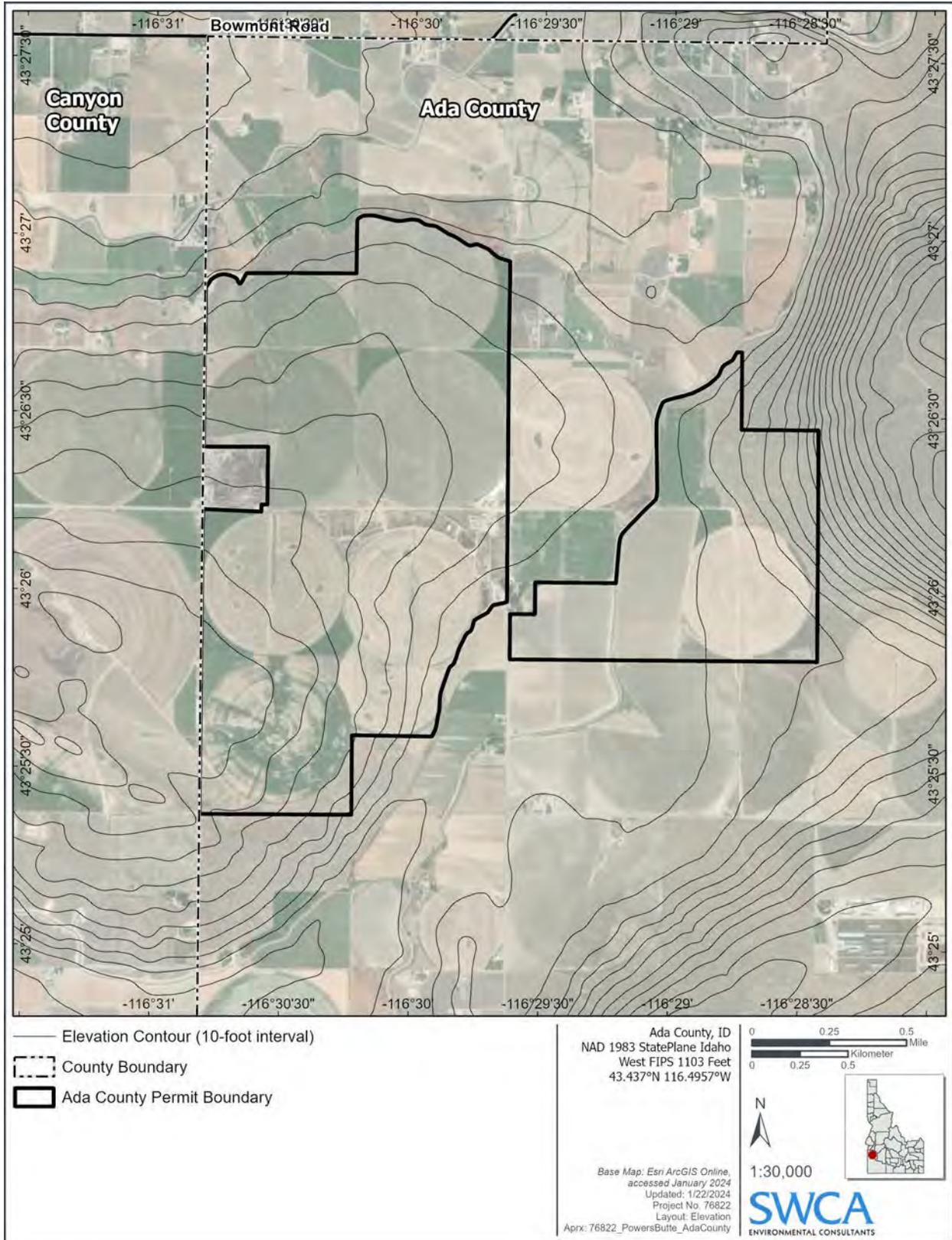


Figure 6. Ada County Permit Boundary topography.

#### 4.1.2.4 VEGETATION

A desktop review of the USGS’s National Land Cover Database (USGS 2019) indicates that the Ada County Permit Boundary area primarily consists of cultivated crop and herbaceous categories (Table 5, Figure 7) (see Exhibit L). Remaining land cover types make up less than 2% of the Project area (see Table 5). Field surveys of vegetation and habitats in the Project area were performed by qualified biologists between April 24 and 27, 2023, to inform the design and construction process (see Exhibit L). A vegetation management plan will be developed for implementation during Project construction and O&M. Any required mitigation measures for adverse impacts to sensitive vegetation species are being coordinated with IDFG, the Governor’s Office of Species Conservation, and the Governor’s Office of Energy and Mineral Resources.

**Table 5. Land Cover in the Ada County Permit Boundary**

Land Cover Category	Acreage in Permit Boundary	Percentage of Project Area
Cultivated crops	1,234.7	91.0%
Herbaceous	98.6	7.3%
Hay/pasture	13.7	1.0%
Developed, open space	5.1	0.4%
Developed, low intensity	2.3	0.2%
Shrub/scrub	1.6	0.1%
Open water	0.2	<0.1%
Developed, medium intensity	0.2	<0.1%
<b>Total</b>	<b>1,356.4</b>	<b>100.00</b>

