



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 1259
www.elmorecounty.org

Staff Report to the Planning and Zoning Commission

Vacant
Director

Andrew Meek
Planner

Dave Abrahamson
Planner

Johnny Hernandez
Building Official

Colton Janousek
Building Inspector

James Roddin
*Admin
Manager/Interim
Director*

Sandra Nuner
Permit Technician

Alyssa Nieto
Admin Assistant

Hearing Date: 07/17/2025

Date Report Compiled: 07/10/2025

Agenda Item: OTD-2025-02 Appeal of Elmore County Land Use and Building Department Administrative Decision

Appellant: Eric Howard for Wes Wootan

Case Number: OTD 2025-02

Staff: Rafael Sanchez, Contract Planner

Location: Section 22, Township 5 South, Range 10E, B.M., Idaho

Zoning: Agriculture (AG)

Parcel Number/Property: RP05S10E272540

BACKGROUND

OTD 2025-02 comes before the Planning and Zoning Commission ("Commission") as an Appeal of the Elmore County Land Use and Building Department ("Department") Administrative Decision for OTD 2025-02 ("Appeal"), for the denial of a One Time Division of Property (OTD) of property located on Parcel Number RP05S10E272540 (the "Site"). Location of the Site can be seen on the vicinity map included as Exhibit 1.

An application for a One Time Division was submitted to the Department on April 14, 2025 by Eric Howard ("Appellant"). Along with the signed application, the Appellant submitted an accompanying map of the one-time division (Exhibit 2). Elmore County Staff reviewed the application pursuant to the procedures outlined in Title 10, Chapter 3 of the Elmore County Zoning and Development Ordinance ("Ordinance").

As per Section 10-3-6 of the Ordinance, in order for an OTD application to be approved, the Director must find that the division complies with the following standards:

1. The one-time division created no more than two (2) parcels; and
2. The one-time division created larger than one (1) acre parcels; and
3. The parcel or lot being divided was created prior to January 20, 1994, or a parcel of land that was of record in the Elmore County recorder's office after January 20, 1994, and the boundaries of the parcel being divided have not changed except as specified in this Ordinance; and
4. That if the property was reduced by governmental action that the property was following the minimum property size requirement of the applicable zoning district and Ordinance

- prior to the decrease in property size; and the decrease in property size was caused by acquisition through prescription, purchase, or other means as provided in Section 10-3-5 (A); and
5. The subject property requesting a one-time division is not a platted lot within a subdivision.

Additionally, as per Section 10-3-4 of the Ordinance, “the proposed division shall result in two (2) parcels and must comply with the design and dimensional standards of this Ordinance, except when the parcel of record has been diminished by governmental action”.

After reviewing the application, it was determined that the submitted application failed to meet the requirements for approval as prescribed in Sections 10-3-4 and 10-3-6, see analysis below, as such the application and request for an OTD was denied. On June 27, 2025, the denial for OTD 2025-02 was sent to the Appellant (Exhibit 3).

Analysis and Basis for Denial

Pursuant to Section 10-4-5 of the Ordinance, the application was denied by the Director for failing to meet the following standards:

1. The subject parcel was created on November 11, 1995, as per Elmore County’s Assessor’s Office. Pursuant to Section 10-3-6.3, a parcel is eligible for division only if it meets one of the following two conditions:
 - The parcel or lot was created prior to January 20, 1994, or
 - The parcel was of record in the Elmore County Recorder’s Office after January 20, 1994, and its boundaries have not changed, except as specified within the ordinance.

While it appears the parcel was of record after January 20, 1994, it does not qualify under the second criterion unless it can be demonstrated that its boundaries have remained unchanged since that time except as permitted under the ordinance. The November 5, 1995 date as provided by the Assessor’s Office indicates that the subject parcel has been altered since January 20, 1994 and as such Finding #3 in Section 10-3-6 cannot be made.

2. The proposed One Time Division would not adhere to the dimensional standards of the zoning classification set forth by the Ordinance. The One Time Division of Property Application is requesting to split the existing 41.26 acres into two parcels sized 27.05 acres and 14.21 acres. The subject property is zoned General Agriculture and must have a base residential density of 40 acres per Table 7-2-6; the proposed OTD does not comply with this dimensional standard.

APPEAL

Following the Administrative Decision by the Department denying the One Time Division of Property, the Appellant appealed the Administrative Decision to the Commission. Pursuant to the Ordinance Section 7-3-7, the Appellant submitted an application and written appeal notice to the Department on June 27, 2025 (Exhibit 4). In the written appeal notice, the Appellant challenges the decision and provides the following arguments against the basis for denial; response from the Department is included below for Appellant’s arguments.

