

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

IN RE: CUP-2014-07)
Conditional Use Permit)
For a Commercial) FINDINGS OF FACT
Tower (Communication) CONCLUSIONS OF LAW
Tower) in an Agriculture) AND ORDER
(Ag) Zone)
)
)
)
Applicant:)
Simplot Livestock Company
1301 Hwy 67
Grandview, ID 83624

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 5th day of March, 2014, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed Commercial Tower (Communication Tower). Property is located in Section 35, Township 4 South, Range 3 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 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 Commercial Tower (Communication Tower) in Section 35, Township 4 South, Range 3 East, B.M.
2. Notice of public hearing has been given to agencies by email and USPS on February 7, 2014 and property owners within 1,000 feet on February 10, 2014, publicized in Mountain Home Newspaper on February 12, 2014, and posted on the property on February 24, 2014.
3. Neighborhood meeting was held on December 17, 2013.
4. The property is located within an Agriculture (Ag) Zone.
5. The surrounding land uses are residential, feedlot, agriculture, and grazing.
6. 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 sections 6-8-207 and 6-8-220 of the Elmore County Zoning and Development Ordinance.

7. The proposed use will be in accordance with goals and objectives of the Comprehensive Plan, Public Service Objectives for Communication: 1) *Encourage development of advanced technology in communication systems throughout the County.* 6) *Support expansion of communication infrastructure to accommodate growth* and with all the applicable provisions of the Zoning and Development Ordinance.
8. The proposed use will comply with all applicable County Ordinances.
9. 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. The proposed use is not required to have water, sewer, refuse disposal or drainage structures. The proposed use is in Grandview Rural Fire District.
10. The proposed use has vehicular approaches to the property, which are designed as not to create an interference with traffic on surrounding public streets.
11. 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.
12. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
13. 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 paid by the applicant.
14. 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.
15. 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 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 Commercial Tower (Communication Tower) located in Section 35, Township 4 South, Range 3 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. **The use will not interfere with existing communication facilities in the county.**
2. **All outstanding fees, if any, must be paid.**
3. **Only existing access points are to be utilized for access to the site.**
4. **The proposed use will comply with the requirements of sections 6-8-207 and 6-8-220 of the Elmore County Zoning and Development Ordinance.**
5. **All proposed structures will have the required Elmore County building permits within one year of signing the FCO. If an extension is desired the extension will be filed with the Land Use and Building Department within one year of signing the FCO.**
6. **Failure to comply with the conditions may result in revocation of the Conditional Use Permit.**

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	VOTED AYE
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE



Patti Osborn, Chairperson

ATTEST:



Alan Christy, Director

DATED this 2nd day of April 2014.

*Effective at 12:01 A.M. on the 12th day of April 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.