



Land Use and Building Department

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Staff Report to the Planning and Zoning Commission

Meeting Date: September 25, 2025 **Date Report Compiled:** September 4, 2025

Agenda Item: Conditional Use Permit and Preliminary Plat to subdivide one 20-acre parcel into two 5-acre parcels and one 10-acre parcel

Applicant: JayDee McCown

Case Number: CUP-2025-24 and PP-2025-08

Staff: Andrew Meek, Planner II

Location/Site: 5816 Highway 51, Mountain Home, ID 83647

Zoning: Agriculture (AG)

Parcel Numbers: RP04S06E145500A

Property Size: 20 acres

Applicant:

JayDee McCown

Parcel Number:

RP04S06E145500A

Land Use & Zone:

Agriculture (Ag)

Applicable County Codes:

Title 7, Chapters 2,3,
and 9

Title 10, Chapter 1

BACKGROUND:

Conditional Use Permit No. 2025-24 (CUP-2025-24) and Preliminary Plat No. 2025-08 (PP-2025-08) intends to subdivide a 20 acre parcel, assessor's parcel number RP04S06E145500A (the Site), located within Agriculture (Ag) zone, into three (3) parcels, one at 10 acres and two at 5 acres ("Applications"). The Site is located at 5816 Highway 51, Mountain Home, ID 83647.

The Site is abutted by Ag zones on all sides. A common way of locating the property is to head West from the center of Mountain Home on Airbase Rd. At the intersection of Airbase Rd and State Highway 51, head south for 3.9 miles. The property is located at the intersection of State Highway 51 and SW Lone Wolf Ln. (Exhibit 1)

CUP-2025-24 is subject to review pursuant to Elmore County Zoning and Development Ordinance 2018-03 ("Zoning Ordinance") Title 7, Chapters 2, 3, and 9. A Preliminary Plat needs to be submitted after the approval of the CUP per Zoning Ordinance §7-9-5, within 12 months or with a one-time extension if longer than 12 months. The Applicant had a pre-application meeting with the Land Use and Building Director pursuant to Zoning Ordinance §7-3-2(A) on March 17, 2025.

The Applicant sent a neighborhood meeting notification within a five-hundred-foot (500') radius of the proposed site on April 8, 2025, to notify neighbors of the pre-application neighborhood meeting (Exhibit 2). The Applicant then held the meeting on April 26, 2025, at the Site (Exhibit 3), per §7-3-3 of the Zoning and Ordinance. On May 27, 2025. The Applicant submitted their CUP and PP applications and required four-hundred-dollar (\$400) fee, site map, and the required agency signatures (Exhibit 4). Upon reviewing the application, on June 30, 2025, the Department sent the Applicant a preliminary acceptance letter along with emails to appropriate agencies for review. Initially, the Applicant had wanted to subdivide into four lots instead of three. However, Agency review of the application noted that with four lots, along with two existing homes on SW Lone Wolf Ln would require the Applicant to improve SW Lone Wolf Ln to include asphalt per Zoning Ordinance §10-5-4(D). A meeting was held on August 11, 2025, to discuss these concerns with the Applicant. On August 12, 2025, the Applicant met with Staff and requested to revise the subdivision from four to three, and after confirmation that the number of improvements that would be required to SW Lone Wolf Ln would be lessened, the Application was moved forward. After the agency review process, an acceptance letter was sent to the Applicant on August 20, 2025, setting the meeting for September 25, 2025.

The public hearing notice was mailed to affected agencies and landowners within five-hundred feet (500') of the property on September 15, 2025, per ordinance §7-3-4 of the Zoning Ordinance (Exhibit 6). The notice of public hearing was published in the Mountain Home News on September 10, 2025, as required by Zoning Ordinance §7-3-5(A) (Exhibit 7). The notice of public hearing was posted on the property of the Applicant on September 15, 2025, per Zoning Ordinance §7-3-5(B) (Exhibit 8).

SURROUNDING USES

North: Ag
East: Ag
South: Ag
West: Ag

EXHIBITS OF RECORD

1. Preliminary Plat Map
2. Neighborhood Meeting Letter
3. Neighborhood Meeting Sign-In Sheet
4. Application
5. Acceptance Letter
6. Agency and Nearby Property Notification
7. Newspaper Public Hearing Notice
8. Site Posting
9. Agency Comments

THE ELEVEN STANDARDS FOR CONDITIONAL USES PERMIT PER SECTION 7-9-7

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;**

Staff Response: The Applicant is proposing a Conditional Use Permit to subdivide two (2) lots from the existing parcel. The current zoning, Ag, allows for one dwelling per 40 acres, however, the zone allows properties to be subdivided into smaller lots through a Conditional Use Permit according to Table 7-2-26-(B).

