

Board of County Commissioners

Canyon County Development Services Dept.

Case No. AD2024-0027-APL

HEARING DATE: October 10, 2024

APPELLANT: Shawn Maybon,

PLLS

OWNER: Cornelius and Arlene Houweling

Affelie Houweiling

PLANNER: Dan Lister, Principal

Planner

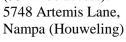
CASE NUMBER: AD2024-0027-APL

(RD2024-0007)

Parcel R28380: 5861 Artemis Lane,

Nampa (Butler); LOCATION: Parcel R28380010

(33' wide access):





PROJECT DESCRIPTION

The applicant, Shawn Maybon representing Cornelius and Arlene Houweling requests an appeal regarding the approval of AD2024-0027, a land division creating an agricultural parcel on Parcel R28390 (19.52 acres) per CCCO 007-18-07, easement reduction per CCCO 07-10-03, and private road name per CCCO 07-10-03 (RD2024-0007). The appellant requests the Board of County Commissioners overturn the approval.

The property is 5861 Artemis Lane, Nampa, also referenced as a portion of the NW¼ of Section 1, T1N, R2W, Canyon County, Idaho.

BACKGROUND (See Exhibit 1 for Parcel Information)

The subject parcel, R28380, was created by land division in 2001 (LS2002-134, *Exhibit 8*). The existing dwelling on the subject parcel was built in 2003 with access to Bowmont Road via a 33' wide access easement which included road construction certification (ZC2003-142, *Exhibit 7*).

The existing 33-foot access easement located on Parcel R28380010, currently owned by the Houwelings, provides access to Parcel R28380 (Butlers) and Houwelings (R28379) per Instrument No. 200146426, Ingress, Egress, Joint Use, and Road Maintenance Agreement; (*Exhibit 5*, 6 & 7).

On March 22, 2024, David and Karen Butler submitted an administrative land division application to divide parcel R28380 to allow the creation of an agricultural parcel per CCCO §07-18-07(2)B (AD2024-0027). The application included an easement reduction to keep the easement width within Parcel R28380010 as is (33' wide) instead of the 60' width, and a private road name since the 33' wide easement serves more than two dwellings or inhabited structures (CCCO §07-10-03 and §07-02-03). On May 20, 2024, Case No. AD2024-0027 was approved with eight (8) conditions of approval (*Exhibit 5*).

On June 4, 2024, Shawn Maybon representing Cornelius and Arlene Houweling submitted an appeal to overturn the decision regarding AD2024-0027 (*Exhibit 2*). The appellant finds the threshold of approval was not met, specific conditions attached to the approval were not met, and the decision

creates a precedent of harming activities on the appellant's properties. If the appeal is denied, then the appellant requests the conditions of approval be amended to have clear commencement timeframes.

On September 26, 2024, the appellant requested mediation between the owners per Idaho Code Section 67-6510 (*Exhibit 9*).

STAFF'S RECOMMENDATION & ANALYSIS

Staff recommends the Board of County Commissioners deny the appeal upholding the Director of DSD's decision regarding AD2024-0027 subject to revised conditions of approval (*Exhibit 5 & 8*). The decision meets the applicable Canyon County Code. The division is consistent with CCCO §07-18-05, §07-18-07, §07-10-03 & §06-05-13 (*Exhibit 5*).

- CCCO §07-18-07(2)B allows for the creation of an agricultural parcel. An agricultural parcel is used exclusively for agricultural purposes on which there is no permanent dwelling (CCCO §07-17-03(3)A). The appellant states the division will impact their dairy operation and did not receive a notice regarding the request (*Exhibit 2a*). The division is over 600 feet from Houweling's dairy operation (Parcel R28380) but will utilize the access (33' easement) located on a parcel owned by the Houwelings (R28380010). The division meets the five-acre minimum parcel size for an agricultural parcel and does not include entitlements. The administrative land division does not require public notice or findings regarding potential surrounding impacts.
- The easement reduction request from the required 60' width (CCCO §07-10-03(1)B2) to a 33' width is consistent with CCCO §07-10-03(1)D (*Exhibit 5*). David and Karen Butler requested the reduction to keep the easement width as existing so as not to impact the existing access. The director found the 33' wide easement can meet County driveway and private road requirements (CCZO §07-10-03(3)) and could comply with the local fire and highway district requirements. The future land use of the area in the 2030 Comprehensive Plan is "agriculture" with an "intensive agricultural" overlay. Therefore, future residential growth that would necessitate a 60' wide easement or access for future public right-of-way would not be supported in this area.
 - O The appellant states the request was completed by the Butlers on a parcel owned by the Houwelings and that the 60' width should be upheld based on the existing uses such as dwellings and existing dairy operation (*Exhibit 2a*). The appellant finds the division grants access illegally to the agricultural parcel and does not have a road user's maintenance agreement that meets CCCO §07-10-03(1)B3.
 - Per CCCO §07-10-03(1)B3: "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 article 19 of this chapter."
 - Although the Butlers do not own the parcel where the 33' wide access easement is located (R28380010), the existing access and road user's agreement demonstrate the Butlers were granted access to the easement and that it runs with the property and binding to heirs, assessors, and assigns (*Exhibit 6*). The agreement does not appear to prohibit access at the time of division. The agricultural parcel created by the land division approval does not include entitlements that would impact the existing access per CCCO §07-10-03. The easement and existing road user's agreement are found to be consistent with the applicable code.
- The private road name is consistent with CCCO §06-05-13 and §07-10-03 which require a private road name for any shared access easement serving more than two dwelling or inhabited structures.

Although the division does not allow development on the agricultural parcel, the access is served by more than two dwellings. CCCO §06-05-13 does not require all property owners' signatures to submit a private road name. However, the private road name applicant encourages property owners to work together. CCCO §06-05-13(13) allows DSD to choose a name if there is a dispute.

- The appellant states they were not noticed regarding the application. The appellants also find the requested division and Nobles (Parcel R28367) do not have access or an agreement (*Exhibit 2a*).
 - CCCO §06-05-13 does not require notification to establish a private road name. The Butlers state they noticed the Howuelings of the private road name application (*Exhibit 4a*). The application was signed by the Butlers and Nobles (*Exhibit 5*).
- o The Noble property (R28367) and concerns about legal access and road user's agreement (*Exhibit 2a*) are not part of the Butler land division application (*Exhibit 5*). Therefore, issues the Howelings have with the Noble property using the 33' access is a civil matter.

On July 11, 2024, the Butlers submitted comments contesting the appeal and providing information that the requested division, easement reduction, and private road name were completed per the County Code (*Exhibit 4a*). On September 30, 2024, the Butlers e-mailed agreeing to the mediation request and, if the private road name and easement reduction is not required at this time, to remove the request and focus only on the land division (*Exhibit 4b*).

After review of the conditions of approval, staff recommends the following amendment:

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
 - Recommendation: **Amend the condition** as follows: <u>All</u> development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
- 2. Prior to the issuance of a new building permit, Southwest District Health will need to complete an on-site evaluation and septic permit.
 - Recommendation: **Remove the condition**. The agricultural parcel does not include entitlements that allow development. Any future development on the other parcel is covered under Condition No. 1.
- 3. Prior to the issuance of a new building permit, an approach permit from Nampa Highway District #1 is required.
 - <u>Recommendation</u>: **Remove the condition**. The agricultural parcel cannot be developed. Therefore, the agricultural parcel does not increase access. Any future development on the other parcel is covered under Condition No. 1
- 4. The access and any new building permits shall comply with the International Fire Code, as evidenced by a review and an approval letter from the Melba Fire District (CCCO §06-01-09(6) and §07-10-03(2)).
 - Recommendation: **Remove the condition**. The agricultural parcel cannot be developed. Therefore, the agricultural parcel does not require fire district review. Any future development on the other parcel is covered under Condition No. 1.
- 5. Historic irrigation lateral, drain, ditch flow patterns, and associated easements shall be maintained and protected unless approved in writing by the local irrigation district or ditch company.

- <u>Recommendation</u>: **Remove the condition**. The agricultural parcel cannot be developed. Any future development on the other parcel is covered under Condition No. 1.
- 6. The private road shall be built to meet the minimum construction standards (CCCO §07-10-03(3)). The private road must be constructed prior to the issuance of a certificate of occupancy.
 - Recommendation: Remove the condition. The agricultural parcel cannot be developed. Therefore, the agricultural parcel does not increase dwelling or inhabited structure access. Any future development on the other parcel is covered under Condition No. 1 where construction standards would need to be met prior to issuance of a certificate of occupancy (CCZO §07-10-03(3)).
- 7. A sign conforming to the applicable highway district standards shall be erected and maintained at the property owners' expense. Verification of installation of road signs shall be provided to DSD prior to Certificate of Occupancy.
 - Recommendation: **Amend the condition** as follows: A sign conforming to the applicable highway district standards shall be erected and maintained at the property owners' expense. Verification of installation of road signs shall be provided to DSD within 90 days of approval.
- 8. All properties the road is serving will have a signed and recorded road user's maintenance agreement (RUMA) per CCCO §07-10-03(1)B3.
 - Recommendation: Remove the condition. The agricultural parcel cannot be developed. Therefore, the agricultural parcel does not have added traffic generated by a dwelling or inhabited structure that would trigger private road requirements. The access to the parcel is covered in the existing access and maintenance agreement until amended (*Exhibit 6*).

DECISION OPTIONS

The Board of County Commissioners may **affirm**, **reverse**, or **modify**, in whole or in part, the director's decision.

Recommended options:

- 1) Remand the decision back to the Director of DSD to remove the private road name and easement reduction application from the decision; or
 - a. The land division to create an agricultural parcel does not require a private road name change or easement reduction. The shared access currently serves more than two dwellings/inhabited structures which requires access to meet private road requirements (Canyon County Code Section 07-10-03). However, Canyon County Code Section 07-11-07 allows the use to remain non-conforming until the use of the private road is "expanded or extended". Regarding the shared access, the use is not expanded or extended until a dwelling or inhabited structure is proposed. The land division application does not "expand or extend" the non-conforming use because the division does not include entitlements that would trigger the private road requirements.
 - b. This also addresses many concerns from the appellant regarding the private road name, access easement, and addressing complications (*Exhibit 2c*).
- 2) Deny the appeal affirming the decision subject to the recommended amended conditions (*See Staff's Recommendation and Analysis above*).

EXHIBITS:

- 1. Parcel Information Report R28380 and R28380010
- 2. Appellant's Submittal
 - a. Letter of Intent with Exhibits (A-L): June 4, 2024
 - b. Emails between DSD & Shawn Maybon
 - c. Memorandum in Support of Appeal with Exhibits (A-C): September 30, 2024
- 3. Aerial Map
- 4. Comments
 - a. Karen Butler July 11, 2024
 - b. Karen Butler September 30, 2024
- 5. AD2024-0027 Director's Decision with Exhibits
- 6. Parcel History R28380010
- 7. ZC2003-142
- 8. LS2002-134
- 9. Request for Mediation Appellant

Exhibit 1

Parcel Information Report – R28380 and R28380010

R28380 PARCEL INFORMATION REPORT

9/23/2024 11:21:04 AM

PARCEL NUMBER: R28380

OWNER NAME: BUTLER DAVID L

CO-OWNER: BUTLER KAREN SNIDER

MAILING ADDRESS: 6504 BOWMONT RD NAMPA ID 83686

SITE ADDRESS: 6504 BOWMONT RD

TAX CODE: 0950000

TWP: 1N RNG: 2W SEC: 01 QUARTER: NW

ACRES: 19.52

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NAMPA HWY DIST #1

FIRE DISTRICT: MELBA FIRE

SCHOOL DISTRICT: KUNA SCHOOL DIST #3

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022: AG

FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ AG

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA

IRRIGATION DISTRICT

FEMA FLOOD ZONE: X FLOODWAY: NOT IN FLOODWAY FIRM PANEL: 16027C0500F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: Minor Arterial

INSTRUMENT NO.: 2012045998

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 01-1N-2W NW TX 01624 LT 3 NW

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 SHERRIFS 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.

R28380010 PARCEL INFORMATION REPORT 9/23/2024 11:21:47 AM

PARCEL NUMBER: R28380010

OWNER NAME: HOUWELING CORNELIUS

CO-OWNER: HOUWELING ARLENE F

MAILING ADDRESS: 6505 BOWMONT RD NAMPA ID 83686

SITE ADDRESS: 0 BOWMONT RD

TAX CODE: 0950000

TWP: 1N RNG: 2W SEC: 01 QUARTER: NW

ACRES: 1.04

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NAMPA HWY DIST #1

FIRE DISTRICT: MELBA FIRE

SCHOOL DISTRICT: KUNA SCHOOL DIST #3

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022: AG

FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ AG

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA

IRRIGATION DISTRICT

FEMA FLOOD ZONE: X FLOODWAY: NOT IN FLOODWAY FIRM PANEL: 16027C0500F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: Minor Arterial

INSTRUMENT NO.: 2008062637

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 01-1N-2W NW E 33' OF LT 3 LS TX 99760

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 SHERRIFS 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

Appellant's Submittal

- a. Letter of Intent with Exhibit (A-L): June 4, 2024
- b. Emails between DSD & Shawn Maybon
- c. Memorandum in Support of Appeal with ExhibitC (A-C) September 30, 2024

Attorney for Appellant -

CANYON COUNTY PLANNING AND ZONING COMMISSION

CORNELIUS HOUWELING and)
ARLENE HOUWELING, husband and)
wife;) MEMORANDUM IN SUPPORT OF) APPEAL
Appellant;) CANYON COUNTY DIRECTOR'S) DECISION - AD2024-0027
) PARCEL R28380
DAVID BUTLER and KAREN)
BUTLER, husband and wife;) APPEAL – CCZO §§ 6-05-23(1), 7-05-05,) AND 7-05-07
Applicant)
**)
)
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NOTICE IS HEREBY GIVEN that Cornelius Houweling and Arlene Houweling, husband and wife ("Houwelings") hereby appeal the Canyon County Director's Decision – AD2024-0027 ("Decision") as an interested party, by and through their attorneys at The Law Office of Maybon, PLLC.

This appeal is pursuant to CCCO §§ 6-5-23(1),07-05-05, 0705-07, and is supported by this memorandum and the Master Application filed simultaneously herewith.

INTRODUCTION

The Decision should be overturned, and the administrative lot split should not move forward because the threshold requirements for approval have not been met, the specific conditions attached to the approval have not been met, the conditions and findings are not clearly associated with an "agricultural use" only parcel, the Decision creates harm to the Houwelings and other adjoining owners, and creates a precedent of harming long-term agricultural properties.

The Houwelings have a long history of agricultural activities on their parcel. Currently, the Houwelings operate a multi-generational commercial dairy on their parcel ("Houweling Dairy"). The Houweling Dairy operation will be hampered and impeded by the Decision.

Canyon County gave no consideration to the impacts on the Houweling Dairy, nor even inquired about the impacts.

Further, as a policy, Canyon County should not give rights to a dominant estate (easement user) that impacts future and current use of the servient estate (the person holding title to the land under an easement). Here the Decision favors the dominant estate owner at the detriment of the servient estate owner.

The Decision should be overturned, and the administrative lot split should not move forward because the threshold requirements for approval have not been met, the specific conditions attached to the approval have not been met, the conditions and findings are not clearly associated with an "agricultural use" only parcel, and the Decision creates harm to the Houwelings and other adjoining owners, and creates a precedent of harming long-term agricultural properties.

The Houwelings request the Canyon County Planning and Zoning Commission ("Commission") overturn the Decision in full. Alternatively, The Houwelings ask the Commission to clarify findings and conditions, and to required conditions be met prior to the

MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 - 0027 - PARCEL R28380

creation of parcels and the renaming of private roads.

STATEMENT OF FACTS

- 1. Map of Current Parcels A map depicting the current subject parcels is attached hereto as Exhibit A ("Current Map").
- 2. <u>Director's Decision</u> The Director's Decision ("Decision:") is attached hereto as <u>Exhibit</u>

 <u>B.</u> On May 20, 2024, the Decision was approved, pending compliance with conditions therein, allows for the creation of a new parcel for agriculture use only. *Decision page 1 and 2*.
- 3. <u>Road Users Maintenance Agreement</u>: The subject Road Users Maintenance Agreement ("RUMA") is identified as the Road Users Maintenance Agreement between LaFee Builders, LLC, and David and Karen Butler, and attached hereto as <u>Exhibit C</u>. The RUMA was not executed by a party having any ownership interest in the 1-Acre Parcel.

4. Subject Parcels:

- a. 1-Acre Parcel The "1-Acre Parcel" shall mean the parcel owned by the Houwelings; used as the access road by the Noble Parcel, the 80-Acre Parcel, and the Butler Parcel; and identified as Canyon County Parcel No. R28380010. The last conveying deed for the 1-Acre Parcel is attached hereto as Exhibit D.
- b. **80-Acre parcel** The "80-Acre Parcel" shall mean the parcel owned by the Houwelings; used as for a commercial dairy operation, and identified as Canyon County Parcel No. R283790.
- c. **Noble Parcel** the "Noble Parcel" shall mean the parcel owned by Randy and Catherine Noble. husband and wife, and identified as Canyon County Parcel No. R28380.
- d. **Butler Parcel** the "Butler Parcel" shall mean the parcel owned by David and Karen Butler. husband and wife, and identified as Canyon County Parcel No. R28380.

^{*} At the time of execution, Karen Butler went by the name of Karen Snider. MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 - 0027 - PARCEL R28380

5. Adjoining Landowners:

- a. Nobles: Randy and Catherine Noble, husband and wife ("Nobles"). 6503
 Bowmont Rd., Nampa, Idaho. Owners of the Noble Parcel.
- b. Houwelings Cornelius and Arlene Houwelings, husband and wife
 ("Houwelings"). 6505 Bowmnont Rd., Nampa. Idaho. Owners of the 1-Acre Parcel and the 80-Acre Parcel.
- c. **Butlers** David and Karen Butler, husband and wife ('Butlers''). 6504 Bowmont Rd., Nampa, Idaho, Owners of the Butler Parcel.

6. Parcels that use 1-Acre Parcel for access to their own parcel:

- a. The Noble Parcel The Noble Parcel uses the 1-Acre Parcel for ingress and egress for two residences.² The Noble Parcel has no recorded easement, use, or contribution agreement associated with the Nobles use of the 1-Acre Parcel for ingress and egress. The Nobles are not a party to the RUMA. The Noble Parcel is not encumbered or bound by the RUMA. Since Bowmont Rd. has existed, the Noble Parcel has had public road frontage and access.
- b. **Butler Parcel** The Butler Parcel uses the 1-Acre Parcel for ingress and egress for 1 residence prior to the Decision. After the Decision, the Butlers will use the 1-Acre Parcel for ingress and egress to 1 residence and 1 agricultural field. The Butler Parcel is not identified within the RUMA and the Butlers obligations are not tied to their land. Since Bowmont Rd. has existed, the Butler Parcel has had public road frontage and access.
- c. **80-Acre Parcel** The 80-Acre Parcel uses the 1-Acre Parcel and has since 1916. as its ingress and egress. In fact, the 1-Acre Parcel was so important to the 80-Acre Parcel, In 1916, a court ordered condemnation of the 1-Acre Parcel, and awarded the then owner of the 80-

^{*} One residence may not be formally permitted.

MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 - 0027 - PARCEL R28380

Acre Parcel the 1-Acre Parcel. The condemnation order is attached hereto as <u>Exhibit C</u>. There are multiple residences on the 80-Acre Parcel.

Further, the 80-Acre Parcel uses the 1-Acre Parcel to support the Houweling Dairy operations, which includes frequent commercial/agricultural traffic in the manner of cattle hauling trucks, hay-hauling trucks, lagoon pumping trucks, milk shipping trucks, labor traffic, etc. ("Dairy Traffic").

- d. **Irrigation District** The local irrigation district uses the 1-Acre Parcel to maintain and monitor ditches canals and flumes bordering the 80-Acre Parcel.
- 7. <u>Current Easement Width</u> the description of the 1-Acre Parcel has the Easement being 33 ft. wide. The actual width, based on current fence lines, is as narrow as 26 ft. wide and never more than 33 ft. wide.
- 8. <u>Current Road Standards</u> the current road standard does not meet Canyon County Coe and no party other than the Houwelings have contributed to the maintenance, repair, or improvement of the 1-Acre Parcel.

9. Historical Land Use Decisons:

- a. **Historical File LS2002-136, 6.8 Acre Split** On April 28, 1993, the Brandt-Cunningham Trust, the owner of a then 80-acre parcel, requested a 6.8 acre split from their 80-acre parcel for the construction of one singe family dwelling. The documents for the 6.8 acre split, including the application and approval are attached hereto as <u>Exhibit F</u>. The 6.8 acre split application made no reference to access being necessary over the 1-Acre Parcel. Further, the 6.8 Acre split application shows the Brandt-Cunninham property having plenty of public road frontage a full 80 acres' worth.
- b. **Historical File LS2002-134, Administrative Lot Split** On June 18, 2001,

 Brandt-Cunningham again sought an Administrative Lot Split furthering dividing their once 80-

acre parcel ("2001 Lot Split"). A true and correct copy of Historical File LS2002-134 is attached hereto as Exhibit G. Within pages 4 and 9 of the 2001 Lot Split documents it is very clear that the 1-Acre Parcel is not part of the Brandt-Cunningham parcels and not such claims was made for access to through the 1-Acre Parcel. Again, even with the splits, the Brandt-Cunningham parcels had plenty of public frontage.

- 10. <u>Amendment to Previous Administrative Land Division</u>: The Decision states that the "The applicants are requesting an amendment to an approved administrative land division of parcel R28330."
- 11. <u>Application</u>: The Master Application was filed on March 20, 2024 ("Application") and is attached hereto as Exhibit H.
- 12. <u>Notice of Actions affecting the Houwelings:</u> Canyon County provided no notice prior notice to the Houwelings regarding additional use of their 1-Acre Parcel, the easement reduction request, or the private road name change. In fact, after the Decision, it was through a public records request and not a notice from Canyon County that provided the Houwelings notice of the adverse actions taken by the Butlers and Canyon County.
- 13. <u>Chain of Title 1-Acre Parcel</u>: The RUMA was executed by LaFee Builders LLC on November 6, 2001. LaFee Builders LLC only had a mirage of ownership on November 6, 2001. and the parties conveying the 1-Acre Parcel never actually had the ownership to convey. A brief chain of title for the 1-Acre Parcel: On December 26, 1916, Stoutmeyer receives the 1-Acre parcel in a condemnation proceeding. *See attached Exhibit E.* On January 2, 1936. Stoutemeyer conveys the 1-Acre Parcel to Zimmerman. *See Exhibit 1.* Thereafter, Zimmerman never conveys the 1-Acre Parcel, but specifically withholds the 1-Acre Parcel in a conveyance in a Quitclaim Deed to Pamela Cunningham, as Trustee for the Vilas Brandt Trust. *See attached Exhibit J.* Then somehow, without ever receiving an ownership interest, Cunninham transfers an interest in the 1-

Acre Parcel to the Cancer Society of America, which conveys to LaFee Builder, LLC. See Exhibit K and Exhibit L. respectively. LaFee Builders, LLC, then executes the RUMA without having any actual ownership interest. See Exhibit C. Eventually, the Houwelings are conveyed ownership of the 1-Acre Parcel. See Exhibit D. Telling, is the 2001 Lot Split supporting documents specifically identified the 1-Acre Parcel as not being part of the lot split and not being owned by Brandt-Cunningham. See Exhibit G.

A flow chart of ownership of the 1-Acre Parcel is as follows:

STOUTMEYER GAINS OWNERSHIP OF THE 1-ACRE PARCEL IN 1916



ZIMMERMAN DEEDED THE 1-ACRE PARCEL FROM STOUTMEYER IN 1936



ZIMMERMAN DEEDS PROPERTY TO CUNNINGHAM, SPECIFICALLY EXCEPTING I-ACRE PAREL FROM CONVEYANCE



CUNNINGHAM WRONGFULLY USURPS OWNERSHIP OF THE 1-ACRE PARCEL AND CONVEYS THE 1-ACRE PARCEL TO THE AMERICAN CANCER SOCIETY



MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 - 0027 - PARCEL R28380

WITHOUT ANY LAWFUL OWNERSHIP INTEREST, THE AMERICAN CANCER SOCIETY CONVEYS THE 1-ACRE PARCEL TO LAFEE BUILDERS LLC



LAFEE BUILDERS, LLC, EXECUTES THE RUMA WITHOUT ANY ACTUAL OWNERSHIP INTEREST IN THE 1-ACRE PARCEL

ARGUMENT

The Decision should be overturned in its entirety, including the decision on the easement reduction and private road name change. The findings within the Decision are erroneous and not based on the facts of the matter or current Cayon County Code. The Houwelings, as a Dairy operator, the owner of the 1-Acre Parcel, and the users of the 1-Acre Parcel for access to their 80-Acre parcel, have been and will be injured as a result of the Decision.

Harming agricultural users in an agricultural zone is not Canyon County policy and protections for historical agricultural user are embedded withinin Canyon County Code. Canyon County does not wish to start a policy of bending the rules to surprise and hurt existing agricultural uses — upholding the Decision will further a policy of bending the rules and harming agricultural landowners.

CODE REQUIREMENTS AND THRESHOLDS REGARDING RUMA

1. No Proper Users Maintenance Agreement ("RUMA"): No RUMA is on file or has been recorded that meets the requirements under CCCO §§ 7-10-03(2) and (3). The Application is not MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 – 0027 – PARCEL R28380

complete and the Applicant has not met the threshold for an administrative lot split under CCCO § 7-18-05.

Driveways serving two (2) properties and all private roads shall have a recorded road users maintenance agreement that describes the <u>responsible parties</u> for <u>construction</u> and maintenance, including repairs, and necessary improvements to accommodate <u>additional accesses in the future</u>. The agreement shall also list any construction warranties applicable to the specific driveway or private road.

(emphasis supplied) CCCO § 7-10-03(3).

- a. Application Never Complete. Prior to addressing the conditions within the Decision, which also prevent the creation of a new parcel until certain thresholds are met, the Application was required to be complete with a road users maintenance agreement compliant with CCCO § 7-10-03(B)(3). See Application page 2. In this matter, no road users' maintenance agreement was included with the Application that was compliant with CCCO § 7-10-03(B)(3). As will be described hereunder, the RUMA provided with the Application and relied on in the Decisions fails as a road users' maintenance agreement and cannot be relied upon to complete the Application. The Application was never complete and should not have moved forward.
- b. RUMA Fails and Cannot Meet Condition No. 8. The RUMA does not meet the requirements of Condition No. 8 of the Decision. Condition No. 8 is threshold that must be crossed prior to the creation of a new parcel, it is clear and unequivocal. No road users' maintenance agreement executed by "all properties the road is serving" exists.

Further, the RUMA relied upon within the Decision fails all legal standard for a binding easement agreement, it is completely unenforceable by any of the Affected Property Owners. At a minimum, a valid easement requires the legal description of the properties benefited by the easement and burdened by the easement. The County Code contemplates an actual enforceable agreement that benefits and burdens all properties the

road is serving. The RUMA binds no parcel.³ at most the parties identified are bound.

- c. RUMA Fails the Unequivocal Requirements of CCCO § 7-10-03(B)(3). The RUMA relied upon in the Decision fails as a threshold matter as it (1) does not describe the responsible parties for construction of the driveway, (2) does not describe the responsible parties that will be required to make necessary improvements to accommodate additional accesses in the future, and (3) fails to list any construction warranties applicable to the specific driveway or private road. The Application is not complete for failure of the RUMA to comply with CCCO § 7-10-03(B)(3). Simply reading the RUMA demonstrates it does not have the required elements.
- d. Chain of Title Negates the RUMA. As was noted in the above chain of title flow chart, no person with an actual ownership interest executed the RUMA. Accordingly, the RUMA has no legal effect other than to cloud title. If the Commission found the RUMA to comply with CCCO § 7-10-03(B)(3), it would still have the issue that it has no legal effect. For example, Elon Musk and Bill Gates could agree to place an easement across the Butler Parcel, meeting all of the requirements in CCCO § 7-10-03(B)(3), but without demonstrating that they had an actual ownership interest in the Butler Parcel the Musk/Gates endeavor would fail. The lack of any lawful ownership interest at the time the RUMA was executed results in failure of the RUMA, no completed Application, and no ability to meet Condition No. 8 of the Decision.
- e. Affected Property Owners. Finally, the Nobles, Butlers, and Houwelings ("Affected Property Owners") have no agreement. Within the Decision, the Affected Property Owners are identified as being affected by the easement reduction, but were ignored when reviewing the RUMA. This is against Canyon County Code and Condition

The only property properly identified within the RUMA is the 1-Acre Parcel. MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 - 0027 - PARCEL R28380

No. 8 of the Decision. It would be contrary to policy to inquire about the Affected Property Owners in an easement reduction request, but to disregard the same owners when reviewing the RUMA for compliance with CCCO § 7-10-03(B)(3). The Affected Property Owners have not agreed to the RUMA and have no duty under the RUMA to perform a single task of maintenance, repair, or improvement.

The RUMA fails as a result of these shortcomings and the Application was never complete and never met the threshold allowing Director approval. The Decision should be overturned on this basis.

