



HEARING DATE: May 21, 2024

APPELLANT: Gainelle Massoth

OWNERS: Gainelle Massoth, Harry Massoth, Louis Massoth, and Krista Massoth

PLANNER: Emily Kiester

CASE NUMBER: AD2023-0115-APL

LOCATION: Parcel R35521010B and R35521010 (SE Corner of Upper Pleasant Ridge Rd and Wagner Rd)



PROJECT DESCRIPTION:

- The appellant, Gainelle Massoth, is appealing the Development Services Director’s Decision denying a request for a property boundary adjustment on the southeast corner of Upper Pleasant Ridge Road and Wagner Road, also referenced as parcels R35521010B and R35521010 (see Exhibit 1 for Parcel Information), in a portion of the SE quarter of Section 30, T4N, R3W, Canyon County, Idaho.
- An application was submitted by Gainelle Massoth on November 3, 2023 to consider a property boundary adjustment between parcels R35521010B and R35521010 as pursuant to Canyon County Code Zoning Ordinance (CCZO) §07-10-17. The result would increase the size of R35521010B by two acres and decrease the size of R35521010 by two acres. See Exhibit 2 for the original application.
- The case was denied on December 20, 2023. See Exhibit 3 for the Director’s Decision that denied the property boundary adjustment. An appeal was filed with DSD within fifteen (15) calendar days after the date of the decision by the property owner/applicant Gainelle Massoth on January 3, 2024. (CCZO §07-05-07). See Exhibit 4 for the Appeal Master Application Packet.

PROJECT INFORMATION:

- Property History (see Exhibit 5 for Property History Description and Visual): R35521 contained two original parcels, one (1) 20-acre parcel and one (1) 40-acre parcel. On April 10, 2003, a conditional use permit, CU2003-46, was approved to divide the 40-acre parcel into three (3) residential parcels including one (1) 20-acre parcel and two (2) 10-acre parcels (Exhibit 6). Around 2006, the owners of the 20-acre parcel (R35521010) divided off 1.15 acres without first obtaining the appropriate approval from Canyon County. In 2017, the division of 1.15 acres (R35521010B) and approximately 19 acres was recognized through AD2017-77 which transferred a building permit from R35539010 to R35521010 (at the time this parcel was approximately 19 acres). (Exhibit 7). On December 10,

2019, R35521011 (one of the ten acre parcels created through CU2003-46) was approved for a conditional rezone from “A” (Agricultural) to “CR-R1” (Conditional Rezone/Single Family Residential) with the condition that the property be developed in substantial compliance with the submitted site plan providing for an approximate one (1) acre parcel and the balance of 8.81 acres more or less containing the existing residence (CR2019-0010) (Exhibit 8). On March 26, 2021, a short plat was approved for R35521011 (Trails End Subdivision), which created R35521101 and R35521100 (SD2020-0034) (Exhibit 9). On August 6, 2021, a parcel inquiry was completed for Parcel R35521010 which stated that in order to divide the property per Canyon County Zoning Code, a comprehensive plan amendment, rezone/conditional rezone, and subdivision platting would need to be approved and completed. The parcel inquiry also outlined that the 10-acres could be sold to the neighbor via a mortgage split, but this would result in the divided parcel being seen as an illegal parcel with no building permit available (Exhibit 10). In 2021, the property owners of R35521010 divided off 10-acres (R35521010C) via deed without Canyon County’s review or approval (Warranty Deed with Instrument #2021-67537) (Exhibit 11).

DIRECTOR’S DECISION:

- Case File AD2023-0115 was **denied** on December 20, 2023. See Exhibit 3 for determination and findings.

DECISION OPTIONS:

- The Board of County Commissioners may **affirm, reverse, or modify**, in whole or in part, the director’s decision.
- Attached are the draft Findings of Fact, Conclusions of Law, and Order (FCOs) (Exhibit 12).

ATTACHMENTS/EXHIBITS:

- Exhibit 1: Parcel Tool Report
- Exhibit 2: Original Application
- Exhibit 3: Director’s Decision (AD2023-0115)
- Exhibit 4: Appeal Master Application Packet
- Exhibit 5: Property History with Visuals
- Exhibit 6: CU2003-46 FCOs
- Exhibit 7: AD2017-77 Director’s Decision
- Exhibit 8: CR2019-0010 FCOs
- Exhibit 9: SD2020-0034 FCOs
- Exhibit 10: PI2021-0349 Answer
- Exhibit 11: Warranty Deed with Instrument #2021-67537
- Exhibit 12: Draft Findings of Fact, Conclusions of Law, and Order (FCOs)
- Exhibit 13: City of Caldwell Agency Response Letter (April 22, 2024)
- Exhibit 14: Appellant/Adjacent Property Owner Comment Packet (Four (4) of the same comment packets were given to Canyon County Development Services on May 1, 2024)
- Exhibit 15: Agent’s Comment (May 3, 2024)

Exhibit 1

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

R35521010 PARCEL INFORMATION REPORT

3/5/2024 12:31:23 PM

PARCEL NUMBER: **R35521010**

OWNER NAME: **MASSOTH LOUIS A AND KRISTA K REVOCABLE TRUST**

CO-OWNER: **MASSOTH LOUIS A TRUSTEE**

MAILING ADDRESS: **19161 WAGNER RD CALDWELL ID 83607**

SITE ADDRESS: **19161 WAGNER RD**

TAX CODE: **2300000**

TWP: **4N** RNG: **3W** SEC: **30** QUARTER: **SE**

ACRES: **9.16**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **CANYON HWY**

FIRE DISTRICT: **CALDWELL RURAL FIRE**

SCHOOL DISTRICT: **VALLIVUE SCHOOL DIST**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AG**

IRRIGATION DISTRICT: **PIONEER IRRIGATION DISTRICT**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0240F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **Major Collector**

INSTRUMENT NO. : **2021067537**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **30-4N-3W SE TX 06761 IN SESE LS TX 21715**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

R35521010B PARCEL INFORMATION REPORT

3/5/2024 12:31:55 PM

PARCEL NUMBER: **R35521010B**

OWNER NAME: **MASSOTH HARRY P**

CO-OWNER: **MASSOTH GAINELLE H/W**

MAILING ADDRESS: **17121 UPPER PLEASANT RDG CALDWELL ID 83607**

SITE ADDRESS: **17121 UPPER PLEASANT RIDGE RD**

TAX CODE: **2300000**

TWP: **4N** RNG: **3W** SEC: **30** QUARTER: **SE**

ACRES: **1.15**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **CANYON HWY**

FIRE DISTRICT: **CALDWELL RURAL FIRE**

SCHOOL DISTRICT: **VALLIVUE SCHOOL DIST**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AG**

IRRIGATION DISTRICT: **PIONEER IRRIGATION DISTRICT**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0240F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **Major Collector**

INSTRUMENT NO. :

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **30-4N-3W SE TX 06762 IN SESE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
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4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Exhibit 2

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <u>Gainelle Massoth</u>
	MAILING ADDRESS: <u>17121 Upper Pleasant Ridge Rd</u>
	PHONE: <u>208 447 9771</u> EMAIL: <u>gmgmassoth@gmail.com</u>
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>[Signature]</u> Date: <u>10-31-23</u>	

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: _____ EMAIL: _____

SITE INFO	STREET ADDRESS: <u>17121 Upper Pleasant Ridge Rd</u>			
	PARCEL #:	<u>R35521010B</u>	LOT SIZE/AREA:	<u>1.15 ac</u>
	LOT:	<u>R35521010</u>	SUBDIVISION:	<u>9.14 ac</u>
	QUARTER:	SECTION:	TOWNSHIP:	RANGE:
	ZONING DISTRICT:	FLOODZONE (YES/NO):		

HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input type="checkbox"/> CONDITIONAL REZONE
	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
	<input checked="" type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER		

CASE NUMBER: <u>AD2023-0115</u>	DATE RECEIVED: <u>11/3</u> <i>(in USPS mail need prop owner signature)</i>
RECEIVED BY: <u>[Signature]</u>	APPLICATION FEE: <u>330</u> <input checked="" type="checkbox"/> MO <input type="checkbox"/> CC CASH

PROPERTY BOUNDARY ADJUSTMENT - CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



Property lines of **UNPLATTED** parcels may be adjusted in accordance with the criteria outlined in **CCZO 07-10-17**

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:

<input type="checkbox"/>	Master Application completed and signed
<input type="checkbox"/>	Detailed letter fully describing the request
<input type="checkbox"/>	Site Plan 8 1/2" x 11" showing existing and proposed property lines and sizes, existing and proposed easements, access, setbacks from existing structures; a north arrow
<input type="checkbox"/>	Draft record of survey (not recorded)
<input type="checkbox"/>	Owner information and signatures are needed for all contiguous parcels/property owners
<input type="checkbox"/>	Deed or evidence of property interest to all subject properties
<input type="checkbox"/>	\$330 non-refundable fee

PROCESS: DIRECTORS DECISION

***Note: Adjusted parcels must meet zoning district size and setback requirements.*

CANYON

Revised 6/21/22

SITE PLAN & LETTER OF INTENT - CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



The site plan is a detailed GRAPHICAL description of existing and proposed site features. Include all applicable items on your site plan:

- All existing and proposed structures and dimensions (i.e. 40'X30' shop, 20'x20' shed, 40'x50' house, 10' windmill, etc.)
- Infrastructure: well, septic, irrigation ditch, settling ponds, drainage swales, etc.
- Transportation: parking, loading areas, driveways, etc. adjacent driveways, roads, highways or other accesses
- Easement locations and dimensions
- Setbacks from property lines, section lines, collectors and arterial roads and/or building envelope
- Areas of steep slopes, wetlands, and/or floodplain
- Existing or proposed fences
- Signs
- Major landscaping or hardscaping, such as large trees, berms, or retaining walls, water features
- Areas of activity, outdoor seating, food vendor area, stockpiling, open pit, etc.
- Any other site features worth noting

The Letter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all applicable items in your letter:

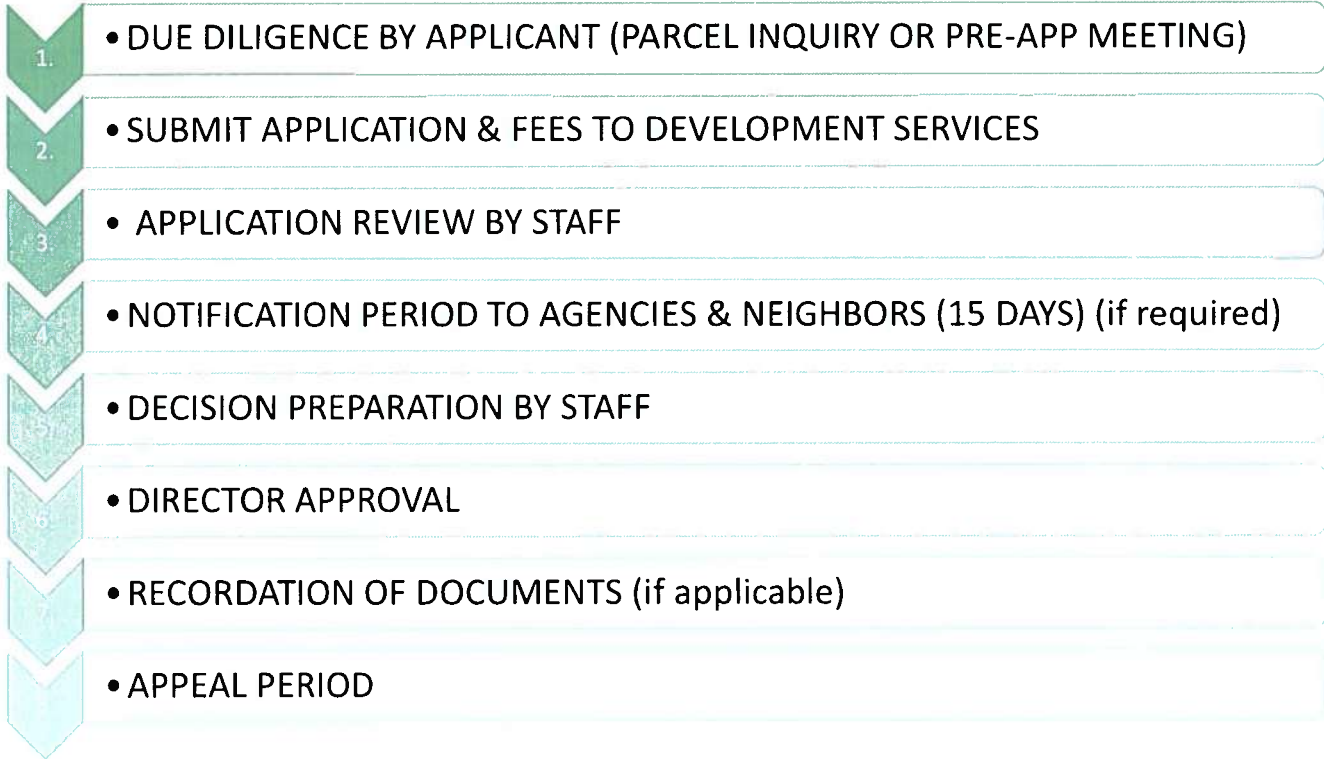
- A description of the proposed use and existing uses
- A description of the proposed request and why it is being requested
- Expected traffic counts and patterns
- Phasing of development
- How proposed use may affect neighboring uses
- A description or further explanation of the site features (see site plan list above)
- Explanation of any other permits through other agencies that may be required
- Description of business operations, such as number of employees, hours of operation, delivery and shipping
- A description of how the proposed use is consistent with specific zoning criteria or comprehensive plan policies
- Any other items which may require further explanation

DIRECTOR'S DECISION APPLICATION PROCESS

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



October 31,2023

RECEIVED
▶ NOV 03 2023 ◀
RECEIVED

I was in your office today and wish to have my application considered today. My surveyor, Skinner Land Survey, informed me that the Idaho code does require that the survey be finished in order to make this application. He said he would be happy to visit with you about this matter. His phone number is 2084540933. I cannot get the survey done until December and will gladly send you a copy at that time. What I want to do is have the parcel that is shown with this application added to my existing home site. I am not asking for anything else. The property is owned by my son and he will quit claim it to me. This will increase the value of my home. When I picked the spot for my home, I did not realize that the entire road in front of my property was on my property. Otherwise, I would have made my homesite larger.

I am making the adjustment to hopefully attract more buyers when I sell my home. If you need any further information, please call my or email me.

Thank you,



Gainelle Massoth

2084479771

Gainelle Massoth <gmgmassoth@gmail.com>

Property Boundary Adj.

1 message

Debbie Root <Debbie.Root@canyoncounty.id.gov>
To: "gmgmassoth@gmail.com" <gmgmassoth@gmail.com>

Fri, Nov 3, 2023 at 3:26 PM

Gainelle,

DSD received your application for a property boundary adjustment of parcels R35521010B (your parcel) and R35521010 (Louis and Krista Massoth Revocable Trust). We must have a notarized signature authorizing you to make application affecting the Trust property – your letter says that it is your son’s. The authorization and signature with a notary can be hand written. Your application will not be deemed complete until we receive the authorization from your neighbor/son.

TJ is correct in that you can provide us with a concept plan which you have done.

Your application will be assigned to a planner by the Director. The assigned planner will review the property and application for compliance with the zoning regulations and let you know if preliminary approval is granted and for you to complete the survey and provide the survey and legals to our office.

Sincerely,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am - 5pm

Wednesday

1pm - 5pm

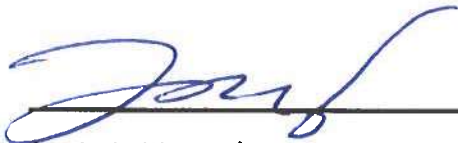
**We will not be closed during lunch hour **

*Received
11-17-23
dr*

November 16, 2023

We, Louis A. Massoth and Krista K. Massoth, husband and wife, do authorize Harry Massoth and Gainelle Massoth, husband and wife to make property boundary adjustments of parcels R35521010B and R35521010 located in Caldwell, Idaho.

Signed in the presence of a notary public.



Louis A. Massoth

11-16-2023

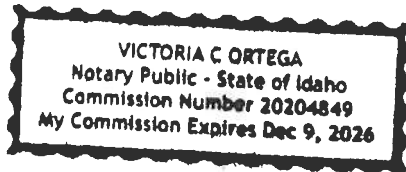
Date



Krista K. Massoth

11-16-2023

Date



U Ortega 11/16/2023

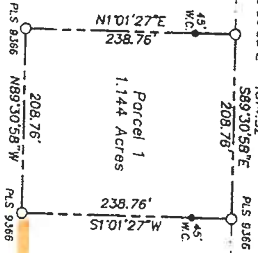
RECORD OF SURVEY

A PORTION OF THE SE 1/4 SE 1/4 OF SECTION 30,
TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO

SE 1/4 Corner
Section 30
CRMR Insl. No.
198022319

UPPER PLEASANT RIDGE ROAD
651.17'

BASIS OF BEARING:
S89°30'58"E
208.76'
N101°27'27"E
238.76'
W.C.



434.65'

SW 1/4 Corner
Section 30
CRMR Insl. No.
108601244

WAGNER ROAD

1324.02'
S075°33'14"W

SAYRE LANE(Private)
N01°18'43"E
1321.79'

SE 1/4 SE 1/4

1315.75'
N89°25'09"W

EW 1/8S Corner
Section 30
CRMR Insl. No.
913082

30' 29'

SE Section Corner
CRMR Insl. No.
31 32

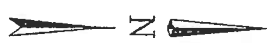
2023-026879

RECORDED

08/21/2023 11:41 AM



CHRIS YAMAMOTO
CANYON COUNTY RECORDER
P&I I&R/DIVISION
3000
SUNNYSIDE
SOUTHERN LAND SURVEY



0' 100' 200'

Scale: 1" = 100'

LEGEND

- BRASS CAP MONUMENT - FOUND
- ⊙ AXLE - FOUND
- 5/8" REBAR - FOUND
- 1/2" REBAR - FOUND
- 1/2" x 24" REBAR - SET
- PROPERTY BOUNDARY LINE
- - - SECTION/AUQULOT PART LINE
- W.C. WITNESS CORNER

Reference Surveys:
Inst. No. 2006072202
Inst. No. 2003033154
Inst. No. 2003019282
Inst. No. 2021050543

Reference Deeds:
Inst. No. 2012000991

Surveyor's Narrative:
This survey was performed at the request of Gaielle Massoth to locate the corner monuments of the parcel described in the reference deed. All monuments were recovered and found to match the deed and surveys of record. The client also requested new monuments; witness corners to be set on the South side of Upper Pleasant Ridge Road. This survey makes a record of those witness corners being set. The basis of bearing for this survey was established by GNSS observations, projected to the Idaho State Plane Coordinate system, West Zone, NAD83 datum. All bearings shown are on grid azimuth and all distances are ground or project elevation.

CERTIFICATION

I, Thomas J. Wellard, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 55-1601 through 55-1612.



INDEX No. 434-30-2-2-0-00-00
SURVEY FOR

GAINELLE MASSOTH

Drawn By: ZCL

Skinner
Land Survey

Date: August 11, 2023

1782 Sand Harbor Road
Caldwell, Idaho 83407
(208)-454-0933
WWW.SKINNERLANDSURVEY.COM

Canyon County Development Services
111 N. 11th Ave. Room 310, Caldwell, ID 83605
(208) 454-7458

Building Divsn Email: buildinginfo@canyoncounty.id.gov **Planning Divsn Email:** zoninginfo@canyoncounty.id.gov

Receipt Number: 80973

Date: 11/3/2023

Date Created: 11/3/2023 **Receipt Type:** Normal Receipt **Status:** Active

Customer's Name: Gainelle Massoth

Comments: AD2023-0115

Site Address: 19161 WAGNER RD, Caldwell ID 83607 / Parcel Number: 35521010 0

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Director's Decision without Notification to Property Owners - All Others	AD2023-0115	\$330.00	\$0.00	\$0.00

Sub Total: \$330.00

Sales Tax: \$0.00

Total Charges: \$330.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	1513	\$330.00

Total Payments: \$330.00

ADJUSTMENTS

Receipt Balance: \$0.00

Exhibit 3



Director's Decision - AD2023-0115

Canyon County Code of Ordinances
§07-18-13 & §07-10-17

Case Number: **AD2023-0115**

Parcel #'s: **R35521010, R35521010B**

Property Owner/Applicant(s): **Gainelle Massoth, Harry Massoth, Louis Massoth, and Krista Massoth**

Request: The applicants are requesting a property boundary adjustment which increases the size of parcel R35521010B and decreases the size of R35521010. Parcels R35521010 and R35521010B are zoned "A" (Agricultural).

Property History: R35521 contained two original parcels, one (1) 20-acre parcel and one (1) 40-acre parcel. On April 10, 2003, a conditional use permit was approved to divide the one (1) 40-acre parcel into three (3) residential parcels (approximately one (1) 20-acre parcel and two (2) 10-acre parcels) (CU2003-46) (Exhibit 1). The owners of the approximately one (1) 20-acre parcel (R35521010), illegally divided off approximately 1.15 acres around 2006. In 2017, this illegal division of approximately 1.15 acres was recognized (what is now R35521010B) and a building permit was transferred from R35539010 to R35521010 with AD2017-77 (Exhibit 2). In 2021, the owners of R35521010 illegally divided off 10-acres via deed (R35521010C) (Exhibit 3).

Finding CCZO §07-18-13: The request is not consistent with CCZO §07-10-17, §07-17-03, and §07-18-13, as follows:

- R35521010's boundaries cannot be adjusted due to the illegal 10-acre division that occurred in 2021.
- Since R35521's original one (1) 40-acre parcel has been divided more than four (4) times, R35521010 and R35521010B's current and future land use would have to be changed to a residential zone (through the rezone/conditional rezone and comprehensive plan amendment application process) and then go through the subdivision platting process (CCZO §07-17-03 and §07-18-13). If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and also adjust the property boundaries of R35521010 and R35521010B.

Decision: The application to complete the described property boundary adjustment in accordance with CCZO §07-10-17 is **DENIED**. Pursuant to CCZO §07-18-05(7), any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with CCZO §07-05-07 subject to application submittal requirements and fee.



Sabrina C. Minshall, Development Services Director

12/20/23

Date

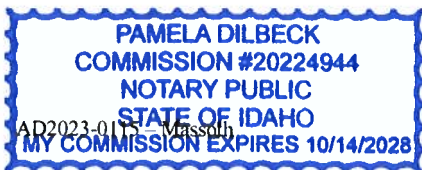
State of Idaho) SS

County of Canyon County)

On this 20th day of December, in the year of 2023, before me Pamela Dilbeck, a notary public, personally appeared Sabrina Minshall, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028





BEFORE THE CANYON COUNTY HEARING EXAMINER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:)
DONALD SAYRE)
FOR CONDITIONAL USE PERMIT)

CASE# CU2003-46

PARCEL # R35521 & R35539

I. APPLICATION PROCESS (CCCO 07-06-03)

1.1 LEGAL

Donald Sayre is requesting a Conditional Use Permit to subdivide one parcel consisting of approximately 40 acres into 3 residential parcels and one parcel consisting of approximately 76 acres into 4 residential parcels in an "A" (Agricultural) Zone. A request is also being made for approval of an Irrigation Plan as well as Waivers of required subdivision improvements consisting of concrete curbs, gutters, sidewalks, and streetlights. The subject property is located at the southwest corner of the intersection of Upper Pleasant Ridge Rd. and Wagner Rd., at 17243 Upper Pleasant Ridge Rd., Caldwell, Idaho, in a portion of the SE 1/4 of Section 30, T4N, R3W, and is in a portion of the NE 1/4 of Section 31, T4N, R3W, BM.

1.2 PROCEDURAL HISTORY

On January 23, 2003, the Hearing Examiner set the notification distance at 1/4 mile; and on February 25, 2003, persons owning property within the set distance of the site were notified of the hearing by mail. On January 29, 2003, staff notified other agencies of this application and solicited their comments. On February 24, 2003, notice of the hearing was published in the Idaho Press Tribune. On or before February 20, 2003, notice of the public hearing was posted on the site.

II. PROPERTY REVIEW

2.1 PROPERTY HISTORY

Parcel R35521 contains two original parcels. The 20-acre parcel within R35521 is an original parcel dating back to August 1952, and the 40-acre parcel within R35521 is an original parcel dating back to March 1900. Parcel R35539 is also an original parcel. If this request were denied, administrative land divisions would still be available for the original parcels. If this request is approved, platting will not be required as per the Canyon County Subdivision Ordinance.

III. PUBLIC HEARING

The Hearing Examiner, M. Jerome Mapp, opened the public testimony.

- 3.1 **Planner for the Development Services Department, Lori Den Hartog, reviewed the Staff Report and entered supplemental exhibits D.4 through D.9 into the record.**
- 3.2 **WITNESSES SIGNED UP IN FAVOR:** Alan Mills, Donald Sayre, Matt Duckett, JoAnn Lowe, Gainelle Massoth, Reed Taylor, and Louis Massoth.
- 3.3 **WITNESSES TESTIFYING IN FAVOR:** Alan Mills, Donald Sayre, Matt Duckett, JoAnn Lowe, Gainelle Massoth, and Reed Taylor.

Alan Mills

- Mr. Mills presented several comprehensive plan provisions that he felt were in favor of the proposed development.
- Stated that individual wells and septic systems were proposed.
- Agreed with conditions 1, 2, 7, 8, and 9. Mr. Mills did not agree with conditions 3, 4, 5, and 6. He stated that there were several buyers willing to purchase land in the configuration that was proposed. The surveys and irrigation plan had been completed. The Highway District has stated that the configuration recommended by staff would not work.
- Mr. Mills stated that the land would still be used for agriculture.
- Stated that there would be no negative impact on surrounding property.
- Mr. Mills stated that a neighborhood meeting was held.
- Mr. Mills stated the reasons for requesting waivers.

Donald Sayre

- Mr. Sayre stated he had farmed for 45 years.
- Pointed out the fields in the area that had been leveled, including ones that he had leveled himself.
- Testified that the land would still be used for agriculture.
- Stated that the lot sizes proposed would be 49 acres, 23 acres, 20 acres, and two 10 acre parcels.
- Mr. Sayre pointed out where the homes would be located on each parcel.
- Mr. Sayre explained the irrigation plan. The irrigation will be a gravity irrigation system.

Matt Duckett

- Mr. Duckett stated he was the buyer of the 49-acre parcel.
- The land would be used for agriculture.

JoAnn Lowe

- Ms. Lowe stated that the area was an appropriate place for the development proposed.
- Pointed out where the homes would be located on each parcel.

