

ORDINANCE NO. 25-010

ORDINANCE DIRECTING AMENDMENTS TO THE
CANYON COUNTY ZONING MAP
(Hess – Conditional Rezone – CR2022-0027)

An ordinance of Canyon County, Idaho, directing amendments to the Canyon County Zoning Map (Ordinance No. 12-021); providing for title, structure, purpose, and authority clauses; rezone; severability; and an effective date.

Be It Ordained by the Board of County Commissioners of Canyon County, Idaho:

SECTION 1. TITLE.

This Ordinance shall be known as the “Ordinance Directing Amendments to Canyon County Zoning Map (for approximately 11.07 acres; Parcels R33459010 and R33459010B).

SECTION 2. STRUCTURE.

Titles and subtitles of this Ordinance are only used for organization and structure, and the language in each paragraph of this Ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to authorize the rezone of the property described in Section 5 of this Ordinance from “A” (Agricultural) to “CR-R-R” (Conditional Rezone – Rural Residential). The purpose of this Ordinance also authorizes amendments to the Official Maps of Canyon County to reflect the rezone authorized by this Ordinance.

SECTION 4. AUTHORITY.

This Ordinance amending the Official Zoning Maps of Canyon County (is enacted pursuant to the authority conferred by Canyon County Zoning Ordinance 7, Chapter 7, Article 6; and Idaho Code § 67-6511, 67-6511A, 31-714, 31-801, and 31-828.

SECTION 5. REZONE.

The subject property shall be and is rezoned from “A” (Agricultural) to “CR-R-R” (Conditional Rezone – Rural Residential), as specifically identified and described on the attached Exhibit “A”, pursuant to the Findings of Fact, Conclusions of Law and Order issued on 08-05-25 the Board of Canyon County Commissioners as authorized by Canyon County Zoning Ordinance, Chapter 7, Article 6; the Idaho Constitution; and Idaho Code § 67-6511, 67-6511A.

SECTION 6. SEVERABILITY CLAUSE.




Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance in whole or in part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on August 7, 2025.

ADOPTED AND APPROVED this 5th day of August, 2025.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: JROSS

Deputy

Date: 08.05.25



Publication Date: August 7, 2025, Idaho Press-Tribune

EXHIBIT "A"

R33459010

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ¼" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence
North 89° 48' 12" East 370.50 feet along the North boundary of said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence
South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence
South 89° 48' 11" West 370.50 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence
North 00° 49' 19" West 713.63 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

(Shown as Parcel "A" of Record of Survey recorded as Instrument No. 200216286)

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ¼" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence
North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55); thence
South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set ½" iron pin which bears
South 89° 48' 12" West 33.00 feet; thence
South 89° 48' 12" West 1324.19 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence
North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

R33459010B

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane; thence

North 89° 48' 12" East 370.50 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin, said pin marking the REAL POINT OF BEGINNING; thence continuing

North 89° 48' 12" East 305.20 feet along the said North boundary of the Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence

South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence

South 89° 48' 11" West 305.20 feet to a set ½" iron pin; thence

North 00° 49' 19" West 713.63 feet to the POINT OF BEGINNING.

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe

marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence

North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road Road (State Highway 55); thence

South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set 1/4" iron pin which bears

South 89° 48' 12" West 33.00 feet; thence

South 89° 48' 12" West 1324.19 feet to a set 1/4" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence

North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.



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

In the matter of the application of:
Hess/Glaettli – CR2022-0027

The Canyon County Board of County Commissioners
considers the following:

- 1) Conditional rezone of parcels R33459010 and R33459010B from an “A” zone to a “CR-R-R” zone. The request includes a development agreement (Attachment A)

Address: Directly south of 20208 Nancy Ln, Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0027.

1. All stated exhibits can be found in the case staff report dated July 29, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures)
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCCO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCCO §07-05-01
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify, or reject the Commission’s recommendations. *See* CCCO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The

County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO §07-05-03(1)(I).

The application, CR2022-0027, was presented at a public hearing before the Canyon County Board of County Commissioners on July 29, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCCO §07-06-07(6)

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

Conclusion: As conditioned (Attachment A), the request is generally consistent with the 2030 Canyon County Comprehensive Plan.