EASEMENT REDUCTION REQUEST

Easement reduction granted by the Director incorrectly incorporated the actual use of the easement, incorrectly applied the physical characteristics of the site, and the reduction will injure all users of the 1-Acre Parcel, specifically the Houwelings and Houweling Dairy.

The width of a parcel's road frontage, easement or private road may be reduced by the Director if the reduction demonstrates all of the following:

- 1. Will the proposed reduction provide adequate access;
- 2. Do physical characteristics of the site require a width reduction; and
- 3. Would approval of the request cause injury, damage, or a safety hazard?

CCCO § 7-10-01(D)

At some point, Canyon County decided that 60 ft. would be required to protect the citizens of Canyon County in times of emergency and to prevent additional emergencies: regardless of the use of subject parcels. Put another way, if a private driveway is for two tiny homes, the gold standard is a 60 ft. wide driveway. In the matter at hand, we have multiple residences and heavy agricultural use — a dairy operation with frequent Dairy Traffic. If the easement is reduced from 60 ft. for multiple residences, multiple agricultural parcels, and a dairy operation, then when would Canyon County stay with 60 ft.? What is the reason for a 60 ft. wide driveway requirement? The basis is health, safety, and welfare. Deviation from 60 ft. should be

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undertaken seriously.

The Current Traffic on the 1-Acre Parcel is Too Much. The current traffic, including Dairy Traffic, using the 1-Acre Parcel as an access is unsafe and without any governing road user's agreement or easement agreement between the Affected Property Owners.

There were at least four (4) residences and a dairy that use the 1-Acre Parcel for access, prior to the Decision. After the Decision, an additional agricultural parcel will be using the 1-Acre Parcel for access. The Director's decision concluded that a 33 ft. wide access point would be adequate for at least four (4) residences, one (1) new agricultural parcel, and one (1) 80-acre agricultural parcel that has frequent Dairy Traffic. This is an incorrect decision and the basis for the deviation from a 60 ft. gold standard is not explained. The access is not adequate for the current users, much less additional users, and the easement reduction should be overturned.

Nothing Preventing the Construction of a 60 ft. Wide Access Road other than Applicant. Clearly, by looking at the affected parcels it would not be difficult to comply with the full 60 ft. driveway requirement. Requiring a 60 ft. driveway would only burden the Applicant's parcel to create a 60 ft. wide access road – true to code. The Applicant would simply need to move their eastern boundary 27 ft. to the west. The owner of parcel R28380 is the Applicant. No other adjoining property owner would need to agree to the Applicant expanding access on the Applicant's property. The physical characteristics of the Applicant parcel does not absolutely require, nor reasonably require, an easement reduction. Simply put, the only difficulty in having a 60 ft. wide access easement is the Applicant's willingness to burden the Affected Property Owners, and unwillingness to part with 27 ft. of their own land.

The Decision has Created Injury, Damage, and a Safety Hazard. The Decision has

At least two residences on the Nobles Parcel, the Butler Residence, the Houweling residence, and the Houweling Dairy.

created safety hazards by adding to already heavy traffic flow and allowing narrow dirt roads to be used for residential, dairy, and pedestrian traffic simultaneously. To make matters worse, the 1-Acre Parcel narrows to 26 ft. in spots, creating even further hazards.

Future Injury to 80-Acre Parcel. The Decision has allowed a reduction of the access for the new agricultural use only parcel; when the Applicant could have met the 60 ft. threshold by encumbering their own property. If the Houwelings wish to split their lot or increase the capacity of their dairy, the Commission and/or the then serving director may require 60 ft.. as at that time the expanded uses would be too much for a 33 ft. access – a real harm to the Houwelings. To put this harm in perspective, the Decision burdens the Houwelings for being late to develop and embracing Canyon County's long agricultural heritage.

The easement reduction does not meet all of Canyon County Code requirements, is inadequate, unnecessary, unsafe, create current hazards, and future injury. The easement reduction approval should be overturned.

PRIVATE ROAD COMPLIANCE

The subject access road does not comply with CCC0 7-10-03, nor has it been confirmed to comply with CCC0 7-10-03. Prior to the creation of a new parcel, the subject road should comply with CCC0 7-10-03. Additional traffic will be using the access road and it is not to standards at the current time. The Applicant is burdening the roadway and needs to comply with county standards. The RUMA does not define the party responsible for the construction of a new roadway or improvements to an existing roadway. Accordingly, this cost should be incurred by the Applicant and should be completed prior to creation of a new parcel.

PRIVATE ROAD NAME CHANGE

Houwelings own the 1-Acre Parcel and were never contacted by Canyon County regarding their address change or the naming of their road. From what I understand,

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Canyon County wishes to have all Affected Property Owners agree to a private name; however, does not require agreement. While it may not be required by code, the changing of an address does impact business operations at the Houweling Dairy and the name change should not continue in effect until the Applicant can provide a completed application and show compliance with all conditions met.

CONDITIONS

The conditions are not clear and include irrelevant threshold requirements, findings, and/or demonstrate that the Application was not thoroughly reviewed prior to the issuance of the Decision.

- 1. <u>Clarity of Findings Application and Process</u>: The Decision includes irrelevant findings and/or demonstrates the Application was not thoroughly reviewed prior to issuance. For example, finding No. 1 describes a development's use of water we have no development. Finding No. 2, finds that no hillside development is required the use is agricultural.
- 2. <u>Clarity of Conditions</u>: The Decision has unclear conditions, muddied by references to future development that is neither allowed nor part of the Application. Further, the timelines for complying with conditions should be <u>prior</u> to the creation of a new parcel and not a future building permit.

Condition No. 2: Prior to the issuance of a new building permit, Southwest District Health will need to complete an on-site evaluation and septic permit. The approval is for agricultural use only – this is an unnecessary and irrelevant condition.

Condition No. 3: Prior to the issuance of a new building permit, an approach permit from Nampa Highway District # 1 is required. The approval is for agricultural use only – this is an unnecessary and irrelevant condition.

Condition No. 4: The access and any new building permits shall comply with the MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION -AD2024 – 0027 – PARCEL R28380

International Fire Code, as evidenced by a review and approval letter from the Melba Fire District (CCCO § 06-01-09(6) and § 07-10-03(2)). The approval is for agricultural use only – this is an unnecessary and irrelevant condition. Further referring to current codes without need muddles the water for a future application.

Condition No. 6: The private road shall be built to meet the minimum construction standards (CCCO Section 07-10-03(3)). The private road must be constructed prior to the issuance of a certificate of occupancy. The approval is for agricultural use only, there is no certificate of occupancy. The private road should be constructed prior to splitting the parcels, otherwise there is no mechanism to protect the current private road users.

Condition No. 7: A sign conforming to the applicable high district standards shall be erected and maintained at the property owner's expense. Verification of installation shall be provided to DSD prior to Certificate of Occupancy. The approval is for agricultural use only — this is an unnecessary and irrelevant condition. If a sign is required to be erected it should not be erected prior to a complete application and Condition No. 8 below is met.

Condition No. 8: All properties the road is serving will have a signed and recorded road user's maintenance agreement (RUMA) per CCCO 07-10-03(1)(B(3)). This has not happened.

This unequivocally prevents the creation of a new parcel until this condition is met.

CONCLUSION

The Houwelings request the Commission overturn the Decision in full. Alternatively, The Houwelings ask the Commission to clarify findings and conditions, and to require conditions be met prior to the creation of parcels and the renaming of private roads. Please, do not bend the rules to harm existing viable agricultural uses, it is against Canyon County Code and good public policy.

DATED this 4th day of June, 2024

Respectfully Submitted,

The Law Offices of Maybon, PLLC

By: /s/ Shawn C. Maybon /s/ Shawn C. Maybon, Esq., Attorney for the Houwelings

EXHIBIT A

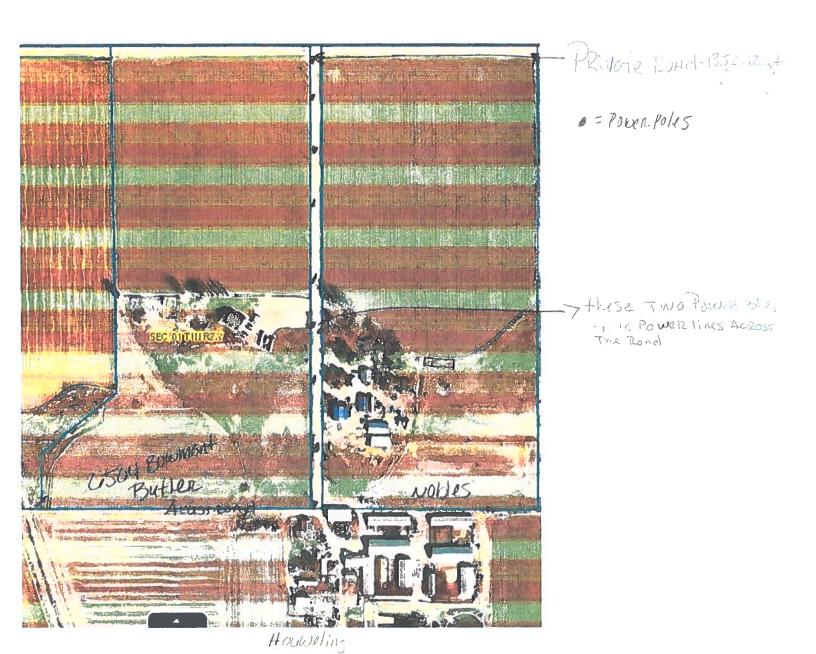
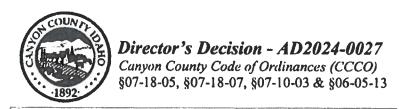


Exhibit 2a - 18

EXHIBIT B



Case Number: AD2024-0027 (Amending LS2002-134)

Parcel No(s): R28380

Property Owner/Applicant(s): David & Karen Butler

2024-015355 RECORDED 05/21/2024 11:05 AM



RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=13 JWINSLOW \$46 00

MISC

KAREN BUTLER

Request: The applicants are requesting an amendment to an approved administrative land division of parcel R28380. The 19.52-acre parcel is zoned "A" (Agricultural). The result of the division creates two (2) parcels: a 9.621-acre parcel with an existing dwelling; and a 9.892-acre parcel that will be an agricultural parcel (no building permit). The parcels are served by an existing 33-foot easement located on Parcel R28380010 owned by the Houweiling Family. See Exhibit A.

The application includes an easement reduction to allow the access easement to stay at its current width and a private road name since the easement serves three parcels with dwellings (per CCCO §07-02-03 & 07-10-03).

<u>Property History</u>: The subject parcel was created in its current configuration by an approved land division in 2001 (LS2002-134). The existing dwelling on the subject parcel was built in 2003 (ZC2003-142 & 144).

Findings CCCO §07-18-05 - Application and Process:

- 1) A complete application for an administrative land division was accepted on March 22, 2024. The development shall either use irrigation water rights or a domestic well (0.5 acre unless more is allotted by the Idaho Department of Water Resources) per Idaho Law 42-111(a).
- 2) Based on slope maps (Exhibit B), the subject property does not contain 15% slopes. Therefore, hillside development is not required.
- 3) There are no public nuisances or code violations on the property.
- 4) Notification to the local highway district and fire district was sent on April 11, 2024. No comment was received from Melba Fire District. Nampa Highway District states Bowman Road is an expressway roadway. No new direct access to Bowman Road is allowed unless a variance is approved (Exhibit C). The amendment does not change the existing access which received an approach permit from Nampa Highway District #1 in 2003 (Exhibit D). As a condition of approval, no new direct access to Bowman Road is allowed unless a variance is approved and any expansions of use of the existing access easement will require an approach permit from Nampa Highway District #1.
- 5) The parcel shall be divided in compliance with Instrument No. 2024-014900. The subject parcel shall be divided as follows:

Parcel 1: 9.892 acres - Agricultural Only (No Building Permit)

Parcel 2: 9.621 acres with existing dwelling

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Findings CCCO §07-18-07 - Administrative Division in Agricultural Zones:

• The parcel is not original (created on or before September 6, 1979). The parcel was created by land division in 2001 (LS2002-134, Exhibit A). Therefore, the parcel does not have any land divisions available. However, CCCO §07-18-07(2)B allows for the creation of an "agricultural only" parcel. An agricultural parcel is used exclusively for agricultural purposes on which there is no permanent dwelling (CCCO §07-17-03(3)A).

Findings CCCO §07-10-03(1)D - Easement Reduction:

- The applicant is requesting an easement reduction to approve the existing 33' wide access easement on Parcel R28380010. CCCO §07-10-03(1)B2 requires 60' width or a reduction to no less than 28' subject to CCCO §07-10-03(1)D.
- Due to the casement being located within a parcel that matches the size of the easement (Exhibit A), Parcel R28380010, meeting the 60' width would be very difficult and require multiple owners (Parcels R28380, R28380010, R28379, and R28367) to complete a property boundary adjustment.
- The 33' easement width provides adequate room to meet private road construction requirements (CCCO §07-10-03(2) and (3). The request was included in the notice sent to Melba Fire District and Nampa Highway District #1 on April 11, 2024. No comment was received from the Melba Fire District. Nampa Highway District #1 approved the access to the subject parcel in 2001 (Exhibit D). Therefore, DSD finds the request still provides adequate access and does not create injury or damage to adjacent and proposed parcels.
- As a condition of approval, the driveway or private road access must meet all applicable requirements required by CCCO §07-10-03 before building permit issuance.

Findings CCCO §06-05-13 - Private Road Name:

The proposed road name, "Artemis Lane", is in substantial conformance with §06-05-13. The name "Artemis Lane" is not duplicated by sound or spelling within Canyon County. As conditioned, the private road shall meet all minimum construction standards (CCCO §07-10-03(2) and (3) which includes private road signage installation in accordance with the Association of Canyon County Highway District (ACCHD) standards.

Decision:

The application to complete the described administrative land division per CCCO §07-18-05, §07-18-07, §07-10-03 & §06-05-13 is **APPROVED** subject to the following conditions of approval:

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
- 2. Prior to the issuance of a new building permit, Southwest District Health will need to complete an on-site evaluation and septic permit.
- 3. Prior to the issuance of a new building permit, an approach permit from Nampa Highway District #1 is required.
- 4. The access and any new building permits shall comply with the International Fire Code, as evidenced by a review and an approval letter from the Melba Fire District (CCCO §06-01-09(6) and §07-10-03(2)).
- 5. Historic irrigation lateral, drain, ditch flow patterns, and associated easements shall be maintained and protected unless approved in writing by the local irrigation district or ditch company.
- 6. The private road shall be built to meet the minimum construction standards (CCCO Section 07-10-03(3)). The private road must be constructed prior to the issuance of a certificate of occupancy.
- 7. A sign conforming to the applicable highway district standards shall be erected and maintained at the property owners' expense. Verification of installation of road signs shall be provided to DSD prior to Certificate of Occupancy.
- 8. All properties the road is serving will have a signed and recorded road user's maintenance agreement (RUMA) per CCCO 07-10-03(1)B3

AD2024-0027 - Butler Page 2 of 13

5-20-21/ Date

Carl Anderson, Planning Supervisor

State of Idaho)				
SS					
County of Canyon)				
On this 20 day of	May		, in the year of	2024, before mc Pamela	Dilbeck
a notary public, perso	nally appeared	Carl Anderson , personally known to me to be the		vn to me to be the	
person(s) whose name	e(s) is (arc) subscr	ibed to the	within instrument, an	d acknowledged to me that he	e (she)(they) executed
the same.					

PAMELA DILBECK

Notary: <u>Samela</u> Dilbeck

My Commission Expires: 10 | 14 | 2028

Exhibit A

David and Karen Butler 6504 Bowmont Road Nampa, Idaho 83686

1st March 2024

Canyon County Development Services Department
111 North 11th Ave.
Suite #140
Caldwell, Idaho 83605
(208)454-7458

To Whom it may concern,

The proposed Administrative Land Division request is to divide Lot 3 into two parcels (see attached survey Skinner Land Survey), parcel 1 and parcel 2.

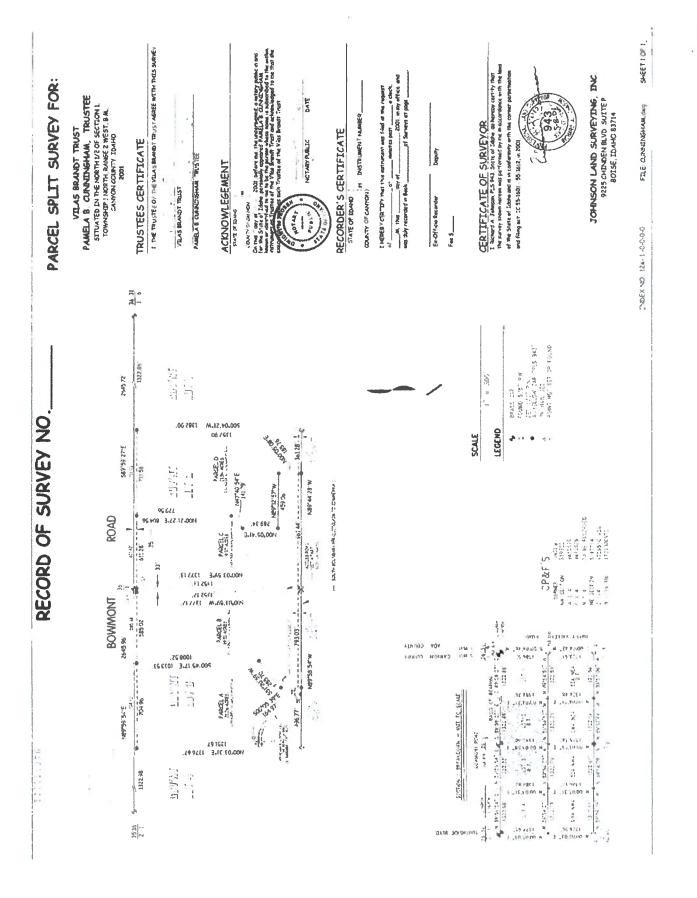
The intent is to retain Parcel 2 with the home and 9.62 acres and to sell Parcel 1 of 9.89 acres as an agriculture parcel with irrigation. The intent to sell Parcel 1 is to use the proceeds to pay the mortgage on Lot 3, retain ownership of parcel 2 and continue to reside in our home.

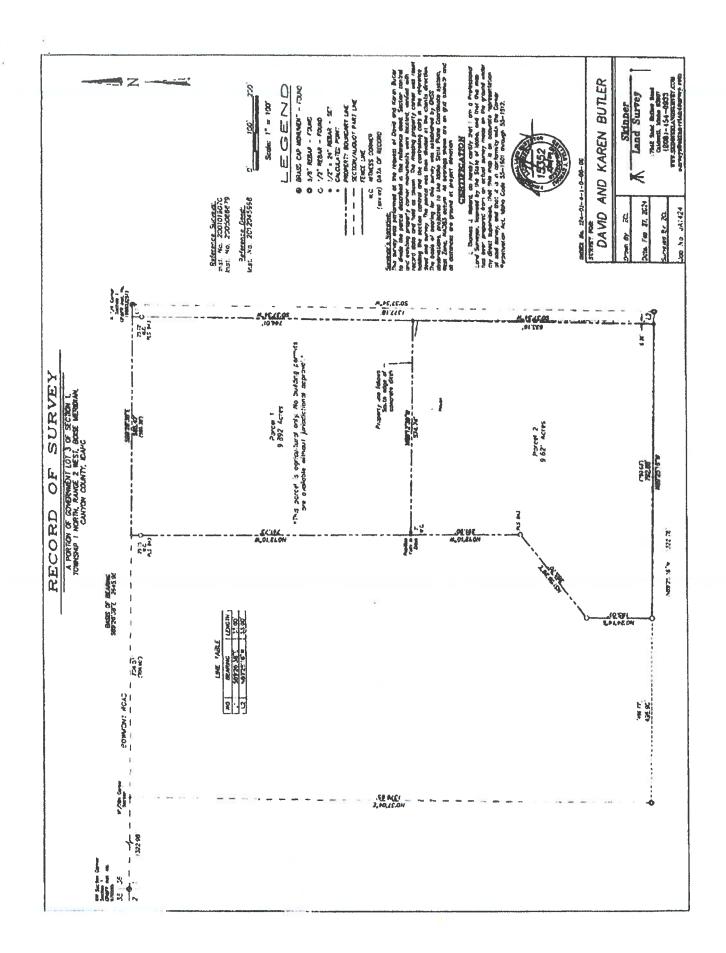
An approval of the Administrative Land Division request and a sale of Parcel 1 would not increase traffic on the private road as proposed Parcel 1 is currently leased to a farmer. Thus the expectation would be that the same amount of traffic due to a sale would remain as the expectation is the parcel would be farmed. There is no expected impact to neighbors as the parcel shall remain as it is currently zoned, agriculture. Our surrounding neighbors are zoned agriculture as well.

Proposed Parcel 1 is currently zoned and used as agriculture and is farmed in alfalfa. It is expected that a sale would result in continued farming in alfalfa or other local crop(s) as a building permit is not available. Parcel 1 will retain the irrigation ditches and easements as indicated in the attached survey (Skinner Land Survey)

Respectfully,

David and Karen Butler





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 Suider.**

(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 aspiralt 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.

Page 1 of 2

NEOVEST Red To fue

Butler Road Agreement

- The parties hereby agree to share equally the expense of drainage ditches, D. 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.
- This agreement shall be binding on their heirs, assessors and assigns of the parties hereof Dated this lork day of November 2001. Rodney LaFee

 Rodney LaFee Builders LLC and acting on its State of Idaho County of Ada On this day the persons above personally appeared before me Rodney La Fee 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 conder my hand and official seal this 6 day of 100 ,2001 my commission expires on 7-22-2004 Dated this 3rd day of Nacht 2001. tate of Idaho County of ABA-On this day the persons above personally appeared before me KNIERSHED M. TENREA A NOTARY PURCIC 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 scal this 3 th day of Novement, 2001 KHURSHED M. TENGRA NOTARY JUBLIC my commission expires on 03.26.07 **NOTARY PUBLIC** STATE OF IDAHO

Page 2 of 2

Page 8 of 13

QUITCLAIM DEED

FOR VALUE RECEIVED LaFee Builders LLC, 315 E. Avalon, Kuna, Idaho which acquired title as LaFee Builders LLC.

Does hereby convey, release, remise, and forever quit claim unto <u>Case Houweling</u>, an individual, the following described roadway:

This road is a strip of land 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.

Herein being	described	as:
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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 rod wide along the easterly line of boundary of said Lot No. 3 and containing approximately 1 acre.

Parcel Number. 01N02W012505 01-1N-2W NW E-33' of LT 3 LS TX 99760 Bowmont Rd NA

END OF LEGAL DESCRIPTION

The officer who signs this deed certify that this deed and the transfer represented thereby was duly authorized.

In Witness whereof, LaFee Builders LLC has granted the deed January 3, 2003 by its duly authorized officer.

LaFee Buildors LLC 315 E. Avalon

Kuna, Idaho 83638
By: Arlan Fales

Dated this 6 day of January 2003

Date:

State of Idaho

me they signed of their own free will and voluntarily for the purpose mentioned,
Give tender my hand and official seal this day of fancing, 2003.

Notary Public

My commission expires on 7-22-04

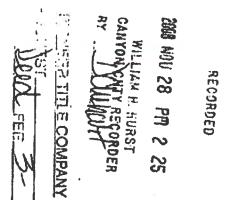
OVER ARY PUBLIC SO

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



00808283

200809284

QUITCLAIM DEED

For Value Received

Case Houseling and Arlene F. Houweling, bushaud and wife

do(es) hereby convey, release, remise and forever quit claim unto

Cornelius Houweling and Arlene P. Houweling, busband and wife

whose address is 6595 Bown ont Road

Namys, Idaho 83686

the following described premises, to-wit:

TRACT 4:

A Strip of Land in Lot 3 Scotton 1. Township 1 N. Range 2 Wort, U.M. in Canyon County, Idaho, being a strip of land 2 rods wide along the Casterly has of boundary of said Lot No 3

together with their appurtantations.

Deted November 25, 2008

State of Idaho

County of

On this 25th day of November, 2008, before me, the undersupped, a Notary Public, in and for said State, personally appeared Case Houseling and Ariene is Houseling known to me, and/or identified to me on the basis of salisfactory evidence, to be the pastop(s) whose name is/are subscribed to the within matument and solisowledged to me that he/she/they executed the same

38.

WITNESS MY HAND AND OFFICIAL SPAL

Notary Public Payatte Topa Commission Expires: 8/e).



Page 10 of 13

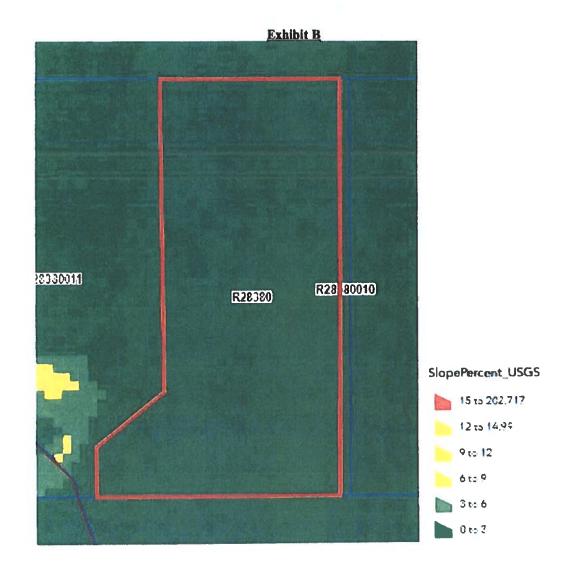


Exhibit C

NAMPA HIGHWAY DISTRICT NO. 1

April 11, 2024

To:

Dan Lister, Principal Planner

Canyon County Development Services

From: Eddy Thiel

Right-of-way Tech

Re: AD2024-0027 David & Karen Butler

I have reviewed the Administrative Land Division Notice proposing a split to create 1 Residential lot and one Ag only lot of Parcel R28380 received April 11, 2024 with a Transmission Date of April 11, 2024.

Comments are based upon information provided to the Highway District by Canyon County Development Services. Nampa Highway District #1 has no objection to the preliminary plat subject to the following information:

- 1. The Subject property fronts Bowmont Rd.
- 2. NHD#1 Functional Classification of Bowmont Rd is Expressway Roadway.
- 3. Per ACCIID Standards, there is no new direct access to Expressway Roadways. An approved Variance Request from the Highway District Commissioners will be required for any new point of access to Bowmont Rd.
- 4. The patron shall submit a Land Split Application to the Highway District, the associated \$250.00 fee, and a drawing identifying any new and existing points of access. We recommend denial until we receive the subject application.

All comments above are based on the ACCIID Standards Manual and Nampa Highway District #1 Supplementals.

The Highway District reserves the right to provide amended comments/conditions of approval in the event of application revision or revisions to the ACCIID Standards Manual.

Exhibit D

NAMPA HIGHWAY DISTRICT	APPROACH PERMIT APPLICATION ROAD 440
I CERTIFY THAT I AM THE OWNER OR, HIS/HER AUTHOR BE SERVED AND AGREE TO DO THE WORK REQUESTED HER PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISION	IZED REPRESENTATIVE OF THE PROPOSED PROPERTY T
Poise ID 83704	PHONE NO
CITY STATE ZIP	Signature of Owner or Authorized Representative and Date
This permit shall not be valid for construction until, or unless, the provisions of Idaho Code Title 55 Chapter 22 have been complied with PRIOR TO EXCAVATION, CALL DIGLINE.	OFF EXPIRES SIXTY (60) DAYS FROM HE DATH. ALL WORK MIST BE COMPLETED RETO SIXTY (60) DAYS. FREE & DEPOSIT WILL, FORFEITED AT SHO OF SIXTY DAYS HIS OTHER ARRANGEMENTS ARE WITH THIS OFFICE. FOR INSPECTION: (208) 467-6576
a. between Happy Valley & S. Side Blyd	3. \$25.00 PERRIT FEE PAID YES NO PCI. 10.4.01 4. \$200.00 DEPOSIT PAID YES NO
NY A	oad S Pd. 10-7-01 5. Special Provisions: Niced to dean out the s existing culvert in
d. Access classification: Regidential/Commerce	9
e. Circle driveway, yes no	
f. Approach to be paved to meet standards: yes	
g. Will culverts be required: yes no	
BJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS S RHISSION IS HEREBY GRANTED TO THE ABOVE NAMED AR	SHOWN ON THIS FORM, OR ATTACHMENTS. PPLICANT TO PERFORM THE WORK AS DESCRIBED.
GNATURE/HIGHWAY DISTRICT PERSONNEL	h
TE 10-04-01	
PY OF PERKIT HUST BE PRESENT AT WORK SITE DURING	CONSTRUCTION

Page 13 of 13

EXHIBIT C

Butler Road Agreement



CANYON CHTY (RECORDER BY)

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

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

(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.

