

Dan Lister

From: Karen <kesbutler@gmail.com>
Sent: Thursday, July 11, 2024 2:48 PM
To: Dan Lister
Subject: Re: [External] Survey Recorded per your request
Attachments: Traffic_Safety Concerns_.pdf; Hazards Examples.pdf; AD2024-0027APL-Response.pdf; RUMA Receipts_Butlers.pdf

Hello Dan,

Attached please find our written response to AD2024-0027APL. I have provided a written response to statements of the appeal as well as supporting documentation for our response. We did not respond to each accusation or statement in the appeal. It seemed repetitive in nature thus we elected to respond to what appeared to be the most prominent points. If needed we are more than happy to answer any questions regarding the appeal or our response. I have tried to be detailed in providing relevant information while also summarizing as best as possible.

The following are the attachments in applicable order:

1. AD2024-0027APL-Response
2. RUMA Receipts
3. Traffic_Safety Concerns
4. Hazards Examples

Please let me know if you have any questions.

Karen Butler

On Tue, Jul 9, 2024 at 1:28 PM Dan Lister <Daniel.Lister@canyoncounty.id.gov> wrote:

Karen,

Your response can be e-mailed to me.

I'm currently working on the staff report for the appeal. I'm also working with the Board of County Commissioners office to find a hearing date. Once a hearing date is confirmed, DSD Admin. Staff will send out the required hearing notice.

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****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.

From: Karen <kesbutler@gmail.com>

Sent: Tuesday, July 9, 2024 12:39 PM

To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>

Subject: Re: [External] Survey Recorded per your request

Hello Dan,

We are planning to submit a written response to the Houwelings appeal to provide adequate responses and include documented proof to refute statements in the appeal. We also plan to attend the hearing in person. I did want to ask where or how do I submit our response? Also, is there any type of timeline on when this might be put on the hearing calendar? Not having been through this process before we were just wondering as we look forward and try to plan accordingly for vacations, etc.

Thank you again to you and all the staff at Planning and Zoning who have assisted us during this process. You have all been a great help to us.

Thank you,

Karen Butler

On Thu, Jun 20, 2024, 11:15 AM Dan Lister <Daniel.Lister@canyoncounty.id.gov> wrote:

Mrs. Butler,

On June 4, 2024, an appeal was received from an attorney of the Houwelings (Case No. AD2024-0027-APL). If you would like a copy of the appeal submittal, please complete a public records request here:

<https://www.canyoncounty.id.gov/cc-public-records-request/>

The appeal will be scheduled for a public hearing before the Board of County Commissioners.

Sincerely,

Dan Lister, Principal Planner

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Daniel.Lister@canyoncounty.id.gov

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From: Karen <kesbutler@gmail.com>
Sent: Thursday, June 20, 2024 9:17 AM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Cc: one@dlbutler.com
Subject: Re: [External] Survey Recorded per your request

Hello Dan,

I was in last week to ask a couple questions regarding the specs for signage. While I was in I had the opportunity to speak with the director regarding our land division and any appeals for AD2024-0027. She suggested I reach out to you this week and confirm if any appeals had been received or if we are good to move forward with completing the process of installing the private road sign and then of course activities associated with address changes.

Thank you,

Karen Butler

On Mon, May 20, 2024, 5:05 PM Dan Lister <Daniel.Lister@canyoncounty.id.gov> wrote:

Mr. & Mrs. Butler,

Case No. AD2024-0027 has been approved and signed by the Director of DSD. To complete the approval process, the decision must be recorded. Please come to the DSD office, pick up the approval, and have it recorded at the County Recorder's office (located across the hall). Once recorded, come back to the DSD office so staff can make a copy. Once that task is completed, the application is closed and the approved division can be deeded into existence.

The approval will be held at the DSD front counter. Contact me if you have any questions.

Sincerely,

Dan Lister, Principal Planner
DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959
Daniel.Lister@canyoncounty.id.gov

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-----Original Message-----

From: Dan Lister

Sent: Thursday, May 16, 2024 4:32 PM

To: 'one@dlbutler.com' <one@dlbutler.com>

Cc: kesbutler@gmail.com

Subject: RE: [External] Survey Recorded per your request

David,

Thank you for the submittal of the recorded record of survey. The final decision for approval is with the DSD Planning Supervisor for signature. I'll e-mail you once it is signed with final instructions.

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959 Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

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8 am - 5 pm

Wednesday

1 pm - 5 pm

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-----Original Message-----

From: one@dlbutler.com <one@dlbutler.com>

Sent: Thursday, May 16, 2024 3:11 PM

To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>

Cc: kesbutler@gmail.com

Subject: [External] Survey Recorded per your request

Hi Daniel,

We spoke the other day about this and you said the survey needed recorded so we contacted the surveyor and they did this. Attached is the copy they sent me.

Are you the person we send this to or should we CC someone else?

This is regarding case No. AD2024-0027.

Do let me know what we need to do next. I appreciate it.

Thanks David

David Butler
6504 Bowmont Rd
Nampa, ID 83686
208-204-8590

AD2024-0027-APL

APPEAL RESPONSE

07.02.2024

David and Karen Butler

6504 Bowmont Rd

Nampa, ID 83686

Overview

The following is in response to Mr. and Mrs. Houweling's appeal (AD2024-0027-APL) submitted through their legal representation Mr. Shawn Maybon. We have chosen to submit a written response to address the lengthy appeal as accurately as possible and provide the Commissioners with information to make an informed decision.

Appeal Introduction

1. "Agricultural use" only parcel creating harm to the Houweling's and other adjoining owner's. You will find in the points below that in fact the Houweling's and other "adjoining" owner's have benefited from the parcel.
 - a. The parcel has in the past and currently is agriculture. Mr. Houweling himself previously entered into a lease agreement with my husband, Mr. Butler, to farm the parcel in question, for benefit to the Houwelings. Mr. Houweling farmed the parcel for many years and thus the Houweling's benefited from said parcel until time my husband chose to end the lease agreement. The history of Mr. Houweling farming the agriculture parcel, having benefited from farming said parcel shows that the statements in the appeal that the agriculture parcel would cause harm to the Houwelings are in fact false. It would seem for the Houwelings harm is only caused if they do not directly benefit.
 - b. Harm to adjoining owner's. At no time has any adjoining owner brought forth a complaint, legal or otherwise stating harm regarding the agricultural parcel. The adjoining property to the West is owned by Mr. Emmert who has also farmed this parcel in the past as well and thus also benefiting from said

parcel. Any statement regarding harm to adjoining owner's again is false as the adjoining owner's have benefited from farming the parcel in the past. The statement from Houwelings would lean again towards if the benefit isn't directly for the Houwelings there must be harm to them.