1. Appellant’s argument against Finding #1: Elmore County has stepped outside the Farm Development Requirements of Title, 10 Chapter 2, and utilized Elmore County Code 10-3-2 to utilize January 20, 1994 for the basis of denial. 10-2-2 (B)4, clearly states, *Parcels approved*

prior to the effective date of this Ordinance subject to one acre lot regulations or one acre parcel regulations shall be considered farm development right.

- Staff Response: The Appellant argues that Section 10-3-2 was incorrectly applied, however, the application received for this request was marked for a One Time Split (see exhibit 2) and as such the application was reviewed under the standards prescribed in Section 10-3-2 of the Ordinance. Furthermore, if this application would be reviewed in accordance with Title 10, Chapter 2, for a Farm Development Right, it would fail to meet the minimum standards prescribed by the Ordinance. Section 10-2-4.A.1 requires that the “The farm development right parcel is between one (1) acre and five (5) acres in size and meets the other required dimensional standards established by this Ordinance.” Under the proposed application the resulting parcels are sized at 27.05 acres and 14.21 acres, well above the 5 acre size maximum as prescribed in Section 10-2-4.
2. Appellant’s argument against Finding #2: Elmore County has stepped outside the Farm Development Requirements of Title 10, Chapter 2, to apply acreage standards of minimum of 40 acres. Section 10-2-4(A) of the Ordinance states, “The farm development right parcel is between one (1) acre and five (5) acres in size and meets the other required dimensional standards established by this Ordinance”.
- Staff Response: Similar to the finding above, the Appellant is arguing that Title 10, Chapter 3 was incorrectly applied in the review of the application. However, the application was reviewed as a One Time Division as this was the process marked on the submitted application because the application did not qualify for a Farm Development Right. Should the application have been reviewed under the Farm Development Right standards, the proposed acreage of the resulting parcels is much greater than the one (1) to five (5) acres allowed under the provisions of the Farm Development Right requirements and must be denied.

The Department reviewed the Application and has set the matter for hearing before the Planning Commission on July 17, 2025. Property owners within a three hundred-foot (300') radius from the parcel were notified on July 9, 2025, per the Ordinance §7-3-4. The notice of public hearing was published in the Mountain Home News on July 2, 2025, as required by the Ordinance §7-3-5(A). The notice of public hearing was posted on the property of the Appellant on July 10, 2025, per the Ordinance §7-3-5(B).

Exhibits of Record:

1. Vicinity Map
2. One Time Division Application
3. OTD Denial Letter
4. Appeal Application

STAFF RECOMMENDATION

Department staff have determined that the proposed One Time Division is not in compliance with Title 10, Chapter 3 of the Elmore County Zoning and Development Ordinance. Based on the evidence presented at this public hearing and Department staff's analysis above, Department staff recommends **denial** of the Appeal of Elmore County Land Use and Building Department Administrative Decision for OTD 2025-02.

Exhibit 1: Vicinity Map

RP05S10E272540: WOOTAN, WESLEY
R



Exhibit 2: OTD Application



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT
 520 E 2nd South – Mountain Home, ID 83647 – (208) 587-2142
www.elmorecounty.org

ONE TIME SPLIT OR FARM DEVELOPMENT RIGHT APPLICATION
 FEE \$300.00

This application must comply with Chapter 10 or Chapter 15 of the Elmore County Zoning and Development Ordinance.

Checklist of required items with submittal of this application.

- Copy of deed Draft of proposed record of survey or conceptual site plan
 Existing Legal Description Proposed legal descriptions of new lots

- Property Owner's Name: Wesley Worton
- Mailing Address of Property owner: 2611 W. State St. Eagle ID. 83666
- Phone Number: 208-599-3131
- Email Address: _____
- Site Address: E. Little Basin Rd.
- Applicant's or Representative's Name, address, and telephone number: J.J Howard
5983 W. State # D Boise ID 83703 208-846-8939
- Applicant's or Representative's e-mail address: J.J Howard
Foley m @ j j howard eng . com
- Parcel #: RPOSSIDE 272540 Current Zoning: AG
- Original Acreage of parcel: 41.26 Acreage of New lots: Lot A: 27.05 Lot B: 14.21
- Structures existing on property: Lot A: NO Lot B: NO
- Proposed Structures: Lot A: Farm land Lot B: Farm land
- Is the site within any of the following:
 Mountain Home Area of City Impact Glens Ferry Area of City Impact
 Community Development Overlay (CDO) Airport Hazard Zone
 Area of Critical Concern (ACC)
- Property In Floodplain? Yes No Flood Insurance Rate Map # _____
- How is the property eligible for a One Time Split? Farm Development Act/over
40 acres.
- Has the property been split before? NO

The owner and/or applicant affirms: (1) This application is completed in its entirety to include all required information and the information contained herein is true and correct as of the date it is received in the Land Use & Building Department (2) If the site is within the Pine Featherville area there will be no construction waste dumping at the County waste transfer facility (3) If there is a hillside involved in development (10% or greater grade to building envelope) there can be little to no gouging of hillside without plans submitted by a licensed engineer. (4) The property owner is responsible for obtaining any other required permit applicable to this project.

