



Land Use and Building Department

2280 American Legion Blvd., Mountain Home, Id. 83647

Phone: (208) 587-2142 ext. 502 Fax: (208) 587-2120

www.elmorecounty.org

Staff Report to the Planning and Zoning Commission

Original Hearing Date: December 18, 2025

Continued Hearing Date: February 26, 2026

Date Report Compiled: February 20, 2026

Agenda Item: Conditional Use Permit for a Commercial Dog Kennel and a Variance for Property Dimensions

Applicant: Megan Rush Abbott

Case Number: CUP-2025-31 and VAR-2026-01

Staff: Andrew Meek, Planner II

Location/Site: 3365 SW Fallaine Dr, Mountain Home, ID 83647

Zoning: Agriculture (AG)

Parcel Numbers: RP04S06E154410

Property Size: 5 acres

BACKGROUND:

Conditional Use Permit (CUP-2025-31) is to operate a Commercial Dog Kennel on assessor's parcel number RP04S06E154410 (the "Site"), located within the Agriculture (Ag) zone ("Application"). The Site is located at 3365 SW Fallaine Dr, Mountain Home, ID 83647. The applicant is Megan Rush ("Applicant"). Along with the CUP-2025-31 Application, the Applicant has submitted a Variance request (VAR-2026-01) to meet the dimensional requirements of Section 7-2-53 of the Elmore County Zoning and Development Ordinance 2018-03 ("Zoning Ordinance").

The Site is abutted by Ag zones on all sides. (Exhibit 1)

The requested Commercial Kennel requires a Conditional Use Permit application when located within an AG zone, pursuant to the Zoning Ordinance, Title 7, Chapter 2, Elmore County Land Use Table. In order to meet the requirements of a conditional use permit, this Application requires a variance related to dimensional requirements. The Applicant was permitted to apply for VAR-2026-01 concurrently with CUP-2025-31. VAR-2026-01 will need to receive a recommendation from the Planning and

Zoning Commission ("Commission") and final approval from the Board of County Commissioners ("Board") in compliance with Section 7-3-13 of the Zoning Ordinance.

The Applicant had a pre-application meeting with the Land Use and Building Director pursuant to Zoning Ordinance §7-3-2(A) on July 7, 2025, for the CUP. The Applicant sent a neighborhood meeting notification to property owners within a thousand-foot (1000') radius of the proposed site on July 17, 2025, to notify neighbors of the pre-application neighborhood meeting (Exhibit 2a). The Applicant then held the meeting on August 6, 2025, at the Site, per §7-3-3 of the Zoning Ordinance (Exhibit 3a). On August 8, 2025, the Applicant submitted their CUP application along with the required agency signatures and required fee (Exhibit 4a). Upon reviewing the application against Section 7-2-144 of the Zoning Ordinance (Commercial Kennel), which indicates that Section 7-2-53 (Animal Boarding with Outdoor Runs) is also applicable to the application, it was determined that a Variance would also be needed before the CUP could be moved forward. Due to the dimensions of the property and stipulations in Section 7-2-53, which indicate that a 600' separation shall be maintained from where the animals are housed and any property line.

A Variance Pre-Application meeting was held with the Applicant on September 16, 2025, pursuant to Zoning Ordinance §7-3-2(A). The Applicant sent a neighborhood meeting notification to property owners within a thousand-foot (1000') radius of the proposed site on September 19, 2025, to notify neighbors of the pre-application neighborhood meeting (Exhibit 2b). The Applicant then held the meeting on October 3, 2025, at the Site, per §7-3-3 of the Zoning and Ordinance (Exhibit 3b). On October 6, 2025, the Variance Application and required fee was submitted (Exhibit 4b). After the agency review process, an acceptance letter was sent to the Applicant on November 17, 2025, setting the hearing for December 18, 2025. (Exhibit 5)

The public hearing notice was mailed to affected agencies and landowners within a thousand feet (1000') of the property on December 3, 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 December 3, 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 December 11, 2025, per Zoning Ordinance §7-3-5(B) (Exhibit 8). At a regular public meeting, held on December 18, 2025, the CUP and VAR were heard by the Planning and Zoning Commission. Due to a critical information missing that would allow proper CUP review and consideration, the CUP and VAR were continued to a date certain of February 26, 2026. This was to allow the Applicant to work with Staff and to provide further details on the CUP proposal.

