



## Land Use and Building Department

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

Application: Request for Conditional Use Permit 2025-12

Hearing Date: August 28, 2025

## BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a conditional use permit to allow	)	CUP-2025-12
a 2-lot Subdivision in an Agriculture (AG) Zone in	)	
the Area of City Impact of Glens Ferry per	)	FINDINGS OF FACT,
Elmore County Zoning Ordinance §7-2-26(B)	)	CONCLUSIONS OF LAW,
Located at NW1/4 OF THE SE1/4, TOWNSHIP 5	)	AND ORDER
SOUTH, RANGE 9 EAST SECTION 25 in Elmore	)	
County.	)	

**In Re:** Conditional Use Permit 2025-12: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), on August 28, 2025, for a public hearing held pursuant to public notice as required by law, on a request from John Hafen (“**Applicant**”), for a Conditional Use Permit 2025-12 (the “**CUP**”) in the Agriculture (AG) zoned property (the “**Application**”) on Parcel RP05S09E257800A. The Application is for a subdivision of a parcel. Elmore County Zoning Ordinance §10-1-2(A)(3) requires an approved conditional use permit prior to the subdivision of a parcel in the Agriculture (AG) base zone. The property consists of 40 acres located at NW1/4 OF THE SE1/4, TOWNSHIP 5 SOUTH, RANGE 9 EAST SECTION 25 (495 N Millennium Ln) (the “**Site**”). The Commission heard from staff that was in support of the Application. No one testified in opposition, neutral or in favor to 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, 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 CUP-2025-12; 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 this Application to

the Commission.

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

John Hafen  
495 N Millenium Ln  
Glenns Ferry, ID 83623

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

- I. In accordance with section § 7-3-2 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), on January 6, 2025, the Applicant completed a pre-application conference with the department, prior to the submission of the Application.
- II. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant mailed out Neighborhood Meeting Letters on January 30, 2025, to neighboring property owners within three hundred (300’), giving notice of the time, date, and location of the meeting.
- III. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant conducted the required neighborhood meeting on February 11, 2025.
- IV. On March 10, 2025, the Department accepted a Conditional Use Permit application per § 7-3-2 of the Zoning Ordinance along with the \$400.00 application fee.
- V. On May 19, 2025, the Department deemed the Conditional Use application complete and set the matter for a Public Hearing on July 24, 2025. However, the Public Hearing was pushed to August 28, 2025, due to changes in staff and project transfer.
- 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 August 18, 2025.
- VII. In accordance with section § 7-3-4 (A) of the Zoning Ordinance, the Department emailed Public Hearing Notices to agencies on August 18, 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 August 13, 2025.
- IX. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on August 18, 2025.
- X. The Commission opened the public hearing on August 28, 2025, and received verbal and written information regarding the Application.
- XI. The Commission passed a motion to table the public hearing until the end of the agenda, so the Applicant could review the Staff Report and Conditions of Approval.
- XII. After the Applicant reviewed the Conditions of Approval and gave testimony, the Chairperson closed the public hearing.
- XIII. The Commission commenced deliberations on the Application.

- XIV. Thereafter, the Commission moved to recommend approval of the Conditional Use Permit with twelve (12) conditions of approval with condition 5 being struck and the Commission's decision on the Application is as set forth below.

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

The Conditional Use is requested by the Applicant to subdivide a 40-acre parcel into a 9 and 31-acre parcel.

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

**A. Assessors' Parcel Number:** RP04S06E113600

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

John Hafen

**C. Applicants' Right to the Site is:**

The Applicant is the owner of the property.

**D. Site Characteristics:**

Property Size: 40-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 any 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 CUP-2025-12, 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, N Millenium Ln, that comes off W Ball Park Dr that is a public road maintained by the Glenns Ferry Home Highway District.
2. Fire Protection: The property is within the King Hill Rural Fire District.
3. Water Service: Private Wells

4. Area of Impact: Glenns Ferry

**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, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C.** The Local Land Use Planning Act, § 67-6501et 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 Zoning and Development Ordinance is the document governing the Site.
- B.** In order to approve CUP-2025-12, the required eleven findings pursuant to § 7-9-7 shall be made.

**XI. The Commission finds the eleven (11) required findings pertaining to a Conditional Use per Zoning Ordinance §7-9-7 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 Elmore County Zoning and Development Ordinance 2018-03:**

The Commission finds that the parcel is zoned AG. Elmore County Zoning Ordinance Title 10 Chapter 1 Section 10-1-2 (A)(3) requires a Conditional Use Permit to be approved allowing the division of the parcel. Table 7-2-26 (B) also requires a Conditional Use Permit for residential subdivision in AG zone.

**2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan 2014 and Zoning and Development Ordinance (Title 7) 2018-03:**

The proposal is in harmony with and accordance with the following Private Property Rights – public service objectives and goals of the Elmore County Comprehensive Plan 2014.

*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.*

#### *Suburban Glenns Ferry Vicinity Land Use Goal #1*

*Encourage new development to comply with the County Comprehensive Plan and City of Glenns Ferry Comprehensive Plan.*

#### *Suburban Glenns Ferry Vicinity Land Use Goal #2*

*New development must blend and complement the existing rural lifestyle in the area.*

#### *Suburban Glenns Ferry Vicinity Transportation Goal #1*

*Maintain a road improvement standard for any development within the Suburban Glenns Ferry area.*

#### *Suburban Glenns Ferry Vicinity Community Design Goal #1*

*Encourage and support the continuation of suburban residential land uses and hobby farms within an approximate 2-mile radius outside the City of Glenns Ferry.*

#### *Suburban Glenns Ferry Vicinity Community Design Goal #2*

*Land areas near Glenns Ferry but beyond the 2-mile radius should be preserved for agricultural and Ag related developments.*

The Commission finds the proposed large lot residential subdivision supports property owner rights and affordable and rural development objectives of Elmore County as well as the Suburban Glenns Ferry Vicinity community design, 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.

