



**TO: BOARD OF ADA COUNTY COMMISSIONERS**

**HEARING DATE:** December 14, 2016

**STAFF:** Brent Danielson, AICP, Associate Planner

**PROJECT NO.:** 201601456 A

**APPLICANT:** Jonathan Chu

### **INTRODUCTION**

An appeal of the Director's decision for a farm development right. The property contains 59.790 acres and is located at 13400 S. Can Ada Road in Section 6, T. 1S, R. 1W.

### **EXECUTIVE SUMMARY**

The appellant is requesting for the Board to overturn the Director's decision to deny a farm development right (Project #201601456 OA). The Director had denied the farm development right application because it did not comply with the applicability requirements in Subsection 8-2A-5B of the Ada County Code because the subject property is not a "property of record" as the boundaries of the subject property have changed since January 1, 1985. A one acre split (File #91-01-OA) was approved on the property in 1991. The resulting one acre split parcel (Parcel #S2306223080) was conveyed from Mary Mueller and Peggy Goodwin to the Melba Community Baptist Church on January 23, 1991 and the deed was recorded in the Ada County Recorder's Office on February 5, 1991. This property is located directly north of the subject property across from the Waldvogel Canal. It should be noted that the 'one-acre split' application is the predecessor to today's 'farm development right' application.

The appellant contends that the 1991 split should not have been characterized as a farm development right as the Melba Community Baptist Church parcel is not contiguous to the useful farm land and the physical landscape prevented its use as farm land as the irrigation canal runs through the crop land per Section 8-4A-8: Contiguous Parcels. Per Section 8-4A-8 of the Ada County Code abutting parcels held in the same ownership shall be considered one property for development purposes unless the owner can address one of the following:

- A. The parcels comply with the regulations of this title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under a single deed identifying each as a separate parcel;

- B. The parcels comply with the regulations of this title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under separate deeds;
- C. Each of the abutting parcels is a conforming or nonconforming property as defined in subsection 8-1B-2B of this title; or
- D. Physical characteristics of the property prevent its use as one unit; the properties are separated by a public right of way or public street.

The appellant argues that the Waldvogel Canal is a physical characteristic of the parent parcel (property prior to the one-acre split) that prevented its use as one unit.

At the time the staff report was written the following agencies provided comments for the appeal: Central District Health Department, Boise Project Board of Control, and the Ada County Building Official. The Central District Health Department replied in Exhibit #18 that they have no objections to this proposal. The Boise Project Board of Control responded in Exhibit #19 that local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement. The Ada County Building Official replied in Exhibit #20 that the Building Division has no objection.

### **RECOMMENDATION**

Based upon Staff’s review of the application, staff concludes that this application complies with the Ada County Code and recommends for the Board to deny the appeal and affirm the Director’s decision to deny Project #201601456 OA as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

The Board should consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application.

### **EXHIBIT LIST – PROJECT NO.: 201601456 A**

- 1 Master Application Form. 2 pages.
- 2 Appeal Checklist. 1 page.
- 3 Appellant’s Detailed Letter. 1 page.
- 4 Aerial Photos of the Property. 4 pages.
- 5 “Letting Go Off A Dream” newspaper article. 3 pages.
- 6 Maps. 2 pages.
- 7 Assessor’s Office Residential Characteristics for Parcel #S2306223080. 1 page.
- 8 Title Company Maps. 4 pages.
- 9 Sheet 1 of the Rio Ranch Estates Subdivision Plat. 1 page.
- 10 Deeds. 6 pages.
- 11 Proposed Legal Description for the Farm Development Right. 7 pages.

- 12 Copy of the Findings of Fact and Staff Report for Project #201601456 A. 23 pages.
- 13 Submittal Letter dated October 21, 2016. 1 page.
- 14 Vicinity Map. 1 page.
- 15 Aerial Map. 1 page.
- 16 Large Aerial Map. 1 page.
- 17 Agency Transmittal. 1 page.
- 18 Agency Comment from the Central District Health Department dated October 28, 2016. 1 page.
- 19 Agency Comment from the Boise Project Board of Control dated October 31, 2016. 1 page.
- 20 Memorandum from the Ada County Building Official dated November 1, 2016. 1 page.
- 21 Warranty Deed from Bruce Robinson to Mary Mueller & Peggy Goodwin. 1 page.
- 22 Land Patent 935903. 2 pages.
- 23 Radius Map. 1 page.
- 24 Mailing List. 1 page.
- 25 Canyon County Mailing List. 1 page.
- 26 Radius Notice. 1 page.
- 27 Legal Notice of Public Hearing published on November 22, 2016. 1 page.
- 28 Sign Posting Certification Form. 3 pages.



# MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702 www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

### TYPE OF ADMINISTRATIVE APPLICATION:

- ACCESSORY USE\*
- FARM DEVELOPMENT RIGHT
- FLOODPLAIN PERMIT
- HILLSIDE DEVELOPMENT\*
- HIDDEN SPRINGS ADMINISTRATIVE
- HIDDEN SPRINGS SPECIAL EVENT
- LIGHTING PLAN
- LANDSCAPE PLAN
- DRAINAGE PLAN
- MASTER SITE PLAN\*
- EXPANSION NONCONFORMING USE
- ONE TIME DIVISION
- PRIVATE ROAD
- PROPERTY BOUNDARY ADJUSTMENT
- PLANNED UNIT DEVELOPMENT (PUD)
- SIGN PLAN
- TEMPORARY USE\*

### TYPE OF HEARING LEVEL APPLICATION:

- CONDITIONAL USE
- DEVELOPMENT AGREEMENT
- SUBDIVISION, PRELIMINARY\*
- PLANNED COMMUNITIES\*
- SUBDIVISION, SKETCH PLAT\*
- VACATION
- VARIANCE
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT

### TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

### TYPE OF ADDENDA:

- APPEAL
- ADMINISTRATIVE MODIFICATION
- DEVELOPMENT AGREEMENT MODIFICATION
- FINAL PLAT
- TIME EXTENSION

### REQUIRED SUBMITTALS:

- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- \*SUPPLEMENTAL WORKSHEET REQUIRED

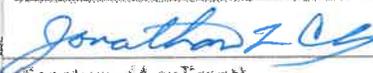
### SITE INFORMATION:

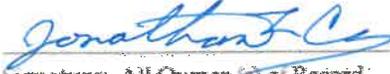
Section: 06 Township: IS Range: IW Total Acres: 57.33  
 Subdivision Name: IS IW 06 Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Site Address: 13400 S Can Ada Rd City: Melba  
 Tax Parcel Number(s): S2306233700  
 Existing Zoning: Ada County RP Proposed Zoning: \_\_\_\_\_ Area of City Impact: \_\_\_\_\_ Overlay: \_\_\_\_\_  
 District(s): \_\_\_\_\_



### OFFICE USE ONLY

Project #: <u>201601456-0A-A</u>	Planning Fees/GIS: <u>350<sup>00</sup></u>	Engineering Fees:
Received by: <u>BA</u> Date: <u>10/19/16</u> Stamped: <input checked="" type="checkbox"/>		