- c. Building permit: Statements in the appeal referencing building permits. No building permit is available to the parcel in question.

Statement of Facts

I. Road User Maintenance Agreement

Throughout the Appeal there are many statements regarding the RUMA. I will summarize the RUMA here.

- A. As shown in our (the Butler's) initial land division packet request (AD2024-0027) there is a RUMA that was initiated by Mr. Lafee. The RUMA has been in effect and active since that time. We have provided the last three years of maintenance receipts. Currently the Nobles, Houwelings and we the Butlers participate in said RUMA. Mr. Randy Noble as a general rule will arrange the road maintenance, notify each landowner of their financial cost (one-third). On or about February 21, 2024, Mr. Houweling arrived at our (the Butlers) door as he had arranged for the private road maintenance and asked David Butler for his one-third share of the cost for the road maintenance (receipt and canceled check with Mr. Houwelings signature attached). This in itself would indicate that Mr. Houweling is fully aware that there is a RUMA. It negates the statements in their appeal that the Houwelings themselves have absorbed all road maintenance costs. The canceled check with Mr. Houwelings signature in fact goes to show that statements in the appeal regarding a RUMA that is not enforced or enforceable, absorbed costs by the Houwelings are false statements. Mr. Houweling himself enforced the RUMA to gain payment from Mr. Butler. Yet another example of a where a benefit to the Houwelings does not cause them harm (they used the RUMA to receive payment) but now the RUMA is not valid and harm is caused.

II. Historical Deed Transfer

- A. We, the Butlers have followed all proper permitting and title transfers as required upon purchase and building of our property, as we understand it, all titles are accurate.

- B. The Houwelings as we understand, at no time had ownership of the parcel being referred to as the 'Private Road' until Mr. Lafee quit deeded the parcel to Mr. Houweling. Hence, if they feel it isn't a legal transfer then they have no ownership, have never had ownership and this appeal has no standing.

III. Easement Reduction - Butler's Eastern Boundary

- A. Within the appeal there is a portion that suggests that we, the Butlers, can or should move our Eastern boundary that borders the private road west into our property to create an approximate 60 foot wide private road, per a suggestion by Mr. Maybon and the Houwelings.
 - 1. As shown in our initial submittal of our Administrative Land Division Packet with the Private Road and Easement Reduction Packet, the site map materials provided show that along the private road are power poles. If we moved our property line to widen the private road there would remain power poles in the middle of said private road. Idaho Power does not recommend placing power underground for ease of access. If the power poles were to accept the Houwelings request to remove the power poles, how do the Houweling's expect to receive electricity as they are at the end of the private road? If Idaho Power were to accept a request to move the power underground, are the Houwelings prepared to accept this financial responsibility of their request to place power underground for all homes on the private road?

IV. Additional Concerns Regarding the Private Road

- A. Safety: The appeal mentions additional safety issues regarding the private road such as shorter width in spots. This could be mitigated by the Houweling's refraining from parking equipment and semi tractor trailers on the private road. Which would also eliminate the harm they cause to their neighbors by causing neighbors to have "work around" the equipment in the private road'. Not to mention the hazard if emergency vehicles are called. See attached documentation.
- B. Concern for abundance of traffic: The appeal details an abundance of traffic being created by a 'new agricultural' parcel. The points below show that the appeal directing 'concern for safety' creating a new parcel is a false narrative. Hazards and safety have been and are being created directly by the Houwelings.

1. The parcel being created is not a 'new' agricultural parcel. Said parcel has always been agricultural, is zoned agriculture and will remain as such. As noted in the Introduction, Section 1 of this response, the Houwelings are aware of this and have always been aware of this. No new traffic is being created by the Administrative Land Division. As shown below the Houwelings have created their own issues.
2. The Houwelings have posted to their social media page(s) a petition opposing the Savion Energy Solar Farm in Melba and encourage the general public to come to their property to sign the petition. This has created additional non-regular traffic. We, the Butlers have created no additional non-regular traffic and do not invite the general public to our property. Additional documentation is attached for reference.
3. The Houweling's have multiple rentals on their property. Eliminating these rentals would directly reduce traffic immensely by not having the renters and their traffic. Or controlling the traffic at a minimum.

C. Private Road Name Change

1. The Houwelings were in fact contacted regarding the private road name change and address changes.
 - a) We, the Butler's, approached all homeowner's that would be impacted. Arlene Houweling is whom we spoke to directly in first initial contact from the Houweling residence. Myself and my husband, David Butler provided Mrs. Houweling the complete Private Road and Easement Reduction Packet and an explanation of our intent to submit an Administrative Land Division Packet. Along with the packets we provided and details regarding providing a list of any private road names they would like to submit to the county for review and approval. Mrs. Houweling's initial response to the discussion was to ask us, the Butlers, if we would be willing to sell our entire property and how much we would consider selling it for, as she knew some people who would be interested. We declined the offer and provided Mrs. Houweling with the date we would need the packet returned, signed or unsigned. Mr. Butler returned to the Houweling's to collect the signature page of the Private Road packet a few days later, unsigned. At that time, Mr. Houweling noted to Mr. Butler they would get an attorney to intervene. However, it should be noted that when I, Karen Butler, went to the Canyon County Planning and Zoning to work with an associate planner for a final review before turning in the Administrative Land Division, Private Road and Easement Reduction Packets, I was notified that Mrs. Houweling additionally attempted to intervene by having a family member who is a licensed title agent go to the Canyon County Planning

Zoning Office to intervene. A statement that the Houwelings had any lack of awareness is inherently false. They were notified by us, the Butler's as required and they declined to sign. The Houwelings then attempted intervention via a family member which speaks to their knowledge of the application. If the Houwelings had no knowledge of the Private Road and Easement Reduction Packets then why would their family be at the county specifically asking about our packet? The Houwelings and an apparent licensed representative of theirs had absolute knowledge of the Administrative Land Division process that was being submitted. Any statements to the contrary are inherently false.

