



Elmore County Land Use and Building Department

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Staff Report to the Planning and Zoning Commission

Application: CUP-2025-14

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Hearing Date: January 22, 2025. **Date Report Compiled:** January 16, 2025.

Agenda Item: Conditional Use Permit to subdivide a 39.1-acre lot into a 7-lot Subdivision within the City of Mountain Home Area of Impact.

Applicant: JJ Howard

Owner: Edgar Hernandez

Case Number: CUP-2025-14

Staff: David Abrahamson, Elmore County Planner
Angie Micheals, P.E., CFM Contract Engineer

Location/Site: Township 4 South, Range 6 East, Section 11

Zoning: Agriculture (AG) within the City of Mountain Home Area of Impact.

Parcel Numbers: RP04S06E026110

Property Size: Approximately 40 acres

BACKGROUND:

Conditional Use Permit No. 2025-14 (CUP-2025-14) intends to subdivide a 39.1-acre lot in the Agriculture (Ag) zone into 7 parcels owned by Edgar Hernandez ("Applicant"). The proposal is located on Highway 51, south of downtown Mountain Home as shown on the vicinity map (EXHIBIT A). The property is abutted by Ag zones to the north, east, south, and west. The parcel is in Mountain Home's Area of City Impact. The site is located in Township 4 South, Range 6 East, Section 2 with Assessors' Parcel Number RP04S06E026110 ("Site"). A common way of locating the Site from Mountain Home is by going South on Highway 51, go approximately 1.8 miles and property will be on the left side just before Graham Drive.

CUP-2025-14 is subject to review pursuant to Elmore County Zoning and Development Code 2018-03 ("Zoning Ordinance") Title 7 chapters 2, 3, 9. The Applicant had a pre-application meeting with the Land Use and Building

Department ("Department") pursuant to Zoning Ordinance §7-3-2(A) on September 23, 2024 (EXHIBIT B). The Applicant sent a neighborhood meeting notification to neighbors within one mile radius on February 6, 2025, For a meeting on February 20, 2025, for the neighborhood meeting (EXHIBIT C). The Applicant submitted their CUP Application and required four-hundred-dollar (\$400) fee, site map, and the required agency signatures on February 21, 2025 (EXHIBIT D). The tardiness of this application was due to when we had a change in staff and the application was lost in transition.

Letter was sent advising the Applicant of the date, time, and location of their public hearing on January 12, 2026, for their hearing on January 22, 2026 (EXHIBIT E). The public hearing notice was mailed to affected agencies and landowners within one mile of the property on January 12, 2026, per ordinance §7-3-5 of the Zoning Ordinance (EXHIBIT F). The notice of public hearing was published in the Mountain Home Newspaper on January 7, 2026, as required by Zoning Ordinance §7-3-5(A) (EXHIBIT G). The notice of public hearing was posted on the Site on January 14, 2026, per Zoning Ordinance §7-3-5(B) (EXHIBIT H).

SURROUNDING USES AND FUTURE LAND USE

The parcel is surrounded by the following zones and existing uses:

North: Ag – Desert

East: Ag – Desert

South: Ag – Single Family Dwelling

West: Ag – Desert

The Site is located within Agriculture future land use designation under the Elmore County's Future Land Use Map and is not in any overlay identified within the Comprehensive Plan.

Elmore County's Zoning Ordinance allows for residential development within the Ag zone, subject to site conditions to maintain agricultural characteristics.

EXHIBITS FOR THE RECORD

- A. Plat Map
- B. Pre-Application Meeting Notes
- C. Neighborhood Meeting with Radius
- D. Application
- E. Acceptance Letter
- F. Agency and Property Notification
- G. Elmore County News Public Hearing Notice
- H. Site Post
- I. Letter from City of Mountain Home

THE ELEVEN STANDARDS FOR CONDITIONAL USE 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 applying for a Conditional Use Permit to subdivide the parcel into six (6) five (5) acre lots, and one (1) 9.13-acre lot. The current zoning designation, Ag, allows for one dwelling per 40 acres, however, can be subdivided 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:

The proposal is in harmony and accordance with the following Private Property Rights 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.

Suburban Mountain Home Vicinity Land Use Goal #5: Recognize that residential development should occur near the City of Mountain Home...but new development must blend and complement the existing rural lifestyle in the area.

Suburban Mountain Home Vicinity Transportation Goal #9: Create a road improvement standard for any development within the Suburban Mountain Home area to prevent dust problems and allow all-weather usage.

Suburban Mountain Home Vicinity Housing Goal #12 – Promote new affordable housing and rehabilitation of existing homes for residents of all income levels.

Suburban Mountain Home Vicinity Community Design Goal #13 - Encourage and support the continuation of suburban residential land uses and hobby farms within an approximate 2-mile radius outside the City of Mountain Home. Land areas near Mountain Home but beyond the 2-mile radius should be preserved for agricultural and Ag related developments

The proposed large lot residential subdivision supports property owner rights and affordable and rural development objectives of Elmore County as well as the Suburban Mountain Home 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.

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 proposed use complies with the following purpose statement of the Ag zone pursuant to Section 7-2-5 (A):

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 proposed use is surrounded by 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.