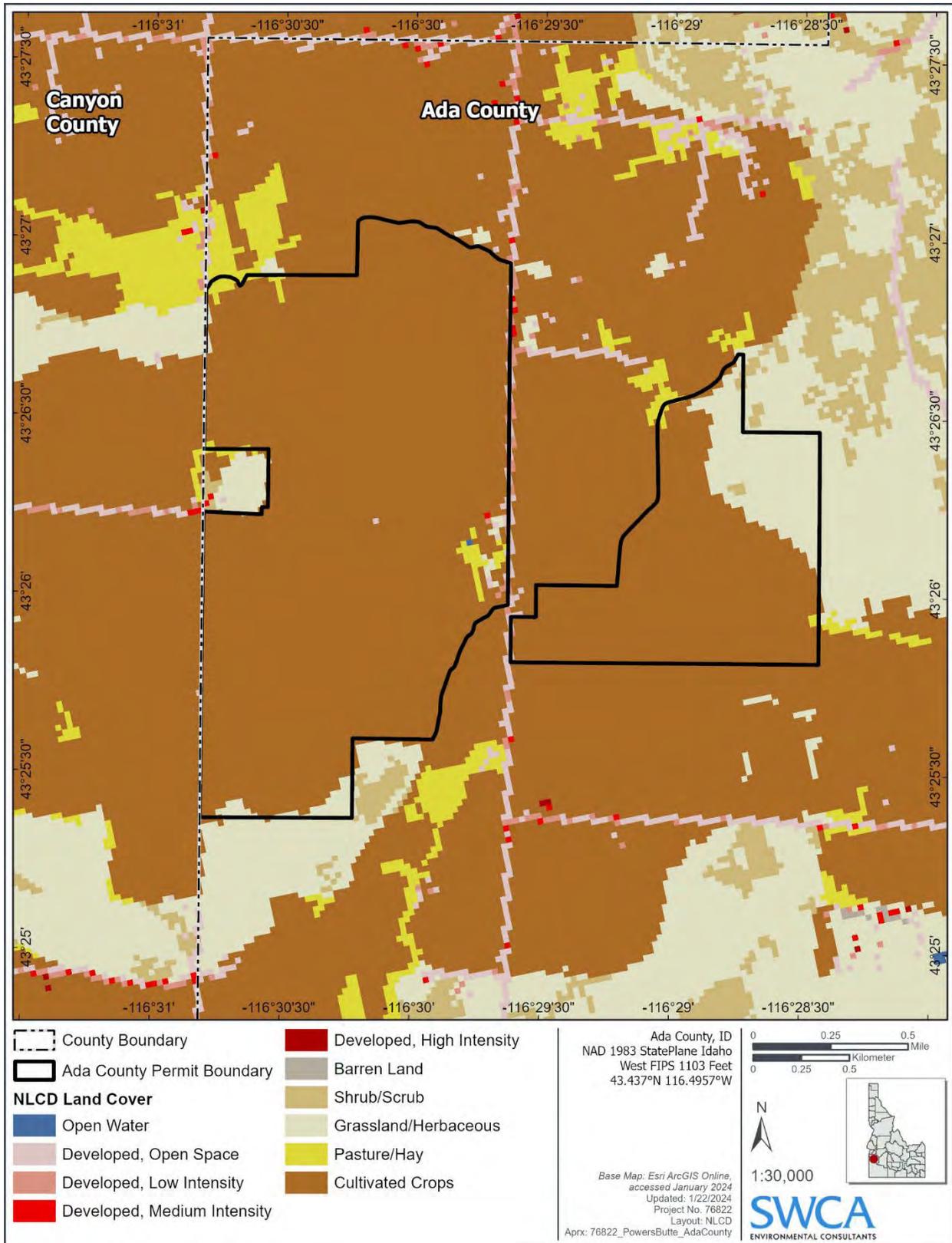


Figure 7. National Land Cover Database land cover types within the Ada County Permit Boundary.

#### **4.1.2.5 SENSITIVE PLANT AND WILDLIFE SPECIES**

A U.S. Fish and Wildlife (USFWS) Information for Planning and Consultation (IPaC) query found one candidate insect species for listing under the Endangered Species Act, monarch butterfly (*Danaus plexippus*), with potential to occur in or near the Project area. Additionally, several migratory bird species are likely to occur in the Project area (USFWS 2022). Based on a review of IDFG species data, no Endangered Species Act-listed wildlife species occur in Ada or Canyon Counties (IDFG 2022); there is no designated or proposed critical habitat for slickspot peppergrass (*Lepidium papilliferum*, an ESA-listed threatened species) in the Ada County Permit Boundary.

The *Ada County Comprehensive Plan* (Ada County 2023b) acknowledges the importance of sensitive wildlife and ecological areas in the county and encourages protection of wildlife and habitat but does not establish specific avoidance criteria or impact thresholds. The plan states that development within environmentally sensitive areas should be minimized and that development proposals adjacent to these areas will receive a higher level of scrutiny to minimize impacts. The plan establishes a goal to protect, manage, and enhance Ada County's diverse natural resources and wildlife habitats and outlines several strategies to achieve the goal, along with a priority ranking and lead and partner responsibilities.

Field surveys of the Project area were conducted between April 24 and 27, 2023, to evaluate habitat for slickspot peppergrass. No suitable habitat was observed within the Project area as the area lacks sagebrush steppe vegetation communities with patches of biological soil crust known as slickspots (SWCA 2023).

The Applicant has shared the results of its fieldwork with IDFG and is coordinating with the agency to help evaluate potential Project impacts, design strategies, best management practices, and strategies for avoidance and mitigation. A communication from IDFG is provided in Exhibit I as part of the CUP application per ACC 8-5-3-83B1C. Please refer to the exhibit for specifics on agency coordination.

#### **4.1.2.6 HISTORIC RESOURCES**

No historic resources are shown in the Project area on the Ada County historic resources inventory (Ada County 2023c). Based on a review of the Idaho State Historical Society and associated Idaho State Historic Preservation Office's (SHPO's) National Register of Historic Places (NRHP) database, there are no NRHP-listed resources or districts in the Project area (SHPO 2021). All workers with access to the Project site will receive training on cultural resource protection. In accordance with Idaho Statute Title 67, Chapter 41, 67-4121, "No person shall remove from the state of Idaho any part of any such ruins, pictographs, petroglyphs, relics, deposits, objects, specimens, or artifacts recovered from any such archaeological or vertebrate paleontological site or deposit without first obtaining the consent of the board of trustees of the Idaho State Historical Society."

#### **4.1.2.7 HAZARDOUS AREAS**

A desktop review of IDEQ's Waste Management and Remediation Division Facility Mapper (IDEQ 2021) shows one documented solid waste site at 7950 West Rose Lane, located across S. Can Ada Road at the northeastern corner of the Project area (in Canyon County). No documented waste sites exist within the Project area.

#### **4.1.2.8 IMPACT TO NATURAL FEATURES**

As much as possible, the Project components will be sited to avoid direct adverse impacts to natural features. Construction activities may generate short-term impacts to natural features, particularly in areas requiring earthmoving activities.

Mitigation measures for potential Project impacts are being developed in coordination with IDFG and other agencies and described in Section 4.1.4, Water Supply and Sewage Disposal and Section 4.1.5, Filling, Excavation, and Earthmoving.

#### **4.1.2.9 VIEWSHEDS**

A visual resources analysis of the Project area was conducted to assess impacts within viewsheds, adjacent properties, and public viewing areas. The visual resource simulations are provided in Exhibit N.

#### **4.1.3 Drainage (ACC 8-4E-4F)**

The Applicant has prepared a hydrology and flood inundation study for the Project area (see Exhibit M).

#### **4.1.4 Water Supply and Sewage Disposal (ACC 8-4E-4G)**

The Applicant envisions limited need for use of existing on-site wells for construction and O&M of the solar facility. During construction, water will be used for dust suppression. During O&M, PV panels may be washed up to two times per year using up to 5 to 10 acre-feet of water annually.

For potential agricultural operations, some irrigation for continued limited agriculture irrigation may be needed. There will be no septic/sewage from the solar facility in Ada County during Project construction or operations; therefore, the Project will not place a burden on existing water and sewer infrastructure. Portable sanitary stations will be used and maintained by a vendor during construction and operations.

#### **4.1.5 Filling, Excavation, and Earthmoving (ACC 8-4E-4H)**

During construction, soils will be disturbed by grading and excavating activities. The amount of land disturbance and vegetation removal will be minimized as much as possible through strategic siting of the Project footprint. Best management practices will be used in accordance with the required grading permit to mitigate potential impacts of soil erosion and fugitive dust. Soil and dust mitigation measures will be developed in coordination with Ada County after field studies for hydrology, drainage, soil, vegetation, and sensitive plant species are finished.

#### **4.1.6 Historic Features (ACC 8-4E-4I)**

The Applicant hired SWCA to perform an analysis of cultural resources, including historic features, as part of the natural features analysis. The Project will conserve and avoid identified historic features to the greatest extent possible and develop a standard procedure for notifying the applicable entities in the event a historic resource is exposed. All personnel will receive training on applicable laws and regulations pertaining to the protection of cultural resources and historic features.

#### **4.1.7 Irrigation (ACC 8-4E-4K)**

The Project area contains an estimated 15,080 feet of existing irrigation canals or ditches (see Exhibit L). Impacts to the existing canals and ditches will be avoided by the Project, except when the Applicant will

obtain a crossing agreement and coordinate with the affected irrigation district to design a short bridge over a canal for site access if needed, alternatively, the future secondary access may be implemented.

#### **4.1.8 Utilities (ACC 8-4E-4L)**

The Project does not include a septic/sewage system or other utilities associated with residential buildings, commercial buildings, or other occupied dwellings. Where possible, electric cables associated with the Project will be located underground. Local electric utility service will be coordinated with Idaho Power. The final location and specifications of telecommunications facilities will be determined as part of the final design permit package. The Project includes a SCADA system to provide remote control of communications and to monitor energy generation within each solar array. The SCADA system will connect to the Project with a fiber-optic cable.