Conclusion

We believe the Houwelings appeal has no merit. The statements to "inherent" harm to the Houwelings when they themselves have benefited from the very parcel they oppose is absurd. The parcel has been and remains agriculture in use. As shown in the attached documentation the Houwelings are 'pro-agriculture', but only as it pertains to their specific property or benefit it would seem as they oppose the solar farm and our continued use of an agriculture parcel they once benefited from. Attempts to place increased traffic or safety concerns regarding the private road onto the Butlers are unfounded when the increase in traffic is caused by the Houwelings own actions and safety issues are of their own volition. For the past 22 years we have managed our property the same way, there are no obstructions and our land is well maintained. At no time have the Houwelings brought forth a complaint that the management of property has a negative impact to them until the time we refuse to either sell to their family or friends or be bullied by their tactics. When completing the Administrative Land Division Packet including both the Private Road and Easement Reduction Packets, I worked with Canyon County Planning Zoning every step of the way, asking questions and completing all packets, gathering all requested materials, writing letters of intent and then having all materials reviewed for feedback prior to submitting. Following all guidelines, policies, codes, etc. set forth by Canyon County. We stand behind our Administrative Land Division Packet including both the Private Road and Easement Reduction Packets and all attachments.

Thank you,

David and Karen Butler

92-372/1231 1862

DAVID L. BUTLER
6504 BOWMONT RD
NAMPA, ID 83686

2-21-24

Pay To The Order Of Kacey Hawkwing \$ 224,31

Two hundred Twenty Four ³¹/₁₀₀ Dollars

US BANK

For Land Gravel ¹/₂ DTN Butte

⑆ 123403729⑆ ⑆ 1862

ItemNum=030376019566

-RtNum=>092901683<-TrID=6
-BranchName=FIRST INTERSTATE BANKBr=4380
-TransDt=02/26/24
-ItemNum=030376019566

02/26/24
09:11 AM
ATM
WHEN YOU LEAVE OR RETURN DEPOSIT

Kacey Hawkwing

Cancel

Print

Invoice

Cope Sand & Gravel, Inc
12360 Moss Street
Nampa, ID 83651
2084551601

Date	Invoice #
2/8/2024	202084

Bill To
Rachel Henseling
6503 Beethoven Road
Nampa, ID 83686

02/09/2024

P.O. No.	Terms	Project
	Net 10th	

Quantity	Description	Rate	Amount
11.23	Yards 3/4" chips - Inv. #292084	18.00	202.14
11.46	Delivery	120.00	120.00
	Yards 3/4" chips - Inv. #292075	17.99	206.27
	Delivery	120.01	120.01
	Sales Tax	6.00%	24.50
Total			\$672.92

Thank you for your business

168.22

224.31

324.1



DAVID L. BUTLER
6544 BOWMONT RD
Nampa, ID 83686

82 3721231 1833

4-26-23

Pay To The Order Of Randy Noble \$ 260.00

Two hundred sixty Dollars

US BANK

For Lane Maintenance Dr. Berth

⑆ 23103729⑆ 1833

>324173626<
Idaho Central CU
05/17/2023 0034-4289
B0160 S001020

Randy Noble
05/17/23

[illegible]

Date	4/24/2023
------	-----------

Payment is due within 30 days of
date on invoice. After 30 days
a 10% A/R late fee will be assessed.

Payments/Credits	\$79.90
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This is a list of the maintenance I have performed, or funded, on the lane access to 6504 Bowmont Road property.

This list is starting in 2022. Though I have performed and funded much maintenance prior to this, I have not really recorded it as such.

The maintenance agreement states that I am responsible for 1/3 of the maintenance and repairs, but not for improvements.

***** 2024 *****

Feb 21 Paid Casey Houweling \$224.31 (check # 1862) for gravel he had put on lane. This is 1/3 of the total cost of the application.

Apr 25 Sprayed Lane with herbicide

May 16 Sprayed Lane with herbicide

May 31 Sprayed Lane with herbicide

***** 2023 *****

Apr 26 Paid Randy Noble \$260 (check # 1833) for gravel he had put on lane. This is 1/3 of the total cost of the application.

Apr Sprayed Lane with herbicide

May Sprayed Lane with herbicide

Jul Sprayed Lane with herbicide

***** 2022 *****

May Sprayed Lane with herbicide

Jun Sprayed Lane with herbicide

Aug Sprayed Lane with herbicide

Traffic/Safety Concerns

In the Houweling appeal it has been asserted that there are concerns from a result of an increase in traffic. The assertion is that the increase would come from the Butler Administrative Land Division. As stated in the Butler's initial Administrative Land Division Packet, Private Road and Easement Reduction Packets and the subsequent Appeal Response, no additional traffic would result due to the continued agricultural use of the agricultural parcel in question. However, to address the concerns in the appeal submitted by the Houwelings and their legal representation, I have provided the attached.

1. Social Media screen captures to show that the Houweling Dairy social media account actively posts to invite the general public to use the private road in question to "come sign' a petition opposing the Savion Energy Solar Farm in Melba. Inviting the public to use the Private Road is creating the additional traffic the Houwelings themselves state cause them harm. This traffic creates no benefit to the adjoining properties or directly to the Houwelings. Any attempt to place the blame on the Butlers is a false statement.
2. Additional traffic can be contributed to the Houwelings rental facilities. As shown in the attachment the Houwelings have multiple facilities that are rented as long term rentals. These renters use the Private Road and additional access roads, dirt drives causing additional traffic. The Houwelings could reduce traffic to their facility by reducing their renters or renting facilities or controlling traffic. The Butlers have no operations that rent or have any part in that traffic. That is again the Houwelings responsibility.
3. Attachment regarding safety shows that the southern end of the Private Road, nearest the Houweling property is a semi tractor trailer. This equipment is owned and operated by the Houwelings. This equipment is regularly parked on the Private Road and does in fact pose harm to the adjoining property owners for emergency vehicle access. At no time have the Butlers parked any equipment on the Private Road or created an obstruction on the Private Road as shown in the attachments. Any obstructions is the Houwelings self induced problem.



Houweling Dairy

April 19 · 🌐

...

Hello everyone. As some of you know they are trying to put in a solar farm right behind us. We have a petition here at the dairy store, for anyone to sign to try to stop it. Thank you.

