BEFORE THE PLANNING AND ZONING COMMISSION OF ELMORE COUNTY

IN RE: CUP-2012-02	)	
Conditional Use Permit	)	
For a 80 meter	)	**FINDINGS OF FACT**
Meterologicial tower	)	**CONCLUSIONS OF LAW**
In an Agriculture	)	**AND ORDER**
(Ag) Zone	)	
	)	
	)	
Applicant	)	

Mountain Air Wind, LLC
310 S. Garden St.
Boise, ID 83705

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 16th day of May, 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 80 meter meterological tower. Property is located in Section 11, Township 5 South, Range 8 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant and representatives in support of the application. The Commission heard other testimony in neutral 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 80 meter meterological tower in Section 11, Township 5 South, Range 8 East, B.M.
2. Notice of public hearing has been given to agencies and property owners on April 11, 2012, notice was publicized in Mountain Home Newspaper on April 25, 2012, and notice was posted on the property on May 7, 2012.
3. The property is located within an Agriculture (Ag) Zone.
4. The surrounding land uses are agriculture and grazing land.
5. The proposed use 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: Public Service Objectives-Electrical Power #3 and with all the applicable provisions of the Zoning and Development Ordinance.
7. The proposed use will comply with all applicable County Ordinances.
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. (Many of these public services are not required)

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 are eight (8) existing wind farms approved in the area.
11. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. There are eight (8) existing wind farms approved in the area.
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 because all improvement will be completed by applicant.
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.
14. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.
15. A conditional use permit, CUP-2010-12, has been approved for this property on November 3, 2010.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby make 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 80 meter meterological tower located in Section 11, Township 5 South, Range 8 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 section 6-8-207 of the Elmore County Zoning and Development Ordinance.**
2. **All outstanding fees, if any, must be paid prior to the issuance of an 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.**
5. **Lighting on the tower the same as the lighting on the wind turbines, able to be seen with night vision goggles and comply with FAA standard.**

COMMISSION VOTE:

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

Patti Osborn

Patti Osborn, Chairperson

ATTEST:

Alan Christy, Director

DATED this 13th day of June 2012.

*Effective at 12:01 A.M. on the 23rd day of June 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.