Findings:

- (1) The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as "agriculture" with an "Ag-tourism Exclusive Farm Use" overlay (Exhibit 3.B.2j).
 - "The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value" (2030 Comp. Plan, Page 25).
 - "The Agri-tourism Exclusive Farm Use (AEFU) is a district where property owners sell and produce vertically integrated agriculture goods/services. Retail sales operations draw visitors/customers wanting to buy goods and services offered on said property" (2030 Comp. Plan, Page 27).
 - Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): "The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity."
 - i. The applicant uses the AC-5 designation as proof of consistency with the lot size average found in the area (Exhibit 3.A); however, the designation has not been adopted. Consistent with the comprehensive plan, the request has rural transitional qualities that create a boundary between agricultural and urban areas. Outside of the mapped transition area, some residential uses are encouraged where the use supports the continuing agricultural use (Pages 25 and 26 of the Comp. Plan).
- (2) The request aligns with the following 2030 Comprehensive Plan goals and policies:
 - Property Rights G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."
 - *See supporting evidence in criteria 2, 3, and 4.*
 - Population G2.01.00: "Incorporate population growth trends and projections when making land-use decisions."
 - Population G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population."
 - Per population projects (page 14 of the 2030 Comp Plan), the current figures (Community in Motion Regional Plan) project the County population to be 359,180 by 2050, a thirty-two percent increase from 2020. In the next twenty-eight years, Canyon County expects to add an estimated 128,070 people."
 - The subject parcel is located in TAZ (Traffic Analysis Zone) 2770 (Approximately 1,900-acre area): Canyon–West Rural (Exhibit 3.B.2l). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for improvements, approximately seven (7) households are anticipated between 2024 and 2050. The forecast shows the area is not a residential growth area and is anticipated to

support agricultural and rural uses. The request, as conditioned, maintains agricultural uses and character (Exhibits 3.A.2 & 3).

- Land Use and Community Design P4.01.01: “Maintain a balance between residential growth and agriculture that protects the rural character.”
- Land Use and Community Design P4.01.02: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”
- Land Use and Community Design P4.02.01: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”
- Land Use and Community Design P4.03.01: “Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.”
- Land Use and Community Design P4.03.02: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.”
- Land Use and Community Design P4.03.03: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.”
- Land Use and Community Design P4.05.01: “Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.”
 - *See supporting evidence in criteria 2, 3, and 4.*

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

Conclusion: In consideration of the surrounding land uses, the proposed conditional zone to “R-R” (Rural Residential) is more appropriate than the current zoning designation of “A” (Agricultural).

- Findings:**
- (1) The subject parcels and a majority of the surrounding parcels are zoned “A” (Agricultural, Exhibit 3.B.2c). The subject parcels consist of moderately suited soils (Class III) and are considered prime farmland if irrigated (Exhibit 3.B.2h).
 - (2) The subject parcels were created by an approved conditional use permit that expired (CU2003-291, Exhibit 3.B.4). The parcels were sold instead of being merged back into the original parcel, creating parcels outside of the County Code (Exhibit 3.A.7). A rezone and platting process is the only way to make the parcels legal and buildable.
 - (3) On September 2, 2022, the applicant submitted a conditional rezone to a “R-R” Zone to create three (3) lots from Parcel R33459010 (six acres). The request did not include Parcel R33459010B (Exhibit 3.A.8). After the discussion with DSD regarding the future land use of the area being planned for agricultural and rural uses in the 2020 and 2030 Comprehensive Plan (Exhibit 3.A.9), the applicant amended the application to include R33459010B to create parcels that are supported by the 2030 Comprehensive Plan and fix the non-conforming status of both parcels (Exhibit 3.A.2).
 - (4) The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit 3B.2j). Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”
 - (5) The “R-R” (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. Consistent with the comprehensive plan, the request has rural transitional qualities

that create a boundary between agricultural and urban areas. Outside of the mapped transition area, some residential uses are encouraged where the use supports the continuing agricultural use (Pages 25 and 26 of the Comp. Plan). As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The parcels will be subject to the standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the request maintains the “A” zone uses and standards (Attachment A).

- (6) The five-acre parcel lot sizes requested are commensurate with the average lot size within a 600-foot radius. The average lot size is 5.49 acres, with a median of one acre due to being near Sunny Slope Sub. No. 1 (Exhibit 3.B.2e).

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

Conclusion: As conditioned (Attachment A), the proposed conditional rezone is compatible with surrounding land uses.