<b>APPLICANT/AGENT:</b> (Please print)	<b>ADDITIONAL CONTACT</b> if applicable: (Please Print)
Name: <b>Jonathan L Chu</b>	Name: _____
Address: <b>13400 S Can Ada Rd</b>	Address: _____
City: <b>Melba</b> State: <b>ID</b> Zip: <b>83641</b>	City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____
Email: _____	Email: _____
I certify this information is correct to the best of my knowledge.	<b>ENGINEER/SURVEYOR</b> if applicable: (Please Print)
	Name: <b>Sean Sullivan - ALS Land Surveying</b>
	Address: <b>1103 W Main</b>
	City: <b>Middleton</b> State: <b>ID</b> Zip: <b>83664</b>
	Telephone: <b>585-5858</b> Fax: <b>866-716-5253</b>
	Email: <b>ssullivan@alsce.com</b>
 Signature: (Applicant)	
<b>10/17/16</b> Date	

<b>OWNER (S) OF RECORD:</b> (Please Print)	<b>OWNER (S) OF RECORD:</b> (Please Print)
Name: <b>Jonathan L Chu</b>	Name: _____
Address: <b>13400 S Can Ada Rd</b>	Address: _____
City: <b>Melba</b> State: <b>ID</b> Zip: <b>83641</b>	City: _____ State: _____ Zip: _____
Telephone: _____	Telephone: _____
Fax: _____	Fax: _____
Email: _____	Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.
 Signature: All Owner (s) of Record	Signature: All Owner (s) of Record
<b>10/17/16</b> Date	Date

ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)

If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.



EXHIBIT 1  
Page 2 of 2  
Project # 201601456 A

# ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83712. www.adaweb.net phone (208)287-7900 fax (208)287-7909



## APPEAL CHECKLIST (ACC 8-7-7)

An Appeal request requires a public hearing.

### GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
✓	Completed and signed Master Application	
✓	<b>DETAILED LETTER</b> by the applicant fully describing the request or project and addressing the following:	
✓	Reason for the Appeal. Be specific.	
	File number of the original application.	
	Date of the written decision that is being appealed.	
	Who's decision is the appeal of? Director ( ) Commission ( )	
	<b>SUPPORTING MATERIALS.</b> Literatures, studies, maps, display graphics, etc. in support of the appeal.	
✓	<b>DEMONSTRATE</b> that the applicant is an affected person Idaho Code 67-6521 (1)(a)	
	<b>MUST COMPLY WITH SIGN POSTING REGULATIONS (ACC 8-7A-5)</b>	
✓	<b>APPLICATION FEE:</b> Call County for Current Planning Fee or go to <a href="http://www.adaweb.net">www.adaweb.net</a>	

**APPLICATION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORMS ARE SUBMITTED.**

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**OCT 18 2016**  
 ADA COUNTY  
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October 17, 2016  
Jonathan Chu

Re: Farm Development Right  
Jonathan Chu, 13400 S Can Ada Road, Melba ID 83641  
Parcel# S2306233700 and S2306223020  
Reason for the Appeal of File Number 201601456 OA

Dear Sir or Madam,

-Two parcels owned by me, Jonathan Chu, are 'of record' since both parcels have individual parcel numbers (S2306233700 & S2306223020). Construction of my single family residence began in 1997. A Certificate of Occupancy was granted to me in 2006.

-Prior to my ownership of these two parcels, a 'one-acre split' occurred north of Waldvogel Irrigation Lateral and it was granted its own parcel number (S2306223080). A home was built in 1991.

-The location and shape of this 1991 one-acre split parcel #S2306223080, north of the Waldvogel Irrigation Lateral, was not useful farm land as it was not contiguous to the farm land south of the Waldvogel Irrigation Lateral.

-Waldvogel Irrigation Lateral separated this northern acreage from the main portion of farm land. I am arguing that the 1991 'farm development right' really belongs to the 'useful' main farm land portion, south of Waldvogel Irrigation Lateral, which is the land I purchased in 1996.

-I contend that the 1991 split should not have been characterized as a farm development right as that section is not contiguous to the useful farm land and the physical landscape prevented its use as farm land - irrigation canal runs through the crop land. (Sterling Codifiers, Section 8-4A-8 Contiguous Parcels)

-This 1991 'one-acre split' left the farm land south of Waldvogel Irrigation Canal without the Farm Development right. I argue that my parcels be adjusted by applying the Farm Development Right to the useable farmland.

-If the Board will not approve the Farm Development Right as per my appeal, the Board might consider a property boundary adjustment to ensure the house is separated from the farmland.

-I intend to keep the parcel split as RP to ensure its preservation as farmland.

Date of the written decision that is being appealed:  
October 3, 2016

Thank you for your consideration,

  
Jonathan Chu



EXHIBIT 3  
Page 1 of 1  
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WALDVOGEL  
IRRIGATION  
CANAL →

EXHIBIT 4  
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ADA COUNTY  
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12400 SCANADA

EXHIBIT 4  
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1991  
split

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7979 W INITIAL POINT RD  
MEUBA ID 83041  
AKA 7955 W INITIAL POINT RD  
MEUBA ID 83041  
AKA S2306223080