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

Staff Response – Comprehensive Plan: The proposal is in harmony and accordance with the following objectives and goals of the 2014 Elmore County Comprehensive Plan.

Private Property Rights Goal Statement 2: The community goal is to acknowledge the responsibilities of each property owner as a steward of the land, to use their property wisely, maintain it in good condition and preserve it for future generations.

Private Property Rights Objective #4: Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals which cause an unreasonable increase in housing costs.

Private Property Rights Objectives #7: The property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Private Property Rights Objectives #8: The property owners shall be responsible for maintaining their property in the best possible condition as circumstances allow.

Private Property Rights Objectives #9: The proposed owners must recognize they are only temporary stewards of the land and shall preserve and maintain their property for the benefit of future generations.

Private Property Rights Objectives #10: Property owners acknowledge and expect that Elmore County will preserve private property rights and values by enforcing regulations that will ensure against incompatible and detrimental neighboring land uses.

Private Property Rights Objectives #13: Elmore County will take appropriate measures to enforce all nuisance ordinances to protect quality of life and property rights.

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.

Land Use Goal 2

Achieve a land use balance, which recognizes that existing agricultural uses and new residential development may occur in the same community.

Land Use Goal 3

Continue to designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.

Land Use Goal 4

Continue to designate areas within appropriate communities to stimulate recreation and tourism related developments and services.

Transportation Goal 1

To provide a comprehensive improved safe transportation and circulation system that will accommodate present and future needs of the County including residential, commercial, industrial and public development.

Transportation Goal 2

To provide safe, all-weather roadways constructed to an engineering standard in all new developments, with access to every parcel or lot in the development without land locking any parcel.

Housing Goal 1

To set aside adequate areas for housing that will accommodate present and anticipated residential growth and to implement zoning as a way to safeguard property rights and quality of life.

The proposed large lot residential subdivision supports property owner rights and affordable and rural development objectives of Elmore County, transportation, housing, and land use goals of the 2014 Comprehensive Plan. Therefore, staff concludes that the proposed use is in harmony with the Comprehensive Plan.

Staff Response – Ordinance:

The proposed subdivision is reviewed per standards established in Zoning Ordinance §§ 7-9-4 and 10-1-18 and staff finds the proposed use is consistent with the standards found in 7-9-4, but the hand drawn Plat does not meet the standards for 10-1-18, in that it lacks Drawing Specifications and the contents required under Drawing Limits. The proposed subdivision will be consistent with the development goals of Elmore County and will have adequate setback from all permanent structures as required in the Zoning Ordinance.

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

Staff Response: The purpose statement for Agriculture (AG) base zone is found in Zoning Ordinance §7-2-5(A), providing:

The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

The agriculture base zone is applied to most unincorporated areas of Elmore County and allows for a variety of land uses with a Conditional Use Permit when deemed appropriate.

4. **The proposed use shall comply with all applicable County Ordinances;**

Staff Response: The proposal is reviewed per standards established in Zoning Ord. §§ 7-2-26(B) and 7-9-4 and conditioned to meet safe access, services, setback, and permit requirements of Elmore County for a subdivision. Furthermore, the proposed subdivision application was transmitted to the following Elmore County agencies to ensure compliance with applicable County Ordinances. Their comments are incorporated in the Conditions of Approval.

- Elmore County Sheriff
- Elmore County Ambulance Service
- Elmore County Engineer
- Mountain Home Rural Fire District
- Mountain Home Highway District

5. **The proposed use shall comply with all applicable State and Federal regulations;**

Staff Response: State and Federal agencies were notified of this Application. Their comments are integrated in the proposed conditions to ensure that this Application meets all applicable state and federal requirements.

- Central District Health
- Idaho Transportation Department
- Idaho Department of Environmental Quality

6. **The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;**

Staff Response: This proposal is surrounded by private residential lots, with some vacant agriculture lands. Surrounding the proposed Site are primarily agriculture/residential lots that have varying lot sizes of 5-40 acres. Therefore, this area is surrounded by rural density housing developments and is suitable for diverse housing types. Therefore, the proposed subdivision is harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

Aesthetically, the proposed use will not change existing views from the west, east, north, or south. The Application, with the proposed Conditions of Approval, will be operated and maintained in such a way as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.