Page I of 2

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	D,	conduits, or culverts requi	o share equally the expense of drainage ditches, ired by the Canyon County Engineer or other public e safe, passable condition of road for indicated use.
2.	This a	agreement shall be binding o	on their heirs, assessors and assigns of the parties hereof.
	Dated	this 6th day of Nove	mber 2001.
<u>:</u>	Roo	lney Satec	Rodney LaFee Member of LaFee Builders LLC and acting on its behalf.
_	of Idaho		
On thi	y of <u>A</u> is day tl	da ne persons above personally	appeared before me Rodning La Fee known to me as the
their c	Given from Given	e will and voluntarily for the tender my hand and official EN AVI	his agreement and acknowledged to me they signed of courpose mentioned. seal this 6 day of Now
	Dated	this 31 d day of Nicon	bir 2001.
Da	uil	Buffle.	David Butler
Kaa	on.	Inidee .	Karen Snider
	of Idaho)	_ Karen onyaci
Count	y of	DA-	appeared before me KHUKSHEB M. TENERA
			appeared before me AMERIAEO W. TENERA
A	UOJA,	ey Pustic.	, known to me as the
persor	is deser	ibod in and who executed th	, known to me as the nis agreement and acknowledged to me they signed of

KHURSHED M. TENGRA **NOTARY PUBLIC** STATE OF IDAHO

Butler Road Agreement

NOTARY BUBLIC
my commission expires on 03.36.07
Page 2 of 2

their own free will and voluntarily for the purpose mentioned.

Give tender my hand and official seal this 3^{PD} day of Noverest 2.2001

(1) 10% 5. 2001; 11: 76 AN WI NO 200/450/8

QUITCLAIM DEED

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

does hereby convey, release, temise 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 winness whereof, the grantor has caused its corporate name to be hereunto affixed by its duly authorized officer this 25 day of October, 2001

American Cancer Society, Rocky Mountain Division, Inc.

STATE OF Colorado)
County of Sunurel) se

On this 25 day of Clark.

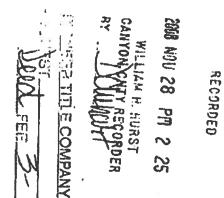
2001, before me, a Notery Public in and for the State, personally appeared Anna Grundam known to me to be the Co of American Cancer Society, Rocky Mountain Division, Inc., a corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said and that said corporation executed the same.

Notary Publishers of the Principle of th

Exhibit 2a - 36

EXHIBIT D

610 South Kimbell Avenue / Caldwell, Idaho 83605 / (298) 459-1651



200806263

200809284

QUITCLAIM DEED

For Value Received

Çate Houweling and Arlane F. Houweling, burband and wife

do (es) hereby convey, release, remise and forever quit claim unto

Cornelius Houweling and Arlene P. Houweling, husband and wife

whose address is 6505 flows ont Road

Namya, Idaho 83686

the following described premises, to-wit:

TRACT 4:

A Strip of Land in Lat 3 Section 1. Township 1 N. Range 2 West, B.M. in Canyon County, Idaho, being a strip of land 2 rude wide along the Canterly has of boundary of said Lot No $\,3$

together with their appurtaneuross.

Deted November 25, 2008

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 Cane Houseling and Arlene is Mosweling known to me, and/or identified to me on the basis of satisfactory evidence, to be the particles whose name is the subscribed to the within maximum and schooledged to me that he/shatthey executed the same

Arlene t. Houweling

WITHERS MY HAND AND OFFICIAL SPAL

Notary Public Residing at:

Commission Expires:

CHOA TO OF OF

Page 10 of 13

EXHIBIT E

IN THE DIGTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDANO TH AND TOR CARYON COUNTY B R Stoutemyer, plaintiff PHARA ! ROITAHURDION TO DEIGNO, IANTY

State of Idaho, Defendant)

31.

-V8-

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Now on this 2nd day, of September, 1914, duly came on for hearing the application of the Plaintiff in the above ontitled dauge for Final Order of Condemnation, herein.

And it appearing that herotofore on the 2nd day of Reptember 1914, Judgment was entered by Stipluation between the parties to enid action whereby the lands of the defondant involved in said action were condemned for the use of the Plaintiff upon the Plaintiff paying to the said Defendant the compensation for said premises ascertained by said Judgment, amounting to the sum of Thirty (\$30.00) Dollars, and it further appearing to the Court that the Plaintiff has duly paid said oum of money to the Clork of the Court for naid Defendant.

111.

And it further appearing to the Court that the land described in the Complaint herein is necessary for the public purpose described in raid complaint, numely as a wagon road.

NOW THURREFORE, in consideration of the premison, it is hereby ordered adjudged and decreed by the Court that the hereinafter described premiens be, and the cume are hereby condemned for the use of the Flaintiff for the purposes above mentioned, and the title in for simple in and to said premises is hereby degreed to the Plaintiff, B R Stoutemyer to-wit, the following described tract of land:

"A strip of land in Lot No three (3) Bestion one (1) Township one (1) North Range two (2) West Roise Meridian, in Canyon County, Idaho, being a strip of land two (2) rods wide along the easterly line of boundary of said Lot No three (3) and containing approximately one (1), coro."

Bated this 2nd day of September, 1915. Ed L Bryan, District Judge.

Piled Sept 3, 1914 Prod Mitchell, Deputy.

State of Idaho County of Canyon | 88

I, L C Knowlton, Clerk of the District Court, and Ex-Officio Recorder of the County of Canyon State of Idaho, do hereby certify that the foregoing copy of Final Order of Condemnation has been compared by me with the original, and that it is a correct transoript therefrom, and of the whole of such wriginal instrument as the name approve on file in my office.

IN TESTIMONY WHER WOF I have herounto set my hand and affixed my seed this 8 day of Hovembor 1917. (Soul) L C Knowlton, Clerk of the District Court and Ex-Officio Recorder. By O.B. Parsons, Deputy.

· 公司在16 State of Idaho County of Canyon) sa 77778 (155-16)

I hereby certify that this instrument was filed for record at the request of Pisst National Bank of Nampa at 45 minutes past 9 o'clock AM this 3 day of Jan 1918.

L C. Knowlton, Ex-officio Recorder By G. B Parsons, Deputy Fecs \$1.20

COMPARED

CANNOT SEE AND SEED OF THE SEE

EXHIBIT F

APPLICATION FOR AN ADMINISTRATIVE LOT SPLIT PURSUANT TO ORDINANCE 92-003 CANYON COUNTY, IDAHO

AGNOT - CUMMAGHAM TRAST

(CASE 8)

AM 7 1993

(OWNERS NAME)

(DATE OF APPLICATION)

1802 RIMRUSE ARME MAMOR TAKK 468376

(OWNERS ADDRESS)

(TELEPHONE NUMBER)

ORDINANCE SECTION THIS APPLICATION IS MADE UNDER: (Check one)

- 12.3(H)(1) ADMINISTRATION SPLITS OF EXISTING PARCELS OF FORTY (40) ACRES OR MORE OF CONTIGUOUS UNPLATTED LAND.
- (V) 12.3(H)(2) ADMINISTRATIVE SPLIT OF EXISTING PARCELS OF LESS THAN FORTY (40) ACRES OF UNPLATTED LAND PURSUANT TO 1979 ORDINANCE.
- () 12.3(H)(3) ADMINISTRATIVE SPLITS OF EXISTING PARCELS OF LESS THAN FORTY (40) ACRES OF UNPLATTED LAND WHICH IS NOT ECONOMICALLY VIABLE FARM GROUND.
- 1. LETTER OF INTENT.
- 2. ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY TO BE SPLIT.
- 3. ENTER THE ASSESSOR'S PROPERTY ACCOUNT NUMBER FOR THIS PROPERTY ON THIS LINE: $\frac{28380}{}$
- 4. ATTACH ALL NECESSARY DOCUMENTS THAT WILL SHOW NOW MANY TIMES THE PROPERTY HAS BEEN SPLIT SINCE SEPTEMBER 6, 1979.
- 5. ATTACH A SCALABLE DRAWING OF THE PROPERTY, SHOWING ACREAGE.
 5A. SHOW HOW PROPERTY IS TO BE DIVIDED.
- ATTACH COPY OF AERIAL PHOTOGRAPH OF PROPERTY.

ATTACH A VICINITY MAP SHOWING THE LOCATION OF THE PROPERTY 7. USING AT LEAST TWO CROSS STREETS. DESCRIBE HOW ACCESS TO THE PROPERTY WILL BE PROVIDED IF PROPERTY IS SPLIT. THE AGENCIES CHECKED ON THE ATTACHED AGENCY LIST MUST BE 9. CONTACTED AND A WRITTEN RESPONSE REGARDING YOUR REQUEST MUST ACCOMPANY THIS APPLICATION. A FILING FEE OF \$_____ MUST ACCOMPANY THIS APPLICATION. 10. PROVIDE PROOF THAT THE PROPERTY IS NOT ECONOMICALLY VIABLE 11. FARMGROUND: HISTORICAL INFORMATION OF PAST FARMING ACTIVITIES ON THE 1) PROPERTY SOIL CLASSIFICATION. 2) WATER AVAILABILITY AND DISTRIBUTION. 3) TERRAIN FEATURES (SLOPE, PHYSICAL OBSTACLES, ETC.) RESIDENTIAL INFILL. 5) ATTACH A LIST OF PROPERTY OWNERS NAMES AND ADDRESSES WITHIN 12. 300 FEET OF THE EXTERIOR BOUNDARY OF THE PROPERTY. 13. ANY OTHER PERTINENT INFORMATION OR DOCUMENTATION MAY BE REQUESTED BY THE PLANNING AND ZONING ADMINISTRATOR. THIS ADMINISTRATOR RESERVES THE RIGHT NOT TO OFFICIALLY ACCEPT THIS APPLICATION UNTIL ALL NECESSARY INFORMATION IS SUBMITTED. I, THE UNDERSIGNED PETITIONER, DO HEREBY CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY 15. KNOWLEDGE. APPLICANTS SIGNATURE PLANNING AND ZONING ADMINISTRATIVE STAFF SIGNATURE OF APPROVAL APPLIC.SPL/PEZ FORM #10 February 25, 1993

9309065



BEFORE THE PLANNING AND ZONING ADMINISTRATION

IN THE MATTER OF A PETITION FOR AN ADMINISTRATIVE LOT SPLIT BY:	ADMINISTRATIVE LOT SPLIT DECISION
BRANDT-CUNNINGHAM	3L056/01-1s-2 P & Z CASE NUMBER
	R 28380 ASSESSOR'S ACCOUNT NUMBER
APPROVAL OF ADMINISTE PURSUANT TO CANYON COUNTY ZO [] SECTION 12.3 (I £½ SECTION 12.3 (I [] SECTION 12.3 (I	NING ORDINANCE NO. 92-003 H) (1) H) (2)
This application is to divide approxinto parcel(s) as form	kimately 80 acres
ONE APPROXIMATELY 73.2 ACRES AND	ONE APPROXIMATELY 6.8 ACRES
[X] This application has been revicempliance with all requirement Section, Canyon County Zoning application is APPROVED. [] This application has been revicempliance with all requirement Section, Canyon County Zoning Zoning County Zoning Co	rigwed and found to not be in ents of the above applicable ordinance No. 92-003, therefore
JERRY LAJONES, Administrator	DATE: 4-38-93
NOTARY:	
SIGNED BEFORE MENOTARY OF DAHO ON THIS DATE 4	28-93
OTARY Caldwell, PUBLIC 12/10/98	APPROVED.SPL\P&Z FORM#11
Distriction	UPDATED: April 12, 1993



303 TWELFTH AVE. ROAD - NAMPA, IDAHO 83651

Legal Description for Cunningham Property on Bowmont Road

The west 225 feet of government Lot 3 of Section 1, Township 1
North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

Tatte Sman Meyer - Co. Leathers

93 APR 29 PF

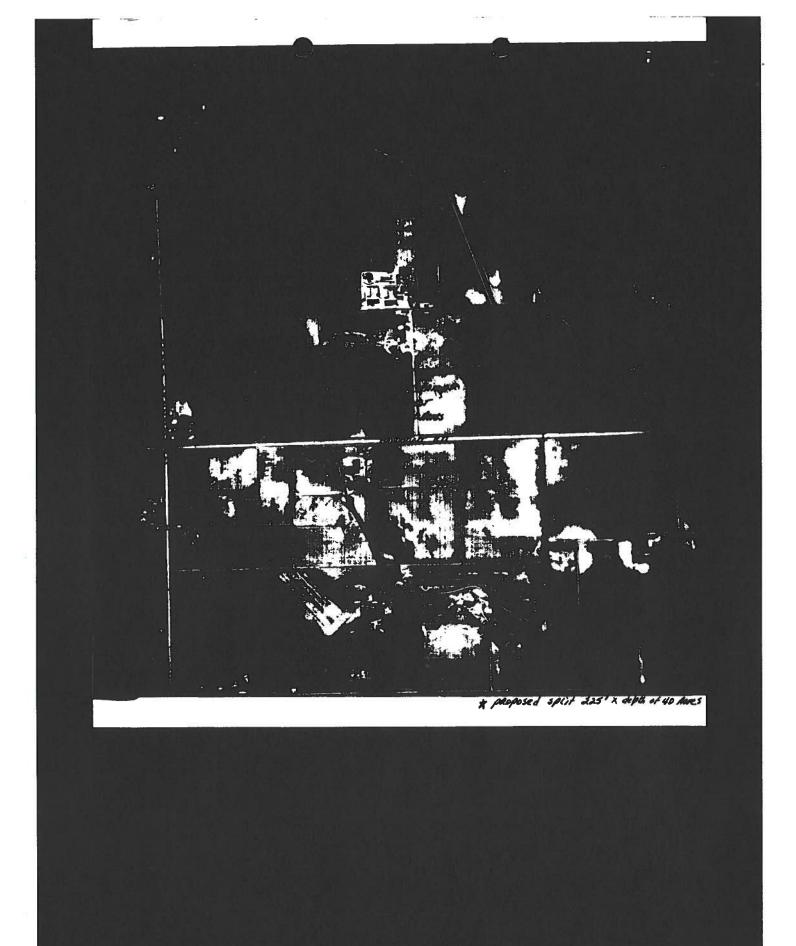
This property will be used for the construction of our new home. It will be a single family residence and only our home will be built on this parcel of land.

We have 80 deres and wish to split off 6.8 deres.

Saint of Cornigham

Proposis ADMINISTEATIVE SPIT

	EAST	SOUTH		WEST	
HAPPY >A.	40 ACRES OWNER Vilas Brandt Trust Trustee Pam Cunningham	80 ACRES OWNER Joe Zimmerman 6505 Bowmont Rd.		80 ACRES	S 0 U T H S 1 D .
LLEY ROAD	40 ACRES OWNER Faul Gross 5979 Happy Vally Rd.	80 ACRES OWNER Vilas Brandt Trust Trustee Pam Cunningham 1802 Primrose dr. Nampa BOWMONT ROAD	proposed	OWNER James Emmert 6198 Southside Blvd	B L V D
1		BUNDANI RUAD			lΓ
		80 ACRES		40 ACRES	
		OWNER Delbert Pirnie 6427 Lola Ln.		OWNER James Emmert 6198 Southside Blvd	
E	AST	NORTH		WEST	
	LEGAL DISSAIN	שני דע			
	THE	West 215 FET UF GLOCK	un:	NE 107 3 6	
		TOWNSHIP I NERT !			
		er mille in con you is			



AFFIDAVIT

This is to affirm that the property which is described on the attached property description meets one of the following conditions:

(check wh	ere applicable)
1. 🗸	This property was established as a separate parcel prior to September 6, 1979 (meaning that the property as it existed on the date of September 6, 1979 has not been divided into two or more lots since then).
2	This parcel is the only split from the original parcel, the original parcel being that which was legally described by deed, contract or other legal instrument on the date of the adoption of the Canyon County Zoning Ordinance #79-008, September 6,1979.
3	This property has been changed since September 6,1979 but only for purposes of straightening or adjusting lot lines, or for financial reasons and not for the creation of additional building sites.
PORM No. 814-ACE	NOWLEDGMENT—CORPORATION OR INDIVIDUAL. 149 STEVENS. HESS LAW PUB. CO., PORTLAND, ORE.
County of County of this personally appe	TE OF IDAHO, ss. (1) (1) (1) (1) (2) (1) (3) (4) (4) (5) (6) (7) (7) (8) (8) (9) (9) (9) (9) (1) (1) (1) (1
known to me (o	on whose name (5
to be the	on whose name of the oath of subscribed to subscribed to of the corporation that executed the within instrument,
and acknowledge	d to me that. (be, they or such corporation) executed the same.
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written. Notary Public for the State of Idaho, Residing at MAMA, Idaho.

MN D 744700 WARRANTY DEED

For Value Reserved MAXIME TRANSPT, the duly appointed and acting parsonal representative of the estate of Viles Brandt, deceased,

the greater . do exhereby great, bergain, sell and convey unic MAXINE SALEDT, a widow, dealing with her sole and separate property, and PAURIA CUMMIDMINE, Trustee of the testamentary trust created under the last will and testament of vilas Brandt, deceased, the greates a, the following described provides, to-wit:

The SEN of the MEN of Section 1, Township 1 Morth, Range 2 West, Beise Meridian; and Lots 2 and 3, Section 1, Township 1 Morth, Range 2 West, Enise Meridian, sli in Canyon County, Idaho.

TO MAVE AND TO HOLD the same as tenants in common, with Maxine Brandt, a widow, holding an undivided one-helf interest therein as her sole and separate property, and Pamela Cunningham, Trustee of the testamentary trust created under the last will and testament of Vilas Brandt, deceased, holding the other undivided one-half interest therein.

The address of the grantees is c/o Maxine Brankt, 2724 Pasco Lane, Hampa, Idaho 83651.



TO HAVE AND TO HOLD the said grammer, with their appartenances unto the said Granter and their helm and easigns fervier. And the said Granter does hereby evenant to and with the said Granter a, that she is the owner in fee chapts of said pressures; that said pressures are free from all incumbrances, save current tames and essessments,

and that s he will warrant and defend the same from all lawful claims whatsoever. Dated: January lat 1982.

Fireonal Representative of the Estate of Vilas Brandt, deceased.

I hereby certify that this instrument was filed for record at

STATE OF IDARO, COUNTY OF STATE OF HARD. COUNTY OF CARYOR) 88

The lat day of Januarys 82,

Thereby certify
the request of STATE OF HEARD, COUNTY OF CARYON) SE 4001 1-550

and both process who are signed to compare the compare to a continuous and action to be continuous to a contin

9 000

day of in my inflice and duly recorded in Hoods

Same and the sale

EXHIBIT G



BEFORE THE DEVELOPMENT SERVICES DEPARTMENT

S DEPARTMENT

SCORDE STORY

ADMINISTRATIV

012434:

0

ADMINISTRATIVE LOT SPLIT DECISION

BRANDT, MAXINE

Address:

Commission Expires:

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

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)

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:

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, Assistant Director

DATE

Notary:

A Notary:

A Notary:

A Realbert

REQUEST WAXING BRANT

TE OF IT

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

Prepared by Richard A. Johnson PLS 943

Excluding 25 feet for Downton and this parcel contains 20.86 acres more or less.

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 <u>Trust as</u> recorded in May of 2001

Prepared by Richard A. Johnson PLS 943

Data Entry

May 8, 2001 CANYON COUNTY - Planning & Zoning RECEPTION

PZFM001

Assessor's Account 1R28380000 0 Owner(s) BRANDT, MAXINE CUNNINGHAM, PAMELA-TRUSTEE Applicant - Name and Address Last First MI BRANDT MAXINE Legal Description Company 01-1N-2W NW Bldg Cls MH? N Adrs BOWMONT RD LT 3 LS TX 99760 City NAMPA St ID Zip 83651 Home Wk () Applicant's Consultant Acres 41.54 Parcel 01N02W012500 Site BOWMONT RD Company Subdivision Adrs City St ID Zip Date May 8, 2001 Time 3:18 pm Home Wk Reception No 11172

Information/Notes LOT SPLIT (H) (2) (CRAIG)

Clerk DRH

Data Available?

Case No 011172A01-1N-2W

Zoning Compliance Zoning and C.U.P. N

N N Subdivision

N Parcel Division

N Enforcement

Office Visit(s) - Date

Zoning Officer Note

MODE: F ACTION:

PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TROK101

DENT.	PROPERTY	TMOTITEV

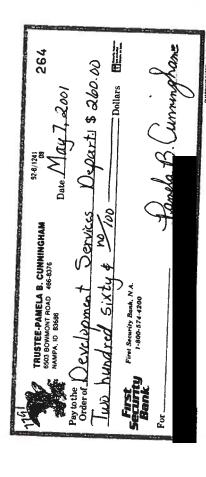
REAL PROPERTY	INQUIRI		
01 1R28380-0000 095-00 SCH3 BRANDT, MAXINE CUNNINGHAM, PAMELA-TRUSTEE	01 02 19	28,300 3,000	
6503 BOWMONT RD NAMPA ID 83686 01-1N-2W NW LT 3 LS TX 99760 BOWMONT RD, NA	SURVEY DRAIN DR V	AP 99 MAN 02W012500 H T 0R28380- perty NO	523938 APPR CTR UNIT 0 :/O N C/B N 0000



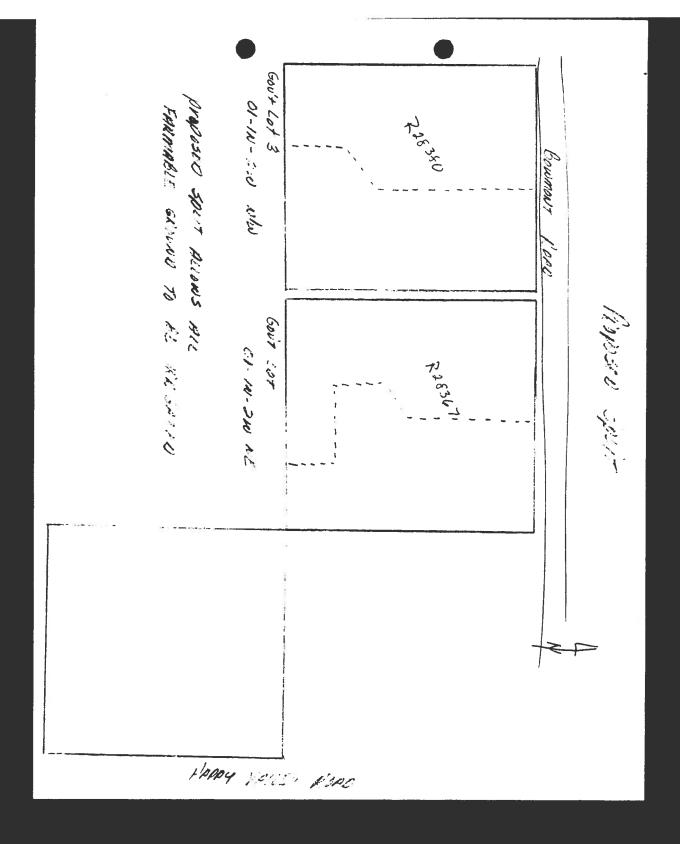
DE OPMENT SERVICES DEPARTMENT

APPLICATION FOR AN ADMINISTRATIVE LOT DIVISION

	Pamela Cunningham	OFFICE USE ONLY
PROPERTY OWNER: Vilas Brandt Trust-	Trustee	CHECK APPLICABLE ITEMS
ADDRESS: 6503 Bowmont Road	-Namoa	NOTIFICATION:
ASSRACCT# R28380 P		PROGATION PLAN:
		CCSO WAIVERS:
SEC: 🚺 TOWNSHIP: 🖊 RANGE: 🎖 🦞 QTR: 👠	W	PLAT REQUIRED:
SUBDIVISION:	LOT: BLOCK:	NOTIFY CITY:
21.0		AGENCY LIST:
TYPE OF DIVISION REQUESTED: H2 (REFER TO CANYON COUNTY CODE 07-12-07/8)		H3 CONSIDERATION:
Farm Ground more than 40 acres (H1)		
Farm Ground less than 40 acres (H2) Non Viable Farm Ground (H3)		
	2	
FILING FEE TO ACCOMPANY APPLICATION: \$	0	
INFORMATION REQUIRED FROM APPLICANT:		OTHER:
 Legal description of property to be divided. Proof the property has not been previously divided: adoption of Zoning Ordinance). Canyon County Coubetween June 15, 1977 and September 6, 1979. Proof of ownership. (Warranty Deed/Contract/etc.) Scalable drawing indicating acreage and proposed: Responses from all agencies checked on the Agencia. Are you requesting a discretionary increase in parcer if you are requesting a split of non viable farm group past farming activities, soil classification, irrigation a Any other pertinent information as may be requested. 	de 08-01-03 (Subdivision Ordi split and vicinity map using at by List if attached to this applied size up to 5.01 acres? (H1 5 and the following may be considualized, terrain features and d by the Development Service	least two cross streets. Split only) dered: Historical information of dresidential infil.
Note: The Director reserves the right not to accept this the undersigned petitioner, do hereby certify that I have	enduction frequency and the special state.	
Ordinance) as it applies to splits of existing parcels, with true and correct to the best of my knowledge.	in the "A" Zone, and that the	information I have provided is
Yanda Cunningham		
Signature of Applicant	_	
The signature below by the appropriate Development S this application and fee, signifies tentative approval purvey correctly evidences the split as applied for.	ervices Department official, at ending certification by the DS	ong with the acceptance of D Director that the record of
Signature of DSD Official		



BY 1 757 TO		HEIGHO YENOW		BALANCE DUE	
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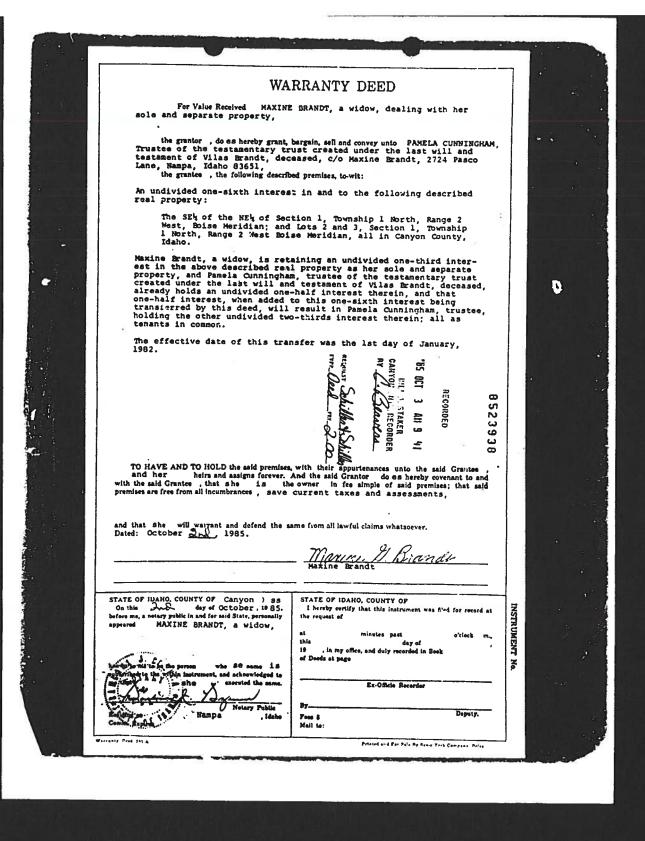


EXHIBIT H

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



	OWNER NAME: DAVID BUTTER, Karen Butter
PROPERTY	MAILING ADDRESS: 6504 BOWNOOF ROLD NAMED LET 8318810
OWNER	PHONE: EMAIL:
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:	Dh Gath Date: 3-20-24
(AGENT)	CONTACT NAME:
ARCHITECT	COMPANY NAME:
ENGINEER BUILDER	MAILING ADDRESS:
	PHONE: EMAIL:
	STREET ADDRESS: 4504 Baymont Road Nampa, 11 83684
	PARCEL #: R2380 LOT SIZE/AREA: ~ 19.62 ACDES
SITE INFO	LOT: 3 BLOCK: SUBDIVISION:
	QUARTER: SECTION: TOWNSHIP: RANGE:
	ZONING DISTRICT: FLOODZONE (YES/NO):
HEARING	CONDITIONAL USECOMP PLAN AMENDMENTCONDITIONAL REZONE
LEVEL	ZONING AMENDMENT (REZONE)DEV. AGREEMENT MODIFICATIONVARIANCE > 33%
APPS	MINOR REPLATVACATIONAPPEAL
	SHORT PLAT SUBDIVISION PRELIMINARY PLAT SUBDIVISIONFINAL PLAT SUBDIVISION
DIRECTORS	ADMINISTRATIVE LAND DIVISION EASEMENT REDUCTION SIGN PERMIT
DECISION	PROPERTY BOUNDARY ADJUSTMENT HOME BUSINESS VARIANCE 33% >
APPS	PRIVATE ROAD NAMETEMPORARY USEDAY CAREDAY CARE
CASE NUMBI	1000
RECEIVED BY	: Emily Kiester application FEE: 490 (K) MO CC CASH

Revised 1/3/21

ADMINISTRATIVE LAND DIVISION - CHECKLIST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

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



Check	appropriate application type:
Œ	Administrative Land Division of "A" (Agricultural) land in accordance with CCZO §07-18-01 > Less than 80 acres: Two (2) residential parcels 80 to 119 acres: Three (3) residential parcels More than 120 acres: Four (4) residential parcels
	Administrative Land Division of original parcels in all other Zones in accordance with CCZO §07-18-01(1)8.
	Administrative Division and Relocation of Building Permits Between Contiguous Parcels in an Agricultural Zone in accordance with CCZO §07-18-05.
	Administrative Division of a Nonviable Parcel in an Agricultural Zone in accordance with CCZO §07-18-03.
THE	FOLLOWING ITEM MUST BE SUBMITTED WITH THIS CHECKLIST:
	Completed Parcel Inquiry verifying eligibility Case # Pl. 20a3 - 0.242 or provide evidence the parcel is eligible for land division. Master Application completed and signed.
	from existing structures, north arrow, and contours.
	 Detailed Letter fully describing the request and required findings. The following findings must be included: Does the property contain 15% slopes or greater? Provide an irrigation plan (if applicable); and Provide proof that any required conditions from previous County approvals are met or will be met as part of this request.
	- <u>Additional information for Relocation of Building Permits</u> : Demonstrate how the request promotes effective or efficient farming and/or promotes the clustering of structures.
	- Additional Information for Nonviable Parcels in the "A" Zone: (1) Demonstrate how the site constraints/resource issues on the property makes agricultural use extremely difficult; and (2) Demonstrate how the request does not create a negative impact to surrounding agricultural uses.
-	Deed or evidence of property interest to all subject properties Draft record of survey with metes and bounds descriptions of all lots, that shows access from each parcel
	complies with the requirements of section 07-10-03: of this chapter, and that includes all required utility easements.
	Road User's Maintenance Agreement (if applicable)
	\$330 (lot split) or \$600 (building permit transfer/non-viable division) non-refundable fee
ADP	ITIONAL APPROVALS COMBINED WITH THIS REQUEST:
E	Private Road application \$80 fee
T.	Easement reduction request (The reduction cannot be less than 28 feet wide) \$80 fee
	Property Boundary Adjustment \$80 fee
	LAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code
and t	the zoning code before the Director can approve the application.

