

ORDINANCE NO. 2017- 01

**AN ORDINANCE OF ELMORE COUNTY, AMENDING THE ELMORE COUNTY ZONING MAP AND CHANGING THE ZONING CLASSIFICATION OF PROPERTY FROM AGRICULTURE (A) TO THE LIGHT INDUSTRIAL (M1) ZONING DESIGNATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Title 67, Chapter 65 of the Idaho Code (the "Local Land Use Planning Act") 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**, Idaho Code §67-6511 allows for the adoption and amending of a zoning ordinance; and

**WHEREAS**, the Board of Commissioners of Elmore County (the "Board") adopted the 2014 Elmore County Comprehensive Plan on January 20, 2015 (the "Comprehensive Plan"); and

**WHEREAS**, the Elmore County Zoning and Development Ordinance (the "Zoning Ordinance") was adopted on March 21, 2012 as Ordinance 2012-01, which ordinance was subsequently amended on September 19, 2012, as Ordinance 2012-03 and on July 23, 2014 as Ordinance 2014-01; and

**WHEREAS**, The Board adopted the Elmore County Zoning Map on September 12, 2011 as Ordinance 2011-04, which ordinance was subsequently amended on May 13, 2013 as Ordinance 2013-02 ("Zoning Map"); and

**WHEREAS**, Elmore Development, LLC (the "Applicant"), filed an application ("Application") for a change to the Zoning Map, an amendment to the Comprehensive Plan, and a Development Agreement for that real property (the "Property") which is shown on the Exhibit C and which is legally described on Exhibit B, all such exhibits are attached hereto and made a part hereof; and

**WHEREAS**, the Planning and Zoning Commission and the Board have conducted public hearings pursuant to Idaho Code §67-6509 and the Zoning Ordinance concerning an amendment to the official Zoning Map.

**WHEREAS**, after complying with the due process requirements and having the requisite public hearings, the Board on January 6, 2017 approved the Application, including, *inter alia*, a change in the zoning classification for the Property from Agriculture (A) to Light Industrial / Manufacturing (M1), concurrent with the Board's approval of an amendment to the Comprehensive Plan and a Development Agreement, pursuant to that certain written Findings of Fact, Conclusion of Law and Order (the "Findings") on the Application; and

**WHEREAS**, pursuant to Resolution No. 613-17 the Board has approved the amendment to the Comprehensive Plan under the Application.

**NOW, THEREFORE, BE IT ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:**

**SECTION 1. LOCATION.** The zoning classification of the Property is hereby amended from a zoning classification of Agriculture (A) to Light Industrial / Manufacturing (M1).

**SECTION 2. ZONING MAP.** The Zoning Map is hereby repealed and replaced in its entirety with the Zoning Map which is attached hereto as Exhibit A and made a part hereof. The Zoning Map attached hereto as Exhibit A is hereby adopted as the Official Elmore County Zoning Map for Elmore County, Idaho, pursuant to the Idaho Local Land Use Planning Act, Idaho Code Sections 67-6501 through - 6538 and the Zoning Ordinance.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES.** Any ordinance of Elmore County, Idaho in conflict with the terms of this Ordinance is hereby repealed to the extent of such conflict.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Dated this 6th day of January 2017.