7. **The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;**

Staff Response: The proposed subdivision is surrounded by vacant agriculture land with single family dwelling neighbors. Furthermore, the preliminary plat application will require additional construction protocols that the Applicant will need to adhere to and address any future neighborhood concerns.

8. **The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;**

Staff Response: The proposed use is served by the following public facilities:

Highways/Roads – The proposal takes access of SW Lone Wolf Ln, which is a private road. The 10-acre parcel will retain access off State Highway 51, which is maintained by ITD. The private road will remain under the responsibility of nearby landowners.

Fire Protection – The property is within Mountain Home Rural Fire District. (MHRFD) and they have reviewed the application.

Drainage Structures – No drainage structures for the proposed use are planned or required at this time.

Refuse Disposal – The Applicant will be responsible for obtaining and maintaining appropriate refuse disposal.

Water/Sewer –The proposed subdivision will have private wells and septic systems which will be reviewed and approved by Central District Health (CDH).

The proposed CUP Application has been transmitted to all applicable agencies. Their comments are integrated into the proposed conditions to ensure that this Application meets all applicable standards and requirements. Therefore, the proposed use, will be adequately served by available public facilities and services such as highways, streets, law enforcement, fire protection, and emergency services.

9. **The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;**

Staff Response: All on-site improvements necessary to support the proposed use will be funded by the Applicant.

Agencies that could potentially be impacted by this application have been notified; Idaho Transportation Department and Elmore County EMS have provided comments, and all applicable requests have been included in the Conditions of Approval. The Applicant of the proposed subdivision will be financially responsible for developing the Site as indicated in the Application. The proposed use shall be developed in a manner that will not create excessive additional requirements at public cost of public facilities and services.

10. **The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;**

Staff Response: The proposed subdivision may involve uses, activities, processes, materials, equipment, and conditions of operation detrimental to some people, surrounding property or the general welfare by reason of added traffic, noise, smoke, fumes, glare or

odors. However, the Conditions of Approval associated with this CUP will ensure that those impacts are mitigated or reduced.

11. **The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.**

Staff Response: The proposed site does not contain a natural or scenic site of major importance. The Department has not received any comments from the neighboring properties that express a concern for destruction, loss or damage of a natural or scenic feature of importance. Therefore, this finding is met.

STAFF RECOMMENDATION

The proposed use, along with proposed conditions, complies with the requirements of the Elmore County Zoning Ordinance. Based on the evidence presented at the public hearing and staff's analysis above, staff recommends **approval** of CUP-2025-24 to proceed forward with a residential subdivision in the Agriculture zone.

PROPOSED CONDITIONS OF APPROVAL

1. A Conditional Use Permit (CUP-2025-24) shall be granted to the Applicant, JayDee McCown, to subdivide an existing 20-acre parcel, RP04S06E145500A, into two 5-acre and one 10 acre lots.
2. The CUP approval shall be limited to one (1) year, in which the Applicant shall apply for a Preliminary Plat and receive approval thereof. If a Preliminary Plat is not approved within that year, then the Applicant will be required to reapply for the Conditional Use Permit.
3. CUP-2025-24 shall comply with all requirements of Title 7 Chapter 2 ("Zoning") Chapter 9 ("Conditional Use Permit"), and Title 10 Chapter 1 ("Subdivision") of the Elmore County Zoning and Development Ordinance 2018-03.
4. The CUP approval shall be contingent upon the Applicant obtaining all certificates, permits, and other approvals required by Federal, State, or Local authorities.
5. Prior to applying for a Preliminary Plat, the Applicant shall provide the existing recorded Road Maintenance Agreement to the Land Use and Building Department and County Engineer that was indicated in the Private Driveway application.
6. Prior to any site improvement, the Applicant shall obtain applicable permits for structures and/or other improvements from the Land Use and Building Department and County Engineer.
7. The Applicant shall construct, maintain, and operate the project site in compliance with all federal, state, and local regulations at all times.
8. The Applicant shall ensure that all property taxes are kept current.
9. Failure to comply with any of the above conditions of approval may result in the revocation of CUP-2025-24.