#### **4.1.9 Maintenance (ACC 8-4E-4M)**

The Applicant's SCADA system will monitor the Project and provide real-time control. Accordingly, the Applicant does not anticipate the need for full-time staff on-site, but up to four personnel will be needed for periodic maintenance. Site personnel will typically work between 7 a.m. and 8 p.m. (depending on task requirements) during a typical workday, unless circumstances at the facility require an alternate schedule. The Applicant's maintenance personnel will visit the facility on an as-needed basis, but no less than quarterly. Data from other solar facilities across the country indicate that panel washing may not be needed. If this is not the case, the PV panels may be washed multiple times per year to increase the average optical absorption of the panel surface. The water required for panel washing will be delivered to the Project from an off-site source. A maintenance plan for the facility will be developed as part of the final design.

#### **4.1.10 Supplemental Information/Other Permits, Licenses, or Certifications (ACC 8-4E-4N)**

The Applicant is proactively coordinating with Ada County staff and other applicable permitting agencies and will secure all necessary permits and approvals as part of the CUP application process in accordance with ACC 8-5-3-83B1c. Comments and information received from the director, county engineer, and other permitting and reviewing entities will be incorporated into the Project design to ensure compliance with the ACC and Article B of Conditional Uses (8-5B-5 – Required Findings).

In addition to requiring this CUP approval, the Project will require construction permits, licenses, and certifications. Construction permits will be obtained before construction begins and will be completed in coordination with contractors providing construction services. In addition to securing required building permits from Ada County, the Applicant may be required to secure permits and approvals from 1) ACHD, for access points and road improvements; 2) IDEQ, for a fugitive dust control plan; and 3) and an approved Stormwater Construction Permit from the National Pollutant Discharge Elimination System.

#### **4.1.11 Alternative Site Development (ACC 8-4E-4O)**

The Project will undergo additional studies, evaluations, and engineering reviews as are normally conducted for this type of project. A final design package will be submitted to Ada County with the building permit set.

#### **4.1.12 Landscaping and Screening (ACC 8-4F)**

The Project will use on-site and existing wells for limited construction dust suppression and for limited operational water for panel cleaning. Depending on the viability and method of irrigating agriculture for an agrivoltaic system, some irrigation may continue to be used for agriculture though for a more limited portion of the site than the existing wells currently support.

The Applicant requests that landscaping requirements be waived by the Ada County Commission as permitted in ACC 8-4F-2(B).

The Ada County Permit Boundary footprint (fenced area) will be designed to minimize impacts to existing vegetation where possible. There are no sensitive receptors in the Project vicinity; therefore, no sound walls will be needed or proposed. After the Project has been constructed, disturbed areas within the Project footprint will be reclaimed. The site will be reclaimed through an adaptive management approach that allows for the incorporation of lessons learned from construction. Disturbed areas will be returned to preconstruction contours where feasible. Native plant communities will be allowed to regenerate where appropriate. As discussed in Section 1.1.1.3, the entire Project area overlaps areas designated as Flood Zone X, defined as an area of minimal flood hazard (see Figure 3); the Project footprint was designed to avoid natural drainages and floodplains; therefore, it will not contribute to flood hazard.

#### **4.1.13 Signage (ACC 8-4I)**

Signs will be needed during construction and will be primarily related to traffic control. Given this, they are exempt from Ada County approval per ACC 8-4I-3. Project facilities will not be used for advertisements, except for reasonable identification of affiliated construction companies, facility operators, etc. The Applicant will ensure all temporary signs are removed in accordance with permit requirements. Signs unrelated to construction and traffic, if any, will be sited according to ACC 8-4I standards. Signs associated with the Project will also comply with applicable guidelines from the Idaho Department of Transportation.

#### **4.1.14 Lighting (ACC 8-4H)**

The Applicant will prepare a lighting plan in conformance with ACC 8-4H. The Applicant will submit a lighting plan as part of the building plans. The lighting plan will show the location, orientation, and height of all proposed (attached and detached) exterior light fixtures and will detail the type of lighting, setbacks, and illumination. Shielding will be provided with the goal of minimizing negative impacts to night skies during Project construction and O&M. Permanent lighting may not be required in the Ada County Permit Boundary. When feasible, only vehicle-mounted lights will be used for night maintenance activities.

### **4.2 Detailed Letter for Requested Lot Coverage Variance (ACC 8-7-4)**

This detailed letter is provided to accompany the Applicant's request for a Lot Coverage Variance. The variance checklist (see Exhibit E) is included in this application. A variance request is being submitted because the Project's electrical equipment and solar panels will cover more than 5% of the total area in the RR district in the Ada County Permit Boundary. Accordingly, the Applicant requests a variance for lot coverage such that the calculation of lot coverage excludes the panel area from the lot coverage calculation.

### **4.2.1 Reason for Variance**

This variance is requested because solar facilities differ from other types of development in several significant ways:

1. A solar facility's lot coverage varies throughout the day as the single-axis solar tracking systems rotate the solar panels to move with the sun to provide an optimal angle for solar energy production.
2. The soil beneath the solar panels remains in a natural state that is permeable to rain and surface water. In typical, non-solar developments, concrete, asphalt or other impervious surfaces cover a large portion of a project area, altering soil permeability and hydrology in the watershed. Accordingly, solar facilities have significantly less impact to soil permeability because soils beneath the panels are able to continue to absorb water because they are not altered from their natural state. Additionally, the site will remain vegetated which will help increase water infiltration and reduce stormwater runoff.
3. The design and layout of the solar facility mimics that of a disconnected impervious surface. This is the practice of directing stormwater runoff from built-upon areas to properly sloped and vegetated pervious surfaces. Both roofs and paved areas can be disconnected with slightly differing designs. Additionally, the spacing of solar arrays meets the requirements that have been set in other states to not be considered impervious. In general, the minimum disconnection length between two rows of solar panels is equal to the width of each row.
4. The Project has a fixed term of operation (a long-term temporary use). After operations have ceased, the Project site will be decommissioned in accordance with the decommissioning plan and the ground will be returned to its natural state (see Section 3.10).

### **4.2.2 Idaho Code 67-6516**

The Applicant will be subject to undue hardship if this variance request is not granted because of the characteristics of the site and the use. As mentioned above, solar project use is substantively different in type of form from other seemingly related uses due to the variation in lot coverage throughout the day, the permeability of the soil beneath the arrays, and the temporary use. Further, lot coverage variances have been granted to other applicants developing solar facilities in Ada County for similar reasons. The lot coverage variance will allow the Project to advance in the public's interest to develop renewable energy and to provide a reliable source of electricity to Idaho and regional customers.

In accordance with Idaho Code 67-6516 and ACC 8-7A, adjacent property owners were notified about the Project and were able to provide comments at a neighborhood meeting in advance of the Ada County public hearing and application submittal (see Exhibit F). They will also be notified of the public hearing through Ada County's public hearing process and will have the opportunity to attend and be heard. The Applicant also created a Project website ([powersbutteenergycenter.com](http://powersbutteenergycenter.com)) that provides information about the Project and an option to provide comments.

This request for a Lot Coverage Variance does not create a right or special privilege to the Applicant. Lot Coverage Variances have been granted to other applicants developing solar farms in Ada County for similar reasons.

A Lot Coverage Variance will relieve an undue hardship. A utility-scale solar PV facility is not feasible to build with a lot coverage requirement of 5% or lower if the solar panel area is considered in the lot coverage calculation. If this variance is denied, the Project design would be severely limited in its ability to cost-effectively generate renewable energy for regional customers and would no longer be

economically feasible to build. The *Ada County Comprehensive Plan* (Ada County 2023b) fully supports the development of renewable energy projects such as the solar project described in this application.

A Lot Coverage Variance will not be detrimental to public health, safety, or welfare. The use of steel pile foundations to keep the panels and inverters above the ground allows water to percolate into native soils and flow across the Project site with minimal impact to soil permeability and the land's natural hydrological patterns and habitats. As such, it will have minimal impact on natural surface water flows and flooding.

