Board of County Commissioners
Hearing Date: April 21, 2026
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER:	**VAC2025-0001**
APPLICANT/PROPERTY OWNER:	**Frank W. Phillips**
APPLICATION:	**Plat Vacation – Easement on Lot 5, Block 1 of Tower Towers Subdivision.**
LOCATION:	**12080 Rivendell Ct. Nampa** **Parcel R33014104, 3.07 acres**
ANALYST:	**Dan Lister, Planning Supervisor**
P&Z RECOMMENDATION:	**Approval with Conditions**

SUMMARY:
The applicant requests a plat vacation to remove an easement on Lot 5, Block 1 of Two Towers Subdivision (**Exhibit 3.B**). The Planning & Zoning Commission heard the case at a duly noticed public hearing held on February 5, 2026. After deliberation, the Planning & Zoning Commission recommended approval of the request subject to conditions (**Exhibits 1 & 2**).

The staff report packet dated February 5, 2026, and all supporting material are contained in **Exhibit 3**. Any additional comments received after the Planning and Zoning Commission hearing and 10 days before the Board of County Commissioners hearing can be found in **Exhibit 4**. A draft version of the Board's Findings of Fact, Conclusions of Law & Order (FCO) is found in **Exhibit 5.**

EXHIBITS:
1. Planning & Zoning Commission Signed FCOs
2. Planning & Zoning Commission Minutes - February 5, 2026
3. Staff Report Packet - February 5, 2026
4. Comments Received by April 11, 2026
   a. Nampa Fire received April 6, 2026 (*Same comment as Exhibit 3.E.1 received January 20, 2026*)
5. Draft FCOs

EXHIBIT 1

Planning & Zoning Commission Signed FCOs

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Board of County Commissioners

Case# VAC2025-0001

Hearing date: April 21, 2026

PLANNING OR ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Phillips – VAC2025-0001

The Canyon County Planning and Zoning Commission considers the following:

A plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104. The subject property is located at 12080 Rivendell Ct., Nampa, also referenced as a portion of the SE¼ of Section 25, T3N, R3W, 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 VAC 2025-0001.

      1. All exhibits are located in the case staff report dated February 5, 2026.
      2. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 31, 2025. JEPA notice to the City of Nampa was sent on October 1, 2025, and December 31, 2025. Property owners within 300 feet of the subject property boundaries and per Idaho Code §50-1306A(2) were notified on January 5, 2026. A newspaper notice was published on December 31, 2025. The subject property was posted with a notice on December 31, 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 §07-17-35 (Plat Vacation), Idaho Code §50-1306A & §50-1324 (Vacation of Plats Procedure); and CCCO §09-11-25 (Area of City Impact Agreement).

   a. Notice of the public hearing was provided per CCCO §07-05-01.

   b. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. *See* Idaho Code §67-6516

2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.

3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

4. 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.

5. 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, VAC2025-0001, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 5, 2026. 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 Canyon County Planning and Zoning Commission decides as follows:

Standards of Evaluation – CCCO §07-17-35 Subdivision/Easement Vacation

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.**
Analysis	A complete application with fees was accepted on September 29, 2025 (**Exhibit A**).	
Criteria Met?	**2**	**Upon receipt of the completed application and any additional information required, DSD shall affix the date of application acceptance thereto. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations outlined in Idaho Code section 50-1306A and recorded in accordance with the regulations outlined in Idaho Code section 50-1324.**
Yes		
Analysis	The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1306A, as follows: • Per Idaho Code §50-1306A(1), a complete application was submitted to the Development Services Department (DSD), including the circumstances of the request to vacate, the legal description of the easement to be vacated, and HOA approval of the easement vacation to the applicant, Mr. Phillips (**Exhibit B**). • Per Idaho Code §50-1306A(2), noticing was completed per Canyon County Code of Ordinances (CCCO) Chapter 7, Article 5, which meets the plat vacation noticing requirements (**Exhibit C.2c**). *See the Notice and Comments section of this report for information.* • Per Idaho Code §50-1306A(4), the property is within one (1) mile of Nampa city limits, so written notice was sent to the City of Nampa on October 1, 2025and December 31, 2025. City of Nampa does not oppose, subject to maintaining front, rear, and side utility easements consistent with the rest of the subdivision (**Exhibits E.4 & B.3**). • Per Idaho Code §50-1306A(5), the request does not impact any part of the easement for gas, water, telephone, cable, power, drainage, or slopes. The applicant will maintain the required utility easement along the front, side, and rear per CCCO §07-17-09(1)E.5, including the 16' easement along the frontage consistent with the rest of the subdivision (**Exhibit E.4**). o CCCO §07-17-09(1)E.5: *The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries. Utility easements shall be shown graphically on the plat.* • Per Idaho Code §50-1306A(7), publication costs are factored into the application fee. The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1324, as follows: (1) If approved by the Board of County Commissioners, the applicant must provide certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer). *See condition no. 1.* (2) If approved by the Board of County Commissioners, a resolution with a record of survey shall be recorded. *See condition No.1.*	
Criteria Met?	**3**	**The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.**
Yes		

Analysis	*See the **Order** section below.*

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval of** Case #VAC2025-0001, a plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104, subject to the following conditions as enumerated:

1. If approved by the Board of County Commissioners, a resolution must be signed allowing the requested plat vacation subject to the applicant providing (a) a recorded record of survey amending Lot 5, Block 1 of Tower Towers Subdivision with a utility easement that meets CCCO §07-17-09(1)E.5 including Exhibit E.4, and (b) certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer).

DATED this 5 day of February, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 5 day of February, in the year 2026, before me Caitlin Ross, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

CAITLIN ROSS
COMMISSION #20251885
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/07/2031

Notary: Caitlin Ross

My Commission Expires: 5/7/2031

EXHIBIT 2

Planning & Zoning Commission Minutes – February 5, 2026

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Board of County Commissioners

Case# VAC2025-0001

Hearing date: April 21, 2026

CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 5, 2026
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present :	Robert Sturgill, Chairman Brian Sheets, Vice Chairman Harold Nevill, Commission Secretary Geoff Mathews, Commissioner Holley Werhanowicz, Commissioner Anita Johnston, Commissioner
Staff Members Present:	Dan Lister, Planning Supervisor Emily Bunn, Principal Planner Arbay Mberwa, Associate Planner Dane Adams, Associate Planner Caitlin Ross, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:30 p.m.

Commissioner Nevill read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1: Consent Agenda – Action Items

A. **Case No. RZ2025-0003 – Brown:** Approve FCOs
B. **Case No. CR2023-0014 – Willoughby:** Approve FCOs
C. **Case No. CR2025-0004 – Smith:** Approve FCOs

Motion: Commissioner Nevill moved to approve the Consent Agenda, seconded by Commissioner Sheets. Voice vote, motion carried.

Item 2A:

Case No. CU2025-0030 – Highway District No. 4: The applicant, Highway District No. 4, represented by Lenny Riccio, requests a conditional use permit modification/time extension to modify condition no. 4 regarding Case No. 011012L17-4N-2W, the approval of a long-term mineral extraction on approximately 38.14 acres in an "A" (Agricultural) zone. The applicant would like to extend the operations for another 30 years. The subject property is located Northwest of Lincoln Rd and Midland Blvd, also referenced as Parcel R34069010.

Chairman Sturgill affirmed the applicant to testify.

Bruce Bayne (Applicant) IN FAVOR –15435 Hwy 44, Caldwell, ID 83607

Mr. Bayne is the Director for Highway District No. 4. The highway district maintains a main office, storage yard, and gravel pits in Canyon County. They maintain 320 miles of road within the county. He discussed IDEQ's exhibit (C.5) and stated they do have an active permit with the agency and are asking for another five-year extension.

Lenny Riccio -Applicant) IN FAVOR –15435 Hwy 44, Caldwell, ID 83607

Mr. Riccio is the Senior Assistant Engineer with Highway District No. 4. The request is for a CUP modification of one condition which would allow the continuation of mineral extraction at the gravel pit. The pit is located on approximately 40 acres. The area has multiple gravel pits that surround the subject property. For the past 25 years the district has not utilized all the materials in the pit, thus, the reason for the requested modification. Their pits are utilized based on project locations. Typically, the district rebuilds 7-8 miles of road per year and depending on where the rebuild is located the district may utilize this pit or a different pit. Mr. Riccio stated that the highway district is a good neighbor and is mindful of the operation. Crushing gravel typically occurs every 3-4 years. As the staff report indicates there have been no code violations. At the neighborhood meeting, there were no people in attendance primarily because this is an existing gravel pit and is not establishing a new use. The pit has been utilized for 25 years, and the district is requesting an extension of that use for an additional 30 years.

Commissioner Nevill asked for clarification as to the number of years being requested and the final date. Mr. Riccio stated they are requesting 30 years with a final date of February 5, 2056. Commissioner Nevill asked how much life was left in the pit and Bruce Bayne returned to the podium. Mr. Bayne stated that they have not used half of the pit yet. Commissioner Nevill asked if the reclamation plan is for 30 years. Mr. Riccio replied yes.

Mr. Riccio also noted this is a continued use. The surrounding neighbors understand the use and appears to not negatively affect them in any way.

Associate Planner Dane Adams reviewed the Staff Report for the record.

Commissioner Nevill asked why there is a time frame, why can't it just be used until it is exhausted. Planner Adams stated that gravel pits are required by code to have an end date. Planning Supervisor Dan Lister stated that , yes, code requires a duration of extraction.

Chairman Sturgill noted a case approved in 2022 with 13 conditions. He asked if staff did an analysis of the current conditions applied to gravel pits vs what was applied to this 25-year-old permit and make an assessment or risks associated with not having updated conditions. Planning Supervisor Dan Lister stated that the findings used are for a time extension. Time extension states they just must provide a good reason as to why the use needs to be extended and to what date. They are not asking for a new gravel pit. The options this evening are to extend the use, finding that nothing has changed and that they meet the conditions or if there have been changes to where this use should not be extended the request could be denied. If the request were denied, the applicant would have to reapply for a CUP for mineral extraction. Chairman Sturgill hoped that there would have been some sort of analysis of conditions.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Matt Newton- IN FAVOR – 25370 Volendam St., Caldwell, ID 83607

Mr. Newton is a new Commissioner for Highway District No. 4. He is in favor of the approval.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2025-0030 seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets noted that this is an existing mineral resource use. It is for a governmental agency with an ongoing mission.

Commissioner Nevill asked if the Commission wanted to try to do anything about updating the conditions. He noted conditions concerning noise that are applied to gravel pits today.

Chairman Sturgill stated that there's been nothing about the way the pit has been operating that would suggest there is an issue or a challenge, and he is not inclined to deny the application. He is inclined to at least ask for some type of consideration or analysis of the best practices that we impose on the private industry for gravel pits in the area.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2025-0030, and adopt the Findings of Fact, Conclusions of Law and order, with the completion date to be February 5, 2056. Seconded by Commissioner Sheets.

Discussion on the Motion:
None

Roll call vote: 5 in favor, 1 opposed, motion passes.

Item 2B:

Case No. VAC2025-0001 – Phillips: The applicant requests a plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104. The subject property is located at 12080 Rivendell Ct., Nampa.

Chairman Sturgill affirmed the applicant to testify.

Frank Phillips – (Applicant) IN FAVOR – 12080 Rivendell Ct., Nampa, ID 83686
Mr. Phillips stated he is trying to remove an E-2 designator on the plat. This was put on the plat in 2005 and was intended for an entrance sign for Rivendell Ct. into Two Towers Subdivision. Somewhere between 2005 and 2012 it was decided that it was not feasible and this area was never landscaped or irrigated. Mr. Phillips purchased his property in 2019 and found out about this easement. It was his understanding that this area was given back to lot 5 to the best of his knowledge. Mr. Phillips attempted to find the members of the HOA at the time & developers to no avail. There is only one home in the development that has residents that were there in 2012. Mr. Phillips would like the easement removed so he can take out the dead trees and clean them up and the HOA does not want it.

Commissioner Nevill asked if this portion of the property was included in his deed. Mr. Phillips said that the paperwork included in his deed was a legal description of lot 5 that was prepared and recorded in 2013. However, when Mr. Phillips visited the County, he found out that lot 5 was not part of his property. All easements and utilities would remain; he just wants control of that lot so he can clean it up.

Planning Supervisor Dan Lister reviewed the Staff Report for the record.

Commissioner Sheets asked for clarification and wanted to ensure that all they would be doing through this request is adjusting the plat. Planning Supervisor Lister replied, yes.

Commissioner Nevill asked if this is approved, will it show up in a title search. Planning Supervisor Lister replied, yes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. VAC2025-0001, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:
None

MOTION: Commissioner Sheets moved to **recommend approval to the Board of County Commissioners for** Case No. VAC2025-0001, and adopt the Findings of Fact, Conclusions of Law & Order as presented by staff. Seconded by Commissioner Nevill.

Discussion on the Motion:
Commissioner Nevill noted that the FCOs should state "recommend approval" rather than "approval."

Roll call vote: 6 in favor, 0 opposed, motion passes.

Item 2C:
Case No. CR2025-0001 – Ryshko: The applicants, Oksana and Sergii Ryshko, request a conditional rezone of approximately 10.94 acres from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone – Rural Residential) zone. If approved, the applicant plans to proceed with an administrative land division application to split the parcel into three parcels. The subject property is located at 8478 Purple Sage Rd, Middleton, ID 83644, also referenced as Parcel R37492010.

Chairman Sturgill affirmed the applicant to testify.

Sergi Ryshko – (Applicant) IN FAVOR – 8478 Purple Sage Rd., Middleton, ID 83644
Mr. Ryshko is requesting a conditional rezone from agriculture to rural residential. The intent is to split the parcel into three lots. Two of the lots will be approximately two acres and one will be six acres. Access to the parcels will be from the current driveway. The road will be paved and privately maintained. Each lot will have an individual well and septic system and storm water will be retained with swales. The irrigation will be pressurized, and 9.5 shares of water will be split equally according to lot sizes. The conditional rezone is generally consistent with the 2030 Canyon County Comprehensive Plan, and the property is designated as rural residential. Surrounding lot sizes range from one to 2.5 acres and some have been conditionally rezoned to rural residential. Mr. Ryshko stated the conditional rezone will not negatively impact the character of the area. There will be no public street improvements required, and legal access exists. There will be no impact on essential services. Mr. Ryshko asked that there not be any prohibition of future division of the six-acre lot. They would like to have that option available for the future should the need arise.

Commissioner Nevill asked about recommended condition no. 4 and asked for clarification as to which Mr. Ryshko preferred. Mr. Ryshko's preference is to have a chance to build a secondary dwelling on the lots.

Principal Planner Emily Bunn reviewed the Staff Report for the record.

Commissioner Nevill asked for clarification regarding the access point from Purple Sage and where it will be located. Emily provided the access location utilizing her PowerPoint presentation.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Lisa Bertoni – IN OPPOSITION- 8366 Purple Sage Rd., Middleton, ID 83644
Ms. Bertoni stated that this development would surround the side and full back of her property. The landowner built his home directly behind their dwelling. Typically, new construction is offset out of respect for current landowners. She is not opposed to growth, but most of the growth that is happening is on the

bottom side of Purple Sage, not outside of city limits. Ms. Bertoni's family established their home and business long before this development was proposed, specifically because of the peace, quiet, and open space this area provided. By approving this development, the new neighborhood would overpower the existing one. Their business provides an incredible opportunity for the community and approval of the rezone would have an impact on their business and home moving forward. Ms. Bertoni asked that the request be denied.

Commissioner Sheets asked for more information about Ms. Bertoni's venue. Ms. Bertoni replied that they are a commercial use venue and have gained approval for the use. She stated they do approximately 50 events per year. Ridleys held their Christmas party at their venue. Events can be up to and over 100 people, however, they choose to stay in the lower hundreds. They do weddings, events, charity events, etc. They are currently in their sixth year of operation.