STOP POWER BUTTE ENERGY CENTER

We the undersigned request Ada and Canyon County Commissioners to deny permission to the Power Butte Energy Project for a conditional use permit. This project would be a 2400 Acre Farm including a 5 Acre area of Lithium Batteries. This permit would put the Solar Farm in Ada and Canyon County in the location on the attached plat.

We wish to stop this action to protect the Ag ground, our well water, the resale value of our property, our safety, and the general beauty of our community.

Solar farms are known to leach harmful chemicals into the soil and water, ruining our Ag ground for future Ag use, and polluting water wells. Also, the lithium batteries have been known to catch on fire and are hard to control as you cannot use water to put them out, and they have been known to smolder for weeks, possibly releasing harsh chemicals into the air.

SIGNATURE PRINTED NAME DATE E-MAIL

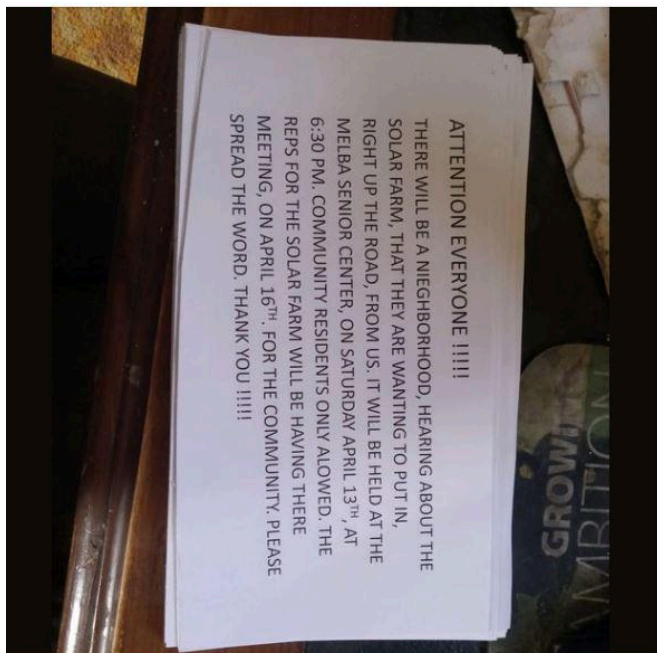


Houweling Dairy

March 30 · 🌐

...

Share this please.





CANYON COUNTY ASSESSOR'S TAX NUMBER:99760

SECTION/TOWNSHIP/RANGE: 1-1N-2W

SUBDIVISION:

LOT\BLOCK\TRACT:

ACCOUNT NUMBER: R28379-000- -0

TAX YEAR: 1999

INST 9921863

DATE: 6-4-99

GRANTOR: PAMELA B. CUNNINGHAM, TRUSTEE FOR THE VILAS BRANDT TRUST

GRANTEE: JOSEPH C. ZIMMERMAN & MARY ZIMMERMAN-H/W

DATE CANCELLED:

NOTICE

THESE DOCUMENTS ARE MAINTAINED FOR
ASSESSMENT PURPOSES AND SHOULD NOT TO BE
RELIED UPON FOR DETERMINING
PROPERTY BOUNDARIES & CURRENT
OWNERSHIP.

-----DESCRIPTION-----
THIS WAS PART OF GOVT LOTS 2 & 3

A strip of land being bounded on the South by the east-west 1/16 line and on the North by the existing fence line situated in Government Lots 2 and 3 of Section 1, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

More particularly described as follows:

Commencing at a Brass cap marking the Section corner common to Sections 1, 6, 31, and 36;
thence N 89°59'27"W along the Section line common to Sections 1 and 36 a distance of 1322.86 feet to the East 1/16 corner between said Sections 1 and 36;
thence S 00°04'21"W a distance of 1384.76 feet to a 5/8 inch iron pin with cap marked "RAJ 943", marking the Northeast 1/16 corner,
THE POINT OF BEGINNING;
thence N 00°04'21"E a distance of 1.86 feet to a 5/8 inch iron pin with cap marked "RAJ 943";
thence N 89°44'28"W a distance of 1322.71 feet to a 5/8 inch iron pin with cap marked "RAJ 943", said point bears N 00°03'59"E a distance of 5.86 feet from the true Center-North 1/16 corner;
thence N 89°58'54"W a distance of 1322.79 feet to a 5/8 inch iron pin with cap marked "RAJ 943";
thence S 00°03'31"W a distance of 4.15 feet to a 5/8 inch iron pin with cap marked "RAJ 943" marking the Northwest 1/16 corner;
thence along the 1/16 line S 89°54'27"E a distance of 1322.79 feet to a 5/8 inch iron pin with cap marked "RAJ 943", the Center-North 1/16 corner;
thence S 89°54'52"E a distance of 1322.71 feet to the POINT OF BEGINNING.

Said parcel containing 0.27 acres more or less.

200113392 / 200114614

R 28380-010

out of
K 28380

QUITCLAIM DEED

FOR VALUE RECEIVED

Vilas Brandt Trust by Pam Cunningham & Maxine Brandt

do hereby convey, release, remise and forever quit claim

unto American Cancer Society

whose address is 2676 S. Vista Ave
Boise, ID 83705

the following described premises, to-wit:

A strip of land in Lot 3 Section 1 Twp 1 N.
Range 2 W. B.M. in Canyon County, Idaho, being a
strip of land 2 rods wide along the easterly line or
boundary of said Lot 3, and containing 1.05 acres,

Rerecorded to add Power of Attorney

200114614

RECORDED

11 APR 18 PM 3 21

G NOEL HALES
CANYON CNTY RECORDER
BY [Signature]

REQUEST
FEE 3.00

QUEST
TYPE [Signature]
FEE 3.00

G NOEL HALES
CANYON CNTY RECORDER
BY [Signature]

11 APR 11 PM 1 48

RECORDED

200113392

together with their appurtenances.