Revised ? 11.22

Process:

- 1. Complete <u>Parcel Inquiry</u> verifying eligibility for Administrative Land Division process or provide evidence demonstrating the subject parcel is eligible for land division.
- 2. Submit application with all required submittals and fees.
- 3. Notification of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.
- 4. Once the case planner reviews the application and provided preliminary approval; the following must be provided:
 - a. A recorded Record of Survey;
 - b. A recorded Road User's Maintenance Agreement (if applicable); and
 - c. Any additional information required by the case planner.
- 5. The case planner provides a report to the Director who will make a final determination regarding the application.
- 6. The signed approval document by the Director, which may include conditions of approval, must be recorded at the Recorder's office by the applicant or their representative. A copy of the recorded approval must be submitted to DSD.
- 7. **DISCLAIMER:** The decision by the Director is appealable per §07-05-07.
- 8. <u>DISCLAIMER:</u> Parcels will not be adjusted as approved or receive new parcel numbers by the Assessor's office until deeds are recorded.

SETBACKS THAT MAY APPLY TO YOUR PROPERTY TO PLAN FOR WHEN DESIGNING LOTS:

Minimum Setbacks Based on Zoning (CCZO Section §07-10-21(1)
Section/Quarter Section Line (70 foot unless waived by highway district; §07-10-19)
Collector (50' setback from identified collectors on functional classification map; §07-10-21(1)4(A)
Principal Arterial (70' setback from identified arterials on functional classification map; §07-10-21(1)4(B)
State Highway 44 (95' setback from centerline); §07-10-21(1)4(B)
State Highway 55 (90' setback from centerline); §07-10-21(1)4(B)
US Highway 20/26 (120' setback from centerline); §07-10-21(1)4(B)

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



	te plan is a detailed GRAPHICAL description of existing and proposed site features. Include all applicable on your site plan:
	All existing and proposed structures and dimensions (i.e. 40'X30' shop, 20'x20' shed, 40'x50' house, 10' admill, 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
3	Major landscaping or hardscaping, such as large trees, berms, or retaining walls, water features
2	
	Any other site features worth noting
he L	Any other site features worth noting etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable items in your letter:
ne L	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all
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	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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
	A description of the proposed request and why it is being requested Expected traffic counts and patterns Phasing of development
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	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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

Revised 1.7.2021

David and Karen Butler

6504 Bowmont Road Nampa, Idaho 83686

1st March 2024

Canyon County Development Services Department

111 North 11th Ave. Suite #140 Caldwell, Idaho 83605 (208)454-7458

To Whom it may concern,

The proposed Administrative Land Division request is to divide Lot 3 into two parcels (see attached survey Skinner Land Survey), parcel 1 and parcel 2.

The intent is to retain Parcel 2 with the home and 9.62 acres and to sell Parcel 1 of 9.89 acres as an agriculture parcel with irrigation. The intent to sell Parcel 1 is to use the proceeds to pay the mortgage on Lot 3, retain ownership of parcel 2 and continue to reside in our home.

An approval of the Administrative Land Division request and a sale of Parcel 1 would not increase traffic on the private road as proposed Parcel 1 is currently leased to a farmer. Thus the expectation would be that the same amount of traffic due to a sale would remain as the expectation is the parcel would be farmed. There is no expected impact to neighbors as the parcel shall remain as it is currently zoned, agriculture. Our surrounding neighbors are zoned agriculture as well.

Proposed Parcel 1 is currently zoned and used as agriculture and is farmed in alfalfa. It is expected that a sale would result in continued farming in alfalfa or other local crop(s) as a building permit is not available. Parcel 1 will retain the irrigation ditches and easements as indicated in the attached survey (Skinner Land Survey)

Respectfully,

David and Karen Butler



February 28, 2024

Legal Description for David and Karen Butler Job No. JA1424

Parcel 1

This parcel is a portion of Government Lot 3 of Section 1 in Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of Government Lot 3, (N 1/4 Corner, Section 1), a found brass cap monument;

thence North 89°26'38" West along the North boundary of Lot 3 a distance of 33.00 feet to the TRUE POINT OF BEGINNING, witnessed by a found ½ inch diameter rebar bearing South 00°37'34" West a distance of 25.12 feet;

thence South 00°37'34" West, parallel with the East boundary of Government Lot 3, a distance of 744.01 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89°12'39" West a distance of 574.74 feet to a point witnessed by a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 89°12'39" East a distance of 7.00 feet;

thence North 00°12'10" West a distance of 741.73 feet to a point on the North boundary Government Lot 3 witnessed by a found ½ inch diameter rebar bearing South 00°12'10" East a distance of 25.15 feet;

thence South 89°26'38" East along said North boundary a distance of 585.47 feet to the TRUE POINT OF BEGINNING, said parcel being 9.892 acres more or less, and being subject to any and all easements and rights of way of record or implied.





February 28, 2024

Legal Description for David and Karen Butler Job No. JA1424

Parcel 2

This parcel is a portion of Government Lot 3 of Section 1 in Township 2 North, Range 1 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of Government Lot 3, (N 1/4 Corner, Section 1), a found brass cap monument;

thence North 89°26'38" West along the North boundary of Lot 3 a distance of 33.00 feet to a point witnessed by a found ½ inch diameter rebar bearing South 00°37'34" West a distance of 25.12 feet;

thence South 00°37'34" West, parallel with the East boundary of Government Lot 3, a distance of 744.01 feet to the TRUE POINT OF BEGINNING, a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence continuing South 00°37'34" West, parallel with the East boundary of Government Lot 3, a distance of 633.16 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89°25'16" West a distance of 792.88 feet to a found ½ inch diameter rebar;

thence North 00°24'14" East a distance of 165.01 feet to a found ½ inch diameter rebar;

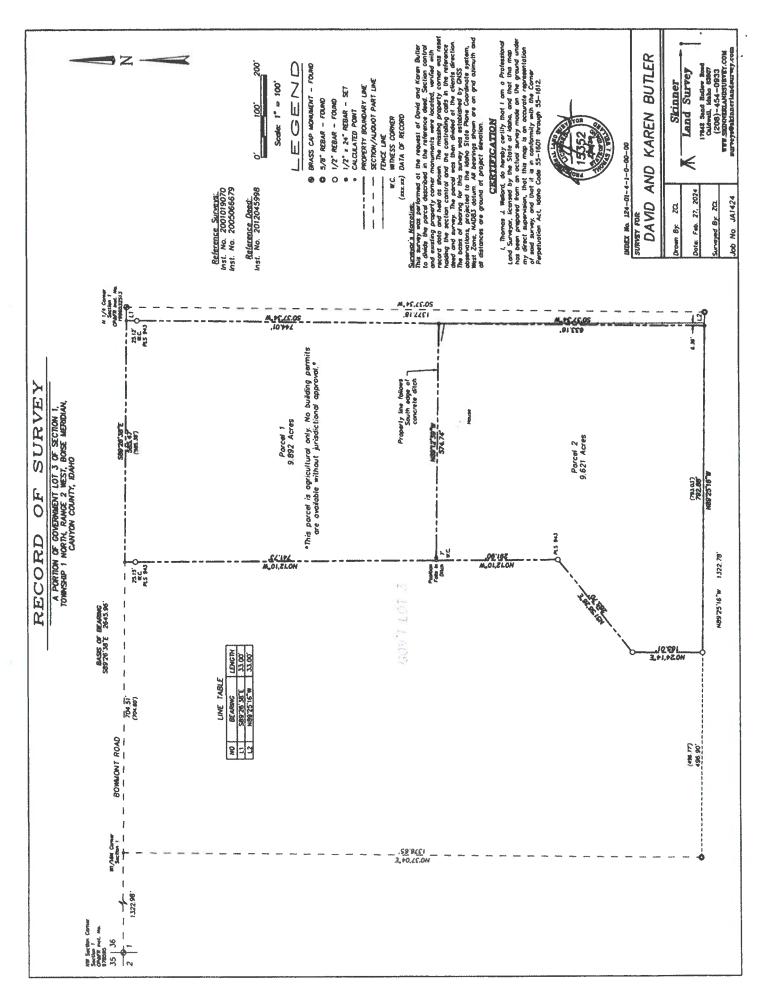
thence North 51°56'26" East a distance of 285.70 feet to a found 1/2 inch diameter rebar;

thence North 00°12'10" West a distance of 291.90 feet to a point witnessed by a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 89°12'39" East a distance of 7.00 feet;

thence South 89°12'39" East a distance of 574.74 feet to the TRUE POINT OF BEGINNING, said parcel being 9.621 acres more or less, and being subject to any and all easements and rights of way of record or implied.



Page 1 of 1



PRIVATE ROAD NAME 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



Private roads serving more than 2 permanent dwellings or inhabited buildings shall be named and signed. CCZO 07-10-03 (3.A.5)

THE FOLLOWING ITEMS M	UST BE SUBMITTED WITH THIS CHE	CKLIST:
am applying for:	☑ New Road Name	☐ Change an Existing Road Name
☐ Master Application co	mpleted and signed	
•	-	h, width, location, configuration, and the two nearest cross for the private road MUST BE HIGHLIGHTED!
☐ Name Change Applicat	tion (if changing the name of an exis	sting road)
☐ A printed list of names	and addresses of all persons having	g legal right to use the road
☐ A list proposing a mini		y Development Services, usually an email (see #2 below) eferential order, i.e. first choice as number one, etc : Maintenance Agreement (RUMA)
☐ Your engineers certifice installed is required before \$300 non-refundable	cation that road meets the minimum re the certificate of occupancy is issued.	ent less than 60 feet wide down to 28 feet) In County Private Road requirements and proof the sign is ued, record of survey or platting is approved er application such as Administrative Land Division, Short
Figt Jubulyi31011, Laseillei	it heduction of other application	

NOTES:

- The purpose of this application is to ensure the public health, safety, general welfare, peace, good order, comfort and
 convenience of the county and provide a coordination of street names and numbering grid system, coordination of addresses
 for quick efficient delivery of emergency services and administration of enforcement by defining powers and duties of the
 director.
 - Prior to submitting this application please propose a minimum of five (5) distinct road names in preferential order to Tony Almeida at talmeida@canyonco.org so the proposed names can be checked to verify they are not already used within the County.
- 3. You may request a current and reserved road names list so you can verify on your own if your proposed road name is used or reserved. Current and reserved road name list are in excel format (.xlsx). You may also download the list from our website, named "Current Road Names Table Public.pdf" located under the GIS tab; https://www.canyonco.org/elected-officials/commissioners/development-services. Proposed road names will only be reserved for sixty (60) days from when the application was accepted by Canyon County Development Services. If the sixty (60) days have expired you will need to reply.
- 4. Words that are difficult to spell or pronounce are generally prohibited. The Director may reject a street name if the street name is found to be vulgar, rude or offensive. Private road names cannot be first, last names, or initials. Proposed roads names cannot use words, sound alike or similar spelling from an existing road name. If the parties who have the legal right to utilize the road cannot agree on a name, the Development Services Director will take suggestions from all parties and make the final decision and approval. (§ 06-05-13(13))
- 5. Please note that the County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggested Edits" on Google Maps to update your new private road and new addresses.

MASTER APPLICATION

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



	OWNER NAME: DAVID BUHDE, KUTCH BUTLER					
PROPERTY	MAILING ADDRESS: Lesso 4 Bourroof Road, Namon and 83686					
OWNER	PHONE: EMAIL:					
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:	Dh Buth Date: 3-20-24					
(AGENT)	CONTACT NAME:					
ARCHITECT	COMPANY NAME:					
ENGINEER BUILDER	MAILING ADDRESS:					
	PHONE: EMAIL:					
	STREET ADDRESS: USO4 BOWMONT ROAD NAMEDO SIL 83684					
	PARCEL #: R28 380 LOT SIZE/AREA:					
SITE INFO	LOT: BLOCK: SUBDIVISION:					
	QUARTER: SECTION: TOWNSHIP: RANGE:					
	ZONING DISTRICT: FLOODZONE (YES/NO):					
HEARING	CONDITIONAL USECOMP PLAN AMENDMENTCONDITIONAL REZONE					
LEVEL	ZONING AMENDMENT (REZONE)DEV. AGREEMENT MODIFICATIONVARIANCE > 33%					
APPS	MINOR REPLATVACATIONAPPEAL					
	SHORT PLAT SUBDIVISIONPRELIMINARY PLAT SUBDIVISIONFINAL PLAT SUBDIVISION					
DIRECTORS	ADMINISTRATIVE LAND DIVISIONEASEMENT REDUCTIONSIGN PERMIT					
DECISION	PROPERTY BOUNDARY ADJUSTMENT HOME BUSINESS VARIANCE 33% >					
APPS	PRIVATE ROAD NAMETEMPORARY USEDAY CARE					
	OTHER					
CASE NUMB	ER: DATE RECEIVED:					
RECEIVED BY	?: APPLICATION FEE: CK MO CC CASH					

Revised 3/1/22

PRIVATE ROAD NAME APPLICATION

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



Addressing Ordinance CC20 06-05-09(28) & 06-05-11(1, 3): All street names shall be approved by the Director within the unincorporated area of the County designated for addressing by the County. The right to use a street or private road name, its accompanying street designation and right to install a sign for a street. Proposed street and private road names for new subdivisions, proposed new private roads.

Applicant(s): David Butler, Karen Butler Phone:
(0504 BOWMON+ ROHA Nampa 111 83083 Applicant Mailing Street Address City/State Zip
Location of Private Road: Bowmond Road Southside / Harry Villey (R28380010) Two Nearest Cross Streets
Parcel Number of owner requesting private road name: R28 380
The following must be provided as part of this application:
 A dimensioned sketch showing the location, configuration and length of the private road. A typewritten or printed list of names and addresses of all persons having a legal right to use the road. (They must sign below.) A list containing a minimum of three proposed road names in preferential order, i.e. first choice as number one, etc. If proposed are private roads, the street type must be Lane. a. First Choice: C. C.S. Lane.
b. Second Choice: Tellus Lane
c. Third Choice: ARtemis lane
If project requires multiple road names provide road names use this section. Mark on sketch which road names belongs to each road segment. If more than three road names are needed, please write them on a separate piece of paper. If proposed are private roads, the street type must be Lane.
d. First road name :
e. Second road name:
f. Third road name:
NOTE: Words that are difficult to spell or pronounce are generally prohibited. The Director may reject a street name if the street name is found to be vulgar, rude or offensive. Private road names cannot be first, last names, or initials. Proposed road names cannot use words, sound alike or similar spelling from an existing road name. If the parties who have the legal right to utilize the road cannot agree on a name, Development Services Department will take suggestions from all parties and make the final decision and approval. (§ 06-05-13(13)). Please note that The County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggestion Edits" on Google Maps to update your new private road and new addresses.

Revised 6/9/22

	nic Control Devices. We J	urther understand the	it our address v	vill change as	a resuit of naming
this private i	road.	Λ			
Signed:	Tavel Bull rimary Applicant/Property Owner	er	Da	te: 3 - 20	s - 24
Signed:	theme Noble				3/15/24
		Printed Name:		Date	2:
A	pplicant/Property Owner				
Signed:		Printed Name:		Date	:
	pplicant/Property Owner				
		(Please attach	additional sheets i	if more signatures	are required)
Accepted By:			Date:		
d	Director / Sta			Application	Accepted
		eceived by:	Date:	Fees:	Receipt #:

Revised 6/9/22

SITE PLAN & LETTER OF INTENT - 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



 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 access 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 	
windmill, etc.) Infrastructure: well, septic, irrigation ditch, settling ponds, drainage swales, etc. Transportation: parking, loading areas, driveways, etc. adjacent driveways, roads, highways or other access 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	=
 □ Transportation: parking, loading areas, driveways, etc. adjacent driveways, roads, highways or other access □ 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 	
 □ 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 	
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 □ Areas of steep slopes, wetlands, and/or floodplain □ Existing or proposed fences □ Signs 	
□ Existing or proposed fences□ Signs	
□ 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	g
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	



Karen <kesbutler@gmail.com>

Butler Administrative land split - Private Road Name Check

GIS and Addressing Division <GISAddressing@canyoncounty.id.gov> To: Karen

Thu, Mar 21, 2024 at 3:19 PM

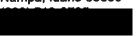
Please see below,

- 1. Chukar lane No, already in use
- 2. Ceres lane Yes, ok to use
- 3 3. Artemis lane Yes, ok to use 4 4. Seneca lane Yes, ok to use 2 5. Tellus lane Yes, ok to use

[Quoted text hidden]

David and Karen Butler

6504 Bowmont Roa Nampa, Idaho 83686



1st March 2024

Canyon County Development Services Department

111 North 11th Ave. Suite #140 Caldwell, Idaho 83605 (208)454-7458

To Whom it may concern,

The proposed Easement Reduction Request is in regards to the private road located off Bowmont between Happy Valley and Southside road as is described in the Road Maintenance agreement. The strip of land is approximately 33 feet wide, and 1352.12 feet long. The strip of land is in Lot 3 Sec. 1 T. 1 N. R. 2 W. B. M. to the Easterly line of boundary of Lot 3.

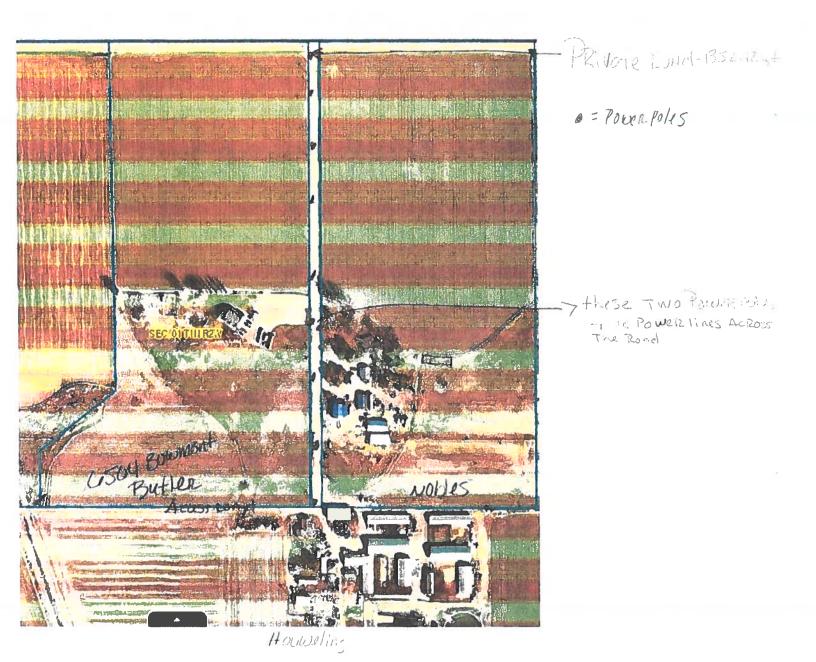
The request of the Easement Reduction is due to the private road containing power poles along the boundary with our property (Lot 3). It would be difficult to widen the private road without moving the power poles and lines that extend from Bowmont down the entire length of the private road. On the opposite side of the private road a power pole and power line exist as well. The privately owned lot on the opposite of the private road contains solid metal fencing and structures along and near the private road.

All current residences on the private road have adequate access to the private road and our requested Administrative Land Division request and Easement Reduction will have no impact on access. There will also be no change to current traffic levels.

Respectfully,

David and Karen Butler

BOWNINH ROAM -7 thise two Pour colle NEVERONAL TO A ACTASED 13044



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.

Page 1 of 2



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.
- This agreement shall be binding on their heirs, assessors and assigns of the parties hereof. Dated this lork day of Wovember 2001. Rodney LaFee Member of LaFee Builders LLC and acting on its State of Idaho County of Ada. On this day the persons above personally appeared before me Rodney La Fee 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 conder my hand and official seal this 6 day of 100 ,2001 my commission expires on 7-22-2005 Dated this 3rd day of Normber 2001. David Butler State of Idaho County of ABA-On this day the persons above personally appeared before me KNURSHED M. TENREA 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 325 day of Novsente, 2001 KHURSHED M. TENGRA **NOTARY PUBLIC** my commission expires on 03.26.07 STATE OF IDAHO

Page 2 of 2

NO. 702 P. 2

NOV. 5. 2001:11:26AMAT NO 200145018

ALH849

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 gramor at a lawful meeting duly held and attended by a quorum.

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

American Cancer Society, Rocky
Mountain Division, Inc.

by life CEO

STATE OF Coloredo, County of Survey

On this of day of Clark

2001, before me, a Notary Public in and for the State, personally appeared Ann. B. Numbers known to me to be the Comparation 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 acceptance.

All Ann. did duly acknowledge to me that said corporation executed the same.

Notary Public/residing at: All complete Uniffest of the Commission expires: 6-12-2005

QUITCLAIM DEED

FOR VALUE RECEIVED LaFee Builders LLC, 315 E. Avalon, Kuna, Idaho which acquired title as LaFee Builders LLC.

Does hereby convey, release, remise, and forever quit claim unto Case Houweling, an individual, the following described roadway:

This road is a strip of land 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.

Herein being 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 rod wide along the easterly line of boundary of said Lot No. 3 and containing approximately 1 acre.

Parcel Number, 01N02W012505

Parcel Number. 01N02W012505

01-1N-2W NW

E-33' of LT 3 LS TX 99760

Bowmont Rd NA

END OF LEGAL DESCRIPTION

The officer who signs this deed certify that this deed and the transfer represented thereby was duly authorized.

In Witness whereof, LaFee Builders LLC has granted the deed January 3, 2003 by its duly authorized officer.

> LaFee Builders LLC 315 E. Avalon Kuna, Idaho 83638

Date:

Dated this 6th day of January

State of Idaho

County of Class

On this day the person above personally appeared before me College This known to me as the person described in and who executed this deed 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 🔏 🥸 day of Clanuary, 2003.

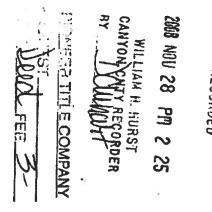
Notary Public

My commission expires on 7-22-04

ထ



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



200809254

QUITCLAIM DEED

For Value Received

Case Houwaling and Arlane F. Houweling, busband and wife

do(es) hereby convey, release, remise and forever quit claim unto

Cornelius Houweling and Ariens F. Houweling, busband and wife

whose address is 6505 Bown ont Road

Nampa, Idaho \$3686

the following described premises, to-wit:

TRACT 4:

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

together with their appurtanences.

Deted: Nevember 25, 2008

State of Idaho

County of

\$8.

On this 25th day of November, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared Case Houseling and Arlene F. Houseling 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 succuted the same,

WITHESE MY HAND AND OFFICIAL SEAL

Rending at:

Commission Expires



EASEMENT & ROAD REDUCTION 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



CCZO § 07-10-03 (1) Frontage, Easement, or Road Lot Required: For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each parcel must demonstrate access by one of the following prior to issuance of a Certificate of Zoning Compliance (A) Frontage, (B) Easement or (C) Road Lot.

CHEC	K TH	E APPROPRIATE APPLICATION TYPE:
	Ø	Easement Reduction Request – The easement width requirement may be reduced to a width not less than twenty eight feet (28') as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(B).
		Frontage Reduction Request – The frontage width requirement may be reduced to a width not less than fifty feet (50'), as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(A).
		Road Lot Reduction Request –The road width requirement may be reduced to a width not less than fifty feet (50') as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(C).
THE F	OLL	OWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST
	M	aster Application completed and signed
	Sit	e Plan 8 ½" x 11" showing the proposed reduction and any circumstances that may justify the need
	ad	etailed letter fully describing the request, and justifications for the request such as how it will provide equate access, do physical characteristics of the site require the reduction, does the request cause ury, damage, or a safety hazard?
	De	eed or evidence of property interest to all subject properties
	\$1	00 non-refundable fee (\$80 when combined with other applications)
PROC	ESS	DIRECTORS DECISION

Revised 6/21/22

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





	OWNER NAME: David Ruffer, Kacen Buffer MAILING ADDRESS: (0504 Bowerunt Road Number, and 83(08)					
PROPERTY	MAILING ADDRESS:	and Road Nimon ad	83/28/2			
OWNER	PHONE:	EMAIL:	A 10/A			
I consent to this	application and allow DSD staff / Commissioners to please include business documents, including tho	No. 10 America in the contract of the contract	The second of th			
Signature:	0 1 11	Date:				
(AGENT)	CONTACT NAME:					
ARCHITECT	COMPANY NAME:	¥				
ENGINEER BUILDER	MAILING ADDRESS:					
	PHONE:	EMAIL:				
	STREET ADDRESS:					
	PARCEL #:	LOT SIZE/AREA:				
SITE INFO	LOT: BLOCK:	SUBDIVISION:				
	QUARTER: SECT	ION: TOWNSHIP:	RANGE:			
	ZONING DISTRICT:	FLOODZONE (YES/NO):				
HEARING	CONDITIONAL USE	COMP PLAN AMENDMENT	CONDITIONAL REZONE			
LEVEL	ZONING AMENDMENT (REZONE)	DEV. AGREEMENT MODIFICATION _	VARIANCE > 33%			
APPS	MINOR REPLAT	VACATION	APPEAL			
	SHORT PLAT SUBDIVISION PF	RELIMINARY PLAT SUBDIVISION	FINAL PLAT SUBDIVISION			
DIRECTORS	ADMINISTRATIVE LAND DIVISION	EASEMENT REDUCTION	SIGN PERMIT			
DECISION	PROPERTY BOUNDARY ADJUSTMENT	HOME BUSINESS	VARIANCE 33% >			
APPS	PRIVATE ROAD NAME OTHER	TEMPORARY USE	DAY CARE			
CASE NUMBI	ER:	DATE RECEIVED:				
RECEIVED BY	:	APPLICATION FEE:	CK MO CC CASH			

Revised 1/3/21

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

□ wir	All existing and proposed structures and dimensions (i.e. 40'X30' shop, 20'x20' shed, 40'x50' house, 10' admill, 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.
e L	Any other site features worth noting etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable items in your letter:
	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all
e L	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable items in your letter: A description of the proposed use and existing uses
e L	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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
e L	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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
e L	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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
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	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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
	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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
	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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)
	etter of Intent is a detailed WRITTEN description of proposed and existing uses at the site. Include all cable 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

Revised 1/7/2021

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





- DUE DILIGENCE BY APPLICANT (PARCEL INQUIRY OR PRE-APP MEETING)
- SUBMIT APPLICATION & FEES TO DEVELOPMENT SERVICES
- APPLICATION REVIEW BY STAFF
- NOTIFICATION PERIOD TO AGENCIES & NEIGHBORS (15 DAYS) (if required)
- DECISION PREPARATION BY STAFF
- DIRECTOR APPROVAL
- RECORDATION OF DOCUMENTS (if applicable)
- APPEAL PERIOD

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: 82101

Date:

3/22/2024

Date Created: 3/22/2024

Receipt Type: Normal Receipt

Status: Active

Customer's Name: David & Karen Butler

Comments: AD2024-0027

Site Address: 6504 BOWMONT RD, Nampa ID / Parcel Number: 28380000 0

CHARGES

Item Being Paid For:	Application Number:	Amount Paid:	Prevs Pymnts:	Unpaid Amnt:
Planning - Director's Decision without Notification to Property Owners - Lot Splits Only	AD2024-0027	\$330.00	\$0.00	\$0.00
Planning - Multiple Director Decisions without Notification on Single Application	AD2024-0027	\$80.00	\$0.00	\$0.00
Planning - Multiple Director Decisions without Notification on Single Application	AD2024-0027	\$80.00	\$0.00	\$0.00

Sub Total:

\$490.00

Sales Tax:

\$0.00

Total Charges:

\$490.00

PAYMENTS

Type of Payment:

Check/Ref Number:

Amount:

Check

190

\$490.00

Total Payments:

\$490.00

ADJUSTMENTS

Receipt Balance:

\$0.00

Issued By: pdilbeck

Page 1 of 1

EXHIBIT I

15 - 10 -I hereby certify that this instrument was filed for record at request of Ray. Trunnell at 15 minutes past 12 0 clock P. H., this 3 day of July, A.D. 1936 141 G. SMITH Ex-Officio Recorder. COMPARED Fees, \$1.80 By B. L. Newell, Deputy. ____ INSTRUMENT RO. 219230 THIS INDENTURE, Rade the End day of January in the year of our Lord one thousand nine hundred and Thirty-six between B. E. STOUTHNYER and LAURINA S. STOUTHNYER, his wife, of Portland, Oregon, parties of the first part herein, and E. C. ZHUEWAM, of Powmont, Canyon County, Idaho, the party of the second part, WITNESSETH, That the said parties of the first wart, for and in consideration of the sum of Ten (10) - - - - Dollars of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns, forever, all first parties' right in that certain piece or parcel of land situate, lying and being in in the County of Canyon and State of Idaho, particularly described as follows, to wit: All first parties' right, title and interest in the readway secured by condemnation from the State of Idaho across Lot three (3), Section One (1), Township One (1), North, Range Two (2) West, Boise Meridian. together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise apportaining, and the reversion and reversions, remainder and entre Mary and a remainders, rents, issues and profits thereof; and also all the estate, right, title, THE STATE OF THE S interest property, possession, claim and demand whatsoever, as well in law as in equity, er a round for To all the of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the anpurtenances. **第一个第一个** TO MANE A"D TO HOLD, All and singular the said premises, together with the appurtenances, unto the suid party of the second part and to his heirs and assigns forever. IN WITHESS THEREOF, The said parties of the first part have hereunto set their 为2000年的1000年代。 hands and seals the day and year first above written. SIGHED, SEALED AND DELIVERED IN THE PRESENCE OF R. E. Stoutemyer (SELL) Louring S. Stoutemyer 1.1 State of Oregon 88 County of Multnomah On this 9th day of May in the year 1936, before me a hotary Public in and for paid State, personally appeared B. E. Stoutemyer and Laurina S. Stoutemyer known to me to be the nersons whose names are subscribed to the within instrument, and acknowledged to me that they executed the came. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, but a trackly writtening to the day and year in this certificate first above written. Belle Irwin NOTARY PURLIC FOR CREGON, (ARATI) 7.47 Motory Public Residing at MY Commission Expines, Jan et 1940 1337 THE PARTY OF State of Idaho, County of CANYON I hereby certify that this instrument was filed for record at request of ? GANYON ABSTRACTIAND TITLE COlastes minutes past 1 o'clock P. M., this 5 day of July, A.D. J. O. SMITH, 1936. Ex-Officio Recorder. reed, \$1.00 COMPARED By B. L. Mewell, Deputy A STATE

下 (6%) 下层性的 (6%) ·

British

EXHIBIT J

INSTRUMENT NO. 9921862

QUITCLAIM DEED

FOR VALUE RECEIVED

JOSEPH C. ZIMMERMAN and MARY ZIMMERMAN, husband and wife, do hereby convey, release, remise and forever quit claim unto

PAMELA B. CUNNINGHAM, TRUSTEE FOR THE VILAS BRANDT TRUST, whose address is 6503 Bowmont Road, Nampa, Idaho 83686.