EXHIBIT 4  
Page 4 of 4  
Project # 2060456 A

# IDAHO PRESS-TRIBUNE

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## LETTING GO OF A DREAM

### Melba man sells straw house he and wife built

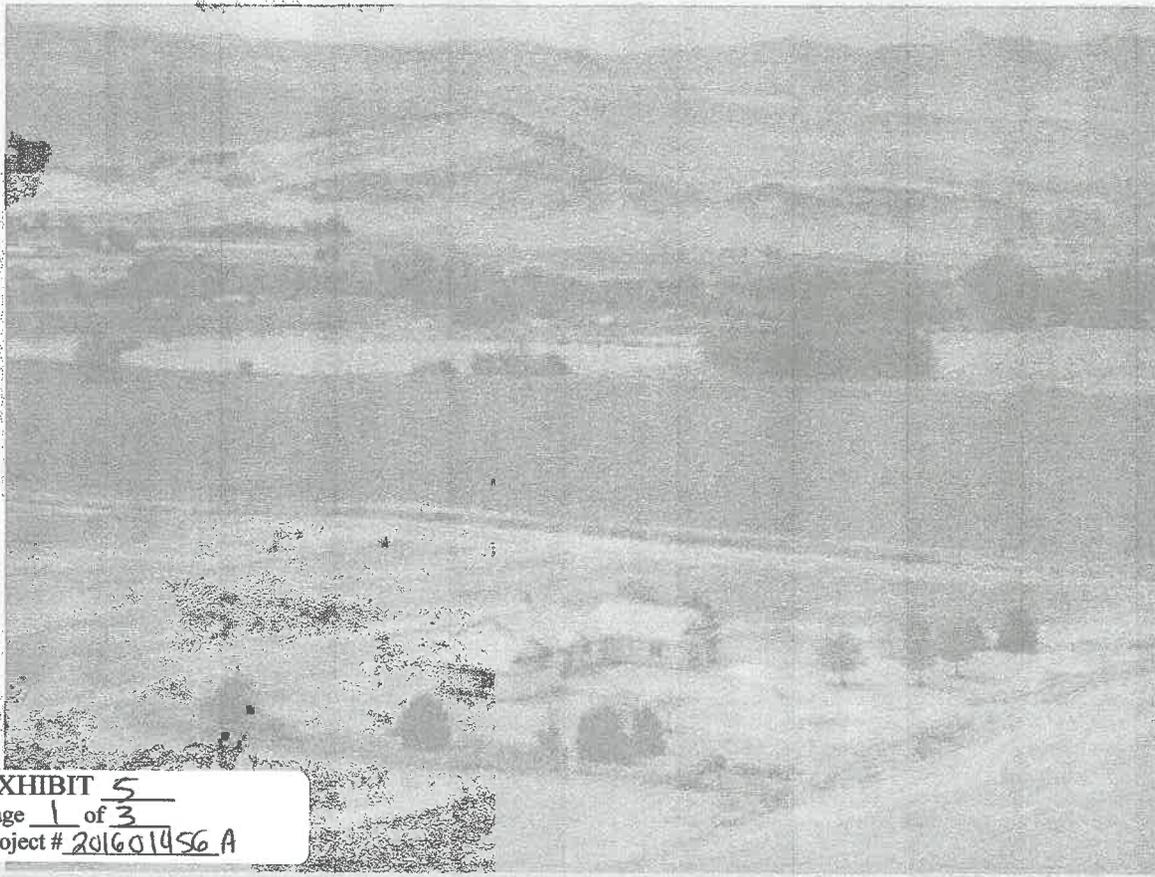


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Project # 201601456 A

## Council splits fee increase

### Nampa domestic hookup fee will fund water infrastructure

By LIS STEWART  
lstewart@idahopress.com

NAMPA — After approving a nearly 300 percent increase in domestic water hookup fees for new construction, the Nampa City Council voted to split the increase over two years.

"From my standpoint, it's just to give the building community more time so they can soften the blow to their potential clients and to work in these new increases as they're going forward," Councilman Randy Haverfield said. "That's the input I've received from the building community."

The council voted to move forward with an all-at-once increase earlier this month. Builders warned when the increase was proposed that it would cause housing prices in Nampa to go up and make it difficult to do business. A hookup fee is a one-time charge for developers, counting as a buy-in to the city's water system. The cost is passed on to the buyer.

Nampa Economic Development Director Michael Fuss warned the city needs the funds for upkeep of its existing water infrastructure.

After deliberation Monday, the council

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COMMUNITY DEVELOPMENT SERVICES



A view of the straw house and the landscape around it.

By SEAN BUNCE

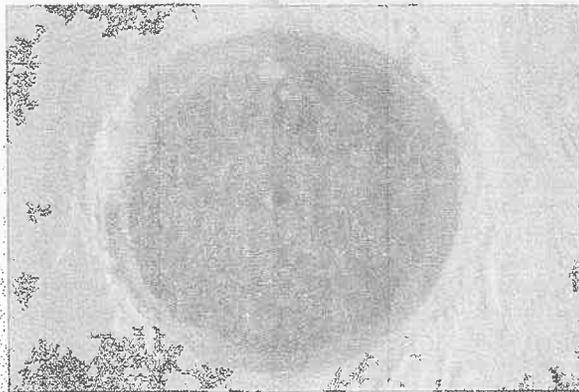
sbunce@idahopress.com

MELBA — It was his wife's idea to move out to the country, to build an energy-efficient home, and do something unusual with it.

Just four years after moving to Idaho in the mid '90s, Dr. Jonathan Chu and his wife, Janet Rondeau, were permitted to build their dream home near Melba and the Ada County border.

Chu's wife designed the entire house. Her vision for the project was to make the house as efficient as possible, even taking into account the angle of the house in relation to summer and winter solstice.

Measuring more than 3,100 square feet and sitting on 59 acres, the home is equipped with passive



BRIAN RULE

This hole is to verify the house is made out of straw.

solar heating, a wood stove and two-foot-thick walls filled with rice straw bales.

"It was kind of her inspiration to go with straw bale, and I was kind of along for the ride," Chu said.

A standard "stick-built" home has walls with a thermal resistance, or R-value, of around R-20. According to Chu, by

using straw, this number improves to R-60.

Another added bonus to using rice straw, is that by covering it with stucco, it can become more resistant to flame than regularly built homes.

"Unlike a stick home, the stucco actually keeps a significant amount of air from getting into it. There are structures like walls and fences that have been

MORE INFORMATION

For more information about the house or to schedule a viewing, contact Vincent at info@thearchiebequegroup.com.

through forest fires and still been standing after the fire rips through the place," Chu said. "The fire chief came through and he actually understood that it would be a less fire-prone structure than a stick-built home."

From the rice straw used to fill the walls to the roof tiles made out of recycled plastic, nearly all of the construction was completed by the couple.

"I was more of the worker bee for this project," Chu said. "When I first met my wife, she was the one with a 10-foot table saw and the drill press."

More STRAW | A9

After deliberation Monday, the council members voted 4-3 to split the increase and implement the first half Jan. 15, 2017, and the second half Jan. 15, 2018. Originally, it was due to go into effect Nov. 15.

More WATER | A9

# Caldwell a finalist for community youth grant

## \$250K could go to pedestrian, transportation improvements

By OLIVIA WEITZ

oweitz@idahopress.com

CALDWELL — The city of Caldwell could receive up to \$250,000 from a grant designed to improve the health and physical activity of Idaho's youth.

The Blue Cross of Idaho Foundation selects cities for the Community Transformation Grant based on the city's prior record of creating change. Caldwell is one of seven finalists for this year's grant.

Winners of the grant are selected, partly based on online voting. In a video on the polling section of the grant website, Mayor Garret Nancolas said if the city were to be awarded the grant, it would go toward improving transportation.

A very important part of the grant would benefit routes to schools and transportation facilities," Nancolas said. Part of the grant would benefit



# Shelter conducts interviews for executive director position

## Candidates being interviewed this week and next

By OLIVIA WEITZ

oweitz@idahopress.com

CALDWELL — Nearly eight months after West Valley Humane Society's executive director was fired following an



that interviews for the position are being conducted this week and next week. "That position has not been filled as of today,"

Perry, left the shelter, Susan Woodward, a former board member, became the shelter's interim executive director. A local group called the

Bunny Project Founder Kyla Westerberg said she hopes the shelter finds someone who deeply cares about the animals.

"We think it's a step in the right direction," Westerberg said. "It's reactionary because they are only doing it now due to pressure put on them."

In recent weeks, the shelter has faced financial scrutiny. The cities of Nampa and Caldwell as well as the Canyon County Board of Commissioners have expressed interest in auditing the

at crosswalks could also be improved.

Individuals may cast a vote for Caldwell's receipt of the grant at the following website: [www.high-fiveidaho.org/vote](http://www.high-fiveidaho.org/vote). The poll accepts votes until Sept. 30.

Olivia can be reached at 465-8107 or [owitz@idahopress.com](mailto:owitz@idahopress.com). Follow @oliviawertz1.

## Water/ from A1

Councilwoman Sandi Levi, Councilwoman Pam White and Councilman Darl Bruner voted "no." Haverfield, Councilman Paul Raymond and Councilman Bruce Skaug voted "yes." Mayor Bob Henry voted "yes" to break the tie.

Henry offered the option of splitting the increase or implementing it all at once.