Commissioner Nevill asked which way the view shed is from her house. Ms. Bertoni stated to the north. She added that the west is important to because of the sunset. If two or three homes go in there it will block everything. It has already affected them because people come to book a wedding and see construction going on . Mr. Nevill asked if she had a CUP for her events center. Ms. Bertoni stated yes.

Chairman Sturgill asked if the building Ms. Bertoni uses for special events was large enough for 100 people. She replied yes, and it is separate from her home. Her lot is an acre and a half.

Annette Linan– IN OPPOSITION – PO Box 61, Horseshoe Bend, ID 83629

Ms. Linan agreed with testimony from Ms. Bertoni. Growth can be positive, but it can also be suffocating in places. Growth does place increased strain on critical resources such as water, irrigation, sewer, landfills, power maintenance, fire protection, EMT services. She also noted the emotional quality of life strain that is also caused by excessive development. Ms. Linan stated that the Bernoni's chose this area specifically for its agricultural character and open space. She requested that the request be denied.

Sonia Barrington– IN OPPOSITION – 8310 Purple Sage Rd., Middleton, ID 83644

Ms. Barrington is opposed to the rezoning of the property. She questioned when the development would stop. The parcel was not intended to have this many dwellings. Ms. Barrington felt it was inconsistent with the goals of the Comprehensive Plan and doesn't serve the long-term interest of the community.

Brynlee Madeiros– IN OPPOSITION – 10635 Avalon St., Nampa, ID 83687

Ms. Madeiros is here this evening because the place that her grandparents developed shaped a lot of her childhood. Growing up in this area has shown her how important quiet and open space can be. When large neighborhoods move in next to land that has always been peaceful, that feeling disappears and can't be brought back. Her grandparents have put care into keeping their property beautiful and respectful of its surroundings. They chose this life intentionally, long before the development was proposed. Ms. Madeiros understood that change happens, but the people that were already here lose what they've built just because something bigger comes later. She respectfully requested that the long-term impacts be considered.

Chairman Sturgill noted that Ms. Madeiros' comments speak to criteria no. 4. Chairman Sturgill asked what the biggest noise source is in the area. Ms. Madeiros replied, car noise and birds.

MaryLou Hokinson– IN OPPOSITION – 7780 Willow Creek Dr., Middleton, ID 83644

Ms. Hokinson is concerned about traffic impacts, water tables, emergency response, and overcrowding of schools. When people move to an agricultural area they complain about animals, cows mooing and chickens roosting.

Chairman Sturgill asked Ms. Hokinson if she could quantify what the status is in terms of occupancy and potential overcrowding in the schools. Ms. Hokinson referenced the school district bonds due to

overcrowding.

Sergi Ryshko – (Representative) REBUTTAL–8478 Purple Sage Rd., Middleton, ID 83644
Mr. Ryshko referenced testimony that their home is located close to the property line, but they decided to build in the middle of the property, so it has a good setback. Their home is located further than any neighbor's house to the property line. Mr. Ryschko stated they do understand that their neighbors have a business venue, and they are trying to be respectful to them. Their intention when they bought the land was to build a house and possibly split the land. The land was for sale for quite some time and if people were interested in preserving the land, it was available to buy. Mr. Ryshko's well produces more than 100 gallons per minute. He stated that Middleton School has quite a few available spots.

Commissioner Nevill asked if Mill Creek was over capacity. Mr. Ryshko stated no, but they do have portables. Commissioner Nevill asked if there are any administrative splits left. Planner Bunn stated that the parcel is not an original parcel. She also noted that non-viable would not be an option because the land is viable.

A request was made by a member of the audience to come back up to the podium to provide testimony. Chairman Sturgill asked if there was a motion to allow this, also recognizing that Mr. Ryshko would also have an opportunity to provide rebuttal testimony.

MOTION: Commissioner Nevill moved to allow additional public testimony and rebuttal on Case No. CR2025-0001 seconded by Commissioner Werhanowicz. Voice vote, motion carried.

Katie Bertoni– IN OPPOSITION – 10374 Mill Grain St., Nampa, ID 83687
Ms. Bertoni stated that she and her husband went to Middleton High School when the new building opened. At the time it was empty because it was brand new. The old high school building is the middle school, and it has portables. Between 2013-2026 the schools are overcrowding. Ms. Bertoni stated that they had asked Mr. Ryshko to move his RV and tractors, and he doesn't always move them.

Sergi Ryshko – (Representative) REBUTTAL–8478 Purple Sage Rd., Middleton, ID 83644
Mr. Ryshko stated that the impact from his development on the schools would be minimal as only two additional lots would be added. He added that his equipment has been moved, and it is on the roundabout.

Chairman Sturgill asked if staff had any updates or additional information to provide based on testimony. Planner Bunn stated that the P&Z Commission can add conditions to limit the effects to the area such as restricting secondary residences or further divisions.

Commissioner Nevill asked if there was a condition restricting secondary residences. Planner Bunn stated that it wasn't added, but if the Commission chooses to add it would be an additional condition.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2025-0001, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Nevill stated that he is not in favor of the application as it has been presented. The only way that criteria 2, 3, and 4 could be answered in the affirmative is by restricting secondary residences. Commissioner Nevill is not convinced that he is entirely in favor of the concept of rezoning.

Commissioner Mathews understands the Bertoni's concerns. He stated that if this were to be approved, secondary residences would have to be restricted.

Commissioner Sheets stated that the future land use destination is residential, and the request is for a conditional rezone to rural residential. The proposed density is pretty similar to what is in the vicinity. Additional splits or additional secondary dwellings would not be appropriate. If that is not restricted, he would not be in favor of the application.

MOTION: Commissioner Nevill moved to **recommend denial** of Case No. CR2025-0001 to the Board of County Commissioners, as the use is not more appropriate (Criteria 2), the proposed use is not compatible with the area (Criteria 3) and would change the essential character (Criteria 4), noting testimony received on the record and exhibit E1 and E2. Seconded by Commissioner Werhanowicz.

Discussion on the Motion:
Commissioner Sheets stated that the project can be conditioned to minimize impacts by adding a condition prohibiting secondary residences and no additional land splits.

Roll call vote: 3 in favor, 3 opposed, motion fails.

MOTION: Commissioner Sheets moved to **recommend approval** of Case No. CR2025-0001 to the Board of County Commissioners and adopt Findings of Fact and Conclusions of law with the addition of conditions stating there shall be no secondary dwellings allowed and no subsequent land divisions. Seconded by Commissioner Mathews.

Roll call vote: 3 in favor, 3 opposed, motion fails.

Chairman Sturgill stated that this request will go to the Board of County Commissioners with essentially a "no recommendation." The Board will conduct another public hearing on this request.

Item 2D:
Case No. CU2024-0025 – Nevills: The property owner, Richard Oester, represented by Elizabeth Nevills, requests a conditional use permit for a kennel in a "R-R" (Rural Residential) zone. The kennel will house a maximum of 35 dogs for sled dog racing, rescues, and public pet care engagement with youth organizations. The subject property is located at 8932 Foothill Road, Middleton Idaho 83644, also referenced as Parcel R23015502B.

Chairman Sturgill affirmed the applicant to testify.

Liz Nevills – (Representative) IN FAVOR– 8932 Foothill Rd., Middleton, ID 83644
Ms. Nevills is requesting a conditional use permit to house 16-35 sled dogs on site for racing, promoting engagement with the public and youth, as well as an occasional rescue. Ms. Nevills takes the sled dogs to races between October and April. Ms. Nevills volunteers her time working with youth organizations and schools to teach them about dogs, pet care, etc. The dogs are housed in kennels in her backyard, and all kennels have a tarp roof. Ms. Nevills referred to Exhibit B10 and stated that there is additional fencing to ensure the dogs are kept inside the yard. Bark collars are worn by the dogs to help mitigate noise. The property is zoned rural residential, and the use is allowed by conditional use permit. The proposed use will not be injurious to property in the immediate vicinity and will not negatively impact the essential character of the area with the proposed conditions of approval. Ms. Nevills stated that on training days, she never leaves before 8 a.m. to be courteous of noise. She is usually back by dark or shortly after. Typically, cages are scooped 3-4 times a day. Cages are washed daily to help keep the area sanitary and keep smell down. The proposed use is not open to the public, therefore, there will be no impact on traffic. Currently there are 24 dogs on site.

Commissioner Sheets asked what breed the dogs are. Ms. Nevills stated they are Alaskan Huskies or Husky mixes. Commissioner Sheets asked if Ms. Nevills planned on doing any dog breeding. Ms. Nevils stated that it is not planned. She noted that, according to the advice of her vet, the animals are kept intact until they are two. Any females in season are moved into the house.

Commissioner Nevill asked how the dogs get transported to Alaska. Ms. Nevills stated they are transported by truck and ferry to Juno.

Commissioner Johnston asked how the kennels are washed in freezing winter temperatures. Ms. Nevills stated a bucket of hot water and brushes.

Chairman Sturgill asked about the current use of bark collars. Ms. Nevills stated that currently they have the bark collars on the dogs outside and they are checked every other week. She also double checks the test method to make sure they are still working with the bark collars. Chairman Sturgill noted that typically kennels of this size are fixed hard wall kennels that reduce barking, flies, etc. He asked if that would be within the realm of possibility. Ms. Nevills stated that they would be willing to make any modifications that are requested to mitigate noise and smell. Chairman Sturgill asked if an enclosed building with drains etc. would be possible because he did not want to impose a condition that could not be met. Ms. Nevills stated that at the moment, she does not know what kind of price tag that would hold and where that would be placed.

Commissioner Mathews asked if concrete floors rather than pallet floors could be used. Ms. Nevills stated yes.

Associate Planner Arbay Mberwa reviewed the Staff Report for the record.

Chairman Sturgill asked if this case was a result of a code compliance case. Planner Mberwa replied, it did not. Chairman Sturgill asked if there was barking when Planner Mberwa conducted her site visit. Planner Mberwa stated that upon arrival there was barking, however, it settled down pretty quickly and they were able to have a conversation.

Commissioner Johnston asked how many dogs are legal without a permit in this area. Planner Mberwa stated that you can have five dogs without a conditional use permit. The sixth dog triggers the need for a permit.

Shawna Staley – IN FAVOR– 7857 Bratton Dr., Nampa, ID 83687

Ms. Staley stated that her daughter is part of the voluntary dog sled team, and she has known the applicant for six years. Her daughter has anxiety, and this has provided a healthy and supportive way to help her manage it. Ms. Staley stated that Ms. Nevills is deeply committed to the wellbeing of the dogs and education. Approval of the request would allow the volunteer program to continue to serve the community.

Commissioner Nevill asked if Ms. Staley had any thoughts about requiring a septic system. Ms. Staley stated that she doesn't, but when she has been to the property it is very clean. Commissioner Nevill asked if there would be a benefit to having concrete floors in the kennels. Ms. Staley stated that right now it is fine and was unsure what the benefit would be requiring concrete floors. Commissioner Nevill asked about noise. Ms. Staley stated that her daughter goes out early in the morning to train with the dogs, typically 9 a.m. to 9:30 a.m. The dogs typically bark when they're loading them, but that only takes 10 to 15 minutes. Once they are in the trailer, they are quiet again.

Brianna Staley – IN FAVOR–7857 Bratton Dr., Nampa, ID 83687

Ms. Staley stated that the dogs are well cared for based on what she has seen. The dogs are fed properly and exercised daily. They are kept in clean spaces and are watched to ensure they are healthy and conformable. Ms. Staley stated the kennel is important to her personally, as she struggles with anxiety which can make things feel overwhelming. Working with the sled dogs has helped her to feel calm and focused. Being around

the dogs provides her with a sense of routine and purpose. Dog sledding has been a positive and healthy outlet. Losing access to this program would be very hard for her and the others who benefit from it.

Dayna Smith – IN FAVOR–8916 Foothill Rd., Middleton, ID 83644
Ms. Smith lives east of Ms. Nevills home. Ms. Smith stated that she enjoys listening to the dogs, and they don't often bark, it is more than a howl. The applicant does a great job.

Commissioner Nevill asked if there were any issues with traffic and this use. Ms. Smith replied, no.

Richard Oester – IN FAVOR–8932 Foothill Rd., Middleton, ID 83644
Mr. Oester helps with cleaning the kennels. Mr. Oester stated the have not had any complaints of noise or smell coming from any of the close neighbors.

Chairman Sturgill asked for more information about the bark collars and how they work if the dogs are still able to bark at firetrucks. Mr. Oester stated that it depends on the sound level the dog is barking at. If it is low enough, it doesn't trip the sensor but if it is a high level then it does give them a shock.

Donna Morton -IN FAVOR–11008 W. Mohawk Dr., Boise, ID 83709
Ms. Morton is a friend of Ms. Nevills and has known her since 2019. Ms. Nevills' operation is clean. Ms. Morton has travelled with her to different dog sled races and to training runs. There is minimal noise, except when they are getting hooked up, they are excited and want to go. Ms. Nevills takes care of her dogs, and she has an extreme passion for them.

Chairman Sturgill asked if there was adequate room on the property for the dogs to get exercise. Ms. Morton stated, yes.

Carleen Brehmer -IN FAVOR–2005 Hird Ave., Apt 1, Caldwell, ID 83605
Ms. Brehmer has had many years in the sled dog community, starting when she was five or six years old. Ms. Brehmer has house sat for Ms. Nevills while she was out of town. Ms. Nevills is a top-notch musher and she offers community outreach and education. She is out taking care of her dogs four times a day.

Amy Rupp – IN OPPOSITION–23991 Southview Ln., Middleton, ID 83644
Ms. Rupp's property is north of the subject property. She has not signed anything in support of the plan. Ms. Nevills came to her home requesting her signature as an acknowledgement of her efforts to obtain a permit. Ms. Rupp stated she called animal control at least three times last year due to excessive barking. It has been escalating for some time. The final time, the police officer that came to check on the complaint told us there was nothing they could do but to sue, because the applicant was pursuing a permit. Ms. Rupp noted that they live in a rural residential neighborhood. The zoning is to protect the quiet enjoyment of their homes. 24 or 35 dogs creamed into a tiny half acre backyard does not work well in a residential neighborhood. The sound carries uphill, and she can hear the dogs every time they bark. Huskies are not quiet, and Ms. Rupp stated she is not able to sleep with the windows open because the dogs wake up with the sunrise. Ms. Rupp went on to explain that the dogs bark when she goes into her garden, when her kids are playing outside, and basically anytime they can sense them nearby. Ms. Rupp noted that the applicant has been operating the kennel in violation of the code for many years. Ms. Rupp noted there were other concerns noted in her emailed letter. She has also written to her commissioner but received no response. The P&Z Commission is the last chance the neighbors have to maintain the peace and their quality of life. Ms. Rupp has no issue with Ms. Nevills hobby, just the location.

Chairman Sturgill asked if there was ever a point in time where the number of dogs and noise level was acceptable and reasonable. Ms. Rupp stated probably before she started complaining about it. She did not know the number of dogs Ms. Nevills had at that point. Ms. Rupp added that Ms. Nevills stated she only had

five dogs over the summer, and that there was still an incredible amount of noise. Chairman Sturgill asked Ms. Rupp if it was her testimony that five huskies produce more noise than is reasonable for the neighborhood. Mr. Rupp stated if it was only five huskies she didn't think she'd be standing here this evening, but she is concerned if 35 huskies are allowed.

Kathy Anderson – IN OPPOSITION–23980 Southview Ln., Middleton, ID 83644

Ms. Anderson lives east of Ms. Rupp. She asked the Commission if they had any questions for her.