THE NINE STANDARDS FOR PRELIMINARY PLAT PER SECTION 10-1-20(A):

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

Staff Response: This Application is 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 is owned by the Applicant in its entirety. The Application proposes development in one phase. The Application is reviewed by Elmore County Engineer and Surveyor 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 this Ordinance; and

Staff Response: 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 this Ordinance; and

Staff Response: The proposed subdivision is not located in an applicable overlay district and thus is not subject to any standards.

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

Staff Response: The hand drawn Preliminary Plat provided by the Applicant does not indicate slope or vegetation and requires a Natural Features analysis done. Staff have visited the intended Site and can confirm the overall lack of vegetation on the property, but a Natural Features Analysis would still need to be completed.

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

Staff Response: 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 inactive agriculture land or 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

Staff Response: The hand drawn Preliminary Plat provided by the Applicant shows that the two proposed lots will have access off an already established private drive, SW Lone Wolf Ln, which also has two other residences on the south side of the lane. A survey Plat will be required to show proper Right of Way and access to the proposed lots.

- 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**

Staff Response: The lots will be accessed by a private drive, SW Lone Wolf Ln, and is easily accessible via pedestrian and/or bicycle.

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

Staff Response:

The hand drawn Preliminary Plat provided by the Applicant does not provide dimensional standards. The plat does not propose double facing lots and provides access to all lots by way of a private common road. While the private roadway is recognized as a road by MHHD, as confirmed by Staff, a survey plat will be required to show the width of the road as well as access to the proposed lots in the subdivision. Without having a survey plat, it is hard to determine if the proposed subdivision meets the base zone dimensional standards set forth in §§10-1-5, 10-1-6, 10-1-7,10-1-9.

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

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

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 lots while providing housing within Elmore County.

- 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 for additional housing on two 5-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; 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.

Any development activity on the current and future parcels will need to comply with Title 8 Chapter 2 of the Elmore County Code for Flood Damage and Prevention.

STAFF RECOMMENDATION

The proposed use, with potential conditions of approval, may comply with the foregoing requirements. Subject to evidence being presented at the public hearing that would change Staff's analysis above, Staff recommends **continuance** of Preliminary Plat PP-2025-08 for a 3-lot subdivision in the agriculture (AG) zone to a date certain of October 23, 2025, for the Applicant to provide the necessary information that is lacking in this Application.

Should the Commission consider approving this Application, staff would recommend the following conditions of approval be included:

PROPOSED 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 final plat is not recorded at that time, then the Applicant will be required to reapply for the Conditional Use Permit and Preliminary-Plat application.
2. The Applicant shall receive approval of street names from the Elmore County Street Naming Committee prior to signature of the final plat, limited to two (2) years.
3. Prior to any site improvements, the Applicant will be subject to a driveway application for the County Engineer's review.
4. Prior to applying for a Preliminary Plat, the Applicant shall receive approval from the Mountain Home Rural Fire District for acceptable fire access to the proposed lots and other improvements necessary for fire protection and suppression.
5. The Applicant shall develop a Private Road for ingress and egress from the Site and the Private Road shall comply with Title 10 Chapter 5 ("Public and Private Roads").
 - a. Applications for Private Roads and Driveways must be submitted to the Land Use Building Department prior to the Preliminary Plat approval.
 - b. All private roads shall be in a 60' roadway easement.
6. The roadway width shall be 26' wide and shall terminate in a 70' radius cul-de-sac, with 10" of compacted subbase and 4" of compacted $\frac{3}{4}$ " crushed aggregate.

Roadside ditches and pipes shall be sized in accordance with Title 10 Chapter 5 ("Public and Private Roads")

7. The Applicant shall record legally binding access easements pertaining to shared Private Road prior to signature of the final plat per §10-1-12, limited to two (2) years.
8. 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.
9. The Applicant shall receive approval from the Mountain Home Rural Fire District for acceptable fire access to the proposed lots and other improvements necessary for fire protection and suppression.
10. Each lot will construct a turnaround for emergency service vehicles prior to the issuance of any building permits.
11. 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.
12. The Applicant shall obtain any applicable permits for any structures and/or other permissible projects on the property to include any required state permits and a sign building permit.
13. The Applicant shall ensure all property taxes are kept current.
14. The Applicant shall construct, maintain, and operate the project site in compliance with all federal, state, and local regulations at all times.
15. Failure to comply with any of the above conditions of approval may result in the revocation of the Preliminary Plat.