A Lot Coverage Variance will not be detrimental to public services in that once the Project is operational. It will not pose a burden to public services, including safety, fire, traffic, utilities, or schools. Moreover, the Project tax encumbrance will provide increased funding for public services while not increasing the burden on these services.

A Lot Coverage Variance is in the public interest because the Project supports the renewable energy goals of the *Ada County Comprehensive Plan*, as described in Focus Area 5: Sustainable Practices and Resiliency (Ada County 2023b):

**Goal 5.1.** Promote clean air and lower greenhouse gas emissions.

- Investing in clean solar energy can grow Idaho's economy and protect and potentially improve air quality by emitting less potential air pollutants over the long term when compared to carbon-based energy generation sources (e.g., fossil fuels).

**Policy 5.1.c.** Renewable energy. Continue to support opportunities to develop local renewable energy facilities—whether in conjunction with County facilities (e.g., landfill gas to energy projects, rooftop solar), or as part of private developments, as appropriate.

- The Project will help provide renewable energy to the Treasure Valley region and will contribute to Idaho Power's statewide initiative of providing 100% clean energy by 2045.

**Goal 5.3.** Promote the use of sustainable practices in public/private development and County operations.

- The Project will help provide sustainable, renewable energy, and the Applicant proposes to use agrivoltaic operations that may help with water infiltration and long-term sustainability.

**Policy 5.3c.** Renewable energy. Encourage the siting of solar, wind, hydrothermal, and other renewable energy facilities in Ada County as consistent with the goals and policies of this plan.

- The Project will help decarbonize the energy grid in Idaho by providing a clean, renewable energy source.

**Goal 5.6.** Coordinate with providers to develop plans for energy services and public utility facilities for the long-term energy and utility needs of Ada County.

- The Project will contribute to Idaho Power's statewide initiative of providing 100% clean energy by 2045.

**Policy 5.6b.** Renewable energy resources. Encourage the enhancement of the capacity and reliability of renewable energy resources.

- The Project will help diversify the regions' sources of energy while contributing to Idaho Power's statewide initiative of providing 100% clean energy by 2045.

Finally, a Lot Coverage Variance is appropriate in that the proposed solar facility is a suitable use of land given the adjacent land uses and less than desirable suitability of the land for agriculture.

### **4.2.3 Neighborhood Meeting Certification**

A copy of the neighborhood meeting certification form per ACC 8-7A-3 is attached as Exhibit F. The neighborhood meeting was held on a weekday (Thursday, October 26, 2023) from 6 p.m. to 8 p.m. at the American Legion Hall, 304 4th Street, Melba, Idaho 83641.

### **4.2.4 Property Deeds**

Copies of all property deeds associated with the parcel numbers are included in Exhibit G.

### **4.2.5 Pre-application Conference Notes**

The pre-application conference notes for the meeting held with Ada County staff on March 23, 2023, are included in this application (see Exhibit H).

### **4.2.6 Public Hearing Notification**

In conformance with ACC 8-7A-5F, the Applicant will follow the public notification requirements for the posting of a public hearing notice for this application, posting all required signage at least 10 days before the public hearing. Proof of posting will be provided. A certification of sign posting and a dated photograph of each sign(s) posted will be submitted to the director no later than 7 days prior to the public hearing.

## **5 PRE-HEARING REQUIREMENTS**

### **5.1 Neighborhood Meeting**

Per the requirements of Idaho Code 67-6516 and ACC 8-7A, a neighborhood meeting was held from 6 p.m. to 8 p.m. October 26, 2023, at the American Legion at Melba, Idaho. Written notice was provided to all property owners or purchasers of record owning property within 1,000 feet of the exterior boundary of the Project's Ada County Permit Boundary. Exhibit F provides documentation of the neighborhood meeting and Ada County Neighborhood Meeting Sign-up Sheet.

### **5.2 Agency Consultations and Communications**

The Applicant is continuing to consult with required agencies as part of this CUP application in accordance with local, state, and federal laws and regulations. The list of consulted agencies includes the Federal Energy Regulatory Commission, Federal Aviation Administration, National Guard, Mountain Home Air Force Base, Idaho Division of Aeronautics, Boise Airport director, Idaho Public Utilities Commission, Idaho Power, IDFG, USFWS, Idaho Department of Water Resources, IDEQ, Ada County Emergency Management & Community Resilience, Idaho Bureau of Homeland Security Public Safety Communications section, and the Melba Rural Fire Protection District. The Ada County Permit Boundary is not located within an Area of City Impact.

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**HYDROLOGY AND FLOOD INUNDATION STUDY**

**POWERS BUTTE SOLAR PROJECT  
ADA & CANYON COUNTY, IDAHO  
KLEINFELDER PROJECT NO: 24001535.001A**

**January 4, 2024**

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January 4, 2024  
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**HYDROLOGY AND FLOOD INUNDATION STUDY  
POWERS BUTTE SOLAR PROJECT  
ADA & CANYON COUNTY, IDAHO**

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January 4, 2024

Kleinfelder Project No.: 24001535.001A

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**HYDROLOGY AND FLOOD INUNDATION REPORT**  
**POWERS BUTTE SOLAR PROJECT**  
**ADA & CANYON COUNTY, IDAHO**

**1 EXECUTIVE SUMMARY**

---

Savion Energy (Savion) is considering development of a 205 MW AC solar energy facility, located in Ada and Canyon County, Idaho. The property is located along Southside Boulevard, approximately 20 miles southwest of Boise, Idaho.

The project is located on approximately 2,385 acres of property and will include ground-mounted solar photovoltaic (PV) arrays and underground electrical conduits. Ancillary construction will consist of gravel access roads, perimeter fence, and pads for power transformers, inverters, and switchgear.

Hydrologic and hydraulic modeling analyses were performed to evaluate maximum flood depths, velocities and scour potential for the 100-year, 24-hour storm event associated with the pre-development condition of the proposed project area.

This report represents the pre-development hydrologic and hydraulic model results for the site. The pre-development hydrologic and hydraulic model results are based on publicly available data described herein. Flood depths range from 0 to 1.5 feet and flood velocities range from 0 to 3 feet per second (fps) within the project area.

## 2 INTRODUCTION

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### 2.1 PROJECT DESCRIPTION

The proposed solar site is approximately 2,385 acres and located along the Ada and Canyon County line, south of Stage Coach Road and east of Southside Boulevard. Refer to **Appendix A** for the location map.

The topography in the project area contains elevations ranging from approximately 2,722 to 2,906 feet – NAVD 88. All elevations listed in this report and provided in appendices are referenced to NAVD 88 unless otherwise noted.

### 2.2 DESIGN DATA AND METHODOLOGIES

Based on a review of the FEMA Flood Insurance Rate Map (FIRM)<sup>1</sup> panel 16001C0375G (effective February 19, 2003) and panel 16001C0400J (effective October 2, 2003), the project site is within FEMA unshaded Zone X floodplain. Zone X floodplains are at minimal risk of inundation. **Appendix B** shows the project boundary with the FEMA floodplain delineation obtained from the online FEMA mapping database.

The stormwater analyses of the proposed solar site were conducted in accordance with the Boise Stormwater Design Manual<sup>2</sup>. Rainfall data at the project site for the design storm events was obtained from the NOAA Atlas 2 Precipitation Frequency Database<sup>3</sup>. **Appendix C** shows the rainfall depth data used for the study area. Type II 24-hour rainfall distribution was utilized for the 100-year, 24-hour storm event and average moisture conditions were utilized in all simulations.

Soil data was obtained from the National Resources Conservation Service (NRCS) Web Soil Survey<sup>4</sup> database to determine soil type and runoff parameters. Refer to **Appendix D** for the soil types and hydrologic soil groups (HSG) defined in the study area. Soils within the study area generally have moderately high runoff potential. The most common HSG in the study area is soil group C. For this analysis, dual class soil groups were modeled as soil group D.