The Commission finds the proposed subdivision is reviewed per standards established in Zoning Ordinance §§ 7-9-4, 10-1-18, and 11-2-4 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 Glenns Ferry and will have adequate setback from all permanent structures as required in the Zoning Ordinance. The Applicant has submitted a proposed site plan to demonstrate compliance with Conditional Use Permit standards. The proposal is conditioned to ensure compliance with its 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:**

The Commission finds that the purpose statement for Agriculture (AG) base zone is found in Zoning Ordinance §7-2-5(A).

The Commission finds 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 Commission finds the proposed subdivision is located in the City of Glenns Ferry Area of Impact in Elmore County. Per the Zoning Ordinance and negotiated Area of Impact Agreement with the City of Glenns Ferry, Elmore County has notified the city staff of all pre-application and development-related meetings for this proposal as outlined in §11-2-9. The City of Glenns Ferry has “no comments” for the proposed Conditional Use Permit and Preliminary Plat. The use is surrounded by active and inactive Ag land as well as approved and proposed residential subdivisions. The proposal has followed all applicable procedural requirements of the Ag zone for a Conditional Use Permit and notified the city staff about all meetings for the proposal. Therefore, this finding is met.

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

The Commission finds that the proposal is reviewed per standards established in Zoning Ordinance §§ 7-9-4 and 7-2-26(B) and conditioned to meet safe access, services, setback, and permit requirements of Elmore County for a subdivision. Furthermore, the 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
- Elmore County Assessor
- Elmore County Treasurer
- Glenns Ferry Highway District
- The City of Glenns Ferry
- King Hill Rural Fire District.

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

The Commission finds that the State and Federal agencies were notified of this Application. Their comments are integrated in the conditions to ensure that this Application meets all applicable state and federal requirements.

- Central District Health
- Idaho Department of Water Resources
- Idaho Department of Environmental Quality
- Idaho Department of Lands
- Idaho Fish and Game

**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:**

The Commission finds that this proposal is surrounded by private residential, active agriculture lots. Surrounding the proposed Site are primarily agriculture/ residential lots whereas, lots have varying sizes. Therefore, this area is surrounded by low-density housing development and is suitable for such 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 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:**

The Commission finds that the proposed subdivision is surrounded by dry grazing land with single family dwelling units as existing neighboring uses. Furthermore, the subsequent preliminary plat application will require additional construction protocols that the Applicant will need to adhere to ensure that the construction of the proposed residential subdivision is not hazardous or disturbing to existing neighboring uses.

**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:**

The Commission finds that the proposed use is served by the following public facilities:

Highways/Roads – The proposal takes access off W Ball Park Dr via a private, shared-access road, Millenium Ln. W Ball Park Dr is maintained by Glenns Ferry Highway District. The private road will remain under the responsibility of nearby landowners.



Fire Protection – The Applicant’s property is in King Hill Rural Fire District. (MHRFD)

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

Refuse Disposal – 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 Application, and its 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:**

The Commission finds that all on-site improvements will be funded by the Applicant.

Agencies that could potentially be impacted by this Application have been notified; at this time there have not been any notable comments submitted to the Department. 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:**

The Commission finds that 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 during construction of the subdivision and residential units. However, the Conditions of Approval associated with this CUP as well as the subsequent Preliminary Plat will ensure that those impacts are mitigated.

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

The Commission finds that the proposed site does not contain a natural or scenic site of major importance. The Commission also finds that there were no comments from neighboring properties that expressed a concern for destruction, loss or damage of a natural or scenic feature of importance.

### **CONCLUSIONS OF LAW**

Based on the aforementioned findings of fact, the Commission concludes that CUP-2025-12 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 Findings of Fact and Conclusion of Law, the Commission APPROVES CUP-2025-12 with the following conditions of approval:

1. A Conditional Use Permit (CUP-2025-12) shall be granted to the Applicant, John Hafen, to subdivide a 40-acre Agriculture (Ag) property on assessor's parcel RP05S09E257800 in to two parcels of 9 and 31 acres
2. CUP-2025-12 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.
3. The approval shall be contingent upon the Applicant obtaining all certificates, permits, and other approvals required by Federal, State, or Local authorities.
4. 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 must be submitted to the Land Use Building Department.
  - b. All private roads shall be in a 60' roadway easement.
5. Prior to applying for a Preliminary Plat, the Applicant shall have a written agreement with the Glenns Ferry Highway District for maintenance of all public roads. If an agreement with the Glenns Ferry Highway District is not possible, a legally binding Road Maintenance Agreement between the two property owners will be required.
6. Should an accessory dwelling be pursued in the future on proposed Lot 1, the applicant may be subject to a private driveway application for the County Engineer's review.

- 7. Prior to applying for a Preliminary Plat, the Applicant shall receive approval from the King Hill Rural Fire District for acceptable fire access to the proposed lots and other improvements necessary for fire protection and suppression.
- 8. 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.
- 9. Applicant shall construct, maintain, and operate the project site in compliance with all federal, state, and local regulations at all times.
- 10. Applicant shall ensure that all property taxes are kept current.
- 11. Applicant shall comply with all local, state, and federal laws and regulations.
- 12. Failure to comply with any of the above conditions of approval may result in the revocation of the approval.

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

**COMMISSION VOTE:**

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

\_\_\_\_\_  
Patti Osborn, Chairperson

**ATTEST:**

\_\_\_\_\_  
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.

4911-1504-2409, v. 2