BUTTE COUNTY RESOLUTION NO. 02-2007

A RESOLUTION OF THE BUTTE COUNTY BOARD OF COMMISSIONERS ENACTED PURSUANT TO BUTTE COUNTY ORDINANCE NO 3-99-7-3 (AGRICULTURAL TRANSITION ZONE, CONDITIONAL USES), AS AMENDED, AND 3-99-14 (CONDITIONAL USE PERMIT), AS AMENDED AND IDAHO CODE §67-6512 PROVIDING AUTHORITY TO PROCESS APPLICATIONS FOR CONDITIONAL USE PERMITS.

WHEREAS, applicant John A. and Rae L. Kangas, husband and wife, have applied for a Conditional Use Permit for operation of an Airport Glider Park with a Recreational Vehicle Park for users of the Glider Park, on their property in Butte County more particularly described as follows:

> A parcel of land which is the NW ¼ NE ¼ and SW ¼ NE ¼ and NW ¼ SE 1/4 Section 15 T5N, R26E, B.M. Butte County, Idaho;
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> Except a tract of land described as follows: Beginning at a point that is South 25 feet and West 250 feet of the NE corner of the NW ¼ NE ¼ of said Section 15; thence West 200 feet to the Northwesterly right of way line of a public ditch; thence along said right of way line Northwesterly to a point that bears 400 feet from the point of the beginning; thence East 400 feet to the point of beginning containing 8 acres more or less;
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> Also, EXCEPT a tract of land described as follows: Beginning at a point 25 feet south of the NE corner of W ½ NE ¼ of said Section 15; thence West 250 feet to a point; thence south 1100 feet to a point; thence West 200 feet to the Northwesterly right of way line of a public ditch; thence Southeasterly along said right of way line 12 feet; thence east 50 feet to the center of Spring Creek; thence Southeasterly along the center of Spring Creek to a point that is 1515 feet to the point of beginning containing 9 acres more or less;
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> Also, EXCEPT a tract of land described as follows: Beginning at the NE corner NW ¼ NE ¼ said Section 15; thence southerly along the east boundary of said W ½ E ½ 1540 feet to the real point of beginning; thence southerly along the east boundary of said W ½ E ½ to the SE corner NW ¼ SE 1/4 ; thence westerly along the south boundary of said NW ¼ SE ¼ 290 feet; thence northerly along the line that is parallel to the east boundary of said W ½ E ½ to a point on the center of Spring Creek to the real point of beginning, containing 16 acres more or less;
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> Also, EXCEPT any public roads or ditches in use;
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> Containing 87 acres more or less.

WHEREAS, the intended use for operation of an Airport Glider Park consists of an airstrip or runway for gliders, sailplanes, hang-gliders, other similar types of aircraft, motorized aircraft used for towing gliders or sailplanes, and a Recreational Vehicle Park for users of the Glider Park;

WHEREAS, the intended use does not require additional or re-zoning of any adjacent property;

WHEREAS, Butte County Planning and Zoning have provided Notice and Hearing on the matter; WHEREAS, Butte County Planning and Zoning have recommended approval of the application;

WHEREAS, the Butte County Board of Commissioners, after Public Notice, has conducted a Public Hearing on the application; WHEREAS, based on the evidence presented, the Butte County Board of Commissioners approves and issues the applicant a Conditional Use Permit on the following grounds:

1) The proposed use will be operated and maintained in such a manner that will not unreasonably change the existing character of the area and will be served adequately by existing roadways;
2) The intended use is in harmony with the Butte County Comprehensive Plan and with Butte County Ordinances 3-99-7-3 and 3-99-14 and will not be detrimental to the economic welfare of the County;
3) The intended use does not involve activities or materials likely to produce excessive traffic, noise, dust, smoke, fumes, glare or odor;
4) The intended use provides for access to the property that does not adversely affect public or private roadways;
5) The intended use, will not destroy or damage any natural or scenic feature of major importance;
6) The Glider park does not adversely affect the surrounding land uses;

WHEREAS, the Butte County Board of Commissioners approve and issue the applicant a Conditional Use Permit on the following conditions:

1) Motorized aircraft shall not operate between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time;
2) Motorized aircraft weighing more than 4,000 pounds shall not be permitted to operate at the Glider Park;
3) Noise from aircraft at the Glider Park shall not exceed 80 decibels as measured from property line of the property subject to this Conditional Use Permit as described above;
4) The Conditional Use Permit is contingent upon compliance with Federal and State aviation regulation;
5) The Conditional Use must operate without requiring regulation by Federal or State entities upon the property uses of adjacent land owners;
6) This Conditional Use Permit does not imply any right-of-way, or overlay zoning restrictions on adjacent properties;

NOW, THEREFORE, BE IT RESOLVED BY BUTTE COUNTY BOARD OF COMMISSIONERS THAT ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN AIRPORT GLIDER PARK WITH A RECREATIONAL VEHICLE PARK ON A CERTAIN PARCEL OF LAND DESCRIBED HEREIN SHALL BE IN FULL FORCE AND EFFECT UPON APPROVAL.

REGULARLY PASSED, APPROVED AND ADOPTED by the Board of County Commissioners of Butte County, Idaho, on this 12th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS OF BUTTE COUNTY, IDAHO

Chairman, Seth Beal

Commissioner, Mark Stauffer

Commissioner, John Traughber

Instrument # 60680 **# Pages: 3**
BUTTE COUNTY, Idaho
Oct 20, 2022 9:57:32 am **Fee: $**
For: TRILBY MCAFFEE, CLERK
SHELLY BLACKNER, Recorder
BILLEE, Deputy

ATTEST: (Seal)

TRILBY MCAFFEE, Clerk