Topographic LiDAR (Light Detection and Ranging) Digital Elevation Model (DEM) was downloaded for the study area from the United States Geological Survey (USGS) data portal<sup>5</sup>. The elevation data was collected in 2018 and published in 2019. The DEM elevations were converted from meters to feet. This best

available USGS LiDAR data has 13 arc-second resolution, which resulted in a DEM with approximately 29 by 29 feet cell size. The DEM lacks definition at this resolution to show the elevations of features like ditches and roads within the project area. The DEM also included some interpolation artifacts in the eastern portion of the project area. A site-specific topographic survey is recommended to update the flood analysis as design progresses.

Land use and cover data were obtained from the 2019 National Land Cover Dataset (NLCD)<sup>6</sup>. Curve numbers for the study area were selected using the NRCS hydrologic soil groups, land use/land cover data for the pre-development conditions and the Urban Hydrology for Small Watersheds TR-55<sup>7</sup> manual, as directed by the Boise Stormwater Design Manual.

Kleinfelder conducted a site visit on July 20, 2023, to observe existing conditions and site drainage considerations.

### 3 PRE-DEVELOPMENT FLOOD STUDY

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A hydrologic and hydraulic analysis was performed on the existing conditions of the proposed solar site to determine flooding depths and velocities during the 100-year 24-hour storm. The total flood model area is approximately 16,858 acres and includes upstream drainage areas that generate runoff to the project and downstream areas to simulate any tailwater conditions that may impact flooding onsite.

The study area topography includes butte landforms in otherwise mildly sloping topography. The majority of the existing landcover is cultivated crops and herbaceous, with smaller areas of shrub/scrub and hay/pasture.

Onsite culvert sizes, material and condition were verified during the site visit. The USGS DEM utilized for the analyses did not contain some roads noted within Google Earth imagery and the site visit, which precluded the inclusion of some culverts. It is recommended that the analyses are updated after a topographic survey of the site is conducted, which may result in changes to the findings and therefore conclusions.

The pre-development flood analyses were simulated using the computer modeling software HEC-RAS<sup>8</sup>. HEC-RAS is a computer design program for modeling the hydraulics of open channel systems. The 2-dimensional (2D) capabilities of HEC-RAS version 6.4.1 were utilized for the solar site. HEC-RAS 2D can simulate water flow in multiple directions over large terrain. The topography used in the pre-development flood study is described in Section 2.2.

Variable Manning's 'n' values are utilized to represent ground roughness across the site. Manning's 'n' values were estimated based on pre-development land cover. Manning's 'n' values from NLCD types, which range from 0.027 to 0.16, were developed from the Boise Stormwater Design Manual Table G-5, with values from any excluded types developed using the HEC-RAS 2D Modeling User's Manual Table 2-19. Refer to Table 3-1 for Manning's 'n' values used in the analysis.

**TABLE 3-1: MANNING’S ‘N’ VALUES**

MANNING’S ‘n’	LAND COVER DESCRIPTION
0.027	Barren Land
0.03	Hay/Pasture
0.035	Cultivated Crops
0.038	Herbaceous, Open Water
0.04	Developed, Open Space
0.06	Shrub/Scrub
0.09	Developed, Low Intensity
0.12	Developed, Medium Intensity
0.16	Developed, High Intensity

A computational mesh made up of 100-foot cells was generated to conduct the analysis. Hydraulic breaklines were utilized at locations of hydraulic barriers (roads) and major conveyance locations (ditches, streams) discernable in the DEM. A variable computational time-step based on the Courant number was utilized to increase model efficiency. A Courant number-based time-step allows the model to adjust to large inflows or outflows throughout the simulation. The Full Momentum equations were utilized. The model was run for a simulation time of 48 hours, which allows the peak stage to pass through the entire study area after the 24-hour duration storm.

The hydrologic analysis of the flood model area was conducted using the NRCS Curve Number method. Kleinfelder utilized the ‘Infiltration Layer’ functionality within HEC-RAS to create a spatially variable representation of infiltration capacity and runoff generation within the study area. The NRCS Infiltration Method within HEC-RAS uses a unique curve number assigned to each land cover and soil type combination, and an abstraction ratio, to calculate the runoff from each cell within the model. An abstraction ratio of 0.2 was used for the study area.

Normal depth and precipitation boundary conditions were utilized for the analysis. Normal depth slope boundary conditions were used in locations where water is expected to leave the site and are based on

the terrain slope. The precipitation hyetograph is based on NOAA Atlas 2 rainfall depths for the design storm and SCS Type II rainfall distribution, discussed above.

Flood depths are less than 1.5 feet during the design simulation, with most of the project area inundated by less than 0.5 feet. Velocities within the project area range from 0 to 3 feet per second (fps).

A scour analysis was performed on the study area to determine locations of scour potential at array piers during the design storms in the existing condition. The scour analysis utilized the maximum depth and velocity results of the pre-development HEC-RAS flood model.

Kleinfelder utilized the HEC-18 pier scour Equation 7.1 provided in Hydraulic Engineering Circular No. 18: Evaluating Scour at Bridges Fifth Edition<sup>10</sup> to assess scour potential surrounding the solar panel support piles. The HEC-18 pier scour equation is recommended for live-bed and clear-water pier scour and predicts maximum scour depths. Maximum Froude number and flood depth raster files were generated from the HEC-RAS flood model results and used in the scour calculations. This method can yield conservative scour estimates as it assumes the maximum flood depth and velocity occur at the same time, which may not be true onsite. Equation variable inputs and assumptions are listed in **Table 3-2**.

HEC-18 Equation 7.1

$$\frac{y_s}{y_1} = 2.0 K_1 K_2 K_3 \left( \frac{a}{y_1} \right)^{0.65} Fr_1^{0.43}$$

- $y_s$  = Scour depth, ft (m)
- $y_1$  = Flow depth directly upstream of the pier, ft (m)
- $K_1$  = Correction factor for pier nose shape from Figure 7.3 and Table 7.1
- $K_2$  = Correction factor for angle of attack of flow from Table 7.2 or Equation 7.4
- $K_3$  = Correction factor for bed condition from Table 7.3
- $a$  = Pier width, ft (m)
- $L$  = Length of pier, ft (m)
- $Fr_1$  = Froude Number directly upstream of the pier =  $V_1/(gy_1)^{1/2}$
- $V_1$  = Mean velocity of flow directly upstream of the pier, ft/s (m/s)
- $g$  = Acceleration of gravity (32.2 ft/s<sup>2</sup>) (9.81 m/s<sup>2</sup>)

**TABLE 3-2: PIER SCOUR EQUATION ASSUMPTIONS**

VARIABLE	INPUT	ASSUMPTION
y1	HEC-RAS depth (ft)	Maximum flood depth
K1	1.1	Square nose pier
K2	1.125	Skew angle of flow is 30 degrees
K3	1.1	Clear water scour
a	6-inch	W-pile dimension
L	4-inch	W-pile dimension

Scour calculations estimate that most of the project area is expected to experience less than 1.5 feet of scour. Areas of higher scour potential are located within deeper flood waters.

Kleinfelder recommends stabilizing all areas with velocities exceeding 2-fps with erosion control blanket and seeding for grass to grow. In areas with velocities exceeding 5 fps, using rip rap in place of the erosion control blanket and seeding to avoid excessive washout is recommended. Grading and longer pile-heights can be implemented in areas where flooding exceeds allowable depths.