Gainelle Massoth

- Ms. Massoth intended to purchase one of the parcels.
- Stated that she came from an agricultural background.
- Ms. Massoth testified that the subject property was not prime farmground due to slope.

Reed Taylor

- Mr. Taylor was in favor of the proposed development.
- Stated that there would be no need to develop new access. There was access off of a main road.

3.4 NO NEUTRAL WITNESSES.

3.5 NO WITNESSES IN OPPOSITION.

The Hearing Examiner, M. Jerome Mapp closed public testimony.

IV. FINDINGS OF FACT (CCCO 07-06-05 (3))

4.1 Whether this Chapter permits the use by conditional use permit?

Mr. Mapp cited the following from the staff report:

Yes, 07-12-07 (3)(Z) and 07-12-07 (8)(E).

4.2 Reasons for the application.

Mr. Mapp cited the following from the staff report:

The applicant wishes to divide one parcel of approximately 40 acres into 3 residential parcels, and one parcel of approximately 76 acres into 4 residential parcels.

4.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

Mr. Mapp cited the following from the staff report:

A. Page 75: Guidelines to be used in administering the plan.

B. This request is harmonious and in accordance with the following Comprehensive Plan provisions:

Property Rights

In the 1994 Legislative Session, Idaho Code 67-8001, 8002, and 8003 were adopted to establish a process to better provide that land use policies.

restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions.

Population Policy: 1

To provide the planning base for an anticipated population of at least 105,000 by the year 2000, and 120,000 by the year 2010. This policy estimates and anticipates an annual increase of approximately 1.2 percent between 1990 and 2000, and could reach 1.5 percent between 2000 and 2010. This policy also recognizes that planning policies combined with past trends can anticipate the location of the expected population reasonably close and that the intent of the plan is to forecast and plan for the needs of population growth areas in terms of future facilities and services.

Overall Land Use Policy: 1

To encourage orderly growth throughout Canyon County while avoiding scattered development of land that may result in either or both of the following:

(A) An adverse impact upon water quality, water supply, irrigation ditches, canals and systems, sewage disposal, public safety and emergency services, educational facilities and surroundings, transportation and transportation facilities, and other desired and essential services; and

(B) The unnecessary imposition of an excessive expenditure of public funds for delivery of desired and essential services.

Overall Land Use Policy: 3

To provide for appropriately located residential areas with an adequate variety of dwelling types and density ranges as needed to meet demands.

Overall Land Use Policy: 4

To promote the safe efficient movement of people and goods and the provision of adequate off-street parking and loading facilities to support land uses.

Housing Policy: 1

To encourage opportunities for a diversity of housing choices and availability of affordable housing. This policy recognizes that housing is basic to every person living in the county and that affordable housing opportunities should be a goal, which needs constant review. The plan encourages a variety of housing which also seeks to improve the life style of the county's residents.

Mr. Mapp added the following Comprehensive Plan Policies in favor of the request:

Population Policy: 2

To take steps that will reverse the past trend of out migration from the county, especially from the smaller municipalities of the county. The policy recognizes that some out migration did occur from 1980 to 1990 in Canyon County and that all of the municipalities except Caldwell and Nampa lost population during this period. This policy also recognizes that the county's population is one of its greatest assets and that a diversity in population age groups is highly desirable.

Population Policy: 3

To encourage future population to locate within incorporated cities and/or "Areas of City Impact". This policy recognizes that population growth and the resulting development activity should occur where public infrastructure, services and facilities are available or where they are planned and will be provided in the near future.

Overall Land Use Policy: 1

To encourage orderly growth throughout Canyon County while avoiding scattered development of land that may result in either or both of the following:

(A) An adverse impact upon water quality, water supply, irrigation ditches, canals and systems, sewage disposal, public safety and emergency services, educational facilities and surroundings, transportation and transportation facilities, and other desired and essential services; and

(B) The unnecessary imposition of an excessive expenditure of public funds for delivery of desired and essential services.

C. This request is not harmonious and in accordance with the following Comprehensive Plan provisions:

Population Policy: 4

To locate future population in areas outside of best suited and moderately suited agricultural areas. This policy recognizes that productive agricultural areas are considered developed and to change the existing land use pattern to another land use or to mixtures of potentially conflicting land uses may cause irreparable damage to both the area and the agricultural industry of the county. This policy underscores other policies of the plan, which seek to encourage the protection of prime "best suited" agricultural lands for the production of food and fiber. The county also recognizes that certain "moderately suited" and "least suited" agricultural areas may be considered for residential development through the Conditional Use Permit or Conditional Rezone process. These processes however, require careful consideration of the impact(s) that development may have on

existing and surrounding land uses while taking into account both citizen and pertinent agency inputs. Urban and urban-type residential development is encouraged within incorporated cities and their corresponding areas of impact.

Overall Land Use Policy: 2

To protect agricultural, residential, commercial, industrial and public areas from the unreasonable intrusion of incompatible land uses.

Overall Land Use Policy: 7

To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Agricultural Lands Policy: 1

To support the fact that the present agricultural activities in "best suited" and "moderately suited" agricultural soil designated areas of Canyon County represent "development" by definition. Careful consideration must be given to any proposal, which would permit changes of land use from agriculture to another type of development. Minimizing the potential for conflicting land uses is very important to the ongoing and long-term agricultural activities of the county. "Best suited" and "moderately suited" soil areas generally demonstrate that the corresponding farms have a consistent annual production history complete with water delivery system(s).

Area of City Impact Policy: 1

To recognize and cooperate with the municipalities of the county designating and developing "Areas of City Impact" in harmony with each city's trade area, geographic factors and areas that can reasonably expect to be annexed in the future. This policy recognizes that in many instances cities will enlarge and that annexations will also occur as a result. These logical city expansion areas should be anticipated and developed in close harmony with the affected city's comprehensive plan and related growth and development intents. This policy also assists in establishing the intent to have a greater variety of land use activities and densities in these unincorporated areas that are to be in a more urban condition in the future.

Natural Resources Policy: 1

To tailor the comprehensive plan and its implementation tools in ways to specifically conserve and protect the natural resources of Canyon County. This policy recognizes the importance of our geology, hydrology, soils, climate, vegetation, and wildlife as primary natural resources of the county and establishes the comprehensive plan as a development guide in conserving and protecting these resources. Residents of the county value the beauty of their surroundings; the

farmland, the canyons, rivers, streams, clean air, and seek to plan for the future with this in mind.

Mr. Mapp added the following Comprehensive Plan Policies in the negative:

Areas of City Impact Policy: 2

To reach agreement with each municipality in accordance with statutes defining the methods to be used in meeting development intents of each municipality in administering planning and development procedures in "Areas of City Impact". This policy recognizes that coordinated planning as well as several procedural steps must be taken to assure that ordinances, codes and administrative procedures are adopted and properly enforced in order to assure the desired development integrity of "Areas of City Impact".

4.4 Whether the proposed use will be injurious to other property in the immediate vicinity and / or will change the essential character of the area?

Mr. Mapp stated that the proposed use could be injurious to property owners in the immediate vicinity. Mr. Mapp stated it was better to have parcels which would still be farmed, than to allow large density in the area. The essential character of the area will remain agricultural.

4.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use?

Mr. Mapp cited the following from the staff report:

- A. Sewer- Individual septics are proposed.
- B. Water- Individual wells are proposed.
- C. Drainage- The subject property drains into district drains.
- D. Utilities- Currently available to the property.

4.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns?

Mr. Mapp cited the following from the staff report:

- A. The Canyon Highway District was notified of this request. Canyon Highway District had no objection to the request. The access locations will be required to meet all safety requirements and standards of the district. (Exhibit D.4)
- B. The applicant has proposed a 60' ingress/egress (and general utility and irrigation) easement to access the parcels from Upper Pleasant Ridge Road. A 30' ingress/egress (and general utility and irrigation) easement is proposed on each side of the section line between sections 30 and 31; this easement would provide for

future through-way of Linden Street. An additional 40' ingress/egress easement from Wagner Road, with proper turn-around, is proposed to access Parcel 2 on Survey Job No. JA1203.

- 4.7 Whether essential public services such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested change.**

Mr. Mapp cited the following from the staff report:

- A. Idaho Power was notified of this request. Idaho Power will provide electric service to this development, providing the customer abides by the Rules, Rates, and Regulations as approved by the Idaho Public Utilities Commission, and proper right-of-way can be obtained (Exhibit C.1).
- B. Pioneer Irrigation District states that no one shall disrupt the delivery of water to a downstream water user. The Phyllis Canal has a 20-foot from top of bank prescriptive use easement; no fences or structures are allowed on any of the District's easements. Any discharge or run-off into a federal drain must meet the approval of Mr. Caywood of the Bureau of Reclamation (See Exhibit C.2).
- C. The Development Services Department has not received documentation from the following agencies at the time the staff report was written:
 - Caldwell Rural Fire District
 - Canyon County EMS/Paramedics
 - Canyon County Sheriff
 - Qwest Communications
 - Southwest District Health Department
 - Vallivue School District

- 4.8 Whether the proposed use is essential or desirable to the public convenience or welfare?**

Mr. Mapp stated that the proposed use is essential to preserve the agricultural use in the area and is desirable to the public convenience and welfare.

V. CONCLUSIONS OF LAW

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

VI. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders Case # CU2003-46 a Conditional Use Permit request by Donald Sayre to subdivide one parcel consisting of approximately 40 acres into 3 residential parcels and one parcel consisting of approximately 76 acres into 4 residential parcels in an "A" (Agricultural) Zone, is approved with the following conditions:

1. The development shall comply with all applicable federal, state, and county, laws, ordinances, rules and regulations that pertain to the property.
2. The project will commence within two years and be completed within five years.
3. Comply with the applicant's record of survey, Exhibit B.8.
4. A Water/Lateral User's Maintenance Agreement shall be established and recorded to ensure the proper delivery of water and maintenance of the water delivery system.
5. A Road User's Maintenance Agreement shall be established and recorded for any private roads within the development.
6. Proper easements shall be provided for accesses, utilities, and irrigation systems with special consideration given to section lines and quarter section lines.

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # CU2003-46 a request by Donald Sayre for an Irrigation Plan, is approved.

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # CU2003-46 a request by Donald Sayre for Waivers of subdivision improvements consisting of concrete curbs, gutters, sidewalks, and streetlights is approved.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE CANYON COUNTY HEARING EXAMINER AT A SCHEDULED MEETING HELD APRIL 10, 2003.

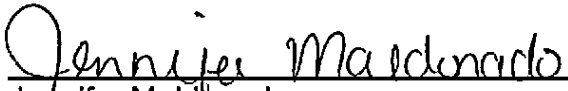


M. Jerome Mapp
Canyon County Hearing Examiner

4/12/03

Dated

ATTEST:



Jennifer Maldonado
Recording Secretary



DSD Director Decision
Administrative Land Divisions
 Canyon County Code of Ordinances 12-008
 Article 18

Case Number: AD2017-77

Parcel # (s): R35521-010 & R35539-010

Property Owner/Applicant(s): Louis Massoth

2017-043841

RECORDED

10/10/2017 11:44 AM



00328621201700438410100101

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=10 MBROWN

\$37.00

MISC

MASSOTH LOUIS

Existing Parcel Configuration:

1. R35521-010, approximately 19.166 acres was split off illegally with no building permit available.
2. R35539-010 is approximately 22.891 acres, was created from CU2003-46 and has one building permit available.

The applicant is requesting the following:

Louis Massoth is requesting to transfer a building permit from parcel R35539-010 to contiguous parcel R35521-010 with the intent of creating one residential parcel in the southeast corner of the destination parcel, promoting effective and efficient farming. Based on the applicant's letter of intent, the 19 acre parcel, R35539-010 has poor soil and is more difficult to irrigate due to slopes. Additionally, this will preserve productive agricultural land. Parcel R35539-010 will be identified as agricultural use only and meets the exception in the CCZO §07-17-03 (3) A. The proposal for this relocation of permits will result in one building permit available to parcel R35521-010 and parcel R35539-010 will remain as agricultural only with no building permits available.

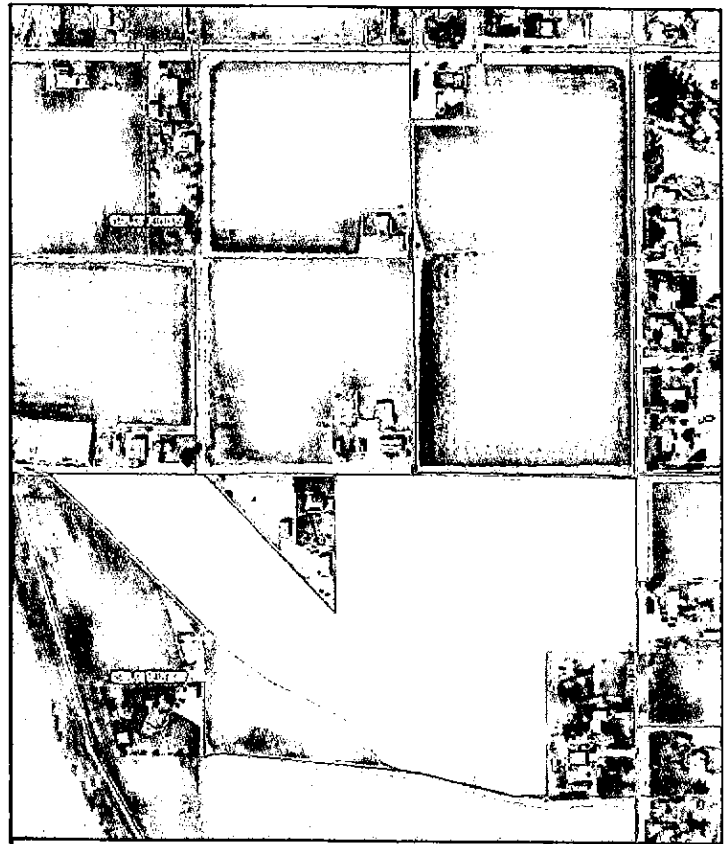


Figure 1: Diagram of proposed relocation of permits.

Findings §07-18-03: Admin Divisions and Relocations of Building permits:

- (1) The purpose of the relocation is for the promotion of effective or efficient farming.
- (2) The parcels exceed the one (1) acre minimum parcel size.
- (3) Notification of the application for relocation of two building permits was sent to property owners within 300 feet of the subject properties (destination parcels) on August 15, 2017 for a 15 day comment period. No official comments were received.
- (4) Evaluation and Determination of Application:
 - a. The originating and destination parcels are contiguous by ownership.
 - b. The properties are owned by the Louis Massoth and Krista K Revocable trust.
 - c. The originating parcel R35539-010 was created through CU2003-46.

- d. The relocation will use the available building permit on the originating parcel and no further divisions or building permits are available to the property.
- e. The relocation of one permit results in the promotion of effective and efficient farming. The originating parcel will only be entitled to be utilized as farm ground, making more ground available for farming. The destination parcel will have one building permit that will be located outside of the irrigation pivot.
- f. There has not been deliberate action to withhold productive farmland from production for the purpose of relocating permits.

Determination: The requested building permit relocation of one residential permit from R35539-010 to R335521-010 for the promotion of effective or efficient farming farmland is in conformance with CCZO 12-008 §07-18-03 [(1)- (4)a-f].

This relocation of permits from R35539-010 to R35521-010 is approved-- no further divisions or permits are available without jurisdictional approval. No residential permits will remain on Originating parcel as described below. The parcel has adequate access to Upper Pleasant or Wagner according to Canyon Hwy District. The resulting parcels of the administrative division with a building permit relocation are as follows (see ROS2017-043194):

Parcel 1: Approx. 1.14 acres more or less, (1) one residential permit available.
 Parcel 2: Approx. 19.15 acres more or less, (1) one residential permit available.
 Parcel 3: Approx. 22.818 acres more or less, agricultural only, no permits available.

Decision: The application to complete the described permit relocations and easement reduction in accordance with CCZO 12-008 is **APPROVED**. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property. The Idaho Right to Farm Act (Idaho Code § 22-4503) applies to this land use decision.

Patricia Nilsson
 Director

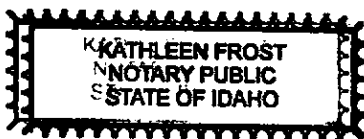
October 10, 2017
 Date

State of Idaho)

SS

County of Canyon County)

On this 10th day of October, in the year of 2017, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.



Notary: K Frost

My Commission Expires: 6-3-2022

2017-043194

RECORDED

10/05/2017 08:18 AM



327851201700431940010018

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=1 EHOWELL

\$5.00

SURVEY

MASON & ASSOCIATES

SEE ORIGINAL



LEGEND

- Found brass cap monument
- Found 5/8 inch dia. iron pin
- Found 1/2 inch dia. iron pin
- Found MAG nail
- Found stake
- Dashed line
- Section line

RECORD DATA
 WARRANTY DEED INST. NO. 2017-025154
 RECORD OF SURVEY INST. NO. 200221691
 RECORD OF SURVEY INST. NO. 200152661
 RECORD OF SURVEY INST. NO. 2008004053
 RECORD OF SURVEY INST. NO. 200319262
 RECORD OF SURVEY INST. NO. 200333163
 RECORD OF SURVEY INST. NO. 2017-036785

INDEX NO. 434-31-1-0-0-00-00
 INDEX NO. 434-30-3-0-0-00-00
 SURVEY FOUR

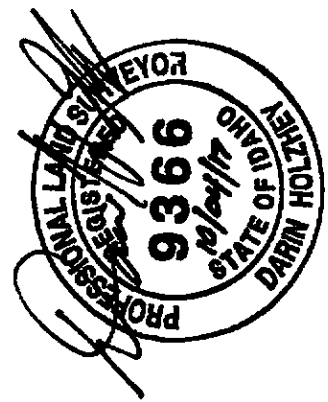
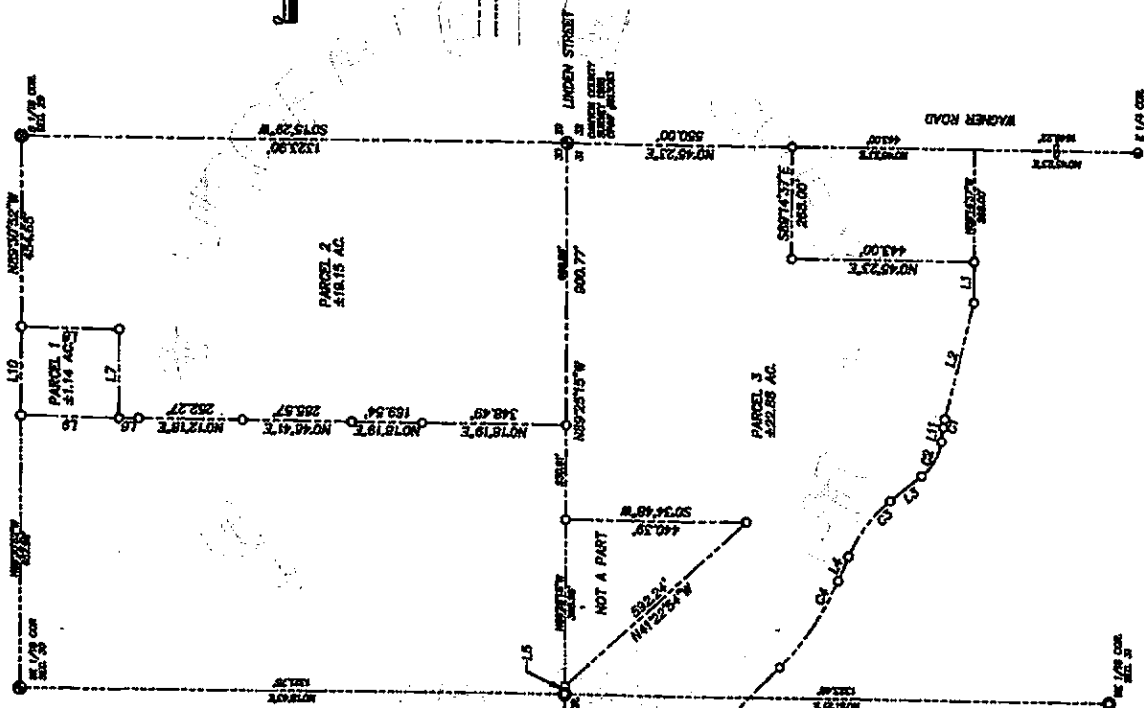
LOUIS MASSOTH

Mason & Associates
 Professional Engineers
 Land Surveyors
 & Planners
 635 S. 6th Street, Suite 200
 Boise, Idaho 83724
 Phone: 208-333-1111
 Fax: 208-333-1112
 Email: info@masonassoc.com

RECORD OF SURVEY
 A PART OF THE SE 1/4 SE 1/4, SECTION 30, AND A PART OF THE NE 1/4 NE 1/4 AND
 NW 1/4 NE 1/4, SECTION 31, T. 4 N., R. 3 W., B.M.,
 CANYON COUNTY, IDAHO
 2017

Line #	Length	Direction
L1	98.82	S89°43'37"E
L2	285.10	S70°06'40"E
L3	96.85	N35°46'18"W
L4	82.83	S89°07'46"E
L5	19.04	S89°25'15"E
L6	48.18	N1°01'33"E
L7	208.76	S89°30'32"E
L8	238.75	N1°01'33"E
L9	208.78	S89°30'32"E
L10	35.05	S89°43'20"E

Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
C1	20.73	198.00	7°35'49"	N78°55'04"W	20.71	10.38
C2	100.40	131.00	4°37'15"	S89°44'52"E	98.05	52.87
C3	163.69	356.00	2°41'24"	N52°26'56"W	159.37	86.64
C4	252.13	644.00	2°25'52"	S84°56'44"E	250.52	127.70



This drawing does not necessarily show all of the physical features of the property. Access to Successors, Inc. contains no liability for any inaccuracies or omissions in this drawing, which occur in whole or in part, without the express written consent of Successors, Inc. This drawing is for informational purposes only and does not constitute a contract. The recording of this Survey does not serve as a legal description for the property shown on this map.

The recording of this Record of Survey does not enable the owners of the Parcels to convey ownership based solely on this map. A written conveyance must accompany such change in ownership. This Record of Survey does not serve as a legal description for the property shown on this map.

EXHIBIT A

A parcel of land being a portion of the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a set 1/2 inch diameter iron pin; thence continuing along the Southerly boundary of said South Half of the Southeast Quarter,

North 89° 25' 12" West, a distance of 645.93 feet to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, (East 1/16 corner common to Sections 30 and 31), said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 260 feet; thence

South 89° 29' 33" East, a distance of 646 feet more or less to a point which lies North 0° 18' 19" East from the POINT OF BEGINNING; thence

South 0° 18' 19" West a distance of 260 feet more or less to the POINT OF BEGINNING.

IRRIGATION EXHIBIT "B"

SUBJECT TO a 5.00-foot-wide Irrigation easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

The Easterly 5.00 feet of the above described parcel.

INGRESS/EGRESS EXHIBIT "A"

ALSO TOGETHER WITH a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

File No. 200903863

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to a point; thence

North 0° 18' 19" East, a distance of 30.00 feet to a point; thence

South 89° 25' 12" East, a distance of 669.84 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to a point on the Easterly boundary of said South Half of the Southeast Quarter; thence

South 0° 15' 29" West, a distance of 30.00 feet along the Easterly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING.

INGRESS/EGRESS EXHIBIT "B"

ALSO SUBJECT TO a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement more located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, particularly described as follows:

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a set 1/2 inch diameter iron pin; thence continuing along the Southerly boundary of said South Half of the Southeast Quarter,

North 89° 25' 12" West, a distance of 645.93 feet to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 30.00 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southeast Quarter, (East 1/16 corner common to Sections 30 and 31), said corner monumented with a set 5/8 inch diameter iron pin; thence leaving the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

South 89° 25' 12" East, a distance of 645.93 feet parallel with the Southerly boundary of said South Half of the Southwest Quarter of the Southeast Quarter to a point; thence

South 0° 18' 19" West, a distance of 30.00 feet to the POINT OF BEGINNING.

INGRESS/EGRESS EXHIBIT "C"

ALSO SUBJECT TO a 60.00-foot-wide Ingress/Egress, Irrigation and General Utility easement more located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, particularly described as follows:

File No. 200903863

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 1,315.80 feet along the Southerly boundary of said South Half of the Southeast Quarter to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, (East 1/16 corner common to Sections 30 and 31), said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 30.00 feet to the POINT OF BEGINNING; thence continuing along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 630.86 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southeast Quarter, said corner monumented with a set 5/8 inch diameter iron pin; thence leaving the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

South 89° 29' 33" East, a distance of 60.00 feet to a point; thence

South 0° 18' 42" West, a distance of 630.94 feet parallel with the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter to a point that lies 30.00 feet Northerly of the Southerly boundary of said South Half of the Southeast Quarter; thence

North 89° 25' 12" West, a distance of 60.00 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING.

INGRESS/EGRESS EXHIBIT "D"

ALSO TOGETHER WITH a 60.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 1,315.80 feet along the Southerly boundary of said South Half of the Southeast Quarter to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 660.86 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southeast Quarter, said corner being the POINT OF BEGINNING, and is monumented with a set 5/8 inch diameter iron pin; thence leaving the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 6° 35' 23" East, a distance of 86.84 feet to a point; thence

File No. 200903863

North 1° 16' 35" East, a distance of 574.57 feet to a point on the Northerly boundary of said South Half of the Southeast Quarter; thence

South 89° 30' 52" East, a distance of 60.00 feet along the Northerly boundary of said South Half of the Southeast Quarter to a point; thence

South 1° 16' 35" West, a distance of 574.54 feet to a point; thence

South 6° 35' 23" West, a distance of 86.89 feet to a point; thence

North 89° 29' 33" West, a distance of 60.00 feet to the POINT OF BEGINNING.

ADMINISTRATIVE LAND DIVISION LETTER OF ACKNOWLEDGEMENT

To: Peabodwell Fire District

Applicant Name: Louis Massoth

Current Mailing Address: 17263 W. Linden

Site (Subject Property) Address: _____

Parcel # R35521-010

Phone Number: 208 294-6016

Fax: _____

R 35539-010

E-mail address: _____

Date: 8/1/17

Type of Administrative Land Division Application:

- Administrative Land Division [Canyon County Code § 07-18-01]
- Transfer of Building Permits [Canyon County Code § 07-18-03]
- Variance—Discretionary Decrease/Increase in Lot Size [Canyon County Code, Article 8]
- Easement Reduction [Canyon County Code § 07-10-03 (1) (B)]

OFFICIAL USE ONLY BELOW THIS LINE

LETTER OF ACKNOWLEDGEMENT ACTION:

Determination and Decision and Order on Application for Letter of Acknowledgement:

- Approval Approval Subject to Conditions Denied

Approval Conditions, if any, are herein set forth:

Any future building shall be reviewed for current fire code requirements.