Chairman Sturgill asked if Ms. Anderson agreed with Ms. Rupp's testimony in regard to the noise being unacceptable even with only five dogs. Ms. Anderson replied, yes, when she and her husband worked night shift as healthcare workers they would come home in the morning and try to sleep. There were times when they got no sleep at all. Chairman Sturgill referred to testimony in regard to bark collars being used 24/7 and asked if the noise level is acceptable today? Ms. Anderson stated that there are times when it is not. It is very quiet where they live, and the noise is noticeable.

Katie Westhorn – IN OPPOSITION–23659 Salinas Smt., Middleton, ID 83644

Ms. Westhorn stated that she supports private property rights, but they have to be balanced with the rights of neighboring property owners and their right of quiet enjoyment. Her family and those in the area intentionally chose to live here for the peace and quiet and to be away from the city. Ms. Westhorn stated that the land in question is barely over an acre in size and is surrounded by existing residential homes. Noise travels upward and she can hear every bark, whether it is from a husky, or from someone down the hill from her. Ms. Westhorn looked up "Alaskan Huskies," and learned they are highly vocal dogs prone to howling, whining, screaming and other noises which can cause significant noise complaints in residential areas. Not only are there going to be an excessive number of dogs, but this breed in particular are known for being very noisy. Ms. Westhorn was surprised to learn that the kennels are made of simple chain link fences with tarps over them, so there is no noise mitigation. She noted that according to her research bark collars are not safe to wear 24/7 and are only made for training. Ms. Westhorn was concerned about the impact on neighboring property values.

Commissioner Nevill asked if there is a number of dogs that would be acceptable. Ms. Westhorn stated that if the code allows five dogs without a conditional use permit. She is concerned about 35 dogs on the property and stated that number is excessive.

Commissioner Werhanowicz asked if the noise might be mitigated if the dogs were housed differently in an enclosed building with walls. Ms. Westhorn stated that based on her research there are ways to construct buildings so the sound wouldn't travel, but that may be expensive to build.

Marylou Hokinson– IN OPPOSITION–7780 Willow Creek Dr., Middleton, ID 83644

Ms. Hokinson is concerned about noise and healthcare of the dogs. 35 dogs is quite a few dogs to be taken care of. She has experience with cat rescues.

Liz Nevills – (Representative) REBUTTAL– 8932 Foothill Rd., Middleton, ID 83644

Ms. Nevills addressed the concerns about bark collars. The dogs do not wear the bark collars when they are loaded in the truck or when they travel for races. They are just used at home to help mitigate noise. Ms. Nevills stated that, yes, Alaskan Huskies bark a lot but she does prefer quiet dogs that aren't super excitable. She gives the dogs a chance to see if they're willing to train with her barking methods, but she has re-homed some to other mushers that lived in different situations. Over the last year and a half, she has not had animal control call her or talk to her about anything that has been referred to in opposition testimony. Ms. Nevills added that all of her immediate neighbors have her cell phone number. She does her best to keep the dogs calm and quiet and they go out as soon as the dogs bark to it never lasts very long. It is very rare that there is no one at home, there's almost always someone there. When Ms. Nevills submitted her application, her plan

was for 35 dogs because at the time she had rescued 10 from a situation that was not ideal. She has a vet that comes out to the property to do chiropractic work on the dogs regularly. Ms. Nevills stated that she does not want to deal with any mass diseases either because it costs money and is not conducive to the dogs being able to complete.

Commissioner Nevill asked if Ms. Nevills had a chance to review the 12 recommended conditions of approval. She stated she had and agreed with them. Commissioner Nevill asked how many dogs she had currently, and Ms. Nevills stated 24. Commissioner Nevill asked what the minimum number of dogs was for a sled team. Ms. Nevills replied, 12 to complete in the 100–300-mile races. Commissioner Nevill asked what the most important the sled team, outreach, or rescue. Ms. Nevills stated the team and outreach.

Commissioner Werhanowicz asked how bark collars work on double coated dogs. Ms. Nevills stated that they are on fairly close to their necks.

Commissioner Mathews asked if there were two dogs in each kennel. Ms. Nevills stated yes. On the map there are two smaller 6x6 kennels that only house one dog. Commissioner Mathews asked if the dogs are fed in the kennels at the same time. Ms. Nevills stated that they put the dogs on a drop chain to separate them out. This helps prevent food aggression and fighting. Commissioner Mathews asked if there were any problems with them fighting in the kennels. Ms. Nevills stated not normally but there is the occasional tussle.

Commissioner Werhanowicz asked if the permit were not to be approved, what would happen to the dogs. Ms. Nevills stated she would need time to find appropriate homes for them, so they are not dumped at a shelter.

Commissioner Nevill asked if there was a long-range plan when her husband retires from the military. Ms. Nevills discussed some of the races she competes in. Commissioner Nevill asked if she goes down to sprint races, less dogs would be needed (6-8). She also stated that some of her dogs may age out by then, and they tend to live 12-15 years.

Chairman Sturgill asked if staff had any additional information to add. Planner Mberwa referred to condition 4a may not be applicable after hearing testimony.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2024-0025. Seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Mathews stated that the outreach portion of the request is great, however, the property is too small. He does not see a way to condition the CUP in a manner that would be acceptable to the neighbors.

Commissioner Nevill stated that he does believe the Commission can condition the CUP to the point that they could approve it. The number of dogs would need to be limited, and the dogs would have to be in some sort of structure that is built specifically for that purpose. Commissioner Nevill concurred with staff's findings with the removal of condition 4a, change the number of dogs on condition 4b, and create a new condition for the building.

Commissioner Sheets referenced condition 4b and reducing the number of dogs would be appropriate based on the size of the property. He suggested 25 based on the testimony from the applicant. Commissioner Sheets was also in favor of a condition requiring a building to house the dogs.

Chairman Sturgill agreed with Commissioner Mathews. He invited a discussion regarding the building that has been mentioned.

Planner Mberwa stated that the Commission can be as specific on the building that they need to. Planning Supervisor Lister suggested adding a time frame as well. The structure may be located at the front of the structure to meet setbacks.

Commissioner Nevill asked if requiring a condition for a building would also necessitate a septic system. Planner Mberwa noted the condition that is currently being recommended.

Commissioner Mathews suggested adding a size requirement for the kennels and number of dogs in each kennel, 25 x 10 kennels.

Commissioner Nevill stated that the minimum size of the structure would be 1,250 ft. with the size of kennels Commissioner Mathews recommended. That doesn't include common areas and walkways.

Commissioner Sheets noted that if the Commission limits the number of dogs, the square footage should not be micromanaged. He just wants to see the dogs in an enclosed structure with sound minimization. If for some reason the building can't support 25 dogs, then the applicant would need to have less.

Planning Supervisor Lister recommended adding a timeframe.

Commissioner Nevill outlined a potential motion: Concurred with staff's findings, limit the number of dogs to 25, remove condition 4a, add a condition 13 requiring the dogs to be contained within a building that has sound minimization, add condition 14 that the building has to be completed within six months.

Chairman Sturgill suggested modifying condition no. 2.

Planning Supervisor Lister stated that condition 2 is standard code. There are other conditions that can suggest a time frame, such as a building permit.

Commissioner Sheets suggested allowing the applicant a time frame of twelve months as he felt six months was a little short.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2024-0025, and adopting staff's findings, with the modification to condition 2 to add the phrase "unless otherwise specified," deletion of condition 4a, amending condition 4b to reduce the number of dogs to 25, adding condition 13 which will state that the dogs will be contained in a building that has sound minimization features, adding condition 14, that will require the building to be completed within 12 months. Seconded by Commissioner Sheets.

Discussion on the Motion:
Commissioner Nevill stated that property rights go both ways. Commissioner Nevill referred to testimony received from both sides.

Commissioner Werhanowicz suggested looking into a 5013C Non-Profit.

Chairman Sturgill noted that community benefit is not part of the criteria for a CUP.

Roll call vote: 4 in favor, 2 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:
Commissioner Nevill asked if the P&Z Commission vacancy would be filled. Planning Supervisor Lister stated that he did not have an update on that.

Chairman Sturgill asked staff to be mindful of the cases scheduled on the agendas. Planning Supervisor Lister stated they are trying to schedule 4 cases an evening and that is important until there is a Hearing Examiner in place. Planning Supervisor suggested questions that are tied to the decision criteria to be mindful of time. He did add that staff will be mindful of the cases on agendas.

Planning Supervisor Lister discussed a case that will be remanded back to the P&Z on the 26th. It will be the only hearing on the agenda.

Chairman Sturgill stated that he received a flyer in the mail about an upcoming case (Middleton 187). Planning Supervisor Lister stated that this is a new application/new owner. He also reminded the Commission that they can table cases to other dates if they need to.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 10:16 P.M.

An audio recording is on file in the Development Services Departments' office.

Approved this 19th day of March, 2026

Robert Sturgill, Chairman

ATTEST

Jennifer Almeida, Office Manager

EXHIBIT 3

Staff Report Packet – February 5, 2026

-

Board of County Commissioners

Case# VAC2025-0001

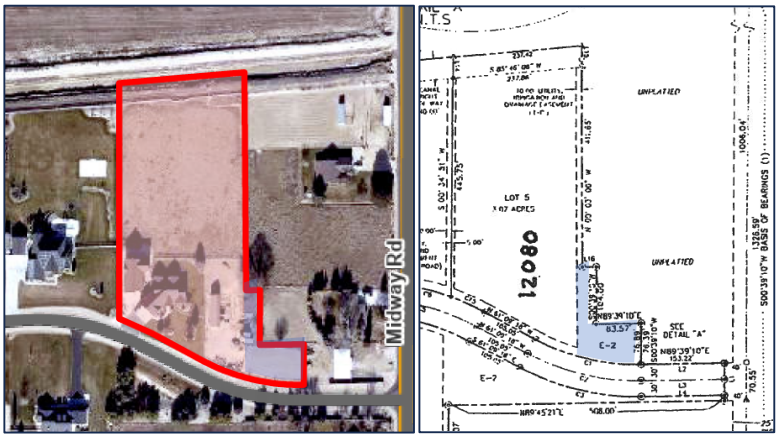
Hearing date: April 21, 2026

Planning and Zoning Commission
Hearing Date: February 5, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**VAC2025-0001**
PROPERTY OWNER:	**Frank W. Phillips**
APPLICATION:	**Plat Vacation – Easement on Lot 5, Block 1 of Tower Towers Subdivision.**
LOCATION:	**12080 Rivendell Ct. Nampa** **Parcel R33014104, 3.07 acres**
ANALYST:	**Dan Lister, Planning Supervisor**
STAFF RECOMMENDATION:	**Approval**

REQUEST:
The applicant requests a plat vacation to remove an easement on Lot 5, Block 1 of Two Towers Subdivision (**Exhibit B**).



PARCEL INFORMATION REPORT: *See **Exhibit C.1** for information*

APPLICABLE CODE:
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 §07-17-35 (Plat Vacation), Idaho Code §50-1306A & §50-1324 (Vacation of Plats Procedure); and CCCO §09-11-25 (Area of City Impact Agreement).

BACKGROUND:
The subject parcel is zoned "A" (Agricultural). The property is Lot 5, Block 1 of Two Towers Subdivision, which was approved by a conditional use permit (CU2004-400) and divided through the subdivision platting process in 2005 (Instrument No. 2005-19889, **Exhibit B.3**).

The Two Tower Subdivision labels the easement as "E-2' and states "E-2 denotes a landscaping, utility, drainage, and irrigation easement to be maintained by the Homeowner's Association (HOA)". The applicant states the easement was relinquished by the HOA to the subject property in 2013 without completing a plat vacation. Since 2014, the easement has been used for livestock. A structure was built in the easement in 2021 without permits (CDEF2024-0043). A plat vacation to remove the easement must

be completed before obtaining a permit. A plat vacation permit was submitted to DSD on September 29, 2025.

HEARING CRITERIA:

Standards of Evaluation – CCCO §07-17-35 Subdivision/Easement Vacation

<table>
<tr><th colspan="3">County Ordinance and Staff Review</th></tr>
<tr><th>Criteria Met?</th><th>Code Section</th><th>Analysis</th></tr>
<tr><td>Yes</td><td>1</td><td>Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.</td></tr>
<tr><td>Analysis</td><td colspan="2">A complete application with fees was accepted on September 29, 2025 (Exhibit A).</td></tr>
<tr><td>Criteria Met?
Yes</td><td>2</td><td>Upon receipt of the completed application and any additional information required, DSD shall affix the date of application acceptance thereto. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations outlined in Idaho Code section 50-1306A and recorded in accordance with the regulations outlined in Idaho Code section 50-1324.</td></tr>
<tr><td>Analysis</td><td colspan="2">The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1306A, as follows:
• Per Idaho Code §50-1306A(1), a complete application was submitted to the Development Services Department (DSD), including the circumstances of the request to vacate, the legal description of the easement to be vacated, and HOA approval of the easement vacation to the applicant, Mr. Phillips (Exhibit B).
• Per Idaho Code §50-1306A(2), noticing was completed per Canyon County Code of Ordinances (CCCO) Chapter 7, Article 5, which meets the plat vacation noticing requirements (Exhibit C.2c). See the Notice and Comments section of this report for information.
• Per Idaho Code §50-1306A(4), the property is within one (1) mile of Nampa city limits, so written notice was sent to the City of Nampa on October 1, 2025and December 31, 2025. City of Nampa does not oppose, subject to maintaining front, rear, and side utility easements consistent with the rest of the subdivision (Exhibits E.4 & B.3).
• Per Idaho Code §50-1306A(5), the request does not impact any part of the easement for gas, water, telephone, cable, power, drainage, or slopes. The applicant will maintain the required utility easement along the front, side, and rear per CCCO §07-17-09(1)E.5, including the 16’ easement along the frontage consistent with the rest of the subdivision (Exhibit E.4).
o CCCO §07-17-09(1)E.5: The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries. Utility easements shall be shown graphically on the plat.
• Per Idaho Code §50-1306A(7), publication costs are factored into the application fee.
The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1324, as follows:
(1) If approved by the Board of County Commissioners, the applicant must provide certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer). See condition no. 1.
(2) If approved by the Board of County Commissioners, a resolution with a record of survey shall be recorded. See condition No.1.</td></tr>
</table>

Criteria Met?	3	**The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.**
Yes		
Analysis	*See **Exhibit A,** draft FCOs*	

NOTIFICATION AND COMMENTS:

Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 31, 2025. JEPA notice to the City of Nampa was sent on October 1, 2025, and December 31, 2025. Property owners within 300 feet of the subject property boundaries and per Idaho Code §50-1306A(2) were notified on January 5, 2026. A newspaper notice was published on December 31, 2025. The subject property was posted with a notice on December 31, 2025.

Pursuant to CCCO §01-17-07B - Materials Deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

AGENCY COMMENTS

All agency comments received by the materials deadline are located in **Exhibit E**.

PUBLIC COMMENTS

No comments received.

RECOMMENDATION AND DECISION OPTIONS:

In consideration of the application and supporting materials, staff concludes that the proposed plat vacation is compliant with CCCO §07-17-35. A full analysis is detailed within the staff report.

Conditions:

1. If approved by the Board of County Commissioners, a resolution must be signed allowing the requested plat vacation subject to the applicant providing (a) a recorded record of survey amending Lot 5, Block 1 of Tower Towers Subdivision with a utility easement that meets CCCO §07-17-09(1)E.5 including Exhibit E.4, and (b) certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer).