 Property Owner's Signature (Required) Date Applicant's Signature (Required) Date

<u>Agency Comments & Signatures</u>		
Notes for agency signatures.		
1. It is recommended that applicants set up appointments with the following agencies once the application is complete with all required information.		
2. Agency signature does not guarantee any future approvals.		
3. Agencies may attach additional sheets of paper for comment and/or conditions if necessary.		
4. Agencies may have additional comments and/or conditions at a later time.		
•	Central District Health (or other Sewer District) Sewer Permit (580-6003)	Date
	Comment: _____	
	<i>GFHA Jimi Reed</i>	<i>4-14-25</i>
•	Roadway Jurisdiction(MHFD 587-3211) (GFHD 366-7744) (AHD 864-2115)	Date
	Comment: _____	
•	Fire District (MHRFD 587-2117)(Oasis 796-2115)(GFFD 366-2689) (BGRFD 834-2511) (AFD 864-2182)	Date
	Comments: _____	
•	Assessor's Office (Verify Legal Description) (ext. 247)	Date
	Comments: _____	
•	Treasurer's Office (Verify Tax Status) (ext. 501)	Date
	Comments: _____	

<u>For Administrative Use Only</u>	
File Number:	OTD- _____
Fee:	\$300 _____ Date Paid: _____
Receipt Number:	_____
Date Accepted:	_____ By: _____
Referral Needed:	Y / N. If yes, what? _____
Tentative Approval Date:	_____ Final Approval/Denial Date: _____
Final Approval/Denial Signature:	_____



Elmore County Transmittal
Division of Community and Environmental Health

RETURN TO:

- Elmore Co. Land Use & Building Dept.
- Mtn. Home
- Glens Ferry

Rezone # _____ E-MAILED APR 14 2025

Conditional Use # _____

Preliminary / Final / Short Plat _____

Wesley Wootan ONE Time Split

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water waste flow characteristics
 - bedrock from original grade other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
 - central sewage community sewage system community water well
 - interim sewage central water
 - individual sewage individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage community sewage system community water
 - sewage dry lines central water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. We will require plans be submitted for a plan review for any:
 - food establishment swimming pools or spas child care center
 - beverage establishment grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.

14. CDH has no objection to the one time split.

Reviewed By: Breanna Copel
Date: 4/14/25

The owner and/or applicant affirms: (1) This application is completed in its entirety to include all required information and the information contained herein is true and correct as of the date it is received in the Land Use & Building Department (2) If the site is within the Pine Featherville area there will be no construction waste dumping at the County waste transfer facility (3) If there is a hillside involved in development (10% or greater grade to building envelope) there can be little to no gouging of hillside without plans submitted by a licensed engineer. (4) The property owner is responsible for obtaining any other required permit applicable to this project.

Property Owner's Signature (Required) _____ Date _____ Applicant's Signature (Required) _____ Date _____

Agency Comments & Signatures		
Notes for agency signatures.		
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2. Agency signature does not guarantee any future approvals.		
3. Agencies may attach additional sheets of paper for comment and/or conditions if necessary.		
4. Agencies may have additional comments and/or conditions at a later time.		
•	<u>Bruce W. Cooper</u> Central District Health (or other Sewer District) Sewer Permit (580-8003)	4/14/25 Date
	Comment: <u>CDH has no objection to the one time split.</u>	
•	Roadway Jurisdiction (MHHD 587-3211) (GFHD 368-7744) (AHD 864-2115)	Date
	Comment: _____	
•	Fire District (MHRFD 587-2117) (Oasis 796-2115) (GFFD 366-2689) (BGRFD 834-2511) (AFD 864-2182)	Date
	Comments: _____	
•	Assessor's Office (Verify Legal Description) (ext. 247)	Date
	Comments: _____	
•	Treasurer's Office (Verify Tax Status) (ext. 501)	Date
	Comments: _____	

For Administrative Use Only	
File Number:	OTD- _____
Fee:	\$300 _____ Date Paid: _____
Receipt Number:	_____
Date Accepted:	_____ By: _____
Referral Needed:	Y / N. If yes, what? _____
Tentative Approval Date:	_____ Final Approval/Denial Date: _____
Final Approval/Denial Signature:	_____

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 Property Owner's Signature (Required) Date

Michelle Foley 4/14/25
 Applicant's Signature (Required) Date

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	Comments: _____	

For Administrative Use Only	
File Number:	OTD- _____
Fee:	\$300 _____ Date Paid: _____
Receipt Number:	_____
Date Accepted:	_____ By: _____
Referral Needed:	Y / N. If yes, what? _____
Tentative Approval Date:	_____ Final Approval/Denial Date: _____
Final Approval/Denial Signature:	_____