ELMORE COUNTY BOARD OF COMMISSIONERS



By: \_\_\_\_\_  
Franklin Corbus, Chairman

By: \_\_\_\_\_ **ABSENT**  
Wesley R. Wootan

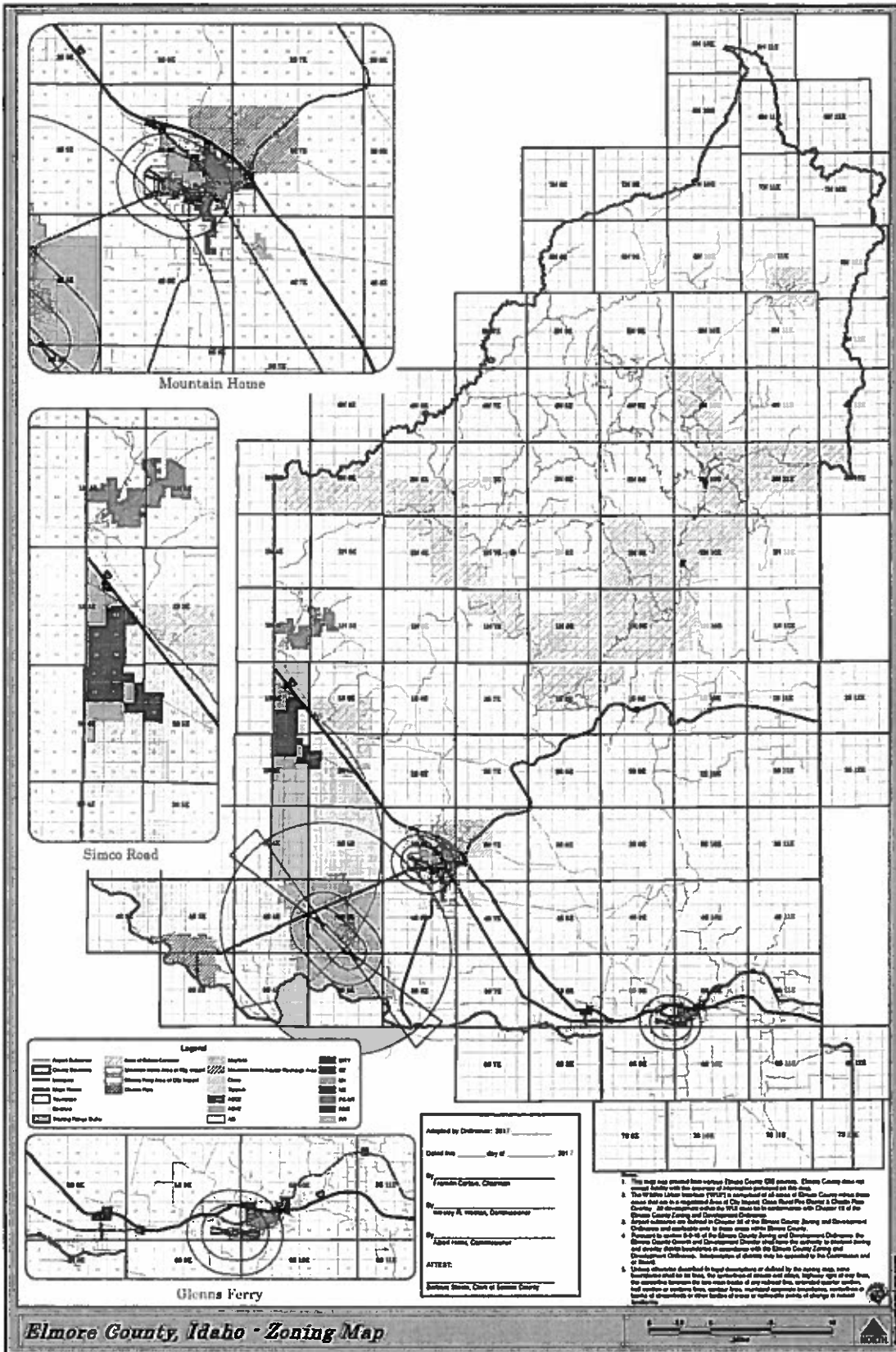
By: \_\_\_\_\_  
Albert Hofer, Commissioner

ATTEST:

\_\_\_\_\_  
Barbara Steele, Elmore County Clerk

Date(s) of publication:

# Exhibit "A"



**Exhibit "B"**

**The following is an addition to the Light Industrial ("M-1") zoning legal description:**

The Southwest Quarter of the Southwest Quarter of Section 5, Township 4 South, Range 7 East, Boise Meridian.

All of the Northwest Quarter, the Southwest Quarter of the Southeast Quarter and all of the Southwest Quarter of Section 8; that part of the East Half of the Southeast Quarter and that part of the South Half of the Northeast Quarter, all in Section 7, lying North and East of the Oregon Short Line Railroad Company right of way, all in Township 4 South, Range 7 East, Boise Meridian,

SAVING and EXCEPTING and EXCLUDING the following described portions of said property, to wit:

(a) A tract of land in the Southwest Quarter of the Northwest Quarter of Section 8, Township 4 South, Range 7 East, Boise Meridian, bounded as follows: Beginning at the north quarter of Section 8, Township 4 South, Range 7 East, Boise Meridian, and running thence South 0°10'21" West a distance of 2574.76 feet to a brass right-of-way marker on the north right-of-way line of the Elmore County Road; thence North 89°34'22" West along the northerly right-of-way line of the Elmore County Road a distance of 1379.60 feet to an iron pin, the true point of beginning North 9°14'22" East 514 feet to an iron pin; thence North 58°35'38" West 42.4 feet to an iron pin; thence North 1°25'38" West 162.6 feet to an iron pin; thence South 89°34'12" West 674.6 feet to an iron pin; thence South 3°24'12" East 266.3 feet to an iron pin; thence South 16°44'12" East 315.3 feet to an iron pin; thence South 12°07'08" West 117.65 feet to an iron post on the northerly right-of-way line of the Elmore County Road a distance of 550.4 feet to an iron pin, the true point of beginning;

(b) That portion thereof taken by Eminent Domain proceedings by the State of Idaho, designated as Project No. F-FG-3022 (19) Highway Survey as shown on the plans thereof in the office of the Department of Highways of the State of Idaho, including Parcel No. 8; and Parcel No. 8A and Parcel No. 8-E-2, being a permanent easement for a ditch, and including the temporary easements described in said Eminent Domain proceedings.

(c) A parcel of land located in the SW1/4NE1/4 Section 7, Township 4 South, Range 7 East, Boise Meridian, Elmore County, Idaho, more particularly described as follows: Commencing at the intersection of the Easterly Right-of-Way of a County Road and the North boundary of the SW1/4NE1/4 Sec. 7, T4S, R7E, and running thence East along said North Boundary a distance of 359 feet to a point; running thence South 512 feet to a point of the East Right-of-Way of a County Road; running thence Northwesterly along said Right-of-Way Boundary a distance of 625.3 feet to the REAL POINT OF BEGINNING.

(d) Commencing at the Northeast corner of Section 7, Township 4 South, Range 7 East, Boise Meridian, thence South 0°06'28" West along the East line of said Section 7, a distance of 2632.86 feet to a point in line parallel with and 25.0 feet Southeasterly from the centerline and bears South 14°26'24" East from Station 16+97.05 of the Bonecher Road and Bennett Road Connector Survey as shown on plans of U.S. Highway No.'s 20, 26, and 30, Project No. F-FG-3022 (19) Highway Survey and being the REAL POINT OF BEGINNING; thence South 75°33'36" West along said parallel line 538.50 feet to a point opposite Station 22+35.55 of said Bonecher and Bennett Road Connector Survey; thence South 75°33'36" West leaving said last parallel line 18.0 feet, more or less, to a point in the Southerly right of way line of existing Bennett Road; thence Westerly along said existing Southerly right of way line and the Southerly right of way line extended 704.0 feet, more or less, to a point of intersection with said Southerly

right of way line extended and the Northeasterly right of way line of the Oregon Short Line Railroad; thence South  $30^{\circ}52'06''$  East along said Northeasterly Railroad right of way line 426.0 feet, more or less to a point in a line parallel with and 100.0 feet Northwesterly from the centerline and bears North  $30^{\circ}52'06''$  West from Station 75+32.32 of said U.S. Highway No.'s 20, 26 and 30, Project No. F-FG-3022 (19) Highway Survey; thence North  $59^{\circ}07'54''$  East along said parallel line 190.55 feet to a point opposite Station 77+22.87 of said Highway Survey; thence North  $64^{\circ}08'07''$  East 306.27 feet to a point that bears North  $27^{\circ}07'06''$  West 80.0 feet from Station 80+22.87 of said Highway Survey; thence North  $68^{\circ}13'25''$  East-183.16 feet to a point in a line parallel with and 70.0 feet Northwesterly from the centerline and bears North  $22^{\circ}41'24''$  West from Station 82+00 of said Highway Survey; thence Northeasterly along said parallel line being a 2361.83 foot radius curve right 360 feet more or less, to a point in a line parallel with and 25.0 feet Westerly from the centerline of said Bonecher Road and Bennett Road Connector Survey, which point bears North  $8^{\circ}18'54''$  West 70.0 feet from Station 87+75.00 of said U.S. Highway No.'s 20, 26 and 30, Project No. F-FG-3022 (19) Highway Survey; thence North 100 feet more or less, to the POINT OF BEGINNING.

(e) Commencing at the West Quarter corner of Section 8, thence North  $75^{\circ}33'36''$  East 72.32 feet; thence Southeasterly along a 75.0 foot radius curve 126.55 feet, thence South approximately  $77^{\circ}$  west and 232.50 feet more or less, thence North 100 feet more or less to the POINT OF BEGINNING.

Exhibit "C"