All lands lying North of the following described 2 courses:

A tract of land situated in the North 1/2 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;

thence S 00°04'21"W a distance of 1382.90 feet to a 5/8 inch iron pin marked "RAJ 943", marking the fence line extended to the N-S 1/16 line,

THE POINT OF BEGINNING;

thence along said fence line N 89°44'28"W a distance of 1322.71 feet to a 5/8 inch iron pin w/cap marked "RAJ 943"; thence N 89°58'54"W a distance of 1322.79 feet to a 5/8 inch iron pin marked "RAJ 943"marking the fence line at the N-S 1/16 line THE POINT OF ENDING.

Excepting therefrom the existing 33.00 foot strip of land bound on the East by the line common to Government Lots 2 and 3 and described in Instrument No. 85189 and in Book 126 at Page 568 of Deeds, office of the Canyon County Recorder.

together with their appurtenances. Dated: 16/2/96

Joseph C. ZIMMERMAN MARY ZIMMERMAN

STATE OF IDAHO) ss

On this 2 day of Challer 1996, before me, a notary public in and for said State, personally appeared JOSEPH C. ZIMMERMAN and MARY ZIMMERMAN, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at Namp 4, Idaho
My Commission expires 12-19-1999

NOTARY R. MOVE

RECORDED

RECORDED

RECORDED

99 JUN 4 AM 11 37

G NOEL HALES
CANYON CNJ (RECORDER
BY DONEEL NAME)

PLONEEL NAME

PLONE

EXHIBIT K

QUITCLAIM DEED

FOR VALUE RECEIVED

Vilas Brandt Trust by Pan-Curingham

do barety convey, relace, revise and forever quit claim

unito American Cancer Society

whose address is 2470 5 Nisha Are

whose address is 2470 5 Nisha Are

whose address is 2470 5 Nisha

A Strip of land in Lot 3 Section I Tup. IN.

A Strip of land in Lot 3 Section I Tup. IN.

A Strip of land in Lot 3 Section I Tup. IN.

A Strip of land a rods wide along the easterly line or

strip of land 2 rods wide along the easterly line or

strip of land 2 rods and containing 1.05 acres,

boundary of said Lot 3, and containing 1.05 acres,

boundary of said Lot 3, and containing 1.05 acres,

on this III, age of April 1.3001

Brate Of IDANO, COUNTY OF Corresponding to the property of the property

EXHIBIT L

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 2 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 25 day of October, 2001

> Rocky American Cancer Society, Mountain Division, Inc.

STATE OF CO County of Sum

_ day of 2001, before me, a Notary Public in and for the State, personally appeared dairy B. Munam known to me to be the CED Cancer Society, Rocky Mountain Division, Inc., 8 corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority of resolution of its board of directors and said Larry G. Turkam did duly acknowledge to me that said corporation executed the same.

My commission expires:

200145018

200147478

RECORDED

2001 OCT 30 PM 4 22

G NOEL HALES CANYON CHTY RECORDER

RY

REQUEST PHONEER NAMPA

TYPE LOST FEEL OF CO.

RECORDED

2001 NOV 15 AM 10 57

TYPE FEE FEE

Dan Lister

shawn@maybonlaw.com

From: Shawn Maybon <shawn@maybonlaw.com> Sent: Friday, September 27, 2024 4:24 PM To: Zach Wesley Cc: Dan Lister **Subject:** Re: [External] Re: Address Change - 6505 Bowmont Rd. - 5748 Artemis Ln. **Attachments:** Ex. C.pdf Mr. Wesely: Is the attached document a recorded permanent, perpetual easement? I ask because somebody in the planning department thinks it is. On judicial review, the district court will not find the attached document a permanent, perpetual easement and will not defer to the planning department for a legal interpretation of the county code. I.C. 67-5279(5). The attached document does not describe any property with any specificity, only the small parcel encompassed by a roadway; was executed by a party that did not hold proper title; that binds no property/property owners; that is too indefinite to be an agreement; and that does not describe the parties responsible for construction or necessary improvements to accommodate additional access in the future has no chance of surviving judicial review. Can you please confirm what everybody knows and can plainly see? The attached document meets no legal threshold to be considered a permanent, perpetual easement. Thank you. Sincerely, Shawn C. Maybon, Esq. The Law Offices of Maybon, PLLC P.O. Box 1084 904 Dearborn St., Ste. 204 Caldwell, Idaho 83606 Telephone (208) 454-2974 Facsimile (208) 965-8478

CONFIDENTIALITY NOTICE: This email is intended only for the personal and confidential use of the individual(s) named as recipients and is covered by the Electronic Communications Privacy Act, 18 U.S.C. § § 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in the reliance on the information it contains.
The Law Offices of Maybon, PLLC
(208)454-2974

On Wed, Sep 25, 2024 at 6:11 AM Shawn Maybon < shawn@maybonlaw.com > wrote: Dan:
Do you have time for a meeting or call Thursday?
I think we are reading the code the same. For an Ag Lot only split, the Butlers were never required to have a private roadway or driveway. Further, they were never required to assign a private road name. An ag lot only split is not changing the use of any interested/affected parcels, just the size, never triggering the non-conforming use portion of the code. Either the Butlers were told that a driveway and a private road name change were required (which would have been incorrect) or they voluntarily chose to proceed with a driveway and private road name change application (which seems odd).
Changing addresses and messing with easements unnecessarily is not the lightest touch of government that Idahoans expect. Address changes and county approval of easement reductions without landowner approval might seem minor, but they are a big source of disagreement
My main questions would be: (1) Can the Butlers have their ag lot only split without a private road name change and driveway? (2) Can you clarify whether a person at Canyon County told the Butlers that a private road name change and driveway (easement reduction) were required for their application or if the Butlers opted for those things voluntarily? (3) Can the Butlers now agree to withdraw the private road name change and easement reduction request?
I would hate for the parties to be arguing about items that the Butlers never needed or cared about.
Sincerely,

Shawn C. Maybon, Esq.

The Law Offices of Maybon, PLLC
P.O. Box 1084
904 Dearborn St., Ste. 204
Caldwell, Idaho 83606
Telephone (208) 454-2974
Facsimile (208) 965-8478
shawn@maybonlaw.com

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The Law Offices of Maybon, PLLC
(208)454-2974

On Tue, Sep 24, 2024 at 4:53 PM Shawn Maybon < shawn@maybonlaw.com > wrote: The last sentence that you underlined makes it seem like the private road application was not required.
Sincerely,
Shawn C. Maybon, Esq.
The Law Offices of Maybon, PLLC
P.O. Box 1084

Caldwell, Idaho 83606
Telephone (208) 454-2974
Facsimile (208) 965-8478
shawn@maybonlaw.com

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The Law Offices of Maybon, PLLC
(208)454-2974

On Tue, Sep 24, 2024 at 4:46 PM Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u> > wrote:
Shawn,
Per IC 67-6510, mediation must be requested in writing. Once the request is submitted, it will be reviewed and processed by our County Attorney and Board of County Commissioners.
The road name change is required for all private roads (shared access serving more than two dwellings or inhabited structures). The creation of the agricultural parcel does not trigger the private road requirement whether or not it takes direct access from the shared access or not because the parcel has no entitlements. As stated in my correspondence to you on September 13 th :
Regarding the necessity for the private road name change, did the agricultural parcel trigger the private road name/address change? No. The land division creating the agricultural parcel does not expand or extend the use of the legal non-conforming shared access because it does not grant development rights that would create a dwelling or

904 Dearborn St., Ste. 204

inhabited structure. However, the shared access currently serves more than two dwellings/inhabited structures which should meet private road requirements. CCZO Section 07-11-01 states the purpose of a nonconforming use is to not allow expansion or extension of the use and not encourage the non-conforming use to continue. To my understanding, the Butlers added the private road name application to make the existing shared access compliant with the current code.
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 **
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From: Shawn Maybon < <u>shawn@maybonlaw.com</u> > Sent: Tuesday, September 24, 2024 3:57 PM To: Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u> > Subject: Re: [External] Re: Address Change - 6505 <u>Bowmont Rd 5748 Artemis Ln</u> .
Dan:

2) Is the road name change a requirement of the ag lot split application itself or because the private road name change application was filed? The ag split, creating a parcel without any inhabited buildings, has approximately 585 ft. of public road frontage on Bowmont. I do not see where the code requires the ag lot to have private road access. CC 07-10-03 is only concerned with " providing access for equipment, emergency vehicles, and other services to inhabited buildings' One of the following could provide access CC 07-10-03(A);(B);or (C). Driveways must lead to inhabited buildings. See definitions. A private road must lead to permanent dwellings, commercial, or industrial uses. See definitions. The ag only split is not allowing industrial, commercial, or residential use on the subject property. Put another way, are farm fields all around Canyon County required to meet private roadway requirements?
Interpreting the code to require ag splits to trigger non-conformance of neighboring lots will likely prevent use of the ag split sections of the code.
Sincerely,
Shawn C. Maybon, Esq.
The Law Offices of Maybon, PLLC
P.O. Box 1084
904 Dearborn St., Ste. 204
Caldwell, Idaho 83606
Telephone (208) 454-2974
Facsimile (208) 965-8478
shawn@maybonlaw.com

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1) Do you have a form or process for requesting a mediation in accordance with I.C. 67-6510?

contain information that is privileged, confidential and/or protected from disclosure under applicable law including,

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On Fri, Sep 13, 2024 at 1:32 PM Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u> > wrote:
Shawn,
There is nothing in the County Code that requires all affected owner's signatures to apply for a private road
application (CCCO Section 06-05-13). A public hearing process is only required if an existing private road name is to be changed. There are no noticing requirements unless it requires a public hearing. We encourage the applicant to
work together and get all property owners to sign the application, but it is not required. The private road name application is required as part of establishing a private road (CCZO Section 07-10-03) and to reduce the impacts on
emergency services when finding a property which is why it is reviewed by affected emergency services before approval.
The use of a road or the legality of an easement beyond the minimum standard of county code is a civil matter. For example: if an easement is established that was created consistent with county code, property owner issues
regarding the legal use of the easement is a civil matter. The County can only uphold the minimum requirements for establishing an easement.
Regarding analysis of the appeal, staff will request the Board uphold the Director's decision with modification to the condition of approval. The staff report will be available seven days before the hearing on the county website under
"Land hearing".
Sincerely,
Dan Lister, Principal Planner
A CONTRACTOR OF THE CONTRACTOR

but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of

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Daniel.Lister@canyoncounty.id.gov

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From: Shawn Maybon < shawn@maybonlaw.com > Sent: Friday, September 13, 2024 12:39 PM To: Dan Lister < Daniel.Lister@canyoncounty.id.gov > Cc: Sage Huggins < Sage.Huggins@canyoncounty.id.gov > Subject: Re: [External] Re: Address Change - 6505 Bowmont Rd 5748 Artemis Ln.
Dan:
I was hoping the parties had an opportunity to resolve this matter favorable to both of them. Sometimes the county code or its interpretation prevents resolution.
Can one person on a road trigger a private road name change without an accompanying request for county action (permit, lot split, etc.)? Just walk-in and request a name change on a private road separately from any other action? Then that would trigger an involuntary name change for everybody else on the road? I always thought the name change only happened when associated with a request to the county for some sort of action. The road name change might be the one area where another person's change in use (benefiting party) mandates a completely unrelated party is required to cease a non-conforming use. For example: if neighboring properties are heavy industrial in a newly updated residential zone, and one becomes a residential use, the other is not affected.

Do you have any questions or clarifications regarding the appeal? If you need any additional case law regarding what must be required to have an enforceable easement and road maintenance agreement, then I can provide that pretty quickly and more formally.

Essentially, all the easement agreement terms must be certain and definite; including all parties and properties (benefiting/dominant estate and burdened/serviant estate) being legally described. Here the underlying road maintenance agreement has no legal description for any parcel other than the roadway parcel. Which parcels are obligated by the agreement? The answer is none. If I cross through the roadway, where am I able to go? The provided agreement does tell us the destination, it lacks a legal description for benefiting parcels. Does this agreement run with the land? It does not. The current owners of the Houwelings' property and the Noble property are not bound by the provided LaFee and Butler agreement, they are not referenced and neither are their properties.

I appreciate your work on this.

Sincerely,

Shawn C. Maybon, Esq.

The Law Offices of Maybon, PLLC

P.O. Box 1084

904 Dearborn St., Ste. 204

Caldwell, Idaho 83606

Telephone (208) 454-2974

Facsimile (208) 965-8478

shawn@maybonlaw.com

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,
The Law Offices of Maybon, PLLC
(208)454-2974

On Fri, Sep 13, 2024 at 10:49 AM Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u> > wrote:
Shawn,
Regarding the addressing issue, please continue working with Sage. I know the Butlers have contacted Sage with the same addressing issues.
Regarding the necessity for the private road name change, did the agricultural parcel trigger the private road name/address change? No. The land division creating the agricultural parcel does not expand or extend the use of the legal non-conforming shared access because it does not grant development rights that would create a dwelling
or inhabited structure. However, the shared access currently serves more than two dwellings/inhabited structures which should meet private road requirements. CCZO Section 07-11-01 states the purpose of a non-conforming use
is to not allow expansion or extension of the use and not encourage the non-conforming use to continue. To my understanding, the Butlers added the private road name application to make the existing shared access compliant
with the current code.
Sincerely,
Dan Lister, Principal Planner
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From: Shawn Maybon <shawn@maybonlaw.com> Sent: Friday, September 13, 2024 10:22 AM To: Dan Lister <pre>Daniel.Lister@canyoncounty.id.gov></pre>; Pam Dilbeck <pre>Pam.Dilbeck@canyoncounty.id.gov></pre> Cc: Sage Huggins <pre>Sage.Huggins@canyoncounty.id.gov></pre> Subject: Re: [External] Re: Address Change - 6505 <pre>Bowmont Rd 5748 Artemis Ln.</pre></shawn@maybonlaw.com>
Dan:
I am emailing to inform you that despite confirmation otherwise, the private road name change for the Houwelings/Butlers has been processed and caused harm to the Houwelings. I have cc' Ms. Huggins to this email, and forwarded our communications regarding stopping the name change pending appeal. Please fix this issue immediately.
In addition, regarding the name change. <u>Does an agricultural only split require a roadway name change?</u> It appears the canyon county code would allow an agricultural only split without any re-addressing. Part of the contention is the forced readdressing. I understand if a split causes additional residential or inhabited dwellings; here we are not increasing the amount of dwellings or inhabited buildings. From my review of the code's specific wording and the intent of creating agricultural only parcels, the intent clearly was to have as little impact as possible on historical ag property/neighborging properties throughout the traditional agricultural areas. Put another way, if a road name change was not required prior to the Butlers' application for an agricultural lot split, why is it required now?

Resolving this issue may have a great impact on this matter and a lot of oher future ag only splits.

Sincerely,
Shawn C. Maybon, Esq. The Law Offices of Maybon, PLLC P.O. Box 1084 904 Dearborn St., Ste. 204
<u>Caldwell, Idaho 83606</u> Telephone (208) 454-2974
Facsimile (208) 965-8478
shawn@maybonlaw.com

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(208)454-2974

On Mon, Jul 8, 2024 at 3:54 PM Shawn Maybon < shawn@maybonlaw.com > wrote:
Thank you for the update.

Sincerely,
Shawn C. Maybon, Esq.
The Law Offices of Maybon, PLLC
P.O. Box 1084
904 Dearborn St., Ste. 204
Caldwell, Idaho 83606
Telephone (208) 454-2974
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(208)454-2974

On Mon, Jul 8, 2024 at 3:49 PM Sage Huggins < Sage.Huggins@canyoncounty.id.gov > wrote:
Good Afternoon,

Thank you for reaching out. I have reached out to my list of agencies and informed them to rescind the private lane and address changes while the appeal application is pending. Once there is a decision for the appeal application I will update the necessary agencies as needed.
Best,
Sage Huggins
GIS Analyst
Canyon County Development Services
Sage.Huggins@canyoncounty.id.gov
208-455-6036
From: Shawn Maybon < shawn@maybonlaw.com > Sent: Monday, July 8, 2024 12:20 PM To: Sage Huggins < Sage. Huggins@canyoncounty.id.gov > Subject: [External] Re: Address Change - 6505 Bowmont Rd 5748 Artemis Ln.
Ms. Huggins:
I represent Cornelius and Arlene Houweling, the owners of the property located at 6505 Bowmont Rd.
The decision regarding the private road application is on appeal. I wanted to make sure you knew that the decision is under appeal. The Houwelings had no input on the name change.
We would ask that you stay the name change while the appeal is pending. If the decision is upheld, we would also request that you allow the Houweling have input on the name of the road.

Thank you.
Sincerely,
Shawn C. Maybon, Esq.
The Law Offices of Maybon, PLLC
P.O. Box 1084
904 Dearborn St., Ste. 204
Caldwell, Idaho 83606
Telephone (208) 454-2974
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The Law Offices of Maybon, PLLC
(208)454-2974

Attorney for Appellant -

CANYON COUNTY COMMISSIONERS

CORNELIUS HOUWELING and ARLENE HOUWELING, husband and)
wife;) REPLY MEMORANDUM IN SUPPORT OF APPEAL
)
Appellant;) CANYON COUNTY DIRECTOR'S) DECISION - AD2024-0027
DAVID BUTLER and KAREN)) PARCEL R28380)
BUTLER, husband and wife;) APPEAL – CCZO §§ 6-05-23(1), 7-05-05, AND 7-05-07
Applicant)
)
)

This Reply Memorandum in Support of Appeal – Director's Decision – Canyon County

Director's Decision – AD2024 – Parcel R280380 ("Reply Memorandum") is filed on behalf of

Cornelius Houweling and Arlene Houweling, husband and wife ("Houwelings") in support of the

Houwelings' appeal of the Canyon County Director's Decision – AD2024-0027 ("Decision").

Introduction

The Houwelings have no issue with the ag lot only parcel split, they do have issue with Canyon County's overreach on the private road name/address change and easement width

REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 - 0027 - PARCEL R28380

reduction. The argument below is only because the Butlers applied for an unnecessary private road for a future unknown use, to commence at an unknown time, and Canyon County ignored its code in granting the Butlers' private road application.

A private road application and name/address change destroys history, heritage, selfdetermination, and individual liberty. In this instance, Canyon County has ignored its own code to maximize its power over the Houwelings' and Butlers' individual liberties, including freedom to contract.

Idaho citizens expect the lightest touch of government in their lives. Forcing hardworking Idahoans to change their address and accept agreements that were never made is not a light touch of government. Stretching the Canyon County Code to allow a single person to change the addresses of others – with no immediate need – disrespects and disregards the Idaho way. Even worse, Canyon County has more than stretched its own code, it has ignored its own code.

The Houwelings, a proud Idaho dairy family, expect nothing more than for Canyon County to follow its own code; limit its power to its code; to not force unnecessary expense onto the Houwelings based on the whims and desires of another; and to maximize the Houwelings' individual liberty over their property and home – the Idaho way.

An ag lot use only split does <u>not</u> require a private road application or a road name/address change. An ag lot only split has a minimal impact on a local area. The current private road application has a tremendous impact on the affected parties, and its approval sets a precedent that Canyon County will intervene in the private contractual affairs of constituents – not the Idaho way.

The Idaho way would be to allow the ag lot split and deny the private road name/address change and easement reduction. The Idaho way and the Canyon County Code match in their requirements and purposes.

REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 - 0027 - PARCEL R28380

Relevant Code and Statutes

Frontage, Easement, Or Road Lot Required: For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each parcel must demonstrate access by one of the following prior to the issuance of a certificate of zoning compliance . .

CCCO § 7-10-03(1).

Frontage: A minimum property frontage of sixty feet (60') is required along the right-of-way of a public road for the purpose of ingress/egress. The frontage width requirement may be reduced to a width not less than fifty feet (50') in accordance with subsection (1)D of this section

CCCO § 7-10-03(1)(A).

When the application is filed, the Director shall review the application to determine if: 1) the proposed driveway serving two (2) properties or private road is in accord with the standards in this section and chapter 6, article 5 of this Code and 2) will not disrupt regional or local long range transportation plans. Conditions may be placed on the approval to ensure continued compliance with the requirements of this section.

CCCO § 7-10-03(1)(B).

Driveways serving two (2) properties and all private roads shall be located within a <u>recorded permanent</u>, perpetual easement, having a minimum width of sixty feet (60') from the right-of-way of a public street to the property for the purpose of ingress/egress. The easement width requirement may be reduced to a width not less than twenty eight feet (28') in accordance with subsection (1)D of this section.

CCCO § 7-10-03(2).

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.

CCCO § 7-10-03(3).

When interpreting the provisions of any state law, this chapter, or any rule, as defined in section 67-5201, Idaho Code, the court shall not defer to an agency's interpretation of the law or rule and shall interpret its meaning and effect de novo. In an action brought by or against an agency, after applying all customary tools of REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 - 0027 - PARCEL R28380

interpretation, the court shall exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

I.C. § 67-5279(5).

Unless otherwise provided by statute, in any proceeding involving as adverse parties a state agency or a political subdivision and a person, the state agency, political subdivision or the court hearing the proceeding, including on appeal, shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law.

I.C. § 12-117(1).

Argument

Within this Reply Memorandum, the Houwelings are supplementing their Appeal not waiving any arguments put forth in their Appeal.

1. Insufficient notice of hearing on appeal.

The notice of appeal provided to the public was insufficient to describe the nature of the appeal. ("Notice of Appeal"). The Notice of Appeal is attached hereto as Exhibit A. The Notice of Appeal states the appeal is of "... a land division creating an agricultural parcel on Parcel R28390..." However, the Appeal includes the unnecessary and improper granting of a private road name/address change and private road application. The summary is inaccurate, where the public may not care about an ag use only split, the public likely cares about a forced and unnecessary road name/address change. Further, the Notice of Appeal includes a highlighted parcel that is not the parcel described within the summary. Finally, the address is not correct; the address has not processed or was rescinded. See Attached Exhibit B.

The proper remedy would be to reset the hearing with an adequate notice, including an accurate summary, map, and correct address.

2. Substantial impacts of address change:

The Houwelings and all Canyon County residents instantaneously suffer from a forced address change. As noted within the Appeal, the Howelings are dairy farmers, meaning they are required to correctly register their address with many agencies and business partners, including the Idaho Department of Agriculture, Dairy West, the United States Department of Agriculture, the processor that they have shipping rights with, feed suppliers, and insurance companies – these are location-based relationships. In addition, passports, property insurance, auto insurance, driver's licenses, vehicle registrations, renter's insurance, concealed license permits, and a host of other necessary registrations must be updated. A forced address change can even impact the right to vote. See I.C. § 34-411(3)(a) and (4)(a)(i).

In summary, an address change can create all sorts of negative impact, including impacting two sacred American rights – the right to vote and the right to bear arms.

In this matter, the Houwelings timely filed the Appeal and informed the mapping department of the Appeal. *See Exhibit B*. The address change never should have started prior to the Appeal deadline passing and should have been rescinded. However, it appears that Canyon County Assessor and the Development Services partially processed the address change during the appeal. Is this the Idaho way? No. Does Canyon County Code allow an address change during appeal? No. As a result of Canyon County taking action on the address change, but stating that they would not, the Houwelings cannot even possibly comply with their addressing requirements as noted above, nobody knows what their address actually is.

A forced address change impacts substantial, fundamental American rights more than any other action that Canyon County takes under the Canyon County zoning ordinances.

3. An agricultural use only administrative lot split does not require a private road access, application, or address change.

REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 – 0027 – PARCEL R28380

¹ I.C. § 18-3302(8)(a)and(13(a).

A private roadway or driveway is only required for the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, CCCO 7-10-03(1). Here, the parcel created by the ag lot split does not create a parcel with an inhabited building and does not require a private road or driveway. The ag parcel created by the subject ag lot split has approximately 585 ft. of public road frontage on Bowmont Road; which would suffice even if additional access was required. CCCO 7-10-03(1)(A). Further, the Nampa Highway District No. 1 offered a variance to potentially allow direct access to Bowmont Road to and through the ag parcel. See attached Exhibit C. Finally, disregarding and denying the private road application would not extend, expand, or create a non-conforming use, all uses will remain the same.

Simply put, either the (1) Butlers are unaware that they do not need a private road approval for their ag lot split or (2) the Butlers wish to force a name change on their neighbors despite no readily apparent reason. Backing the Butlers untethered road application truly puts Idahoans at the whim of others – nothing other than a desire for a road name is needed for a road name change/address change to be forced upon an unwitting neighbor. Canyon County should never change an address unless such action is necessary.

4. The Butlers' Property does not benefit from a recorded, permanent, perpetual easement required under Canyon Code 7-10-03(2) and the alleged easement does not meet the required standards of 7-10-03(3).

The Alleged Easement fails to meet Canyon County Code as it is not a recorded, permanent, perpetual easement. A determination of whether the Alleged Easement is a recorded, perpetual, permanent easement is a determination of law, not fact. Now is the time for Canyon County to make the correct legal determination. Upon judicial review, the court will make the correct determination but with the added litigation costs. *See I.C. § 12-117(1)*.

To be concise, an agreement regarding real property, including an easement, must be clear and definite on all material terms, including an adequate description of the properties burdened and benefited by the agreement. *Machado v. Ryan*, 153 Idaho 212, 218 (2012).

Generally, a description of real property will be sufficient if it describes the property in such a way that is possible for someone to identify "exactly" what the seller is conveying to the buyer. *Garner v. Bartschi*, 139 Idaho 430, 435 (2003). A street address will not suffice. *Ray v. Frasure*, 146 Idaho 625, 630 (2009)("The physical address gives no indication of the quantity, identity, or boundaries of the real property"). Considering evidence outside of the written document,² is only allowed if an ambiguity exists within the written document. If an ambiguity exists, then the terms of the easement are not certain and the easement fails. See *Garner* at 435 (where the need for parol evidence demonstrates and establishes a fatal ambiguity).

Further, the parties to an agreement must have the authority to bind a property or party to an agreement. Here LaFee Builders, LLC, had no authority to bind any property or party.

