

**ORDINANCE 2007- 1**

**AN ORDINANCE AMENDING THE ELMORE COUNTY ZONING ORDINANCE – TO ALLOW ELECTRICAL PRODUCTION BY WIND POWER ON CERTAIN PROPERTY DESCRIBED HEREIN BY CHANGING THE CURRENT LAND USE DESIGNATION FROM AGRICULTURAL A TO AGRICULTURAL B**

WHEREAS, Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution provide authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens; and

WHEREAS, the Board of Commissioners of Elmore County passed the Comprehensive Growth and Development Plan in 2004 and the Zoning and Development Ordinance in 1994 with subsequent amendments; and

WHEREAS, the Planning and Zoning Commission and Board of Commissioners of Elmore County has determined that construction with adequate regulation is desirable and necessary for the full economic development of the county while protecting property and life; and

WHEREAS, on January 22, 2007 (written Findings of Fact, Conclusions of Law and Order issued January 29, 2007), the Board approved a request by Pacific Winds LLC to change the zoning classification on certain real property located on Black Mesa Road from Agricultural A to Agricultural B, subject to the Board's obligation to enact an ordinance in compliance with Elmore Co. Ord. 94-1, art. XXII-1, § G.22-1 and I.C. § 67-6509; and

WHEREAS, a public hearing was held on February 20, 2007, before the Board to take public testimony on the proposed ordinance amendment; and

WHEREAS, notice of the public hearing was published in the Mountain Home News on January 31, 2007, and February 6, 2007; and

WHEREAS, following the public hearing held February 20, 2007, the Board concluded that the proposed zoning classification amendment was in accordance with the comprehensive plan and served the public necessity, convenience, general welfare and/or good zoning practices; and

WHEREAS, the Board voted to approve the zoning classification amendment.

**BE IT ORDAINED AND HEREBY ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED:**

The property at issue is described as follows:

Township 6 South, Range 10 East, Boise Meridian, Elmore County, Idaho  
Section 1: Government Lot 4 and the SW4NW4 and the NW4SW4  
Section 2: Government Lot 1 and the SE4NE4

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho  
Section 35: SE4NE4 and the E2SE4  
Section 36: as follows:

Tax #1

That portion of Section 36, Township 5 South, Range 10 East, B.M., Elmore County, Idaho, lying northerly and westerly of the following described line, to wit: Beginning at the northeast corner of said Section 36; thence South 0°38' West 300 feet along the east boundary line of said Section 36; thence South 77°24' West 524 feet; thence South 43°04' West 1698 feet; thence South 57°24' West 631 feet; thence South 42°04' West 375 feet; thence South 85°24' West 325 feet; thence South 43°44' West 390 feet; thence South 52°24' West 320 feet; thence South 9°32' West 721 feet; thence South 51°30' West 460 feet; thence South 63°30' West 490 feet; thence South 17°10' East 435 feet; thence North 89°30' East 485 feet; thence South 82°50' East 250 feet; thence South 4°30' East 390 feet; thence South 1°20' East 185 feet; thence South 41°00' West 385 feet to a point on the South boundary line of said Section 36, which point is the end point of said line and from which point the South Quarter corner of said Section 36 bears North 89°59' East a distance of 902 feet.

SAVE AND EXCEPT:

A parcel of land in the NE4 of the NE4 of Section 36, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, more particularly described as follows:

Beginning at the NE corner of said Section 36, a BLM brass cap monument; thence South 0°34' W., 297.5 feet on the east line of said Section 36 to a steel bar; thence S. 77°17' W., 502.0 feet to a steel bar; thence N. 0°34' E., 410.7 feet to a steel bar on the north line of said Section 36; thence S. 89°41' E. 488.6 feet to the Real Point of Beginning, comprising 4.0 acres more or less.

See attached map.

The above-described property hereby shall be and is amended from a zoning classification of Agricultural A to a zoning classification of Agricultural B.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

DATED this 20<sup>th</sup> day of February 2007.



