



## Land Use and Building Department

### Findings of Fact, Conclusions of Law, and Order

Application: Request for Preliminary Plat 2025-08

Hearing Date: September 25, 2025 and November 20, 2025

#### BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a Preliminary Plat to allow	)	PP-2025-08
a 3-lot Subdivision in an Agriculture (AG)	)	
Zone per Elmore County Zoning Ordinance	)	FINDINGS OF FACT,
§7-2-26(B) Located at S1/2 OF THE	)	CONCLUSIONS OF LAW,
NW1/4 OF THE SW1/4, TOWNSHIP 4	)	AND ORDER
SOUTH, RANGE 6 EAST SECTION 25 in	)	
Elmore County.	)	
	)	

**In Re:** Preliminary Plat 2025-08: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), on September 25, 2025 and continued to November 20, 2025, for a public hearing held pursuant to public notice as required by law, on a request from JayDee McCown (“**Applicant**”), for a Preliminary Plat 2025-08 (the “**PP**”) in the Agriculture (AG) zoned property (the “**Application**”) on Parcel RP04S06E145500A. The Application is for a subdivision of a parcel. Elmore County Zoning Ordinance §10-1-2 requires an approved conditional use permit prior to the subdivision of a parcel in the Agriculture (AG) base zone. CUP-2025-24 for the proposed subdivision was approved on September 25, 2025. The property consists of 20 acres located in S1/2 OF THE NW1/4 OF THE SW1/4, TOWNSHIP 4 SOUTH, RANGE 6 EAST SECTION 25 (5816 Highway 51) (the “**Site**”). The request is to divide the parcel into (3) parcels; one ten acre, and two five acre parcels. The Commission heard from staff and the Applicant in support of the Application. No one testified in opposition, neutral or in favor of the proposal. Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the Application, and after making conclusions in accordance with the applicable law, approved the Application with conditions as amended and as hereafter defined.

#### **FINDINGS OF FACT**

If any of these findings of fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the Application, the analysis and recommendations of the Elmore County Land Use and Building Department (the “**Department**”), and the record.

#### **I. The Commission finds that Application is comprised of:**

1. Application form prepared and submitted by Applicant for PP-2025-08; and
2. Those supplemental letters, documentation and memoranda submitted by the Applicant or on his behalf, whether submitted in response to questions from employees (the “**Staff**”) from the Department or the Commission in connection with Application to the Commission.

**II. The Commission finds that the Applicant is:**

JayDee McCown  
5816 Highway 51  
Mountain Home, ID 83647

**III. The Commission finds the following facts as to the procedural matters pertaining to the Application:**

- I. In accordance with sections §10-1-3(A) and § 7-3-2 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), on March 17<sup>th</sup>, 2025, the Applicant completed a pre-application conference with the Department, prior to the submission of the Application.
- II. In accordance with sections § 10-1-3(B) and § 7-3-3 of the Zoning Ordinance, the Applicant mailed out Neighborhood Meeting Letters on April 8, 2025, to neighboring property owners within five hundred (500’), giving notice of the time, date, and location of the meeting.
- III. In accordance with sections § 10-1-3(B) and § 7-3-3 of the Zoning Ordinance, the Applicant conducted the required neighborhood meeting on April 26, 2025.
- IV. On May 27, 2025, the Department accepted a Preliminary Plat application per § 10-1-3(C) and § 7-3-2 of the Zoning Ordinance along with the application fee.
- V. On August 20, 2025, the Department deemed the Preliminary Plat application complete and set the matter for a Public Hearing on September 25, 2025.
- VI. In accordance with sections § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to surrounding landowners on September 15, 2025.
- VII. In accordance with section § 7-3-4 (A) of the Zoning Ordinance, the Department emailed Public Hearing Notices to agencies on September 15, 2025.
- VIII. In accordance with section § 7-3-5 (A) of the Zoning Ordinance, the Public Hearing Notice was published in the Mountain Home News (newspaper) on September 10, 2025.
- IX. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on September 15, 2025.

- X. The Commission opened the public hearing on September 25, 2025, and received verbal and written information regarding the Application.
- XI. The Commission passed a motion that continued the Preliminary Plat to a date certain of October 23, 2025, for the Applicant to provide a more detailed Plat.
- XII. At the public hearing on October 23, 2025, the Application continued again to a date certain of November 20, 2025, due to a late submittal of the Plat by the Applicant for Staff Review.
- XIII. The Commission opened the public hearing on November 20, 2025, and received verbal and written information regarding the Application.
- XIV. After the Applicant reviewed the Conditions of Approval and gave testimony, the Chairperson closed the public hearing.
- XV. The Commission commenced deliberations on the application.
- XVI. Thereafter, the Commission moved to recommend approval of the Preliminary Plat with eleven (11) conditions of approval and the Commission's decision on the Application is as set forth below.