The Alleged Easement lacks certainty, was executed by a party that had no ownership interest, and does not describe any benefiting properties. What properties benefit from the Alleged Easement?³ If Canyon County is required to look outside of the Alleged Easement's four corners, then no recorded, permanent, perpetual easement exists and the Butlers cannot pass the threshold of CCO 7-10-03(2).

In the unlikely event that Canyon County finds the Alleged Easement meets the legal standard of permanent, perpetual easement; then Canyon County must make sure the Alleged Easement meets the requirements of CCCO 7-10-03(3); including a road users maintenance

² Also known as parol evidence.

³ Is there any description of any property that allows for identifying any burdened/benefited properties in quantity or boundaries without looking to other documentation? Other than the 1-Acre Parcel, no.

REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 - 0027 - PARCEL R28380

agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The plain language of the Alleged Easement cannot meet the threshold standards of CCCO 7-10-03(3).

5. Canyon County has no authority to reduce width requirements or provide a private road name where the requesting party's access is not within a recorded permanent, perpetual easement at the time of requesting; the requesting party has no right under Canyon County Code to effect neighbors without a recorded, permanent, perpetual easement.

Without meeting the proper threshold, the Butlers have no authority to file a private road application or request a private road name/address change. See CCCO 7-10-03(2),(3). Similarly, without an easement and road maintenance user's agreement, Canyon County does not have the authority to accept /process a private road application or private road name/address change application. See CCCO 7-10-03(2),(3). If Canyon County stretches their code in this instance, where does the stretching stop? At what point does stretching code become ignoring the code? Stretching the code is not the Idaho way. Ignoring the code is not the Idaho way.

6. Reply to Butlers' argument in response to Appeal.

Since the filing of the Appeal David and Karen Butler have made additional arguments in favor of the Decision. The Butlers' arguments do not address code thresholds or legal thresholds, but put forth facts that have no bearing on the matter.

a. Road User's Maintenance Agreement: Within their argument, the Butlers argue that past practices of neighbors satisfies the requirements of Canyon County Code. Canyon County Code requires road maintenance obligations to be in a written, and recorded in a permanent, and perpetual easement, which includes who is responsible for construction, maintenance, repairs, and necessary improvements to accommodate additional accesses in the future. CCCO 7-10-03(2),(3). Canyon County must look at the four corners of the Alleged Easement, not alleged past practices, to determine if a road user's maintenance agreement and a recorded permanent, perpetual easement exist. Past practice is irrelevant, and the four corners of REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 – 0027 – PARCEL R28380

the Alleged Easement do not meet Canyon County Code. Does Canyon County desire to look at past practice to determine the rights of every party alleging an easement exists?

- b. <u>Historical Deed Transfer</u>: Within their argument, the Butlers argue that they followed proper permitting and title transfers when purchasing and building upon their property. Taking into account that such statements are merely self-serving allegations, even if such statements were facts, Canyon County Code requires a recorded permanent, perpetual easement and a non-title holder entity cannot grant an easement in property that the entity never owned. Canyon County can plainly see that LaFee Builders, LLC, never owned the 1-Acre Parcel,⁴ a fact that Canyon County cannot ignore. Canyon County cannot come to a legal conclusion that an easement agreement executed by LaFee Builders, LLC, has any legal merit. On judicial review, a court will side with the Houwelings.
- c. Easement Reduction: Within their argument, the Butlers argue that power poles are the only reason that they cannot give up 27 ft. of their property to meet the minimal width requirement of 60 ft. Further, the Butlers argue that the Houwelings should pay for the relocation of power poles, even though the Houwelings are not seeking any entitlements from Canyon County. If safety is a concern, 60 ft. is the standard, the Butlers can meet that standard by parting ways with their own property, then that is what they should do. The Butlers are not paying for the Houwelings' time to go around updating their passports, driver's license, dairy contracts, etc. Why would the Houwleings pay to assist the Butlers in compliance with a safety ordinance. Nonetheless, the cost of moving power poles is not a consideration under the code.
- d. <u>Easement Safety Concerns</u>. Within their argument, the Butlers argue that increasing traffic on an already heavily trafficked roadway is safe. If the private road application is approved, all residential properties using the Alleged Easement will be free to add secondary

⁴ See Appeal pp. 6-8.

dwellings by right. How many homes, rentals, farms, and dairy operations are safe to use a 33 ft. wide ingress and egress? Would five be safe, why? Would ten be safe, why? Why is 60 ft. the minimal width before adjustment? Is 60 ft. a safety standard? Is safety important?

It is clear that the Nampa Highway District No. 1 recommended denial because it did not have the necessary information to approve the private road. *See Exhibit C.* Canyon County took it upon itself to disregard the Nampa Highway District No. 1 recommendation. Why ask for input from agencies and ignore the input?

e. <u>Private Road Name Change</u>: Within their argument, the Butlers argue that the Houwelings had notice of a private road name/address change application and that the Butlers followed the process laid out by Canyon County. The Butlers intent is not the concern, the concern is that Canyon County Code was not followed. Maybe Canyon County did not follow its own code, maybe by the Butlers did not follow the Canyon County Code. Frankly, it does not matter who is at fault, the code was not followed.

Impact of Judicial Review

In Idaho, a decision by county commissioners can be put in front of the district court for judicial review. I.C. § 67-5279(5). Here, because the law is so clear, if the Decision is not overturned, the Houwelings will seek judicial review. On judicial review, a Court is not interested in the county's legal conclusions, the court will make its own legal determinations. Whether we have a recorded, permenant, perpetual easement is a legal determination. Whether the Alleged Easement provides the necessary terms is a legal determination. Whether Lafee Builders, LLC, had any ownership interest or authority to enter into the Alleged Easement is a legal determination. The outcome upon judicial review is so clear that upholding the Decision is merely delaying the inevitable and will cost Canyon County more under I.C. § 12-117(1).

STATEMENT OF FACTS/DEFINITIONS

REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 – 0027 – PARCEL R28380

- 1. <u>Director's Decision</u> The Director's Decision ("Decision:") is attached to the Appeal as <u>Exhibit B</u>. On May 20, 2024, the Decision was approved, pending compliance with conditions therein, allows for the creation of a new parcel for agriculture use only. *Decision page 1 and 2*.
- 2. <u>Alleged Easement</u>: The subject Road Users Maintenance Agreement ("Alleged Easement") is identified as the Road Users Maintenance Agreement between LaFee Builders, LLC, and David and Karen Butler,⁵ and attached to the Appeal as <u>Exhibit C</u>. The Alleged Easement was not executed by a party having any ownership interest in the 1-Acre Parcel.

3. Subject Parcels:

- a. **1-Acre Parcel** The "1-Acre Parcel" shall mean the parcel owned by the Houwelings; used as the access road by the Noble Parcel, the 80-Acre Parcel, and the Butler Parcel; and identified as Canyon County Parcel No. R28380010. The last conveying deed for the 1-Acre Parcel is attached hereto as Exhibit D.
- b. **Noble Parcel** the "Noble Parcel" shall mean the parcel owned by Randy and Catherine Noble, husband and wife, and identified as Canyon County Parcel No. R28380.
- c. **Butler Parcel** the "Butler Parcel" shall mean the parcel owned by David and Karen Butler, husband and wife, and identified as Canyon County Parcel No. R28380.

4. Adjoining Landowners:

- a. Nobles: Randy and Catherine Noble, husband and wife ("Nobles"). 6503
 Bowmont Rd., Nampa, Idaho. Owners of the Noble Parcel.
- b. Houwelings Cornelius and Arlene Houwelings, husband and wife ("Houwelings"). 6505 Bowmnont Rd., Nampa. Idaho. Owners of the 1-Acre Parcel and the 80-Acre Parcel.
 - c. Butlers David and Karen Butler, husband and wife ('Butlers"). 6504 Bowmont

⁵ At the time of execution, Karen Butler went by the name of Karen Snider. REPLY MEMORANDUM IN SUPPORT OF APPEAL - DIRECTOR'S DECISION - CANYON COUNTY DIRECTOR'S DECISION - AD2024 - 0027 - PARCEL R28380

Rd., Nampa, Idaho. Owners of the Butler Parcel.

Conclusion

If necessary to overturn the granting of a private road name/change of address and private

road application, the Houwelings request the Commissioners overturn the Decision in full. If the

private road name/address change and private road application can be denied and the ag only lot

split upheld, then the Houwelings would not oppose such action.

The Canyon County Code, Idaho law, and the Idaho way require the Commissioners to

overturn the Decision and let the individuals sort out their own affairs.

DATED this 30th day of September, 2024

Respectfully Submitted,

The Law Offices of Maybon, PLLC

By: /s/ Shawn C. Maybon /s/ Shawn C. Maybon, Esq.,

Attorney for the Houwelings

EXHIBIT A



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, Suite 310 • Caldwell, Idaho • 83605 Phone (208) 454-7458

www.canyoncounty.id.gov/elected-officials/commissioners/development-services

Greetings Property Owner:

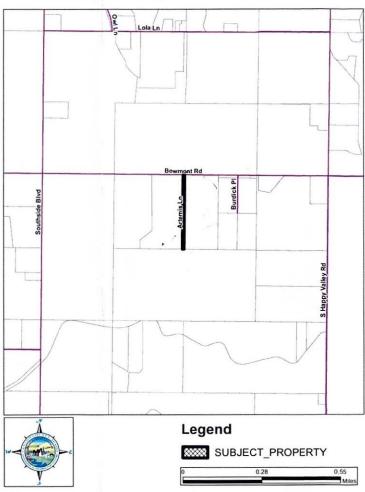
NOTICE IS HEREBY GIVEN that the Canyon County Board of County Commissioners is scheduled to hold a public hearing on **October 10, 2024** beginning at 1:30 p.m. on the following case. The hearing will be held in the Board of County Commissioners Meeting Room located at 1115 Albany Street, Caldwell, Idaho.

Case No. AD2024-0027-APL: The applicant, Shawn Maybon representing Cornelius and Arlene Houweling requests an appeal regarding the approval of AD2024-0027, a land division creating an agricultural parcel on Parcel R28390 (19.52 acres) per CCCO §07-18-07. The appellant requests the Board of County Commissioners overturn the approval. The property is 5861 Artemis Lane, Nampa, also referenced as a portion of the NW¼ of Section 1, T1N, R2W, Canyon County, Idaho.

Public comments are very important in evaluating this case. You are invited to provide written testimony by **September 30, 2024**, or oral testimony at the hearing. If the materials deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information. Materials submissions must be received on or before the deadline. All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.

Copies of all documents concerning public hearing items can be obtained from the county website https://www.canyoncounty.id.gov/land-hearings/ as they are available. Development Services' public office hours are 8:00 a.m. to 5:00

p.m., Monday through Friday, except on Wednesdays when public office hours are 1:00 p.m. to 5:00 p.m. If you have questions, please contact the Case Planner **Dan Lister** at daniel.lister@canyoncounty.id.gov. In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 208-454-7458 at least two weeks prior to the hearing so that arrangements can be made

alterations. Doing so may be a violation of Federal, State or Local Laws. Canyon County documents are not to be altered or redistributed with

Suggestions for Testifying at the Public Hearing

Be informed . . .

Review the proposal, the staff report, applicable provisions of the ordinance and comprehensive plan. Learn the criteria used to consider the proposal's merits, or other pertinent material.

Be on time . . .

Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

Speak to the point . . .

The governing body appreciates pertinent, well organized, and concise comments. Redundant testimony is discouraged and each individual is given 3 minutes to comment. Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one person speak on behalf of the group -- "opposition representative," like the applicant's representative, receives 10 minutes to make comments. Applicant has 5 minutes to rebut or discuss issues raised by any opposition.

If you don't wish to speak, write . . .

At most hearings, previously submitted written testimony has been reviewed by the governing body before the meeting. It is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision. All documents or written comments should be submitted to the Development Services Department by September, 30, 2024. If the materials deadline is on a weekend or holiday, it will move to close of business 5pm the next business day.

Case No.: AD2024-0027-AF
R28380010
HOUWELING CORNELIUS
5748 ARTEMIS LN
NAMPA ID 83686



EXHIBIT B

Canyon County, 111 North 11th Ave. #310, Caldwell, ID 83605

(208) 454 7458 • GISAddressing@canyoncounty.id.gov • www.canyoncounty.id.gov

May 22, 2024

Cornelius & Arlene Houweling 6505 Bowmont Rd Nampa, ID 83686

Re: R28379

Dear Cornelius & Arlene Houweling:

The private road "Artemis Ln", RD2024-0007 has been approved by the Development Services Department. This requires your property site address to change since your access is now off the said private lane. Please make the necessary changes to reflect this private road name change within four weeks.

Your new primary property site address: 5748 Artemis Ln

Previous property site address: 6505 Bowmont Rd

The following site address change will be effective 30 business calendar days from the date of this letter. If you need more time to adjust to this address change please contact before the end 30 business calendar days.

NOTE: Please note that The County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggestion Edits" on Google Maps to update your new address.

A private road and street sign is to be maintained and kept in good condition by the property owners, homeowner's associations or entities who utilize the private road. The said private street sign is to meet highway district standards and the MUTCD standards and the sign must be **blue**. In order to help with the cost of purchasing and installing a sign, I would suggest speaking with the other property owners that utilize the road to come to an agreement on how to share the cost.

When the county addresses or re-addresses we only notify certain entities of address changes such as the US Postal Service, Fire District, Highway District, Canyon County Assessor's office, Canyon County Sheriff's Office, Canyon County Elections. We recommend you make the necessary changes as soon as possible in order to reflect your new address; this would include changing the address numbers on your mailbox, on your building and any personal or business documentation.

The primary reason for assuring address are correct is to assist emergency service when trying to locate properties in the county in case of an emergency. Canyon County, ID Addressing Ordinance Chapter 6; Article 5: Addressing. Can be located in Canyon County's, Id web site;

https://www.canyonco.org/elected-officials/commissioners/development-services/https://codelibrary.amlegal.com/codes/canyoncountyid/latest/canyoncounty_id/0-0-0-2103

Appeal of the Director's decision shall be filed with DSD within fifteen (15) calendar days of this address letter change. Canyon County Ordinance; Addressing Ordinance Chapter 6; Article 5: Addressing; Variances and Appeals: section 06-05-23:1.

https://codelibrary.amlegal.com/codes/canyoncountyid/latest/canyoncounty_id/0-0-0-2217

If you have any additional questions or concerns, please contact me at 455-6036, or email me at Sage. Huggins@canyoncounty.id.gov.

Thank you,

Sage Huggins GIS Analyst

C for Hypin

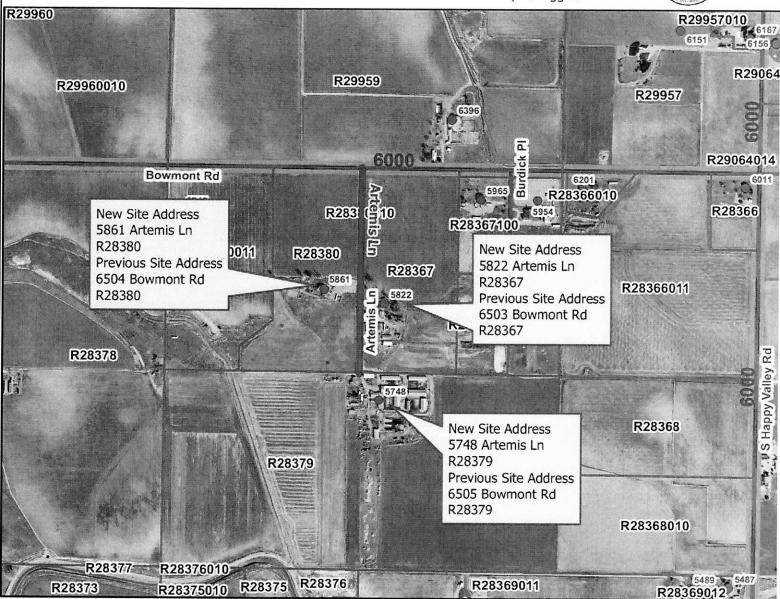
Issuance of a Certificate of Address CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605 www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

Artemis Ln Nampa, ID 83686 Addressing Ordinance § 06-05-05 (1) Authority: This article is authorized by Idaho Code sections 31-714 and 31-828 and article 12, section 2 of the Idaho constitution. (2) Purpose:The purpose of this article is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the county and the inhabitants thereof and to provide for: A. The coordination of street names and a numbering grid system; B. Coordination of addresses for the quick efficient delivery of emergency services; C. The administration and enforcement of this article by defining the powers and duties of the director.

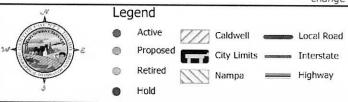
Effective Date: 5/22/2024 Address Issued By: SHuggins





The Canyon County Assessor, Canyon County Sheriff's Office, Canyon County Elections, applicable USPS post office, applicable Fire District, applicable Highway District and interested agencies are notified of the new address. It is the owner's responsibility to place new address numbers or replace old address numbers on the property, mail box and personal information to reflect the address or new address assigned. The display of the address numbers shall be in accordance with Canyon County Addressing Ordinance 06-05-19. The address or address change should reflect within six (6) weeks of date on Canyon County Issuance of Certificate Address. Canyon County assumes no responsibility for the determination of which post office (city) delivers mail to this address.

Addresses are subject to change upon discrepancies with addresses out of sequence and are also subject to change upon driveway location.



The maps are provided "as-is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the user accessing this information. Canyon County, ID makes no warranties.



Shawn Maybon <shawn@maybonlaw.com>

RE: [External] Re: Address Change - 6505 Bowmont Rd. - 5748 Artemis Ln. 1 message

Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
To: Shawn Maybon <shawn@maybonlaw.com>

Mon, Jul 8, 2024 at 3:49 PM

Good Afternoon.

Thank you for reaching out. I have reached out to my list of agencies and informed them to rescind the private lane and address changes while the appeal application is pending. Once there is a decision for the appeal application I will update the necessary agencies as needed.

Best,

Sage Huggins

GIS Analyst

Canyon County Development Services

Sage.Huggins@canyoncounty.id.gov

208-455-6036

From: Shawn Maybon <shawn@maybonlaw.com>

Sent: Monday, July 8, 2024 12:20 PM

To: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>

Subject: [External] Re: Address Change - 6505 Bowmont Rd. - 5748 Artemis Ln.

Ms. Huggins:

I represent Cornelius and Arlene Houweling, the owners of the property located at 6505 Bowmont Rd.

The decision regarding the private road application is on appeal. I wanted to make sure you knew that the decision is under appeal. The Houwelings had no input on the name change.

We would ask that you stay the name change while the appeal is pending. If the decision is upheld, we would also request that you allow the Houweling have input on the name of the road.

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Sincerely,

Shawn C. Maybon, Esq.
The Law Offices of Maybon, PLLC
P.O. Box 1084
904 Dearborn St., Ste. 204
Caldwell, Idaho 83606
Telephone (208) 454-2974

shawn@maybonlaw.com

Facsimile (208) 965-8478

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The Law Offices of Maybon, PLLC

(208)454-2974



Shawn Maybon <shawn@maybonlaw.com>

RE: [External] Re: Address Change - 6505 Bowmont Rd. - 5748 Artemis Ln.

1 message

Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
To: Shawn Maybon <shawn@maybonlaw.com>
Co: Dan Lister <Daniel.Lister@canyoncounty.id.gov>

Fri, Sep 13, 2024 at 1:39 PM

Good Afternoon.

Regarding the addresses, the initial address change was sent out back in May with the initial approval of the private road. When I was alerted of the appeal application I then noticed all of the same agencies that the addresses had been reverted back, I sent the first reversal notice on July 8th.

Addresses should revert back to:

Parcel R28367 shall have the address 6503 Bowmont Rd.

Parcel R28380 shall have the address 6504 Bowmont Rd.

Parcel 28379 shall have the address 6505 Bowmont Rd.

I additionally contacted various post office members on two different occasions last week regarding the addresses as I was informed property owners were having problems. My understanding is a property owner went in to discuss this reversal with the post office as well to get things reverted.

I believe the post office is now well aware of the reversal and that the Bowmont addresses are currently active and hope address issues do not continue. Please feel free to reach out next week if problems do continue and I will call my post office contacts again in an attempt to remedy any confusion occurring.

Thanks,

Sage Huggins

GIS Analyst

Canyon County Development Services

Sage.Huggins@canyoncounty.id.gov

208-455-6036

From: Shawn Maybon <shawn@maybonlaw.com> Sent: Friday, September 13, 2024 10:22 AM

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

Cc: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>

Subject: Re: [External] Re: Address Change - 6505 Bowmont Rd. - 5748 Artemis Ln.

Dan:

I am emailing to inform you that despite confirmation otherwise, the private road name change for the Houwelings/ Butlers has been processed and caused harm to the Houwelings. I have cc' Ms. Huggins to this email, and forwarded our communications regarding stopping the name change pending appeal. Please fix this issue immediately.

In addition, regarding the name change. <u>Does an agricultural only split require a roadway name change</u>? It appears the canyon county code would allow an agricultural only split without any re-addressing. Part of the contention is the forced readdressing. I understand if a split causes additional residential or inhabited dwellings; here we are not increasing the amount of dwellings or inhabited buildings. From my review of the code's specific wording and the intent of creating agricultural only parcels, the intent clearly was to have as little impact as possible on historical ag property/neighborging properties throughout the traditional agricultural areas. Put another way, if a road name change was not required prior to the Butlers' application for an agricultural lot split, why is it required now?

Resolving this issue may have a great impact on this matter and a lot of oher future ag only splits.

Sincerely,

Shawn C. Maybon, Esq.

The Law Offices of Maybon, PLLC

P.O. Box 1084

904 Dearborn St., Ste. 204

Caldwell, Idaho 83606

Telephone (208) 454-2974

Facsimile (208) 965-8478

shawn@maybonlaw.com

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transmission, disclose its contents or take any action in the reliance on the information it contains.

The Law Offices of Maybon, PLLC

(208)454-2974

On Mon, Jul 8, 2024 at 3:54 PM Shawn Maybon <shawn@maybonlaw.com> wrote:

Thank you for the update.

Sincerely,

Shawn C. Maybon, Esq.

The Law Offices of Maybon, PLLC

P.O. Box 1084

904 Dearborn St., Ste. 204

Caldwell, Idaho 83606

Telephone (208) 454-2974

Facsimile (208) 965-8478

shawn@maybonlaw.com

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The Law Offices of Maybon, PLLC

(208)454 - 2974

On Mon, Jul 8, 2024 at 3:49 PM Sage Huggins <Sage. Huggins@canyoncounty.id.gov> wrote:

Good Afternoon,

Thank you for reaching out. I have reached out to my list of agencies and informed them to rescind the private lane and address changes while the appeal application is pending. Once there is a decision for the appeal application I will update the necessary agencies as needed.

Best,

Sage Huggins

GIS Analyst

Canyon County Development Services

Sage.Huggins@canyoncounty.id.gov

208-455-6036

From: Shawn Maybon <shawn@maybonlaw.com>

Sent: Monday, July 8, 2024 12:20 PM

To: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>

Subject: [External] Re: Address Change - 6505 Bowmont Rd. - 5748 Artemis Ln.

Ms. Huggins:

I represent Cornelius and Arlene Houweling, the owners of the property located at 6505 Bowmont Rd.

The decision regarding the private road application is on appeal. I wanted to make sure you knew that the decision is under appeal. The Houwelings had no input on the name change.

We would ask that you stay the name change while the appeal is pending. If the decision is upheld, we would also request that you allow the Houweling have input on the name of the road.

Thank you.

Sincerely,

Shawn C. Maybon, Esq.

The Law Offices of Maybon, PLLC

P.O. Box 1084

904 Dearborn St., Ste. 204

Caldwell, Idaho 83606

Telephone (208) 454-2974

Facsimile (208) 965-8478

shawn@maybonlaw.com

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The Law Offices of Maybon, PLLC

(208)454 - 2974

EXHIBIT C

Exhibit C

NAMPA HIGHWAY DISTRICT NO. 1

April 11, 2024

To: Dan Lister, Principal Planner

Canyon County Development Services

From: Eddy Thiel

Right-of-way Tech

Re; AD2024-0027 David & Karen Butler

I have reviewed the Administrative Land Division Notice proposing a split to create I Residential lot and one Ag only lot of Parcel R28380 received April 11, 2024 with a Transmission Date of April 11, 2024.

Comments are based upon information provided to the Highway District by Canyon County Development Services. Nampa Highway District #1 has no objection to the preliminary plat subject to the following information:

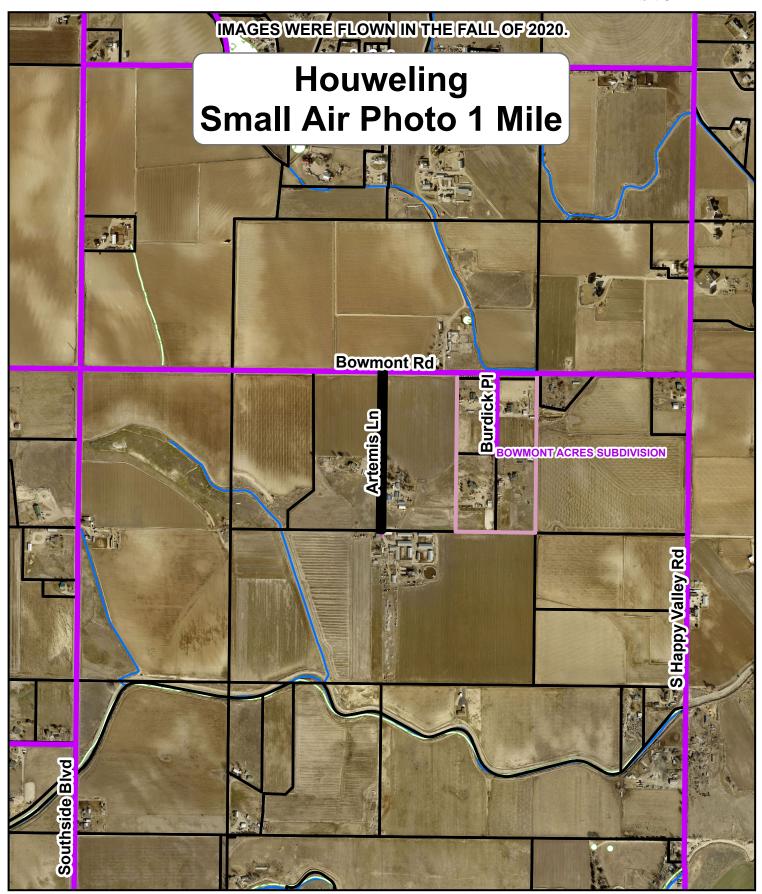
- 1. The Subject property fronts Bowmont Rd.
- NIID#1 Functional Classification of Bowmont Rd is Expressway Roadway.
- 3. Per ACCHD Standards, there is no new direct access to Expressway Roadways. An approved Variance Request from the Highway District Commissioners will be required for any new point of access to Bowmont Rd.
- 4. The patron shall submit a Land Split Application to the Highway District, the associated \$250.00 fee, and a drawing identifying any new and existing points of access. We recommend denial until we receive the subject application.

All comments above are based on the ACCHD Standards Manual and Nampa Highway District #1 Supplementals.

The Highway District reserves the right to provide amended comments/conditions of approval in the event of application revision or revisions to the ACCHD Standards Manual.

Exhibit 3

Aerial Map





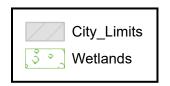


Exhibit 4

Comments

- a. Karen Butler July 11, 2024
- b. Karen Butler September 30, 2024

Dan Lister

From:

From:	Karen <kesbutler@gmail.com></kesbutler@gmail.com>
Sent: To:	Thursday, July 11, 2024 2:48 PM Dan Lister
Subject:	Re: [External] Survey Recorded per your request
Attachments:	Traffic_Safety Concernspdf; Hazards Examples.pdf; AD2024-0027APL-Response.pdf; RUMA Receipts_Butlers.pdf
Hello Dan,	
appeal as well as supporting of the appeal. It seemed repetition points. If needed we are more	ten response to AD2024-0027APL. I have provided a written response to statements of the documentation for our response. We did not respond to each accusation or statement in ive in nature thus we elected to respond to what appeared to be the most prominent than happy to answer any questions regarding the appeal or our response. I have tried to ant information while also summarizing as best as possible.
The following are the attachm	nents in applicable order:
1. AD2024-0027APL-Res	ponse
2. RUMA Receipts	
3. Traffic_Safety Concer	ns
4. Hazards Examples	
Please let me know if you have	re any questions.
Karen Butler	
On Tue, Jul 9, 2024 at 1:28 PN	// Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u> > wrote:
Karen,	
Your response can be e-mail	ed to me.
	staff report for the appeal. I'm also working with the Board of County Commissioners Once a hearing date is confirmed, DSD Admin. Staff will send out the required hearing
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 < <u>Daniel.Lister@canyoncounty.id.gov</u>> **Subject:** Re: [External] Survey Recorded per your request

Hello Dan,

We are planning to submit a written response to the Houwelings appeal to provide aduquate 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 < <u>Daniel.Lister@canyoncounty.id.gov</u> > 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
DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959
<u>Daniel.Lister@canyoncounty.id.gov</u>
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: 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 < <u>Daniel.Lister@canyoncounty.id.gov</u>> 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

Development Services Department (DSD)
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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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**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.

