



Elmore County Land Use and Building Department

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****Supplemental Revisions to FCOs****

Conditional Use Permit 2025-08 with Master Site Plan

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a Conditional Use Permit)	CUP-2025-08 with Master Site Plan
with Master Site Plan to operate a municipal)	
solid waste landfill under the Resource)	FINDINGS OF FACT,
Conservation and Recovery Act ("RCRA"))	CONCLUSIONS OF LAW,
Subtitle D at the former Simco Road)	AND ORDER
Regional Landfill site and Compliance)	
Agreement.)	

SUMMARY:

*These Supplemental Revisions to FCOs provide some necessary amendments and grammatical corrections and revisions to the Findings of Fact, Conclusion of Law, and Order submitted to the Planning and Zoning Commission and the Applicant on April 28, 2025. (~~red strikethrough~~ means removed text and red underlined means added text)

PROPOSED REVISIONS:

Findings of Fact

...

3) The Commission finds the following facts as to the procedural matters pertaining to the Application:

...

XIII. At the conclusion of the testimony from two people in favor of the proposal, the Chairperson closed the public hearing, and moved ~~to recommend approval of~~ to approve the Conditional Use Permit with Master Site Plan with eighty-eight (88) Conditions of

Approval, conditioned upon an executed Compliance Agreement and Host Agreement. The Commission's decision on the Application is as set forth below.

...

12) The Commission finds the eleven (11) required findings pertaining to a Conditional Use per Zoning Ordinance §7-9-7(A) are met.

1. The proposed use shall, in fact, constitute a Conditional Use as determined in Chapter 2, Table §7-2-26 (B), Elmore County Land Use Table, as contained in this Ordinance;

...

The amount, processing, storage, and disposal details of these special wastes are not clear in the draft Operations Plan and DEQ and CDH have not reviewed or approved the Operations Plan at the time of this approval. The Commission requires a Condition of Approval that gives approval to acceptance of the remaining special waste materials identified in this draft Operations Plan, only with DEQ/CDH's approved Special Waste Management Plan, and which may requires a subsequent Master Site Plan or conditional use permit A-amendment application, which will be reviewed in compliance with Title 10 Chapter 6 of the Zoning Ordinance to demonstrate compliance with this finding when those details are available to the Applicant.

...

2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance;

...

Finding (Ordinance): The Applicant has met all the procedural requirements and standards for a Conditional Use Permit as identified in Title 7 Chapter 9 of the Zoning Ordinance in the following manner:

...

§7-9-4 (C) – The Site is not located within a fire district. The Application provides for a Fire Suppression Water Pond on the Site which holds 50,000 gallons of water and confirms that the Applicant will hold a minimum of 35,000 gallons in this pond at all times. This is a Condition of Approval. In addition, the Applicant will provide ~~tion-discusses-two (2)~~ 8,500 gallon tanks as a secondary source of fire protection on the Site.

The Application is conditioned to maintain a fire truck, hose and provide training for on-site fire response to all staff prior to commencing operations and at least twice annually. ~~firewise training to its employees and to~~ The Applicant will also compensate any emergency response service providers for cost incurred while responding to a fire at the Site. Furthermore, all future building permits for a structure or facility at the Site will require review and signature from the County Engineer for fire safety.

...

3. The proposed use complies with the purpose statement of the applicable base zone and with the specified use standards as set forth in this Chapter 2 Title 7;

...

Section 8-5-4(A): General Standards:

§8-5-4 (A.h) – Considering that this is a municipal solid waste disposal facility, ~~staff has~~ there are conditions that restricts hours of operations. If code complaints are received, such complaint will be reviewed to ensure that such operations are not causing a nuisance. ~~†~~ There is a condition that would allow the Department to prohibit any nuisance. ~~restrict hours further.~~

...

§8-5-4 (A.j) – The Applicant has provided a Compliance Schedule indicating that the existing violations at the Site will be remediated within two years in order to be in compliance with all applicable local, state, and federal requirements. As conditioned, the Applicant has agreed and shall be required to designate, license, and maintain all Solid Waste Facility uses in compliance with the Zoning Ordinance Title 8, Chapter 5, and all State and Federal requirements. Violation of any local, state, or federal requirements ~~will revoke~~ may result in the revocation of the approval of this Application. The Applicant is conditioned to execute the Compliance Agreement before the CUP will be effective.

...

§8-5-4 (A.t) – The Applicant has indicated compliance with this standard; heavy machinery will only be operated in such a manner as to not create a public nuisance. ~~during permitted business hours.~~