EXHIBIT A

Legal description

Lots 8 and 9 Sec22 T5S R10E

Save and except:

A tract of land lying in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho; and being more particularly described as follows: Commencing at the Northwest corner of Section 27; thence N 88°40'27" E 2,678.81 feet along the north line of Section 27 to a point marking the Northeast corner of the NW $\frac{1}{4}$ of Section 27, said point being the REAL POINT OF BEGINNING; thence S 88°40'27" W 312 feet to a point on the Section line common to Sections 22 and 27, T5S R10E, B.M.; thence N 02°01'17" W 30.70 feet; thence N 82°50'32" E 315.50 feet to a point; thence S 0°48'23" E 62.38 feet to the REAL POINT OF BEGINNING. Containing 0.3361 acres. Rewritten from original warranty deed.

and

A parcel of land located in U.S. Government Lot 8, Section 22, Township 5 South, Range 10 East, Boise Meridian and more particularly described as follows:

Beginning at a brasscap marking the Southwest corner of said U.S. Government Lot 8; thence
N 1°00'00" East a distance of 664.87 feet along the Westerly boundary of said U.S. Government Lot 8 to an iron pin. Said iron pin being the True Point of Beginning; thence continuing
N 1°00'00" East a distance of 664.88 feet along the Westerly boundary of said U.S. Government Lot 8 to an iron pin marking the Northwest corner of said U.S. Government Lot 8; thence
N 89°00'43" East a distance of 1205.70 feet along the Northerly boundary of said U.S. Government Lot 8 to an iron pin marking the intersection of the said Northerly boundary of said U.S. Government Lot 8 and the Westerly meander of the Snake River; thence
S 5°32'53" East a distance of 64.44 feet along the Westerly meander of the Snake River to an iron pin; thence
S 33°33'15" East a distance of 222.53 feet along the Westerly meander of the Snake River to an iron pin marking the intersection of the Westerly meander of the Snake River and the Easterly boundary of said U.S. Government Lot 8; thence
S 1°00'00" West a distance of 412.99 feet along the Easterly boundary of said U.S. Government Lot 8 to an iron pin; thence
S 89°00'43" West a distance of 1339.40 feet to the True Point of Beginning.

EXHIBIT B

Legal description

PT N2NW4 N of I-80 Sec 27 T5S R10E

Save and except

TAX #1 Sec. 27 5 South 10 East

Beginning at the 16th corner 1/4 mile east of Section corner to Sections 21-22-27-28 of Township 5 south of Range 10 East, B.M.; on Section line between Sections 22 and 27, South 937 feet to the Northwest corner of plat of ground, thence North 59 degrees 54 minutes East 226 feet to the Northeast corner, thence South 41 degrees 34 minutes East 200 feet to the Southeast corner, thence 59 degrees 54 minutes West 226 feet to the Southwest corner, thence 41 degrees 34 minutes West 200 feet to the Northwest corner, place of beginning. Containing one acre, more or less. Bk. 37 pg. 57 QC Deeds

Book 2 Page 72

and

A tract of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 5 South, Range 10 East, B.M., Elmore County, Idaho; and being more particularly described as follows: Commencing at the Northwest corner of said Section 27; thence N 88°40'27" E 2,678.81 feet along the north line of said Section 27 to a point marking the Northeast corner of said NW $\frac{1}{4}$ of Section 27, said point being the REAL POINT OF BEGINNING; thence S 0°07'16" W 354.28 feet along the east line of said NW $\frac{1}{4}$ of Section 27 to a point of curve on the north right-of-way line of the Interstate Frontage Rd.; thence along said right-of-way line along a curve to the left 446.22 feet, said curve having a delta of 8°46'17", a radius of 2,914.79 feet and a long chord of 445.79 feet which bears S 57°25'06" West to a point of tangent; thence continuing along said right-of-way line S 53°04'07" W 668.24 feet; thence leaving said right-of-way line N 40°52'37" W 222.03 feet; thence N 2°08'52" West 69.76 feet; thence N 31°35'28" E 383.08 feet; thence N 71°32'01" East 583.44 feet; thence N 2°01'17" W 239.68 feet to a point on the Section line common to Sections 22 and 27, T5S R10E, B.M.; thence N 88°40'27" E 312 feet to the REAL POINT OF BEGINNING. Containing 9.8722 acres. Rewritten from original deed.