----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 Administratie 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

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Print

Invoice

Thank you for your business 12360 Moss Street Nampa, ID 83651 2084551101 Cope Sand & Grave P.O. No. Net 10th Total Rate 2/8/2(124 292084 \$672.92

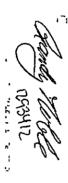
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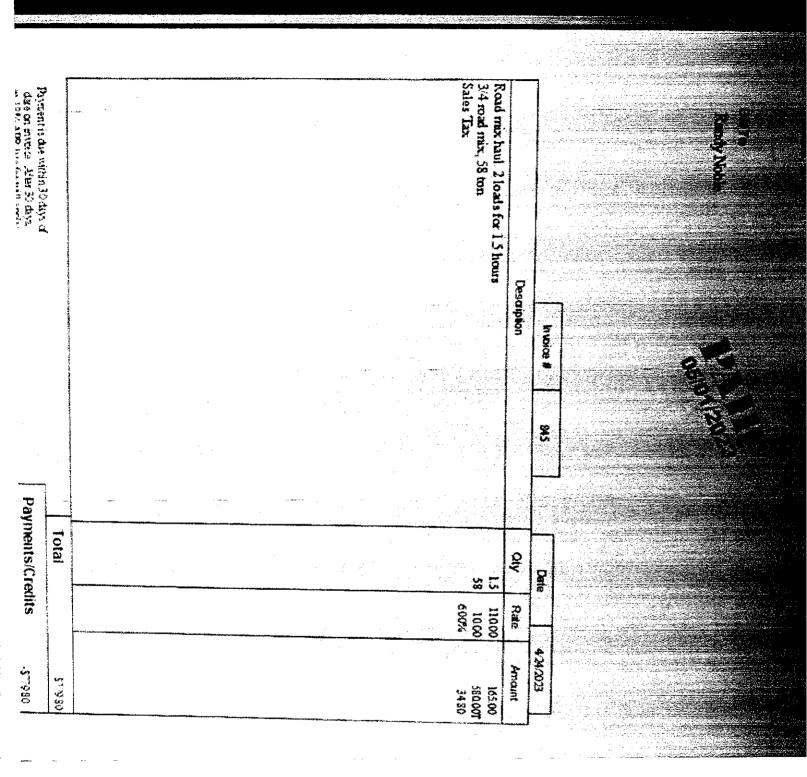


Exhibit 4a - 13

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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 agreemant states that I am responsible for 1/3 of the maintenance and repairs, but not for impovements.

******* 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

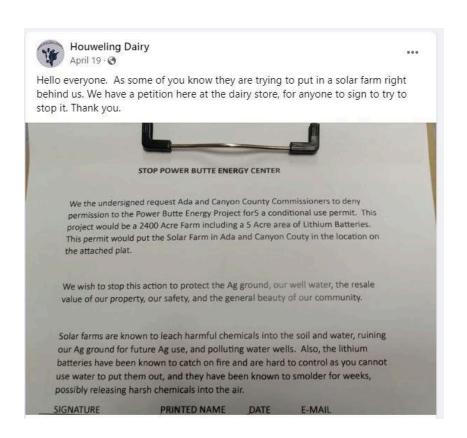
******* 2022 ********

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.









Dan Lister

From: Karen <kesbutler@gmail.com>

Sent: Monday, September 30, 2024 9:31 AM

To: Dan Lister

Cc: one@dlbutler.com

Subject: Re: [External] Re: Request for Mediation - 6504 Bowmont St. - Nampa, Idaho.

Hi Dan,

Thanks for getting back to us so quickly. We're fine with mediation as we only submitted the packets as required by the county. Our only goal is the Administrative Land Division of that agricultural parcel and potential future sale. We have no desire for a building permit for that parcel.

Since we aren't required to have to Private Road or Easement Reduction is it possible to do any thing to remove those from our request and just move forward with the approved Administrative Land Division?

Karen

On Mon, Sep 30, 2024, 9:11 AM Dan Lister < Daniel.Lister@canyoncounty.id.gov> wrote:

Karen,

Regarding your first question, upon my review, the land division to create an agricultural parcel did not require a private road name change or easement reduction. The shared access currently serves more than two dwellings/inhabited structures which requires the access to become a private road (Canyon County Code Section 07-10-03). However, Canyon County Code Section 07-11-07 allows the use to remain non-conforming until the use of the private road is "expanded or extended". Regarding the shared access, the use is not expanded or extended until a dwelling or inhabited structure is proposed. At that point, the access must meet private road and easement width standards. The land division application does not "expand or extend" the non-conforming use because the division does not include entitlements that would trigger the private road requirements.

The planner may have requested the private road requirements because Canyon County Code Section 07-11-01 discourages the continuation of a non-conforming use. Additionally, combining the private road name and easement reduction with the land division application reduces the fees and saves time and hassle later if you ever decide you want to add a secondary dwelling or inhabited structure to your property. A private road name application by itself is \$330 and the easement reduction is \$100. When combined with the land division, the private road application is \$80 as well as the easement reduction.

Here is the link to state law regarding the mediation request process: https://legislature.idaho.gov/statutesrules/idstat/title67/t67ch65/sect67-6510/

The hearing on October 10th at 1:30 pm is still moving forward as scheduled. During the hearing, the Board will decide if the hearing should be tabled to allow for the mediation. If not, the appeal will be heard. If mediation is required by the Board, then the hearing will be tabled to a date certain, and mediation between you and the appellants will be

scheduled. To my understanding, the mediation is just a discussion of the application. It does not affect legal property rights.
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
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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: Friday, September 27, 2024 8:54 AM To: Dan Lister < Daniel.Lister@canyoncounty.id.gov >; one@dlbutler.com Subject: Re: [External] Re: Request for Mediation - 6504 Bowmont St Nampa, Idaho.
Hello Dan,
I wanted to follow up on the mediation with a few questions.

First I have attached a copy of the email where Emily has directed me to complete the Private Road pack and why. If I could ask you to confirm that we indeed do not need the Private Road or Easement Reduction as indicated as directed and the reasons we were provided do not hold value in our situation that would be great. We would not want to move forward with any mediation to find out we would.

Also, as shown in our response to the Appeal, the Houwelings can be shown to infact make statements that are shown to be in fact false. Such as having no knowledge of a RUMA. So to that end, if we agree to the mediation and Administratie Land Division approval holds as it was originally approved, can the Houwelings come back and appeal that after we agree to mediate the Private Road and Easement Reduction? We have concerns that we cannot trust that they would not then start up again since their appeal was not just over an address change in their own statements. What guarantee do we have?

Finally, is there anything in this mediation that changes our current easement rights to the private road? As the Houwelings are currently creating issues with neighbors and the ditch riders using the irrigation access road to open/close the irrigation gates we want to confirm that there is no chance their attorney can change any current access to our easement(s).

Thank you for the assistance, Karen Butler

On Thu, Sep 26, 2024 at 4:31 PM Dan Lister < <u>Daniel.Lister@canyoncounty.id.gov</u>> wrote:

Shawn,

Your request for mediation regarding Case No AD2024-0027-APL was received and forwarded to Zach Wesley, County Prosecuting Attorney, for review and processing.

I'll update you once I hear back from Zach.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

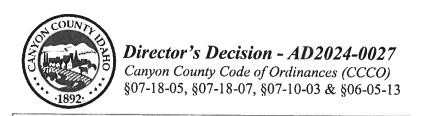
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PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.
From: Shawn Maybon < shawn@maybonlaw.com > Sent: Thursday, September 26, 2024 3:04 PM To: Dan Lister < Daniel.Lister@canyoncounty.id.gov > Cc: one@dlbutler.com; kesbutler@gmail.com Subject: [External] Re: Request for Mediation - 6504 Bowmont St Nampa, Idaho.
Mr. Lister:
I have attached a request for mediation regarding the Butler matter at 6504 Bowmont St. I have cc'd the Butlers to this email.
I have had no discussion with the Butlers, though they are free to call my office and I think it would be helpful in resolving this matter.
Thank you for your time.
Sincerely,

Shawn C. Maybon, Esq.
The Law Offices of Maybon, PLLC
P.O. Box 1084
904 Dearborn St., Ste. 204
Caldwell, Idaho 83606
Telephone (208) 454-2974
Facsimile (208) 965-8478
shawn@maybonlaw.com

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The Law Offices of Maybon, PLLC
(208) 454-2974

Exhibit 5

AD2024-0027 – Director's Decision with Exhibits



Case Number: AD2024-0027 (Amending LS2002-134)

Parcel No(s): R28380

Property Owner/Applicant(s): David & Karen Butler

Exhibit 5 2024-015355 RECORDED

05/21/2024 11:05 AM



RICK HOGABOAM CANYON COUNTY RECORDER Pgs=13 JWINSLOW MISC

KAREN BUTLER

Request: The applicants are requesting an amendment to an approved administrative land division of parcel R28380. The 19.52-acre parcel is zoned "A" (Agricultural). The result of the division creates two (2) parcels: a 9.621-acre parcel with an existing dwelling; and a 9.892-acre parcel that will be an agricultural parcel (no building permit). The parcels are served by an existing 33-foot easement located on Parcel R28380010 owned by the Houweiling Family. See Exhibit A.

The application includes an easement reduction to allow the access easement to stay at its current width and a private road name since the easement serves three parcels with dwellings (per CCCO \ 07-02-03 & 07-10-03).

Property History: The subject parcel was created in its current configuration by an approved land division in 2001 (LS2002-134). The existing dwelling on the subject parcel was built in 2003 (ZC2003-142 & 144).

Findings CCCO §07-18-05 - Application and Process:

- 1) A complete application for an administrative land division was accepted on March 22, 2024. The development shall either use irrigation water rights or a domestic well (0.5 acre unless more is allotted by the Idaho Department of Water Resources) per Idaho Law 42-111(a).
- 2) Based on slope maps (Exhibit B), the subject property does not contain 15% slopes. Therefore, hillside development is not required.
- 3) There are no public nuisances or code violations on the property.
- 4) Notification to the local highway district and fire district was sent on April 11, 2024. No comment was received from Melba Fire District. Nampa Highway District states Bowman Road is an expressway roadway. No new direct access to Bowman Road is allowed unless a variance is approved (Exhibit C). The amendment does not change the existing access which received an approach permit from Nampa Highway District #1 in 2003 (Exhibit D). As a condition of approval, no new direct access to Bowman Road is allowed unless a variance is approved and any expansions of use of the existing access easement will require an approach permit from Nampa Highway District #1.
- 5) The parcel shall be divided in compliance with Instrument No. 2024-014900. The subject parcel shall be divided as follows:

Parcel 1: 9.892 acres – Agricultural Only (No Building Permit)

Parcel 2: 9.621 acres with existing dwelling

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Findings CCCO §07-18-07 – Administrative Division in Agricultural Zones:

The parcel is not original (created on or before September 6, 1979). The parcel was created by land division in 2001 (LS2002-134, Exhibit A). Therefore, the parcel does not have any land divisions available. However, CCCO §07-18-07(2)B allows for the creation of an "agricultural only" parcel. An agricultural parcel is used exclusively for agricultural purposes on which there is no permanent dwelling (CCCO §07-17-03(3)A).

Findings CCCO §07-10-03(1)D - Easement Reduction:

- The applicant is requesting an easement reduction to approve the existing 33' wide access easement on Parcel R28380010. CCCO §07-10-03(1)B2 requires 60' width or a reduction to no less than 28' subject to CCCO §07-10-03(1)D.
- Due to the easement being located within a parcel that matches the size of the easement (Exhibit A), Parcel R28380010, meeting the 60' width would be very difficult and require multiple owners (Parcels R28380, R28380010, R28379, and R28367) to complete a property boundary adjustment.
- The 33' easement width provides adequate room to meet private road construction requirements (CCCO §07-10-03(2) and (3). The request was included in the notice sent to Melba Fire District and Nampa Highway District #1 on April 11, 2024. No comment was received from the Melba Fire District. Nampa Highway District #1 approved the access to the subject parcel in 2001 (Exhibit D). Therefore, DSD finds the request still provides adequate access and does not create injury or damage to adjacent and proposed parcels.
- As a condition of approval, the driveway or private road access must meet all applicable requirements required by CCCO §07-10-03 before building permit issuance.

Findings CCCO §06-05-13 - Private Road Name:

The proposed road name, "Artemis Lane", is in substantial conformance with §06-05-13. The name "Artemis Lane" is not duplicated by sound or spelling within Canyon County. As conditioned, the private road shall meet all minimum construction standards (CCCO §07-10-03(2) and (3) which includes private road signage installation in accordance with the Association of Canyon County Highway District (ACCHD) standards.

Decision:

The application to complete the described administrative land division per CCCO §07-18-05, §07-18-07, §07-10-03 & §06-05-13 is **APPROVED** subject to the following conditions of approval:

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
- 2. Prior to the issuance of a new building permit, Southwest District Health will need to complete an on-site evaluation and septic permit.
- 3. Prior to the issuance of a new building permit, an approach permit from Nampa Highway District #1 is required.
- 4. The access and any new building permits shall comply with the International Fire Code, as evidenced by a review and an approval letter from the Melba Fire District (CCCO §06-01-09(6) and §07-10-03(2)).
- 5. Historic irrigation lateral, drain, ditch flow patterns, and associated easements shall be maintained and protected unless approved in writing by the local irrigation district or ditch company.
- 6. The private road shall be built to meet the minimum construction standards (CCCO Section 07-10-03(3)). The private road must be constructed prior to the issuance of a certificate of occupancy.
- 7. A sign conforming to the applicable highway district standards shall be erected and maintained at the property owners' expense. Verification of installation of road signs shall be provided to DSD prior to Certificate of Occupancy.
- 8. All properties the road is serving will have a signed and recorded road user's maintenance agreement (RUMA) per CCCO 07-10-03(1)B3

AD2024-0027 - Butler Page 2 of 13

5-20-21/ Date

Carl Anderson, Planning Supervisor

State of Idaho)				
SS				
County of Canyon)				
On this 20 day of May		, in the year of 2	2024, before me Pamela	Dilbeck
a notary public, personally appeared	Carl	Anderson	, personally knov	vn to me to be the
person(s) whose name(s) is (are) subscr	ibed to the	within instrument, and	l acknowledged to me that he	e (she)(they) executed
the same.			. 41	

PAMELA DILBECK COMMISSION #20224944 **NOTARY PUBLIC** STATE OF IDAHO MY COMMISSION EXPIRES 10/14/2028 Notary: <u>Jamela</u> Dilbeck

My Commission Expires: 10 | 14 | 2028

My Commission Expires: ____

Exhibit A

David and Karen Butler

6504 Bowmont Road Nampa, Idaho 83686 (208) 713-0765 kesbutler@gmail.com

1st March 2024

Canyon County Development Services Department
111 North 11th Ave.
Suite #140
Caldwell, Idaho 83605
(208)454-7458

To Whom it may concern,

The proposed Administrative Land Division request is to divide Lot 3 into two parcels (see attached survey Skinner Land Survey), parcel 1 and parcel 2.

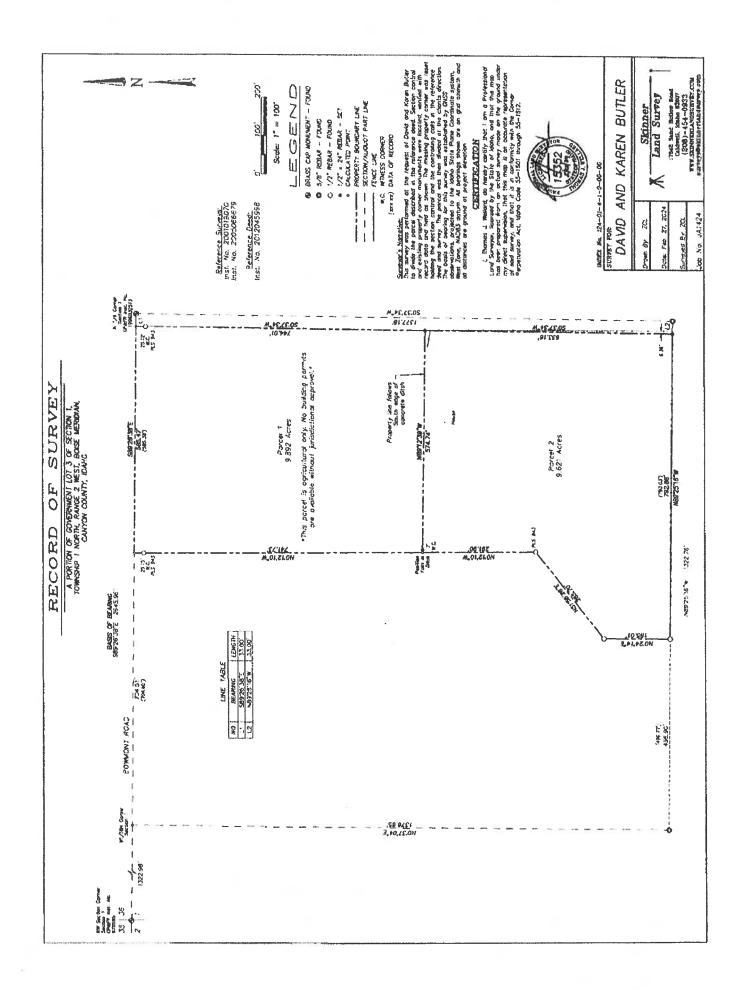
The intent is to retain Parcel 2 with the home and 9.62 acres and to sell Parcel 1 of 9.89 acres as an agriculture parcel with irrigation. The intent to sell Parcel 1 is to use the proceeds to pay the mortgage on Lot 3, retain ownership of parcel 2 and continue to reside in our home.

An approval of the Administrative Land Division request and a sale of Parcel 1 would not increase traffic on the private road as proposed Parcel 1 is currently leased to a farmer. Thus the expectation would be that the same amount of traffic due to a sale would remain as the expectation is the parcel would be farmed. There is no expected impact to neighbors as the parcel shall remain as it is currently zoned, agriculture. Our surrounding neighbors are zoned agriculture as well.

Proposed Parcel 1 is currently zoned and used as agriculture and is farmed in alfalfa. It is expected that a sale would result in continued farming in alfalfa or other local crop(s) as a building permit is not available. Parcel 1 will retain the irrigation ditches and easements as indicated in the attached survey (Skinner Land Survey)

Respectfully,

David and Karen Butler



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.

Page 1 of 2



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.
- This agreement shall be binding on their heirs, assessors and assigns of the parties hereof. 2. Dated this lork day of Wovember 2001. Rodney LaFee

 Rodney LaFee Builders LLC and acting on its State of Idaho County of Ada On this day the persons above personally appeared before me Rodney La Fee 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 condor my hand and official seal this 6 day of 7/ou ,2001 my commission expires on 7-22-2005 Dated this 3rd day of Narmber 2001. tate of Idaho On this day the persons above personally appeared before me KNURSHES M. TENERA A NOTARY PURCIC __, 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 3 th day of November ,2001 KHURSHED M. TENGRA **NOTARY PUBLIC** my commission expires on 03.26.07 STATE OF IDAHO

Page 2 of 2

QUITCLAIM DEED

FOR VALUE RECEIVED LaFee Builders LLC, 315 E. Avalon, Kuna, Idaho which acquired title as LaFce Builders LLC.

Does hereby convey, release, remise, and forever quit claim unto Case Houweling, an individual, the following described roadway:

This road is a strip of land 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.

Herein being 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 rod wide along the easterly line of boundary of said Lot No. 3 and containing approximately I acre.

Parcel Number. 01N02W012505 01-IN-2W NW E-33' of LT 3 LS TX 99760 Bowmont Rd NA

END OF LEGAL DESCRIPTION

The officer who signs this deed certify that this deed and the transfer regresented thereby was duly authorized.

In Witness whereof, LaFee Builders LLC has granted the deed January 3, 2003 by its duly authorized officer.

> LaFee Builders LLC 315 E. Avalon Kuna, Idaho 83638

Dated this 6 day of _

State of Idaho

County of Class On this day the person above personally appeared before me Lalle known to me as the person described in and who executed this deed 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 2 15 day of Clan

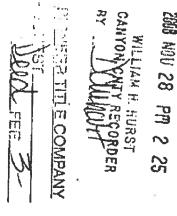
Notary Public

My commission expires on 7-22-04

ထ



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



200809254

QUITCLAIM DEED

For Value Received

Case Houweling and Arlane F. Houweling, bushaud said 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 flower ont Road

Namps, 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 has of boundary of said Lot No. 3

together with their appurtanances.

Deted: November 25, 2008

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 if 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/sha/thay accounts the same

58,

Arlono F. Houweling

WITNESS MY HANG AND OFFICIAL SPAL

Notary Public Residing at: Parutte Los

Commission Expires: 8/8/12



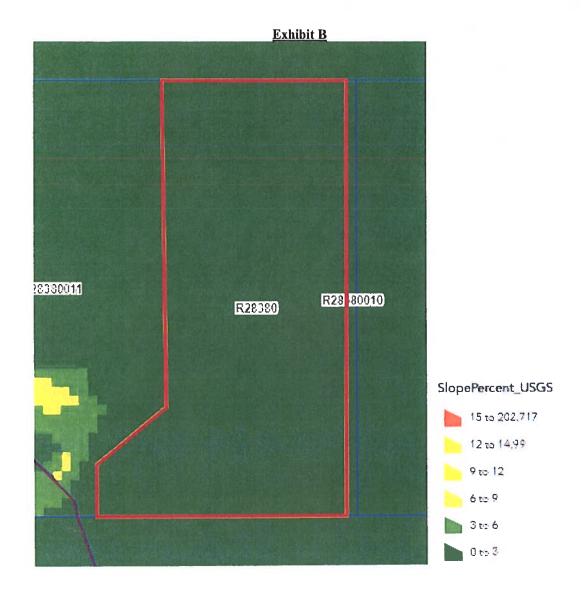


Exhibit C

NAMPA HIGHWAY DISTRICT NO. 1

April 11, 2024

To:

Dan Lister, Principal Planner

Canyon County Development Services

From: Eddy Thiel

Right-of-way Tech

Re: AD2024-0027 David & Karen Butler

I have reviewed the Administrative Land Division Notice proposing a split to create I Residential lot and one Ag only lot of Parcel R28380 received April 11, 2024 with a Transmission Date of April 11, 2024.

Comments are based upon information provided to the Highway District by Canyon County Development Services. Nampa Highway District #1 has no objection to the preliminary plat subject to the following information:

- 1. The Subject property fronts Bowmont Rd.
- 2. NHD#1 Functional Classification of Bowmont Rd is Expressway Roadway.
- 3. Per ACCHD Standards, there is no new direct access to Expressway Roadways. An approved Variance Request from the Highway District Commissioners will be required for any new point of access to Bowmont Rd.
- 4. The patron shall submit a Land Split Application to the Highway District, the associated \$250.00 fee, and a drawing identifying any new and existing points of access. We recommend denial until we receive the subject application.

All comments above are based on the ACCHD Standards Manual and Nampa Highway District #1 Supplementals.

The Highway District reserves the right to provide amended comments/conditions of approval in the event of application revision or revisions to the ACCHD Standards Manual.

Exhibit D

NAMPA HIGHWAY DISTRICT APPROACH PERM	ROAD 440
I CERTIFY THAT I AM THE OWNER OR, HIS/HER AUTHORIZED REPRESENT BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORD PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS AND THE P	TATIVE OF THE PROPOSED PROPERTY T
	C Owner or Authorized
MOTICE This permit shall not be valid for construction until, or unless, the provisions of Idaho Code Title 55 Chapter 22 have been complied with PRIOR TO EXCAVATION, CALL DIGLINE. PERMIT EXPIRES ST. ISSUE DATE. ALL PRIOR TO SIXTY (Construction until, or unless, the provisions of Idaho Code Title 55 Chapter 22 have been complied with UNLESS OTHER ARRAPTION TO EXCAVATION, CALL DIGLINE.	INGENERITS ARE
a. between Happy Valley & S. Side Blvd st road S b. W S side of road east of Side c. New approach Using existing approach V Autroad Upgrading existing approach Upgrading existing approach	3. \$25.00 PERMIT FEE PAID YES NO Pol. 10.4.51 4. \$200.00 DEPOSIT PAID YES NO Pol. 10.9.01 5. Special Provisions: Need to clean out the second
d. Access classification: Residential/Commercial/Field e. Circle driveway: yes no f. Approach to be paved to meet standards: yes no g. Will culverts be required: yes no If yes: 12" X 30' residential culvert	the borrow ditch.
12" X 40' commercial culvert No culvert required at this time *HETAL OR CONCRETE CULVERT REQUIRED BJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS RMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PE	FORM, OR ATTACHMENTS. ERFORM THE WORK AS DESCRIBED.
PY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION	ī

Exhibit 6

Parcel History - R28380010

NOTICE

OWNERSHIP.

THESE DOCUMENTS ARE MAINTAINED FOR

RELIED UPON FOR DETERMINING
PROPERTY BOUNDARIES & CURRENT

ASSESSMENT PURPOSES AND SHOULD NOT TO BE

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:

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.

QUITCLAIM DEED

FOR VALUE RECEIVED

Vilas Brandt Trust by Law Curringham & Marine Brandt

do hereby convey, release, remise and forever quit claim

unto American Cancer Society

whose address is 2676 S. Boise, ID 83705

the following described premises, to-wit:

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

APR 18 PM 3

together with their appurtenances.

Dated:

STATE OF IDAHO, COUNTY OF

day of ANV, 200/, public in and for said State, personally

subscribed to the within instrument, and acknowledged to

Boise Residing at Comm. Expires

Caldwell, Idaho 83605

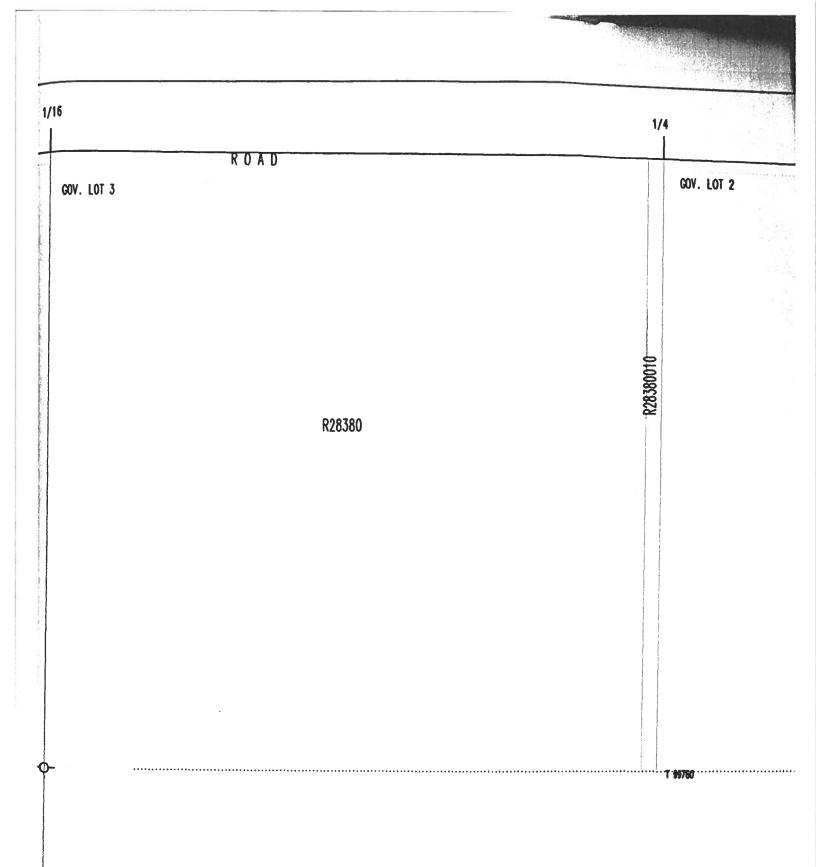
Idaho

TITLE COMPANY 423 So. Kimbali

CANYON COUNTY

100 - 10th Ave. South Nampa, Idaho 83651

10 mg HHY 25 765





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,

Mark L. Harvey

Accounting Supervisor

Canyon County Assessor 1115 Albany Street, Room 343 SALES VERIFICATION Caldwell, Idaho 83605 (208) 454-7431 01N02W012505 R28380-010- -0 095-00 AMERICAN CANCER SOCIETY 2676 S VISTA AVE BOISE ID 83709 06/11/01 **Dear Property Owner** 01-1N-2W NW E 33' OF LT 3 LS TX 99760 BOWMONT RD 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 valu Please complete the information requested and return to this office in the enclosed envelope. Site Address: Thank you, TYPE OF PROPERTY: COMMERCIAL_____ RESIDENTIAL____ AGRICULTURAL____ BARE GROUND_____ 1. MANUFACTURED HOME_____ MANUFACTURED HOME WITH GROUND _____ OTHER:____ _____FINANCED: TOTAL SALES PRICE \$_____ DATE OF SALE____ 2. (IF YES) AMOUNT DOWN \$_____ BALANCE AT INTEREST RATE%_____ FOR NUMBER OF YEARS____ TYPE OF FINANCING: CASH VA FHA PRIVATE HA CONVENTIONAL OTHER: (EXPLAIN) TYPE OF SALE: AN ORDINARY TRANSACTION (REAL ESTATE LISTING) PRIVATE SALE A TRADE______ A TRADE_____ TAX SALE ____ AN ESTATE SALE ____ A FORECLOSURE___ BETWEEN FAMILY MEMBERS___ AN EASEMENT___ A CONDEMNATION ____ WAS PROPERTY PRICED FOR QUICK SALE? YES_____ NO____ WAS NEW HOME BUILT BY OWNER? YES NO_____ NO___ IF SALE INCLUDED PERSONAL PROPERTY (FURNITURE, FIXTURES, ETC.) PLEASE ESTIMATE THE VALUE AND LIST TYPES VALUE \$ OF ITEMS: TYPES OF ITEMS___ MOTIVE FOR OWNERSHIP: PERSONAL USE_____ INVESTMENT____ OTHER____ REMARKS AND/OR CONDITIONS OF THE SALE: MAILING ADDRESS (FOR FUTURE CORRESPONDENCE):_____ WORK PHONE: 303-758-3030 HOME PHONE: MARK L. HARVEY SIGNATURE

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

PARTMENT PROCESS

ADMINISTRATIVE LOT SPLIT DECISION

RECORDED

20

~

REQUEST

BRANDT, MAXINE

IN THE MATTER OF A PETITION FOR AN

ADMINISTRATIVE LOT SPLIT BY:

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: 2 S ROW 07-12-07(8)B LESS THAN 40 ACRES (H2)

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:

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

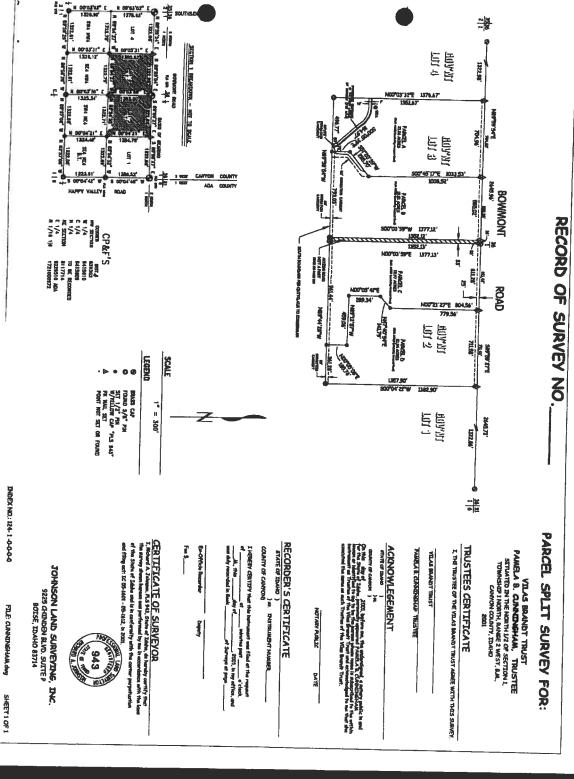
Paul Kester, Assistant Director

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

Notary: Jana R Huffsker Address: Caldwell 20 83607

Commission Expires: //7/05





Fxhihit 6 - 8

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, \$00°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.