This acknowledgement is valid only for six months from the date issued.

Basis for action:

Dated: 8/1/17 Signed [Signature]
Authorized Fire District Representative

Notice of final action: Please note that unless an appeal of this decision is filed with the Secretary of the District, within fourteen (14) days of date of service, this is a final action. Appeals will be heard by the Board of Commissioners of this District at an open meeting, as scheduled by the Commissioners of this District.

(Copy retained by District in official files and copy to Applicant)

Copy of completed form received by Canyon County Development Services

on _____ (date) Received By (DSD Staff) : _____

ADMINISTRATIVE LAND DIVISION LETTER OF ACKNOWLEDGEMENT

Submit this document along with a detailed site plan showing all mstructures, accesses, and easements

To: Canyon Highway District

Applicant Name: Louis Massoth

Current Mailing Address: 17263 W. Linden

Site (Subject Property) Address: Same

Parcel # R35521-010

Phone Number: 208 794-6016 Fax:

R35539-010

E-mail address: Lewis@DRmassoth.com Date: 8/1/17

Type of Administrative Land Division Application:

- Administrative Land Division [Canyon County Code § 07-18-01]
Transfer of Building Permits [Canyon County Code § 07-18-03]
Variance-Discretionary Decrease/Increase in Lot Size [Canyon County Code, Article 8]
Easement Reduction [Canyon County Code § 07-10-03 (1) (B)]

OFFICIAL USE ONLY BELOW THIS LINE

LETTER OF ACKNOWLEDGEMENT ACTION:

Determination and Decision and Order on Application for Letter of Acknowledgement:

- Approval
Approval Subject to Conditions
Denied

Approval Conditions, if any, are herein set forth:

ACCESS TO PARCEL 35521010 OR 35539010 VIA EXISTING PRIVATE ROAD ("LINDEN RD") WEST OF WAGNER. CONSTRUCTION PERMITTED APPROX PER SD-106.

This acknowledgement is valid only for six months from the date issued.

Basis for action:

NO CHANGE TO EXISTING ACCESS CONDITIONS OR LOCATION.

Dated: 8/1/17 Signed: [Signature] ASSISTANT ENGINEER
Authorized Hwy District Representative

NOTICE: Section and quarter section lines are subject to a 70-foot setback requirement unless the Highway District having jurisdiction waives the setback. The property included in this application is subject to setback requirements from the following:

- Section Line
Quarter Section Line

Location of section line and/or quarter section line relative to property:

LINDEN RD & WAGNER RD

This is informational only and the location of section and quarter-section lines relative to the property should be verified by the property owner. If the property is subject to a section line or quarter-section line setback, the property owner may apply for a waiver of the setback from the Highway District.

Notice of final action: Please note that unless an appeal of this decision is filed with the Secretary of the District, within fourteen (14) days of date of service, this is a final action. Appeals will be heard by the Board of Commissioners of this District at an open meeting, as scheduled by the Commissioners of this District.

Copy of completed form received by Canyon County Development Services

on (date) Received By (DSD Staff):



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

September 12, 2017

Canyon County Development Services Department
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605

Louis Massoth
17263 W. Linden Rd
Caldwell, Idaho 83607

**RE: Administrative Land Division- Building Permit Transfer
Parcels R35521010 & R35539010**

Dear Mr. Massoth:

This letter serves to amend the conditions of the Administrative Land Division Letter of Acknowledgment prepared by Canyon Highway District for the above parcels dated August 1, 2017.

That letter described conditions of approval for the building permit transfer between the above described parcels which included "Access to Parcel 35521010 or 35539010 via existing private road ("Linden Rd") west of Wagner. Construct paved apron per SD-106."

There are additional options for providing access for single family residential development to Parcel R35521010, which include direct access via Wagner Rd or Upper Pleasant Rd. The parcel is located within one mile of Caldwell city limits, so city standard access spacing conditions apply (220-feet between any new or existing access locations). Additionally, any new access location must have adequate intersection sight distance available (see SD-107B), which may be difficult to obtain along portions of Upper Pleasant Rd.

If access to the parcel is intended to use the existing private road "Linden Rd" west of Wagner, the original conditions of the 8/1/17 Letter of Acknowledgment would still apply, as well as any signing or addressing requirements conditioned by Canyon County Development Services.

Please call me at 454-8135 if I can provide additional information on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hopper', is written over a horizontal line.

Chris Hopper, P.E.
Assistant District Engineer
Canyon Highway District No. 4

Re-record to correct legal.

2021-060527
 RECORDED
08/30/2021 08:18 AM
 CHRIS YAMAMOTO
 CANYON COUNTY RECORDER
 Pgs=4 PBRIDGES \$15.00
 TYPE: DEED
 PIONEER TITLE CANYON - CALDWELL
 ELECTRONICALLY RECORDED



5680 E. Franklin Rd., Ste. 150
 Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT
 REMOVE THE COUNTY STAMPED FIRST
 PAGE AS IT IS NOW INCORPORATED AS
 PART OF THE ORIGINAL DOCUMENT

File No. 772799 KC/JB

2021-067537
 RECORDED
09/28/2021 04:19 PM
 CHRIS YAMAMOTO
 CANYON COUNTY RECORDER
 Pgs=7 HCRETAL \$15.00
 TYPE: DEED
 PIONEER TITLE CANYON - CALDWELL
 ELECTRONICALLY RECORDED

WARRANTY DEED

For Value Received Louis A. and Krista K. Massoth, Trustees of
 the Louis A. and Krista K. Massoth Revocable Trust, dated May 31, 2016
 hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

JDR Group LLC

hereinafter referred to as Grantee, whose current address is 17263 West Linden Street
 Caldwell, ID 83607-9209

The following described premises, to-wit:

See attached Exhibit "A"

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
 Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
 said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
 free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
 made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
 dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
 and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
 and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2021

Louis A. and Krista K. Massoth Revocable Trust

By: [Signature]
 Louis A. Massoth, Trustee

By: [Signature]
 Krista K. Massoth, Trustee

Re-record to correct legal.



5680 E. Franklin Rd., Ste. 150
Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

File No. 772799 KC/JB

WARRANTY DEED

For Value Received Louis A. and Krista K. Massoth, Trustees of
the Louis A. and Krista K. Massoth Revocable Trust, dated May 31, 2016
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

JDR Group LLC

hereinafter referred to as Grantee, whose current address is 17263 West Linden Street
The following described premises, to-wit: Caldwell, ID 83607-9209

See attached Exhibit "A"

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2021

Louis A. and Krista K. Massoth Revocable Trust

By: [Signature]
Louis A. Massoth, Trustee

By: Krista K Massoth
Krista K. Massoth, Trustee

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY

State of Idaho, County of Canyon

This record was acknowledged before me on August ^{16th}, 2021 by Louis A. MASsoth and Krista K. Massoth, as trustees of Louis A. and Krista K. Massoth Revocable Trust.

[Handwritten Signature]

Signature of notary public

Commission Expires: 12/21/2022

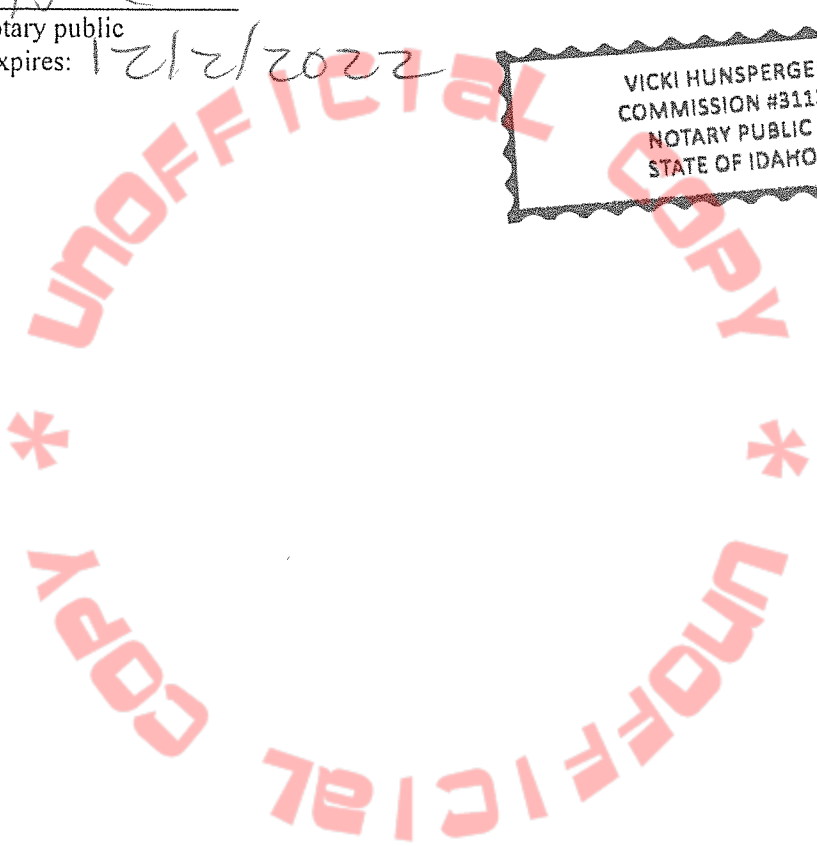
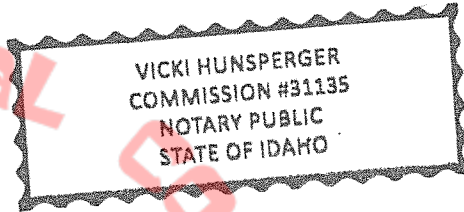


EXHIBIT A

A parcel of land located in the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 30 Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho. Being further described as follows:

BASIS OF BEARING:

The East line of the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 4 North, Range 2 West, Boise Meridian, derived from found monuments and taken as South 00°15'33" West with the distance between monuments found to be 1323.90 feet.

BEGINNING at a point being the Southeast corner of said Section 30, Township 4 North, Range 2 West, Boise Meridian

Thence long the south line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, North 89°25'08" West, a distance of 669.85 feet;

Thence leaving said South line, North 00°18'23" East, a distance of 348.48 feet;

Thence continue Northerly along said line, a distance of 169.54 feet;

Thence North 00°46'45" East, a distance of 132.64 feet;

Thence South 89°25'13" East, to a point on the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, a distance of 668.22 feet;

Thence along said East line, South 00°15'33" West, a distance of 650.68 feet to the POINT OF BEGINNING.

ALSO SHOWN as Parcel 2 on Record of Survey recorded July 19, 2021, as Instrument No. 2021-050543, records of Canyon County, Idaho.

SUBJECT TO a 5.00 foot wide Irrigation easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 ~~West~~ ^{WEST}, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

The Westerly 5.00 feet of the above described parcel.

ALSO TOGETHER WITH AND SUBJECT TO a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to sections 29, 30, 31, 32), said corner monumented with a found 3-inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to a point; thence

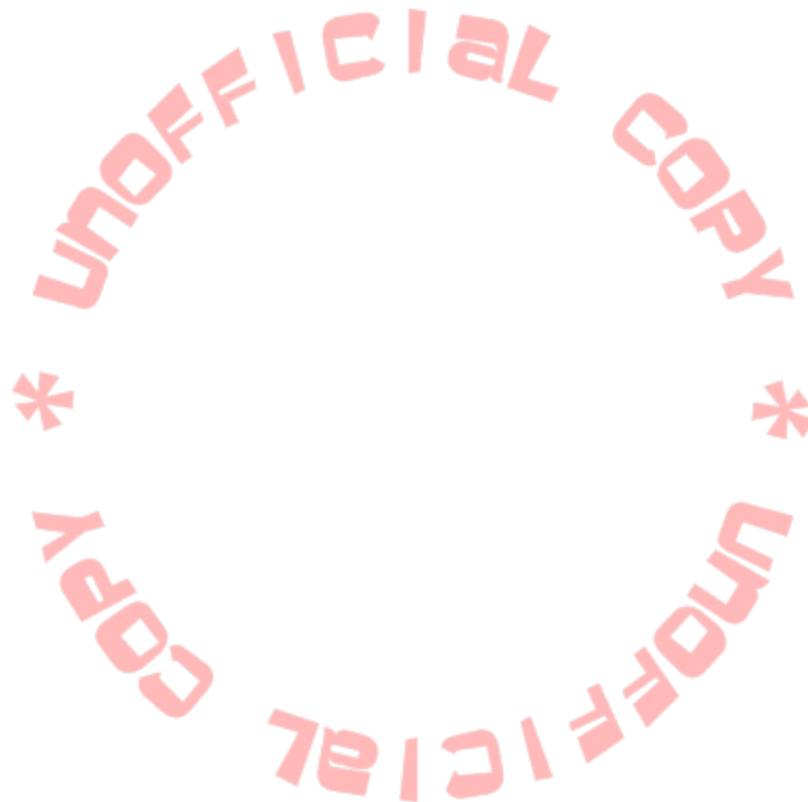
North 0° 18' 19" East, a distance of 30.00 feet to a point; thence

South 89° 25' 12" East, a distance of 669.84 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to a point on the Easterly boundary of said South Half of the Southeast Quarter; thence

South 0° 15' 29" West, a distance of 30.00 feet along the Easterly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING

UNOFFICIAL COPY

UNOFFICIAL COPY



UNOFFICIAL COPY

UNOFFICIAL COPY

EXHIBIT A

A parcel of land located in the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 30 Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho. Being further described as follows:

BASIS OF BEARING:

The East line of the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 4 North, Range 3 West, Boise Meridian, derived from found monuments and taken as South $00^{\circ}15'33''$ West with the distance between monuments found to be 1323.90 feet.

BEGINNING at a point being the Southeast corner of said Section 30, Township 4 North, Range 3 West, Boise Meridian

Thence along the south line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, North $89^{\circ}25'08''$ West, a distance of 669.85 feet;

Thence leaving said South line, North $00^{\circ}18'23''$ East, a distance of 348.48 feet;

Thence continue along said line North $00^{\circ}18'23''$ East, a distance of 169.54 feet;

Thence North $00^{\circ}46'45''$ East, a distance of 132.64 feet;

Thence South $89^{\circ}25'13''$ East, to a point on the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, a distance of 668.22 feet;

Thence along said East line, South $00^{\circ}15'33''$ West, a distance of 650.68 feet to the POINT OF BEGINNING.

ALSO SHOWN as Parcel 2 on Record of Survey recorded July 19, 2021, as Instrument No. 2021-050543, records of Canyon County, Idaho.

SUBJECT TO a 5.00 foot wide Irrigation easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

The Westerly 5.00 feet of the above described parcel.

ALSO TOGETHER WITH AND SUBJECT TO a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to sections 29, 30, 31, 32), said corner monumented with a found 3-inch diameter brass disk; thence

North $89^{\circ} 25' 12''$ West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to a point; thence

North $0^{\circ} 18' 19''$ East, a distance of 30.00 feet to a point; thence

South $89^{\circ} 25' 12''$ East, a distance of 669.84 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to a point on the Easterly boundary of said South Half of the Southeast Quarter; thence

South $0^{\circ} 15' 29''$ West, a distance of 30.00 feet along the Easterly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING.

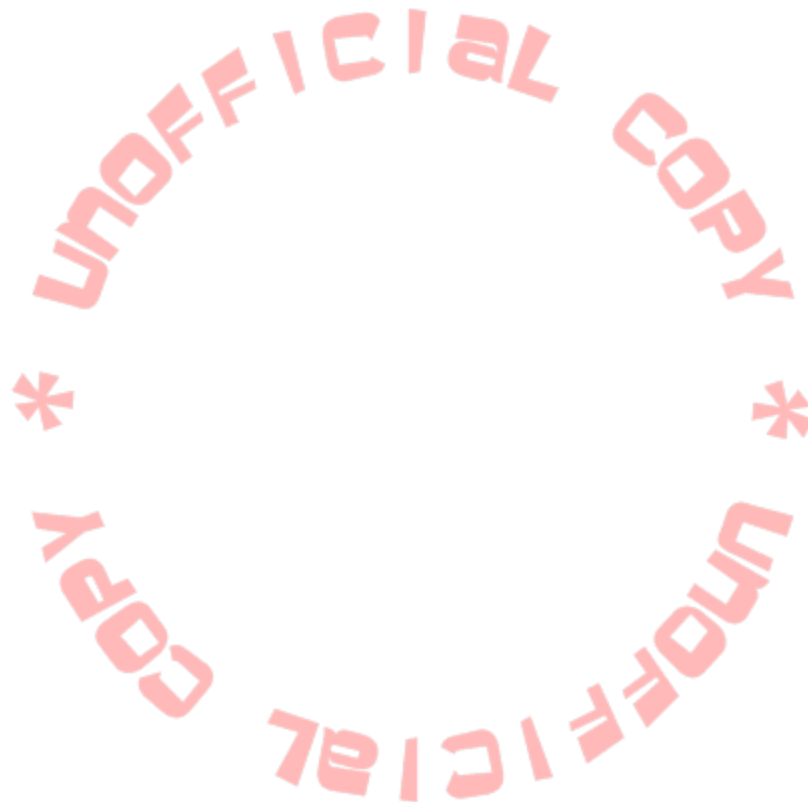
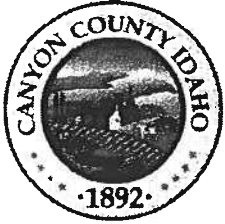


Exhibit 4



APPEAL OF DECISION APPLICATION

APPELLANT	NAME: <u>Grainelle Massoth</u>	
	MAILING ADDRESS: <u>17121 Upper Pleasant Ridge Rd</u>	
	PHONE: <u>208 447 2971</u>	EMAIL: <u>gm9massoth@gmail.com</u>
Property owner: <input type="checkbox"/>	Other Appellant: <input checked="" type="checkbox"/>	
Signature: <u>Grainelle Massoth</u> Date: <u>12-29-23</u>		

REPRESENTATIVE: IF DIFFERENT FROM THE APPELLANT	NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: <u>17121 Upper Pleasant Ridge Rd</u>	
	PARCEL NUMBER: <u>R3552101B R35521010</u>	
	PARCEL SIZE: <u>2 acres @ 10 Acres</u>	

CASE NUMBER OF REQUESTED APPEAL:	<u>AD 2023-0115</u>
---	---------------------

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	<u>AD2023-0115-APL</u>	DATE RECEIVED:	<u>1/3/24</u>
RECEIVED BY:	<u>Emily Kiester</u>	APPLICATION FEE:	<u>\$600</u> <input checked="" type="radio"/> CC CASH



RECEIVED

JAN 03 2024

RECEIVED

APPEAL OF DECISION
CHECKLIST

GENERAL APPEAL PROCEDURE CCZO - Section 07-05-05 or 07-05-07

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed		
Letter of Intent/Statement of Reason		
Fee: \$600.00	\$ 600.00	
Fees are non-refundable		

*DISCLAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.

Emily Kiester

From: Gainelle Massoth <gmgmassoth@gmail.com>
Sent: Thursday, January 4, 2024 3:16 AM
To: Emily Kiester
Subject: [External] Appeal for AD2023-0115

I am appealing your decision because I believe you are absolutely wrong in your decision. I further believe that your reason for saying that my sons adjoining property was illegally sold. Your verbiage is demeaning and insulting to my son in that there was no change to the status of the property. It was farm ground and still is farm ground. The usage did not require a hearing or your approval. It was and is his right to sell farm ground without your approval. There were no zoning changes, no request for a building permit. Since when does a private citizen have to have permission to sell their farm ground. Especially when the land usage has not changed. This is an absolute overreach of private property rights. I demand that this matter be dropped. The property that was sold was sold with the help of a realtor, title company and survey.

This meets the requirement for my appeal 1/3/2024



Director's Decision - AD2023-0115

Canyon County Code of Ordinances
§07-18-13 & §07-10-17

Case Number: **AD2023-0115**
Parcel #'s: **R35521010, R35521010B**
Property Owner/Applicant(s): **Gainelle Massoth, Harry Massoth, Louis Massoth, and Krista Massoth**

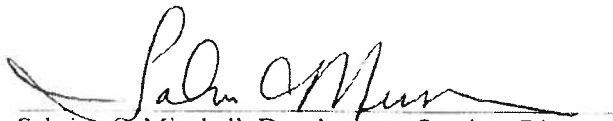
Request: The applicants are requesting a property boundary adjustment which increases the size of parcel R35521010B and decreases the size of R35521010. Parcels R35521010 and R35521010B are zoned "A" (Agricultural).

Property History: R35521 contained two original parcels, one (1) 20-acre parcel and one (1) 40-acre parcel. On April 10, 2003, a conditional use permit was approved to divide the one (1) 40-acre parcel into three (3) residential parcels (approximately one (1) 20-acre parcel and two (2) 10-acre parcels) (CU2003-46) (Exhibit 1). The owners of the approximately one (1) 20-acre parcel (R35521010), illegally divided off approximately 1.15 acres around 2006. In 2017, this illegal division of approximately 1.15 acres was recognized (what is now R35521010B) and a building permit was transferred from R35539010 to R35521010 with AD2017-77 (Exhibit 2). In 2021, the owners of R35521010 illegally divided off 10-acres via deed (R35521010C) (Exhibit 3).

Finding CCZO §07-18-13: The request is not consistent with CCZO §07-10-17, §07-17-03, and §07-18-13, as follows:

- R35521010's boundaries cannot be adjusted due to the illegal 10-acre division that occurred in 2021.
- Since R35521's original one (1) 40-acre parcel has been divided more than four (4) times, R35521010 and R35521010B's current and future land use would have to be changed to a residential zone (through the rezone/conditional rezone and comprehensive plan amendment application process) and then go through the subdivision platting process (CCZO §07-17-03 and §07-18-13). If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and also adjust the property boundaries of R35521010 and R35521010B.

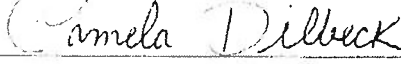
Decision: The application to complete the described property boundary adjustment in accordance with CCZO §07-10-17 is **DENIED**. Pursuant to CCZO §07-18-05(7), any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with CCZO §07-05-07 subject to application submittal requirements and fee.

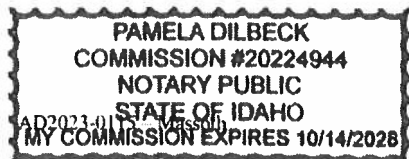

Sabrina C. Minshall, Development Services Director

12/20/23
Date

State of Idaho)
County of Canyon County) SS

On this 20th day of December, in the year of 2023, before me Pamela Dilbeck, a notary public, personally appeared Sabrina Minshall, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: 
My Commission Expires: 10/14/2028



Canyon County Development Services
111 N. 11th Ave. Room 310, Caldwell, ID 83605
(208) 454-7458

Building Divsn Email: buildinginfo@canyoncounty.id.gov **Planning Divsn Email:** zoninginfo@canyoncounty.id.gov

Receipt Number: 81419

Date: 1/4/2024

Date Created: 1/4/2024

Receipt Type: Normal Receipt

Status: Active

Customer's Name: Gainelle Massoth

Comments: AD2023-0115-APL

Site Address: 19161 WAGNER RD, Caldwell ID 83607 / Parcel Number: 35521010 0

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Any Decision Appealed to the Board	AD2023-0115-APL	\$600.00	\$0.00	\$0.00

Sub Total: \$600.00

Sales Tax: \$0.00

Total Charges: \$600.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Check	1533	\$600.00

Total Payments: \$600.00

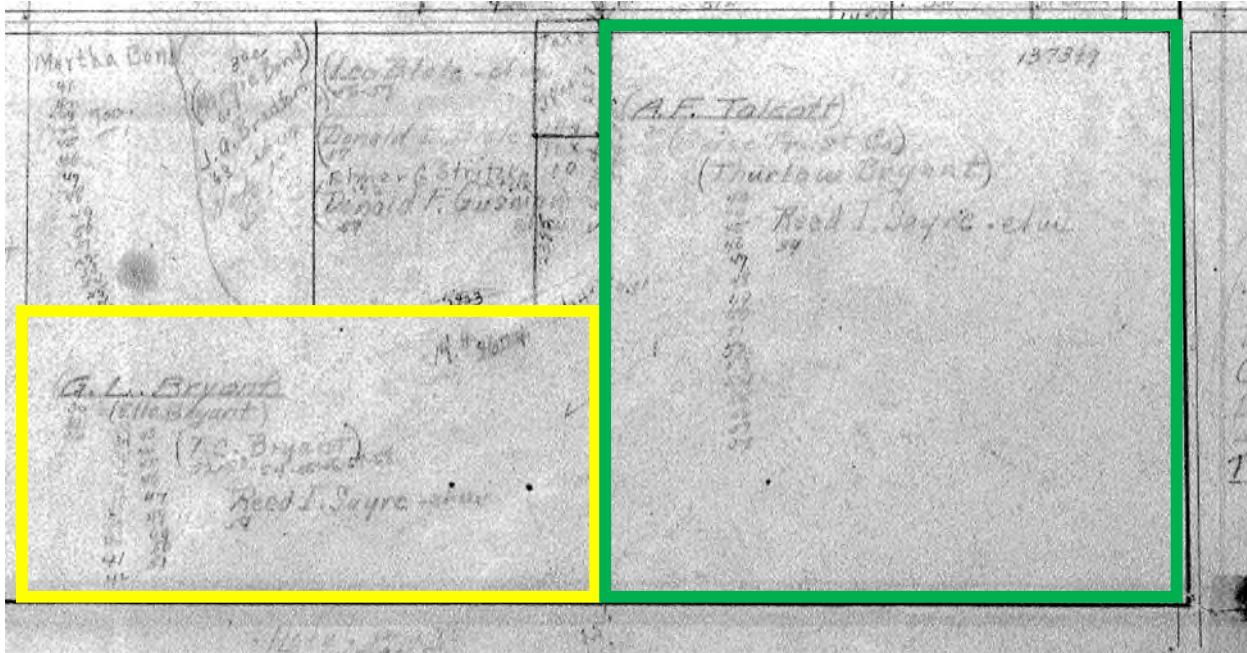
ADJUSTMENTS

Receipt Balance: \$0.00

Exhibit 5

Property History (with Visual Aids):

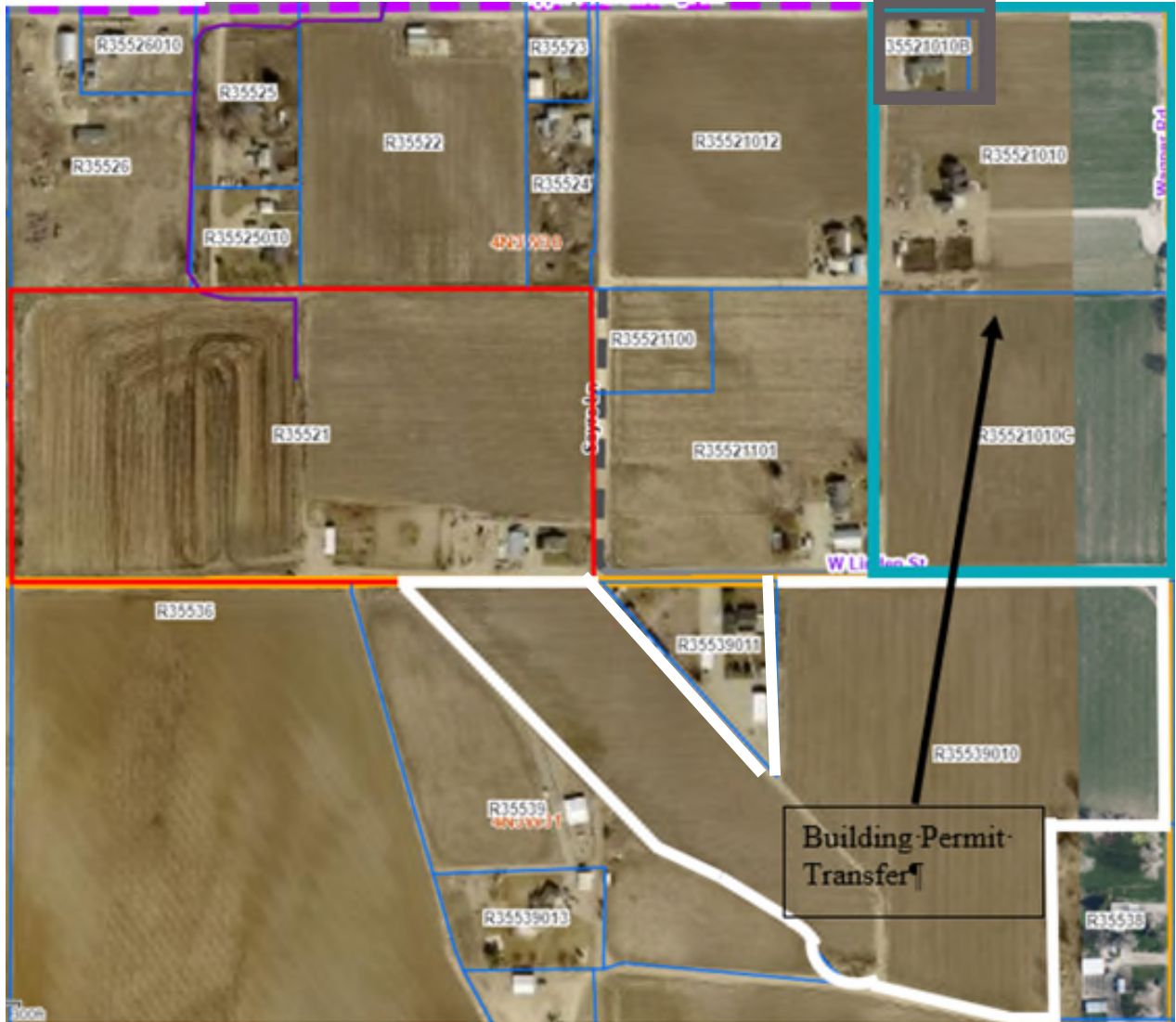
Per the Assessor's Maps from around the 1930s-1970s, R33521 contained two (2) original parcels, one (1) 20-acre parcel (outlined in yellow) and one (1) 40-acre parcel (outlined in green). The 1930s-1970s Assessor's Maps and the current maps showing the original parcels are shown below.