## 4 REFERENCES

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4. U.S. Department of Agriculture. Natural Resources Conservation Service. *Web Soil Survey*.  
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9. HEC-RAS 2D Modeling User's Manual, Version 6.0, May 2021. Table 2-1 Page 2-21 to 2-23.
10. U.S. Department of Transportation Federal Highway Administration. Evaluating Scour at Bridges: Fifth Edition. April 2012.

## 5 LIMITATIONS

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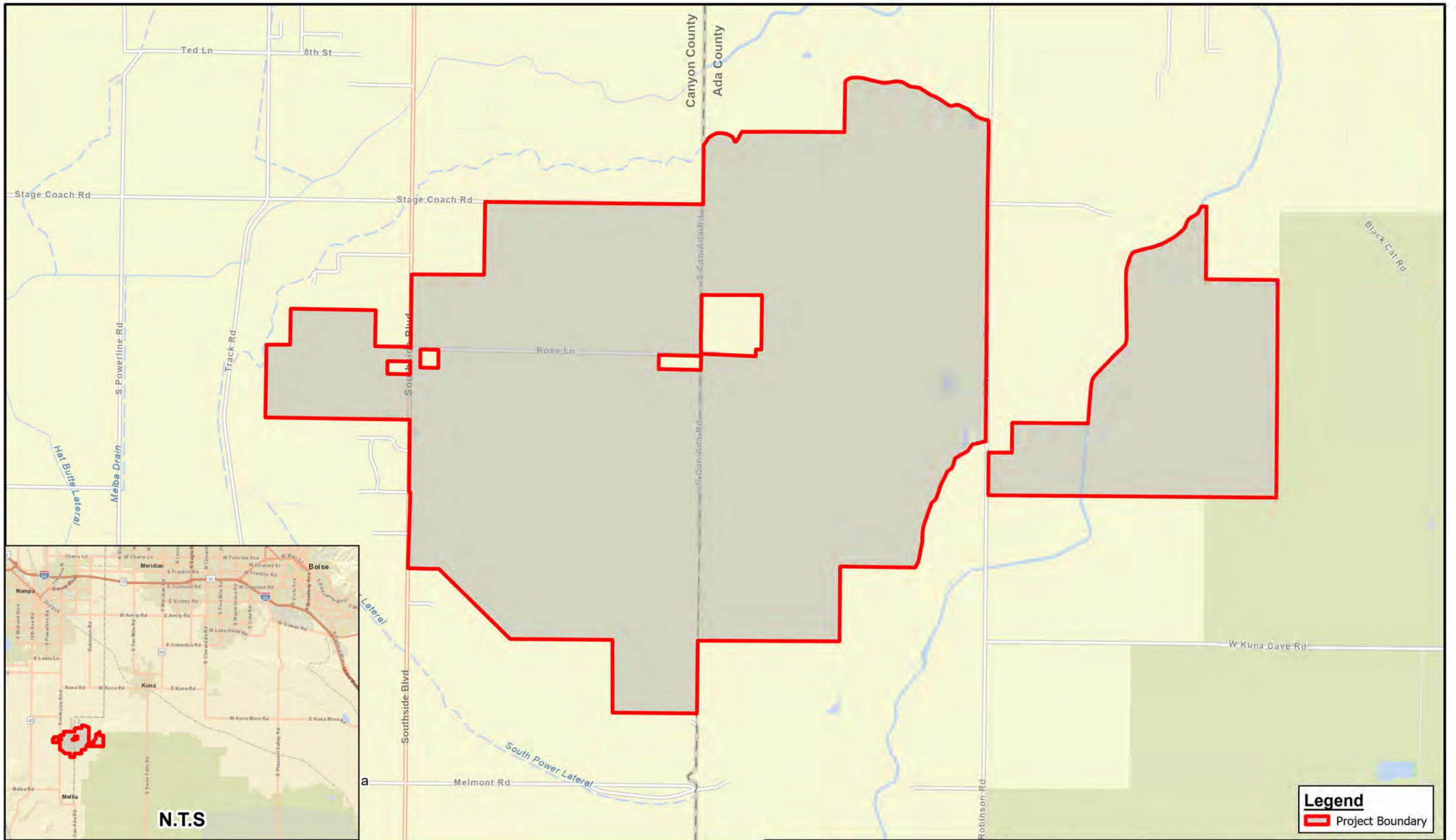
This work was performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder’s profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions, and recommendations are based on a limited number of observations and data known to date. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no other representation, guarantee, or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

The science of climate change and translating climate risks into design criteria are new and evolving practices, involving many uncertainties. The projections made in this report only reflect the professional judgment of the Project Team applying a standard of care consistent with the level of care and skill of other professionals undertaking similar work in the same locality under similar conditions at the date the services are provided. For these reasons, the recommendations, predictions, and projections made within this report provide guidelines based on the knowledge available to Kleinfelder as of the date provided based on Kleinfelder’s review of the resources identified herein. Any predictions or projections made in this report are not guaranteed predictions or projections of future events. The nature and climate impacts may differ significantly from predictions based on currently available data. Kleinfelder recommends that the results of these evaluations be updated over time as science, data, and modeling techniques advance. Unless so engaged, Kleinfelder disclaims any undertaking to update these predictions in the future. Any reliance upon maps or data presented herein used to make decisions or conclusions is at the sole discretion and risk of the user. This information is provided with the understanding that the data is not guaranteed to be accurate, correct, or complete and assumes no responsibility for errors or omissions. This report may be used only by the Client and the registered design professional in responsible charge and only for the purposes stated for this specific engagement within a reasonable time from its issuance, but in no event later than two (2) years from the date of the report.

The work performed was based on project information provided by Client and publicly available information. This work is preliminary in nature and not intended to be used for permitting, design, or construction.

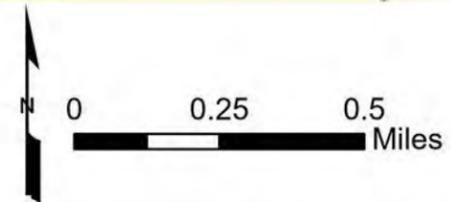
**APPENDIX A**  
**SITE LOCATION MAP**

---



**Legend**  
 Project Boundary

The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Kleinfelder makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a land survey product nor is it designed or intended as a construction design document. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.



PROJECT NO.	24001535.001A
DRAWN:	8/17/2023
DRAWN BY:	NB
CHECKED BY:	KC
FILE NAME:	PowersButte.aprx

