BEFORE THE PLANNING AND ZONING COMMISSION OF ELMORE COUNTY

IN RE:	)	
CUP-2014-03	)	
Conditional Use Permit	)	**FINDINGS OF FACT**
For a 10MW PV solar	)	**CONCLUSIONS OF LAW**
Project (electrical	)	**AND ORDER**
Generating facility) in a	)	
Agriculture (Ag) Zone	)	
	)	
	)	

Applicant:
Grand View PV Solar Five, LLC
515 N 27th Street
Boise, ID 83702

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 18th day of December, 2013, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed 10 MW solar project (electrical generating facility) in an Agriculture (Ag) Zone. Property is located in NW1/4, Section 4, SE1/4, Section 5, Township 5 South, Range 4 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant in support of 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 10 MW solar project (electrical generating facility) located in NW1/4, Section 4, SE1/4, Section 5, Township 5 South, Range 4 East, B.M.
2. Notice of public hearing has been given.
3. The property in question is zoned Agriculture, pursuant to the Zoning and Development Ordinance of Elmore County. The property is designated agriculture "Ag" as a land use classification in the duly adopted 2004 Comprehensive Growth and Development Plan for Elmore County.
4. Notice of public hearing has been given to agencies on November 22, 2013 and property owners within 1000 feet on November 22, 2013, publicized in Mountain Home Newspaper on November 27, 2013, and posted on the property on December 9, 2013.
5. A waiver for lot coverage was applied for.
6. Similar projects were approved in the area in March 2010, December 2010 and May 2012.

7. Electrical generating facilities are required to have a Conditional Use Permit under Chapter 8, Table 6-8-11 (C) of the Elmore County Zoning and Development Ordinance.
8. The existing land uses in the immediate area of the property in question are agriculture and BLM rangeland.
9. The propose use is in harmony with and in accordance with the Elmore County Comprehensive Plan Land Use Objective #17 and this Ordinance (Title 6) 6-8-94.
10. The proposed use will comply with all applicable County Ordinances.
11. The proposed use will comply with all applicable State and Federal regulations.
12. The proposed use will be designed, constructed, operated and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area. There will be limited visibility from public roads and highways.
13. The proposed use will not create excessive additional requirements at public cost for public facilities and service because no improvements are required.
14. 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. Access will be off Highway 67 and has been approved by Idaho Transportation Department.
15. The proposed use will not be detrimental to the economic welfare of the County because improvements will be completed by the applicant.
16. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because of limited private property and residence.
17. 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. The panels will be of a non-reflective material.
18. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.

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.

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 10 MW solar project (electrical generating facility) located in NW1/4, Section 4, SE1/4, Section 5, Township 5 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 section 6-8-94 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. Prior to issuance of building permit, an overall site plan, stamped and signed, must be approved by the County Engineer to ensure drainage and storm water management is adequate.
6. Entire project area will be fenced with a security fence.
7. Conditional Use Permit is good for a period of 2 years.

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	VOTED AYE
JIM MARTIN	ABSENT
ED OPPEDYK	ABSENT
JEFF BLANKSMA	VOTED AYE

K.C. Duerig Vice-Chair
Patti Osborn, Chairperson

ATTEST:

Alan Christy
Alan Christy, Director

DATED this 15th day of January 2014.

*Effective at 12:01 A.M. on the 25th day of January 2014.

*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 Land Use and Building Department or the Elmore County Clerk.