On April 10, 2003, a conditional use permit was approved to divide the 40-acre parcel (outlined in green) into three (3) residential parcels approximately one (1) 20-acre parcel (outlined in teal) and two (2) 10-acre parcels (outlined in orange and purple) (CU2003-46):

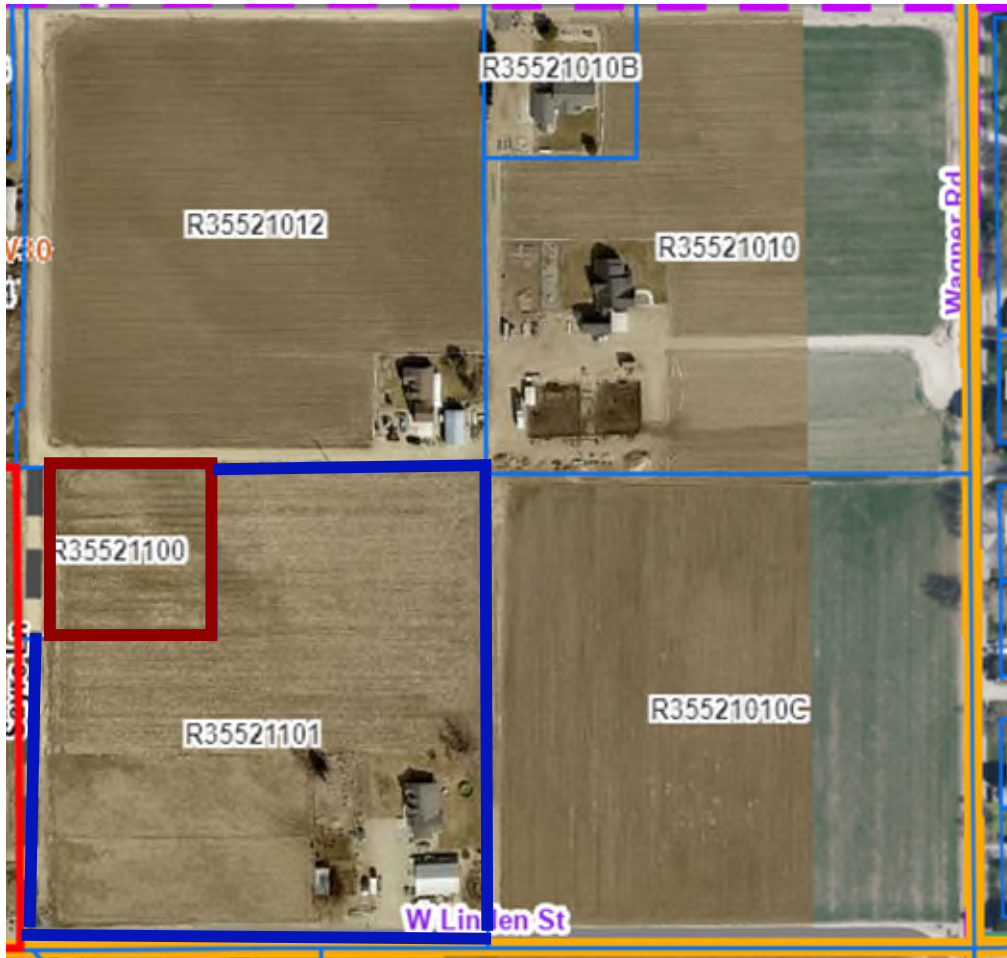


Around 2006, the owners of the 20-acre parcel (R35521010) divided off 1.15 acres without first obtaining the appropriate approval from Canyon County. In 2017 the division of 1.15 acres (R35521010B) and approximately 19 acres was recognized through AD2017-77 which transferred a building permit from R35539010 to R35521010 (at the time this parcel was approximately 19 acres).



On December 10, 2019, R35521011 was approved to be conditionally rezoned from “A” (Agricultural) to “CR-R1” (Conditional Rezone/Single Family Residential) with the condition that the property be developed in substantial compliance with the submitted site plan, which was limited to two (2) parcels (one (1) parcel to be approximately one (1) acre in size and one (1) parcel to be approximately 8.81 acres in size containing the existing residence).

On March 26, 2021, a short plat was approved for R35521011(Trails End Subdivision), which created R35521101 (highlighted in blue) and R35521100 (highlighted in burgundy).



In 2021, the owners of R35521010 (outlined in teal) divided off 10-acres via deed (R35521010C – outlined in red) without Canyon County’s approval creating the sixth parcel on the original 40 acres. Additional information regarding the project can be found in the Director’s Decision (AD2023-0115).

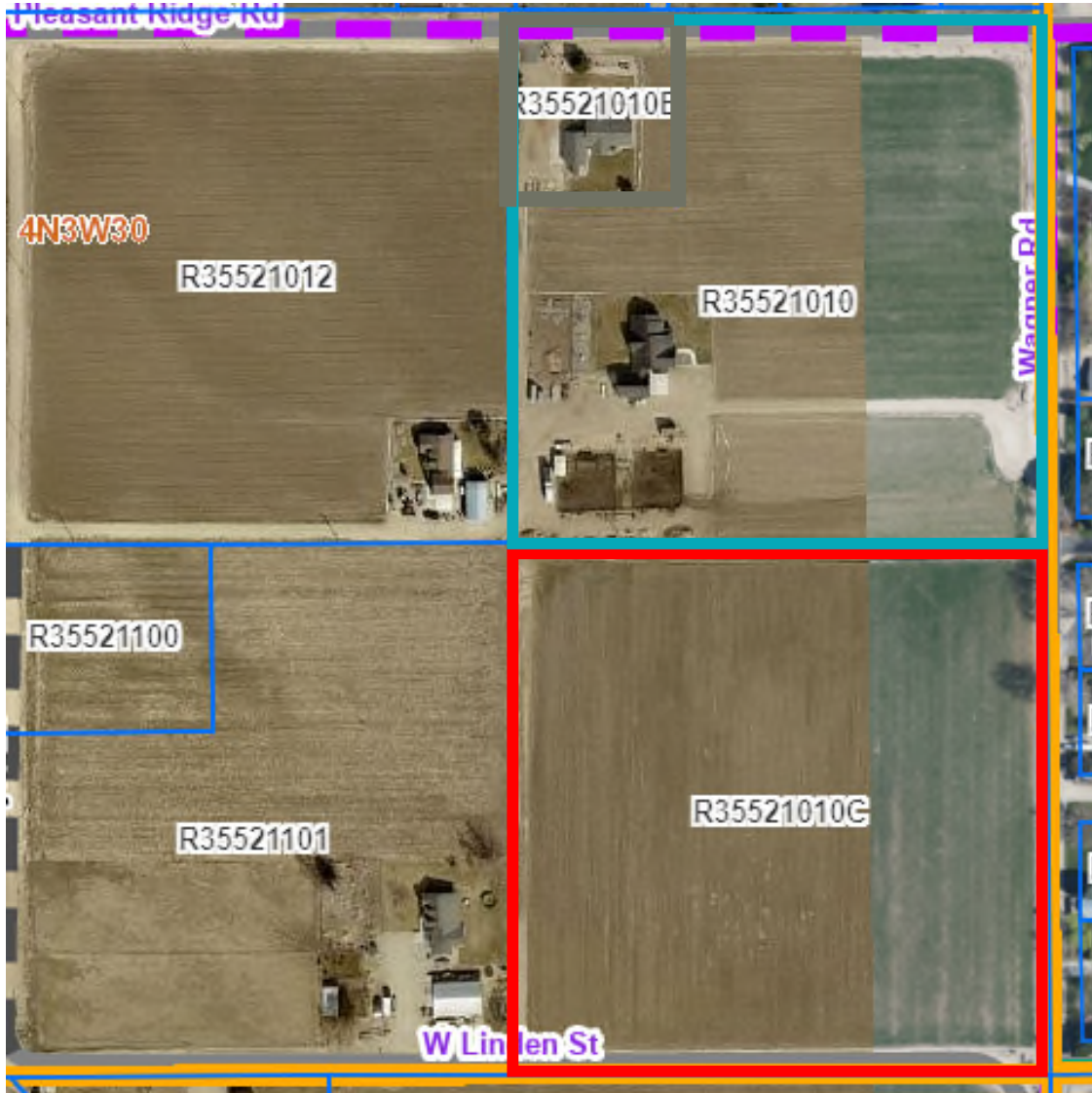


Exhibit 6



BEFORE THE CANYON COUNTY HEARING EXAMINER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:)
DONALD SAYRE)
FOR CONDITIONAL USE PERMIT)

CASE# CU2003-46

PARCEL # R35521 & R35539

I. APPLICATION PROCESS (CCCO 07-06-03)

1.1 LEGAL

Donald Sayre is requesting a Conditional Use Permit to subdivide one parcel consisting of approximately 40 acres into 3 residential parcels and one parcel consisting of approximately 76 acres into 4 residential parcels in an "A" (Agricultural) Zone. A request is also being made for approval of an Irrigation Plan as well as Waivers of required subdivision improvements consisting of concrete curbs, gutters, sidewalks, and streetlights. The subject property is located at the southwest corner of the intersection of Upper Pleasant Ridge Rd. and Wagner Rd., at 17243 Upper Pleasant Ridge Rd., Caldwell, Idaho, in a portion of the SE 1/4 of Section 30, T4N, R3W, and is in a portion of the NE 1/4 of Section 31, T4N, R3W, BM.

1.2 PROCEDURAL HISTORY

On January 23, 2003, the Hearing Examiner set the notification distance at 1/4 mile; and on February 25, 2003, persons owning property within the set distance of the site were notified of the hearing by mail. On January 29, 2003, staff notified other agencies of this application and solicited their comments. On February 24, 2003, notice of the hearing was published in the Idaho Press Tribune. On or before February 20, 2003, notice of the public hearing was posted on the site.

II. PROPERTY REVIEW

2.1 PROPERTY HISTORY

Parcel R35521 contains two original parcels. The 20-acre parcel within R35521 is an original parcel dating back to August 1952, and the 40-acre parcel within R35521 is an original parcel dating back to March 1900. Parcel R35539 is also an original parcel. If this request were denied, administrative land divisions would still be available for the original parcels. If this request is approved, platting will not be required as per the Canyon County Subdivision Ordinance.

III. PUBLIC HEARING

The Hearing Examiner, M. Jerome Mapp, opened the public testimony.

- 3.1 Planner for the Development Services Department, Lori Den Hartog, reviewed the Staff Report and entered supplemental exhibits D.4 through D.9 into the record.**
- 3.2 WITNESSES SIGNED UP IN FAVOR:** Alan Mills, Donald Sayre, Matt Duckett, JoAnn Lowe, Gainelle Massoth, Reed Taylor, and Louis Massoth.
- 3.3 WITNESSES TESTIFYING IN FAVOR:** Alan Mills, Donald Sayre, Matt Duckett, JoAnn Lowe, Gainelle Massoth, and Reed Taylor.

Alan Mills

- Mr. Mills presented several comprehensive plan provisions that he felt were in favor of the proposed development.
- Stated that individual wells and septic systems were proposed.
- Agreed with conditions 1, 2, 7, 8, and 9. Mr. Mills did not agree with conditions 3, 4, 5, and 6. He stated that there were several buyers willing to purchase land in the configuration that was proposed. The surveys and irrigation plan had been completed. The Highway District has stated that the configuration recommended by staff would not work.
- Mr. Mills stated that the land would still be used for agriculture.
- Stated that there would be no negative impact on surrounding property.
- Mr. Mills stated that a neighborhood meeting was held.
- Mr. Mills stated the reasons for requesting waivers.

Donald Sayre

- Mr. Sayre stated he had farmed for 45 years.
- Pointed out the fields in the area that had been leveled, including ones that he had leveled himself.
- Testified that the land would still be used for agriculture.
- Stated that the lot sizes proposed would be 49 acres, 23 acres, 20 acres, and two 10 acre parcels.
- Mr. Sayre pointed out where the homes would be located on each parcel.
- Mr. Sayre explained the irrigation plan. The irrigation will be a gravity irrigation system.

Matt Duckett

- Mr. Duckett stated he was the buyer of the 49-acre parcel.
- The land would be used for agriculture.

JoAnn Lowe

- Ms. Lowe stated that the area was an appropriate place for the development proposed.
- Pointed out where the homes would be located on each parcel.

Gainelle Massoth

- Ms. Massoth intended to purchase one of the parcels.
- Stated that she came from an agricultural background.
- Ms. Massoth testified that the subject property was not prime farmground due to slope.

Reed Taylor

- Mr. Taylor was in favor of the proposed development.
- Stated that there would be no need to develop new access. There was access off of a main road.

3.4 NO NEUTRAL WITNESSES.

3.5 NO WITNESSES IN OPPOSITION.

The Hearing Examiner, M. Jerome Mapp closed public testimony.

IV. FINDINGS OF FACT (CCCO 07-06-05 (3))

4.1 Whether this Chapter permits the use by conditional use permit?

Mr. Mapp cited the following from the staff report:

Yes, 07-12-07 (3)(Z) and 07-12-07 (8)(E).

4.2 Reasons for the application.

Mr. Mapp cited the following from the staff report:

The applicant wishes to divide one parcel of approximately 40 acres into 3 residential parcels, and one parcel of approximately 76 acres into 4 residential parcels.

4.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

Mr. Mapp cited the following from the staff report:

A. Page 75: Guidelines to be used in administering the plan.

B. This request is harmonious and in accordance with the following Comprehensive Plan provisions:

Property Rights

In the 1994 Legislative Session, Idaho Code 67-8001, 8002, and 8003 were adopted to establish a process to better provide that land use policies.

restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions.

Population Policy: 1

To provide the planning base for an anticipated population of at least 105,000 by the year 2000, and 120,000 by the year 2010. This policy estimates and anticipates an annual increase of approximately 1.2 percent between 1990 and 2000, and could reach 1.5 percent between 2000 and 2010. This policy also recognizes that planning policies combined with past trends can anticipate the location of the expected population reasonably close and that the intent of the plan is to forecast and plan for the needs of population growth areas in terms of future facilities and services.

Overall Land Use Policy: 1

To encourage orderly growth throughout Canyon County while avoiding scattered development of land that may result in either or both of the following:

(A) An adverse impact upon water quality, water supply, irrigation ditches, canals and systems, sewage disposal, public safety and emergency services, educational facilities and surroundings, transportation and transportation facilities, and other desired and essential services; and

(B) The unnecessary imposition of an excessive expenditure of public funds for delivery of desired and essential services.

Overall Land Use Policy: 3

To provide for appropriately located residential areas with an adequate variety of dwelling types and density ranges as needed to meet demands.

Overall Land Use Policy: 4

To promote the safe efficient movement of people and goods and the provision of adequate off-street parking and loading facilities to support land uses.

Housing Policy: 1

To encourage opportunities for a diversity of housing choices and availability of affordable housing. This policy recognizes that housing is basic to every person living in the county and that affordable housing opportunities should be a goal, which needs constant review. The plan encourages a variety of housing which also seeks to improve the life style of the county's residents.

Mr. Mapp added the following Comprehensive Plan Policies in favor of the request:

Population Policy: 2

To take steps that will reverse the past trend of out migration from the county, especially from the smaller municipalities of the county. The policy recognizes that some out migration did occur from 1980 to 1990 in Canyon County and that all of the municipalities except Caldwell and Nampa lost population during this period. This policy also recognizes that the county's population is one of its greatest assets and that a diversity in population age groups is highly desirable.

Population Policy: 3

To encourage future population to locate within incorporated cities and/or "Areas of City Impact". This policy recognizes that population growth and the resulting development activity should occur where public infrastructure, services and facilities are available or where they are planned and will be provided in the near future.

Overall Land Use Policy: 1

To encourage orderly growth throughout Canyon County while avoiding scattered development of land that may result in either or both of the following:

(A) An adverse impact upon water quality, water supply, irrigation ditches, canals and systems, sewage disposal, public safety and emergency services, educational facilities and surroundings, transportation and transportation facilities, and other desired and essential services; and

(B) The unnecessary imposition of an excessive expenditure of public funds for delivery of desired and essential services.

C. This request is not harmonious and in accordance with the following Comprehensive Plan provisions:

Population Policy: 4

To locate future population in areas outside of best suited and moderately suited agricultural areas. This policy recognizes that productive agricultural areas are considered developed and to change the existing land use pattern to another land use or to mixtures of potentially conflicting land uses may cause irreparable damage to both the area and the agricultural industry of the county. This policy underscores other policies of the plan, which seek to encourage the protection of prime "best suited" agricultural lands for the production of food and fiber. The county also recognizes that certain "moderately suited" and "least suited" agricultural areas may be considered for residential development through the Conditional Use Permit or Conditional Rezone process. These processes however, require careful consideration of the impact(s) that development may have on

existing and surrounding land uses while taking into account both citizen and pertinent agency inputs. Urban and urban-type residential development is encouraged within incorporated cities and their corresponding areas of impact.

Overall Land Use Policy: 2

To protect agricultural, residential, commercial, industrial and public areas from the unreasonable intrusion of incompatible land uses.

Overall Land Use Policy: 7

To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Agricultural Lands Policy: 1

To support the fact that the present agricultural activities in "best suited" and "moderately suited" agricultural soil designated areas of Canyon County represent "development" by definition. Careful consideration must be given to any proposal, which would permit changes of land use from agriculture to another type of development. Minimizing the potential for conflicting land uses is very important to the ongoing and long-term agricultural activities of the county. "Best suited" and "moderately suited" soil areas generally demonstrate that the corresponding farms have a consistent annual production history complete with water delivery system(s).

Area of City Impact Policy: 1

To recognize and cooperate with the municipalities of the county designating and developing "Areas of City Impact" in harmony with each city's trade area, geographic factors and areas that can reasonably expect to be annexed in the future. This policy recognizes that in many instances cities will enlarge and that annexations will also occur as a result. These logical city expansion areas should be anticipated and developed in close harmony with the affected city's comprehensive plan and related growth and development intents. This policy also assists in establishing the intent to have a greater variety of land use activities and densities in these unincorporated areas that are to be in a more urban condition in the future.

Natural Resources Policy: 1

To tailor the comprehensive plan and its implementation tools in ways to specifically conserve and protect the natural resources of Canyon County. This policy recognizes the importance of our geology, hydrology, soils, climate, vegetation, and wildlife as primary natural resources of the county and establishes the comprehensive plan as a development guide in conserving and protecting these resources. Residents of the county value the beauty of their surroundings; the

farmland, the canyons, rivers, streams, clean air, and seek to plan for the future with this in mind.

Mr. Mapp added the following Comprehensive Plan Policies in the negative:

Areas of City Impact Policy: 2

To reach agreement with each municipality in accordance with statutes defining the methods to be used in meeting development intents of each municipality in administering planning and development procedures in "Areas of City Impact". This policy recognizes that coordinated planning as well as several procedural steps must be taken to assure that ordinances, codes and administrative procedures are adopted and properly enforced in order to assure the desired development integrity of "Areas of City Impact".

4.4 Whether the proposed use will be injurious to other property in the immediate vicinity and / or will change the essential character of the area?

Mr. Mapp stated that the proposed use could be injurious to property owners in the immediate vicinity. Mr. Mapp stated it was better to have parcels which would still be farmed, than to allow large density in the area. The essential character of the area will remain agricultural.

4.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use?

Mr. Mapp cited the following from the staff report:

- A. Sewer- Individual septics are proposed.
- B. Water- Individual wells are proposed.
- C. Drainage- The subject property drains into district drains.
- D. Utilities- Currently available to the property.

4.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns?

Mr. Mapp cited the following from the staff report:

- A. The Canyon Highway District was notified of this request. Canyon Highway District had no objection to the request. The access locations will be required to meet all safety requirements and standards of the district. (Exhibit D.4)
- B. The applicant has proposed a 60' ingress/egress (and general utility and irrigation) easement to access the parcels from Upper Pleasant Ridge Road. A 30' ingress/egress (and general utility and irrigation) easement is proposed on each side of the section line between sections 30 and 31; this easement would provide for

future through-way of Linden Street. An additional 40' ingress/egress easement from Wagner Road, with proper turn-around, is proposed to access Parcel 2 on Survey Job No. JA1203.

- 4.7 Whether essential public services such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested change.**

Mr. Mapp cited the following from the staff report:

- A. Idaho Power was notified of this request. Idaho Power will provide electric service to this development, providing the customer abides by the Rules, Rates, and Regulations as approved by the Idaho Public Utilities Commission, and proper right-of-way can be obtained (Exhibit C.1).
- B. Pioneer Irrigation District states that no one shall disrupt the delivery of water to a downstream water user. The Phyllis Canal has a 20-foot from top of bank prescriptive use easement; no fences or structures are allowed on any of the District's easements. Any discharge or run-off into a federal drain must meet the approval of Mr. Caywood of the Bureau of Reclamation (See Exhibit C.2).
- C. The Development Services Department has not received documentation from the following agencies at the time the staff report was written:
 - Caldwell Rural Fire District
 - Canyon County EMS/Paramedics
 - Canyon County Sheriff
 - Qwest Communications
 - Southwest District Health Department
 - Vallivue School District

- 4.8 Whether the proposed use is essential or desirable to the public convenience or welfare?**

Mr. Mapp stated that the proposed use is essential to preserve the agricultural use in the area and is desirable to the public convenience and welfare.

V. CONCLUSIONS OF LAW

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

VI. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders Case # CU2003-46 a **Conditional Use Permit** request by Donald Sayre to subdivide one parcel consisting of approximately 40 acres into 3 residential parcels and one parcel consisting of approximately 76 acres into 4 residential parcels in an "A" (Agricultural) Zone, is approved with the following conditions:

1. The development shall comply with all applicable federal, state, and county, laws, ordinances, rules and regulations that pertain to the property.
2. The project will commence within two years and be completed within five years.
3. Comply with the applicant's record of survey, Exhibit B.8.
4. A Water/Lateral User's Maintenance Agreement shall be established and recorded to ensure the proper delivery of water and maintenance of the water delivery system.
5. A Road User's Maintenance Agreement shall be established and recorded for any private roads within the development.
6. Proper easements shall be provided for accesses, utilities, and irrigation systems with special consideration given to section lines and quarter section lines.

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # CU2003-46 a request by Donald Sayre for an **Irrigation Plan**, is approved.

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # CU2003-46 a request by Donald Sayre for **Waivers** of subdivision improvements consisting of concrete curbs, gutters, sidewalks, and streetlights is approved.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE
CANYON COUNTY HEARING EXAMINER AT A SCHEDULED MEETING HELD APRIL 10, 2003.