DECISION OPTIONS

- **Approval of the Application**: "I move to approve VAC2025-0001, Phillips, finding the application **does** meet the criteria for approval under Article 07-17-35 of Canyon County Zoning Ordinance, **with the conditions listed in the staff report, finding that**: [*Cite reasons for approval & insert any additional conditions of approval*].
- **Denial of the Application**: "I move to deny VAC2025-0001, Phillips, finding the application **does not** meet the criteria for approval under 07-17-35 of Canyon County Zoning Ordinance, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].
- **Table the Application:** "I move to continue VAC2025-0001, Phillips, to a [*date certain or uncertain*]

EXHIBITS:

A. Draft FCOS

B. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
3. Two Towers Subdivision
4. Two Towers HOA Resolution
5. Survey and Description

6. Deed

C. Supplemental Documents

1. Parcel Information Report – R33014104
2. Cases Maps/Reports
   a. Aerial
   b. Vicinity
   c. Notification

D. Site Visit Photos

E. Agency Comments Received by January 26, 2026

1. Nampa Fire District
2. Southwest District Health
3. Nampa & Meridian Irrigation District
4. City of Nampa

Exhibit 3
EXHIBIT A

Draft FCOs

Planning & Zoning Commission

Case# VAC202-0001

Hearing date: February 5, 2026

PLANNING OR ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Phillips – VAC2025-0001

The Canyon County Planning and Zoning Commission considers the following:

A plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104. The subject property is located at 12080 Rivendell Ct., Nampa, also referenced as a portion of the SE¼ of Section 25, T3N, R3W, 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 VAC 2025-0001.

      1. All exhibits are located in the case staff report dated February 5, 2026.
      2. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 31, 2025. JEPA notice to the City of Nampa was sent on October 1, 2025, and December 31, 2025. Property owners within 300 feet of the subject property boundaries and per Idaho Code §50-1306A(2) were notified on January 5, 2026. A newspaper notice was published on December 31, 2025. The subject property was posted with a notice on December 31, 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 §07-17-35 (Plat Vacation), Idaho Code §50-1306A & §50-1324 (Vacation of Plats Procedure); and CCCO §09-11-25 (Area of City Impact Agreement).

   a. Notice of the public hearing was provided per CCCO §07-05-01.

   b. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. *See* Idaho Code §67-6516

2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.

3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

4. 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.

5. 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, VAC2025-0001, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 5, 2026. 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 Canyon County Planning and Zoning Commission decides as follows:

Standards of Evaluation – CCCO §07-17-35 Subdivision/Easement Vacation

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.**
Analysis	A complete application with fees was accepted on September 29, 2025 (**Exhibit A**).	
Criteria Met?	**2**	**Upon receipt of the completed application and any additional information required, DSD shall affix the date of application acceptance thereto. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations outlined in Idaho Code section 50-1306A and recorded in accordance with the regulations outlined in Idaho Code section 50-1324.**
Yes		
Analysis	The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1306A, as follows: • Per Idaho Code §50-1306A(1), a complete application was submitted to the Development Services Department (DSD), including the circumstances of the request to vacate, the legal description of the easement to be vacated, and HOA approval of the easement vacation to the applicant, Mr. Phillips (**Exhibit B**). • Per Idaho Code §50-1306A(2), noticing was completed per Canyon County Code of Ordinances (CCCO) Chapter 7, Article 5, which meets the plat vacation noticing requirements (**Exhibit C.2c**). *See the Notice and Comments section of this report for information.* • Per Idaho Code §50-1306A(4), the property is within one (1) mile of Nampa city limits, so written notice was sent to the City of Nampa on October 1, 2025and December 31, 2025. City of Nampa does not oppose, subject to maintaining front, rear, and side utility easements consistent with the rest of the subdivision (**Exhibits E.4 & B.3**). • Per Idaho Code §50-1306A(5), the request does not impact any part of the easement for gas, water, telephone, cable, power, drainage, or slopes. The applicant will maintain the required utility easement along the front, side, and rear per CCCO §07-17-09(1)E.5, including the 16' easement along the frontage consistent with the rest of the subdivision (**Exhibit E.4**). o CCCO §07-17-09(1)E.5: *The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries. Utility easements shall be shown graphically on the plat.* • Per Idaho Code §50-1306A(7), publication costs are factored into the application fee. The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1324, as follows: (1) If approved by the Board of County Commissioners, the applicant must provide certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer). *See condition no. 1.* (2) If approved by the Board of County Commissioners, a resolution with a record of survey shall be recorded. *See condition No.1.*	
Criteria Met?	**3**	**The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.**
Yes		

Exhibit A

Analysis	*See the **Order** section below.*

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #VAC2025-0001, a variance of a plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104, subject to the following conditions as enumerated:

1. If approved by the Board of County Commissioners, a resolution must be signed allowing the requested plat vacation subject to the applicant providing (a) a recorded record of survey amending Lot 5, Block 1 of Tower Towers Subdivision with a utility easement that meets CCCO §07-17-09(1)E.5 including Exhibit E.4, and (b) certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer).

DATED this _____ day of _____, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

_____
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____day of _____, in the year 2026, before me_____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____

Exhibit A

Exhibit 3

EXHIBIT B

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# VAC2025-0001

Hearing date: February 5, 2026

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov Phone: 208-402-4164

PROPERTY OWNER	OWNER NAME: Frank W Phillips
	MAILING ADDRESS: 12080 Rivendell Ct
	PHONE: [redacted] EMAIL: [redacted]

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: [signature] *Date:* 29 Sept 2025

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: Frank W Phillips
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: EMAIL:

SITE INFO	STREET ADDRESS: 12080 Rivendell Ct.
	PARCEL #: R33014104 LOT SIZE/AREA: 3.17 Acres
	LOT: 5 BLOCK: 1 SUBDIVISION: Two Towers
	QUARTER: SECTION: 25 TOWNSHIP: 3N RANGE: 3W
	ZONING DISTRICT: AG FLOODZONE (YES/NO):

HEARING LEVEL APPS	____CONDITIONAL USE	____COMP PLAN AMENDMENT	____CONDITIONAL REZONE
	____ZONING AMENDMENT (REZONE)	____DEV. AGREEMENT MODIFICATION	____VARIANCE > 33%
	____MINOR REPLAT	✓ VACATION	____APPEAL
	____SHORT PLAT SUBDIVISION	____PRELIMINARY PLAT SUBDIVISION	____FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	____ADMINISTRATIVE LAND DIVISION	____EASEMENT REDUCTION	____SIGN PERMIT
	____PROPERTY BOUNDARY ADJUSTMENT	____HOME BUSINESS	____VARIANCE 33% >
	____PRIVATE ROAD NAME	____TEMPORARY USE	____DAY CARE
	____OTHER____		

CASE NUMBER: VAC2025-0001 DATE RECEIVED: 09/29/2025

RECEIVED BY: LO APPLICATION FEE: $2150 (CK) MO CC CASH

Revised 1/3/21

Letter of Intent

In this letter I will try to explain why after 19 years we are trying to make a Vacate an E-2 designation on one lot (lot 5) in a completed 18 lot development. The development is called Two Towers Subdivision.

In the Spring of 2020, myself and the HOA discovered an easement on my property located at 12080 Rivendell Ct, Nampa. (Lot 5)

The easement is labeled on the 2005 Plat as E-2 and Denotes a landscaping, Utility, Drainage and Irrigation Easement to be Maintained by the Homeowner's Association.

The developers and Board of Director's, in 2013, attempted to place this easement back in control of the current owner and all future owner's of Lot 5. This Resolution and attached exhibits was recorded by the Canyon County Recorder, 05/28/2013, File # 2013-024026.

The HOA Board Believed this was completed at this time.

I had a meeting with the current Board of Director's and the members of the HOA, and they fully acknowledge and recognize this document, and the HOA does NOT want the expense (19 years later) to install landscaping, irrigation and does not want the annual expenses to maintain the area in question.

The full intent is to only remove the E-2 designation from the lot 5 Plat and establish easement lines, making no other changes to other easements, setbacks etc. including; Road, Highway district 4, Power, Idaho Power, Cable/Internet, underground, all current pressurized irrigation and drainage will remain as approved on Plat on file, 04/14/2005, File # 200519889.

I/WE are submitting the request to maintain the easement line to Ten (10) feet off the entire east property line, and 20 feet off north facing property lines in being consistent with the other properties on the Plat. Maintaining all existing irrigation and possible future utility access easements, ***but removing the area and the E-2 designator on the Plat***. Thus removing the responsibility of the area from the HOA and placing it back to the owner(s) of Lot 5.

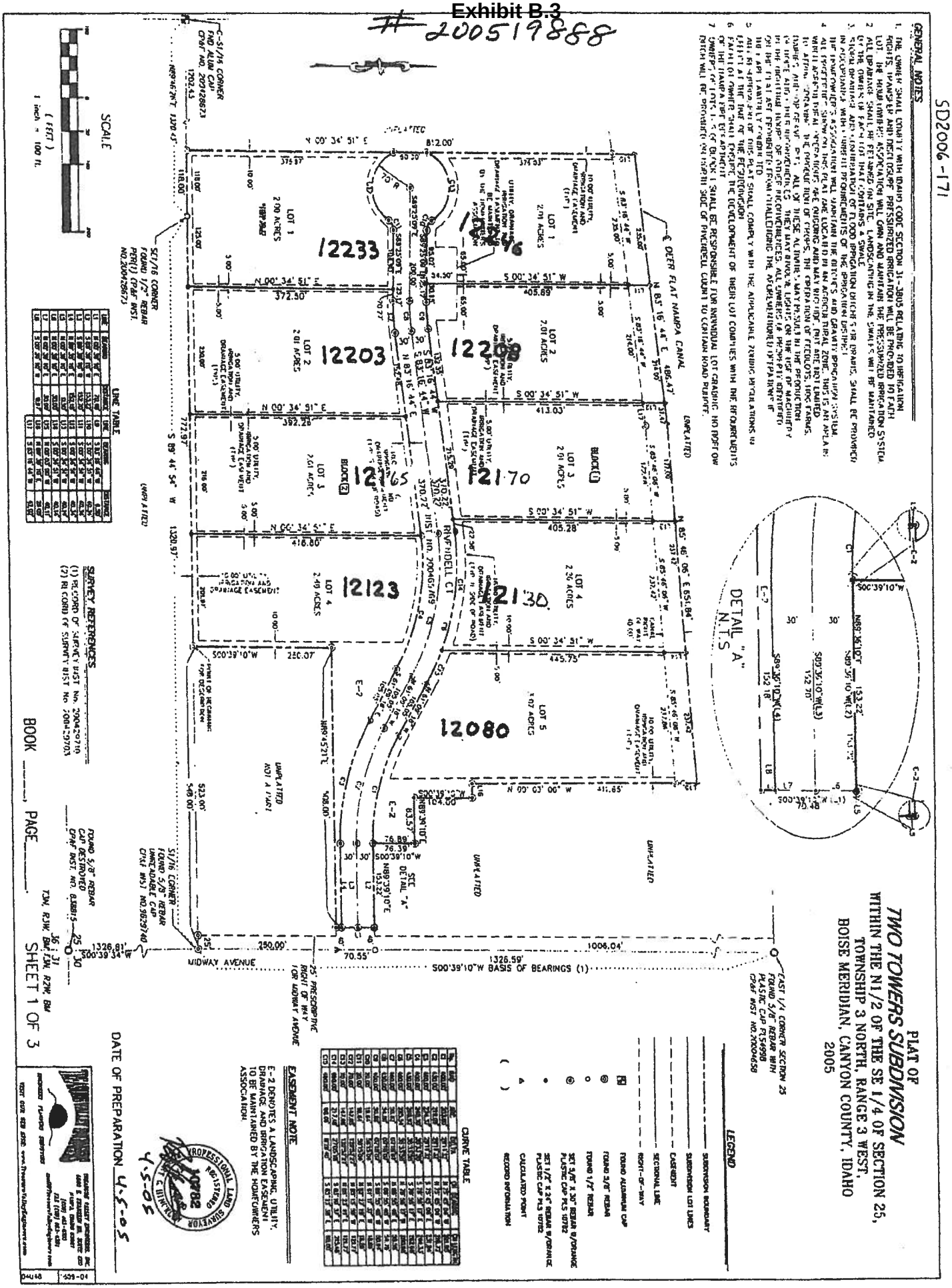
If a survey of record is required, I have contacted Ken at Timberline and will provide what is requested.

Frank W. Phillips
Owner
12080 Rivendell Ct.

[redacted]

2005198 88

SD2006-171



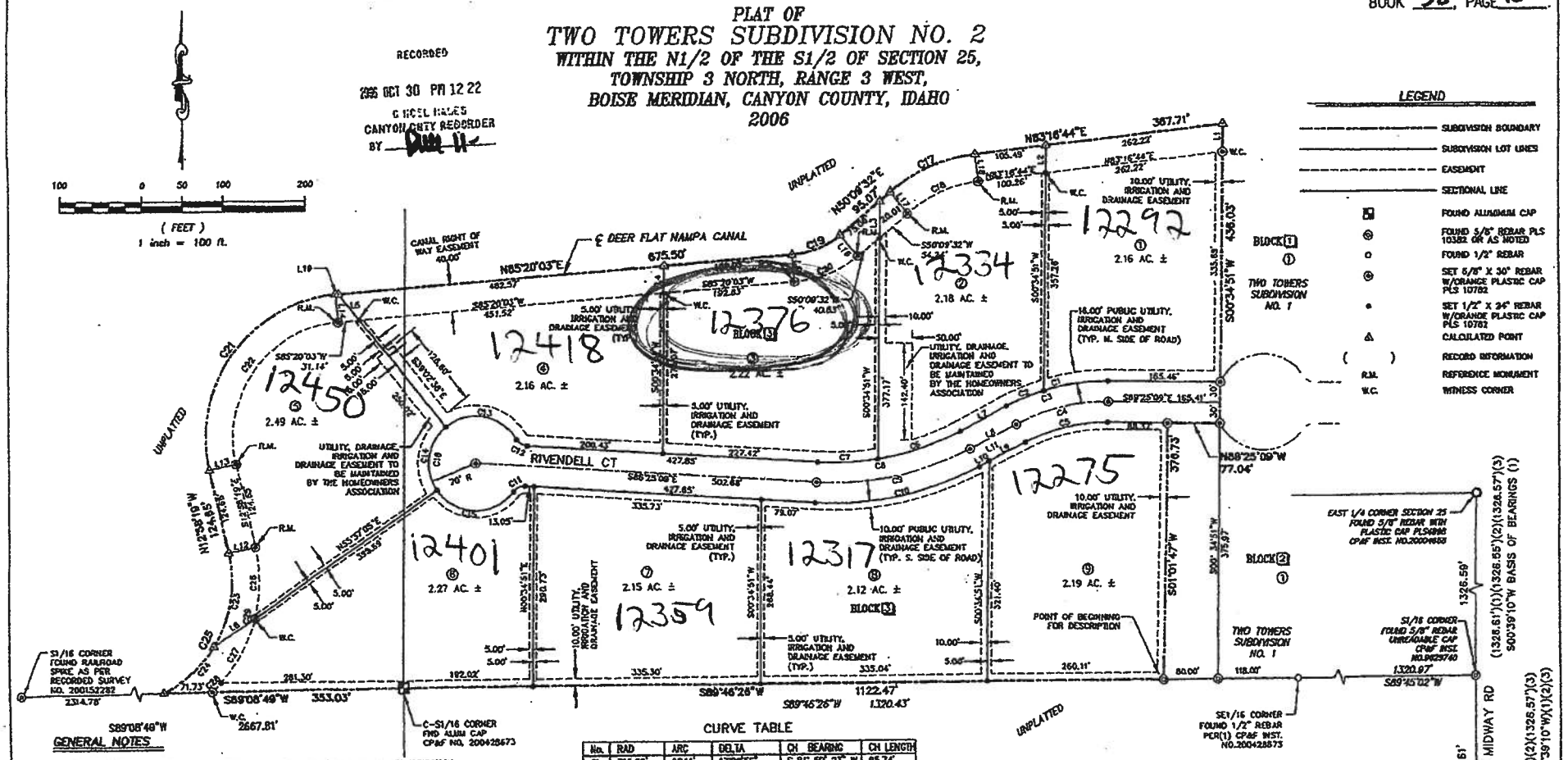
200687188

BOOK 38, PAGE 45

PLAT OF
TWO TOWERS SUBDIVISION NO. 2
WITHIN THE N1/2 OF THE S1/2 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO
2006

RECORDED
2006 OCT 30 PM 12 22
CANYON COUNTY RECORDER
BY

100 0 50 100 200
(FEET)
1 inch = 100 ft.