EXHIBIT B Continued

Legal description

PT N2NW4 N of I-80 Sec 27 T5S R10E

Save and except

A parcel of land being a portion of the NW1/4 of Section 27, T5S, R10E, B.M. Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the corner common to Sections 21, 22, 27 and 28, T5S, R10E, B.M., Elmore County, Idaho; thence
N.88°40'27"E. 1339.40 feet along the line common to said Sections 22 and 27 to the North 1/16 Corner common to said Sections; thence
S. 0°03'25" E. 937.00 feet to an iron pin, said point being the REAL POINT OF BEGINNING; thence,
S. 41°37'25" E. 200.00 feet to an iron pin; thence
N. 59°50'35" E. 226.00 feet to an iron pin; thence
S. 41°37'25" E. 52.10 feet; to a point of beginning of curve; thence along a curve to the right 133.88 feet, said curve having a delta of 14°40'06", a radius of 522.96 feet and a long chord of 133.52 feet which bears S. 63°07'41"W. to a Brass Cap marking a point of tangent; thence
S. 70°27'44" W. 145.10 feet to a point of curve; thence along a curve to the right 294.13 feet, said curve having a delta of 32°13'30", a radius of 522.96 feet and a long chord of 290.37 feet which bears
S. 86°49'50" W to a Brass Cap marking a point of tangent; thence
N. 77°03'25" W. 83.78 feet; thence
N. 35°18'28" E. 237.16 feet to an iron pin; thence
N. 23°00'58" E. 214.23 feet to an iron pin; thence
S. 75°57'51" E. 230.59 feet to an iron pin; thence
S. 20°53'42" E. 43.01 feet to an iron pin;
S. 59°50'35" W. 226.00 feet to the REAL POINT OF BEGINNING.

SUBJECT TO:

Any rights of way or easements of record or in use.

PROPERTY DESCRIPTION
FOR
WESLEY WOOTAN

PARCEL A

A parcel of land lying in the NW 1/4 of Section 27, Township 5 South, Range 10 East, Boise Meridian, Ada County, Idaho, said parcel being more particularly described as follows:

Commencing at a Brass Cap marking the W 1/4 corner of said Section 27; thence along the West line of Section 27, N.0°01'52"E. a distance of 2390.39 feet to a 5/8-inch iron pin, said iron pin being the POINT OF BEGINNING;

Thence continuing along the West line of said Section 27, N.0°01'52"E. a distance of 220.00 feet to a Brass Cap marking the NW corner of said Section 27;

Thence along the North line of said Section 27, N.88°56'23"E. a distance of 2365.74 feet to a 5/8-inch iron pin;

Thence, S.1°47'37"E. a distance of 270.30 feet to a 1/2-inch iron pin;

Thence, S.71°48'18"W. a distance of 583.44 feet to a 1/2-inch iron pin;

Thence, S.31°51'48"W. a distance of 383.04 feet to a 1/2-inch iron pin;

Thence, S.1°41'23"E. a distance of 69.59 feet to a 1/2-inch iron pin;

Thence, S.40°36'06"E. a distance of 222.03 feet to a 5/8-inch iron pin lying on the northerly right-of-way of E. Little Basin Road;

Thence, S.53°22'08"W. a distance of 53.19 feet to a point of curvature to the right;

Thence along said curve to the right, a distance of 26.74 feet, said curve having a delta of 2°55'48", a radius of 522.96 feet, and a long chord of 26.74 feet that bears S.54°37'00"W. to a 1/2-inch iron pin marking the ending of said curve;

Thence leaving said northerly right-of-way of E. Little Basin Road, N.41°21'27"W. a distance of 252.34 feet to a 1/2-inch iron pin ;

Thence, N.20°48'51"W. a distance of 42.93 feet to a 1/2-inch iron pin;

Thence, N.75°42'23"W. a distance of 230.59 feet to a 1/2-inch iron pin;

Thence, N.75°42'23"W. a distance of 436.54 feet to a 5/8-inch iron pin;

Thence, N.56°13'22"W. a distance of 362.60 feet to a 5/8-inch iron pin;

Thence, N.73°03'56"W. a distance of 594.47 feet to a 5/8-inch iron pin, said iron pin being the POINT OF BEGINNING;

Said parcel contains 27.05 acres, more or less, and is subject to all existing easements and right-of-ways of record or implied.

PROPERTY DESCRIPTION
FOR
WESLEY WOOTAN

PARCEL B

A parcel of land lying in the NW 1/4 of Section 27, Township 5 South, Range 10 East, Boise Meridian, Ada County, Idaho, said parcel being more particularly described as follows:

Commencing at a Brass Cap marking the W 1/4 corner of said Section 27; thence along the West line of Section 27, N.0°01'52"E. a distance of 1864.43 feet to a 5/8-inch iron pin, said iron pin being the POINT OF BEGINNING;

Thence continuing along the West line of said Section 22, N.0°01'52"E. a distance of 525.96 feet to a 5/8-inch iron pin;

Thence, S.73°03'56"E. a distance of 594.47 feet to a 5/8-inch iron pin;

Thence, S.56°13'22"E. a distance of 362.60 feet to a 5/8-inch iron pin;

Thence, S.75°42'23"E. a distance of 436.54 feet to a 1/2-inch iron pin;