"I know the motion last council meeting was to implement it all at once, but Mr. Raymond made some really good points on this one because this is a substantial increase, and I've asked Michael (Fuss) to put two resolutions before us," Henry said.

The date was moved back to Jan. 15 when it was announced the proposed water user rate increase public hearing was rescheduled for January, and Bruner said it would be good to be consistent and do the increases at the same time. At this point in the meeting the council had already voted to change wastewater hookups Nov. 15, but that fee is a decrease.

Bruner was concerned about bringing the fees higher than most other cities in the state, and so voted against the resolution.

"I also have been concerned all along in these last few discussions that we are being fair to the building community, and letting them know that we do respect and appreciate them and value their time and realizing that Nov. 15 doesn't always give them all the time to get all their ducks in the row," Levi said prior to voting "no."

Skaug pleaded "mea culpa," acknowledging an error in voting originally to increase the fees all at once.

"We know that we need this increase, and it levels the playing field for all the users and repairs, but I was a little too fast to pull the trigger and get it done at once, so I appreciate this motion to divide it up and support it," Skaug said.

The council also voted to increase irrigation water hookups fees Jan. 15. That increase is less steep than

\$329 for a

one Page 3 of 3

Project # 20160156 A

[wurt@idaho.com](mailto:wurt@idaho.com)



BRIAN HULE

A view from the Melba straw house window.

## Straw/ from A1

A Valentine's Day present that she very much appreciated was when I gave her scaffolding. That was my wife."

In 2003, Chu's wife was diagnosed with pancreatic cancer.

They were given a permit to move in on August 2006, just before her death. Although she wasn't able to see its

completion, Chu said she worked on the house until she died.

"We fought a 28-month battle with pancreatic cancer, which was unusually long, but she did get to spend her last days in this house," Chu said.

Nine years later, after living in the house without her, he's ready to sell the property.

"Having lived here the past nine years after my wife passed, it was finally

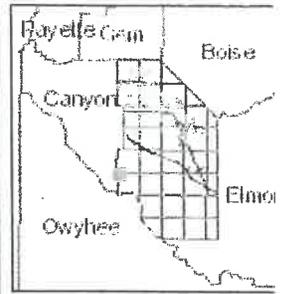
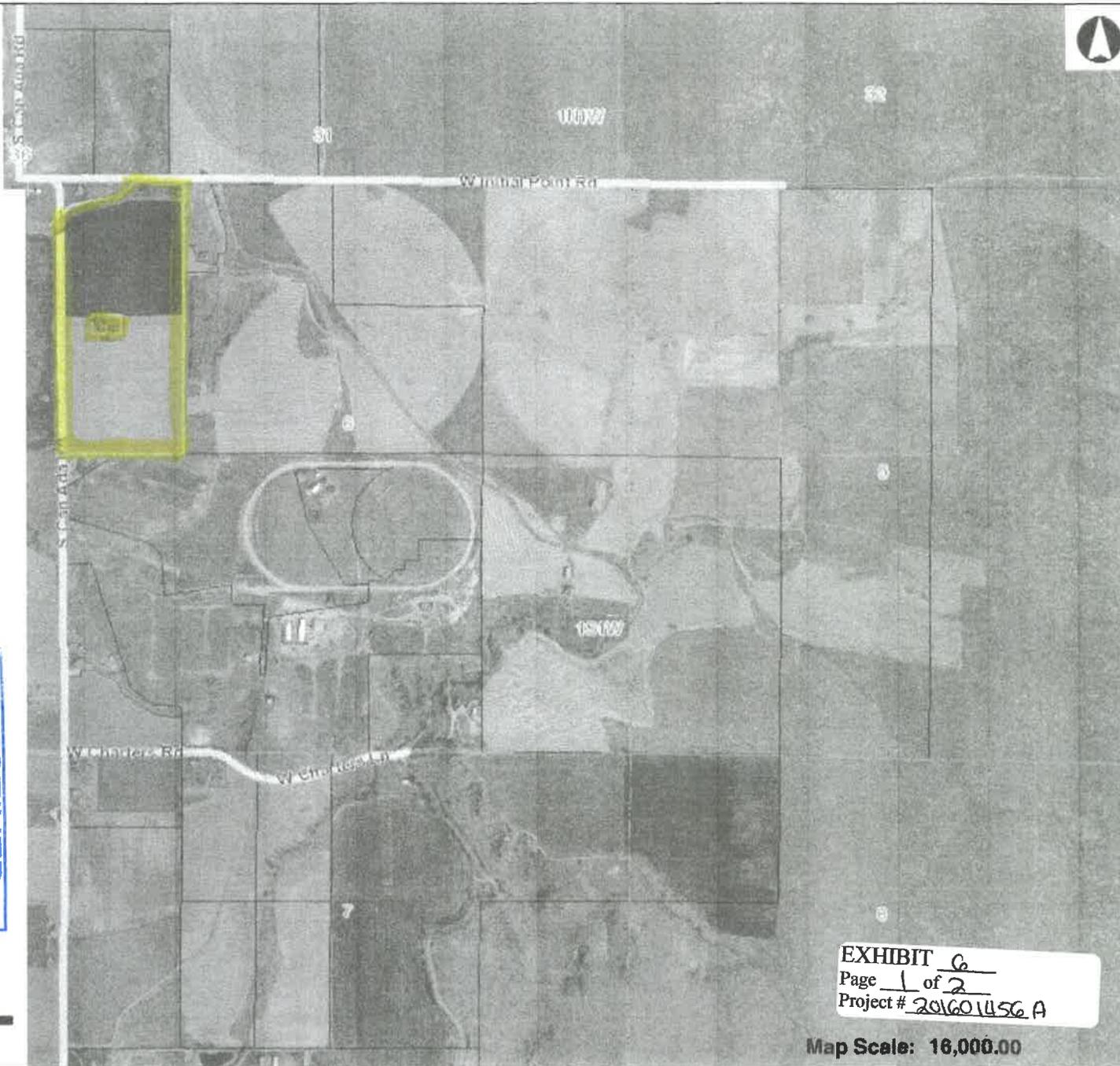
time for me to kind of move on," Chu said, who is a hospice doctor with Harrison's Hope in Meridian and Nampa. "Living out here meant 10 hours a week for me commuting. With my work and my activities it made much more sense for me to move back into town."

Because he was never able to finish the home, Chu said it's being listed as a "finisher-upper," but

only due to some minor cosmetic projects left to do.

"When we built it, the idea was that however long we lived, we'd spend the rest of our lives in this house, but as my wife's life was cut short, it didn't work out that way," Chu said.

Sean Bunce is the digital first reporter for the Idaho Press-Tribune. He can be reached at 208-467-9251 ext. 172.