- Findings:**
- (1) The majority of the area is zoned “A” (Agricultural). However, the subject parcels are located adjacent to existing subdivisions and a similar land use decision.
 - a. Similar Land Use Decisions (Exhibit 3.B.2d):
 - In 2017, Parcel R33459010 (approximately 10 acres, adjacent to the subject parcel) was conditionally rezoned to “R-R” to allow the parcel, created outside County Code, to be divided and developed (PH2017-40 Dev. Agreement #17-119, Exhibit 3.B.5). The rezone was conditioned to allow one residential lot. Subsequently, Newby Subdivision was approved in 2018, allowing the creation of two lots, one buildable and an agricultural-only (SD2018-4, Exhibit 3.B.6 & 7). The buildable lot has a primary and secondary dwelling (BP2018-0654 & BP2024-0551).
 - RZ2019-0004/OR2019-0002 – Parcel R33402010 (approximately 1,300 feet north of the subject request): The request to amend the future land use plan within the 2020 Canyon County Comprehensive Plan to “residential” was denied. The denial included a zoning map amendment (rezone) to “R-1” (Single Family Residential, one-acre average minimum lot size).
 - b. Subdivisions (Exhibit 3.B.2.e): Within a one-mile radius, there are six (6) subdivisions. The subdivisions adjacent to the subject parcels are Newby Subdivision (SD2018-4, Exhibit 3.B.6 & 7) and Sunny Slope Sub #1, approved in 1948, consisting of 56 lots (Exhibit 3.B.2e).
 - c. Other Uses

The subject parcels are adjacent to Williamson Winery and special event center (PH2014-45) and near neighborhood commercial zoning (“C-1”) such as Orchard House Restaurant (Parcel R272010010) and Sinclair Gas Station (R27201) at the intersection of Apricot Lane and Sunny Slope Road (Exhibit 3.B.2c).
 - d. Notice of the public hearing was provided per CCCO §07-05-01. No written public comments were received.
 - (2) As conditioned (Attachment A), the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the rezoning would be consistent with the surrounding land uses.

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

Conclusion: As conditioned (Attachment A), the proposed conditional rezone will not negatively affect the character of the area.

- Findings:**
- (1) As conditioned (Attachment A), the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” (Agricultural) Zone to ensure consistency with the surrounding area.
 - a. *See evidence in criteria 2 and 3 for more details.*
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. *See Exhibit 3.D for comments from affected agencies.*

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

Conclusion: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.

- Findings:**
- (1) Septic systems are proposed (Exhibit 3.A.4). The septic design will be reviewed and permitted through Southwest District Health at the time of platting (CCCO Section 07-17-09). Southwest District Health (SWDH) states the property is located outside the designated nitrate priority area. SWDH has no concerns regarding the request (Exhibits 3.A.6a & 3.D.3).
 - (2) Individual domestic wells are proposed (Exhibit 3.A.4). Parcel R33459010 has an existing well that would need to be cleaned and put into service (Exhibit A.3). Individual wells are required to meet Idaho Dept. of Water Resources (IDWR) and SWDH requirements, which will need to be demonstrated at the time of platting (CCCO Section 07-17-09).
 - (3) All stormwater drainage will be maintained on-site (Exhibit 3.A.4). A drainage plan was not provided. A drainage plan is required at the time of platting (CCCO Section 07-17-09).
 - (4) The applicant states the subject parcels have surface water rights from Lizar Lateral along the north boundary of Parcel R33459010 (Exhibits 3.A.2, A.3 & A.4). Improvements to the concrete ditch on the north side may need to be moved or replaced to allow for gravity irrigation on each parcel (Exhibit 3.A.3). An irrigation plan was not provided. An irrigation plan is required at the time of platting (CCCO Section 07-17-09).
 - a. Boise Project Board of Control states the irrigation district has no facilities on the parcels but does have water rights (Exhibit 3.D.6). Local irrigation/drainage ditches that cross the property in order to serve neighboring properties must remain unobstructed and protected by the appropriate easement by the landowner, developer, and contractors.
 - (5) The applicant will work with Idaho Power to bring services to each parcel. Utility locations and easements are required to be provided at the time of platting (CCCO Section 07-17-09).
 - (6) Notice of the public hearing was provided per CCCO §07-05-01. *See Exhibit 3.D for comments from affected agencies.*

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

Conclusion: The proposed request, as conditioned (Attachment A), will not create any traffic impacts that require mitigation.