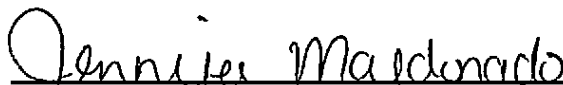


M. Jerome Mapp
Canyon County Hearing Examiner

4/12/03

Dated

ATTEST:



Jennifer Maldonado
Recording Secretary



DSD Director Decision
Administrative Land Divisions
 Canyon County Code of Ordinances 12-008
 Article 18

Case Number: AD2017-77

Parcel # (s): R35521-010 & R35539-010

Property Owner/Applicant(s): Louis Massoth

2017-043841

RECORDED

10/10/2017 11:44 AM



00328621201700438410100101

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=10 MBROWN

\$37.00

MISC

MASSOTH LOUIS

Existing Parcel Configuration:

1. R35521-010, approximately 19.166 acres was split off illegally with no building permit available.
2. R35539-010 is approximately 22.891 acres, was created from CU2003-46 and has one building permit available.

The applicant is requesting the following:

Louis Massoth is requesting to transfer a building permit from parcel R35539-010 to contiguous parcel R35521-010 with the intent of creating one residential parcel in the southeast corner of the destination parcel, promoting effective and efficient farming. Based on the applicant's letter of intent, the 19 acre parcel, R35539-010 has poor soil and is more difficult to irrigate due to slopes. Additionally, this will preserve productive agricultural land. Parcel R35539-010 will be identified as agricultural use only and meets the exception in the CCZO §07-17-03 (3) A. The proposal for this relocation of permits will result in one building permit available to parcel R35521-010 and parcel R35539-010 will remain as agricultural only with no building permits available.

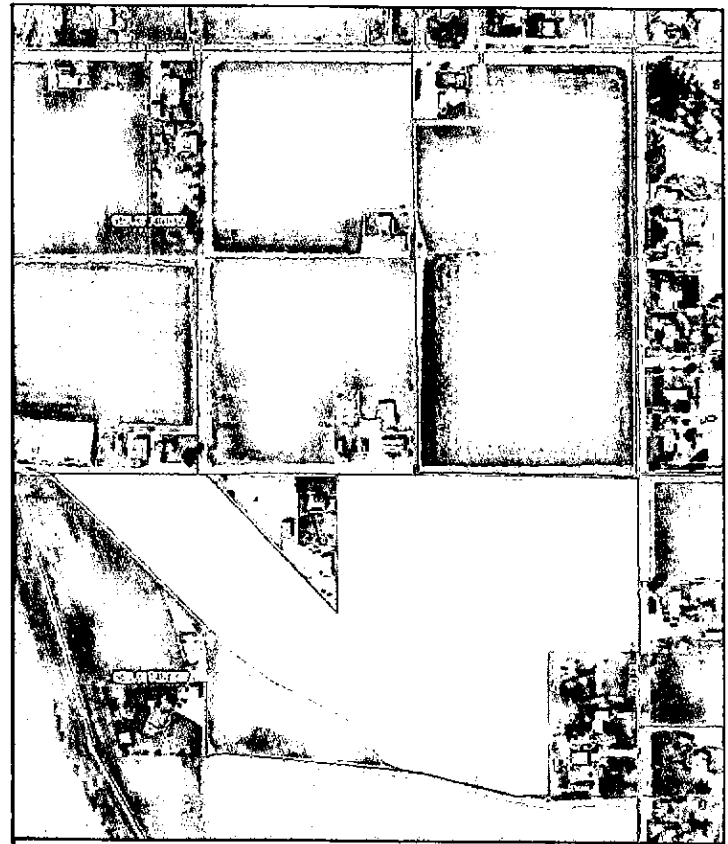


Figure 1: Diagram of proposed relocation of permits.

Findings §07-18-03: Admin Divisions and Relocations of Building permits:

- (1) The purpose of the relocation is for the promotion of effective or efficient farming.
- (2) The parcels exceed the one (1) acre minimum parcel size.
- (3) Notification of the application for relocation of two building permits was sent to property owners within 300 feet of the subject properties (destination parcels) on August 15, 2017 for a 15 day comment period. No official comments were received.
- (4) Evaluation and Determination of Application:
 - a. The originating and destination parcels are contiguous by ownership.
 - b. The properties are owned by the Louis Massoth and Krista K Revocable trust.
 - c. The originating parcel R35539-010 was created through CU2003-46.

- d. The relocation will use the available building permit on the originating parcel and no further divisions or building permits are available to the property.
- e. The relocation of one permit results in the promotion of effective and efficient farming. The originating parcel will only be entitled to be utilized as farm ground, making more ground available for farming. The destination parcel will have one building permit that will be located outside of the irrigation pivot.
- f. There has not been deliberate action to withhold productive farmland from production for the purpose of relocating permits.

Determination: The requested building permit relocation of one residential permit from R35539-010 to R335521-010 for the promotion of effective or efficient farming farmland is in conformance with CCZO 12-008 §07-18-03 [(1)- (4)a-f].

This relocation of permits from R35539-010 to R35521-010 is approved-- no further divisions or permits are available without jurisdictional approval. No residential permits will remain on Originating parcel as described below. The parcel has adequate access to Upper Pleasant or Wagner according to Canyon Hwy District. The resulting parcels of the administrative division with a building permit relocation are as follows (see ROS2017-043194):

Parcel 1: Approx. 1.14 acres more or less, (1) one residential permit available.
 Parcel 2: Approx. 19.15 acres more or less, (1) one residential permit available.
 Parcel 3: Approx. 22.818 acres more or less, agricultural only, no permits available.

Decision: The application to complete the described permit relocations and easement reduction in accordance with CCZO 12-008 is **APPROVED**. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property. The Idaho Right to Farm Act (Idaho Code § 22-4503) applies to this land use decision.

Patricia Nilsson
 Director

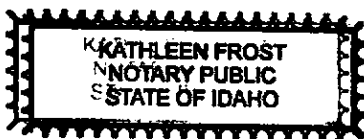
October 10, 2017
 Date

State of Idaho)

SS

County of Canyon County)

On this 10th day of October, in the year of 2017, before me Kathleen Frost, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.



Notary: K Frost

My Commission Expires: 6-3-2022

2017-043194

RECORDED

10/05/2017 08:18 AM



327851201700431940010018

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=1 EHOWELL

\$5.00

SURVEY

MASON & ASSOCIATES

SEE ORIGINAL



LEGEND

- Found brass cap monument
- Found 5/8 inch dia. iron pin
- Found 1/2 inch dia. iron pin
- Found MAG nail
- Found stake
- Found pipe
- Dashed line
- Section line

RECORD DATA
 WARRANTY DEED INST. NO. 2017-025154
 RECORD OF SURVEY INST. NO. 200221691
 RECORD OF SURVEY INST. NO. 200152661
 RECORD OF SURVEY INST. NO. 2008004053
 RECORD OF SURVEY INST. NO. 200319262
 RECORD OF SURVEY INST. NO. 200333163
 RECORD OF SURVEY INST. NO. 2017-036785

INDEX NO. 434-31-1-0-0-00-00
 INDEX NO. 434-30-3-0-0-00-00
 SURVEY FOUR

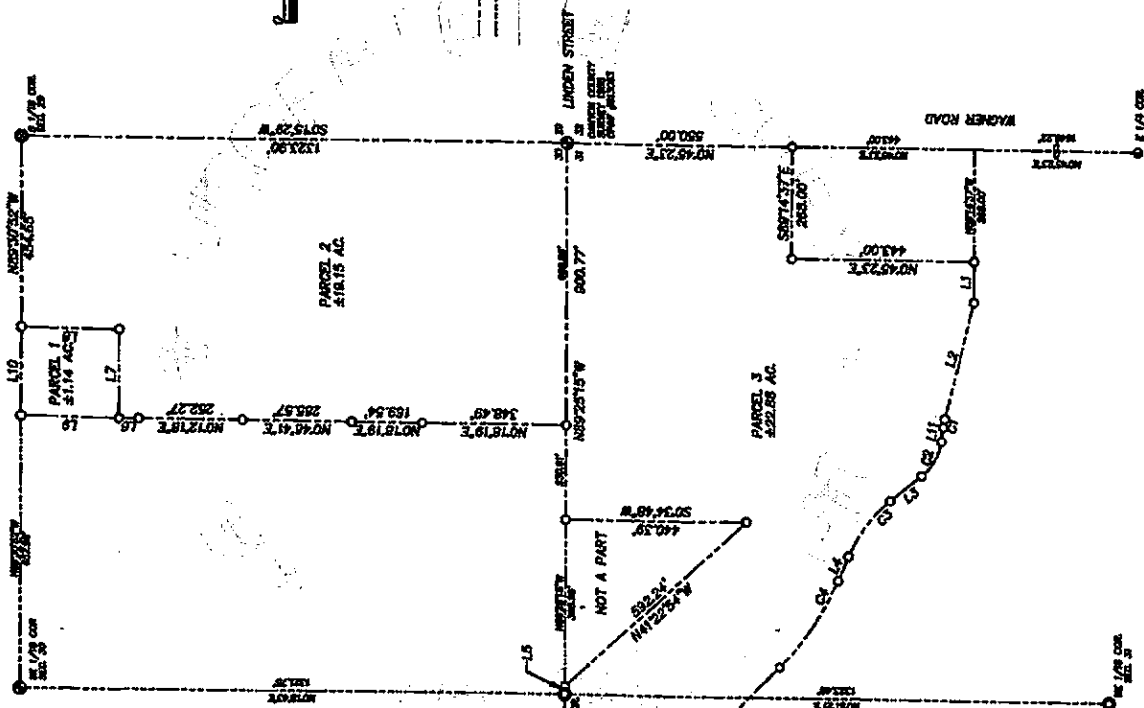
LOUIS MASSOTH

Professional Engineer
 License No. 172607
 State of Idaho
 MASON & ASSOCIATES
 635 S. 10th Street, Suite 200
 Boise, Idaho 83702
 Phone: 208-333-1111
 Fax: 208-333-1112

RECORD OF SURVEY
 A PART OF THE SE 1/4 SE 1/4, SECTION 30, AND A PART OF THE NE 1/4 NE 1/4 AND
 NW 1/4 NE 1/4, SECTION 31, T. 4 N., R. 3 W., B.M.,
 CANYON COUNTY, IDAHO
 2017

Line #	Length	Direction
L1	98.82	S89°43'37"E
L2	285.10	S70°06'40"E
L3	96.85	N35°46'18"W
L4	82.83	S89°07'40"E
L5	19.04	S89°25'15"E
L6	48.18	N1°01'33"E
L7	208.76	S89°30'32"E
L8	238.75	N1°01'33"E
L9	208.78	S89°30'32"E
L10	35.05	S89°43'20"E

Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
C1	20.73	198.00	7°35'49"	N78°55'04"W	20.71	10.38
C2	100.40	131.00	43°37'15"	S89°44'52"E	88.00	82.87
C3	163.69	356.00	27°21'24"	N52°26'56"W	159.37	86.64
C4	252.13	644.00	27°25'52"	S84°56'44"E	250.52	127.70



This drawing does not necessarily show all of the physical features of the property. Access to Successors, Inc. cannot be held responsible for any inaccuracies or omissions in this drawing. The recording of this Survey does not serve as a legal description for the property shown on this map.

The recording of this Record of Survey does not enable the owners of the Parcels to convey ownership based solely on this map. A written conveyance must accompany such change in ownership. This Record of Survey does not serve as a legal description for the property shown on this map.

EXHIBIT A

A parcel of land being a portion of the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a set 1/2 inch diameter iron pin; thence continuing along the Southerly boundary of said South Half of the Southeast Quarter,

North 89° 25' 12" West, a distance of 645.93 feet to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, (East 1/16 corner common to Sections 30 and 31), said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 260 feet; thence

South 89° 29' 33" East, a distance of 646 feet more or less to a point which lies North 0° 18' 19" East from the POINT OF BEGINNING; thence

South 0° 18' 19" West a distance of 260 feet more or less to the POINT OF BEGINNING.

IRRIGATION EXHIBIT "B"

SUBJECT TO a 5.00-foot-wide Irrigation easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

The Easterly 5.00 feet of the above described parcel.

INGRESS/EGRESS EXHIBIT "A"

ALSO TOGETHER WITH a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

File No. 200903863

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to a point; thence

North 0° 18' 19" East, a distance of 30.00 feet to a point; thence

South 89° 25' 12" East, a distance of 669.84 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to a point on the Easterly boundary of said South Half of the Southeast Quarter; thence

South 0° 15' 29" West, a distance of 30.00 feet along the Easterly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING.

INGRESS/EGRESS EXHIBIT "B"

ALSO SUBJECT TO a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement more located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, particularly described as follows:

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a set 1/2 inch diameter iron pin; thence continuing along the Southerly boundary of said South Half of the Southeast Quarter,

North 89° 25' 12" West, a distance of 645.93 feet to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 30.00 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southeast Quarter, (East 1/16 corner common to Sections 30 and 31), said corner monumented with a set 5/8 inch diameter iron pin; thence leaving the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

South 89° 25' 12" East, a distance of 645.93 feet parallel with the Southerly boundary of said South Half of the Southwest Quarter of the Southeast Quarter to a point; thence

South 0° 18' 19" West, a distance of 30.00 feet to the POINT OF BEGINNING.

INGRESS/EGRESS EXHIBIT "C"

ALSO SUBJECT TO a 60.00-foot-wide Ingress/Egress, Irrigation and General Utility easement more located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, particularly described as follows:

File No. 200903863

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 1,315.80 feet along the Southerly boundary of said South Half of the Southeast Quarter to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, (East 1/16 corner common to Sections 30 and 31), said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 30.00 feet to the POINT OF BEGINNING; thence continuing along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 630.86 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southeast Quarter, said corner monumented with a set 5/8 inch diameter iron pin; thence leaving the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

South 89° 29' 33" East, a distance of 60.00 feet to a point; thence

South 0° 18' 42" West, a distance of 630.94 feet parallel with the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter to a point that lies 30.00 feet Northerly of the Southerly boundary of said South Half of the Southeast Quarter; thence

North 89° 25' 12" West, a distance of 60.00 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING.

INGRESS/EGRESS EXHIBIT "D"

ALSO TOGETHER WITH a 60.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to Sections 29, 30, 31 and 32), said corner monumented with a found 3 inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 1,315.80 feet along the Southerly boundary of said South Half of the Southeast Quarter to the Southeast corner of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 30, said corner monumented with a 5/8 inch diameter iron pin; thence leaving the Southerly boundary of said South Half of the Southeast Quarter and along the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 0° 18' 42" East, a distance of 660.86 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southeast Quarter, said corner being the POINT OF BEGINNING, and is monumented with a set 5/8 inch diameter iron pin; thence leaving the Easterly boundary of said South Half of the Southwest Quarter of the Southeast Quarter,

North 6° 35' 23" East, a distance of 86.84 feet to a point; thence

File No. 200903863

North 1° 16' 35" East, a distance of 574.57 feet to a point on the Northerly boundary of said South Half of the Southeast Quarter; thence

South 89° 30' 52" East, a distance of 60.00 feet along the Northerly boundary of said South Half of the Southeast Quarter to a point; thence

South 1° 16' 35" West, a distance of 574.54 feet to a point; thence

South 6° 35' 23" West, a distance of 86.89 feet to a point; thence

North 89° 29' 33" West, a distance of 60.00 feet to the POINT OF BEGINNING.

ADMINISTRATIVE LAND DIVISION LETTER OF ACKNOWLEDGEMENT

To: Peabodwell Fire District

Applicant Name: Louis Massoth

Current Mailing Address: 17263 W. Linden

Site (Subject Property) Address: _____

Parcel # R35521-010

Phone Number: 208 294-6016

Fax: _____

R 35539-010

E-mail address: _____

Date: 8/1/17

Type of Administrative Land Division Application:

- Administrative Land Division [Canyon County Code § 07-18-01]
- Transfer of Building Permits [Canyon County Code § 07-18-03]
- Variance—Discretionary Decrease/Increase in Lot Size [Canyon County Code, Article 8]
- Easement Reduction [Canyon County Code § 07-10-03 (1) (B)]

OFFICIAL USE ONLY BELOW THIS LINE

LETTER OF ACKNOWLEDGEMENT ACTION:

Determination and Decision and Order on Application for Letter of Acknowledgement:

- Approval Approval Subject to Conditions Denied

Approval Conditions, if any, are herein set forth:

Any future building shall be reviewed for current fire code requirements.

This acknowledgement is valid only for six months from the date issued.

Basis for action:

Dated: 8/1/17 Signed [Signature]
Authorized Fire District Representative

Notice of final action: Please note that unless an appeal of this decision is filed with the Secretary of the District, within fourteen (14) days of date of service, this is a final action. Appeals will be heard by the Board of Commissioners of this District at an open meeting, as scheduled by the Commissioners of this District.

(Copy retained by District in official files and copy to Applicant)

Copy of completed form received by Canyon County Development Services

on _____ (date) Received By (DSD Staff) : _____

ADMINISTRATIVE LAND DIVISION LETTER OF ACKNOWLEDGEMENT

Submit this document along with a detailed site plan showing all mstructures, accesses, and easements

To: Canyon Highway District

Applicant Name: Louis Massoth

Current Mailing Address: 17263 W. Linden

Site (Subject Property) Address: Same

Parcel # R35521-010

Phone Number: 208 794-6016 Fax:

R35539-010

E-mail address: Lewis@drmassoth.com Date: 8/1/17

Type of Administrative Land Division Application:

- Administrative Land Division [Canyon County Code § 07-18-01]
Transfer of Building Permits [Canyon County Code § 07-18-03]
Variance-Discretionary Decrease/Increase in Lot Size [Canyon County Code, Article 8]
Easement Reduction [Canyon County Code § 07-10-03 (1) (B)]

OFFICIAL USE ONLY BELOW THIS LINE

LETTER OF ACKNOWLEDGEMENT ACTION:

Determination and Decision and Order on Application for Letter of Acknowledgement:

- Approval
Approval Subject to Conditions
Denied

Approval Conditions, if any, are herein set forth:

ACCESS TO PARCEL 35521010 OR 35539010 VIA EXISTING PRIVATE ROAD ("LINDEN RD") WEST OF WAGNER. CONSTRUCTION PERMIT APPROX PERM SD-106.

This acknowledgement is valid only for six months from the date issued.

Basis for action:

NO CHANGE TO EXISTING ACCESS CONDITIONS OR LOCATION.

Dated: 8/1/17 Signed: [Signature] ASSISTANT ENGINEER
Authorized Hwy District Representative

NOTICE: Section and quarter section lines are subject to a 70-foot setback requirement unless the Highway District having jurisdiction waives the setback. The property included in this application is subject to setback requirements from the following:

- Section Line
Quarter Section Line

Location of section line and/or quarter section line relative to property:

LINDEN RD & WAGNER RD
This is informational only and the location of section and quarter-section lines relative to the property should be verified by the property owner. If the property is subject to a section line or quarter-section line setback, the property owner may apply for a waiver of the setback from the Highway District.

Notice of final action: Please note that unless an appeal of this decision is filed with the Secretary of the District, within fourteen (14) days of date of service, this is a final action. Appeals will be heard by the Board of Commissioners of this District at an open meeting, as scheduled by the Commissioners of this District.

Copy of completed form received by Canyon County Development Services
on (date) Received By (DSD Staff):



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

September 12, 2017

Canyon County Development Services Department
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605

Louis Massoth
17263 W. Linden Rd
Caldwell, Idaho 83607

**RE: Administrative Land Division- Building Permit Transfer
Parcels R35521010 & R35539010**

Dear Mr. Massoth:

This letter serves to amend the conditions of the Administrative Land Division Letter of Acknowledgment prepared by Canyon Highway District for the above parcels dated August 1, 2017.

That letter described conditions of approval for the building permit transfer between the above described parcels which included "Access to Parcel 35521010 or 35539010 via existing private road ("Linden Rd") west of Wagner. Construct paved apron per SD-106."

There are additional options for providing access for single family residential development to Parcel R35521010, which include direct access via Wagner Rd or Upper Pleasant Rd. The parcel is located within one mile of Caldwell city limits, so city standard access spacing conditions apply (220-feet between any new or existing access locations). Additionally, any new access location must have adequate intersection sight distance available (see SD-107B), which may be difficult to obtain along portions of Upper Pleasant Rd.

If access to the parcel is intended to use the existing private road "Linden Rd" west of Wagner, the original conditions of the 8/1/17 Letter of Acknowledgment would still apply, as well as any signing or addressing requirements conditioned by Canyon County Development Services.

Please call me at 454-8135 if I can provide additional information on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hopper', is written over a horizontal line.

Chris Hopper, P.E.
Assistant District Engineer
Canyon Highway District No. 4

Exhibit 8



Canyon County Board of County Commissioners

Duane Darbin– Conditional Rezone

Development Services Department

December 10, 2019

Findings of Fact

1. The applicant is requesting a conditional rezone of parcel R35521011 from “A” (Agricultural) to “CR-R1” (Conditional Rezone/ Single Family Residential). Also requested is approval of a Development Agreement. The development agreement would limit the development of the site to two (2) parcels; one (1) acre parcel for a new homesite and an approximate 8.81 acre parcel which contains the existing residence.
2. The subject property, R35521011 is located at 17264 W. Linden St., Caldwell, Idaho, in a portion of the SE ¼ of Section 30, T4N, R3W, B.M., Canyon County, Idaho.
3. The subject property is currently zoned “A” (Agricultural).
4. The subject property is designated “Agriculture” on the 2020 Comprehensive Plan Future Land Use Map.
5. The subject property is not located within an area of city impact.
6. The conditional rezone is subject to a development agreement and conditions of approval. The conditions will limit the development of the site into only two (2) parcels.
7. The subject property has frontage on W. Linden St.
8. The subject property is located within Canyon Highway District No. 4, Caldwell Rural Fire District, and Vallivue School District.
9. The neighborhood meeting was held on 6/2/19, compliant with CCZO §07-01-15.
10. The Planning & Zoning Commission recommended approval of the request on October 17, 2019.
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 11/19/19, Newspaper notice was provided on 11/24/19, property owners within 300’ were notified by mail on 11/19/19 and the property was posted on or before 12/3/19.
12. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 10/17/19, 12/10/19, and all information contained in DSD case file, CR2019-0010.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Evaluation for a Conditional Rezone (§07-06-07 (7) A):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan, as restricted by the development agreement that limits the development of the parcel.

Finding: As restricted by the development agreement, limiting the development of the site to two (2) parcels [one (1) acre parcel and the existing homesite on approximately 8.81 acres], the conditional rezone is generally consistent with the following goals & policies:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Property Rights Policy No. 8 – *“Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”* The proposed development will be commensurate with the existing area which currently contains a mix of agriculture and residential uses. The applicant is restricting the development of the site by entering into a development agreement to create (2) parcels. The addition of the two (2) parcels will not create conflict within the area, and only one new homesite will be added.

Land Use Goal No. 5- *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The immediate area currently contains a mix of agricultural and sporadic residential uses. As restricted by the development agreement, the proposed development will not have an impact to the land use balance that currently exists.

Land Use Policy No. 2- *“Encourage orderly development of subdivisions and individual land parcels, and to require development agreements when appropriate.”* The applicant has agreed to enter into a development agreement to limit the development of the site, thus retaining the majority of the parcel for agriculture (*with the exception of the new home and the existing home*).

Land Use- Agriculture Policy No. 2- *“Consider the use of voluntary mechanisms for the protection of agricultural lands.”* The applicant is voluntarily entering into a development agreement that will restrict development of the subject property.

Public Services, Facilities, and Utilities Policy No. 3 – *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The property is located within Caldwell Rural Fire District.

Transportation Policy No. 13- *“Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purposes.”*

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone is as appropriate as the current zoning designation.

Finding: When considering the surrounding land uses the proposed conditional rezone as appropriate as the current zoning designation. However, as restricted by the development agreement, the conditional rezone will not have an impact to the agricultural & residential nature of the area.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed use, as restricted by the development, is compatible with the surrounding land uses.

Finding: The proposed use, as restricted by the development agreement, would not have a negative impact nor would it change the character of the surrounding area. The applicant is requesting 2 parcels (one of which contains the existing residence). As restricted by the development agreement, the proposed conditional rezone would be compatible with the surrounding land uses.

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone will not have a negative effect to the character of the area.

Finding: The conditional rezone will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area. The applicant has agreed to enter into a development agreement which will restrict the development of the property. No evidence has been provided that the conditional rezone would have a negative impact to the area.

No additional mitigation measures are required.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed conditional rezone?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: No evidence has been provided to indicate there would be issues with the conditional rezone in regards to adequate water, sewer, irrigation, drainage and storm water drainage facilities.

Individual septic systems and individual domestic wells are proposed for the new residential lots. All requirements of Southwest District Health and Idaho Department of Water Resources shall be adhered to.

F. Does the proposed conditional rezone require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed conditional rezone will not require roadway improvements to provide adequate access to and from the subject property.

Finding: The proposed conditional rezone will not require road improvements in order to provide adequate access and will not create an undue interference with existing or future traffic patterns.

G. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Conclusion: The property has frontage on W. Linden St.

Finding: The subject property has frontage on W. Linden St.

The applicant will be required to meet Canyon Highway District No. 4 requirements as noted in Exhibit 16, including but not limited to improving the existing approach on Upper Pleasant Ridge Road.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Vallivue School District, Canyon County Sheriff, and Caldwell Rural Fire Department were notified of the request and did not provide responses to indicate that the proposed conditional rezone would have a negative impact. Staff has not found that this request will affect essential services. No mitigation measures are proposed.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Canyon County Planning and Zoning Commission orders that Case #CR2019-0010 a request for a **Conditional Rezone** of R35521011 from an “A” (Agricultural) Zone to an “CR-R-1” (Conditional Rezone – Single Family Residential) zone be **recommended for approval** with the following conditions:

1. **The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**
2. **The requirements of Canyon Highway District No. 4 shall be met.**
3. **The property shall be developed in substantial compliance with the submitted site plan, Exhibit 3 and shall be limited to two (2) parcels. One (1) parcel to be approximately one (1) acre in size and one parcel to be approximately 8.81 acres in size that contains the existing residence.**
4. **The applicant shall comply with CCZO §07-06-07 (4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”**
 - **Because a subdivision plat is required, commencement of the land use shall be the submission of an application & the associated fees for a subdivision plat.**
5. **A private road name application shall be submitted with the application for preliminary plat.**
6. **The private road shall meet width and construction standards outlined in CCZO §07-10-03.**

Private roads (serving more than 2 permanent dwellings or inhabited buildings as defined in section <u>07-02-03</u> of this chapter):				
Private roads that are estimated to serve 100 ADT or less	n/a	4" thick ³ / ₄ minus gravel base, graded and compacted	n/a	20' wide all weather driving surface

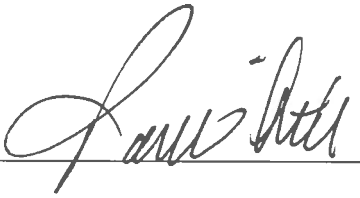
7. **A road user’s maintenance agreement shall be recorded the private road shall meet CCZO §07-10-03 (B) 3:**
 - **Driveways serving two (2) properties and all private roads shall have a recorded road users maintenance agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The agreement shall also list any construction warranties applicable to the specific driveway or private road. Failure to maintain a previously approved driveway or private road shall be a violation of this article subject to the enforcement procedures in section 07-19-03 of this chapter.**

The Canyon County Planning and Zoning Commission also **recommends approval** to the Board of County Commissioners of the **Development Agreement** with the seven (7) conditions enumerated above in the **Conditional Rezone**.