**Legend**

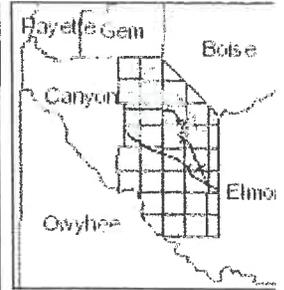
- Railroad
- Roads (8,000 - 100,000)
- <all other values>
- Interstate
- Ramp
- Principal Arterial
- Collector
- Minor Arterial
- Local
- Parks
- Alley
- Driveway
- Parks
- City Limits
- <all other values>
- BOISE
- EAGLE
- GARDEN CITY
- KUNA
- MERIDIAN
- STAR
- Townships
- Sections
- Condos
- Parcels

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0.28 Miles

EXHIBIT 6  
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Map Scale: 16,000.00



**Legend**

- + Railroad
- Roads (<2,000 ft)
- <all other values>
- Interstate
- Ramp
- Principal Arterial
- Collector
- Minor Arterial
- Local
- Parks
- Alley
- Driveway
- Parks
- Address
- Townships
- Sections
- Condos
- Parcels

EXHIBIT 6  
 Page 2 of 2  
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Map Scale: 400.00

0.01 Miles

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 7/28/201



**Residential Characteristics for Parcel S2305223080**

- [Home](#)
- [Assessor Main Page](#)
- [Help Index](#)
- [FAQ](#)
- [About Us](#)
- [Contact Us](#)
- [Disclaimer](#)

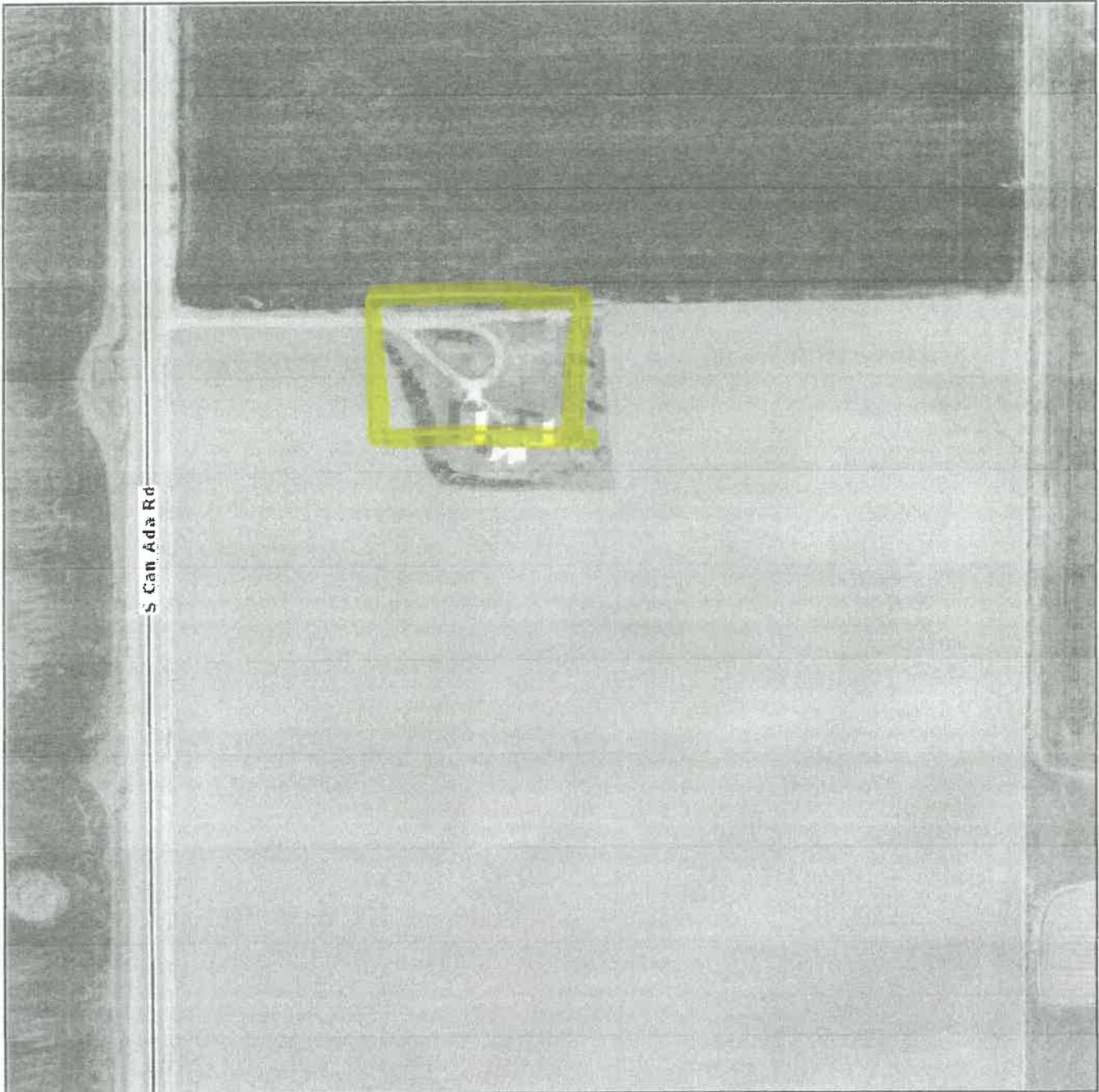
- [Search by Parcel](#)
- [Search by Address](#)
- [Search by Subdivision](#)
- [Online Documents](#)

**Interactive Map**

[Back to Parcel Search](#)

Year Built:	1991
Year Remodel:	0
Number of Bedrooms:	4
Number of Bathrooms:	2.5
Number of FirePlaces:	1
Air Conditioning:	Y
Car Storage Sq Ft #1:	528
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	216
Deck Covered:	N
Patio Sq Ft:	300
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	2380
Main Floor Sq Ft:	1540
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	840
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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S Can Ada Rd



Customer Service Department  
customerservice@alliancetitle.com  
Meridian - (208)846-8558  
Nampa - (208)465-6600

