

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

<b>IN RE: CUP-2012-06</b>	)	
<b>Conditional Use Permit</b>	)	
<b>For a tire storage and</b>	)	<b>FINDINGS OF FACT</b>
<b>pyrolysis</b>	)	<b>CONCLUSIONS OF LAW</b>
	)	<b>AND ORDER</b>
	)	
	)	
	)	
	)	
<b>Applicant:</b>	)	
<b>Alternative Environmental Systems, LLC</b>	)	
<b>4894 W. Lone Mountain Rd #229</b>	)	
<b>Las Vegas, NV 89130</b>	)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 3<sup>rd</sup> day of October, 2012, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed tire storage and pyrolysis. Property is located in the NW ¼ of the SE ¼ of Section 34, Township 1 South, Range 4 East, B.M., and is zoned Heavy Industrial (M2). The Commission heard from the applicant and representatives in support of the application. The Commission heard other testimony in opposition to the application. The Commission received written testimony and information in regards to the application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to 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. The applicant has applied for a Conditional Use Permit for a proposed tire storage and pyrolysis in the NW ¼ of the SE ¼ of Section 34, Township 1 South, Range 4 East, B.M.
2. Neighborhood meeting was held on May 31, 2012. Notice of public hearing has been given to agencies and property owners on August 23, 2012, publicized in Mountain Home Newspaper on August 29, 2012, and posted on the property on September 6, 2012.
3. The property is located within a Heavy Industrial (M2) Zone.
4. The surrounding land uses are Heavy Industrial and BLM rangeland.
5. The proposed use 6-8-179 Recycling Plant or Processing Facility, 6-8-116 Fuel, Flammable Material Storage and 6-8-133 Industrial/Manufacturing Facility, Heavy will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District

regulations Chapter 8 of the Elmore County Zoning and Development Ordinance.

6. The proposed use will be in accordance with goals and objectives of the Comprehensive Plan and with all the applicable provisions of the Zoning and Development Ordinance.
7. The proposed use 6-8-179 Recycling Plant or Processing Facility, 6-8-116 Fuel, Flammable Material Storage and 6-8-133 Industrial/Manufacturing Facility, Heavy will comply with all applicable County Ordinances with conditions provided.
8. The proposed use will be served adequately by existing essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, water and sewer or the person responsible for the establishment of the proposed conditional use shall adequately provide any such services.
9. The proposed use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets.
10. The proposed use will be designed, constructed, operated and maintained to be harmonious with the existing or the intended character of the general vicinity and such use will not change the essential character of the same area. There is US Ecology, Medical Waste Disposal and Pacific Recycling that are in the surrounding area.
11. The proposed use will not be hazardous or disturbing to existing or future neighboring uses and will comply with all State and Federal regulations.
12. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. All improvements will be constructed at the applicant's expense. No public funding will be utilized.
13. The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of the environment, or excessive production of traffic, noise, smoke, fumes, glare, or odors. DEQ will monitor emissions of the equipment.
14. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.
15. Dissenting vote was found; county should be the final approval, not DEQ or any other agency, an 8 foot fence and a 50 foot defensible barrier is not adequate as a fire barrier and the fuel source is believed to be combustible not flammable.

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 Idaho Code Section §67-6509 have been met.

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 the Zoning and Development Ordinance Chapter 27 for a Conditional Use Permit as shown above in the findings of fact.

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

### **ORDER**

The application for a Conditional Use Permit for proposed tire storage and pyrolysis in the NW ¼ of the SE ¼ of Section 34, Township 1 South, Range 4 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

### **ADDITIONAL CONDITIONS**

1. The proposed use will comply with all the requirements of sections 6-8-179 Recycling Plant or Processing Facility, 6-8-116 Fuel, Flammable Material Storage and 6-8-133 Industrial/Manufacturing Facility of the Elmore County Zoning and Development Ordinance.
2. All outstanding fees, if any, must be paid prior to the issuance of any Elmore County building permit.
3. Failure to comply with any of the conditions may result in revocation of the Conditional Use Permit.
4. The proposed use will be constructed in substantial conformance with the master site plan: an 8 foot fence with razor wire with a locking gate, a 50 foot defensible barrier and the five parking space (1 ADA).
5. A landscaping plan must be submitted and approved prior to the issuance of a building permit. The landscape plan shall comply with Chapter 19 of the Elmore County Zoning and Development Ordinance.
6. Applicant/developer must meet Chapter 20 Table 6-20-6 and Table 6-20-7 requirements for parking spaces.
7. No waste will be left or disposed of on the site.
8. 10,000 is the maximum amount of tires allowed on site at any time.
9. Facility will comply with all DEQ regulations regarding air emissions.
10. In the event DEQ or any other regulatory agency, determines the site to be a "tire storage facility" the owner or developer shall enter into a bond and a Memorandum of Understanding with Elmore County pursuant to Elmore County Code and Idaho Code 39-6502.
11. Building plans must be reviewed and comply with State Fire Codes.

**COMMISSION VOTE:**

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



Patti Osborn, Chairperson

**ATTEST:**



Alan Christy, Director

DATED this 17<sup>th</sup> day of October 2012.

\*Effective at 12:01 A.M. on the 27<sup>th</sup> day of October 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.