

COPY

ORDINANCE 2007- 4

Instrument # 386321
Elmore County, Idaho
11:52am Apr. 11, 2007
For: ELMORE COUNTY COMMISSIONERS
No. of Pages: 2 Fee: \$00
MARSA GRIMMETT, Recorder
Deputy: DLE

**AN ORDINANCE AMENDING THE ELMORE COUNTY ZONING ORDINANCE –
CHANGING THE CURRENT LAND USE DESIGNATION FROM AGRICULTURAL A TO
AGRICULTURAL B FOR CERTAIN PROPERTY HEREINAFTER SPECIFICALLY
DESCRIBED**

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 March 12, 2007 (written Findings of Fact, Conclusions of Law and Order issued March 20, 2007), the Board approved a request by Idaho Wind Farms, LLC to change the zoning classification on certain real property, as hereinafter described, 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, the property is more specifically described as:

Township 4 South, Range 8 East, Section 22 E2SE4; Section 23 SE4SE4, SW4NE4, W2SE4, SW4; Section 24 SE4, S2SW4; Section 25 W2, SE4; Section 26 All; Section 27 E2; Section 34 E2, SW4; Section 35 All; Section 36 E2NW4, SW4NW4, SW4 and E2; and Township 5 South, Range 8 East, Section 2 Lots 1, 2, 3, 4; Section 3 Lots 1, 2, 3, 4; Boise Meridian, Elmore County; save and except a parcel of land in Township 4 South, Range 8 East, Section 34 NW4NE4 more particularly described as Tax 1, Section 34, Township 4 South, Range 8 East, Boise Meridian, Elmore County.

WHEREAS, a public hearing was held on April 9, 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 March 21, 2007, and March 28, 2007; and

WHEREAS, following the public hearing held April 9, 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 4 South, Range 8 East, Section 22 E2SE4; Section 23 SE4SE4, SW4NE4, W2SE4, SW4; Section 24 SE4, S2SW4; Section 25 W2, SE4; Section 26 All; Section 27 E2; Section 34 E2, SW4; Section 35 All; Section 36 E2NW4, SW4NW4, SW4 and E2; and Township 5 South, Range 8 East, Section 2 Lots 1, 2, 3, 4; Section 3 Lots 1, 2, 3, 4; Boise Meridian, Elmore County; save and except a parcel of land in Township 4 South, Range 8 East, Section 34 NW4NE4 more particularly described as Tax 1, Section 34, Township 4 South, Range 8 East, Boise Meridian, Elmore County.

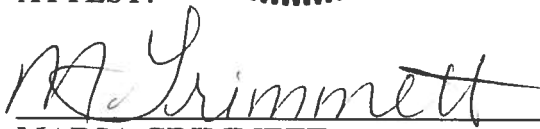
The above-described property hereby shall be and is amended from a zoning classification of Agricultural A to a zoning classification of Agricultural B.

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

DATED this 9th day of April 2007.



ATTEST:



MARSA GRIMMETT

Clerk of the Board of County Commissioners


LARRY ROSE, Chairperson


CONNIE CRUSER, Commissioner


ARLIE SHAW, Commissioner