Dated:

April 11, 2001

Pam Cunningham, Maxine Brandt by POA

STATE OF IDAHO, COUNTY OF Canyon

On this 11th day of April, 2001,
before me, a notary public in and for said State, personally
appeared Pam Cunningham

as trustee of the
Vilas Brandt Trust

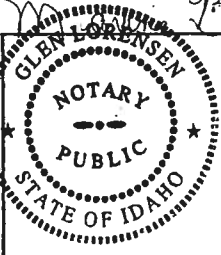
known to me to be the person who name
executed the same.

as sides trustee

Notary Public

Residing at Boise, Idaho

Comm. Expires 8-11-2005



PIONEER TITLE COMPANY
OF CANYON COUNTY

423 So. Kimball
Caldwell, Idaho 83605

100 - 10th Ave. South
Nampa, Idaho 83651

28

R 28380-010

R28380-010--0 095-00

TRQZ389
01N02W012505AMERICAN CANCER SOCIETY
LA FEE BUILDING, LLC
HOWELING, CASEE 316 AVA LON
2676 S VISTA AVE 6505 BOWMONT RD
BOISE K 200145018 ID 83705 8360601-1N-2W NW
E 33' OF LT 3 LS TX 99760

BOWMONT RD NA

SITE ADDRESS MAY 30 01

URBAN LAND

C A T E	CLASS	NO. ACRES	DRN	MARKET VALUE				
				2001	2002	2003	2004	2005
20	RES.							
21	COMM.							
22	IND.							
10	WASTE							

RURAL LAND

C A T E	CLASS	NO. ACRES	DRN	MARKET VALUE				
				2001	2002	2003	2004	2005
1	1A							
2	1P							
3	2A							
4	2B							
5	2C							
10	RURAL HOMESITE							
12	RES. TR.	1.00		47.5		525	600	
13	COMM. TR.							
14	IND. TR.							
15	SUBS. RES.							
16	SUBS. COMM.							
17	SUBS. IND.							
18	OTHER RURAL LAND							
70	MIN. RT. RES.							
2A		.05		25		25	25	
10	WASTE							
		1.05		500		525	625	

MAY 30 01

MAY 25 04

Total
Market Value

05

04

03

02

01

PLATROOM NOTES

200145018, 200300919

200300919

ZONING	INITIAL	APPRS'D	MANUAL	BLD CL
	MKB	99		

SALES DATA

OWNER	SALE DATE	SALE PRICE

SPL. FOR R 28380 (200119014)

200145018, 200300919

APPRAISERS NOTES

Split 5-24-01 MKB

IMPROVEMENTS

MARKET VALUE

CLASS	QTY	OLD FCV	INDEX	NEW FCV
12	1.00	500 X 1.200		600
2A	.05	25 X 1.200		0
TOTAL				600

R28380-010--0

APR 20, 2004

CLASS QTY OLD FCV INDEX NEW FCV

12 1.00 500 X 1.200 600

2A .05 25 X 1.200 0

TOTAL

600

1/16

1/4

R O A D

GOV. LOT 3

GOV. LOT 2

R28380

R28380010

T 99760

R 28380-010



August 22, 2001

Canyon County Assessor
1115 Albany Street
Room 343
Caldwell, Idaho 83605

Dear Sir or Madam:

Attached is a sales verification form that was forwarded to me to respond to. I am confused. I do not want to be difficult, but we did not sell any property in Boise at any address so I am not sure how to respond to this. If you will please check your records and clarify what it is you are looking for, then I will be more than happy to cooperate in any way as promptly as I can.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Harvey".

Mark L. Harvey
Accounting Supervisor

Canyon County Assessor
1115 Albany Street, Room 343
Caldwell, Idaho 83605
(208) 454-7431

SALES VERIFICATION

R28380-010- -0 095-00
AMERICAN CANCER SOCIETY
2676 S VISTA AVE
BOISE ID 83704

01N02W012505
06/11/01

Dear Property Owner

The assessor is required by Idaho Code to obtain information on property in order to compare assessed value to market value.

This information is important for all property owners to insure equity and uniformity of value.

Please complete the information requested and return to this office in the enclosed envelope.

Thank you,

Site Address: _____

1. TYPE OF PROPERTY: COMMERCIAL _____ RESIDENTIAL _____ AGRICULTURAL _____ BARE GROUND _____
MANUFACTURED HOME _____ MANUFACTURED HOME WITH GROUND _____ OTHER: _____
2. TOTAL SALES PRICE \$ _____ DATE OF SALE _____ FINANCED: YES _____ NO _____
(IF YES) AMOUNT DOWN \$ _____ BALANCE AT INTEREST RATE% _____ FOR NUMBER OF YEARS _____
TYPE OF FINANCING: CASH _____ VA _____ FHA _____ PRIVATE _____ IHA _____ CONVENTIONAL _____
OTHER: (EXPLAIN) _____
3. TYPE OF SALE: AN ORDINARY TRANSACTION (REAL ESTATE LISTING) _____ PRIVATE SALE _____ A TRADE _____
BETWEEN FAMILY MEMBERS _____ TAX SALE _____ AN ESTATE SALE _____ A FORECLOSURE _____
AN EASEMENT _____ A CONDEMNATION _____
4. WAS PROPERTY PRICED FOR QUICK SALE? YES _____ NO _____
5. WAS NEW HOME BUILT BY OWNER? YES _____ NO _____
6. IF SALE INCLUDED PERSONAL PROPERTY (FURNITURE, FIXTURES, ETC.) PLEASE ESTIMATE THE VALUE AND LIST TYPES
OF ITEMS: VALUE \$ _____ TYPES OF ITEMS _____
7. MOTIVE FOR OWNERSHIP: PERSONAL USE _____ INVESTMENT _____ OTHER _____
8. REMARKS AND/OR CONDITIONS OF THE SALE: _____
9. MAILING ADDRESS (FOR FUTURE CORRESPONDENCE): _____

WORK PHONE: 303-758-2030 X 115 HOME PHONE: _____ OWNER: _____ AGENT: _____

DATE: 8/22/01 SIGNATURE:  MARK L. HARVEY

HOMEOWNERS EXEMPTION

IF THIS HOME IS YOUR PRIMARY DWELLING YOU MAY BE QUALIFIED FOR A PROPERTY TAX REDUCTION UNDER THE HOMEOWNERS EXEMPTION PROGRAM. IF YOU HAVE NOT ALREADY APPLIED FOR THIS PROGRAM, PLEASE COMPLETE THE ABOVE AND THE ATTACHED APPLICATION FOR HOMEOWNERS EXEMPTION. RETURN COPIES 1 & 2 (WHITE & YELLOW) ALONG WITH THIS FORM TO THIS OFFICE. RETAIN COPY 3 (PINK) FOR YOUR RECORDS.