SURROUNDING USES

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

EXHIBITS OF RECORD

1. Location Map
2. Neighborhood Meeting Letter
 - a. CUP Meeting

- b. Variance Meeting
- 3. Neighborhood Meeting Sign-In Sheet
 - a. CUP Sheet
 - b. Variance Sheet
- 4. Application
 - a. CUP Application
 - b. Variance Application
- 5. Acceptance Letter
- 6. Agency and Nearby Property Notification
- 7. Newspaper Public Hearing Notice
- 8. Site Posting
- 9. Agency Comments
- 10. Site Pictures
- 11. Site Plan
- 12. Client Form

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS, ZONING ORDINANCE SECTION 7-9-7:

1. **The proposed use shall, in fact constitute a Conditional Use as determined in Table 7-2-26 (B), Elmore County Land Use Table, as contained in Elmore County Zoning and Development Ordinance 2018-03:**

Staff Response: The parcel is zoned AG. Elmore County Zoning Ordinance Table 7-2-26 (B) identifies that a Commercial Kennel in the Agriculture Zone requires a CUP. The proposed use is in accordance with the said Zoning Ordinance requirement.

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

Staff Response: Staff analyzed relevant sections of the Comprehensive Plan for guidance of whether a Conditional Use Permit to operate a Commercial Kennel is appropriate in the AG Zone. The Comprehensive Plan Chapter 4 Economic Development lists a number of Goals and Objectives to include “Diversify and improve the economy of Elmore County in ways that are compatible with community values” under Economic Goal Statement 1. A Commercial Dog Kennel would provide services to the areas south of the City of Mountain Home and would diversify and provide much needed support for those needing dog boarding while also bringing economic development to the region. The Applicant has followed the procedures set forth in Title 7 Chapter 9 for a Conditional Use Permit.

Working with the Applicant, Staff went to the property to take pictures and see the nature of the property (Exhibit 10). The Applicant also provided further pictures to indicate the general location of future expansion. The Applicant has indicated that the proposed use will operate on a pick-up/drop-off basis and the property has in the front 7 parking spots with one spot to be dedicated to ADA compliant parking per 10-8-6. Furthermore, there is access to the back of the property that can provide further parking upon expansion of the business, which will be reflected in the Conditions of Approval.

The Applicant was able to provide a hand drawn Site Plan that gives the layout of the property to include the general location of further expansion (Exhibit 11). The Applicant has

indicated that they plan to have an 80x40 structure, which per the Site Plan, will be located south of the current 12'x28' shed and pet waste area. Working with the County Engineer, Staff confirmed with the Applicant that the current shed has heat and A/C for those times of the year that they would be needed and was confirmed by Staff upon visiting. Along with this, the Applicant has 5'x10' kennel spaces for future dogs, which is above the amount of 25' sq ft recommended by the County Engineer.

The Applicant has also drafted up their customer form that will be signed by all potential clients (Exhibit 12). This form indicates that clients will need to provide health documents for their dogs as well as emergency contact information amongst other items. The Applicant has indicated to Staff as well that they have Emergency Plans in place in case of major fires or other emergencies that will be supplied to Staff.

Finally, there is the matter of the private roadway, SW Fallaine Dr. While there is an easement in place to access the property off SW Fallaine Dr., the heightened traffic would increase wear and tear on the road and Staff believes that a Road Maintenance Agreement per 10-5-3 (B)(4) would be appropriate. The Applicant has indicated, and will be reflected in the Conditions of Approval, that they will obtain an agreement with neighbors preceding the driveway to the Applicant's property on SW Fallaine Dr.

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:

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

General Agriculture: 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 base zone in Elmore County is AG as can be seen above, and it allows for a number of uses that require a Conditional Use Permit. The Application is proposed on a residential property which is also allowed and would fit in with the Agriculture requirements set forth above.

The Application falls under two uses in Title 7 Chapter 2: Kennel, Commercial and Animal Boarding with Outside Runs (7-2-144 & 7-2-53 respectively). While the Application is for a Commercial Kennel, the standards for Animal Boarding with Outside Runs also applies. A Commercial Kennel requires a CUP and Animal Boarding with Outside Runs requires an Administrative Decision in AG Zone. Therefore, in compliance with Section 7-3-2(C), the Department has determined that both these uses would be reviewed under CUP-2025-31 for the convenience of the Applicant.

The Applicant has stated in their application and at the December Hearing that they will maintain proper sanitary practices per 7-2-144 (B). Initially, the Applicant was planning on burying the waste, but upon guidance from DEQ, the Applicant will dispose of the waste in regular trash and this will be reflected in the Conditions of Approval. Furthermore, the Application is also subject to 7-2-53 as stated in 7-2-144 (C). Within this standard, there must be a six hundred (600') separation between the area and structures where animals are housed and any property line, per 7-2-53 (A). This has triggered the need for a Variance, as the dimensional standards of the property do not allow for this separation. As listed in a survey done along with a road easement in 2004, the property is 332'x650' and thus would need a Variance for the width of the property in order to meet dimensional standards. Along with this, the Applicant has stated that an attendant will be present on the property 24 hours a day per 7-2-53 (B). Finally, the Applicant has also shown Staff that there is adequate fencing at the property, with a 6-foot height around the back of the property.