APPROVED this 10 day of December, 2019

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

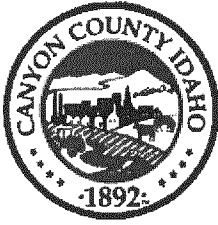
	Yes	No	Did Not Vote
 _____ Commissioner White	<input checked="" type="checkbox"/>	_____	_____

 _____ Commissioner Dale	<input checked="" type="checkbox"/>	_____	_____
---	-------------------------------------	-------	-------

 _____ Commissioner Van Beek	<input checked="" type="checkbox"/>	_____	_____
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Attest: Chris Yamamoto, Clerk

By: 



Canyon County Board of County Commissioners

Trails End Subdivision- Short Plat

Development Services Department

Findings

1. The property is currently zoned "CR-R-1" (Conditional Rezone / Single Family Residential).
2. The subdivision contains two (2) residential lots.
3. The average residential lot size in the "CR-R1" zone is one (1) acre, and the proposed lots meet the average minimum lot size.
4. The proposed preliminary plat is in conformance with CCZO Article 17, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections 50-1301 through 50-1329 (Platting) and Idaho Code, Section 31-3805 (Irrigation).
5. The development lots will be served by individual domestic wells and individual septic systems.
6. The new lot access will be via a private road (Sayre Lane). A Road User's Maintenance Agreement has been recorded, Instrument No. 2021-011986.
7. The subject property is located within Vallivue School District, Caldwell Rural Fire District, Canyon Highway District No. 1, and Pioneer Irrigation District.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 2/1/21, Newspaper notice was provided on 2/10/21, property owners within 300' were notified by mail on 2/1/21, and the property was posted on 2/18/21.
9. The record includes all testimony received at the public hearings held on 1/7/21 & 3/26/21, the staff report, exhibits, and documents in case file No. SD2020-0034.

Conclusions of Law

The Board of County Commissioners have the authority to sustain, modify or reject the recommendations of the Commission. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and County ordinances.

Conditions of Approval

1. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.




Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2020-0034, the Board of County Commissioners **approve** the Short for Trails End Subdivision, subject to the Conditions of Approval as enumerated herein.

APPROVED on this 26th day of March, 2021.

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<u> / </u>	_____	_____
 _____ Commissioner Keri Smith	<u> X </u>	_____	_____
 _____ Commissioner Pamela White	<u> ✓ </u>	_____	_____

Attest: Chris Yamamoto, Clerk

By:  _____

Date: 3-26-21

Exhibit 10



Canyon County

Development Services Department

111 North 11th Ave., Suite 310, Caldwell, ID 83605
Phone 454-7458 Fax 454-6633
www.canyoncounty.id.gov/dsd

Tracking Number:

PI2021-0349

Office Visit Date:

5/24/2021

Parcel Inquiry/Research Summary

<p>Site Address: 19161 WAGNER RD Caldwell ID 83607</p> <p>Assessor Account #: 35521010 0</p>	<p>Property Owner: MASSOTH LOUIS A AND KRISTA K REVOCABLE TRUST</p> <p>CALDWELL ID 83607</p> <p>Person Inquiring: HETTINGER ROBERT AND JILL</p> <p>Phone Number: 2867681</p>
--	---

<p>Section:</p> <p>Township:</p> <p>Range:</p> <p>1/4 Sec:</p> <p>Acres: 19.15</p> <p>Zone:</p>	<p>City Impact Area:</p> <p>Flood Zone:</p> <p>Subdivision:</p> <p>Lot:</p> <p>Block:</p>	<p>Staff Member:</p> <p>CASSANDRA LAMB</p>
---	---	--

Discussion Summary

Specific Question Detail: Splits and Building Permits?

Specific Answer Detail: Parcel R35521010 was created by a conditional use permit(CU2003-46) in 2003 therefore, it is not an original parcel and is not eligible for a split. In order to split the property further, the property would have to go through a Comp Plan Amendment (\$2500) to change the future zoning from Ag to residential, Rezone(\$850) to change the current zoning from Ag to Residential and followed by the subdivision platting process (\$1680+\$10/a lot). If the owner would like to sell the 10 acre's to the neighbors, the only way to do so would be by a mortgage split. The 10 acre's couldn't be added to Nematollahi parcel, it would have to remain as it's own parcel because of the future road way the highway district has shown between parcels R35521010 & R35539010 now. County would see it as an illegal parcel and a building permit wouldn't be available on it.

The property research information presented today by the Development Service Department (DSD) is based on the current ordinance and policies, in effect on the date of the summary, and based on your representations and information you have provided about the subject property. This information is valid only at the time of the inquiry and may change when the subject property, ordinances, or policies change. Then information becomes certain, and not subject to change, when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

Director/Staff:

C Lamb

Date: August 6, 2021

Exhibit 11

Re-record to correct legal.

2021-060527
 RECORDED
 08/30/2021 08:18 AM
 CHRIS YAMAMOTO
 CANYON COUNTY RECORDER
 Pgs=4 PBRIDGES \$15.00
 TYPE: DEED
 PIONEER TITLE CANYON - CALDWELL
 ELECTRONICALLY RECORDED



5680 E. Franklin Rd., Ste. 150
 Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT
 REMOVE THE COUNTY STAMPED FIRST
 PAGE AS IT IS NOW INCORPORATED AS
 PART OF THE ORIGINAL DOCUMENT

File No. 772799 KC/JB

2021-067537
 RECORDED
 09/28/2021 04:19 PM
 CHRIS YAMAMOTO
 CANYON COUNTY RECORDER
 Pgs=7 HCRETAL \$15.00
 TYPE: DEED
 PIONEER TITLE CANYON - CALDWELL
 ELECTRONICALLY RECORDED

WARRANTY DEED

For Value Received Louis A. and Krista K. Massoth, Trustees of
 the Louis A. and Krista K. Massoth Revocable Trust, dated May 31, 2016
 hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

JDR Group LLC

hereinafter referred to as Grantee, whose current address is 17263 West Linden Street
 Caldwell, ID 83607-9209

The following described premises, to-wit:

See attached Exhibit "A"

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
 Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
 said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
 free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
 made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
 dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
 and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
 and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2021

Louis A. and Krista K. Massoth Revocable Trust

By: [Signature]
 Louis A. Massoth, Trustee

By: [Signature]
 Krista K. Massoth, Trustee

Re-record to correct legal.



5680 E. Franklin Rd., Ste. 150
Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

File No. 772799 KC/JB

WARRANTY DEED

For Value Received Louis A. and Krista K. Massoth, Trustees of the Louis A. and Krista K. Massoth Revocable Trust, dated May 31, 2016 hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

JDR Group LLC

hereinafter referred to as Grantee, whose current address is 17263 West Linden Street Caldwell, ID 83607-9209

The following described premises, to-wit:

See attached Exhibit "A"

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2021

Louis A. and Krista K. Massoth Revocable Trust

By: [Signature]
Louis A. Massoth, Trustee

By: Krista K Massoth
Krista K. Massoth, Trustee

State of Idaho, County of Canyon

This record was acknowledged before me on August ^{16th}, 2021 by Louis A. MASsoth and Krista K. Massoth, as trustees of Louis A. and Krista K. Massoth Revocable Trust.

[Handwritten Signature]

Signature of notary public

Commission Expires: 12/21/2022

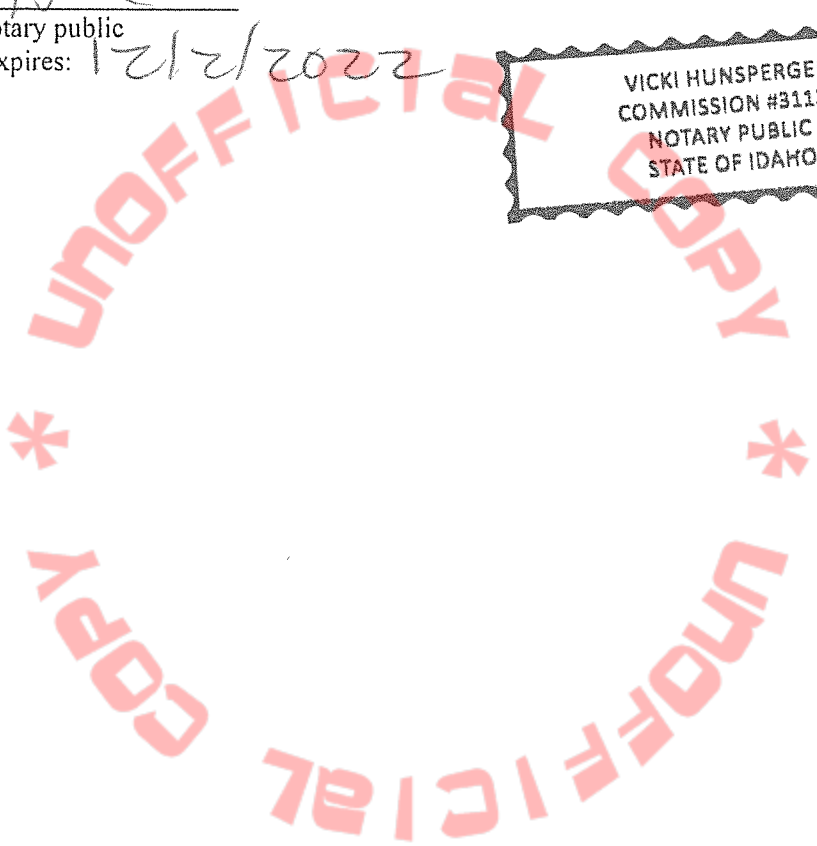
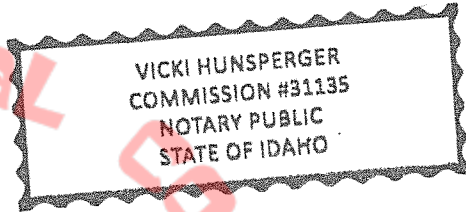


EXHIBIT A

A parcel of land located in the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 30 Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho. Being further described as follows:

BASIS OF BEARING:

The East line of the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 4 North, Range 2 West, Boise Meridian, derived from found monuments and taken as South 00°15'33" West with the distance between monuments found to be 1323.90 feet.

BEGINNING at a point being the Southeast corner of said Section 30, Township 4 North, Range 2 West, Boise Meridian

Thence long the south line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, North 89°25'08" West, a distance of 669.85 feet;

Thence leaving said South line, North 00°18'23" East, a distance of 348.48 feet;

Thence continue Northerly along said line, a distance of 169.54 feet;

Thence North 00°46'45" East, a distance of 132.64 feet;

Thence South 89°25'13" East, to a point on the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, a distance of 668.22 feet;

Thence along said East line, South 00°15'33" West, a distance of 650.68 feet to the POINT OF BEGINNING.

ALSO SHOWN as Parcel 2 on Record of Survey recorded July 19, 2021, as Instrument No. 2021-050543, records of Canyon County, Idaho.

SUBJECT TO a 5.00 foot wide Irrigation easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 ~~West~~ ^{WEST}, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

The Westerly 5.00 feet of the above described parcel.

ALSO TOGETHER WITH AND SUBJECT TO a 30.00-foot-wide Ingress/Egress, Irrigation and General Utility easement located in the South Half of the Southeast Quarter of Section 30, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to sections 29, 30, 31, 32), said corner monumented with a found 3-inch diameter brass disk; thence

North 89° 25' 12" West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to a point; thence

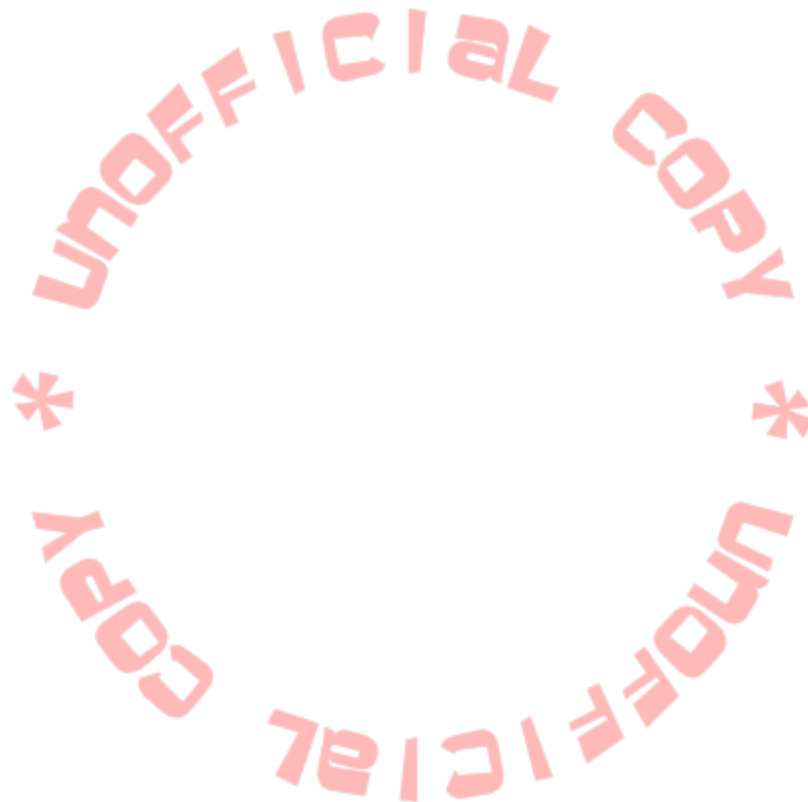
North 0° 18' 19" East, a distance of 30.00 feet to a point; thence

South 89° 25' 12" East, a distance of 669.84 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to a point on the Easterly boundary of said South Half of the Southeast Quarter; thence

South 0° 15' 29" West, a distance of 30.00 feet along the Easterly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING

UNOFFICIAL COPY

UNOFFICIAL COPY



UNOFFICIAL COPY

UNOFFICIAL COPY

EXHIBIT A

A parcel of land located in the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 30 Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho. Being further described as follows:

BASIS OF BEARING:

The East line of the Southeast 1/4 of the Southeast 1/4 of Section 30, Township 4 North, Range 3 West, Boise Meridian, derived from found monuments and taken as South 00°15'33" West with the distance between monuments found to be 1323.90 feet.

BEGINNING at a point being the Southeast corner of said Section 30, Township 4 North, Range 3 West, Boise Meridian

Thence along the south line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, North 89°25'08" West, a distance of 669.85 feet;

Thence leaving said South line, North 00°18'23" East, a distance of 348.48 feet;

Thence continue along said line North 00°18'23" East, a distance of 169.54 feet;

Thence North 00°46'45" East, a distance of 132.64 feet;

Thence South 89°25'13" East, to a point on the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 30, a distance of 668.22 feet;

Thence along said East line, South 00°15'33" West, a distance of 650.68 feet to the POINT OF BEGINNING.

ALSO SHOWN as Parcel 2 on Record of Survey recorded July 19, 2021, as Instrument No. 2021-050543, records of Canyon County, Idaho.

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BEGINNING at the Southeast corner of said South Half of the Southeast Quarter, (Section corner common to sections 29, 30, 31, 32), said corner monumented with a found 3-inch diameter brass disk; thence

North $89^{\circ} 25' 12''$ West, a distance of 669.86 feet along the Southerly boundary of said South Half of the Southeast Quarter to a point; thence

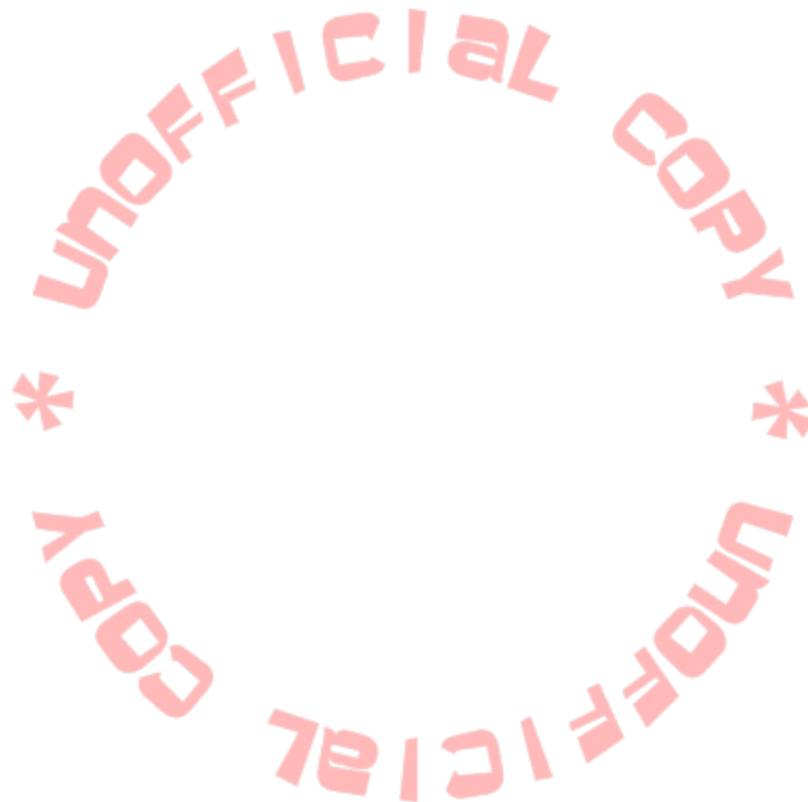
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South $89^{\circ} 25' 12''$ East, a distance of 669.84 feet parallel with the Southerly boundary of said South Half of the Southeast Quarter to a point on the Easterly boundary of said South Half of the Southeast Quarter; thence

South $0^{\circ} 15' 29''$ West, a distance of 30.00 feet along the Easterly boundary of said South Half of the Southeast Quarter to the POINT OF BEGINNING.

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Exhibit 12

BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

AD2023-0115-APL

The Canyon County Board of County Commissioners consider the following:

- 1) Appeal - The appellant, Gainelle Massoth, is appealing the Development Services Director's decision to deny a property boundary adjustment on the SE corner of Upper Pleasant Ridge Rd and Wagner Rd, also referenced as Parcels R35521010B and R35521010, a portion of the SE quarter of Section 30, T4N, R3W, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in AD2023-0115-APL and AD2023-0115.
 - B. Findings of Fact, Conclusions of Law and Order signed by the Development Services Director on December 20, 2023 (Exhibit 3).
 - C. An appeal filed by Gainelle Massoth was submitted on January 3, 2024 pursuant to Canyon County Code §07-05-07 (Exhibit 4). The appeal was submitted within 15 days after the date of the decision and included a statement of the reasons for the appeal and was accompanied with all the appropriate fees.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-01 (General Regulations), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-10-17 (Property Boundary Adjustment), Canyon County Code §07-12 (Certificates of Zoning Compliance), Canyon County Code §07-15 (Director Administrative Decisions), Canyon County Code §07-17 (Subdivisions), and Canyon County Code §07-18 (Administrative Land Divisions).
 - a. Notice of the public hearing was provided per CCZO §07-05-01.
 - b. Appeal Procedures: (A) Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule. (B) At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant, or director. (C) The board may affirm, reverse or modify, in whole or in part, the director's decision. *See* CCZO §07-05-07(2).
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The appeal (AD2023-0115-APL) was presented at a public hearing before the Canyon County Board of County Commissioners on May 21, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

FINDINGS OF FACT & CONCLUSION OF LAW

1. The appellant filed an appeal to AD2023-0115 on January 3, 2024 pursuant to Canyon County Code §07-05-07 asking the Board of County Commissioners ("Board") to overturn the findings signed by the Director of DSD (Development Services Department). See the following attachment as evidence: Exhibit 4.
2. The Board reviewed the written findings, comments (Exhibit 13, 14, and 15), testimony, and evidence presented at a public hearing on the application. The Board finds the decision by the Director of DSD (Exhibit 3) is adequately supported by evidence demonstrating consistency with the required criteria pursuant to, §07-01-05(1-2), §07-10-17, §07-12-01, §07-15-03(2-4), §07-17-03, and §07-18-13 as follows:
 1. **This chapter applies to the development and use of all land within the unincorporated area of Canyon County, Idaho. (1) No person shall construct, alter, move, or change the use of a structure or commence any development or use, unless otherwise preempted by federal, state, or local law, unless: A. The proposed use, structure, or division of property complies with this chapter. B. Any approval required by this chapter is first obtained and any applicable conditions of approval are met. (2) Nothing in this chapter shall eliminate the need for obtaining any other required permits, including, but not limited to, permits required by the Canyon County building code or any permit, approval, or entitlement required by other ordinances contained in this code, other political subdivisions of the state of Idaho, the state of Idaho, or the federal government. (CCZO §07-01-05(1-2); and**

Conclusion: Chapter 7 Zoning Regulations applies to all land within the unincorporated area of Canyon County, Idaho, including R35521010 and R35521010B. The property boundary adjustment between R35521010 and R35521010B is not allowed due to not being compliance with CCZO §07-10-17, §07-15-03(2-4), §07-17-03, and §07-18-13.

Findings: The appellant states in her letter of appeal that R35521010C "...was farm ground and is still farm ground. The usage did not require a hearing or your approval. It was and is his [her son's] right to sell farm ground without your approval. There was no zoning changes, no request for a building permit. Since when does a private citizen have to have permission to sell their farm ground..." As stated in CCZO §07-01-05(1), no person can alter, move, or change the use of a structure or commence any development or use unless preempted by federal, state, or local law. This property boundary adjustment between R35521010 and R35521010B does not comply with Canyon County Zoning Code due to the unrecognized 10-acre division off of R35521010 (specifically CCZO §07-10-17, §07-15-03(2-4), §07-17-03, and §07-18-13), therefore it was denied. Since the original 40-acre parcel has been divided into six (6) parcels, the subject properties would be required to amend the comprehensive plan, rezone/conditional rezone, and plat to bring the properties into compliance with Canyon County's Zoning Ordinance. If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and provide for the adjustment of the property boundaries of R35521010 and R35521010B.

2. The adjustment does not create any additional parcels (CCZO §07-10-17(2); and

Conclusion: If the property boundary adjustment was approved between R35521010B and R35521010, this would have recognized the 10-acre division off of R35521010 in 2021 taken not in accordance with Canyon County's Zoning Ordinance, thereby recognizing an additional parcel (R35521010C), the sixth parcel on the original 40-acre parcel. Hence, R35521010 was not eligible for a property boundary adjustment.

Findings: In 2021, the owners of R35521010 (19.16 acres) divided off approximately 10-acres by deed not in accordance with Canyon County's Zoning Ordinance requirements, which created two (2) parcels without Canyon County's approval (R35521010C) (Exhibit 11). To recognize R35521010 as a legal parcel, the property owners would have to go through the rezone/conditional rezone and comprehensive plan amendment application process to change the zone to a residential zoning district and then go through the subdivision platting process because the original parcel has already been divided more than four (4) times. (CCZO §07-17-03 and §07-18-13).

3. (3) Division Of Land: No certificate of zoning compliance for a new dwelling shall be issued until the subject property, if divided, has been divided according to county ordinances and has access as required in section 07-10-03: of this chapter. However, an existing dwelling located on a parcel of land that was not divided in accordance with county ordinance provisions for the division of land may be rebuilt or replaced (CCZO §07-12-01)

Conclusion: R35521010 has not been divided according to Canyon County Ordinances (specifically CCZO §07-10-17 §07-15-03(2-4), §07-17-03, and §07-18-13), therefore no certificate of zoning compliance for a new dwelling can be issued on R35521010 or R35521010C (unless a residence is being replaced or rebuilt).

Findings: Since the original 40-acre parcel has been divided into six (6) parcels, the subject properties would be required to amend the comprehensive plan, rezone/conditional rezone, and plat to bring the properties into compliance with Canyon County's Zoning Ordinance. If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and provide for the adjustment of the property boundaries of R35521010 and R35521010B.

4. (2) Compliance With This Code: Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter. (3) Compliance With All Applicable Regulations: The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business. (4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance. (CCZO §07-15-03(2-4))

Conclusion: R35521010 is not in compliance with applicable county laws, ordinances (such as the Canyon County zoning ordinance), rules, and regulations that pertain to this property and/or business due to the 10-acre unrecognized division that occurred in 2021 without following Canyon County's Zoning Code (CCZO) (specifically §07-10-17, §07-15-03(2-4), §07-17-03, and §07-18-13)

Findings: Since the original 40-acre parcel has been divided into six (6) parcels, the subject properties would be required to amend the comprehensive plan, rezone/conditional rezone, and plat to bring the properties into compliance with Canyon County's Zoning Ordinance. If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and provide for the adjustment of the property boundaries of R35521010 and R35521010B.

5. **These regulations shall apply to the subdividing of all land within the unincorporated parts of the county and shall include the following: (1) The subdivision of land into more than four (4) lots, parcels or tracts since September 6, 1979, for transfer of ownership or development. (CCZO §07-17-03(1); and**

Conclusion: Parcel R35521010 is not eligible for a property boundary adjustment since the original parcel has been divided into more than four (4) lots, therefore Canyon County's subdivision regulations have jurisdiction over R35521010 and R35521010C.