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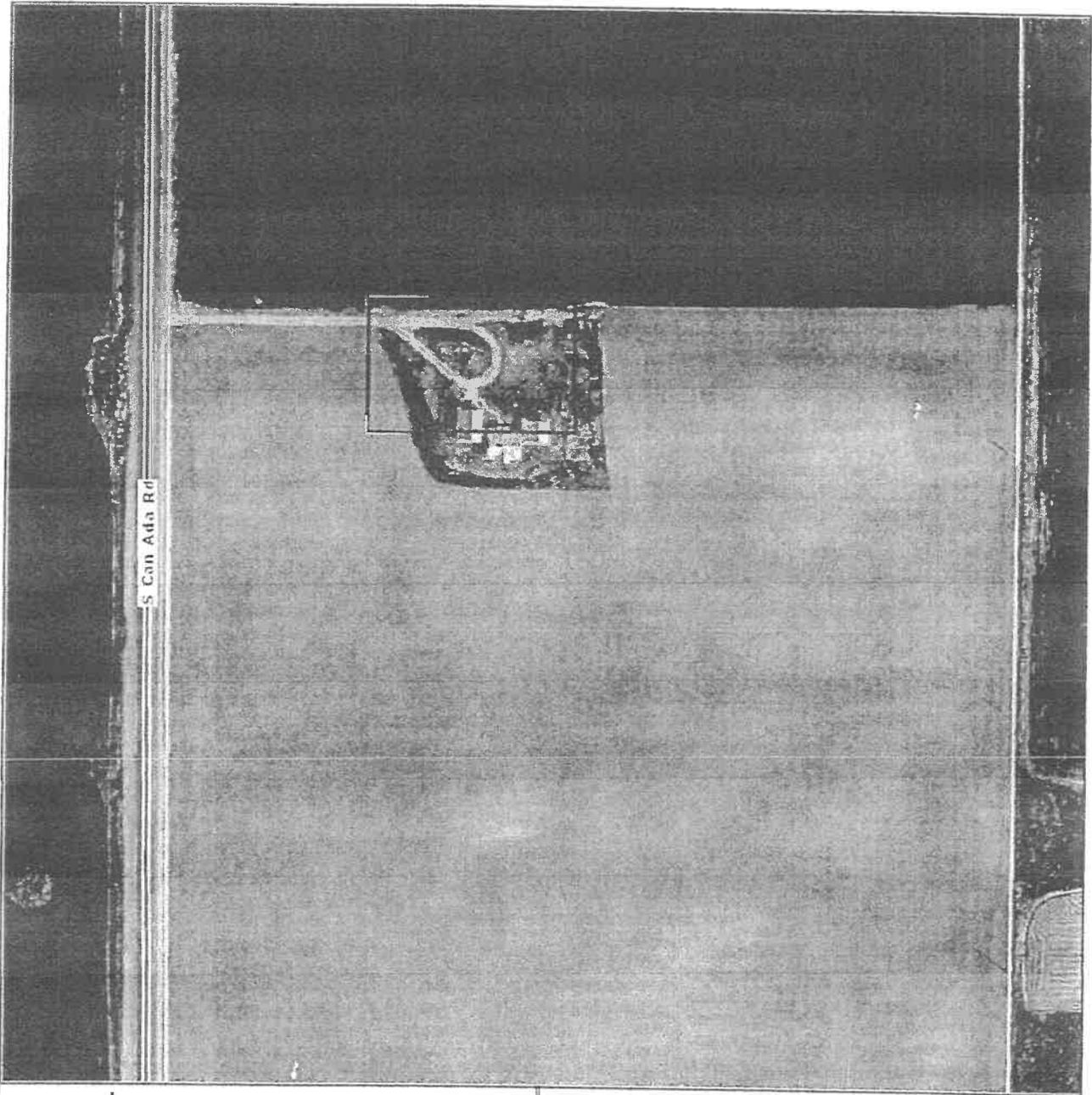
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13400 SCAN ADARD

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EXHIBIT 8  
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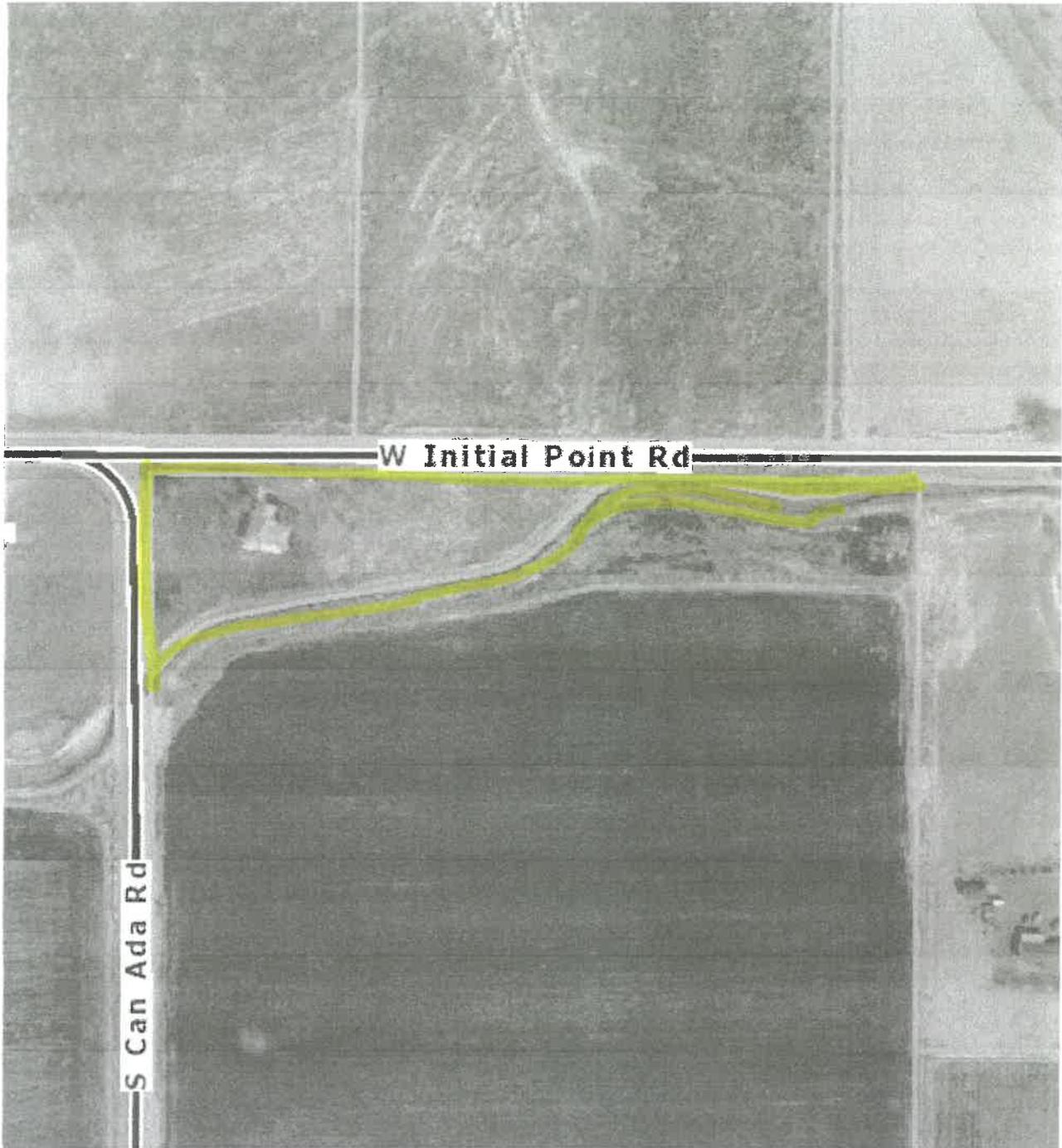
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www.sentrydynamics.net