**IV. The Commission finds the proposed request as follows:**

The Preliminary Plat is requested by the Applicant to subdivide a 20-acre parcel into two 5-acre parcels and one 10-acre parcel subdivision.

**V. The Commission finds the following facts and circumstances pertaining to the Site:**

**A. Assessors' Parcel Number:** RP04S06E145500A.

**B. The "Owner" of the Site is:**

JayDee McCown

**C. Applicant's Right to the Site is:**

The Applicant is the owner of the property.

**D. Site Characteristics:**

Property Size: 20-acre parcel

Existing Structures: Residential/House

Existing Vegetation: The vegetation consists of grass and sagebrush.

Slope: The proposed site is not on slopes greater than 15%

Flood Zone: The parcel is not located in a designated flood zone.

Irrigation: N/A

**VI. The Commission finds the current zoning of the Site is as follows:**

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners), and the Comprehensive Plan, the current zoning for the Site is Agriculture (AG) Zone.

**VII. The Commission finds the existing services and access to the proposed site are as follows:**

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners) and materials found in the Department's file for PP-2025-08, the following facts concerning services and infrastructure, are not in dispute, and are adopted as findings of fact in the Commission's Findings of Fact, Conclusions of Law, and Order (FCO):

1. Access Street and Designation: Private access road, SW Lone Wolf Ln, that comes off Highway 51 that is a public road maintained by the Idaho Transportation Department.
2. Fire Protection: The property is within the Mountain Home Rural Fire District.
3. Water Service: Private Well
4. Area of Impact: N/A

**VIII. The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations for consideration of the Application:**

- A. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the "Comprehensive Plan"); and
- B. Zoning Ordinance § 10-1-12, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. The Local Land Use Planning Act, § 67-6501; § 67-6516 et seq.; and
- D. Other applicable local, state, and federal laws and regulations.

**IX. The Commission finds the following regarding the Comprehensive Plan.**

- A. That the Comprehensive Plan Future Land Use Map (Map 4) has the property classified as Agriculture.
- B. The Application is in conformance with the Private Property Rights section of the Comprehensive Plan.

**X. The Commission finds the following regarding the Zoning Ordinance.**

- A.** The Elmore County Planning and Zoning Ordinance is the document governing the Site.
- B.** In order to approve PP-2025-08, the required nine findings pursuant to § 10-1-12 shall be made.

**XI. The Commission finds the nine (9) required findings pertaining to a Preliminary Plat, § 10-1-20(A) are met.**

**1. The design conforms to the standards established in this Ordinance; and**

**Findings:** The Commission finds the Application is being reviewed after an approval of CUP-2025-24 per Title 7, Chapter 2, and being reviewed under Zoning Ordinance Title 10, Chapter 1 to ensure that the design conforms to the standards established in this subdivision development ordinance. PP-2025-08 Site is owned by the Applicant in its entirety. The Commission further finds the Application proposes development in one phase. The Application is reviewed by Elmore County Engineer in addition to Department staff review to ensure that the design conforms to the standards established in the Zoning Ordinance. In conclusion, the necessary application and review will be triggered by the Department as and when improvements are proposed within the Site, and those will be subject to all standards and requirements of this Zoning Ordinance. Therefore, the proposed preliminary plat and all future development within it will conform to standards established in this ordinance

**2. The design complies with the required improvements established in the County ordinance; and**

The Commission finds that the proposed grading and internal road designs have been reviewed by the Mountain Home Rural Fire Department, Elmore County Ambulance Director, and Elmore County Engineer to ensure required road improvements and perpetual emergency access are designed to meet international fire code requirements. The design complies with the requirements of this ordinance, to ensure further compliance, the project is required to submit as built drawings for required improvements to receive final approval by the County Engineer.

- 3. If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in the city zoning ordinance for the area of impact ; and**

The Commission finds that the proposed subdivision is not located within any applicable overlay district.

- 4. The design conforms to the topography and natural landscape features analysis as required by this Chapter and the master site plan, where the design demonstrates consideration for the location and function of land uses and structures to achieve this purpose; and**

The Commission finds that the proposed subdivision does not contain slopes greater than 15%, the topography onsite is relatively flat. There is no vegetation onsite considering the parcel has historically been farmland. The County Engineer has reviewed the preliminary plat and the building permit will be reviewed by the Department.

- 5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity; and**

The Commission finds that the proposed subdivision does not propose a use that would cause undue damage, hazard, or nuisance to persons in the vicinity. Property owners within the vicinity of the proposed use have single family residences on parcels ranging from 5 to 40 acres within the general vicinity.

- 6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area; and**

The Commission finds that the Applicant provided the Department with a preliminary record of survey showing all lots will be accessed by a common driveway and will meet the requirements and use standards for Ordinance section §10-8-4. The County Engineer has reviewed the preliminary plat and has made recommendations for conditions of approval.