Findings: (See Exhibit 5 for property history visual). R35521 contained two original parcels, one (1) 20-acre parcel and one (1) 40-acre parcel. On April 10, 2003, a conditional use permit, CU2003-46, was approved to divide the 40-acre parcel into three (3) residential parcels including one (1) 20-acre parcel and two (2) 10-acre parcels (see Exhibit 6). Around 2006, the owners of the 20-acre parcel (R35521010) divided off 1.15 acres without first obtaining the appropriate approval from Canyon County. In 2017, the division of 1.15 acres (R35521010B) and approximately 19 acres was recognized through AD2017-77 which transferred a building permit from R35539010 to R35521010 (at the time this parcel was approximately 19 acres). (Exhibit 7). On December 10, 2019, R35521011 (one of the ten acre parcels created through CU2003-46) was approved for a conditional rezone from "A" (Agricultural) to "CR-R1" (Conditional Rezone/Single Family Residential) with the condition that the property be developed in substantial compliance with the submitted site plan providing for an approximate one (1) acre parcel and the balance of 8.81 acres more or less containing the existing residence (CR2019-0010) (Exhibit 8). On March 26, 2021, a short plat was approved for R35521011 (Trails End Subdivision), which created R35521101 and R35521100 (SD2020-0034) (Exhibit 9). On August 6, 2021, a parcel inquiry was completed for Parcel R35521010 which stated that in order to divide the property per Canyon County Zoning Code, a comprehensive plan amendment, rezone/conditional rezone, and subdivision platting would need to be completed. The parcel inquiry also outlined that the 10-acres could be sold to the neighbor via a mortgage split, but this would result in the divided parcel being seen as an illegal parcel with no building permit available (Exhibit 10). In 2021, the property owners of R35521010 divided off 10-acres (R35521010C) via deed without Canyon County's approval (Warranty Deed with Instrument #2021-67537) (Exhibit 11). Since the original parcel has been divided into six (6) parcels, Article 17 (Subdivisions) applies to R35521010, meaning the subject properties would be required to amend the comprehensive plan, rezone/conditional rezone, and plat to bring the properties into compliance with Canyon County's Zoning Ordinance. If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and provide for the adjustment of the property boundaries of R35521010 and R35521010B.

6. **An administrative land division of an original parcel in a commercial, industrial, and residential zone is allowed in accordance with the following: Land may be divided into no more than four (4) parcels through the administrative land division process unless further restricted by provisions in Chapter 9 - Areas Of City Impact (CCZO §07-18-13(2)A); and**

Conclusion: If R35521010 and R35521010B were zoned residential, the parcels would still be required to complete the subdivision platting process because the original parcel has been divided into six (6) parcels. (CCZO §07-17-03).

Findings: Since the original 40-acre parcel has been divided into six (6) parcels, the subject properties would be required to amend the comprehensive plan, rezone/conditional rezone, and plat to bring the properties into compliance with Canyon County's Zoning Ordinance. If the subdivision plat is approved, this could potentially recognize

R35521010C as a legal parcel and provide for the adjustment of the property boundaries of R35521010 and R35521010B.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** the appeal of Case # AD2023-0115, **upholding** the Director’s denial of a Property Boundary Adjustment for parcel R35521010B and R35521010.

As found in the Director’s Decision dated December 20, 2023, there are options outlined for the property owners to potentially recognize R35521010 and property boundary adjust R35521010B and R35521010 (Exhibit 3).

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this _____ day of _____, 2024.

DRAFT

CANYON COUNTY BOARD OF COMMISSIONERS

- _____ Motion Carried Unanimously
- _____ Motion Carried/Split Vote Below
- _____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Rick Hogaboam, Clerk

By: _____
Deputy

Date: _____

DRAFT

Exhibit 13

Emily Kiester

From: Amber Lewter
Sent: Monday, April 22, 2024 8:58 AM
To: Emily Kiester
Subject: FW: [External] RE: Agency Notification AD2023-0115-APL Massoth

From: Joe Dodson <jdodson@cityofcaldwell.org>
Sent: Monday, April 22, 2024 8:29 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>; Robin Collins <rcollins@cityofcaldwell.org>; PZ <PZ@cityofcaldwell.org>; Debbie Geyer <dgeyer@cityofcaldwell.org>; Morgan Bessaw <mbessaw@cityofcaldwell.org>; Lisa Richard <lrichard@cityofcaldwell.org>; Alan Perry <aperry@cityofcaldwell.org>; 'knote.sandahl@doi.idaho.gov' <knote.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org' <Iriccio@hwydistrict4.org>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>
Subject: [External] RE: Agency Notification AD2023-0115-APL Massoth

Good morning,

Due to this property being located outside of the boundary of the City of Caldwell Area of City Impact, we are responding to this via email instead of a formal letter.

As aforementioned, the property in question is not within the Caldwell AOCI and there is no apparent proposed land use change at this time that would make it incompatible with the adjacent parcels to the east (within the AOCI). Therefore, the City of Caldwell is neutral on this application.

Best Regards,



From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Thursday, April 11, 2024 11:38 AM
To: Robin Collins <rcollins@cityofcaldwell.org>; PZ <PZ@cityofcaldwell.org>; Debbie Geyer <dgeyer@cityofcaldwell.org>; Joe Dodson <jdodson@cityofcaldwell.org>; Morgan Bessaw <mbessaw@cityofcaldwell.org>; Lisa Richard <lrichard@cityofcaldwell.org>; Alan Perry <aperry@cityofcaldwell.org>; 'knote.sandahl@doi.idaho.gov' <knote.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org'

<chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org' <Iriccio@hwydistrict4.org>; 'kirk@pioneerirrigation.com' <kirk@pioneerirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>

Subject: Agency Notification AD2023-0115-APL Massoth

Dear Agencies,

Please see the attached agency notice regarding the scheduled Board of County Commissioners' hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments received, they were included in the Staff review.

No response is required unless there is an update to your original comments. Written testimony is due by **May 3, 2024**. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. Please direct your comments or questions to planner **Emily Kiester** at emily.kiester@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

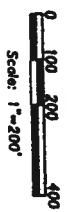
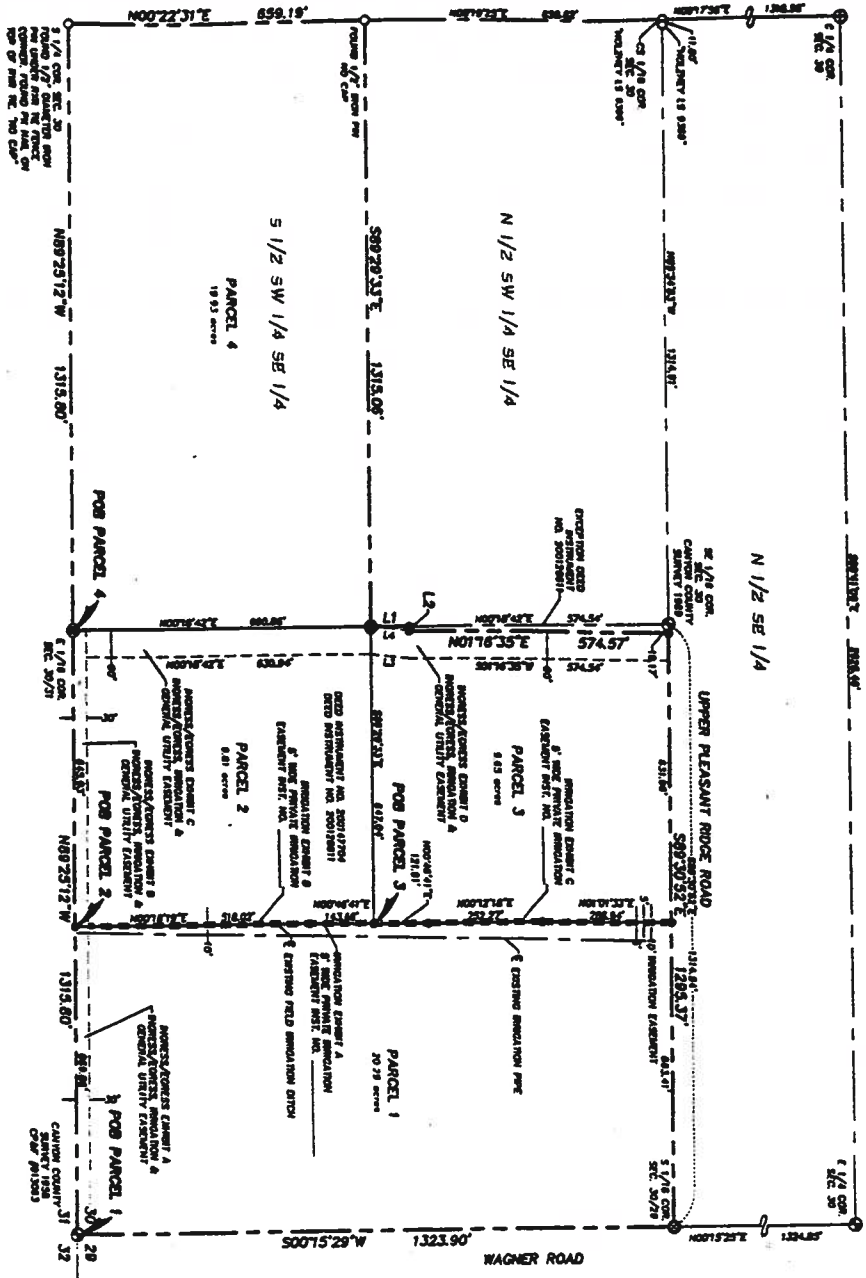
This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Exhibit 14

Appellant/Adjacent Property Owner Comment Packet

There were four (4) of the same comment packets given to Canyon County Development Services on May 1, 2020.

Only one (1) copy is attached here to avoid duplicate information.



NO.	DESCRIPTION	DATE
1	RECORD OF SURVEY	8/13/03
2	RECORD OF SURVEY	8/13/03
3	RECORD OF SURVEY	8/13/03
4	RECORD OF SURVEY	8/13/03

- LEGEND**
- Calculated point
 - ⊗ Found aluminum cap monument
 - ⊙ Found bronze cap monument
 - ⊖ Set 5/8 inch dia. x 30 inch non ph w/plastic cap
 - ⊕ Set 1/2 inch dia. x 24 inch non ph w/plastic cap
 - Found 1/2 inch dia. iron pin
 - Found one!
 - Property boundary line

REFERENCE SURVEYS

DEED INST. NO. 200147704
DEED INST. NO. 200128611
RECORD OF SURVEY INST. NO. 850437
RECORD OF SURVEY INST. NO. 8423230

CERTIFICATE OF SURVEYOR

I, Richard A. Gray do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Record of Survey correctly represents a survey made by me or under my direct supervision in conformance with Idaho Code 31-2709, 1947 and accepted procedures of land surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.



Richard A. Gray
P.L.S. License No. 7732

INDEX NO. 4364-58-2-0-00-00
SURVEY FOR: **DONALD SAYRE**

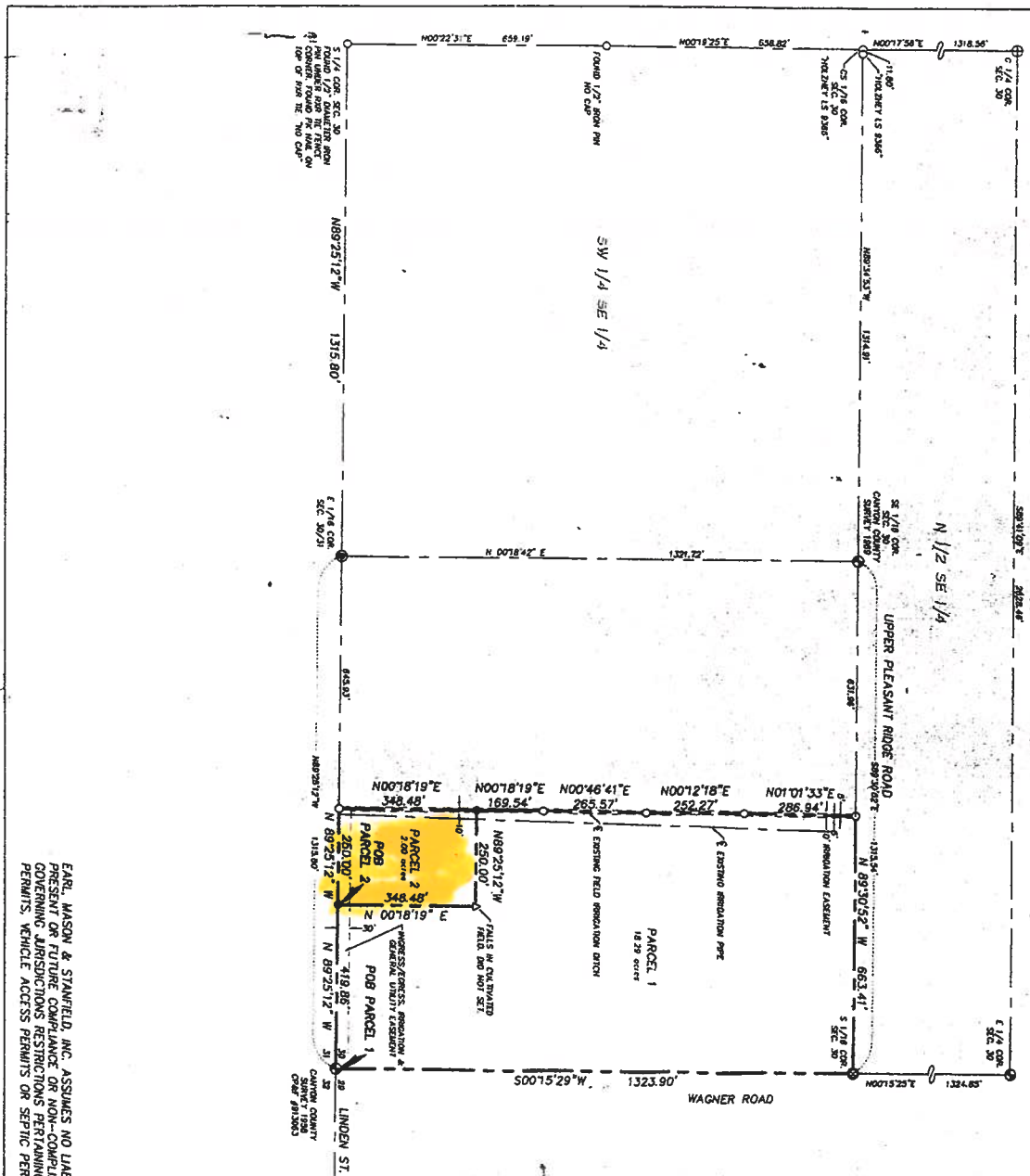
Earl Mason & Stantfield, Inc.
Professional Engineers, Land Surveyors & Planners

314 Bardsley St. & Caldwell, ID 83405
(208) 454-0866
(208) 454-0870 Fax

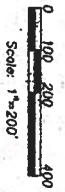
DATE	8/13/03
BY	Earl Mason
CHECKED BY	Earl Mason
DATE	8/13/03

EARL MASON & STANTFIELD, INC. ASSURES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH GOVERNING JURISDICTIONS RESTRICTIONS PERTAINING TO BUILDING PERMITS, VEHICLE ACCESS PERMITS OR SEPTIC PERMITS.

EXHIBIT B



EARL MASON & STANFIELD, INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH COVERING JURISDICTIONS RESTRICTIONS PERTAINING TO BUILDING PERMITS, VEHICLE ACCESS PERMITS OR SEPTIC PERMITS.



LINE	BEARING	LENGTH
1	N00°12'18"E	252.27'
2	N00°46'41"E	255.57'
3	N00°18'19"E	169.54'
4	N00°18'19"E	348.48'
5	N01°01'33"E	286.94'
6	N00°12'18"E	252.27'
7	N00°18'19"E	169.54'
8	N00°46'41"E	255.57'
9	N00°18'19"E	348.48'
10	N01°01'33"E	286.94'
11	N00°12'18"E	252.27'
12	N00°46'41"E	255.57'
13	N00°18'19"E	169.54'
14	N00°18'19"E	348.48'
15	N01°01'33"E	286.94'
16	N00°12'18"E	252.27'
17	N00°46'41"E	255.57'
18	N00°18'19"E	169.54'
19	N00°18'19"E	348.48'
20	N01°01'33"E	286.94'
21	N00°12'18"E	252.27'
22	N00°46'41"E	255.57'
23	N00°18'19"E	169.54'
24	N00°18'19"E	348.48'
25	N01°01'33"E	286.94'
26	N00°12'18"E	252.27'
27	N00°46'41"E	255.57'
28	N00°18'19"E	169.54'
29	N00°18'19"E	348.48'
30	N01°01'33"E	286.94'
31	N00°12'18"E	252.27'
32	N00°46'41"E	255.57'
33	N00°18'19"E	169.54'
34	N00°18'19"E	348.48'
35	N01°01'33"E	286.94'
36	N00°12'18"E	252.27'
37	N00°46'41"E	255.57'
38	N00°18'19"E	169.54'
39	N00°18'19"E	348.48'
40	N01°01'33"E	286.94'
41	N00°12'18"E	252.27'
42	N00°46'41"E	255.57'
43	N00°18'19"E	169.54'
44	N00°18'19"E	348.48'
45	N01°01'33"E	286.94'
46	N00°12'18"E	252.27'
47	N00°46'41"E	255.57'
48	N00°18'19"E	169.54'
49	N00°18'19"E	348.48'
50	N01°01'33"E	286.94'

- LEGEND**
- ▲ Calculated point
 - ⊗ Found aluminum cap monument
 - ⊙ Found brass cap monument
 - ⊙ Set 5/8 inch dia. x 30 inch long pin w/ plastic cap
 - ⊙ Set 1/2 inch dia. x 24 inch long pin w/ plastic cap
 - ⊙ Found 1/2 inch dia. iron pin
 - ⊙ Found steel
 - Property boundary line

REFERENCE SURVEYS
 DEED INST. NO. 200147704
 DEED INST. NO. 200126811
 RECORD OF SURVEY INST. NO. 850437
 RECORD OF SURVEY INST. NO. 8423230

CERTIFICATE OF SURVEYOR
 I, Richard A. Gray do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Record of Survey correctly represents a survey made by me or under my direct supervision in conformance with Idaho Code 31-2709, 1947 and accepted procedures of land surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.

Richard A. Gray
[Signature]



PLS: License No. 7732

INDEX NO. 494-50-3-b-d-0-00-00
 SURVEY FOR:
HENRY MASSOTH

Earl Mason & Stanfield, Inc.
 Professional Boundary, Land Surveyors & Planners
 314 Hudson St. • Caldwell, ID 83606
 (200) 454-0286
 (200) 454-0979 Fax

JOB NO.	J41203
DWG NO.	J41203NOB.dwg
SCALE:	1"=200'
DATE:	8/15/03
DRAWN BY:	DAV
CHECKED BY:	AS

2003 JUN 3 PM 1:55
 C. N. L. KALES,
 CANYON CITY RECORDER
[Signature]

2



Director's Decision - AD2023-0115

Canyon County Code of Ordinances
§07-18-13 & §07-10-17

Case Number: AD2023-0115
Parcel #'s: R35521010, R35521010B
Property Owner/Applicant(s): Gainelle Massoth, Harry
Massoth, Louis Massoth, and Krista Massoth

Request: The applicants are requesting a property boundary adjustment which increases the size of parcel R35521010B and decreases the size of R35521010. Parcels R35521010 and R35521010B are zoned "A" (Agricultural).

Property History: R35521 contained two original parcels, one (1) 20-acre parcel and one (1) 40-acre parcel. On April 10, 2003, a conditional use permit was approved to divide the one (1) 40-acre parcel into three (3) residential parcels (approximately one (1) 20-acre parcel and two (2) 10-acre parcels) (CU2003-46) (Exhibit 1). The owners of the approximately one (1) 20-acre parcel (R35521010), illegally divided off approximately 1.15 acres around 2006. In 2017, this illegal division of approximately 1.15 acres was recognized (what is now R35521010B) and a building permit was transferred from R35539010 to R35521010 with AD2017-77 (Exhibit 2). In 2021, the owners of R35521010 illegally divided off 10-acres via deed (R35521010C) (Exhibit 3).

Finding CCZO §07-18-13: The request is not consistent with CCZO §07-10-17, §07-17-03, and §07-18-13, as follows:

- R35521010's boundaries cannot be adjusted due to the illegal 10-acre division that occurred in 2021.
- Since R35521's original one (1) 40-acre parcel has been divided more than four (4) times, R35521010 and R35521010B's current and future land use would have to be changed to a residential zone (through the rezone/conditional rezone and comprehensive plan amendment application process) and then go through the subdivision platting process (CCZO §07-17-03 and §07-18-13). If the subdivision plat is approved, this could potentially recognize R35521010C as a legal parcel and also adjust the property boundaries of R35521010 and R35521010B.

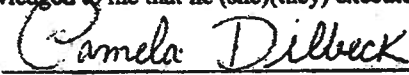
Decision: The application to complete the described property boundary adjustment in accordance with CCZO §07-10-17 is **DENIED**. Pursuant to CCZO §07-18-05(7), any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with CCZO §07-05-07 subject to application submittal requirements and fee.

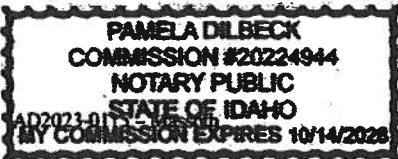

Sabrina C. Minshall, Development Services Director

12/20/23
Date

State of Idaho)
County of Canyon County)

On this 20th day of December, in the year of 2023, before me Pamela Dilbeck, a notary public, personally appeared Sabrina Minshall, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: 
My Commission Expires: 10/14/2028



3

The definition of illegal according to Webster's Encyclopedic Unabridged Dictionary of the English Language: contrary to existing statutes, unauthorized, unlicensed, illegitimate, unlicensed, illicit



Canyon County
Development Services Department
111 North 11th Ave., Suite 140, Caldwell, ID 83605
Phone 454-7458 Fax 454-6633
www.canyoncounty.org/dsd

Tracking Number:
PI2021-0349
Office Visit Date:
5/24/2021

Parcel Inquiry/Research Summary

Site Address: 19161 WAGNER RD Caldwell ID 83607	Property Owner: MASSOTH LOUIS A AND KRISTA K REVOCABLE TRUST CALDWELL ID 83607
Assessor Account #: 35521010 0	Person Inquiring: HETTINGER ROBERT AND JILL Phone Number: 2867681

Section:	City Impact Area:	Staff Member:
Township:	Flood Zone:	CASSANDRA LAMB
Range:	Subdivision:	
1/4 Sec:	Lot:	
Acres: 19.15	Block:	
Zone:		

Discussion Summary

Specific Question Detail: Splits and Building Permits?

Specific Answer Detail: Parcel R35521010 was created by a conditional use permit(CU2003-46) in 2003 therefore, it is not an original parcel and is not eligible for a split. In order to split the property further, the property would have to go through a Comp Plan Amendment (\$2500) to change the future zoning from Ag to residential, Rezone(\$850) to change the current zoning from Ag to Residential and followed by the subdivision platting process (\$1680+\$10/a lot). If the owner would like to sell the 10 acre's to the neighbors, the only way to do so would be by a mortgage split. The 10 acre's couldn't be added to Nematollahi parcel, it would have to remain as it's own parcel because of the future road way the highway district has shown between parcels R35521010 & R35539010 now. County would see it as an illegal parcel and a building permit wouldn't be available on it.

The property research information presented today by the Development Service Department (DSD) is based on the current ordinance and policies, in effect on the date of the summary, and based on your representations and information you have provided about the subject property. This information is valid only at the time of the inquiry and may change when the subject property, ordinances, or policies change. Then information becomes certain, and not subject to change, when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

Director/Staff: Clamb

Date: August 6, 2021

781

5

PARCEL INQUIRY REQUEST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

Email: zoninginfo@canyonco.org Phone: 208-454-7458 Fax: 208-454-6633



Type of Inquiry: General Information (e.g. zoning, setbacks)
 Status of Entitlements (e.g. is a building permit land division available?)

Note: there is a \$35.00 fee per entitlement inquiry per parcel. We accept debit/credit cards, cash and checks. A credit card authorization form is attached for your convenience.

Person Making Inquiry: Property Owner Realtor Other

Name: LOUIS A. & KRISTA K. MASSTH Date: _____

Address: _____

City: CALDWELL State: IDAHO Zip: 8360

Phone Number: 208-794-6016

Email address: LOUISM1@MSN.COM

Please include as much information below as possible:

Site Information: Address: TBD AFTER split

Tax Parcel Number (if known) R3552101000 Approximate Acreage: 19.166 ACRES

Provide a detailed description of the information you require. Please be as specific as possible.

CAN THE SOUTH 10 ACRES - per survey - BE SPLIT OFF WITHOUT A BUILDING PERMIT AND SOLD TO NICK KORDANI AND ROYA NEMATOLLAHI TO JUST ADD THE 10 ACRES TO THEIR FARM OF 24.87 ACRES FOR A TOTAL OF 34.87 ACRES.

Staff will provide a written response upon completion of the property research.

The property research information presented by the Development Services Department (DSD) is based on the current ordinances and policies in effect on the date of this summary, and based on your representations and information you provided about the subject property. This information is valid only at the time of inquiry and may change when the subject property, ordinances, or policies change. The information becomes certain and not subject to change when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

PARCEL INQUIRY # _____ FEE \$ _____ DATE: _____

NOTES:

PARCEL INQUIRY REQUEST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

Email: zoninginfo@canyonco.org Phone: 208-454-7458 Fax: 208-454-6633



Type of Inquiry: General Information (e.g. zoning, setbacks)
 Status of Entitlements (e.g. is a building permit/land division available?)

Note: there is a \$35.00 fee per entitlement inquiry per parcel. We accept debit/credit cards, cash and checks. A credit card authorization form is attached for your convenience.

Person Making Inquiry: Property Owner Realtor Other

Name: Louis + Krista Massoth Date: 7/12/2021

Address: 19161 Wagner Rd.

City: Caldwell State: ID Zip: 83607

Phone Number: 208 794-6016

Email address: LouisM2@MSN.COM

Please include as much information below as possible:

Site Information: Address: 19161 Wagner Rd. (previously 17263 W. Linden)

Tax Parcel Number (if known) _____ Approximate Acreage: 19

Provide a detailed description of the information you require. Please be as specific as possible.

I would like to sale a 10 acre farm field that is bare land to a contiguous neighbor @ 17263 W. Linden. There is no building permit and the buyers simply wish to expand their acreage.

Note: A survey for the 10 acres has been completed. Staff will provide a written response upon completion of the property research.

The property research information presented by the Development Services Department (DSD) is based on the current ordinances and policies in effect on the date of this summary, and based on your representations and information you provided about the subject property. This information is valid only at the time of inquiry and may change when the subject property, ordinances, or policies change. The information becomes certain and not subject to change when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

PARCEL INQUIRY # _____ FEE \$ _____ DATE: _____

NOTES:

\$



MLS # **98804275** Asking Price **\$350,000**
 Class **Land** Status **New**
 Type **Building Lots** Land Size **10 Acres - 19.9 Acres**
 Area **Canyon County Other - 1290** # Acres **10.000**
 Address **TBD Linden Rd** Lot Size **TBD X TBD**
 City **Caldwell** Price/Acre **\$35,000.00**
 Zip **83607**



For Sale

REMARKS

Beautiful Flat and sloping acreage in the perfect location for your horse or hobby farm, minutes from Caldwell, I84, Hwy 55, and Hwy 19. Country yet close. In Alfalfa, but could be tailored for your use. Seller to provide survey to identify property line for the 10 +/- acres, which is being split from 19.15 Acres. No building permit in place at this time. Buyer to apply for build/permit through Canyon County P&Z. View from Wagner Rd. only. Please do not enter the Linden Extension as it is a private Drive.