Thence, S.23°16'54"W. a distance of 214.23 feet to a 1/2-inch iron pin;

Thence, S.35°34'24"W. a distance of 237.15 feet to a 1/2-inch iron pin lying on the northerly right-of-way of E. Little Basin Road;

Thence, N.76°47'05"W. a distance of 491.43 feet to a Brass Cap right-of-way monument;

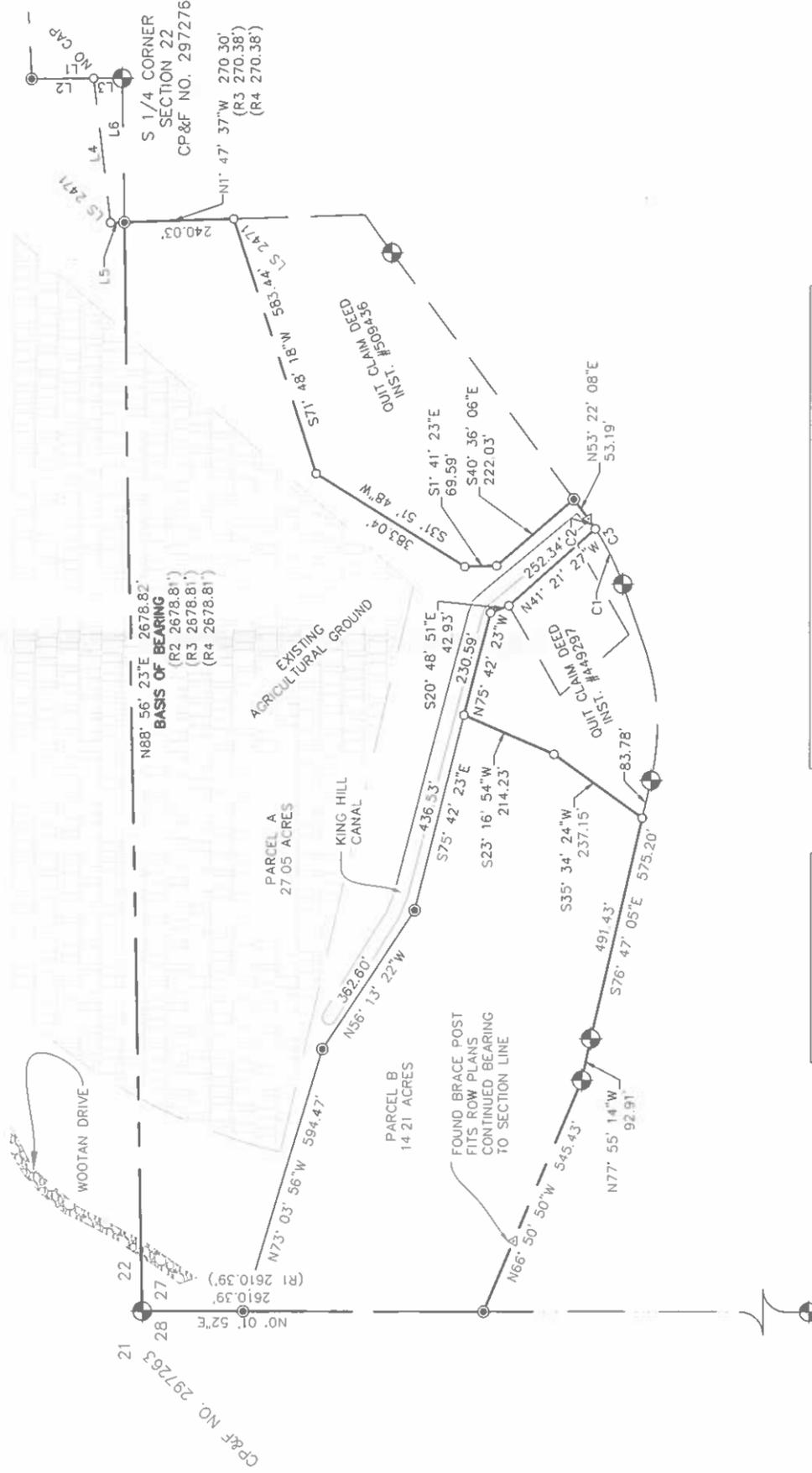
Thence, N.77°55'14"W. a distance of 92.91 feet to a Brass Cap right-of-way monument;

Thence, N.66°50'50"W. a distance of 545.43 feet to a 5/8-inch iron pin, said iron pin being the POINT OF BEGINNING;

Said parcel contains 14.21 acres, more or less, and is subject to all existing easements and right-of-ways of record or implied.