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

Staff Response: The proposal is reviewed per standards established in Zoning Ordinance §7-2-26(B) and conditioned to meet safe access, services, setback, and permit requirements of Elmore County for a Commercial Kennel. 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 EAS
- 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
- DEQ
- IDWR
- Idaho Division 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:

Staff Response: This proposal is surrounded by private residential lots, with some vacant agriculture lands. The lots have varying sizes of 5-40 acres. As mentioned previously, a Site Plan was submitted by the Applicant, indicating future expansion and the layout of the property. Staff also visited the property and noted the lack of surrounding neighbors that would be impacted by any potential changes to the site.

Aesthetically, the same issue applies to the appearance of the property. A Site Plan was submitted, which indicated areas that would have improvements in them. As mentioned above, there is a limited number of neighbors that would be impacted by any appearance change to the property. 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 Kennel is surrounded by predominantly vacant agricultural land with some single-family dwelling neighbors. Furthermore, the Applicant has indicated that they have measures in place to mitigate noise from boarded animals at the kennel to reduce nuisance for neighbors as reviewed by County Engineer.

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 – SW Fallaine Dr is in the Mountain Home Highway District (MHHD)

Fire Protection – Mountain Home Rural Fire District (MHRFD)

Drainage Structures – Applicant will comply with DEQ correspondence to remove waste into regular trash

Refuse Disposal – Applicant will be responsible for maintaining proper sanitary conditions on the property and appropriate refuse disposal.

Water/Sewer – The existing structure has a private well and septic system.

The Application, and its proposed use, will be served by available public facilities and services such as highways, streets, law enforcement, fire protections, 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; MHRFD provided comments, and all applicable requests have been included in the proposed Conditions of Approval. The Applicant of the proposed Commercial Kennel 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 Commercial Kennel may involve uses, activities, processes and conditions of operation detrimental to some people, surrounding property or general welfare by reason of added traffic, noise, fumes or odors. However, the proposed Conditions of Approval associated with this Application 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 property is not on or near a scenic feature of major importance.

REVIEW OF VAR-2026-01:

Should CUP-2025-31 be approved, a condition of approval will be to obtain approval of the Variance. The Commission must make a recommendation to the Board of County Commissioners and be approved by the Board. The Applicant's property, due to site characteristics, does not meet dimensional requirements of the Zoning Ordinance and requires a variance.

Section 7-2-144 (C) for Kennel, Commercial in the Zoning Ordinance states that "If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in this Chapter". The proposed Commercial Kennel will have outdoor kennels in the future as well as a back area for dogs to run which would apply to the Zoning Ordinance section of Animal Boarding with Outside Runs.

Section 7-2-53 (A) for Animal Boarding with Outside Runs in the Zoning Ordinance states that "a six hundred (600') foot separation shall be maintained between the area and structures where animals are housed and any property line". Utilizing GIS, Staff determined that the dimensional standards of the property did not meet the separation required in the Ordinance.

Required Findings for Variance Per Section 7-3-13(C) and IC Section 67-6516:

Elmore County's Required Findings for Variance are reflective of the Idaho State Code Section 67-6516. The following discussion on required findings for variance per Section 7-3-13(C) demonstrates that the proposed VAR-2026-01 is supportable.

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and

Staff Response: The Department has processed other Commercial Kennels in the Agriculture zone. Since this Application consists of two uses (7-2-53 & 7-2-144), both are allowed in the AG Zone, with 7-2-53 being an Administrative Decision and 7-2-144 being a

Conditional Use Permit. As mentioned previously, the Department has allowed Commercial Kennels in the Agriculture Zone as recently as 2018. Thus, the granting of the Variance would not grant a special privilege as other Kennels have been allowed in the base zone.

2. The variance relieves an undue hardship due to characteristics of the site; and

Staff Response: The parcel in question is approximately 332'x650' for a total of 4.959 acres per a survey done of the property in 2004. The parcel has not been changed since March 1994, which while not a parcel of record, indicates that it has remained the same size since the Zoning Ordinance was adopted, and specific use standards were applied. The Applicant purchased the property in 2019 and has also not made any changes. The requirements of Section 7-2-53 (A) make it to where the Applicant would need to have a property much larger than 5 acres in order to operate a Commercial Kennel. The granting of the Variance would relieve the undue hardship due to the width of the site being too small to apply the 600' setback requirement of Section 7-2-53 and the Applicant will have a setback of no less than 100' from any property line.