- Findings:**
- (1) Per the Institute of Transportation Engineers – Trip Generation 9th Edition, referenced in CCCO Section 07-10-03(3)), the request creates 19.04 average daily trips (secondary residences are prohibited, Attachment A) onto First Street, a public road in Sunny Slope Subdivision No. 1.
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. *See Exhibit 3.D for comments from affected agencies.*
 - a. Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit 3.D.4).

Golden Gate Highway District #3 also does not have traffic impact concerns (Exhibit 3.D.1).

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

Conclusion: The parcels have legal access via a 30' ingress/egress easement. Adequate access will exist at the time of development.

Findings:

- (1) The parcels have legal access via a 30' ingress/egress easement that connects to SH-55 (Exhibits 3.A.2 and A.3).
- (2) Upon hearing public testimony regarding access concerns regarding Newby Subdivision and Nancy Lane on February 6, 2025, the Planning and Zoning Commission tabled the hearing to allow the applicant to work with Golden Gate Highway District #3 to determine an adequate access point that will serve the two subject parcels (Exhibit 2).
 - a. At the April 3, 2025, Planning and Zoning Commission hearing, the applicant stated they and DSD staff met with Golden Gate Highway District #3 and found access to the 30' wide easement from First Street, a public road in Sunny Slope Subdivision #1, acceptable. A condition of approval has been included to ensure the access point comes from First Street, not SH-55 (Attachment A & Exhibit 1).
- (3) Notice of the public hearing was provided per CCCO §07-05-01. *See Exhibit 3.D for comments from affected agencies.*
 - a. Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit 3.D.4).

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

Conclusion: The proposed request is not anticipated to impact essential public services and facilities, including, but not limited to schools, police, fire, and emergency medical services.

Findings:

- (1) The subject properties are located in the Vallivue School District #139 (Exhibit 3.B.1). No comment was received.
- (2) The subject properties are served by the Marsing Fire District (Exhibit 3.B.1). No comment was received. The applicant states they met with Caldwell Rural Fire, which required access to be improved and to include a turnaround to fire district specifications (Exhibit 3.A.2). During testimony on April 3, 2025, at the Planning and Zoning Commission hearing, the applicant read an e-mail from the Marsing Fire District stating that access to the parcels will need to meet fire district access requirements (Exhibit 2).
- (3) The subject properties are served by the Canyon County Sheriff's Office. No comment was received.
- (4) The subject properties are served by Canyon County Ambulance/EMT. No comment was received.
- (5) The subject properties are within the Wilder Irrigation District & Boise Project Board of Control (Exhibit 3.B.1). The Boise Project Board of Control commented, stating there are no irrigation district facilities on the parcels (Exhibit 3.D.6)
- (6) Notice of the public hearing was provided per CCCO §07-05-01. *See Exhibit 3.D for comments from affected agencies.*
 - a. The Boise Project Board of Control commented, stating there are no irrigation district facilities on the parcels (Exhibit 3.D.6).
 - b. No comments were received from Vallivue School District, Marsing Fire District, Canyon County Sheriff's Office, Canyon County Ambulance/EMT, or Wilder Irrigation District.


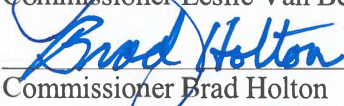
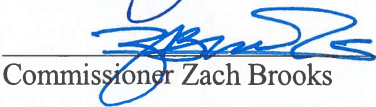
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners concur with the recommendation by the Planning and Zoning Commission (Exhibit 1) and **approves** Case # CR2022-0027, a conditional rezone of parcels R33459010 and R33459010B from an "A" zone to a "CR-R-R" zone subject to conditions of the development agreement (Attachment A).

DATED this 5th day of August, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: JROSS
Deputy

Date: 08.05.25

ATTACHMENT A

DEVELOPMENT AGREEMENT CONDITIONS

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Prior to the development of Parcel R33459010 and 010B, the division creating the parcel must be created legally through the subdivision process (Chapter 7, Article 17 of the Canyon County Code of Ordinances).
3. The development of the subject parcel shall be restricted as follows:
 - a. Minimum average lot size: Five (5) acres.
 - b. Zoning Designation: Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
 - c. Access: Access to the subject parcel shall connect to First Street within Sunny Slope Subdivision #1.
4. The developer shall comply with CCCO §07-06-07(4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. Secondary residences per CCCO Section 07-10-27 and 07-14-25 are prohibited.