GENERAL NOTES

1. THE OWNER SHALL COMPLY WITH IDAHO CODE SECTION 31-3805 RELATING TO IRRIGATION RIGHTS, TRANSFER AND DISCLOSURE. PRESSURIZED IRRIGATION WILL BE PROVIDED TO EACH LOT. THE HOMEOWNERS ASSOCIATION WILL OWN AND MAINTAIN THE PRESSURIZED IRRIGATION SYSTEM.
2. ALL DRAINAGE SHALL BE RETAINED ON SITE. LANDSCAPING IN THE SWALES WILL BE MAINTAINED BY THE OWNER OF EACH LOT THAT CONTAINS A SWALE.
3. STORM DRAINAGE AND CONTINUATION OF FLOOD IRRIGATION DITCHES OR DRAINS, SHALL BE PROVIDED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE IRRIGATION DISTRICT. THE HOMEOWNER'S ASSOCIATION WILL MAINTAIN THE DITCHES AND GRAVITY IRRIGATION SYSTEM.
4. ALL PROPERTIES SHOWN ON THIS PLAT ARE LOCATED IN AN AGRICULTURAL ZONE. THIS IS AN AREA IN WHICH AGRICULTURAL OPERATIONS ARE ONGOING AND MAY INCLUDE, BUT ARE NOT LIMITED TO, AERIAL SPRAYING, THE PRODUCTION OF CROPS, THE OPERATION OF FEEDLOTS, HOG FARMS, DAIRIES, AND/OR GRAVEL PITS. ALL OF THESE ACTIVITIES MAY RESULT IN THE PRODUCTION OF NOISE AND OTHER INCONVENIENCES. THEY MAY INVOLVE LIGHTS OR THE USE OF MACHINERY IN THE NIGHTTIME HOURS OR OTHER INCONVENIENCES. ALL OWNERS OF PROPERTY IDENTIFIED ON THIS PLAT ARE PROHIBITED FROM CHALLENGING THE AFOREMENTIONED OPERATIONS IF THEY ARE LAWFULLY CONDUCTED.
5. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
6. EACH LOT OWNER SHALL ENSURE THE DEVELOPMENT OF THEIR LOT COMPLIES WITH THE REQUIREMENTS OF THE NAMPA FIRE DEPARTMENT.
7. PURSUANT TO IDAHO CODE 50-1344, I, THE UNDERSIGNED, DOES HEREBY STATE THAT THE INDIVIDUAL LOTS DESCRIBED IN THE PLAT WILL NOT BE SERVED BY ANY WATER SYSTEM COMMON TO ONE (1) OR MORE LOTS, BUT WILL BE SERVED BY INDIVIDUAL WELLS.
8. ALL LOTS IN THIS SUBDIVISION ARE TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS.
9. OWNERS OF LOTS 1-4 OF BLOCK 3 SHALL BE RESPONSIBLE FOR INDIVIDUAL LOT GRADING. NO BORROW DITCH WILL BE PROVIDED ON NORTH SIDE OF RIVENDELL COURT TO CONTAIN ROAD RUNOFF.
10. CANYON HIGHWAY DISTRICT NO. 4 WAIVES THE 70' QUARTER SECTION LINE SETBACK WITHIN THE BOUNDARIES OF THIS SUBDIVISION. ALL OTHER SETBACK REQUIREMENTS OF THE CANYON COUNTY ZONING ORDINANCE SHALL APPLY AT THESE LOCATIONS.
11. ALL HOMES IN THIS SUBDIVISION ARE TO BE SPRINKLERED FOR FIRE PROTECTION UNLESS OTHERWISE APPROVED IN WRITING BY THE NAMPA FIRE DISTRICT.

CURVE TABLE

No.	RAD	ARC	DELTA	CH BEARING	CH LENGTH
C1	315.00'	96.11'	17°28'56"	S 81° 50' 23" W	95.74'
C2	315.00'	58.28'	10°46'35"	S 67° 42' 28" W	59.19'
C3	315.00'	155.39'	28°15'51"	S 76° 26' 56" W	153.82'
C4	285.00'	140.58'	28°15'51"	S 76° 26' 56" W	139.17'
C5	255.00'	125.79'	28°15'51"	S 76° 26' 56" W	124.52'
C6	400.00'	130.05'	18°37'39"	N 71° 37' 50" E	129.47'
C7	400.00'	88.27'	12°38'11"	N 87° 15' 45" E	88.04'
C8	400.00'	218.36'	31°15'51"	N 77° 56' 56" E	215.57'
C9	430.00'	234.63'	31°15'51"	N 77° 56' 56" E	231.73'
C10	460.00'	251.00'	31°15'51"	N 77° 56' 56" E	247.80'
C11	20.00'	19.64'	56°15'04"	S 65° 27' 19" W	18.86'
C12	20.00'	19.64'	56°15'04"	S 56° 17' 37" E	18.86'
C13	70.00'	120.80'	98°52'30"	N 79° 36' 21" W	106.36'
C14	125.00'	78.74'	35°10'33"	N 67° 44' 47" E	75.54'
C15	70.00'	132.30'	108°17'18"	S 88° 31' 34" E	113.47'
C16	70.00'	357.36'	292°30'07"	S 3° 36' 51" W	77.78'
C17	240.00'	138.73'	33°07'13"	N 84° 43' 08" E	136.81'
C18	200.00'	115.61'	33°07'13"	S 84° 43' 08" W	114.01'
C19	125.00'	78.74'	35°10'31"	N 67° 44' 47" E	75.54'
C20	165.00'	101.30'	35°10'31"	N 67° 44' 47" E	99.71'
C21	210.00'	360.31'	98°18'21"	N 36° 10' 52" E	317.71'
C22	170.00'	291.65'	98°18'21"	S 36° 10' 52" W	257.20'
C23	180.00'	141.01'	44°53'08"	N 9° 28' 15" E	137.43'
C24	180.00'	101.47'	32°17'56"	N 48° 03' 47" E	100.13'
C25	180.00'	242.49'	77°11'09"	N 25° 37' 15" E	224.56'
C26	220.00'	103.99'	27°05'00"	N 00° 34' 12" E	103.03'
C27	220.00'	107.89'	28°07'24"	N 28° 10' 24" E	106.90'
C28	220.00'	18.46'	4°48'26"	N 44° 38' 18" E	18.45'
C29	220.00'	230.44'	60°00'50"	N 17° 02' 06" E	220.05'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00° 34' 51" W	40.34'
L2	S 00° 34' 51" W	40.34'
L3	S 00° 34' 51" W	52.67'
L4	S 00° 34' 51" W	40.16'
L5	S 39° 02' 38" E	48.48'
L6	N 55° 37' 05" E	73.62'
L7	N 62° 19' 00" E	77.22'
L8	N 62° 19' 00" E	77.22'
L9	N 62° 19' 00" E	61.15'
L10	N 62° 19' 00" E	16.06'
L11	N 62° 19' 00" E	77.22'
L12	N 77° 03' 44" E	40.10'
L13	N 77° 03' 44" E	40.10'
L14	S 04° 49' 10" E	40.01'
L15	S 04° 49' 10" E	40.01'
L16	S 39° 57' 26" E	40.07'
L17	S 39° 57' 26" E	40.07'
L18	S 06° 52' 17" E	40.01'
L19	N 85° 20' 03" E	3.88'

PROFESSIONAL LAND SURVEYOR REGISTERED 10782 ROBERT C. KIRCHERT
10-5-06

SURVEY REFERENCES

(1) RECORD OF SURVEY INST. No. 200429710
(2) RECORD OF SURVEY INST. No. 200429703
(3) RECORD OF SURVEY INST. No. 200584195
(4) PLAT OF TWO TOWERS SUBDIVISION NO. 1 BOOK 35, PAGE 49

DATE OF PREPARATION: 7/10/06

SHEET 1 OF 3

TREASURE VALLEY ENGINEERS
ENGINEERS • PLANNERS • SURVEYORS
1746-05

Exhibit B.3

2013-024026
RECORDED
05/28/2013 03:53 PM

00046887201300240260040044

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 RECORD1 $19.00
MISC
TWO TOWERS HOA

RESOLUTION

OF

TWO TOWERS HOMEOWNERS ASSOCIATION INC

RESOLVED, that the DIRECTORS OF TWO TOWERS HOMEOWNERS ASSOCIATION INC. at a meeting duly called and held on April 9, 2013, at the offices of the said corporation did meet to consider the maintenance of the easement described on Exhibit "A" and Exhibit "B" attached hereto and noted as E-2 on the plat thereof.

RESOLVED that the usage, maintenance and responsibility for the easement premises property described on Exhibit "A" and Exhibit "B" is delegated by this HOA (Grantor) to the owner of Lot 5 of the subdivision it's heirs successors and assigns (Grantee).

RESOLVED, that all other ownership and uses of the easement premises including but not limited to irrigation, public utilities, repairs and etc. are relinquished by the Grantor for so long as the Grantees' uses and maintenance are in compliance with HOAs' Covenants, Conditions and Restrictions.

That the foregoing powers and authority will continue until written notice of revocation has been delivered and recorded.

I CERTIFY that there is no provision in the Articles of Incorporation and By-Laws of this CORPORATION limiting the power of the board of directors to pass the foregoing resolutions and that the same are in conformity with the provisions of said.

I FURTHER CERTIFY that the following are the genuine signatures of the persons now *holding office in said company as indicated opposite their signature.*

DEBORAH L. LASHER-HARDY, Director

GREGG LASHER, Director

IN WITNESS WHEREOF, I have hereunto set my hand as secretary of said CORPORATION this 9TH day of APRIL, 2013.

Secretary of the CORPORATION

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

The under signed, a NOTARY PUBLIC OF THE STATE OF IDAHO witnessed the signature of the secretary of the said Corporation, DEBBIE L. LASHER-HARDY, herein, and certify the said person is known to me and did execute the document.

NOTARY PUBLIC OF THE STATE OF IDAHO
MY COMMISSION EXPIRES DECEMBER 5, 2015

The terms and conditions of the above resolution are accepted and it is so agreed:

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

The under signed, a NOTARY PUBLIC OF THE STATE OF IDAHO witnessed the signature of the above person, herein, and certify the said person is known to me and he did execute the document.

NOTARY PUBLIC OF THE STATE OF IDAHO
MY COMMISSION EXPIRES 10-22-15

Signature Page

	Print Name	Signature
12080 Rivendell Ct.	Frank & Pat Phillips	F W Phillips
12123 Rivendell Ct.	Yanli Wang	Yanli Wang
12130 Rivendell Ct.	TYRON PETTIT	
12165 Rivendell Ct.	BILL A. RAPP	Bill Rapp
12170 Rivendell Ct.		
12203 Rivendell Ct.		
12208 Rivendell Ct.	Barbara Michael	
12233 Rivendell Ct.		
12246 Rivendell Ct.	Bill & Julie Withers	Julie Withers
12275 Rivendell Ct.	Stacey & Bruce Young	
12292 Rivendell Ct.	STEVE + BECKY BEADLES	
12317 Rivendell Ct.	DEBBIE George	D George
12334 Rivendell Ct.	Todd Johnson	
12359 Rivendell Ct.	Claudia Frent	Claudia Frent
12376 Rivendell Ct.	DEAN FLINT	
12401 Rivendell Ct.		
12418 Rivendell Ct.	LaRae + Edward Sizer	LaRae + Edward Sizer
12450 Rivendell Ct.		

EXHIBIT A
LEGAL DESCRIPTION OF A PORTION OF LOT 5, BLOCK 1 OF TWO TOWERS SUBDIVISION

A portion of Lot 5, Block 1 of Two Towers Subdivision which is located in the North 1/2 of the Southeast 1/4 of Section 25, Township 3N, Range 3W, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

COMMENCING at the Southeast Corner of said North 1/2 of the Southeast 1/4, from which the Southeast Corner of said Section 25 bears South 00°39'34" West, 1326.61 feet;

thence along the East Line of said North 1/2 of the Southeast 1/4, North 00°39'10" East, 320.55 feet;

thence South 89°39'10" West, 40.01 feet, to a easterly corner of said Lot 5, Block 1 of Two Towers Subdivision which is the **POINT OF THE BEGINNING;**

thence South 00°39'10" West, 0.50 feet;

thence South 89°39'10" West, 153.22 feet along the southerly boundary of said Lot 5, to a 400.00 foot radius curve to the right;

thence along the arc of said curve, 119.10 feet along the southerly boundary of said Lot 5, through a central angle of 17°03'38", and having a chord which bears North 81°49'01" West, 118.67 feet;

thence North 00°03'00" West, 163.32 feet;

thence North 89°57'31" East, 10.00 feet, to a point on the easterly boundary of said Lot 5;

thence North 89°39'10" East, 26.09 feet ;

thence South 00°39'10" West, 104.00 feet;

thence North 89°39'10" East, 83.57 feet;

thence South 00°39'10" West, 76.39 feet;

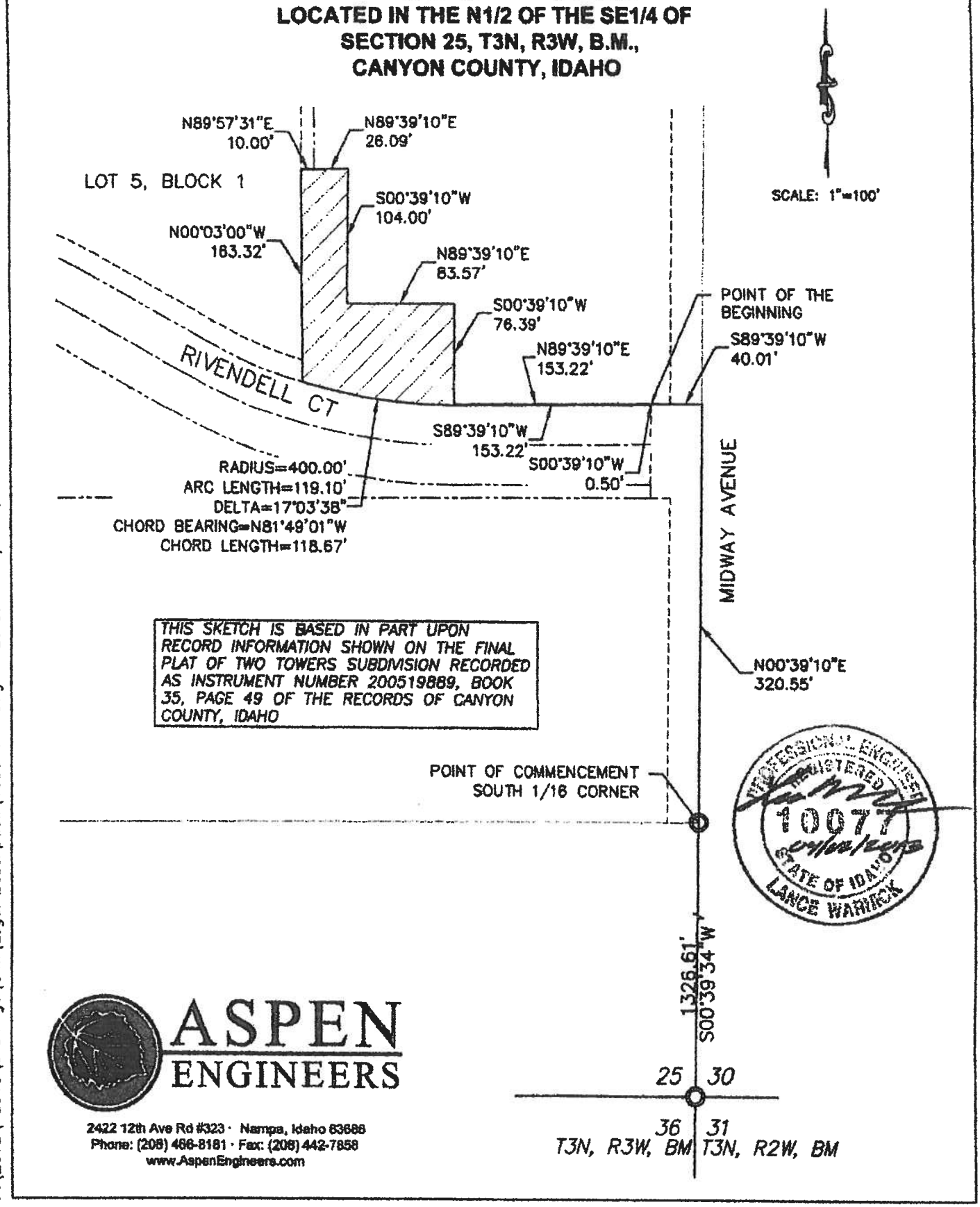
thence North 89°39'10" East, 153.22 feet back to the **POINT OF THE BEGINNING.**

Containing 12,146 square feet, more or less.