Agent Intel Aerial Map

Property Subdivision 1s 1w 06

Property Address 7979 W Initial Point Rd Melba, ID 83641



*Yes, it matters where you close.*

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EXHIBIT 8

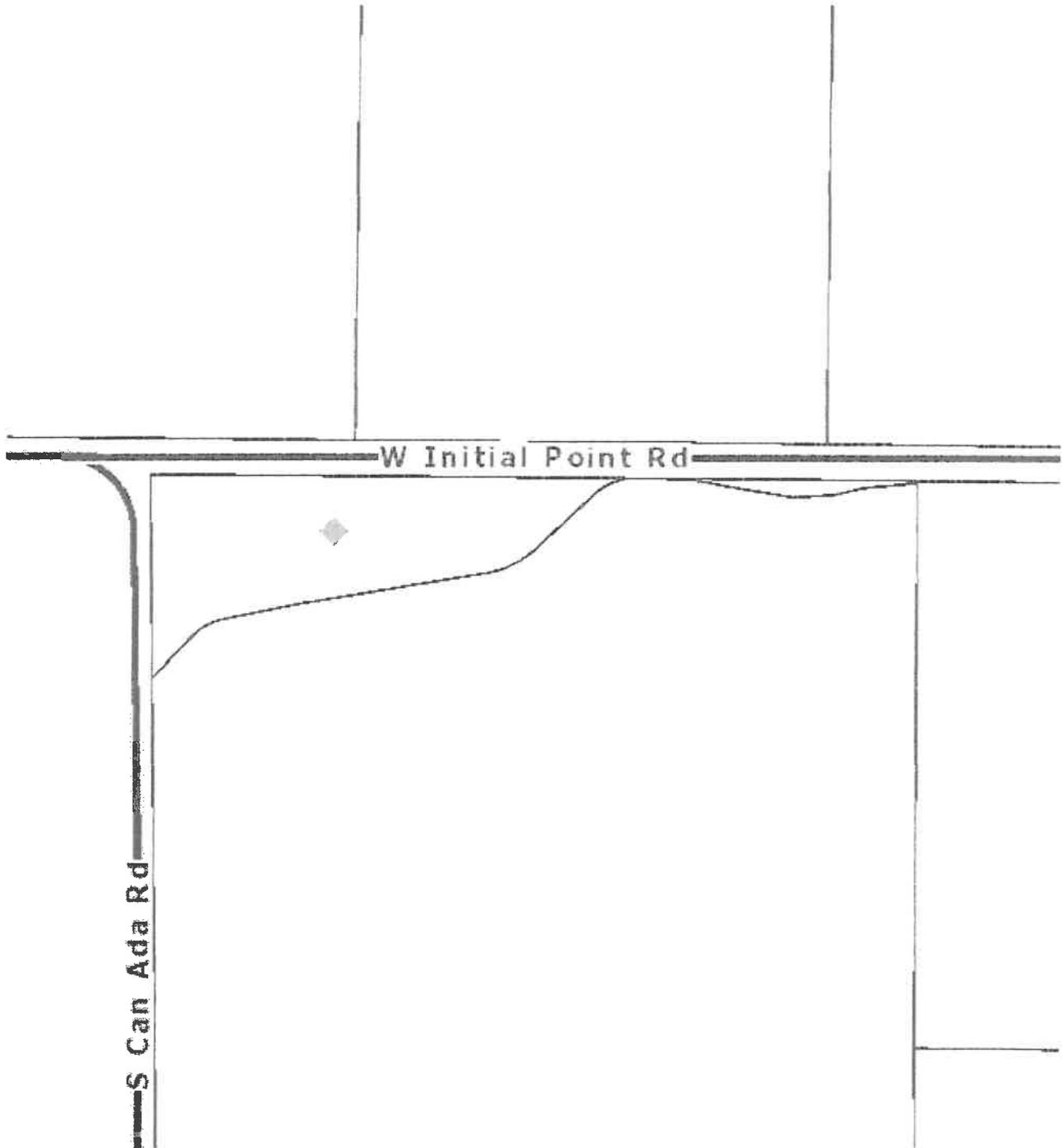
Page 3 of 4

Project # 201601456A

Agent Intel Street Map

Property Subdivision 1s 1w 06

Property Address 7979 W Initial Point Rd Melba, ID 83641



*Yes, it matters where you close.*

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EXHIBIT 8  
Page 4 of 4  
Project # 201601456A