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 25-086

THIS AGREEMENT, made and entered into this 5th day of August, 2025, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and David K Hess (Parcel R33459010) and Glaettli LLC (Parcel R33459010B), hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from an "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone (CR2022-0027), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcels R33459010 and R33459010B, approximately 11.07 acres, are owned by the Applicant; and

WHEREAS, on the 29th day of July, 2025, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in EXHIBIT "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see Exhibit "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-R" (Conditional Rezone – Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in EXHIBIT "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR2022-0027 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited

to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted. Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached EXHIBIT "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Properties conditionally rezoned from "A" (Agricultural) Zone designation to "CR-R-R" (Conditional Rezone – Rural Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to the County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

Notices and communications required to be given to the Applicant shall be addressed to, and delivered at, the following addresses:

Name: David Hess
Street Address: 116 Arabian Way
City, State, Zip: Nampa, ID 83687

Name: Glaettli LLC, Carl Glaettli
Street Address: 183 N Stinson St.
City, State, Zip: Nampa, ID 83651

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.

SECTION 20.

TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

APPLICANT



Commissioner, Leslie Van Beek



David K. Hess, Property Owner



Commissioner Brad Holton



Carl Glaettli, Property Owner



Commissioner Zach Brooks

ATTEST:  Clerk

BY: 

Deputy

DATE: 



(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)
) ss.
County of Canyon)

On this 31 day of July, 2025, before me, a notary public, personally appeared David H Hess, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



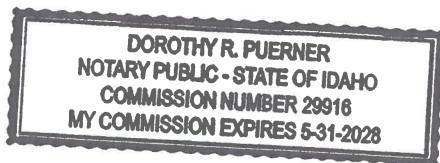
Olga Moore
Notary Public for Idaho

Residing at: Canyon County, Nampa

My Commission Expires: 04/08/2030

STATE OF IDAHO)
) ss.
County of Canyon)

On this 31st day of July, 2025, before me, a notary public, personally appeared CARL GLAETTL, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Dorothy R Puerner
Notary Public for Idaho

Residing at: Nampa Idaho

My Commission Expires: 5/31/2028

EXHIBIT "A"

LEGAL DESCRIPTION

R33459010 - Hess

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence
North 89° 48' 12" East 370.50 feet along the North boundary of said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence
South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence
South 89° 48' 11" West 370.50 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence
North 00° 49' 19" West 713.63 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

(Shown as Parcel "A" of Record of Survey recorded as Instrument No. 200216286)

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence
North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55); thence
South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set ½" iron pin which bears
South 89° 48' 12" West 33.00 feet; thence
South 89° 48' 12" West 1324.19 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence
North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane; thence

North 89° 48' 12" East 370.50 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin, said pin marking the REAL POINT OF BEGINNING; thence continuing

North 89° 48' 12" East 305.20 feet along the said North boundary of the Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence

South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence

South 89° 48' 11" West 305.20 feet to a set ½" iron pin; thence

North 00° 49' 19" West 713.63 feet to the POINT OF BEGINNING.

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe

marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence

North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road Road (State Highway 55); thence

South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set 1/2" iron pin which bears

South 89° 48' 12" West 33.00 feet; thence

South 89° 48' 12" West 1324.19 feet to a set 1/2" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence

North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Prior to the development of Parcel R33459010 and 010B, the division creating the parcel must be created legally through the subdivision process (Chapter 7, Article 17 of the Canyon County Code of Ordinances).
3. The development of the subject parcel shall be restricted as follows:
 - a. Minimum average lot size: Five (5) acres.
 - b. Zoning Designation: Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
 - c. Access: Access to the subject parcel shall connect to First Street within Subby Slope Subdivision #1.
4. The developer shall comply with CCCO §07-06-07(4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. Secondary residences per CCCO Section 07-10-27 and 07-14-25 are prohibited.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Prior to the development of Parcel R33459010 and 010B, the division creating the parcel must be created legally through the subdivision process (Chapter 7, Article 17 of the Canyon County Code of Ordinances).
3. The development of the subject parcel shall be restricted as follows:
 - a. Minimum average lot size: Five (5) acres.
 - b. Zoning Designation: Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
 - c. Access: Access to the subject parcel shall connect to First Street within Subby Slope Subdivision #1.
4. The developer shall comply with CCCO §07-06-07(4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. Secondary residences per CCCO Section 07-10-27 and 07-14-25 are prohibited.