This description is based on information shown on the Final Plat of Two Towers Subdivision. Recorded as Instrument Number 200519889, Book 35, Page 49 of the records of Canyon County, Idaho.

EXHIBIT B
SKETCH SHOWING THE CONFIGURATION OF A PORTION OF LOT 5, BLOCK 1 OF TWO TOWERS SUBDIVISION LOCATED IN THE N1/2 OF THE SE1/4 OF SECTION 25, T3N, R3W, B.M., CANYON COUNTY, IDAHO



ASPEN ENGINEERS
2422 12th Ave Rd #323 · Nampa, Idaho 83686
Phone: (208) 466-8181 · Fax: (208) 442-7858
www.AspenEngineers.com

P:\2013\13013\Drawings\Civil\Legal Description\1609-FP1.dwg -- Lance -- Apr 02, 2013 -- 8:23am

Exhibit B.5

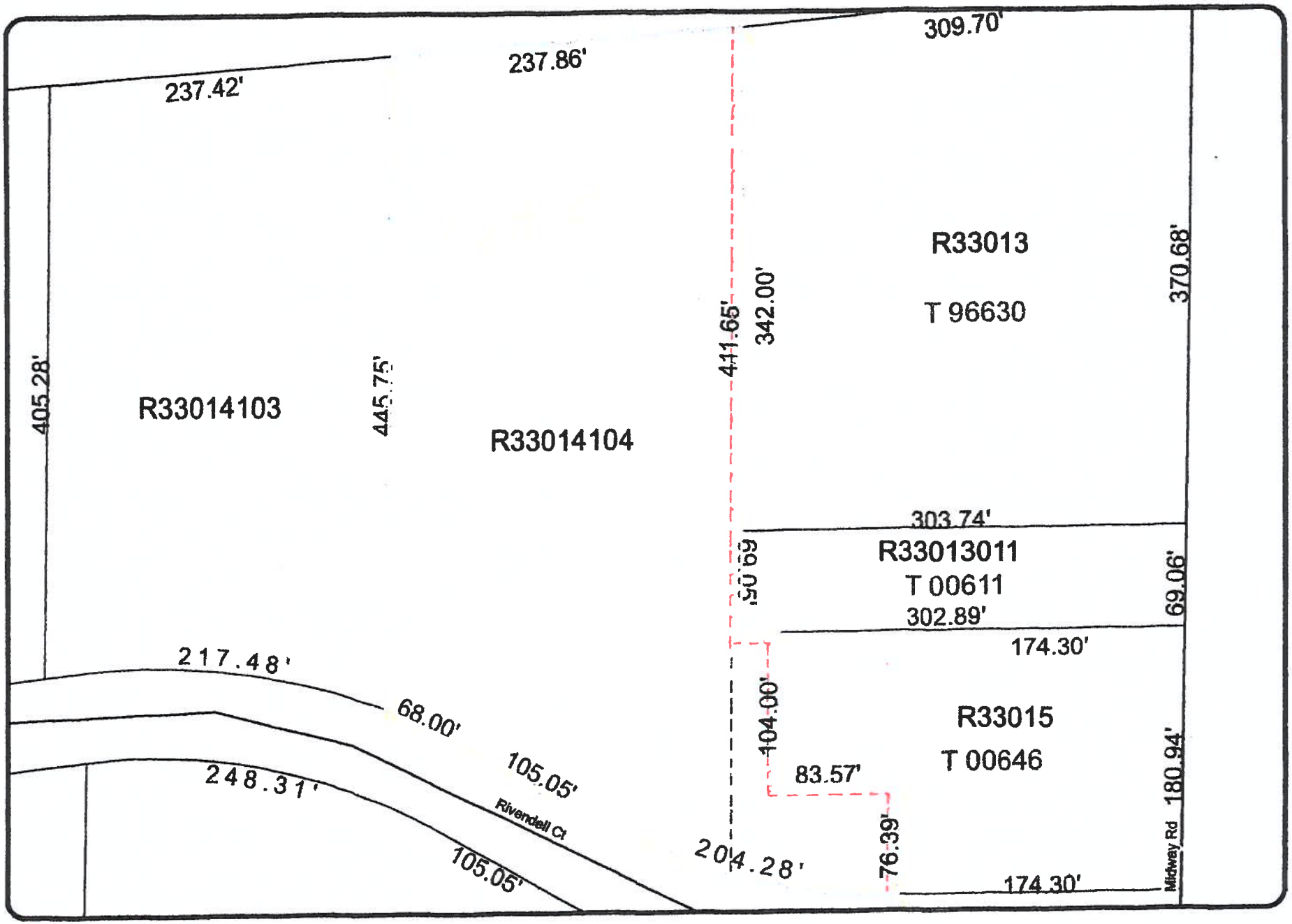


Exhibit B.5

This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only; it is not guaranteed survey accurate. This map is based on the best information available and was compiled from numerous sources which may not be accurate. Users are encouraged to field verify all information. Ada County and Single Point Solutions are not liable for errors or omissions resulting from the use of this product for any purpose.

SPS
www.spsis.com

FIRST AMERICAN

AFTER RECORDING MAIL TO:

Frank Wayne Phillips and Patsy Jane Phillips
12080 Rivendell Court
Nampa, ID 83686

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

2019-063717
RECORDED
12/31/2019 09:24 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=2 EHOWELL $15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

WARRANTY DEED

File No.: 4103-3360261 *(MB)*

Date: *December 22, 2019*

For Value Received, **Michael W. Martin and Kayelynn Martin, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Frank Wayne Phillips and Patsy Jane Phillips, husband and wife**, hereinafter referred to as Grantee, whose current address is **12080 Rivendell Court, Nampa, ID 83686**, the following described premises, situated in **Canyon** County, **Idaho**, to wit:

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

Lot 5 in Block 1 of TWO TOWERS SUBDIVISION, according to the plat thereof, filed in Book 35 of Plats at Page 49, Records of Canyon County, Idaho.

APN: **33014104 0**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Michael W. Martin

Kayelynn Martin

STATE OF Idaho)
ss.
COUNTY OF Ada)

On this 30th day of **December, 2019** , before me, a Notary Public in and for said State, personally appeared **Michael W. Martin and Kayelynn Martin**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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: Eagle, ID
My Commission Expires:

MATT BRAMWELL
NOTARY
PUBLIC
Comm. No. 47130
STATE OF IDAHO

Residing in: Star, ID
Commission expires: 5/11/2024

JENNIFER WATTERS
CANYON COUNTY TREASURER
111 N. 11th Ave, Ste 240
CALDWELL, ID 83605

2024 PROPERTY ROLL

PHONE: 208-454-7354
EMAIL: Treas@canyoncounty.id.gov
https://canyoncounty.id.gov/treasurer

CANYON COUNTY CONSOLIDATED TAX NOTICE

BACK OF BILL INCLUDES IMPORTANT INFORMATION
MONTHLY PAYMENTS ACCEPTED

29*1*12789**********AUTO**5-DIGIT 83651

FRANK WAYNE PHILLIPS
12080 RIVENDELL CT
NAMPA ID 83686-5694

Scan for Voter Approved Tracker

DUE DATE: December 20, 2024
PIN / PARCEL NUMBER: 33014104 0
BILL NUMBER: 2024356789
CODE AREA: 207-00
PROPERTY TYPE: Real Property

PROPERTY DESCRIPTION:
25-3N-3W SE TWO TOWERS SUB LT 5 BLK 1

PARCEL ADDRESS:
12080 RIVENDELL CT NAMPA

ACRES: 3.0700

CHARGES AND CREDITS

TAXING DISTRICT / AGENCY	PHONE	LEVY RATE	CHARGE
Ambulance	208-795-6920	0.0000985310	[redacted]
Canyon County	208-454-7507	0.0015568470	
Nampa Fire	208-468-5770	0.0011271630	
Canyon Hwy #4	208-454-8135	0.0006292050	
Mosquito Abatement	208-461-8633	0.0000936410	
Pest Control Dist	208-454-7507	0.0000242210	
Nampa School #131 Supplmnt	208-468-4600	0.0008326680	
Nampa School #131 Other	208-468-4600	0.0000340810	
College of Western Idaho	208-562-3295	0.0000851940	
Gross Total Charges			
Homeowner Tax Relief Credit*			
Net Charges			

VALUES AND EXEMPTIONS

Land Value	[redacted]
Improvement Value	
Homeowners Exemption	
Total Taxable	

PRIOR YEAR CHARGE: [redacted]

TAX RELIEF APPROPRIATED BY LEGISLATURE
School Savings: [redacted]

BILL SUMMARY

CURRENT YEAR CHARGE:	[redacted]
DELINQUENT CHARGE:	
LATE FEE CHARGE:	
INTEREST CHARGE:	
FEE CHARGE:	
PMT PRIOR TO 11/08/2024:	
TOTAL AMOUNT DUE:	

IMPORTANT MESSAGES

WHEN ANY PORTION OF PROPERTY TAX BECOMES DELINQUENT, A 2% LATE CHARGE WILL BE APPLIED. INTEREST ON THE DELINQUENT BALANCE ACCRUES AT 1% PER MONTH FROM JANUARY 1ST (IDAHO CODE 63-903 & 63-1001). WHEN PAYING DELINQUENT BALANCES, PLEASE CALL OUR OFFICE FOR THE PAYOFF AMOUNT INCLUDING LATE CHARGE AND INTEREST.

Mail
P.O. Box 730
Caldwell, ID 83606
USPS postmark by due date
Use coupon and envelope provided

Bill Pay
Online through your bank
Allow 7-10 days for processing
Please use PIN/Parcel as Account number

Online
canyoncounty.id.gov/treasurer
E-check: $1.00 flat fee
Debit card: 1% flat fee
Credit card: 2.39% fee
Use PIN Number

Phone
208.718.5186
Debit and Credit: 2.39% fee
plus $1.50 flat fee
Have your bill number ready

In Person
Administration Building
111 N 11th Ave, Suite 240
Caldwell, ID 83605
M-F 8:00 am to 5:00 pm *
Except Designated Holidays

Exhibit B.6

CANYON COUNTY

Jennifer Watters
111 N. 11th Ave., Suite 240
Caldwell, ID 83605
208-454-7354

Received By:	Cashier1	**Receipt Number:**	U24.31303
Location:	COUNTY	**Receipt Year:**	2024
Session:	BATCH#202412107	**Date Received:**	12/18/2024

PAYMENT RECEIPT

Type	Description	Balance	Net Tax	Interest	Fees/Late Charges	Current Due	Current Paid	Balance Remaining
Real Property	Bill Number: 2024356789 Bill Year: 2024 PIN: 33014104 0 AIN: 085830010050 Primary Owner: FRANK WAYNE PHILLIPS Property Addr: 12080 RIVENDELL CT Property Desc: 25-3N-3W SE TWO TOWERS SUB LT 5 BLK 1	[redacted]						
Totals:		[redacted]						

Tender Information:		Charge Summary:	
Check #2020	[redacted]	Real Property	[redacted]
Total Tendered		Total Charges	

CANYON COUNTY Jennifer Watters 111 N. 11th Ave., Suite 240 Caldwell, ID 83605

By Whom Paid:

FRANK WAYNE PHILLIPS
12080 RIVENDELL CT
NAMPA ID 83686

CHARGES	[redacted]
PAID	
BALANCE REMAINING	0.00
AMOUNT TENDERED	[redacted]
CHANGE	0.00

Exhibit B.6

Exhibit 3

EXHIBIT C

Supplement Documents

Planning & Zoning Commission

Case# VAC2025-0001

Hearing date: February 5, 2026

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

R33014104 PARCEL INFORMATION REPORT

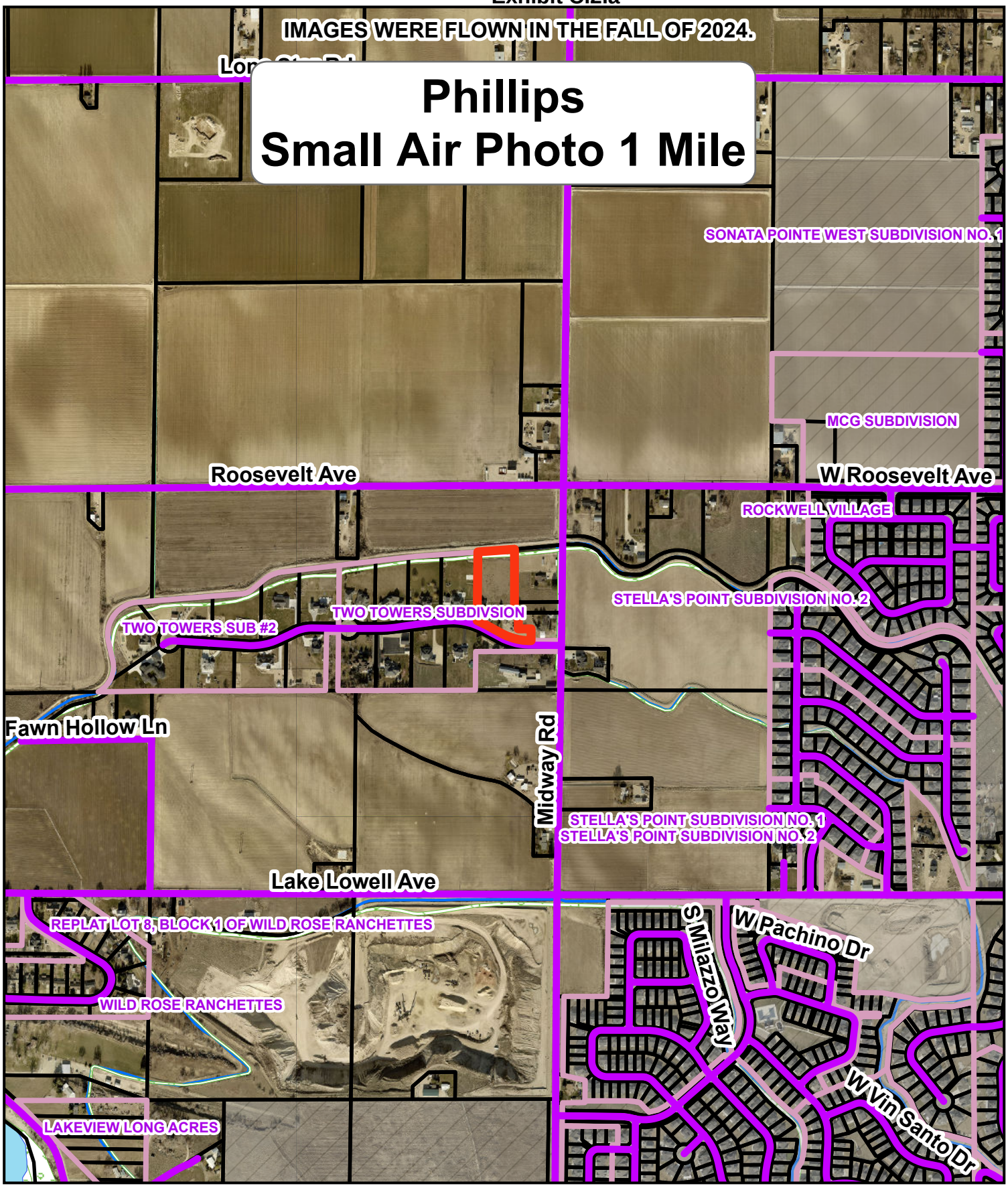
12/18/2025 2:20:52 PM

PARCEL NUMBER:	R33014104
OWNER NAME:	PHILLIPS FRANK WAYNE
CO-OWNER:	PHILLIPS PATSY JANE
MAILING ADDRESS:	12080 RIVENDELL CT NAMPA ID 83686
SITE ADDRESS:	12080 RIVENDELL CT
TAX CODE:	2070000
TWP:	3N **RNG:** 3W **SEC:** 25 **QUARTER:** SE
ACRES:	3.07
HOME OWNERS EXEMPTION:	Yes
AG-EXEMPT:	No
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	HIGHWAY DISTRICT #4
FIRE DISTRICT:	NAMPA FIRE
SCHOOL DISTRICT:	NAMPA SCHOOL DIST #131
IMPACT AREA:	NAMPA
FUTURE LAND USE 2011-2022 :	RES
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AGRICULTURE
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL / NAMPA & MERIDIAN IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0375F
WETLAND:	Riverine
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2019063717
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	25-3N-3W SE TWO TOWERS SUB LT 5 BLK 1
PLATTED SUBDIVISION:	TWO TOWERS SUB
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.

