

ORDINANCE 2007- 2

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 West Wicher 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:

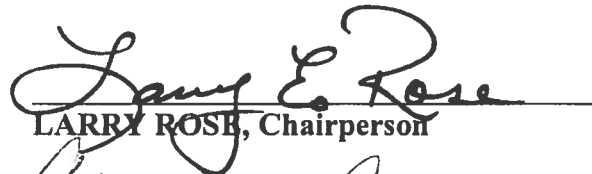
All of Section 16, the East Half of Section 21, and the Northwest Quarter of the Northeast Quarter of Section 28, Township 5 South, Range 9 East, B.M. See attached map.

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 20th day of February 2007.



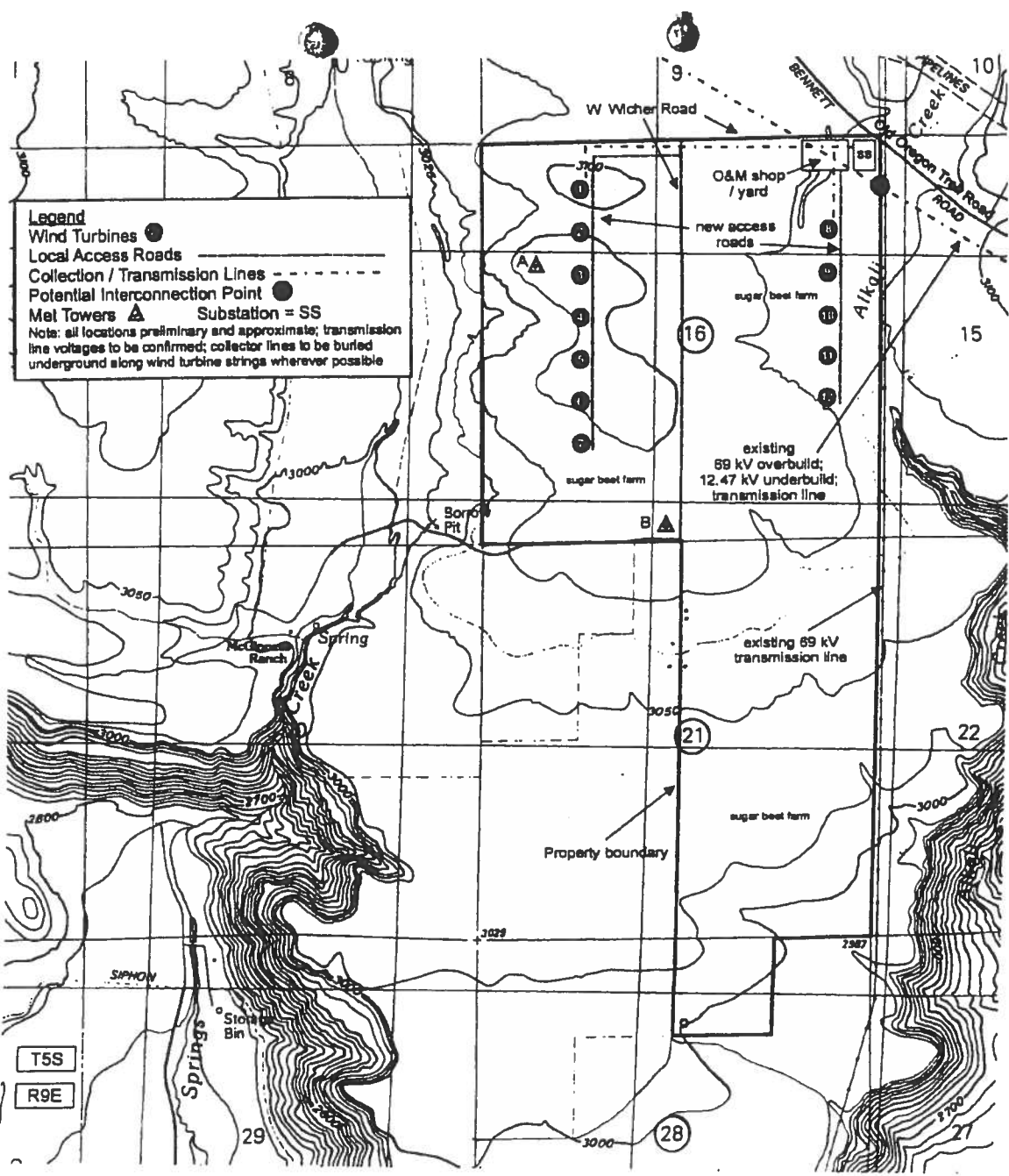

LARRY ROSE, Chairperson


CONNIE CRUSER, Commissioner


ARLIE SHAW, Commissioner

ATTEST:


MARSA GRIMMETT
Clerk of the Board of County Commissioners



Legend
 Wind Turbines ●
 Local Access Roads ———
 Collection / Transmission Lines - - -
 Potential Interconnection Point ●
 Met Towers ▲ 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

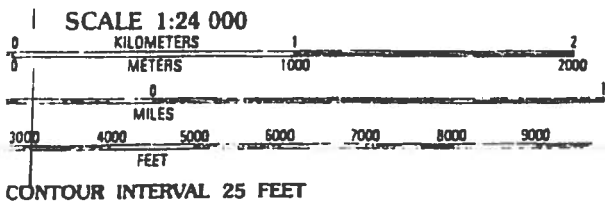


Exhibit D
PRELIMINARY SITE PLAN
 18 MW Alkali W
 Elmore Cour
 map source: US
 Pacific Wi

EXHIBIT
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