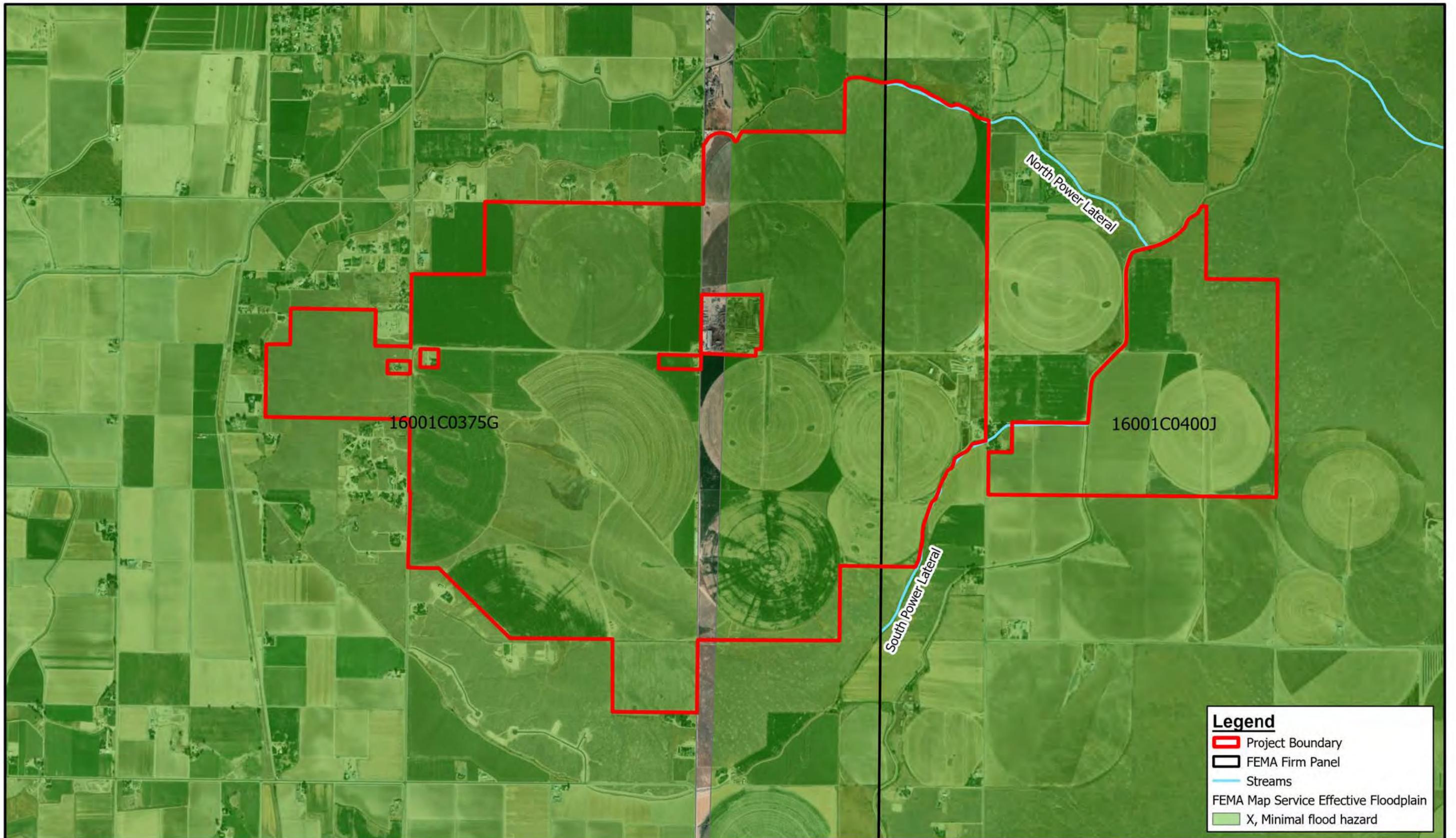
**Site Location Map**

Powers Butte Solar Project  
 Savion Energy  
 Ada & Canyon County, Idaho

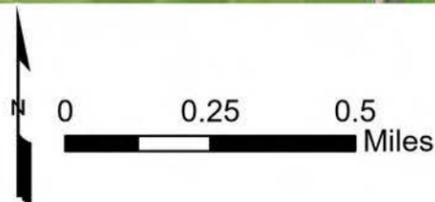
APPENDIX  
**A**

**APPENDIX B**  
**FLOODPLAIN MAP**

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PROJECT NO.	24001535.001A
DRAWN:	8/17/2023
DRAWN BY:	NB
CHECKED BY:	KC
FILE NAME:	PowersButte.aprx

<b>FEMA Floodplain Map</b>		APPENDIX
Powers Butte Solar Project Savion Energy Ada & Canyon County, Idaho		<b>B</b>

**APPENDIX C**  
**PRECIPITATION DATA**

---

# Precipitation Frequency Data Output

NOAA Atlas 2

Idaho 43.4305092°N 116.5218909°W  
*Site-specific Estimates*

---

Map	Precipitation (inches)	Precipitation Intensity (in/hr)
2-year 6-hour	0.65	0.11
2-year 24-hour	0.99	0.04
100-year 6-hour	1.53	0.26
100-year 24- hour	2.11	0.09

---

[Go to PFDS](#)  
[Go to NA2](#)

Hydrometeorological Design Studies Center - NOAA/National Weather Service  
1325 East-West Highway - Silver Spring, MD 20910 - (301) 713-1669  
Mon Aug 7 17:48:06 2023

**APPENDIX D**  
**NRCS SOIL SURVEY REPORT**

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## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons

 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Lines

 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Points

 A  
 A/D  
 B  
 B/D

 C  
 C/D  
 D  
 Not rated or not available

### Water Features

 Streams and Canals

### Transportation

 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at scales ranging from 1:20,000 to 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Ada County, Idaho

Survey Area Data: Version 10, Sep 2, 2022

Soil Survey Area: Canyon Area, Idaho

Survey Area Data: Version 19, Sep 2, 2022

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 14, 2010—Apr 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
62	Garbutt silt loam, 4 to 8 percent slopes	B	6.6	0.0%
102	McCain silt loam, 2 to 4 percent slopes	C	113.9	0.7%
103	McCain silt loam, 4 to 8 percent slopes	C	606.9	3.6%
104	McCain silt loam, 8 to 12 percent slopes	C	222.2	1.3%
108	McCain stony silt loam, 8 to 12 percent slopes, extremely stony	C	21.9	0.1%
124	Potratz silt loam, 0 to 2 percent slopes	C	170.5	1.0%
125	Potratz silt loam, 2 to 4 percent slopes	C	49.2	0.3%
126	Potratz silt loam, 4 to 8 percent slopes	C	4.4	0.0%
127	Potratz-Power silt loams, 4 to 8 percent slopes	C	548.0	3.3%
130	Power silt loam, 2 to 4 percent slopes	C	71.7	0.4%
133	Power-McCain silt loams, 0 to 2 percent slopes	C	22.0	0.1%
134	Power-McCain silt loams, 2 to 4 percent slopes	C	209.8	1.2%
135	Power-McCain silt loams, 4 to 8 percent slopes	C	251.3	1.5%
136	Power-McCain silt loams, 8 to 12 percent slopes	C	328.9	2.0%
140	Power-Potratz silt loams, 2 to 4 percent slopes	C	214.8	1.3%
144	Purdam-Power silt loams, 0 to 2 percent slopes	C	185.7	1.1%
145	Purdam-Power silt loams, 2 to 4 percent slopes	C	76.1	0.5%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
158	Rock outcrop-Trevino complex, 5 to 20 percent slopes		810.6	4.8%
160	Scism silt loam, 0 to 2 percent slopes	C	990.1	5.9%
161	Scism silt loam, 2 to 4 percent slopes	C	831.4	4.9%
162	Scism silt loam, 4 to 8 percent slopes	C	12.3	0.1%
163	Scism silt loam, bedrock substratum, 0 to 2 percent slopes	C	3.9	0.0%
164	Scism silt loam, bedrock substratum, 2 to 4 percent slopes	C	508.7	3.0%
165	Scism silt loam, bedrock substratum, 4 to 8 percent slopes	C	320.3	1.9%
166	Scism silt loam, bedrock substratum, 8 to 12 percent slopes	C	314.9	1.9%
<b>Subtotals for Soil Survey Area</b>			<b>6,896.3</b>	<b>40.9%</b>
<b>Totals for Area of Interest</b>			<b>16,858.6</b>	<b>100.0%</b>

