



Land Use and Building Department

Findings of Fact, and Conclusions of Law

Application: Appeal of Administrative Decision for

BLA 2025-04

Hearing Date: July 17, 2025

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of an Appeal of an Elmore)	BLA 2025-04
County Land Use and Building Department)	
Administrative Decision for the Denial of a)	FINDINGS OF FACT,
Boundary Line Adjustment between Parcels)	CONCLUSIONS OF LAW,
RP05S10E226025 and RP05S10E226400)	AND ORDER)

In Re: BLA-2025-04 came before the Planning and Zoning Commission ("**Commission**") as a public hearing item on July 17, 2025, for the Appeal of the Elmore County Land Use and Building Department ("**Department**") Administrative Decision for BLA-2025-04 ("Appeal"), for the denial of a Boundary Line Adjustment between two Elmore County properties located on parcels RP05S10E226025 and RP05S10E226400 (the "Site").

The Site is zoned Agriculture (AG), and it is located on a Portion of the SW1/4, Section 22, Township 5 South, Range 10 East, B.M. The Boundary Line Adjustment application for the Site was submitted to the Department in April 2025. In an email communication dated May 28, 2025, the Appellant was informed that the proposed application would not comply with Title 10, Chapter 4 - Property Boundary Adjustment, of the Elmore County Zoning and Development Ordinance, as discussed below, and would therefore not be eligible for a Boundary Line Adjustment. However, staff did provide an alternative process for the applicant to achieve the desired outcome. This alternative would require the submittal of a Conditional Use Permit to replat the subject properties. The Applicant decided to make a Boundary Line Adjustment request to the Department, where staff denied the request. Following the Administrative Decision by the Department denying the Boundary Line Adjustment, the Appellant appealed the Administrative Decision to the Commission. The Department held a Commission public hearing for the appeal of the Administrative Decision for BLA 2025-04 on July 17, 2025. Staff report and background was presented by staff. Staff recommended denial of the appeal as it is not in compliance with §10-4-5 of the Zoning Ordinance which states:

In order to approve a Boundary Line Adjustment, the Director shall find that the proposed property boundary adjustment complies with the following standards:

- 1. The property adjustment does not reduce the property size below the minimum dimensional standards prescribed in this Ordinance including regulations for individual wastewater treatment systems and wells as required by this Ordinance; and*
- 2. The property boundary adjustment does not further increase the nonconformity of any nonconforming property; and*
- 3. The property boundary adjustment does not diminish the minimum dimensional standards prescribed by this Ordinance or create a nonconforming property; and*

4. *The property boundary adjustment did not increase the original number of properties or lots; and*
5. *The property boundary adjustment did not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner unless approved by the applicable highway district; and*
6. *The property boundary adjustment did not constitute a relocation of a property; and*
7. *For plotted lots, the property boundary adjustment was in substantial conformance to the recorded plat, in terms of plan notes, setbacks, minimum lot sizes, easements, or any specific plat requirement.*

The initial application was denied by the Director for failing to meet Findings #1 and #2 as stated above. Upon the submittal of the appeal, Elmore County Staff reviewed the appeal application for BLA 2025-04 against the same findings stated above. Based on the review, staff recommended the denial of the appeal application due to application's failure to meet the following findings:

1. Finding #1 cannot be made. The proposed Boundary Line Adjustment would result in the formation of a 15.23-acre parcel. The subject properties are zoned General Agriculture (Ag) and must have a base residential density of 40 acres per Table 7-2-5 of the Ordinance; the proposed 15.23-acre parcel would reduce the property size below the minimum dimensional standards of Ag zone and is not allowed based on to this standard.
2. Finding #2 cannot be made. Parcel RP05S10E226025 is currently a nonconforming parcel sized at 19.97 acres within the General Agriculture (Ag) zone which requires a minimum lot size of 40 acres. The proposed boundary line adjustment would further increase the nonconformity by reducing the parcel from 19.97 acres to 15.34 acres as proposed, which is not allowed in the Ordinance.

The Appellant was present at the public hearing and provided testimony regarding the proposal and what led up the Appeal of the administrative decision denying the Boundary Line Adjustment. Members of the public signed up to testify in this matter. The property owner and his son signed up in support of the Appeal. No one signed up in opposition to the Appeal. After the public testimony and rebuttal from the Appellant, the Commission Chairperson closed the public hearing. Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the Appeal. After making findings and conclusions in accordance with the applicable law, the Commission reversed the administrative decision, granting a Boundary Line Adjustment for BLA-2025-04 with conditions, as hereafter defined.

FINDINGS OF FACT

If any of the 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 and analysis and recommendations of the Elmore County Land Use and Building Department (the "Department") record.