Prepared by Richard A Johnson PLS 943

Excluding 25 feet for Downton pad this parcel contains 20 86 acres more or less

.

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.

Prepared by Richard A Johnson PLS 943

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.

LBL

LaFee Builders, LLC

315 E. Avaion ~ Kuna , Idaho 83634
Phone 922-9002 ~ Fax 922-9004

BY Jakin Males

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

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

(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.

Page 1 of 2

Butler Road Agreemen	Butl	er R	oad	Agi	reem	ent
----------------------	------	------	-----	-----	------	-----

D.

authority in order to assure safe, passable condition of road for indicated use. This agreement shall be binding on their heirs, assessors and assigns of the parties hereof. 2. Dated this 6th day of November 2001. Rodney Sotee Rodney LaFee Member of LaFee Builders LLC and acting on its State of Idaho County of Ada On this day the persons above personally appeared before me Rodney La Fee Known to me as the persons described in and who executed this agreement and acknowledged to me they signed of Colleen V/igm my commission expires on 7-22-2004 Dated this 3rd day of November 2001. ____ David Butler State of Idaho County of ASA On this day the persons above personally appeared before me KHUKSHES M. TENBEA A NOTARY PUBLIC 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 3Rb day of Novewer, 2001 KHURSHED M. TENGRA **NOTARY PUBLIC** my commission expires on 03.26.07 STATE OF IDAHO

Page 2 of 2

The parties hereby agree to share equally the expense of drainage ditches, conduits, or culverts required by the Canyon County Engineer or other public

R 64869

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

NO 200145114

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 25 day of October, 2001

American Cancer Society, Rocky
Mountain Division, Inc.

by

Lunan

STATE OF Colorado) County of survey) SS

On this 25 day of Ctable.

2001, before me, a Notery Public in and for the State, personally appeared Sarry G. Mulamy known to me to be the Cto 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 said corporation executed the same.

Notary Public residing at: A PRESTANT PRESTANT OF THE PRESTANT



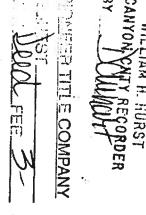


Development Services Department

Parcel Owner: <u>Lake Buroers</u>) Parcel Address: <u>6504 BoumenT</u>) City, State, Zip: <u>Wampa</u> <u>ID</u>)	Access Road Construction Acknowledgment
I, <u>Lake Bulchers</u> , hereby act receiving a building permit I am required to construct a to all inhabited structures on the property(ies) descrictoristruct the same. I understand that:	knowledge that as a condition of Type Road to provide accessibed in Exhibit A. I hereby agree to
The road must comply with all applicable ordinitial) regulations.	dinances, statutes and
(Initial) The turnaround must be approved by the fire property(ies) described in Exhibit A prior to a building, structure or premises located on it.	district having jurisdiction over the any use or occupancy of any
(Inflial) That the road and the structures on the propertion by a building inspection by a build	ctor from the Canyon County any use, or occupancy of any
That a Certificate of Occupancy will not be conditions have been complied with.	issued unless and until the above
have read and fully understand this acknowledgement oconsult with an attorney, if I so desire, prior to signing	. I have been given the opportunity this acknowledgement.
DATED this 13 day of NOV , 2001.	Til Control of the Co
Rodney Sates. Property Oylner	AND THE PROPERTY OF THE PARTY O
ATTEST:	AUBLIC O



610 South Kimball 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 Bown ont Road

Nampa, Idaho 83666

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

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 flouweling 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.

D. The state of the property of

AND OFFICIAL SEAL

Notary Public

Commission Expires:



Exhibit 7

ZC2003-142

Pre-03 - 9-1901 Prwin Permit # ZC 2003-14a

Exhibit 7

CANYON COUNTY DEVELOPMENT SERVICES BUILDING DIVISION

1115 Albany, Caldwell, Idaho 83605, Phone: (208) 454-7460 Fax: (208) 454-6633

<u>Application for BUILDING</u>	<u> PERMIT</u>	Permit	# 20304	
			1958 BLD#	0911701
APPLICANT	CURRENT OW	NER OF PROPERTY	BUIL	
lame			Name	
LAFER BUILDERS	Name Davio By	4. Cuwangha	m -SAM	E -
ddress 315 E AUAlow	Address 65034	Bowmont RO	Address	
Hy/State/Zip KUNA ID 8363	City/State/Zip	ΙÒ	City/State/Zip	
Cellular CI_C ///ST	Cellular		Cellular	
hone 922-9002 922-90	Phone Phone		Phone	
	PERMI	IT IS FOR:		
SINGLE FAMILY RESIDENCE:	GARAGE:	MANUFACTURED I		
NEW SQ. FT. 2396 Syft ADDITION 2340	ATTACHED	□ NEW	□ RES	
ADDITION 2340	☐ DETACHED ☐ CARPORT	☐ MOVE-ON ☐ MOBILE HOME PRI ☐ MOBILE HOME PRI ☐ MODILE HOME PRI ☐ MODILE HOME PRI ☐ MOVE-ON	GAF OR TO JUNE 1976 📮 STO	
ALTERATION	O	<u> </u>	<u> </u>	
SEC <u>O T /N</u> R 2W	1/4 SEC NW	LOGOVI LOTA	SUBDIVISION	
SITE ADDRESS: 6504 Bo	LUMONT DA	aportini of		ZIP
SITE ADDRESS:	WINGIII KU			ZIP
Copproved permit	ST INCLUDE (2) CON	APLETE SETS OF	PLANS & SPECIFICA	TIONS
CERTIFICATE OF	ZONING COM	PLIANCE	Plan Review	Denosit
			Ttan Kevien	<u> </u>
OFFICE USE ONLY A PORTION B SSESSOR'S PARCEL #: 2R 28 380	PROVIDE FOLLOWING DOCUMENT	rs req rec	NEW SINGLE FAMILY	
concert Barrel # 20 202 00	Legal Description (2) Building Plans	1	0000 - 1500 sf. = \$ 190.00	5
2262201 2. Lairer #: XX XX XX	(2) Plot Plans			
Coning Use:	S.W.D.H. Permit	V	1501 - 2000 sf. = \$ 230.00	\\$
Flood Zone: Yes 🖸 No 💥	Approach Permit Fire Dist. Permit	17	2001 - 2500 sf. = \$ 280.00	\$ 2800
County Setbacks: F30 S / R20 C	Manufactured Home Application		2501 + sf. = \$ 340.00	s
ity Setbacks: F S 60 R C	Ad Valorem			
Parcel adjacent to SPC 1/4 SEC	Temporary M.H. Permit Property Research			
Bormont	Perpetual Easement	 		- // 0
ity Impact: No	Road Frontage		Zoning Compliance Fee \$40.	00 \$ 40.00
ity impact. 70 -	Elevation Certificate		TOTAL PAID	20.4 - 2
ase #: 01/172/01-IN-24	Development Permit		TOTAL PAID	321.00
	ARCA \			
Conditions:	7 · · ·			
X The	District appro	red reguir	red in office	pror
$\rightarrow t$	nal in consider.	1	,,	,
	O. M. Maria			
			·	**********
				- Ordinancoe
This application is not a building are satisfied. Covenants, conditions	permit, but a permit will be in	ssued tater ir requirement	ts in the Zoning and Subdivision	nent Convices
Department. Compliance with th				Jent Dervices
peparament, computance with th	- seming and Juput visions Viuli	HEALT GOES HOT MEAN CO	p.romeo mun bounds	
I have read and acknowledge Ca	nyon County's "Right to Farm" i	Disclosure Statement to p	preserve and protect agricultur	al activities
and insulate lawful agricultural a	•			
I affirm that all the information	provided by me is correct to th	ne best of my knowledge	and that I have read the above	paragraphs.
X (Xrdney Fox a				
Applicant Signature			Date	
01				11-111
71				1/6/
Authorized Signature			Date /	/

PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101 MODE: F ACTION: REAL PROPERTY INQUIRY 01 2R28380-000- -0 095-00 SCH3 | 01 27,300 28.81 BRANDT, MAXINE & CUNNINGHAM, PAMELA-TRUSTEE 6503 BOWMONT RD NAMPA ID 83686 -01-1N-2W NW 20,300----40.49----| SURVEY INST 8523938 LT 3 LS TX 99760 & LS THE E 33' I DRAIN DR VALUE APPR MKB I CLASS REAP 99 MAN UNIT O I PARCEL 2R01N02W012501 H/O N C/B N BOWMONT RD, NA 1 PRIOR ACCOUNT 1R28380-000- -0 1 02 MH 1 03 Tr No aeriel was for Amer Cancer Society No aeriel was for Amer Cancer Society | 02 MH on Property NO 1 03 Traits 04 Companion Sheet



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 25 day of October, 2001

American Cancer Society, Rocky
Mountain Division, Inc.
by Luna its CEO

State, own to erican nc., a nument ority of said to me

STATE OF Colorado)

On this 45 day of Ctown, 2001, before me, a Notary Public in and for the State, personally appeared Ann. B. Newmann known to me to be the Cooperation 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 Corporation executed the same.

Notary Public residing at: And enumber of 12-2005

My commission expires: 6-12-2005

Exhibit 7 - 3

PROACH PERMIT APPLICATION ROAD HH

NAMPA HIGHWAY DISTRICT APPROACH PERMIT APPLICATION

I CERTIFY THAT I AM THE OWNER OR, HIS/HER AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL REQUIREME PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT

1. NAME AND ADDRESS OF PERMITTEE

LATE	Builders			
315 E	AUALON		PHONE NO.	922-9002
KCENA	ID	83637	Rodner	, Sotee
CITY	STATE	ZIP		of Owner or Authorized tive and Date
constructi provisions Chapter 22 PRIOR TO E	NOTICE it shall not be on until, or of Idaho Code have been con XCAVATION, CAN 800) 342-1585	unless,the e Title 55 mplied with LL DIGLINE.	ISSUE DATE. ALL PRIOR TO SIXTY BE FORFEITED AT UNLESS OTHER AR HADE WITH THIS	
2. Road Na	me <u>(6504</u>	Bowmon		3. \$25.00 PERMIT FEE PAID
a. betw — b.	een S.Sid Happy W + E sid	Valley	- Sapel Billders DISN	YES NO 2000.00 11.7.01 4. S200.00 DEPOSIT PAID YES NO PURDONAL CHECK 11.13.01 5. Special Provisions:
	approach		•	
Upgra	g existing app ading existing	approach	•	# 200000 band approach
d. Acces	s classificat	ion: Residential	Commercial/Field	is to be pare to meet
e. Circl	e driveway: y	esno_	<u>X</u>	Highway Dist Stundards.
yes	по			
	No culvert	equired: yes_residential culve commercial culver required at this CRETE CULVERT REQ	time	ion
BJECT TO AL	LL TERMS, COND 5 HEREBY GRANT	OITIONS, AND PROVI TED TO THE ABOVE I	ISIONS SHOWN ON THIS NAMED APPLICANT TO I	S FORM, OR ATTACHMENTS. PERFORM THE WORK AS DESCRIBED.
GNATURE/HIG	HWAY DISTRICT	PERSONNEL //		7 == 3
TE //-9-0/	,			-

A CONTRACTOR OF THE STREET OF

20014642

တ

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

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

(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.

Page 1 of 2

TYPE BY A 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 Lorh day of November 2001.
Rodney LaFee Member of LaFee Builders LLC and acting on its behalf.
State of Idaho
County of Ada On this day the persons shove personally appeared before me. R. A. F. F.
On this day the persons above personally appeared before me Rodney La Fee 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 tonder my hand and official seal this 6 day of Your 2001
Give torder my hand and official seal this 6 day of 7 oc. ,2001
HOTAR
* Project *
NOTARY PUBLIC
my commission expires on 7-22-2004
Dated this 3rd day of November 2001.
David Butter David Butler
Karen Snyder Karen Snyder
State of Idaho County of ASA
On this day the persons above personally appeared before me KHURSHED M. TENGRA
a NoTARY Pussic , 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 3 ^{Pb} day of November ,2001

KHURSHED M. TENGRA (ed) ,
NOTARY PUBLIC NOTARY PUBLIC
STATE OF IDAHO NOTART FOBLIC my commission expires on 03.26.07
Page 2 of 2



Development Services Department

Parcel Owner: Late Bureaux) Parcel Address: Los of Bowment) Access Road Construction City, State, Zip: Lampa Id) Acknowledgment
I, <u>Lake Bourners</u> , 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:
☐ The road must comply with all applicable ordinances, statutes and (Initial) regulations.
(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.
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).
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.
Property Owner Property Owner
ATTEST: Notary Augustinian Transfer of the state of the

MELBA FIRE DEPARTMENT WORKSHEET FOR: **CANYON COUNTY EMERGENCY VEHICLE ACCESS TURNAROUNDS**

And

Fire Suppression Water Supply

Date: 06 NOU 0 (
Applicant: LAFEE BUILDER Address: 315 & AUAJOA KUNA, Ideho	Project Location: Balancari
Phone: (wk) 922-9002 (hm) Insurance Carrier: Hartwell Co. Address: Lender: Address:	
	Roads
Are roads serving only ag. buildings. Are roads serving 3 or more dwelling. Are there any bridges?(70,000 lb.) Are Curves of proper radius?(28' & ls a turn-around required?(length Are buildings over 3200 sq ft.? Are buildings over 2100 sq ft. (with e ls building sprinkled instead of on-sit ls "on-site" water required? If water is required, how is it supplied (municipal water / pumping s	gs 20 ft. wide?
Have all required agreements been	recorded?
BUILDING PERMIT APPROVED? Mulliplicate of Occupancy Ale	Marshal O6 NOVO1
Signature Title	Date
Applicant has read and understands Kodney Safee Signature	Melba Fire Dept. access, Turnarounds and water supply. 1 (- 6 - 0) Date
Access Fee: \$100.00	Ck# 00 74 26 Pd. Non-refundable

-ATTACH A COPY OF PROJECT SITE PLAN TO THIS DOCUMENT-

BUILDING PERMIT

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 ALBANY STREET CALDWELL, IDAHO 83605



Permit No: 20304 Issued: 11/13/01 Permit Cond: Item No: 101

OWNER/APPLICANT	-PROPERTY LOCATION	4000
T: CONTRACTOR LAFEE BUILDERS 925 E 1ST STREET MERIDIAN, ID 83642 208/389-8240	DESIGNER	Dow mon
PROJECT INFO	First Floor: 1,710 Second Floor: 681 SUBTOTAL: 2,391 Basement: 0 Garage: 741 Other: 786 FIRST FLOOR: 3,918	nt Rd
PROJECT NOTES	FEES ASSESSMENT	7/4.
	BALANCE DUE: \$0.00	

IMPORTANT INFORMATION FOR II

FOR INSPECTIONS CALL 454-7460

Inspection Request: It is the duty of the contractor or owner to notify this office when the work project is ready for required inspections. Persons making the request must provide the following information.

1) owner/contractor; 2) project address; 3) date and time when the inspection is needed; 4) type of inspection.

Separate Permits are required for electrical and plumbing from the Idaho Department of Labor and Industrial Services. Homeowner's permit applications are available at this office.

Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Permits expire in 180 days if work is not started or is abandoned. In hardship cases an unexpired permit may be extended 180 days. Total not to exceed 12 months.

This permit is issued subject to the regulations contained in the building code and zoning regulations of Canyon County, Idaho and it is hereby agreed that the work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.

Kodney ToTee SIGNATURE OF CONTRACTOR ON AUTHORIZED AGENT

11-13-01

SIGNATURE OF BUILDING/OFFICIAL/INSPECTOR

RECEIVED BY

Exhibit 8

LS2002-134



BEFORE THE DEVELOPMENT SERVICES DEPARTMENT

Ð Φ

 \circ 0 N __ ᅩ

ADMINISTRATIVE LOT SPLIT BY:

Commission Expires: 4/2/05

IN THE MATTER OF A PETITION FOR AN

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: LSS ROW 07-12-07(8)B LESS THAN 40 ACRES (H2) 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: Saig Wofe
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 Crain Worked 6-18-01
Paul Kester, Assistant Director DATE
A Notary of the State of Idaho on this date: 6/18/0/
Notary: Jana R Helfs En HUFF. HUFF. Address: Caldwell & 83607
Addition without the officer

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.

Prepared by Richard A. Johnson PLS 943

Excluding 25 feet for Downton and this parcel contains 20.86 acres more or less.

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.

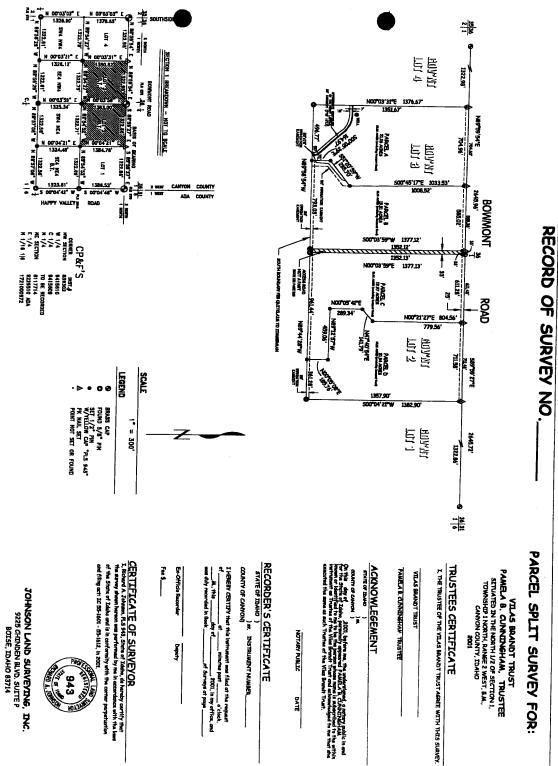
Excluding 25 feet for Bowmont road this parcel contains 19.18 acres more or less.

Prepared by Richard A. Johnson PLS 943

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 <u>Trust</u> as recorded in May of 2001.



INDEX NO.: 124-1-0-0-0

FILE: CUNNINGHAM.dwg

SHEET 1 OF 1

Data Entry

May 8, 2001 CANYON COUNTY - Planning & Zoning RECEPTION

PZFM001

Assessor's Accour	1R28380	000 0	Owne:	r(s) BRANDT, MAXINE
Applicant - Name Last BRANDT	and Addres First MAXIN		MI	CUNNINGHAM, PAMELA-TRUSTEE
Company Adrs BOWMONT RD City NAMPA Home (208) 466-83			51	Legal Description 01-1N-2W NW Bldg Cls MH? N LT 3 LS TX 99760
Applicant's Consu Company Adrs	ltant			Acres 41.54 Parcel 01N02W012500 Site BOWMONT RD NA Subdivision
City Home	St ID Z Wk	ip		Date May 8, 2001 Time 3:18 pm Reception No 11172

Information/Notes
LOT SPLIT (H) (2) (CRAIG)

Clerk DRH

Data Available?

| N Zoning Compliance | N Zoning and C.U.P. | N Subdivision | N Parcel Division | N Enforcement

Office Visit(s) - Date

Zoning Officer Note

MODE:F ACTION:	PRESS	{01	RETURN }	TO	VIEW	ANOTHER	ACCOUNT
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TRQK101

DEST		TRICITEDIA
REAL	PROPERTY	INCOTKI

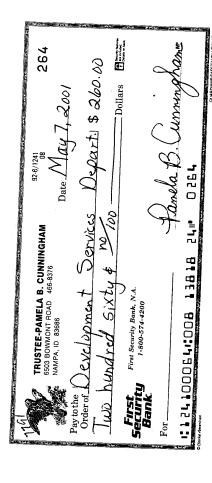
01 1R28380-0000 095-00 SCH3 ====================================	01 02 19	28,300 3,000	
6503 BOWMONT RD NAMPA ID 83686 ==================================	TOTAL	31,300	41.54
LT 3 LS TX 99760		INST 8 VALUE EAP 99 MAN NO2W012500 H	APPR CTR UNIT 0
BOWMONT RD, NA	PRIOR ACCOU 02 MH on Pr	NT 0R28380-	0000



DE OPMENT SERVICES DEPARTMENT

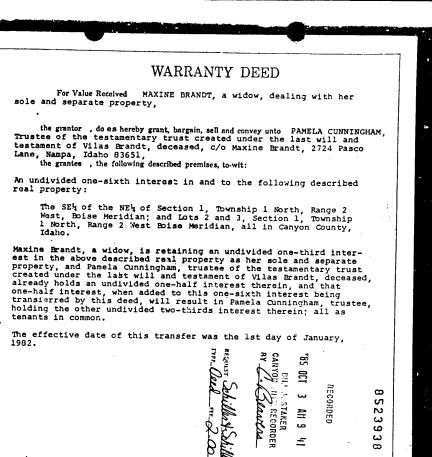
APPLICATION FOR AN ADMINISTRATIVE LOT DIVISION

	Pamela Cunninghai	OFFICE USE ONLY
PROPERTY OWNER: Vilas Brandt Trust-	Trustee	CHECK APPLICABLE ITEMS
ADDRESS: 6503 Bowmont Road	-Nampa	NOTIFICATION:
ASSR ACCT #: <u>R28380</u> PI		IRRIGATION PLAN:
SEC: M TOWNSHIP: M RANGE: 2 W QTR: N		CCSO WAIVERS:
SUBDIVISION:		PLAT REQUIRED:
	LOT:BLOCK:	AGENCY LIST:
TYPE OF DIVISION REQUESTED: Ha (REFER TO CANYON COUNTY CODE 07-12-07(8) Farm Ground more than 40 acres (H1) Farm Ground less than 40 acres (H2) Non Viable Farm Ground (H3)		H3 CONSIDERATION:
FILING FEE TO ACCOMPANY APPLICATION: \$ 13	0	
INFORMATION REQUIRED FROM APPLICANT:		OTHER:
2. Proof the property has not been previously divided s adoption of Zoning Ordinance). Canyon County Cod between June 15, 1977 and September 6, 1979. 3. Proof of ownership. (Warranty Deed/Contract/etc.) 4. Scalable drawing indicating acreage and proposed s 5. Responses from all agencies checked on the Agencies. Are you requesting a discretionary increase in parce 15 you are requesting a split of non viable farm groun past farming activities, soil classification, irrigation at 16 and 17 you have pertinent information as may be requested. Note: The Director reserves the right not to accept this at 1, the undersigned petitioner, do hereby certify that I have Ordinance) as it applies to splits of existing parcels, with the undersigned petitioner. Signature of Applicant 17 The signature below by the appropriate Development Sethis application and fee, signifies tentative approval petitions application and fee, signifies tentative approval petitions.	le 08-01-03 (Subdivision Ord split and vicinity map using at the split and vicinity map using at the split attached to this application of the split size up to 5.01 acres? (H1 the following may be consivered by the Development Service application until all necessary the reviewed Canyon County (I in the "A" Zone, and that the the sprices Department official a	inance) may apply if divided t least two cross streets. cation. Split only) dered: Historical information of d residential infill. es Department. information is submitted. Code 07-01-01 (Zoning o information I have provided is
/		



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\int			
BALANCE DUE	AMT. PAID	ACCOUNT	ACCOUNT
			UNT
MONEY ORDER	CHECK	CASH	DUNT HOW
/ /	264		HOW PAID
BY (xxxxx)	. OFAIR		

Gou't Lot 3 01-12-200 who proposed spet Accoms ALL 7780 FARMABLE GROUND TO BE KK SATED COWMONT POAC Ropesco spect Gour Cor OF M-SW KE 1,78362 HAPPY YOUST KURD



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and her heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances, save current taxes and assessments,

and that She will warrant and defend the same from all lawful claims whatsoever. Dated: October 2., 1985.

Maxine Brandt Brands

STATE OF IDAHO. COUNTY OF Canyon) ss On this And day of October, 1985, before me, a notary public in and for said State, personally appeared MAXINE BRANDT, a widow,

brought me'to be the person who Se name 18
suffering te the within instrument, and acknowledged to
me rither the within instrument, and acknowledged the within instrument, and acknowledged

Warranty Deed 701.4

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at minutes past o'clock m., this day of 19 , in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

Printed and For Sale By Syms-York Company, Roles

NSTRUMENT

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Exhibit 9

Request for Mediation - Appellant

LAW OFFICES OF MAYBON, PLLC Shawn C. Maybon, ISB # 8409 Gwen K. Sweesy, ISB# 11189 Danton J. Goss, ISB # 11625 904 Dearborn, Ste. 204 P.O. Box 1084 Caldwell, Idaho 83606 Telephone (208) 454-2974 Facsimile (208) 965-8478 E-mail: shawn@maybonlaw.com gwen@maybonlaw.com danton@maybonlaw.com

Attorney for Appellant -

CANYON COUNTY PLANNING AND ZONING

CORNELIUS HOUWELING and)
ARLENE HOUWELING, husband and)
wife;) REQUEST FOR MEDIATION
)
) CANYON COUNTY DIRECTOR'S
Appellant;) DECISION - AD2024-0027
)
) PARCEL R28380
)
DAVID BUTLER and KAREN) APPEAL – CCZO §§ 6-05-23(1), 7-05-05,
BUTLER, husband and wife;) AND 7-05-07
)
Applicant	
**)
)
)

NOTICE IS HEREBY GIVEN that Cornelius Houweling and Arlene Houweling, husband and wife ("Houwelings"), by and through their attorneys at The Law Office of Maybon, PLLC, hereby request a mediation regarding the appeal the Canyon County Director's Decision – AD2024-0027 ("Decision"). A land use hearing is set for this matter on October 10, 2024.

DATED this 26th day of September, 2024

Respectfully Submitted,

The Law Offices of Maybon, PLLC

REQUEST FOR MEDIATION - APPEAL- - CANYON COUNTY DIRECTOR'S DECISION - AD2024 $-\,0027$ – PARCEL R28380

-1-

By: /s/ Shawn C. Maybon /s/ Shawn C. Maybon, Esq., Attorney for the Houwelings

CERTIFICATE OF SERVICE

I hereby certify that on the $\underline{26^{th}}$ day of September, 2024, I caused a true and correct copy of the foregoing instrument to be served upon the following individual in the manner indicated below:

David and Karen Butler 6504 Bowmont Rd. Nampa, Idaho 83686 Email: kesbutler@gmail.com one@dlbutler.com	[x] U.S. Mail[] Overnight Mail[] FAX[] Hand Delivery[x] Email

The Law Offices of Maybon, PLLC

By: /s/ Shawn C. Maybon /s/ Shawn C. Maybon, Esq. Attorney for Appellant - Houweling