- 7. The Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways; and**

The Commission finds that the lots will be accessed by a common driveway and is easily accessible via pedestrian and/or bicycle. There are no known pedestrian and bicycle pathways.

**8. The proposal complies with the dimension standards set forth in this Ordinance for the applicable zoning district; and**

The Commission finds that the proposed two 5 acre and one 10 acre lots meet the Elmore County Ordinance guidelines for a preliminary- plat. The plat does not propose double facing lots and provides access to all lots by way of a private common driveway. The private driveway is designed to provide enough width to meet emergency service requirements as well as the adequate number of dwelling units, both principle and accessory. The proposed subdivision meets the base zone dimensional standards set forth in §§10-1-5, 10-1-6, 10-1-7, 10-1-9 and the conditions of approval of CUP-2025-24.

**9 The overall plan is in conformance with:**

**i. The applicable Comprehensive Plan(s); and**

The Commission finds that the proposal meets the community goals established in the 2014 Elmore County Comprehensive Plan. The proposed subdivision will provide housing that is harmonious with the existing rural lifestyle by proposing two 5-acre and one 10-acre lots.

**a. *Land Use Goal 1* - Provide for the orderly growth and accompanying development of the resources within the County that is compatible with a rural lifestyle.**

The proposed application protects future use of agriculture land while allowing potential additional housing on the two 5-acre and one 10-acre parcels.

**b. *Land Use Goal 2* - Achieve a land use balance, which recognizes that existing agricultural and new residential development may occur in the same community.**

The proposed subdivision achieves adequate land use balance by preserving existing agriculture land for future use.

**ii. The future acquisition maps; and**

The proposed parcels are not located in an Area of City Impact and would not be annexed in the near future.

**iii. Any applicable Area of City Impact Ordinances including applicable subdivision regulations; and**

The proposed parcels are not located in an Area of City Impact and would not have any Impact Ordinances apply to them.

**iv. Other pertinent Ordinances as applicable.**

The proposed application has no other applicable Ordinances.

**CONCLUSIONS OF LAW**

Based on the aforementioned findings of fact, the Commission concludes that PP-2025-03 has complied with the following legislative documents governing the proposal:

- A.** Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014; and
- B.** Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C.** The Local Land Use Planning Act, Idaho Code § 67-6501; 67-516 et seq.

**ORDER – CONDITIONS OF APPROVAL:**

Based on the aforementioned findings of fact and conclusions of law, the Commission APPROVES PP-2025-08 with the following conditions of approval.

1. Preliminary Plat approval shall be limited to two (2) years, in which the applicant shall apply for a Final Plat. If the use has not commenced at that time, then the applicant will be required to reapply for the Conditional Use Permit and Preliminary Plat applications.
2. Applications for private driveways must be submitted to the Land Use Building Department prior to signature of the final plat.
3. Prior to the application for a Final Plat, the Applicant shall submit a Variance to the Department for review in regard to the road width of SW Lone Wolf Lane. The Applicant shall follow the standards set forth in the Variance Application process and will need the Commission and Board of County Commissioner approvals. The Variance must be granted prior to the application for the final plat. Should a



variance not be granted, the Applicant shall meet the requirements for Private Roadway standards.

4. The Applicant shall record a legally binding access easement for SW Lone Wolf Lane prior to signature of the final plat per §10-1-12, limited to two (2) years.
5. The Applicant shall provide an engineering report and test holes data to Central District Health and determine well and septic location, limited to two (2) years.
6. No building permits for residential lots shall be issued until the Mountain Home Rural Fire District approves driveways for acceptable fire access to the proposed lots and other improvements necessary for fire protection and suppression.
7. No building permits for residential lots shall be issued until a final plat is recorded and parcel numbers have been issued by the County Assessor's Office.
8. The Applicant shall obtain any applicable permits for any structures and/or other permittable projects on the property to include any required state permits and a signed building permit.
9. The Applicant shall ensure all property taxes are kept current.
10. The Applicant shall construct, maintain, and operate the project site in compliance with all federal, state, and local regulations at all times.
11. Failure to comply with any of the above conditions of approval may result in the revocation of the Preliminary Plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2025

**COMMISSION VOTE:**

CHAIRPERSON PATTI OSBORN	VOTED	AYE
VICE CHAIRMAN JEFF BLANKSMA	VOTED	AYE
SUSAN FISH	VOTED	AYE
ED OPPEDYK	VOTED	AYE
K.C. DUERIG	VOTED	ABSENT
MITCH SMITH	VOTED	ABSTAINED

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Patti Osborn, Chairperson

**ATTEST:**

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James Roddin, Interim Director

**NOTICE PURSUANT TO IDAHO CODE § 67-6519(5)(c)**

The Applicant shall have the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. An applicant denied an application or aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

**NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-10 E-F**

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal application is complete and appeal fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.