BEFORE THE DEVELOPMENT SERVICES DEPARTMENT

RECORDED
01 JUN 2001 9:00 PM
CANYON COUNTY RECORDS
[Signature]

200124341

REQUEST *Maxine Brandt*
TYPE *Misc Fee \$2.00*

IN THE MATTER OF A PETITION FOR AN)
ADMINISTRATIVE LOT SPLIT BY:)
)

ADMINISTRATIVE LOT
SPLIT DECISION

BRANDT, MAXINE	011172D01-1N-2W
DSD CASE NUMBER	
R28380 GOV'T LOT 3	
ASSESSOR ACCOUNT	

APPROVAL OF ADMINISTRATIVE LOT SPLITS
PURSUANT TO CANYON COUNTY CODE 07-12-07(8)

ADMINISTRATIVE LOT SPLIT APPLIED FOR:
07-12-07(8)B LESS THAN 40 ACRES (H2)

Less Row

☐ ALSO INCLUDES ADJUSTMENT OF ORIGINAL LOT LINES.

This application is to divide approximately 41.54 acres into 2 parcels described as follows: Gov't Lot 3 less road right of way on north and east property boundry. Parcel A consisting of 21.26 acres and Parcel B consisting of 19.51 acres more or less.

☒ This application is approved pending certification by the DSD Executive Director that a record of survey correctly evidences the split as applied for

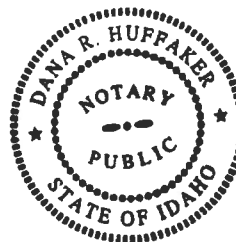
Authorizing Signature: *[Signature]*

☒ This application has been reviewed and found that the record of survey does evidence the split as applies for and therefore is **APPROVED**.

Paul Kester by Craig W. [Signature] 6-18-01
Paul Kester, Assistant Director DATE

A Notary of the State of Idaho on this date: *6/18/01*

Notary: *Dana R. Huffaker*
Address: *Caldwell, ID 83607*
Commission Expires: *4/7/05*



2001/9070

RECORD OF SURVEY NO. _____

PARCEL SPLIT SURVEY FOR:

VILAS BRANDT TRUST
 PAMBA B. CANNONHAM, TRUSTEE
 SITUATED IN THE NORTH 1/2 OF SECTION 1,
 TOWNSHIP 1 NORTH, RANGE 2 WEST, 34E,
 CANYON COUNTY, IDAHO
 2001

TRUSTEES CERTIFICATE

I, THE TRUSTEE OF THE VILAS BRANDT TRUST ADHERE WITH THIS SURVEY.

VILAS BRANDT TRUST

PAMBA B. CANNONHAM, TRUSTEE

ACKNOWLEDGEMENT

On this day of _____, 2001, before me, the undersigned a Notary Public in and for the State of Idaho, personally appeared _____, known to me to be the Trustee of the Vilas Brandt Trust, and acknowledged to me that she executed the same as such Trustee of the Vilas Brandt Trust.

NOTARY PUBLIC DATE _____

RECORDER'S CERTIFICATE

STATE OF IDAHO)
) ss. INSTRUMENT NUMBER _____
 COUNTY OF CANYON)
 I, HEREBY CERTIFY that this instrument was filed in the recorder's office of the County of Canyon, Idaho, on this day of _____, 2001, by my office, and was duly recorded in Book _____ of the records of said County.

By-Official Recorder _____ Deputy _____

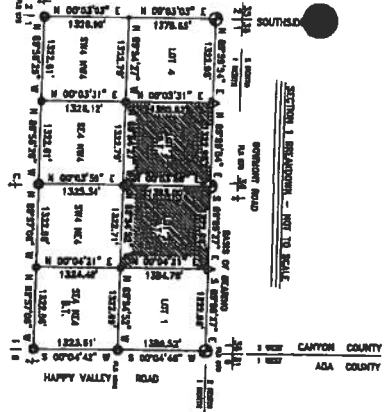
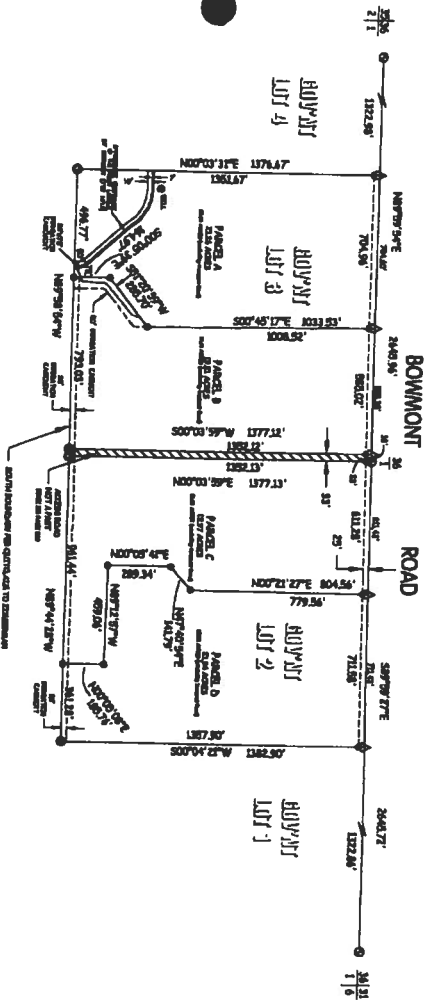
Fee \$ _____

CERTIFICATE OF SURVEYOR

I, Richard A. Johnson, R.L.S. 943, State of Idaho, do hereby certify that this survey shown herein was performed by me in accordance with the laws of the State of Idaho and is in conformity with the corner perpetuation and filing act IC 36-1401 - 36-1412, in 2001.