The proposed subdivision is located in City of Mountain Home Area of Impact in Elmore County and is designated as Urban Development on the City of Mountain Home's Future Land Use Map. The City of Mountain Home has participated in the development review process of the proposed use. The City of Mountain Home has stated that the Site is not within the 600' of the current location of the wastewater treatment plant pond parcels, but it adjoins a City owned parcel (RP04S06E028550) that will be utilized for the future treatment plant. The City has requested that a note be placed on the Plat for disclosure of the property's proximity and potential effects this facility may have on the property. (EXHIBIT I)

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

Staff Response: The proposed is reviewed per standards established in Zoning Ord. §§ 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 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
- City of Mountain Home
- Mountain Home Highway District
- Elmore County Engineer
- Elmore County Emergency Medical Services

- Mountain Home Rural Fire 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.

- Idaho Transportation Department
- Central District Health
- Idaho Department of Water Resources No Comment
- Idaho Department of Environmental Quality No Comment
- Idaho Fish and Game No Comment
- Idaho State Historic Preservation Office No Comment

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 agriculture lots. Surrounding the Site are primarily agriculture/residential lots that have varying sizes ranging from 5-40 acres. Therefore, this area is surrounded by low-density housing projects 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 dry grazing land with single dwelling neighbors. 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 – Highway 51 Road is maintained by the Idaho Transportation Department (ITD). The Applicant will be required to build a public road entering and exiting the subdivision. The road will be managed by Mountain Home Highway District unless determined otherwise between the Applicant and MHHD.

Fire Protection – The Applicant's property is in Mountain Home Rural Fire District. (MHRFD)

Drainage Structures – Will need to have drainage on each side of the road in the subdivision and culverts for access into lots when dwellings being built.

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

Water/Sewer –The proposed lots 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 requirements. Therefore, the Application, and the proposed use, appears to be adequately served by available and future 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 will be funded by the Applicant.

Agencies that could potentially be impacted by this Application have been notified; at this time Idaho Transportation Department has 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. Therefore, the proposed use will 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 generally does not create excessive production of traffic, noise, smoke, fumes, glare, or odors after homes would be built in the proposed subdivision. There may be some production of traffic, noise, smoke, fumes, glare, or odors during construction phase but that will not be continuous.

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 expressed in the application. 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 use, along with proposed conditions, complies with the requirements of the Elmore County Zoning Ordinance. Based on the evidence presented by staff's analysis above, staff recommends approval of CUP-2025-14 for a residential subdivision in Agriculture zone with the following conditions of approval.

PROPOSED CONDITIONS OF APPROVAL

1. A Conditional Use Permit (CUP-2025-14) shall be granted to the Applicant, Edgar Hernandez, to subdivide 39.1- acres of Agriculture (Ag) land in order to develop seven (7) single-family dwellings on six (6) five (5) acre lots and one (1) lot of 9.13-acres on parcel RP04S06E026110.
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. The use shall comply with all requirements of Title 7 Chapter 2 ("Zoning") and Chapter 9 ("Conditional Use Permit") of the Elmore County Zoning and Development Ordinance 2018-03.
4. The CUP approval shall be contingent upon Applicant obtaining all certificates, permits, and other approvals required by federal, state, or local authorities.

5. Prior to any site improvements, the Applicant shall obtain applicable permits for structure and/or other improvements from the Land Use and Building Department and the County Engineer.
6. 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 suppression in the subdivision.
7. The Applicant shall hire a licensed engineer to prepare a Drainage Plan necessary for the preliminary plat application. This plan shall at least include a discussion on details of existing and proposed site drainage and irrigation features, types of soils, existing and proposed grading, location of wells and septic, driveway improvements, etc. The drainage plan and study shall comply with requirements of Title 10 Chapter 1 and shall ensure that Drainage must be retained on site for the road as well as buildable lots.
8. The Applicant will need to apply for a subdivision application, pay fees, provide test hole data, and submit engineering report required by Central District Health and determine well and septic location of prior to applying for a preliminary plat.
9. The Applicant shall submit the proposed Covenant, Conditions, and Restrictions (CC&Rs) with a preliminary plat application.
10. A note shall be placed on the Preliminary Plat for disclosure that "the property is located next to the Wastewater Treatment Plant for the City of Mountain Home and "may have odor, traffic, and other potential effects on the residents".
11. The Applicant shall design, receive approval for, and build an approach permit from Highway 51 for the subdivision prior to applying for the Final Plat:
 - a. The Applicant shall apply for an approach permit with the Idaho Transportation Department "(ITD)" and receive its approval prior to applying for a Final Plat.
 - i. The approach shall be at least 500' from any existing accesses.
 - b. The Applicant shall record an easement/shared access agreement to use this single approach by all 7 parcels prior to applying for a Final Plat.
12. The approach permit and internal circulation roads within the subdivision must be improved prior to final plat signature and in compliance with Title 10 Chapter 5 and Mountain Home Highway District Standards. The roads must be designed by an Idaho Licensed Engineer, be paved, and all drainage improvements completed.
13. The Applicant must bond for any improvements not complete before final plat.

14. The Applicant shall obtain any applicable permits for any structures and/or other projects on the Site prior to making any improvements.
15. The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.
16. The Applicant shall ensure that all property taxes are kept current.
17. Failure to comply with any of the above conditions of approval may result in the revocation CUP-2025-14.