3. The variance shall not be detrimental to the public health, safety, and welfare.

Staff Response: The dimensions of the property not meeting requirements of the Zoning Ordinance are not likely to be detrimental to the public health, safety, and welfare as the property has few neighbors and is surrounded by predominantly open Agriculture land.

STAFF RECOMMENDATION

The proposed use, with conditions of approval, will comply with the foregoing requirements. Subject to evidence being presented at the public hearing that would change Staff's analysis above, Staff recommends:

- 1) **Approval** of CUP-2025-31; and
- 2) **Recommend Approval** of VAR-2026-01 for a Commercial Kennel in the Agriculture (AG) Zone to the Board of County Commissioners.

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

PROPOSED CONDITIONS OF APPROVAL

1. Conditional Use Permit CUP-2025-31 shall be granted to Megan Rush Abbott to operate a Commercial Kennel in the General Agriculture (AG) Zone on Assessor's Parcel Number RP04S06E154410 for a maximum of 30 dogs and up to 2 employees.
2. The Applicant shall receive approval of a Variance (VAR-2026-01) within 90-days in order to be in compliance with dimensional standards to operate a Commercial Kennel in the General Agriculture (AG) Zone on Assessor's Parcel Number RP04S06E154410.
3. To expand operations beyond 30 dogs and up to 2 employees, the Applicant will provide the Department with official book-keeping records verifying that an average dog occupancy rate of 25 dogs per day or more over a six-month period. County

staff may make periodical site visits to count the number of dogs. Upon the Department's review, the Applicant will be allowed to increase the dog occupancy to a maximum of 60 dogs as indicated in the CUP application. The increase in occupancy will be predicated on the construction of the proposed 80x40 structure. The increased occupancy will require additional employees to maintain the 1 staff person to 15 dogs ratio along with a revised site map.

4. The Applicant will be subject to private driveway applications before commencement of expanded operations and will be required to submit applications to the Department.
5. The Applicant will coordinate with CDH for an expanded sewer system, if required, to accommodate the additional number of employees and the shop facilities. The applicant will provide documentation to the Department before the expansion of operations.
6. All individual dog kennels shall be a minimum of 25 square feet. Kennel facilities shall be heated and air conditioned.
7. Kennels shall be sanitized between occupants to minimize the spread of disease. Dogs will be allowed to be outside and exercise/play daily, weather permitting.
8. Perimeter fencing shall be maintained regularly to contain dogs.
9. The Applicant will maintain current parking on the property, to include 1 ADA compliant spot per the Zoning Ordinance and will acquire the appropriate permits from the Department before commencement of operations.
10. The Applicant agrees to have a minimum of 1 staff person per 15 dogs on average and will provide the Department when asked for official bookkeeping records to indicate the average 15 dogs.
11. The Applicant will have a Department site visit upon expansion of parking to verify ADA parking compliance.
12. The Applicant will provide a Road Maintenance agreement within 3 months of the Variance approval to the Department and have said document recorded at Elmore County. Failure to do so will result in revocation of the Conditional Use Permit.
13. The Applicant will clean up and dispose of animal waste on a weekly basis and as needed in regular trash as indicated by DEQ and to maintain sanitary practices.
14. The Applicant will have an attendant available on the premises during set business hours and will maintain a camera and alarm system during night hours when in operation and dogs are on the premises.
15. 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 signed building permit.
16. The Applicant shall ensure all property taxes are kept current.
17. The Applicant shall construct, maintain, and operate the project site in compliance with all federal, state, and local regulations at all times.

18. The Applicant will maintain the property and dogs to reduce the noise emitted, to be no greater than 58 dB on the A-weighted decibel scale at the nearest residence.
19. The Applicant will maintain the property and dogs as to not become a nuisance and failure to do so may result in the revocation of the Conditional Use Permit.
20. Failure to comply with any of the above conditions of approval may result in the revocation of the Conditional Use Permit.

Proposed Conditions of Approval for VAR-2026-01

1. Variance (VAR-2026-01) shall be granted to Megan Rush Abbott to have setbacks of no less than 100' from any property line on 5-acres on RP04S06E154410.
2. The Variance shall comply with standards set forth in Elmore County Zoning Ordinance § 7-3-13.
3. The Variance shall comply with Idaho Code § 67-6516.
4. 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 signed building permit.
5. The applicant shall keep the property up to date with all taxes related to the uses of the property.
6. Failure to comply with any of the above conditions of approval may result in the revocation of the approval.

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