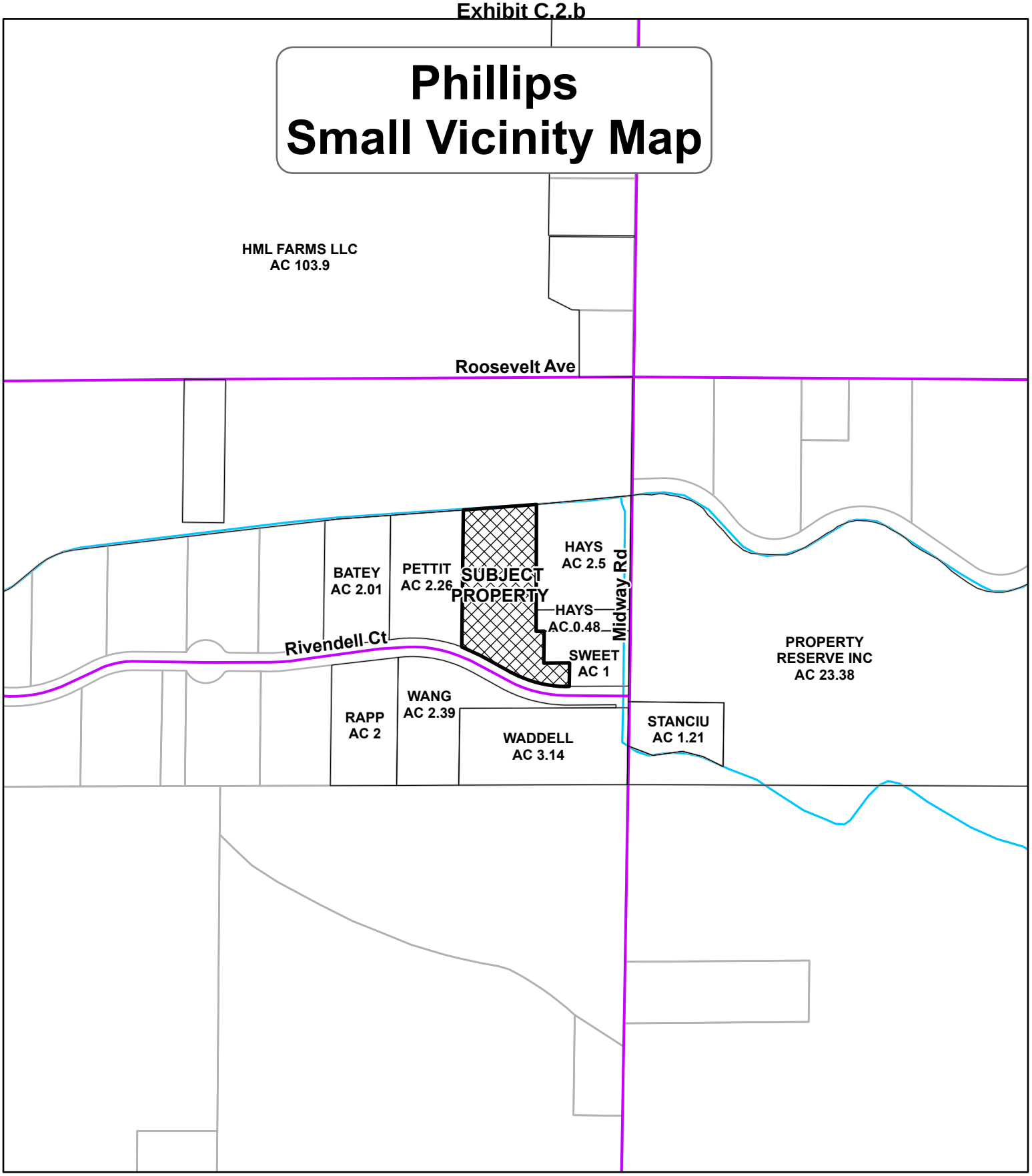
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

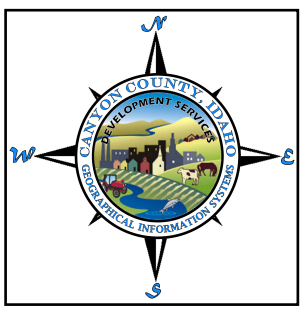


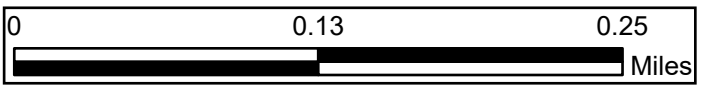
City_Limits
Wetlands

0 0.25 0.5 Miles

Phillips
Small Vicinity Map





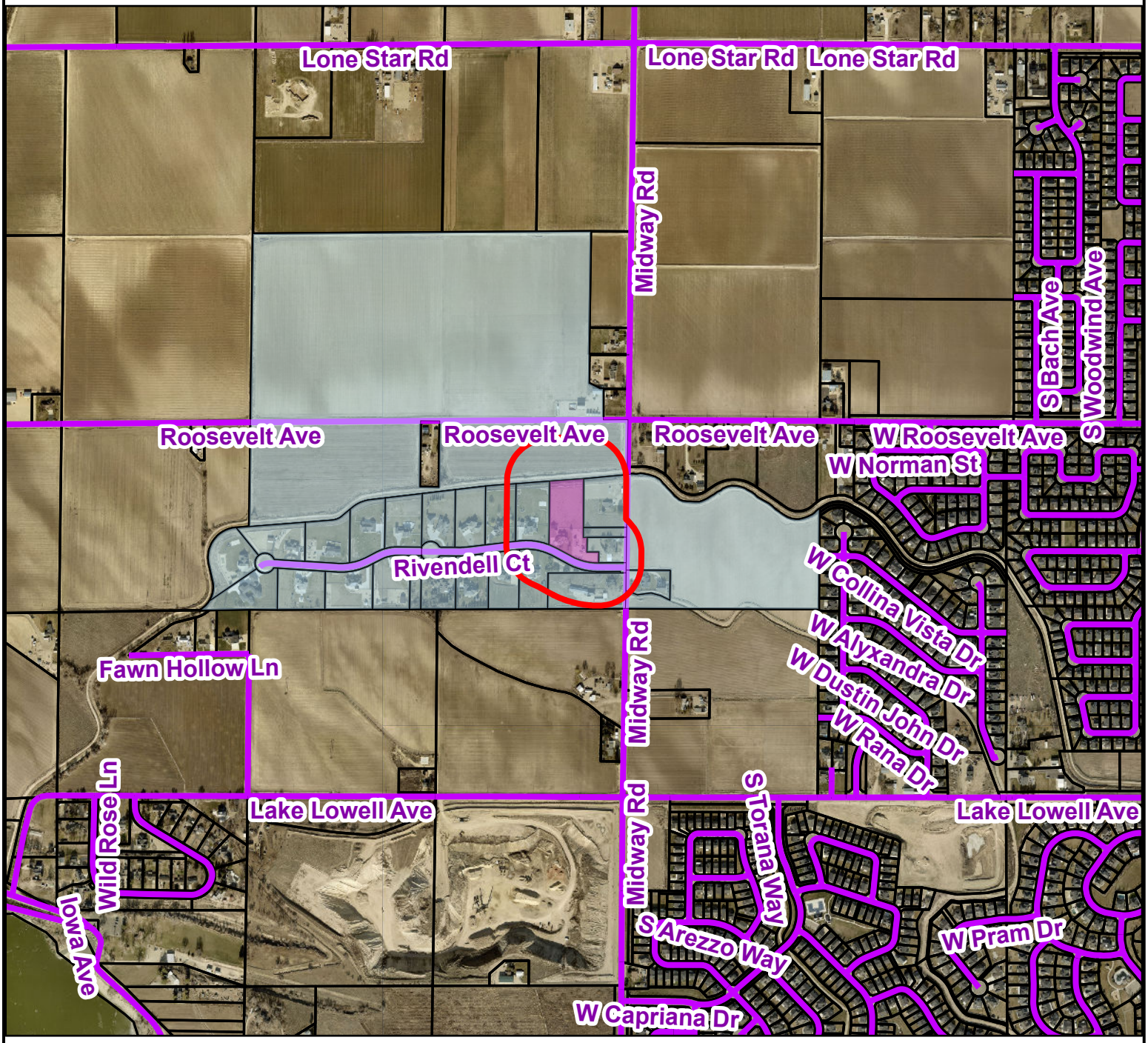


Neighborhood Notification Map
Parcel No. R33014104
Buffer Distance 300 Feet

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

This map is for informational purposes only and does not suggest approval of the project.

Date: 12/30/2025
By: mvanderveen



Legend

- NOTIFICATION BUFFER
- SUBJECT_PROPERTY
- NOTIFIED PARCELS
- TAX PARCELS
- Highway
- Interstate
- Local Road

SCALE

0 0.25 0.5 Miles

Neighborhood listings and maps are provided "as-is" without warranties on accuracy, completeness, or timeliness. Users are solely responsible for determining their appropriateness for decision-making. Canyon County, ID makes no guarantees, express or implied, including fitness for any particular use. Maps are dynamic and subject to ongoing revisions; they do not represent a survey. Neither Canyon County nor its employees assume liability for any errors or damages arising from the use of this information.

Exhibit 3
EXHIBIT D

Site Visit Photos

Planning & Zoning Commission

Case# VAC2025-0001

Hearing date: February 5, 2026

Exhibit D



Site Visit Photos
VAC2025-0001

Google Earth July 2025

Exhibit D



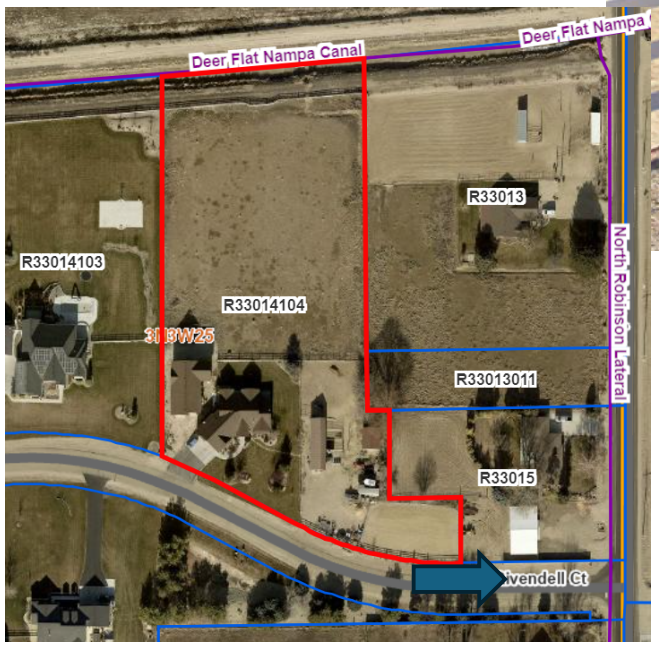
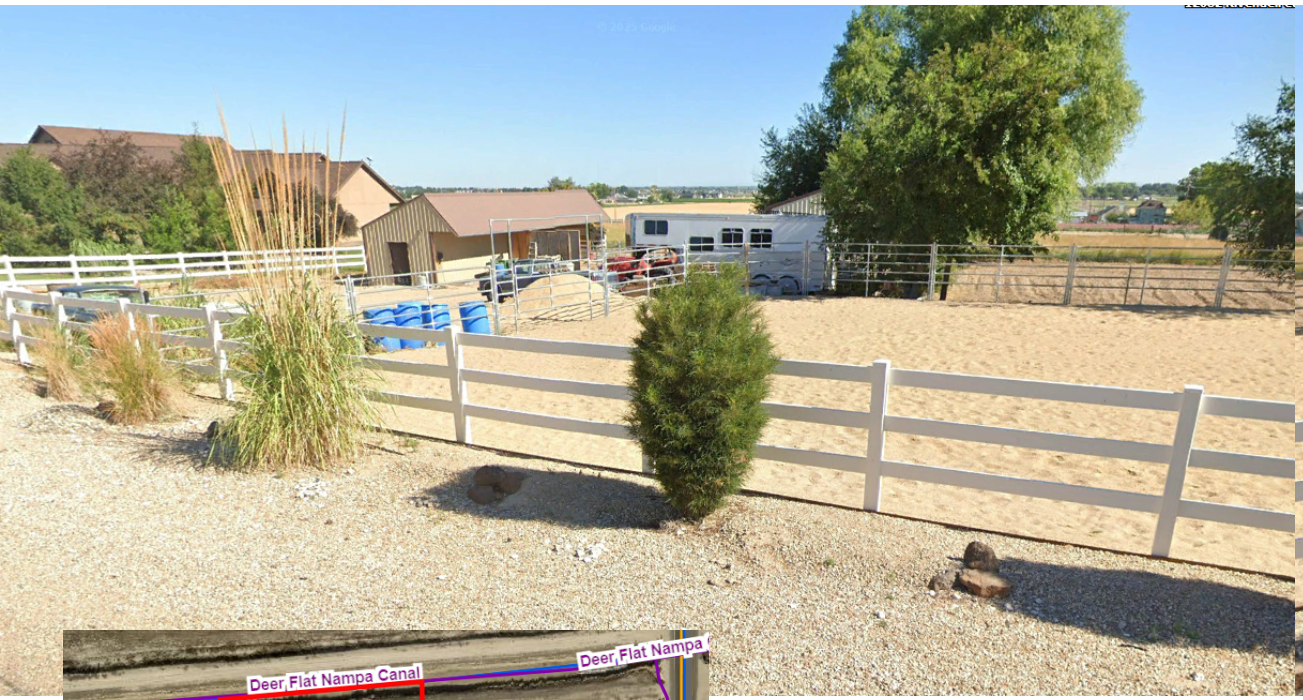

