



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 to subdivide 30-acre parcel

Applicant: Ladean Denning

Case Number: CUP-2025-23

Staff: Andrew Meek, Planner II

Location/Site: 8530 W Martha Ave, Mountain Home, ID 83647

Zoning: Agriculture (AG)

Parcel Numbers: RP02S05E017270

Property Size: 30 acres

Applicant:

Ladean Denning

Parcel Number:

RP02S05E017270

Land Use & Zone:

Agriculture (Ag)

Applicable County Codes:

Title 7, Chapters 2,3,
and 9

Title 10, Chapter 1

BACKGROUND:

Conditional Use Permit No. 2025-23 (CUP-2025-23) intends to subdivide a 30 acre parcel, assessor's parcel number RP02S05E017270 (the Site), located within Agriculture (Ag) zone, into two (2) parcels, one at 10 acres and one at 20 acres. The Site is located at 8530 W Martha Ave, Mountain Home, ID 83647.

The Site is abutted by Ag zones on all sides. The Site is located within Floodplain Zone A. A common way of locating the property is to take the Ditto Creek Rd exit of I-84 and head north to the intersection of Ditto Creek and W Martha Ave. Follow W Martha Ave for 2 miles and the driveway to the property is on the left.

CUP-2025-23 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 September 18, 2024.

The Applicant sent a neighborhood meeting notification to neighbors within a three-hundred-foot (300') radius of the Site on May 3, 2025, to notify about the pre-application neighborhood meeting (Exhibit 1). The Applicant then held the meeting on

May 17, 2025, at the Site (Exhibit 2), per §7-3-3 of the Zoning and Ordinance. On June 13, 2025, the Applicant submitted their CUP application and required four-hundred-dollar (\$400) fee, site map, and the required agency signatures (Exhibit 3). 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. After the agency review process, an acceptance letter was sent to the Applicant on August 20, 2025, setting the Public Hearing date for September 25, 2025 (Exhibit 4).

The public hearing notice was mailed to affected agencies and landowners within three-hundred feet (300') of the property on September 15, 2025, per ordinance §7-3-4 of the Zoning Ordinance (Exhibit 5). 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 6). 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 7).

SURROUNDING USES

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

EXHIBITS OF RECORD

1. Neighborhood Meeting Letter
2. Neighborhood Meeting Sign-In Sheet
3. Application
4. Acceptance Letter
5. Agency and Nearby Property Notification
6. Newspaper Public Hearing Notice
7. Site Posting
8. 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 one (1) lot 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). Furthermore, Zoning Ordinance § 7-9-5 states that for projects that require platting, such as this Application, that a Preliminary Plat needs to be submitted after the approval of the CUP within 12 months or with an extension if it goes longer than 12 months.

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, affordable housing and rural development objectives of the Elmore County 2014 Comprehensive Plan for transportation, housing, and land use goals. 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 staff finds the proposed use is consistent with those standards. The proposed subdivision will be consistent with the development goals of Elmore County and will have adequate setbacks from all permanent structures as required in the Zoning Ordinance. The proposal is conditioned to ensure compliance with the Zoning Ordinance requirements.

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 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. The proposed large-lot residential subdivision is one such use.

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
- Oasis 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 Department of Environmental Quality
- Idaho Department of Water Resources

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. Therefore, this area is suitable for diverse housing types. The main residence is located on one of the two proposed lots and the Site is in a FEMA and Elmore County mapped floodplain. A preliminary map provided on the neighborhood meeting sheet indicates a bridge would be built to the proposed second lot. The proposed split is for a 30 acres parcel within FEMA designated Zone A and Flood Hazard Overlay of the Zoning Ordinance. The proposed Conditions of Approval will address the FEMA and County's floodplain regulations. That being said, 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 large lot rural residential development. Furthermore, the preliminary plat application will require additional construction protocols that the Applicant will need to adhere to 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 off W Martha Ave, a MHHD public road.

Fire Protection – The property is within Oasis Rural Fire District. (ORFD) and they have reviewed the application.

Drainage Structures – No drainage structures for the proposed use are planned or required at this time. A bridge is proposed at the time of development of the second lot.

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 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 requirement. 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; Sheriff 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 Applications. 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-2025-23 to proceed forward with a residential subdivision in the Agriculture zone.

PROPOSED CONDITIONS OF APPROVAL

1. A Conditional Use Permit (CUP-2025-23) shall be granted to the Applicant, Ladean Denning, to subdivide a 30-acre parcel, RP02S05E017270 into 10- and 20-acre parcels.
2. The CUP approval shall be limited to one (1) year, in which the Applicant shall apply for a Preliminary Plat. If a Preliminary Plat is not applied for within that year, then the Applicant will be required to reapply for the Conditional Use Permit.
3. CUP-2025-23 shall comply with all requirements of Title 7 Chapter 2 ("Zoning") Chapter 9 ("Conditional Use Permit").
4. The 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 submit a Floodplain Development Permit along with a Hydraulic and Hydrology (H&H) Analysis prepared by an Idaho Licensed Engineer to determine developable areas of the proposed lots and floodplain elevation for both proposed lots. H&H Analysis and its findings shall be reviewed and approved by the County Engineer and/or Floodplain Administrator and integrated into any site improvements necessary to support the Preliminary Plat application.
6. The Applicant shall not make any site improvements for bridge, drainage changes, grading, or access to the proposed lots prior to receiving approval of a Preliminary Plat in compliance with Title 10, Chapter 1 and Floodplain Development Permit for Hazard Damage Prevention in compliance with Title 8 Chapter 2.
7. Prior to applying for a Preliminary Plant, the Applicant shall acquire a 30' roadway easement to the proposed subdivision, and the legal document shall be provided to the Land Use and Building Department and County Engineer.
8. Prior to applying for a Preliminary Plat, the Applicant shall receive approval from the Oasis Rural Fire District for acceptable fire access to the proposed lots and other improvements necessary for fire protection and suppression.
9. The Applicant shall construct, maintain, and operate the project site in compliance with all federal, state, and local regulations at all times.
10. Upon applying for the Preliminary Plat, the Applicant's Surveyor shall indicate on the Plat the location of the floodplain in relation to the parcels as well as flood elevations at various areas of the Site.
11. The Applicant shall ensure that all property taxes are kept current.
12. Failure to comply with any of the above conditions of approval may result in the revocation of the approval.