PRELIMINARY

RECORD OF SURVEY NO. _____



W 1/4 CORNER
SECTION 27
CP&F NO. 272610

Line	Length	Direction
L1	198.42'	N0° 29' 56" W
L2	135.94'	N0° 29' 56" W
L3	62.48'	N0° 29' 56" W
L4	315.73'	S83° 05' 10" W
L5	30.28'	N1° 47' 37" W
L6	313.09'	N88° 56' 23" E

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C3	161.25	522.96	17.67	N61° 59' 06" E	160.62
C1	134.51	522.96	14.74	N63° 27' 00" E	134.14
C2	26.74	522.96	2.93	N54° 37' 00" E	26.74

LEGEND

- BOUNDARY LINE
- SECTION LINE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND 5/8" IRON PIN
- SET 5/8" X 24" IRON PIN W/ CAP
- FOUND 1/2" IRON PIN
- △ CALCULATED POINT--NOT SET

CERTIFICATE OF SURVEYOR
THIS IS TO CERTIFY THAT I, ERIC J. HOWARD, BEING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS A REASONABLY ACCURATE REPRESENTATION OF A SURVEY AS MADE BY ME OR UNDER MY SUPERVISION, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FLING ACT - IDAHO CODE 55-1601 THROUGH 55-1613.

NARRATIVE

AT THE REQUEST OF THE WOOTAN'S A PROPERTY SPLIT WAS PERFORMED BASED ON QUITCLAIM DEED #####. SAID DEED REFERENCED MONUMENTS AND THE WOOTAN'S THE NORTHERLY RIGHT-OF-WAY OF THE FRONTAGE ROAD WAS ESTABLISHED FROM FOUND MONUMENTS.

REFERENCES

- REFERENCE IS MADE TO THE FOLLOWING:
QUITCLAIM DEED 481668
(R1) RECORD OF SURVEY INSTRUMENT NO. 509921
(R2) RECORD OF SURVEY INSTRUMENT NO. 282910
(R3) RECORD OF SURVEY INSTRUMENT NO. 228461
(R4) RECORD OF SURVEY INSTRUMENT NO. 345953
(R5) RECORD OF SURVEY INSTRUMENT NO. 206955
(R6) RECORD OF SURVEY INSTRUMENT NO. 318372
(R7) RECORD OF SURVEY INSTRUMENT NO. 362657
(R8) ITD ROW PLANS I-IG-80N-2(18)91 SHEET 61

RECORD OF SURVEY--PROPERTY SPLIT
FOR
WESLEY WOOTAN

A PARCEL OF LAND LYING IN PORTIONS OF NW1/4 OF SECTION 27, T.5S., R.10E., B.M., ELMORE COUNTY, IDAHO.



J.J. HOWARD
MAPPING & SURVEYING
5983 W. State St., Ste. D / Boise, ID 83703
PHONE: (208) 846-8937 FAX: (208) 846-8922

DATE:	3/20/2025	DESIGN BY:	EJH	DRAWN BY:	EJA	INDEX NO.	5102-27-4-0
SCALE:	1"=200'	SHEET:	OF				
			1				1

Exhibit 3: OTD Denial Letter



Elmore County Land Use and Building Department

520 East 2nd South Street, Mountain Home, Id. 83647

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

www.elmorecounty.org

Vacant
Director

Johnny Hernandez,
Building Official/
Interim Director

James Roddin,
Admin Manager/
Interim Director

David Abrahamson,
Planner I

Andrew Meek,
Planner II

Colton Janousek,
Building
Inspector

Joshua Proffit
Building
Inspector

Matt Gochnour
Code
Enforcement

Sandra Nuner,
Permit
Technician

Alyssa Nieto,
Admin Assistant

Administrative Decision for a One Time Division of Property

Date Decision Completed: June 26, 2025

Applicant(s): Eric Howard for Wes and Christy Wootan
5983 W State St, Suite D
Boise, ID 83703

Staff: Rafael Sanchez, Contract Planner

Project Number: OTD-2025-02

Zoning: Agriculture

Parcel #: RP05S10E272450

BACKGROUND

An application for a One Time Division of Property was submitted to the Elmore County Land Use and Building Department ("Department") on April 14th, 2025. The Department has the authority to make an administrative decision and set conditions for a One Time Division of Property mapping procedure pursuant to the procedures outlined in Title 10 Chapter 3 of the Elmore County Zoning and Development Ordinance (the "Ordinance"). Any decision made by the Department can be appealed to the Elmore County Planning and Zoning Commission.

FINDINGS

As per Section 10-3-6 of the Ordinance, in order to grant a one-time division, the Director shall make the following findings:

1. The one-time division created no more than two (2) parcels; and
2. The one-time division created larger than one (1) acre parcels; and
3. The parcel or lot being divided was created prior to January 20, 1994, or a parcel of land that was of record in the Elmore County recorder's office after January 20, 1994, and the boundaries of the parcel being divided have not changed except as specified in this Ordinance; and
4. That if the property was reduced by governmental action that the property was following the minimum property size requirement of the applicable zoning district and Ordinance prior to the decrease in property size; and the decrease in property size was caused by acquisition through prescription, purchase, or other means as provided in Section 10-3-5 (A); and
5. The subject property requesting a one-time division is not a platted lot within a subdivision.