JOHNSON LAND SURVEYING, INC.
 9225 GARDEN BLVD., SUITE P
 BOISE, IDAHO 83714



SCALE 1" = 300'

LEGEND
 • BRASS CAP
 • SET 1/2" PIN
 • YELLOW CAP "P.L.S. 145"
 • POINT NOT SET OR FOUND

CPL'S
 NAME
 NO. SECTION
 W 1/4 8415810
 C 1/4 8415808
 N 1/4 8117114
 E 1/4 8117114
 1721000272

Legal Description for Vilas Brandt Trust
Parcel A

A parcel of land situate in Government Lot 3 of Section 1, Township 1 North, Range 2 West, of the Boise Meridian, Canyon County, Idaho,

And more particularly described as follows

Commencing at a Brass Cap, marking the North one-quarter corner of said Section 1
T. 1N, R. 2W, B. M.,

Thence S89°59'54"W, along the line between said Section 1 and Section 36,
T. 2N, R. 2W, B. M., a distance of 618.38 feet to a pk nail, the **POINT OF BEGINNING**;

Thence leaving said section line, S00°45'17"E a distance of 25.01 feet to a 1/2" pin marked "RAJ 943" on the South side of Bowmont Road,

Thence continuing S00°45'17"E a distance of 1008.52 feet to a 1/2" pin marked "RAJ 943",

Thence S51°20'59"W a distance of 285.70 feet to a 1/2" pin marked "RAJ 943";

Thence S00°05'39"E a distance of 164.97 feet to a 1/2" pin marked "RAJ 943";

Thence N89°58'54"W a distance of 496.77 feet to a 5/8" pin marked "RAJ 943";

Thence N00°03'31"E a distance of 1351.67 feet to a 1/2" pin marked "RAJ 943" on the South side of Bowmont Road,

Thence continuing N00°03'31"E a distance of 25.00 feet to a pk nail on the North line of said Section 1,

Thence along said North line, N89°59'54"E a distance of 704.60 feet to the **POINT OF BEGINNING**;

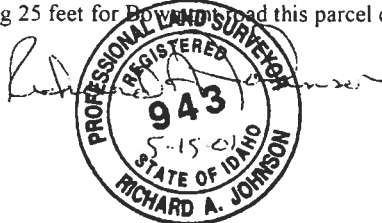
TOGETHER WITH a 50 foot wide perpetual irrigation easement over and across Parcel B as shown of ROS _____ for Vilas Brandt Trust as recorded in May of 2001.

SUBJECT TO an existing easement for the Forey lateral

ALSO SUBJECT TO a 75 foot by 50 foot perpetual irrigation easement to the owners of Parcels B, C, and D as shown on ROS _____ for Vilas Brandt Trust as recorded in May of 2001.

Said parcel contains 21.26 acres more or less.

Excluding 25 feet for Bowmont Road this parcel contains 20.86 acres more or less



Prepared by Richard A. Johnson PLS 943

Legal Description for Vilas Brandt Trust
Parcel B

A parcel of land situate Government Lot 3 of Section 1, Township 1 North, Range 2 West, of the Boise Meridian, Canyon County, Idaho,
And more particularly described as follows

Commencing at a Brass Cap, marking the North one-quarter corner of said Section 1
T 1N, R 2W, B M;

Thence S89°59'54"W, along the line between said Section 1 and Section 36,

T 2N, R 2W, B M, a distance of 33 00 feet to a pk nail, the **POINT OF BEGINNING**;

Thence leaving said section line, S00°03'59"W a distance of 25 00 feet to a 1/2" pin marked "RAJ 943" on the South side of Bowmont Road.

Thence continuing S00°03'59"W a distance of 1352 12 feet to a 5/8" pin marked "RAJ 943";

Thence N89°58'54"W a distance of 793 03 feet to a 1/2" pin marked "RAJ 943";

Thence N00°05'39"W a distance of 164 97 feet to a 1/2" pin marked "RAJ 943";

Thence N51°20'59"E a distance of 285 70 feet to a 1/2" pin marked "RAJ 943";

Thence N00°45'17"W a distance of 1008 52 feet to a 1/2" pin marked "RAJ 943" on the South side of Bowmont Road,

Thence continuing N00°45'17"W a distance of 25 01 feet to a pk nail on the North line of said Section 1,

Thence along said North line, N89°59'54"E a distance of 585 38 feet to the **POINT OF BEGINNING**;

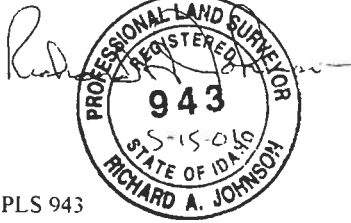
Said parcel contains 19 51 acres more or less.

Excluding 25 feet for Bowmont road this parcel contains 19 18 acres more or less.

TOGETHER WITH a 75 foot by 50 foot perpetual irrigation easement over and across Parcel A as shown on ROS _____ for Vilas Brandt Trust as recorded in May of 2001.

SUBJECT TO 50 foot perpetual irrigation easement to the owner of Parcel A as shown on ROS _____ for Vilas Brandt Trust as recorded in May of 2001.

ALSO SUBJECT TO a 25 foot perpetual irrigation easement to the owners of Parcels C and D as shown on ROS _____ for Vilas Brandt Trust as recorded in May of 2001.



Prepared by Richard A. Johnson PLS 943



LaFee Builders, LLC
315 E. Avalon ~ Kuna, Idaho 83634
Phone 922-9002 ~ Fax 922-9004

BY *Joel Hale*
G. NOEL HALES
CANYON CNTY RECORDER

2001 NOV 7 AM 11 02

RECORDED

200146426

November 01, 2001

Ingress, Egress, Joint Use and Road Maintenance Agreement

This agreement is entered into by and between :

LaFee Builders LLC.

David Butler

Karen Snider

In the necessary for the party or parties to enter in an agreement for maintenance and repair of the following described roadway:

The road is a strip of land located off Bowmont Road between Happy Valley Road and Southside Road. The road exits off Bowmont Road to the south being a width of approximately 33 feet wide (2 rods) and 1352.12 feet long.

Here in described as:

A strip of land in Lot 3 Sec. 1 T. 1 N. R. 2 W. B. M. in Canyon County, Idaho, being a strip of land 2 rods wide along the Easterly line of boundary of said Lot No. 3 and containing approximately 1 acre.

END OF LEGAL DESCRIPTION

LaFee Builders LLC as owners of the above described roadway is providing a private road easement for the ingress-egress to allow access to property purchased by **David Butler and Karen Snider.**

(See Exhibit A attached)

The parties hereby agree as follows:

1. The following terms apply:
 - A. All parties attached to the road shall contribute equally to the maintenance and repair of the above described road.
 - B. The above described road will be maintained to be passable year around and no party herein is authorized to or shall expect any other party to contribute to improvements such as additional gravel or asphalt without prior written agreement of all other parties.
 - C. The parties hereby agree to use said road for normal ingress and egress. Any party making use of said road in such a manner or such equipment that does significant damage, shall be responsible for repairing such damage at their own expense.