AGENT REMARKS

Agents: This is being split from 19.15 Acres. Driveway access will be on the Linden Ext., but please refrain from pulling in there off of Wagner as it is a private drive. Gated pipe on the W. Property Line would go with the sale. Seller will give full instruction about irrigation. A Road Maintenance and Water Use agreement will be signed at closing. Buyers need to secure their own Building permit through Canyon County P&Z. New Legal and Parcel # will be determined after Survey. Possible O/C with \$100k

Schedule a Showing

Agent Hit Count: 0 Client Hit Count: 0

GENERAL Confidential: This view may only be distributed to IMLS members. Any violation subject up to a \$500 fine.

Listing Date 5/21/2021	List Agent - Phn Arvid Salisbury - Voice: 208-989-5555	/ Fax: 208-672-9111
Expiration Date 5/21/2022	List Office - Phn Keller Williams Realty Boise - Main: 208-672-9000	/ Fax: 208-672-9111
DOM / CDOM 1 / 1	Co-List Agent	
Cable TV?	Owner/Main/Alt.	/ /
Cov & Restrict?	Agent Email asalisburyrealestate@gmail.com	
Curb & Gutter?	Co-Op Agent %/ % 3.00 Variable Rate? No	Short Sale Rate
Flood Ins Req? No	Selling Agt to Prsnt? No	Listing Service Full Service
Improv. Dist? No	Original Price \$350,000	Zoning
Irrigation? Yes	County Canyon	
Irrigation Dist? Yes	School District Vallivue School District #139	
Irrig Dist Name Pioneer Irr	Grade School West Canyon	
MH Allowed? No	Jr High Vallivue Middle	
Foundation Req?	Sr High Vallivue	
Paved Street? Yes	Electric Available	
Phone Lines?	Fenced None	
Sidewalks?	Gas Propane	
Survey Avail?	Land Use Other	
View?	Site Features sloped, irr., poss build	
Waterfront?	Subdivision 0 Not Applic.	
Wtr Shrs Avail?	Type of Ownership Fee Simple	Date of Ownership
Water Deliv? Yes	Cross Street Wagner/Linden	
Mineral Rights? Unknown	Virtual Tour	/

Directions **W. on Linden to Wagner/Linden intersection. STAY on Wagner to view. Property is W. of Wagner**
 Legal **A portion of Sec 30-4N-3W SE RTX 06761 IN S 1/2 SE New legal TBD at Survey**

FEATURES Printed/Emailed By: 1448 Arvid Salisbury

DOCS ON FILE	Main Line
IRRIGATION TYPE	Exclusive Right to Sell
LIST CLASS	Gravel, Paved
ROAD/STREET	Drive By (Land Only)
SHOWING	Cash, Conventional, Owner Will Carry
TERMS	Pasture, Road Frontage, Sloped, Solar Potential
TOPOGRAPHY	Septic-Proposed
WASTE DISPOSAL SYSTEM	Proposed Well
WATER	
GREEN BUILDING CERT.	

FINANCIALS

Financing Remarks			
Assoc Setup/Tmsfr \$ 0	REO/Bank Owned? No	Closing Date	Pending Date
Association Fees \$ 0.00	In Foreclosure? No	Sold Price	Sold Price/Acre
Tax Year 2020	Short Sale? No	How Sold	
Taxes \$ 380.70	Auction? No	Close Contrib.	/
Parcel # A portion of	Add'l Parcel #		

SOLD INFORMATION

This information is not guaranteed. Equal Housing Opportunity. Copyright 2010-2020 Intermountain MLS. All Rights Reserved 05/22/2021



April 15, 2024

Re: Case# AD2024-0115-APL

Dear Commissioners

I would like to address my concerns and questions regarding my intent to convey 2 acres to my parents. The following is a general history related to our property.

1. In 2003 this farm, owned by Don Sayre was administratively split into 5 parcels. A total of 63 acres were divided and sold to 4 different parties.
 - Louis and Krista Massoth, 23 acres, 2 permits.
 - Harry and Gainelle Massoth, 20 acres, 1 permit.
 - Duane and Lori Darbin, 10 acres, 1 permit.
 - Greg and Erin Timinsky, 10 acres, 1 permit (eventually sold to Earl and Luella Rowe).
 - Four homes were built and one of the 5 permits remained with Louis Massoth's 23 acres).
2. In 2007, Louis and Krista Massoth bought 19 acres of contiguous property from Harry and Gainelle Massoth, thus increasing the 23 acres to 42 acres. The 19 acres was 2 fields with 2 different irrigation delivery sources. This left Harry and Gainelle a home on 1 acre.
3. Between 2003 and 2007 the entire irrigation system was improved from dirt ditches to underground main line, risers and gated pipe. This benefited the farm as a whole. Since then, the 63 acres has been in productive farm use. Alfalfa, wheat, corn seed, onion seed and cattle have been the main commodities. At this time, the same practices remain. There has never been any intent to use the ground for anything other than agricultural use.
4. In 2017 the remaining permit on the 23 acres was transferred to the 19 acres. This was done with the counties blessing after filling out an application.
5. In 2020, Louis and Krista Massoth sold their original home with 23 acres to Nick Kordani and Roya Nematollahi. In the following year, Louis and Krista built a new home on the 19 acres that the permit was transferred to.
6. Once the home was completed, Louis and Krista sold 10 of the 19 acres to Nick and Roya. The 10 acres included the ingress and egress lane, no longer used by the Massoth's. The 10 contiguous acres was sold with no building permit (intentionally). Nick and Roya wanted the extra ground in order to avoid further development in the future.
7. All of the sales/purchases were done with realtors, title companies and recorded by the county. Tax assessments were revised to reflect the change in parcel sizes. Not once were we informed of doing things illegally until this year.
8. In July of 2021, after surveying the 10 acres, a purchase and sales agreement was made with Louis and Krista to sell the 10 contiguous acres to Nick and Roya. It was clear in the contract that a building permit did not come with the 10 acres. Again, Nick and Roya simply wanted to preserve and expand their farming acreage.
9. I personally went to the planning department and filled out a parcel inquiry request in July, 2021. My inquiry was not allowed because an unknown party had already made a request that was in the queue. Although I was the legal property owner I was placed in back of the line and told to hold onto my paperwork.

10. Knowing that a building permit and rezoning/plotting was never the intent, the 10 acres was sold as contiguous property. This was recorded and future tax notices reflected the changes in lot sizes.
11. In 2024, Louis and Krista Massoth agreed to sell 2 acres to Harry and Gainelle Massoth, thus expanding their 1 acre parcel to 3 acres. For various health and financial reasons, Harry and Gainelle would like to sell their home this year. Expanding their lot size adds value and makes their house more attractive with the acreage. A survey was completed so we could proceed with the lot line adjustment.
12. We have an irrigation agreement in place that would not be disturbed by our request.
13. Had we sold the additional 10 acres, along with our home on 23 acres (at the same time) we would likely not be here.

This is where we are at currently. The county denied the request and documented that we had done things illegally in the past.

Moving forward with rezoning and platting is not necessary. The original 63 acres now has the 5 homes that were permitted from the very beginning. Lot line adjustments have been a simple way to preserve the farm ground and keep it productive as agricultural land. In fact, all 5 houses were built on the least productive parts of the farm ground.

It is both alarming and unacceptable that we have been accused of illegal adjustments on lot sizes. Not once have I ever been contacted or notified as such, until now. We have paid our property taxes, been conscientious land owners and have not disturbed our neighborhood in anyway. Further, I would like to note that I have never been treated decently by the employees of the planning department. Their rules are vague, not transparent and confusing to realtors, title companies and ancillary local government officials. It seems that left and right hands are not working together when things are recorded. Our decisions have been practical and honest. The neighborhood has ultimately benefited from our responsible farm decisions and boundary adjustments.

In addition to overturning the director's decision denying the Gainelle Massoth boundary adjustment, I would also ask for the department's documentation be revised to omit the notion of illegal history on our farm. I would also ask that any fees that we have paid be reimbursed.

Respectfully,

Louis and Krista Massoth

Addendum

April 26, 2024

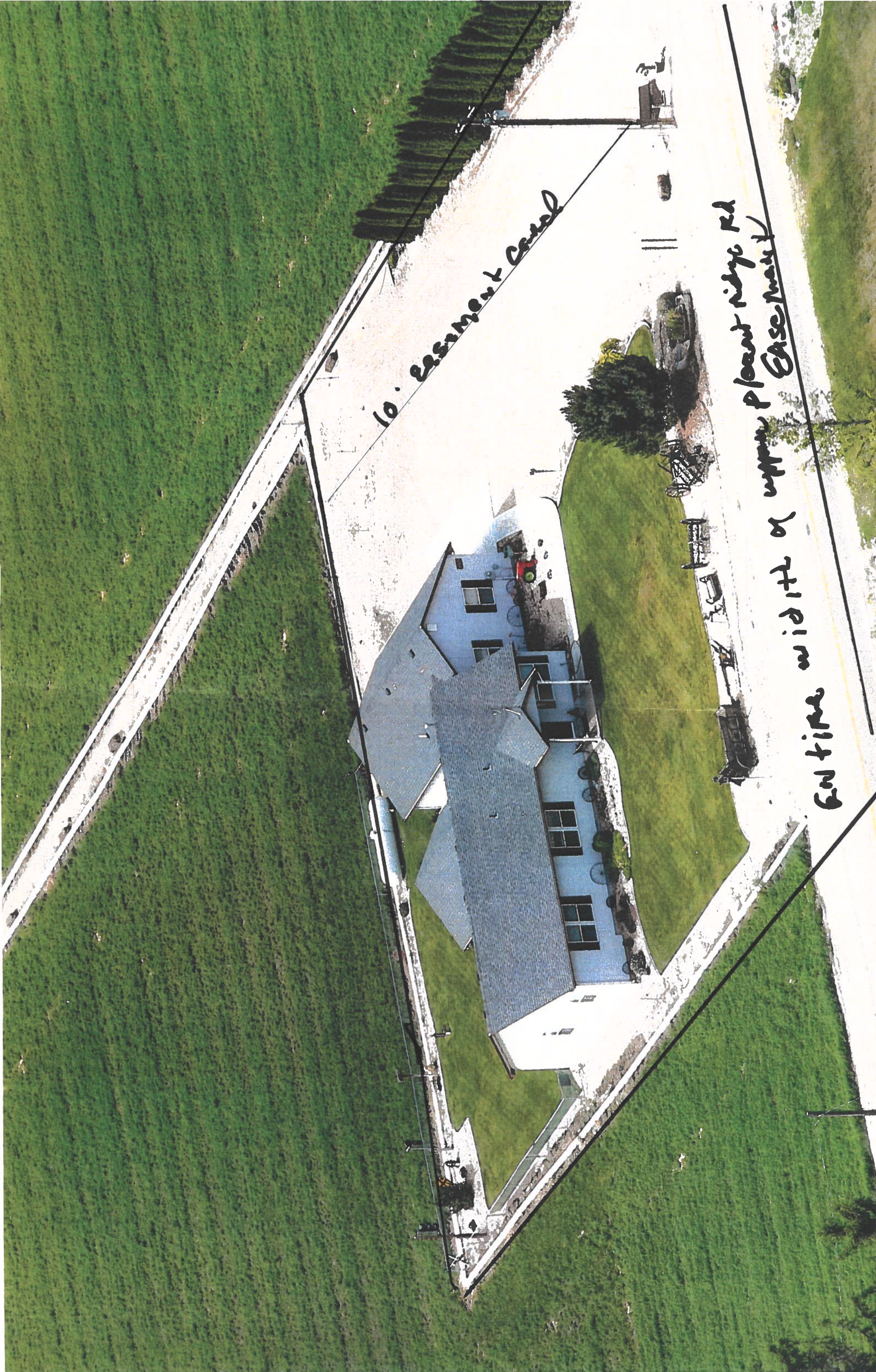
Does rectifying this whole matter mean going back to 2020 and not selling my home with 23 acres to Nick and Roya? Perhaps I should have sold them the 10 acres at the time. Either way, the end result would have been the same. If the 10 acres would have not been sold, because the closing and recording didn't happen, then platting and subdividing would have been the next option. Instead, we chose to keep the farm "as is" with 5 homes.

I have lived in Canyon County for 34 years and have paid my taxes. I utilized professionals to represent all of my land and home purchases. It is quite apparent that both professionals and citizens are not getting the guidance that we pay heavily for.

At this point in time, my family, parents and mother-in-law live on 20 acres. We arranged our homes in close proximity with the intention to watch out for one another. As everyone in our family ages, our intentions remain the same. We are a family, just as you have your own. This is the very time and place to think beyond vague policies that are not in the best interest of citizens.

Thank you,

Louis Massoth



10. Easement Canal

End time width of upper Pleasant Ridge Rd Easement

Exhibit 15

Subdivision Maker LLC

1434 New York Street, Middleton, Idaho 83644

208-899-9556

darin.taylor@subdivisionmaker.com

May 3, 2024

Canyon County Board of Commissioners
1115 Albany Street
Caldwell, Idaho 83605

Re: Appeal, Canyon County Case No. AD2023-0115- APL

Dear Board of Commissioners:

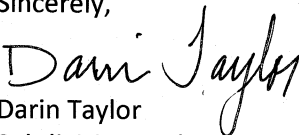
The landowner Applicant hired me to represent them in this appeal. I have been working in the public and private sectors of Canyon County property law and land use industries for 27 years and never before encountered the two issues presented in the above-referenced case.

- Issue 1. The administrative decision being appealed was denied solely because of something an adjoining landowner did and not something the applicant did.
- Issue 2. A landowner of farmed land sold a portion of that farmed land to a neighbor, and staff in the Development Services Department says that the landowner has to go through the notice and public hearing subdivision process, and receive the county's approval and board's signature on the final plat, before selling a portion of farmed land, otherwise the sale is "illegal." See correspondence in **Attachment A**.

This appeal was necessary to raise the conversation to you as the county's governing body. Is it true, is the county's position on the two issues as stated above? If so, the county's position on the two issues is foreign to American freedom, agricultural-friendly policies, and the rule of law.

The Applicant requests that the Board reverse the Director's denial and approve the Applicant's request for a boundary line adjustment that does not create a non-conforming land, building, or land use.

Sincerely,


Darin Taylor
Subdivision Maker, LLC

Copy: Sabrina Minshall, Director, Canyon County Development Services Department
Carl Anderson, Planning Supervisor, Canyon County Development Services Department

Darin Taylor

From: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Sent: Friday, March 15, 2024 4:40 PM
To: Darin Taylor
Cc: Jay Gibbons; Sabrina Minshall; Debbie Root
Subject: RE: [External] Request for Meeting re: Understanding County Processes

Mr. Taylor,

I hope you are well. Canyon County Chapter 7 Zoning Regulations Article 17 Subdivisions Section 03 Jurisdiction outlines the following:

These regulations shall apply to the subdividing of all land within the unincorporated parts of the county and shall include the following:

- (1) The subdivision of land into more than four (4) lots, parcels or tracts since September 6, 1979, for transfer of ownership or development.
- (2) Any change to a recorded plat.
- (3) The following are exceptions to the subdivision requirements of this article:
 - A. A parcel, resulting from the subdivision of land, that is used exclusively for agricultural purposes (on which there is no permanent dwelling) and is described on the deed, whether including or excluding a public right of way, and consists of one-fourth ($\frac{1}{4}$) of one-fourth ($\frac{1}{4}$) of a section of land or forty (40) or more acres.
 - B. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body.
 - C. Simple changes to a recorded plat in accordance with section 07-17-19 of this article.
 - D. A lot or parcel created for the exclusive use of a public or private school, other political subdivisions, or public or private utility facilities.
 - E. Land that is divided into no more than four (4) from the original parcel in accordance with Article 18 of this chapter.

Additionally, Canyon County Chapter 7 Zoning Regulations Article 17 Subdivisions Section 05 Applicability outlines the following:

- (1) No person shall subdivide any tract or parcel of land located wholly or in part in the county except in compliance with the provisions of this article.
- (2) No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the commission, nor offer for recording in the office of the county clerk, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this article.

Thank you and have a great weekend!

Carl Anderson, AICP, CNU-A

Planning Supervisor

Canyon County Development Services Department

Email: Carl.Anderson@canyoncounty.id.gov

Phone: 208-454-6607



From: Darin Taylor <darin.taylor@subdivisionmaker.com>
Sent: Wednesday, March 13, 2024 1:10 PM
To: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>;
Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: Re: [External] Request for Meeting re: Understanding County Processes

Thank you, Carl.

So anytime someone in Canyon County wants to sell a portion of their property or parcel that is or results in the fifth or more from the original as defined by code, that person must go through the subdivision notice and public hearing process to plat, and be approved, before they sell ... or the county deems it an "illegal parcel/split?"



Darin Taylor J.D., AICP
Subdivision Maker, LLC
208-899-9556
www.subdivisionmaker.com

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From: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Sent: Monday, March 11, 2024 9:46 AM
To: Darin Taylor <darin.taylor@subdivisionmaker.com>
Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>;
Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: RE: [External] Request for Meeting re: Understanding County Processes

Mr. Taylor

Thank you for reaching out. I apologize for the delayed response.

As quick housekeeping item, in double checking AD2023-0155-APL, it does not look like you are listed as an applicant/representative. In order to facilitate future work on this project, would you please provide written authorization (an email would be sufficient) from the applicant so that we may add you to the project as a representative.

In non-agricultural zones, land may be divided into no more than four (4) parcels through the administrative land division process unless further restricted by provisions in Chapter 9 – Areas of City Impact (07-18-13). Be advised that the minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection 07-10-21(2). Please also refer to 07-18-07 related to administrative division in agricultural zones. The subdivision of land into more than four (4) lots, parcels or tracts since September 6, 1979, for transfer of ownership or develop falls within the jurisdiction of the Canyon County Subdivision ordinance (07-17-03).

Idaho Code 50-1301(18) defines subdivisions as, "a tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or

Darin Taylor

From: Darin Taylor
Sent: Thursday, March 14, 2024 5:54 PM
To: Sabrina Minshall; Carl Anderson
Cc: Jay Gibbons; Debbie Root
Subject: RE: [External] Request for Meeting re: Understanding County Processes

You're welcome. I'll ask them to email you and copy me.

Darin Taylor, J.D., AICP
Subdivision Maker LLC 208-899-9556
darin.taylor@subdivisionmaker.com



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From: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>
Sent: Thursday, March 14, 2024 5:19 PM
To: Darin Taylor <darin.taylor@subdivisionmaker.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: RE: [External] Request for Meeting re: Understanding County Processes

Thanks Mr. Taylor

We will need an email, or updated application- *from the applicant* so we can have you be the representative.



Sabrina C. Minshall, AICP

Director
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-454-6634
Fax: 208-454-6633
Email: Sabrina.Minshall@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Development Services Department (DSD)

From: Darin Taylor <darin.taylor@subdivisionmaker.com>
Sent: Thursday, March 14, 2024 5:03 PM
To: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>;
Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: RE: [External] Request for Meeting re: Understanding County Processes

Good afternoon,

I was hired today to represent Gainelle and Harry Massoth, and Louis and Krista Massoth, to represent them in their appeal of Director's Decision – AD2023-0115. Please direct all future correspondence in this matter to me. We look forward to receiving notice of a date the Board of County Commissioners will be considering the appeal filed in February 2024.

Darin Taylor, J.D., AICP
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darin.taylor@subdivisionmaker.com



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Sent: Wednesday, March 13, 2024 1:10 PM
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Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>;
Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: Re: [External] Request for Meeting re: Understanding County Processes

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From: Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Sent: Monday, March 11, 2024 9:46 AM
To: Darin Taylor <darin.taylor@subdivisionmaker.com>
Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: RE: [External] Request for Meeting re: Understanding County Processes

Mr. Taylor

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Idaho Code 50-1301(18) defines subdivisions as, “a tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of this definition”.

I don't have any additional information outside of what was covered in the original administrative decision regarding the proposed property boundary adjustment.

Assuming both properties are legal non-conforming parcels, original parcels and/or created by the established division process, the process to increase the parcel size of the 1.15-acre parcel and, and convey the 10-acres, may be accomplished through a property boundary adjustment, administrative division process or subdivision process.

Thank you,

Carl Anderson, AICP, CNU-A
Planning Supervisor
Canyon County Development Services Department
Email: Carl.Anderson@canyoncounty.id.gov
Phone: 208-454-6607



From: Darin Taylor <darin.taylor@subdivisionmaker.com>

Sent: Friday, March 1, 2024 2:34 PM

To: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>

Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>

Subject: RE: [External] Request for Meeting re: Understanding County Processes

Thank you.

Darin Taylor, J.D., AICP

Subdivision Maker LLC 208-899-9556

darin.taylor@subdivisionmaker.com



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From: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>

Sent: Friday, March 1, 2024 12:50 PM

To: Darin Taylor <darin.taylor@subdivisionmaker.com>

Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>

Subject: RE: [External] Request for Meeting re: Understanding County Processes

Mr. Taylor,

I am happy to have our Planning Supervisor, Carl Anderson, review your questions and can provide any additional clarification he feels is appropriate.

Ms. Root is not in the office today, but Mr. Anderson will want to visit with her as well, so we understand the nature of your remaining questions, and what she covered when you met yesterday.

In reading the AD Decision, as well as your email below, it appears the answers to some of your questions are cited in the decision with applicable code sections.

There is a difference between the ability to sell or deed property, and whether it was divided by county processes, thus recognized as a separate parcel. Essentially the decision was illustrating we cannot through the county change a boundary on a parcel that is not recognized since it was not divided consistent with county ordinances (and the process outlined in the 2021 Parcel inquiry.) I personally explained this to Ms. Massoth.

Have you received from the property owner, or requested, the original parcel inquiry on these properties? PI2021-0349? As I review it, it appeared to answer most, if not all of your questions, and was provided to a Mr. Robert and Jill Hettinger in 2021.

I would suggest the quickest path would be to submit a public information request for the PI2021-0349 if you client does not have it.

In addition, an appeal to the Directors Decision has already been submitted, I'm unsure if it has already been scheduled at the BOCC.

After Mr. Anderson reviews your questions, if you feel it is still necessary to meet we can, but I do want to assure you I concur with staff's interpretation of the code, and the appropriate place to discuss areas you disagree with staff interpretation is, as filed, through the appeal to the BOCC.



Sabrina C. Minshall, AICP

Director

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6634

Fax: 208-454-6633

Email: Sabrina.Minshall@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

From: Darin Taylor <darin.taylor@subdivisionmaker.com>

Sent: Friday, March 1, 2024 10:14 AM

To: Sabrina Minshall <Sabrina.Minshall@canyoncounty.id.gov>

Cc: Jay Gibbons <Jay.Gibbons@canyoncounty.id.gov>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>

Subject: [External] Request for Meeting re: Understanding County Processes

Sabrina,

Good morning. I came to DSD yesterday and requested to visit with you and Deb Root met with me to discuss and help me understand Director's Decision AD2023-0115. Ms. Gainelle Massoth asked me to look at this and let her know what I think, so I am doing that. The Decision found "The request is not consistent with CCZO Sections 07-10-17, 07-17-03, and 07-18-13 as follows" followed by explanation. I read the code sections and:

07-17-03(3)(A) states land in the county is subject to the subdivision code except 40 or more acres of land used exclusively for agricultural purposes, and without a permanent dwelling is exempt from the subdivision ordinance;

07-10-17(5) prohibits a boundary adjustment from creating parcels smaller than the minimum size for the zone where the property is located, unless the adjustment increases the size of an existing parcel that was smaller than the minimum lot size for the corresponding zone prior to the adjustment. I read this to mean that the applicant's request to increase a 1.15-acre parcel is consistent with this subsection. Deb explained to me that the parcel being reduced in size, 18.85-acre, was disqualified from participating in the boundary adjustment because 10-acres of vacant agricultural land without a building permit had been deeded to a neighbor without first applying, and being approved for, a one lot subdivision. The 10-acres of farmland changed from one landowner to a neighboring landowner; no change in land use.

07-18-13(2)(A) discusses administrative division of land in zones other than the agricultural zone, which may not apply to Ms. Massoth's application since the two properties desiring the boundary adjustment are in the agricultural zone.

Based on the above, I asked Deb how one landowner of vacant and farmed agricultural land less than 40 acres can deed a portion of that land to another landowner? I.e, what is the county's process if my neighbor and I want him/her to sell me 10 acres of vacant farmland (without a building permit and no desire for a residential building permit) from his 18-acre parcel? As I understood it from Deb yesterday, the county code says either it is an original parcel that qualifies for an administrative land division, or it is not an original parcel (the 5th or more from the original) and I would need to apply

for a one-lot subdivision, pay an application fee for the notice and public hearing process, with the possibility of being approved ... and, if approved, then I can purchase the 10-acres from my neighbor, now with a residential building permit which I did not want, ... and I get hounded by people want to buy the 10 acres because it now has a building permit. Do I understand this correctly? What if the county denies the application? Does it mean my neighbor cannot deed me the 10-acres without the county calling it an "illegal parcel?"

Question: What is the county's simple and quick process for an owner of a portion of a parcel less than 40 acres of farmland in the agricultural zone to change ownership?

Question: Where in County Code does it authorize the county to not approve a boundary adjustment application if both of the parcels involved were not divided according to the code? Section 07-10-17(10) says the county "shall" approve the boundary adjustment if the previous nine items are complied with.

Question: Is a boundary adjustment only allowed under 07-10-17(5) if at least one of the parcels is greater than 40 acres, so that after the adjustment, one parcel less than 40 acres (minimum lot size in Ag zone per Deb) is increased and the other is not decreased less than the minimum lot size? Otherwise, if two parcels are less than the 40-acre minimum lot size desire a boundary adjustment, even though one of them increases in size, the other will not. So, two parcels less than 40 acres in the Ag zone do not qualify for a boundary adjustment?

I went to DSD yesterday for clarification and to understand how the county codes work on these subjects, and I still have questions. Ms. Massoth just wants to know the process the county requires to increase the size of her 1.15 acre parcel ... and her son, Mr. Massoth just wants to know the process the county requires to convey 10-acres of vacant farmland without a residential building permit to a neighbor? May I please schedule an appointment with you to learn the answers to these questions?

Darin Taylor, J.D., AICP
Subdivision Maker LLC 208-899-9556
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