

**BEFORE THE PLANNING AND ZONING COMMISSION
OF ELMORE COUNTY**

**IN RE: VAR-2011-01)
Amend Structure Height Variance)
Request for a Wind Turbine)
Farm Electrical Generating)
Facility in an Agriculture Zone)**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

**Applicant.)
High Mesa Energy, LLC)
1508 Brookside Loop)
Twin Falls, ID 83301)**

This matter having come before the Planning and Zoning Commission of Elmore County, on the 1st day of February, 2012, for a public hearing, held pursuant to public notice as required by law, on a request for a variance of structure height for a proposed wind turbine farm electrical generating facility at W ½ Section 16 and W ½ Section 21, Township 6 South, Range 12 East, B.M., in a Agriculture (AG) zone. A common way of locating the property is from Interstate Exit 125 head South on Thomas Hill Rd approximately 2 miles, then west on E. Pasadena Valley Road for 0.25 miles, then south and east on E. Black Mesa Road for approximately 5 miles, then south on Bell Rapids for approximately 3 miles, then East on S. Deer Gulch Road for approximately 8 miles, site is on right side of road. The Commission heard from the applicant in support of the application. The Commission received written testimony, information, and exhibits to the application. Upon conclusion of all public hearing, the Commission duly considered all that was presented to them from the public hearing held before them. Based upon all this information, the Planning and Zoning Commission now makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Applicant is requesting a variance for height, the maximum height in Agriculture is (Ag) is 80 feet, Chapter 8, Table 6-8-12 (B), page 45.
2. Notice of public hearing has been given to agencies and property owners by mail on January 6, 2012 and was publicized in the Mountain Home Newspaper on January 11, 2012. Notice was posted on property on January 24, 2012.
3. The property is located within an Agriculture Zone.
4. The property is located within the Wildfire Urban Interface (W.U.I.) Overlay Zone.
5. Relevant criteria and standards for consideration of this application are set forth in the Zoning and Development Ordinance Section 6-3-10 and Idaho Code § 67-6516.
6. The existing land uses in the immediate area of the property in question are agriculture, State and BLM rangeland.
7. Special conditions and circumstances exist which are peculiar to the land involved

and which are applicable to other lands in the same zoning district and would therefore prevent compliance and establish undue hardship for the owner. Wind energy production is more efficient over 80 feet.

8. That granting of the variance requested shall not grant the applicant any special privilege that is denied by the Zoning and Development Ordinance to other lands, structures or buildings in this same zoning district under the same circumstances. There is an existing windfarm with 9 turbines in operation in the local area.
9. The variance relieves undue hardships due to characteristics of the site that make strict compliance with this Ordinance unreasonable under the circumstances because of the desire to maintain agriculture uses.
10. That the granting of the specified variance will not be detrimental to the public's welfare or injurious to other property in the area in which the property is situated.
11. The variance will not have the effect of altering the interest and purpose of the Zoning and Development Ordinance and the County's Comprehensive Plan. The Comprehensive Plan supports wind farms with the following: Land Use Objective #7, Public Service Goal #1 Public Service Objective-Electrical Power #3.
12. The propose use is to expand the previous footprint of the permitted wind farm in Twin Falls county and Elmore county 40MW High Mesa Wind project by moving six (6) turbine sites for the East ½ of section 21 in Twin Falls county to the West ½ of section 21 in Elmore county.
13. The variance request is in conjunction with a conditional use permit (CUP) application.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The requirements of Elmore County Zoning and Development Ordinance Chapter 4 have been met for applications, fees, neighborhood meeting, neighbor notification, agency notification and public hearing.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The applicant has met the requirements of Elmore County Zoning and Development Ordinance Section 6-3-10 for Variances.

Based on the forgoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enters the following:

ORDER

The application for a request for to amend a variance of structure height for a proposed wind turbine farm electrical generating facility at W ½ Section 16 and W ½ Section 21, Township 6 South, Range 12 East, B.M., in a Agriculture (AG) zone should be and is hereby **GRANTED** with the following condition:

1. Tower height shall not exceed 455'.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRPERSON K.C. DUERIG	VOTED AYE
DEBBIE LORD	VOTED AYE
BETTY VAN GHELUWE	VOTED AYE
SUSAN FISH	ABSENT
JIM MARTIN	VOTED AYE
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE

ATTEST:



Patti Osborn, Chairperson



Alan Christy, Director

DATED this 15th day of February 2012

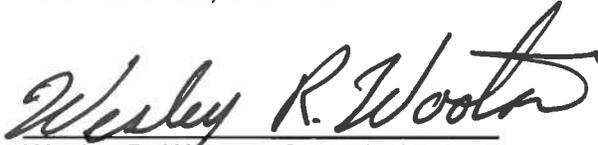
*Effective at 12:01 A.M. on the 25th day of February 2012

*Note A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted in writing to said Board within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Growth and Development Department or the Elmore County Clerk.

Reviewed and approved on this 12th day of March 2012 by the
Elmore County Board of Commissioners



Arlen O. Shaw, Chairman



Wesley R. Wooten, Commissioner



Albert Hofer, Commissioner