REQUEST *Red for fee*
TYPE *BtA* FEE *900*

Butler Road Agreement

- D. The parties hereby agree to share equally the expense of drainage ditches, conduits, or culverts required by the Canyon County Engineer or other public authority in order to assure safe, passable condition of road for indicated use.

2. This agreement shall be binding on their heirs, assessors and assigns of the parties hereof.

Dated this 6th day of November 2001.

Rodney LaFee

Rodney LaFee
Member of LaFee Builders LLC and acting on its behalf.

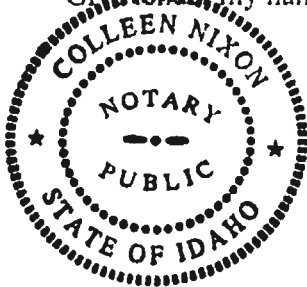
State of Idaho

County of Ada

On this day the persons above personally appeared before me Rodney LaFee, known to me as the

persons described in and who executed this agreement and acknowledged to me they signed of their own free will and voluntarily for the purpose mentioned,

Give tender my hand and official seal this 6th day of Nov., 2001



Colleen Nixon
NOTARY PUBLIC

my commission expires on 7-22-2004

Dated this 3rd day of November 2001.

David Butler

David Butler

Karen Snyder

Karen Snyder

State of Idaho

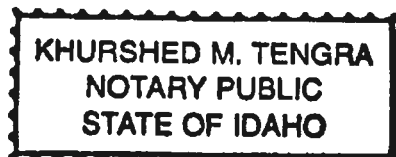
County of Ada

On this day the persons above personally appeared before me KHURSHED M. TENGRA

a Notary Public

, known to me as the persons described in and who executed this agreement and acknowledged to me they signed of their own free will and voluntarily for the purpose mentioned,

Give tender my hand and official seal this 3rd day of NOVEMBER, 2001



Khurshed M. Tengra
NOTARY PUBLIC

my commission expires on 03.26.07

①

NOV 5 2001 11:26AM

NT NO 200145018

UNOFFICIAL COPY

NO. 702

P. 2

CR 64809

QUITCLAIM DEED

FOR VALUE RECEIVED American Cancer Society, Rocky Mountain Division, Inc. which acquired title as American Cancer Society

does hereby convey, release, remise and forever quit claim

unto LaFee Builders, LLC, an Idaho Limited Liability Company

whose address is E 315 Avalon, Kuna, Idaho 83634

the following described premises, to-wit:

A strip of land in (Government) Lot 3, Section 1, Township 1 North, Range 3 West, Boise Meridian in Canyon County, Idaho, being a strip of land 2 Rods (33 feet) wide along the Easterly line or boundary of said Lot 3 and containing approximately 1 acre.

together with their appurtenances.

The officer who signs this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

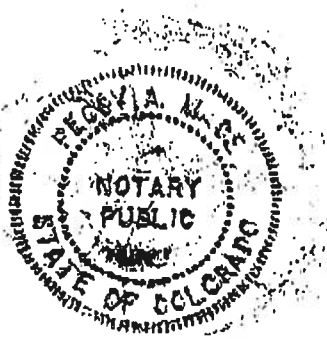
In witness whereof, the grantor has caused its corporate name to be hereunto affixed by its duly authorized officer this 25th day of October, 2001

American Cancer Society, Rocky Mountain Division, Inc.

by Larry G. Neuman its CEO

STATE OF Colorado
County of Denver) ss
On this 25 day of October, 2001, before me, a Notary Public in and for the State, personally appeared Larry G. Neuman known to me to be the CEO of American Cancer Society, Rocky Mountain Division, Inc., a corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said Larry G. Neuman did duly acknowledge to me that said corporation executed the same.

Peggy A. Mace
Notary Public residing at: Andover, MA
My commission expires: 6-12-2005





Development Services Department

Parcel Owner: LAKE BUILDERS
Parcel Address: 6504 BAUMONT
City, State, Zip: Nampa, ID

Access Road Construction Acknowledgment

I, LAKE BUILDERS, hereby acknowledge that as a condition of receiving a building permit I am required to construct a Type _____ Road to provide access to all inhabited structures on the property(ies) described in Exhibit A. I hereby agree to construct the same. I understand that:

LB
(Initial)

☐ The road must comply with all applicable ordinances, statutes and regulations.

LB
(Initial)

☐ The turnaround must be approved by the fire district having jurisdiction over the property(ies) described in Exhibit A prior to any use or occupancy of any building, structure or premises located on it.

LB
(Initial)

☐ That the road and the structures on the property described in Exhibit A must receive a final inspection by a building inspector from the Canyon County Development Services Department prior to any use, or occupancy of any building, structure or premises on said property(ies).

LB
(Initial)

☐ That a Certificate of Occupancy will not be issued unless and until the above conditions have been complied with.

I have read and fully understand this acknowledgement. I have been given the opportunity to consult with an attorney, if I so desire, prior to signing this acknowledgement.

DATED this 13 day of Nov, 2001.

Rodney Lattee
Property Owner

ATTEST:

Helen J. White
Notary



2008062637

RECORDED

2008 NOV 28 PM 2 25

WILLIAM H. HURST
CANYON COUNTY RECORDER
BY *[Signature]*

PIONEER TITLE COMPANY

Doc FEE 3-



610 South Kimbell Avenue / Caldwell, Idaho
83605 / (208) 459-1651

200809254

QUITCLAIM DEED

For Value Received

Case Houweling and Arlene F. Houweling, husband and wife
do(es) hereby convey, release, remise and forever quit claim unto

Cornelius Houweling and Arlene F. Houweling, husband and wife
whose address is 6505 Bowron Road
Nampa, Idaho 83686

the following described premises, to-wit:

TRACT 4:

A Strip of Land in Lot 3 Section 1, Township 1 N, Range 2 West, B.M. in Canyon County, Idaho, being a strip
of land 2 rods wide along the Easterly line of boundary of said Lot No. 3

together with their appurtenances.

Dated: November 25, 2008

[Signature]
Case Houweling

[Signature]
Arlene F. Houweling

State of Idaho

County of

On this 25th day of November, 2008, before me, the undersigned, a Notary Public, in and for said State, personally
appeared Case Houweling and Arlene F. Houweling known to me, and/or identified to me on the basis of satisfactory
evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
Notary Public
Residing at: *Payette, Idaho*
Commission Expires: *8/8/12*