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BaE	Bahem silt loam, 12 to 30 percent slopes	B	180.2	1.1%
BaF	Bahem silt loam, 30 to 50 percent slopes	B	25.2	0.1%
Gp	Gravel pit		4.8	0.0%
MkA	Minidoka silt loam, 0 to 1 percent slopes	C	326.3	1.9%
MkB	Minidoka silt loam, 1 to 3 percent slopes	C	299.9	1.8%
MnC	Minidoka-Scism silt loams, 3 to 7 percent slopes	C	170.9	1.0%
MnD	Minidoka-Scism silt loams, 7 to 12 percent slopes	C	39.8	0.2%
PaB	Potratz silt loam, 1 to 3 percent slopes	C	168.0	1.0%
PcC	Potratz-Power silt loams, 3 to 7 percent slopes	C	182.1	1.1%
PeB	Potratz-Power silt loams, 1 to 3 percent slopes	C	47.6	0.3%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
PeC	Potratz-Power silt loams, 3 to 7 percent slopes	C	46.0	0.3%
PhA	Power silt loam, 0 to 1 percent slopes	C	214.6	1.3%
PhB	Power silt loam, 1 to 3 percent slopes	C	292.1	1.7%
PLA	Playas		1.4	0.0%
PoA	Power-Potratz silt loams, 0 to 1 percent slopes	C	135.8	0.8%
PoB	Power-Potratz silt loams, 1 to 3 percent slopes	C	313.9	1.9%
PpA	Power-Purdam silt loams, 0 to 1 percent slopes	C	742.3	4.4%
PpB	Power-Purdam silt loams, 1 to 3 percent slopes	C	66.0	0.4%
ScA	Scism silt loam, 0 to 1 percent slopes	C	2,143.0	12.7%
ScB	Scism silt loam, 1 to 3 percent slopes	C	710.0	4.2%
ScC	Scism silt loam, 3 to 7 percent slopes	C	300.2	1.8%
ScD	Scism silt loam, 7 to 12 percent slopes	C	59.0	0.3%
SdA	Scism silt loam, deep over basalt, 0 to 1 percent slopes	C	222.3	1.3%
SdB	Scism silt loam, deep over basalt, 1 to 3 percent slopes	C	1,382.8	8.2%
SdC	Scism silt loam, deep over basalt, 3 to 7 percent slopes	C	1,072.2	6.4%
SdD	Scism silt loam, deep over basalt, 7 to 12 percent slopes	C	103.8	0.6%
TkE	Trevino-Rock outcrop complex, 0 to 20 percent slopes	D	470.7	2.8%
TrB	Trevino silt loam, 1 to 3 percent slopes	D	55.5	0.3%
TrD	Trevino silt loam, 3 to 12 percent slopes	D	130.3	0.8%
TuA	Turbyfill fine sandy loam, 0 to 1 percent slopes	A	10.4	0.1%

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
TuB	Turbyfill fine sandy loam, 1 to 3 percent slopes	A	8.3	0.0%
W	Water		36.9	0.2%
<b>Subtotals for Soil Survey Area</b>			<b>9,962.3</b>	<b>59.1%</b>
<b>Totals for Area of Interest</b>			<b>16,858.6</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The aggregation method "Dominant Condition" first groups like attribute values for the components in a map unit. For each group, percent composition is set to the sum of the percent composition of all components participating in that group. These groups now represent "conditions" rather than components. The attribute value associated with the group with the highest cumulative percent composition is returned. If more than one group shares the highest cumulative percent composition, the corresponding "tie-break" rule determines which value should be returned. The "tie-break" rule indicates whether the lower or higher group value should be returned in the case of a percent composition tie. The result returned by this aggregation method represents the dominant condition throughout the map unit only when no tie has occurred.

*Component Percent Cutoff: None Specified*

Components whose percent composition is below the cutoff value will not be considered. If no cutoff value is specified, all components in the database will be considered. The data for some contrasting soils of minor extent may not be in the database, and therefore are not considered.

*Tie-break Rule: Higher*

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

From: [Flack, Brandon](#)  
To: [Anneke Solsby](#)  
Cc: [Mitchell Taylor](#); [Stephanie Blochowiak](#); [Brenna Garro](#)  
Subject: RE: Powers Butte Energy Center (Ada and Canyon counties) - Request for Information  
Date: Friday, December 22, 2023 12:43:45 PM  
Attachments: [image003.png](#)

---

Hi Anneke,

The Idaho Department of Fish and Game (IDFG) has received your request for information related to the Powers Butte Energy Center Project, a 250-megawatt solar power and 200-megawatt battery energy storage project on approximately 2,385 acres located 1.5 miles southeast of the Bowmont in both Ada County and Canyon County, Idaho. This email serves as an IDFG letter addressing fish, wildlife, and plant resources as a component of the natural features of the property, including any sensitive plant and wildlife species recorded in the project vicinity.

IDFG has not conducted specific wildlife surveys on the property. The Idaho Fish and Wildlife Information System (IFWIS) database contains observation records of 3 Idaho Species of Greatest Conservation Need (SGCN) on the project property and 3 additional SGCN within 1 mile of the property boundary.

SGCN Observed on Project Property			
	Species Name	SGCN Tier	State Rank
	California gull	2b	S3B, S2N
	Hoary bat	2	S3
	Ring-billed gull	3b	S2B, S2N
SGCN Observed within 1 mile of Project Property			
	Species Name	SGCN Tier	State Rank
	California gull	2b	S3B, S2N
	Ferruginous hawk	2	S3B
	Golden eagle	2	S3
	Hoary bat	2	S3
	Pygmy rabbit	2	S3
	Ring-billed gull	3b	S2B, S2N

Definitions of SGCN tiers can be found in the Idaho State Wildlife Action Plan (<https://idfg.idaho.gov/swap>) and definitions of state ranks can be found here: <https://idfg.idaho.gov/species/taxa/ranks>

Aerial imagery and the report from SWCA indicate most of the project property is currently disturbed, being used mainly for agricultural production, and contains little native vegetation that could provide habitat for native wildlife species. Considering the footprint of the project overlays an area that has already been disturbed (or is surrounded by other suburban development or agricultural lands) and little intact native habitat exists on the project property or on the adjacent properties, IDFG would not anticipate effects of the proposed activities on native plant or terrestrial wildlife populations.

Thank you for your interest in the state's fish, wildlife, and plant resources. Please feel free to contact me with additional information needs or other questions.

Regards,

**Brandon Flack**  
Regional Technical Assistance Manager

Idaho Dept. of Fish and Game  
Southwest Region  
15950 N. Gate Blvd.  
Nampa, ID 83687  
Ph: (208) 854-8947



---

**From:** Anneke Solsby [REDACTED]  
**Sent:** Friday, December 15, 2023 3:16 PM  
**To:** Flack, Brandon <brandon.flack@idfg.idaho.gov>  
**Cc:** Mitchell Taylor [REDACTED]; Stephanie Blochowiak  
[REDACTED]  
**Subject:** Powers Butte Energy Center (Ada and Canyon counties) - Request for Information

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

Hi Brandon –

Savion, LLC (Savion), doing business as Powers Butte Energy Center, LLC is proposing the construction and operation of the utility-scale Powers Butte Energy Center (Project), which would consist of an up to 250-megawatt (MW) solar photovoltaic (PV) generation array, 200-MW battery energy storage system (BESS), and ancillary facilities on approximately 2,385 acres of privately-owned lands in both Ada County and Canyon County, Idaho. The Project Area is located approximately 1.5 miles southeast of Bowmont, Idaho (see attached kmz).

We anticipate submitting land use applications to Ada and Canyon counties in mid-January for the Project. Therefore, we are requesting a letter from Idaho Dept of Fish & Game regarding protected wildlife on the site to inform permit development and review for sensitive wildlife and critical habitat review for the site. Our environmental consultant, SWCA, conducted a preliminary records search of sensitive plant and wildlife and special-status species using data from the Idaho Conservation Data Center and USFWS databases followed by pedestrian surveys last spring for a general habitat characterization and identifying potential areas for slickspot peppergrass. The survey results are attached. Additional surveys will be conducted prior to construction, as pertinent, in consideration of feedback from IDFG and USFWS.

Please let me know if you have any questions or need anything else to inform your review.

Thank you in advance!

Anneke Solsby | Director, Permitting & Environmental  
[503.894.0258](tel:503.894.0258) | Savion, LLC