Additionally, as per Section 10-3-4 of the Ordinance, “the proposed division shall result in two (2) parcels and must comply with the design and dimensional standards of this Ordinance, except when the parcel of record has been diminished by governmental action”.

Administrative Decision:

OTD-2025-02 does not meet the required findings for a One Time Division per the Ordinance and therefore, is **DENIED** for the following reasons:

1. According to assessor’s records, RP05S10E272540 has been altered since January 20, 1994 (parcel of record date), and therefore, Finding #3 above cannot be made and the application does not qualify for a One Time Division.
2. The proposed One Time Division would not adhere to the dimensional standards of the zoning classification set forth by the Ordinance.
 - The One Time Division of Property Application is requesting to split the existing 41.26 acres into two parcels sized 27.05 acres and 14.21 acres. The subject property is zoned General Agriculture and must have a base residential density of 40 acres per Table 7-2-6; the proposed OTD does not comply with this dimensional standard.

Should you choose to appeal this decision, you have 14 days following this denial. Please reach out to the Department and provide the following justification for the Appeal.

Section 7-3-7: Appeals to Commission on Decisions of the Director:

A. Appeal to Commission: Any aggrieved person having an interest in real property which may be adversely affected by a decision of the Director made in interpreting or enforcing this Ordinance, may appeal such a decision to the Commission by filing a written notice of appeal. A written notice shall be made by submitting the appropriate fee and application to the Director within fourteen (14) days of the date of such decision. Appeals shall be based on one of the following:

1. The decision was in violation of constitutional or statutory provisions; or
2. In excess of the statutory authority of the agency; or
3. Made upon unlawful procedure; or
4. Not supported by substantial evidence on the record as a whole; or
5. Arbitrary, capricious, or an abuse of discretion.

Thank you,



Rafael Sanchez, Contract Planner

Attachment A: One Time Division of Property Application

CC: James Rodin, Elmore County Interim Director
Johnny Hernandez, Elmore County Interim Director
Angie Michaels, Elmore County Engineer
Abigail R. Germaine, Elmore County Counsel

Exhibit 4: Appeal Application



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT
520 E 2nd South, Mountain Home, ID 83647 – (208) 587-2142 ext. 502
www.elmorecounty.org
Appeal of Elmore County Land Use & Building Department Administrative
Decision
FEE \$250

Please attach additional sheets of paper if necessary. **It is the applicant's responsibility to ensure the appeal complies with Elmore County Zoning and Development Ordinance Title 7 Chapter 3 Section 7-3-7. Do not fax! Please complete in INK.**

Name: J.J. Howard
Address: 5983 W. State #D Boise ID 83703
Email / Phone: Erich@jjhowardeng.com 208-846-8937
Subject of Appeal & Case #: Uses Wastan - OTD - 2025 - 02

Basis for objection: See Attached

Signature: *Eric Howard* Date: 6-27-25

<u>For Administrative Use Only</u>	
File Number:	_____
Fee: \$250	Date Paid: _____
Receipt Number:	_____
Date Accepted:	By: _____

June 27, 2025

**Elmore County Land Use and Building Department
520 E 2nd South Steet
Mountain Home, Idaho 83647**

**Regarding Project Number OTD-2025-02
Wes and Christine Wootan**

We are appealing against the administrative decision project number OTD-2025-02 as it is an abuse of discretion of the director or its staff.

1. Finding #1- Elmore County has stepped outside the Farm Development Ordinance 10-2 and utilized Elmore County Code 10-3-2 to utilize January 20, 1994 for the basis of denial. 10-2-2 (B) 4, clearly states, *Parcels approved prior to the effective date of this Ordinance subject to one acre lot regulations or one acre parcel regulations shall be considered farm development right.*
 - a. *Original Ordinance Date is May 18, 2018*
 - b. *Amended February 17, 2023*
2. Finding #2 - Elmore County has stepped outside the Farm Development Ordinance 10-2 to apply acreage standards of a minimum of 40 Acres. 10-2-4 (A) says, *The farm development right parcel is between one and five acres in size and meets the other dimensional standards established by this ordinance.*
 - Said parcel has access to Little Basin Road

The intent of this farm development application is to separate dry grazing from irrigated fields and allow family members to build and assist with the family farming activities. In summary this application complies with the Chapter 2- Farm Development Right and also conforms to the 2014 Comprehensive.

- Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals which cause an unreasonable increase in housing cost.
- Property owners must recognize they are only temporary stewards of the land and shall preserve and maintain their property for the benefit of future generations.
- Support the expansion of existing agricultural operations within the County.

Sincerely,



Eric Howard