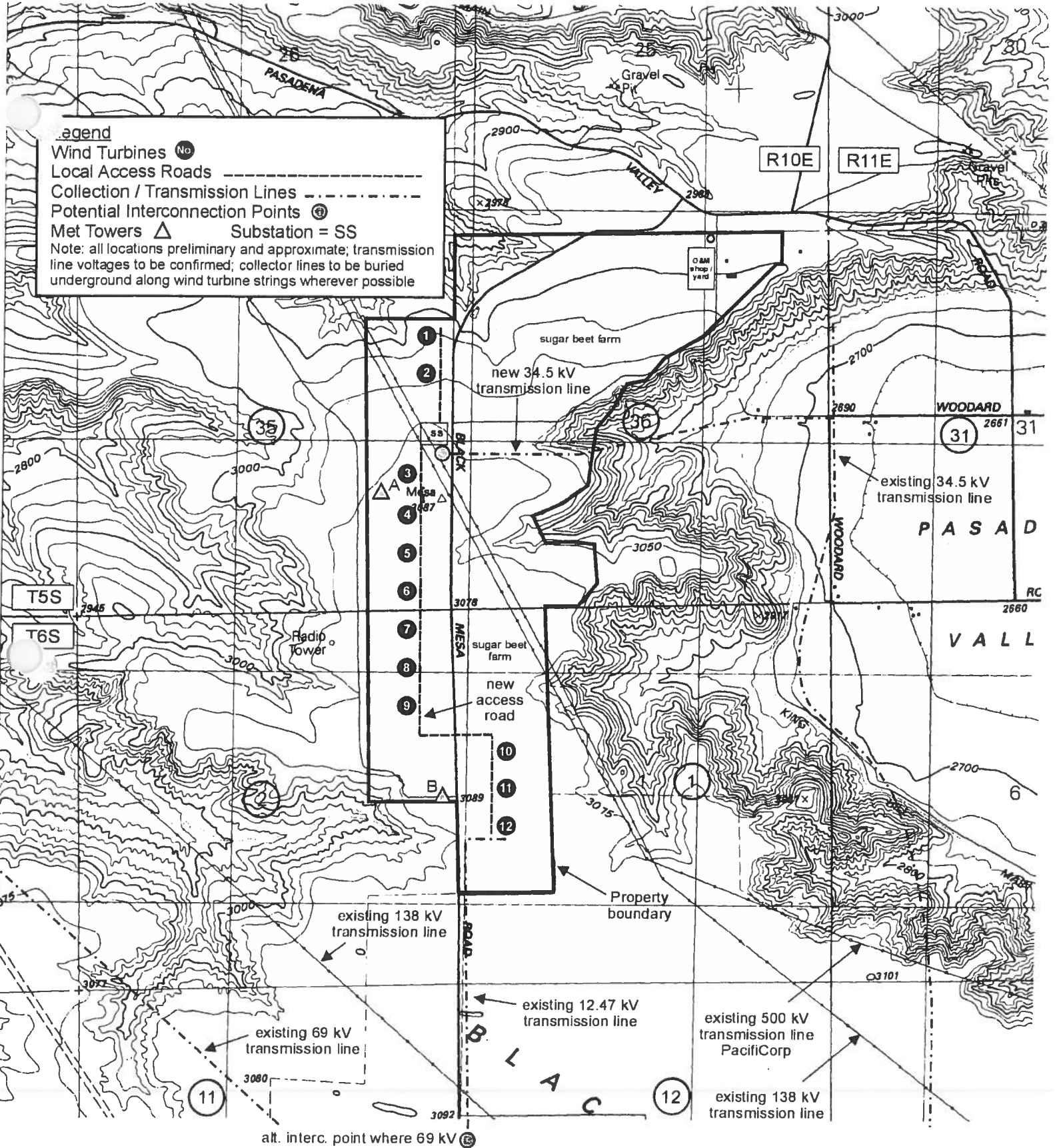
*Larry E. Rose*  
LARRY ROSE, Chairperson

*Connie M. Cruser*  
CONNIE CRUSER, Commissioner

*Archie Shaw*  
ARLIE SHAW, Commissioner

ATTEST:

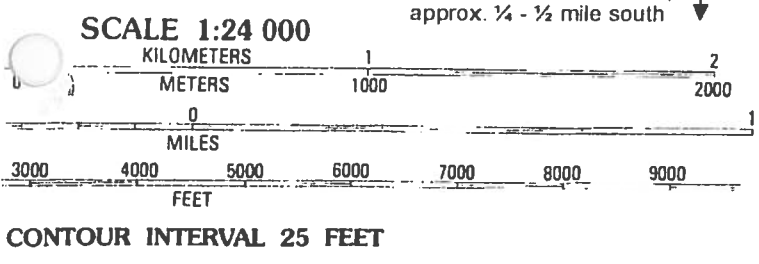
*M. Grimmitt*  
MARSA GRIMMETT  
Clerk of the Board of County Commissioners



**Legend**

- Wind Turbines (No.)
- Local Access Roads (---)
- Collection / Transmission Lines (---)
- Potential Interconnection Points (⊕)
- Met Towers (Δ) Substation = SS

Note: all locations preliminary and approximate; transmission line voltages to be confirmed; collector lines to be buried underground along wind turbine strings wherever possible



**Exhibit D**  
**PRELIMINARY SITE PLAN**  
**18 MW Black Mesa Wind Project**  
 Elmore County, Idaho  
 map source: USGS 1:24,000  
**Pacific Winds LLC**