Deer Flat Nampa Canal
Deer Flat Nampa
R33013
R33014103
R33014104
R33013011
R33015
North Robinson Lateral

Exhibit D





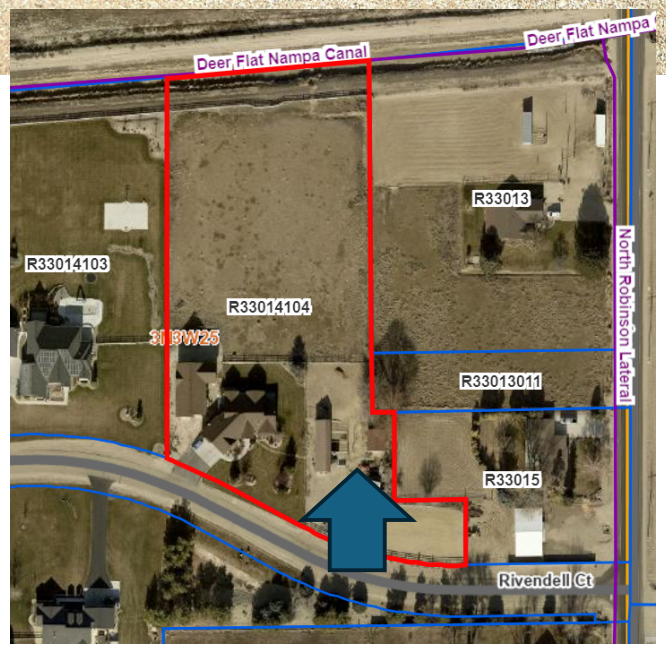

Deer Flat Nampa Canal
Deer Flat Nampa
R33013
R33014103
R33014104
North Robinson Lateral
R33013011
R33015
Rivendell Ct

Exhibit D



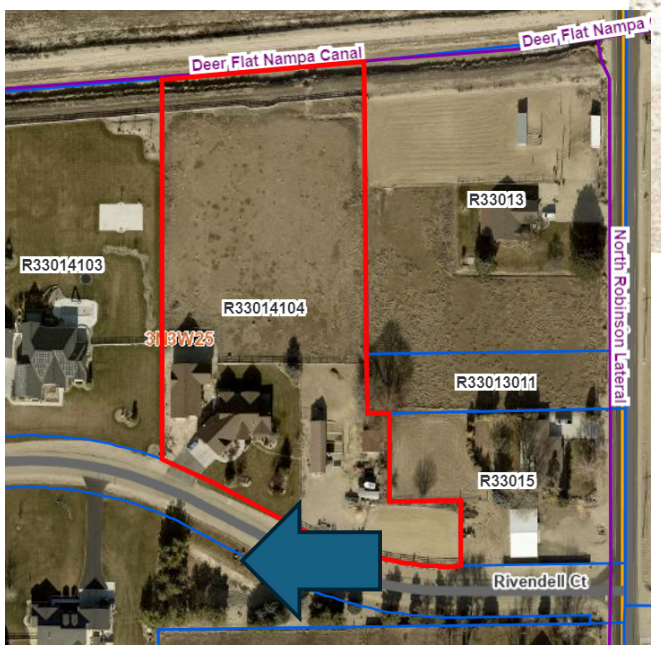

Deer Flat Nampa Canal
Deer Flat Nampa
R33013
R33014103
R33014104
North Robinson Lateral
R33013011
R33015
Rivendell Ct

Exhibit D





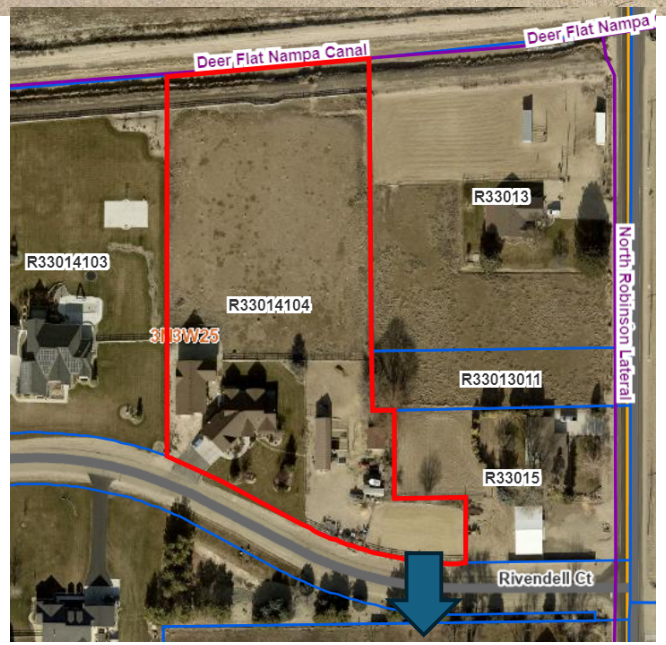

Deer Flat Nampa Canal
Deer Flat Nampa
R33013
R33014103
R33014104
North Robinson Lateral
R33013011
R33015
Rivendell Ct

Exhibit D

Exhibit 3
EXHIBIT E

Agency Comments Received by January 26, 2026

Planning & Zoning Commission

Case# VAC2025-0001

Hearing date: February 5, 2026

Dan Lister

From: Elijah Effinger <effingere@nampafire.org>
Sent: Tuesday, October 28, 2025 1:50 PM
To: Dan Lister
Subject: [External] Philips VAC2025-0001

The Nampa Fire Department does not oppose the proposed changes to the easement as applied. We do not have any additional comments or conditions in relation to this request. Thank You.

Elijah Effinger
Deputy Fire Marshal
C: 208-919-1313
effingere@nampafire.org

Dan Lister

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, October 8, 2025 7:02 AM
To: Dan Lister
Cc: Mitch Kiester
Subject: [External] RE: Agency Notice VAC2025-0001 / Phillips

Hi Dan,

Please have the applicant reach out to SWDH to schedule a pre-development meeting to discuss whether this proposal will impact the primary and replacement drainfield area.

Please let me know if you have any questions.

Thank you,

Check out our new online self-service portal here! PORTAL

Anthony Lee, RS/BS | Land Development Senior

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

anthony.lee@swdh.id.gov | SWDH.org

13307 Miami Ln., Caldwell, ID 83607

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, October 1, 2025 8:23 AM
To: 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'prevention@nampafire.org' <prevention@nampafire.org>; 'effingere@nampafire.org' <effingere@nampafire.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'nmid@nmid.org' <nmid@nmid.org>; 'eolvera@nmid.org' <eolvera@nmid.org>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>;

Nampa & Meridian Irrigation District

1503 First Street South
Nampa, ID 83651-4395

Website: nmid.org

Office: (208) 466-7861
Shop: (208) 466-0663

RECEIVED
OCT 24 2025
RECEIVED

October 20, 2025

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

RE: VAC2025-0001/ 12080 Rivendell Ct

To Whom It May Concern:

Providing all storm drainage is retained on-site there will be no impact to Nampa & Meridian Irrigation District (NMID). Therefore, no further review will be required at this time. If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting.

All private laterals and waste ways must be protected. The Districts easement for the Edwards Canal, known as the Deer Flat Nampa Edwards, at this location is a minimum of eighty feet (80') total, forty feet (40') each side.

This easement must be protected. Any encroachment without a signed License Agreement and approved plan before construction is unacceptable.

It is recommended that irrigation water be available to all developments within NMID. Developers must comply with Idaho Code 31-3805.

Please call with any further questions at (208) 466-0663.

Sincerely,

Paul Huddlestun
Asst. Water Superintendent
Nampa & Meridian Irrigation District
PH/ eol

Cc:
Office/ File

Dan Lister

From: Daniel Badger <BadgerD@cityofnampa.us>
Sent: Wednesday, December 31, 2025 1:54 PM
To: Dan Lister
Cc: Caitlin Ross; Kristi Watkins
Subject: [External] Re: Agency Notice VAC2025-0001 / Phillips

Dan,
Looking at the description provided for the vacation it appears to include the 16' Utility, Irrigation and drainage easement typical of the north side of Rivendell Court throughout the remainder of the subdivision. Nampa recommends either the vacation description be modified to exclude the 16' adjacent to the right of way or a new description and dedication of a 16' utility, irrigation and drainage easement be required as a condition of approval.

Daniel Badger, P.E
City Engineer | Development Engineering
Office: (208) 468-5469 | Cell: (208) 936-5690
500 12th Avenue South | Nampa, ID 83651
cityofnampa.us | Stay Connected

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, December 31, 2025 12:07 PM
To: Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; eddy@heritagewifi.com <eddy@heritagewifi.com>; prevention@nampafire.org <prevention@nampafire.org>; Elijah Effinger (Fire District) <effingere@nampafire.org>; knute.sandahl@doi.idaho.gov <knute.sandahl@doi.idaho.gov>; eddy@nampahighway1.com <eddy@nampahighway1.com>; EOlvera@nmid.org <eolvera@nmid.org>; nmid@nmid.org <nmid@nmid.org>; aflavel.bkirrdist@gmail.com <aflavel.bkirrdist@gmail.com>; mitch.kiester@phd3.idaho.gov <mitch.kiester@phd3.idaho.gov>; anthony.lee@phd3.idaho.gov <anthony.lee@phd3.idaho.gov>; brandy.walker@centurylink.com <brandy.walker@centurylink.com>; eingram@idahopower.com <eingram@idahopower.com>; easements@idahopower.com <easements@idahopower.com>; arobins@idahopower.com <arobins@idahopower.com>; jessica.mansell@intgas.com <jessica.mansell@intgas.com>; monica.taylor@intgas.com <monica.taylor@intgas.com>; Contract.Administration.Bid.Box@ziply.com <Contract.Administration.Bid.Box@ziply.com>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; makline2@marathonpetroleum.com <makline2@marathonpetroleum.com>
Subject: Agency Notice VAC2025-0001 / Phillips

CAUTION: This email originated OUTSIDE the City of Nampa domain. DO NOT click on links or open attachments unless you recognize the sender or are sure the content is safe. Highlight the suspect

EXHIBIT 4

Comments Received by April 11, 2026

-

Board of County Commissioners

Case# VAC2025-0001

Hearing date: April 21, 2026

Dan Lister

From: Elijah Effinger <effingere@nampafire.org>
Sent: Monday, April 6, 2026 11:15 AM
To: Dan Lister
Subject: [External] Two Tower Subdivision VAC2025-0001

The Nampa Fire Department does not oppose the application as requested. We have no additional comments or conditions, Thank You.

Elijah Effinger
Deputy Fire Marshal
C: 208-919-1313
effingere@nampafire.org

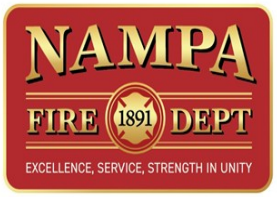


EXHIBIT 5

Draft FCOs

-

Board of County Commissioners

Case# VAC2025-0001

Hearing date: April 21, 2026

BOARD OF COUNTY COMMISSIONERS

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Phillips – VAC2025-0001

The Canyon County Board of County Commissioners considers the following:

A plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104. The subject property is located at 12080 Rivendell Ct., Nampa, also referenced as a portion of the SE¼ of Section 25, T3N, R3W, 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 VAC 2025-0001.

      1. All exhibits are located in the case staff report dated April 21, 2026.
      2. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 31, 2025, and March 17, 2026. JEPA notice to the City of Nampa was sent on October 1, 2025. Property owners within 300 feet of the subject property boundaries and per Idaho Code §50-1306A(2) were notified on January 5, 2026, and March 17, 2026. A newspaper notice was published on December 31, 2025, and March 20, 2026. The subject property was posted with a notice on December 31, 2025, and March 19, 2026.

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 §07-17-35 (Plat Vacation), Idaho Code §50-1306A & §50-1324 (Vacation of Plats Procedure); and CCCO §09-11-25 (Area of City Impact Agreement).

   a. Notice of the public hearing was provided per CCCO §07-05-01.

   b. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. *See* Idaho Code §67-6516

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, §67-6513. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6509, and § 67-6511. The Board can sustain, modify, or reject the Commission's recommendations. *See* CCCO §07-05-03

3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

4. 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.

5. 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, VAC2025-0001, was presented at a public hearing before the Canyon County Board of County Commissioners on April 21, 2026. 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 Canyon County Board of County Commissioners decides as follows:

Standards of Evaluation – CCCO §07-17-35 Subdivision/Easement Vacation

<table>
<tr><th colspan="3">County Ordinance and Review</th></tr>
<tr><th>Criteria Met?</th><th>Code Section</th><th>Criteria</th></tr>
<tr><td>Yes</td><td>1</td><td>Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.</td></tr>
<tr><td>Analysis</td><td colspan="2">A complete application with fees was accepted on September 29, 2025 (Exhibit 3.A).</td></tr>
<tr><td>Criteria Met?
Yes</td><td>2</td><td>Upon receipt of the completed application and any additional information required, DSD shall affix the date of application acceptance thereto. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations outlined in Idaho Code section 50-1306A and recorded in accordance with the regulations outlined in Idaho Code section 50-1324.</td></tr>
<tr><td>Analysis</td><td colspan="2">The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1306A, as follows:
• Per Idaho Code §50-1306A(1), a complete application was submitted to the Development Services Department (DSD), including the circumstances of the request to vacate, the legal description of the easement to be vacated, and HOA approval of the easement vacation to the applicant, Mr. Phillips (Exhibit 3.B).
• Per Idaho Code §50-1306A(2), noticing was completed per Canyon County Code of Ordinances (CCCO) Chapter 7, Article 5, which meets the plat vacation noticing requirements (Exhibit 3.C.2c). See the Notice and Comments section of this report for information.
• Per Idaho Code §50-1306A(4), the property is within one (1) mile of Nampa city limits, so written notice was sent to the City of Nampa on October 1, 2025, and December 31, 2025. City of Nampa does not oppose, subject to maintaining front, rear, and side utility easements consistent with the rest of the subdivision (Exhibits 3.E.4 & 3.B.3).
• Per Idaho Code §50-1306A(5), the request does not impact any part of the easement for gas, water, telephone, cable, power, drainage, or slopes. The applicant will maintain the required utility easement along the front, side, and rear per CCCO §07-17-09(1)E.5, including the 16' easement along the frontage consistent with the rest of the subdivision (Exhibit 3.E.4).
o CCCO §07-17-09(1)E.5: The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries. Utility easements shall be shown graphically on the plat.
• Per Idaho Code §50-1306A(7), publication costs are factored into the application fee.
The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1324, as follows:
(1) If approved by the Board of County Commissioners, the applicant must provide certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer). See condition no. 1.</td></tr>
</table>

	(2) If approved by the Board of County Commissioners, a resolution with a record of survey shall be recorded. *See condition No.1*.	
Criteria Met? **Yes**	**3**	**The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.**
Analysis	The Planning & Zoning Commission heard the case at a duly noticed public hearing held on February 5, 2026. After deliberation, the Planning & Zoning Commission recommended approval of the request subject to conditions (**Exhibits 1 & 2**).	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approves** Case #VAC2025-0001, a plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104, subject to the following conditions as enumerated:

1. A resolution must be signed allowing the requested plat vacation subject to the applicant providing (a) a recorded record of survey amending Lot 5, Block 1 of Tower Towers Subdivision with a utility easement that meets CCCO §07-17-09(1)E.5 including Exhibit E.4, and (b) certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer).

DATED this _____ day of _____, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

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

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

Attest: Jess Urresti, Clerk

By: _____ Date: _____
Deputy