1) The Commission finds that the Application is comprised of:

- A. Appeal application form prepared and submitted by the Appellant, Eric Howard of J.J. Howard Engineering, for the Boundary Line Adjustment Administrative Decision, and

- B. Payment of Application Fees as required by the Land Use and Building Department's Fee Schedule.**

2) The Commission finds that the Applicant is:

J.J. Howard Engineering
5983 W. State St, Suite D
Boise, ID 83703

3) The Commission finds the following facts as to the procedural matters pertaining to the Application:

- I. On June 26, 2025 the Department provided the applicant with the Administrative Decision to deny BLA 2025-04.
- II. On June 27, 2025 the Department accepted an Appeal of the Elmore County Land Use and Building Department Administrative Decision application along with the application fee per § 7-3-2 (A) of the Elmore County Zoning and Development Ordinance Zoning Ordinance.
- III. On June 30, 2025, the Department deemed the Appeal application complete and set the matter for a Public Hearing on July 17, 2025.
- IV. In accordance with sections § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to surrounding landowners on July 9, 2025, for the Public Hearing.
- V. 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 July 2, 2025.
- VI. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on July 10, 2025.
- VII. The Commission opened the public hearing on July 17, 2025 and received verbal and written information regarding the Appeal.
- VIII. The Commission commenced deliberations on the Appeal.
- IX. At the conclusion of the testimony, the Chairperson closed the public hearing.
- X. Thereafter, the Commission held a roll call vote and moved that the Administrative Decision be reversed, and the Boundary Line Adjustment be granted for BLA-2025-04.

4) The Commission finds the proposed Appeal consists of the following:

The Boundary Line Adjustment application was submitted for this Site in early April 2025. At the time, the Appellant was informed that the site would not be eligible for a Boundary Line Adjustment. The Applicant decided to make a Boundary Line Adjustment request to the Department, where the Director denied the adjustment based on the application not meeting the requirements prescribed in Section 10-4-5 of the Elmore County Zoning and Development Ordinance. Following the Administrative Decision by the Department denying the Boundary Line Adjustment Request, the Appellant appealed the Administrative Decision to the Commission.

5) The Commission finds the following facts and circumstances pertaining to the Site:

A. Assessors' Parcel Numbers: RP05S10E226025 and RP05S10E226400

B. The "Owner" of the Site is:

Wesley Wootan

C. Site Characteristics:

RP05S10E226025

Property Size: 19.97 acres.

Existing Structures: Residence and Garage/Shop

Slope: The proposed site is not on slopes greater than 15%.

Flood Zone: The proposed site is not located within any designated flood zone.

Zone District: AG (Agriculture)

RP05S10E226400

Property Size: 48.19 acres.

Existing Structures: No existing Structures

Slope: The proposed site is not on slopes greater than 15%.

Flood Zone: The proposed site is not located within any designated flood zone.

Zone District: AG (Agriculture)

6) 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 Sites is Agriculture (AG) Base Zone with a Land Use designation of Agriculture.

7) The Commission finds the Sites are surrounded by other agricultural parcels of similar nature.

8) The Commission finds the existing services and access to the proposed site are as follows:

Based on the officially adopted Elmore County Zoning Map and materials found in the Department's file for BLA 2025-04, 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: Access to the site is via E. Little Basin Road and E. Wootan Lane.
2. Fire Protection: The property is within the King Hill Rural Fire District
3. Sewage Disposal: N/A
4. Water Service: N/A
5. Irrigation District: King Hill Irrigation District
6. Drainage District: N/A

9) The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations for consideration of the Appeal:

- A.** Elmore County Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- B.** Zoning Ordinance §10-4-5 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.
- D.** Other applicable local, state, and federal laws and regulations.

10) The Commission finds the following regarding the Comprehensive Plan:

- A.** That the Comprehensive Plan Future Land Use Map classifies the site and surrounding area as Agriculture.
- B.** The Appeal is in conformance with the Private Property Rights section of the Comprehensive Plan.

11) The Commission finds the following regarding the Zoning Ordinance.

- A.** The Elmore County Zoning and Development Ordinance is the document governing the Site.
- B.** Zoning Ordinance § 7-3-7 allows for appeals to the Commission on decisions of the Director.
- C.** 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.

After conducting a duly noticed public hearing, and accepting new materials and testimony, the Commission finds that the denial was not supported by substantial evidence on the record as a whole.

Upon review and discussion of the appeal, the Planning Commission reversed the Administrative Decision to deny the Boundary Line Adjustment application. After careful consideration, the Commission voted to grant the appeal and approve the Boundary Line Adjustment, recognizing that the subject property is already legally non-conforming. The Commission determined that upholding the denial would impose an unnecessary hardship on the family, whereas approval of the BLA provides a reasonable remedy without creating new conflicts with applicable land use standards.

CONCLUSIONS OF LAW

Based on the aforementioned findings of fact, the Commission concludes that BLA-2025-04 has complied with the following legislative documents governing the proposal:

- A.** Elmore County Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- B.** The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.

C. Other applicable local, state, and federal laws and regulations.

ORDER

Based on evidence presented at the July 17th, 2025, Public Hearing, the Commission orders with a unanimous vote that the Administrative Decision be REVERSED, and that the Boundary Line Adjustment be GRANTED for BLA 2025-04.

Dated: _____ day of September
2025

COMMISSION VOTE:

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

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.