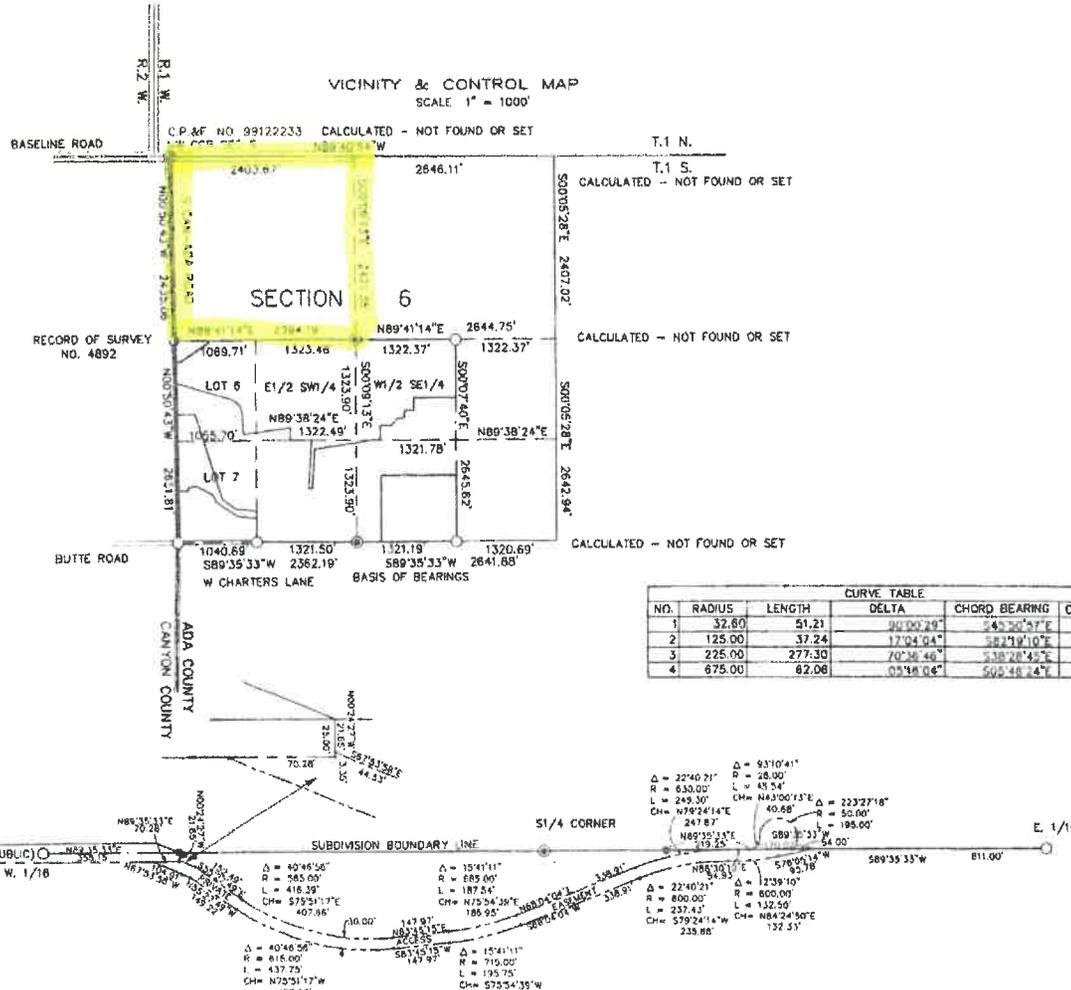
# RIO RANCH ESTATES SUBDIVISION

W1/2 SE1/4, E1/2 SW1/4, AND LOTS 6 & 7 OF SECTION 8, T.1 S., R.1 W., B.M.,  
ADA COUNTY, IDAHO  
2004

EX 20 11 217

### NOTES:

- MINIMUM BUILDING SETBACKS: 30 FT. FROM FRONT LOT LINES  
25 FT. FROM SIDE LOT LINES  
25 FT. FROM REAR LOT LINES
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- CAN-ADA ROAD IS A PUBLIC ROAD, THE EAST HALF BEING IN ADA COUNTY AND THE WEST HALF BEING IN CANYON COUNTY. IT IS MAINTAINED BY CANYON COUNTY AND HAS A 50 FOOT WIDE PRESCRIPTIVE EASEMENT. THIS PLAT DEDICATES THE EAST HALF TO ADA COUNTY, BEING A RIGHT OF WAY 25 FEET WIDE FROM CENTERLINE FOR SAID ROAD.
- ALL LOT AND BOUNDARY LINES HAVE A 12 FT. PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH SECTION 31-3805 OF THE IDAHO CODE CONCERNING IRRIGATION WATER.
- LOT 2 OF BLOCK 1 IS AN EXISTING CATTLE FEEDING OPERATION LOT WHICH WILL CONTINUE OPERATION.
- LOT 5, BLOCK 1 IS A PRIME-AGRICULTURAL FARM GROUND LOT WHICH WILL BE FARMED ONLY. NO RESIDENTIAL BUILDING WILL BE PERMITTED ON THIS LOT WITHOUT FUTURE ADDITIONAL SUBDIVISION AND PERMIT APPROVAL FROM ADA COUNTY DEVELOPMENT SERVICES. NONRESIDENTIAL STRUCTURES OF A FARMING NATURE WILL BE ALLOWED.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE 22-4503, RIGHT TO FARM ACT WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."



CURVE TABLE						
NO.	RADIUS	LENGTH	DELTA	CHORD BEARING	DISTANCE	
1	32.00	51.21	90°00'29"	S42°20'27"E	46.11	
2	125.00	37.24	17°04'04"	S81°19'10"E	37.10	
3	225.00	27.73	7°03'46"	S38°28'45"E	260.08	
4	675.00	62.06	0°18'08"	S05°46'24"E	62.04	

LINE TABLE WALDVOGEL CANAL		
NO.	BEARING	DIST
1	N89°35'33"W	425.00'
2	S41°31'24"E	200.00'
3	S40°33'28"E	400.00'
4	S00°07'40"E	425.00'
5	S50°27'03"W	140.01'
6	S72°29'09"W	60.42'
7	S34°30'08"W	73.04'
8	S08°24'00"W	68.07'
9	S56°18'43"W	68.07'
10	S27°03'01"W	35.12'
11	S11°11'34"E	12.02'
12	N55°39'24"W	65.17'
13	N03°43'04"E	88.28'
14	N02°18'23"W	84.72'
15	S31°32'24"W	100.66'
16	S57°12'14"W	97.08'
17	S43°27'28"W	80.93'
18	S107°43'E	36.47'
19	S89°35'33"W	175.15'
20	S89°35'33"W	213.82'

LINE TABLE BUTTE LATERAL		
NO.	BEARING	DIST
A	N89°35'33"W	102.48'
B	N47°50'49"W	36.36'
C	N18°21'47"W	163.28'
D	N14°11'36"W	108.38'
E	S83°59'28"W	64.70'
F	S00°00'00"E	145.57'
G	S82°59'08"W	18.38'
H	N°7°18'57"W	93.87'
I	N81°23'54"W	203.68'
J	N69°11'48"W	57.95'
K	N65°52'55"W	225.15'
L	N55°39'24"W	42.30'
M	N5°56'28"W	105.41'
N	N0°24'22"W	112.23'
O	N60°50'55"W	538.99'
P	S00°50'43"E	229.63'



EXHIBIT 9  
Page 1 of 1  
Project # 20601456 A

Recording Requested By and Return To:

FINCH & ASSOCIATES LAW OFFICE, P.A.  
P. O. Box 1296  
Boise, Idaho 83701  
(208) 385-0800 Telephone  
(208) 389-2186 Facsimile

PERSONAL REPRESENTATIVE DEED

THIS DEED is made by Jonathan L. Chu, personal representative of the Estate of Janet C. Rondeau, deceased, Grantor, to Jonathan L. Chu, 140 Meffan Ave., Nampa, Idaho 83651, Grantee.

WHEREAS, Janet C. Rondeau, died while residing at 140 Meffan Ave., Nampa, Idaho 83651 on January 27, 2007; and

WHEREAS, Grantor was duly appointed personal representative of the estate by the Third District Court of Idaho, Canyon County, Case Number CV 07-2031 on February 22, 2007, and is now qualified in acting in that capacity; and

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Third District Court of Idaho, in and for the County of Canyon, Grantor does hereby convey, assign, transfer and set over unto Grantee, as the person entitled to distribution of that certain property in the Janet C. Rondeau estate, a fee simple interest in the following real property located at **13400 S. CAN ADA Road, Melba, Idaho 83641** and more particularly described as:

The West one-half of the Northwest Quarter of Section 6. Township 1 south, Range 1 West of the Boise Meridian, Ada County, Idaho.

SAVE AND EXCEPT that portion lying North of the centerline of Waldvogel irrigation lateral as said centerline existed on January 15, 1991.

SAVE AND EXCEPT THE FOLLOWING PARCEL:

Personal Representative Deed - 1



EXHIBIT to  
Page 1 of 6  
Project # 201601456A

THIS PARCEL IS A PORTION OF GOVERNEMENT LOT 5 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE BOISE MERIDIAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6;  
THENCE SOUTH 0 DEGREES 51'28" WEST ALONG THE WEST BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1212.05 FEET;  
THENCE SOUTH 89 DEGREES 08'32" EAST AT RIGHT ANGLES A DISTANCE OF 272.93 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89 DEGREES 08'32" EAST A DISTANCE OF 256.23 FEET;  
THENCE SOUTH 0 DEGREE 51'28" WEST PARALLEL WITH SAID WEST BOUNDARY A DISTANCE OF 170.00 FEET;  
THENCE NORTH 89 DEGREES 08'32" WEST A DISTANCE OF 256.23 FEET;  
THENCE NORTH 0 DEGREES 51'28" EAST PARALLEL WITH SAID WEST BOUNDARY A DISTANCE OF 170.00 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A 30.00 FOOT INGRESS-EGRESS EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE BOISE MERIDIAN;  
THENCE SOUTH 0 DEGREE 51'28" WEST ALONG THE WEST BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1251.71 FEET TO THE TRUE POINT OF BEGINNING FOR SAID EASEMENT;  
THENCE SOUTH 89 DEGREES 08'32" EAST A DISTANCE OF 272.93 FEET;  
THENCE SOUTH 0 DEGREES 51'28" WEST A DISTANCE OF 30.00 FEET;  
THENCE NORTH 89 DEGREES 08'32" WEST A DISTANCE OF 272.93 FEET TO A POINT ON SAID WEST BOUNDARY;  
THENCE NORTH 0 DEGREE 51'28" EAST ALONG SAID WEST BOUNDARY A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING FOR SAID EASEMENT.

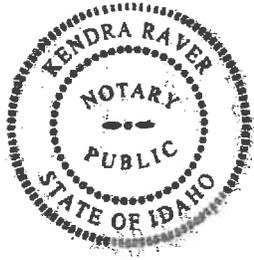
END OF LEGAL DESCRIPTION.

DATED this 24<sup>th</sup> day of March, 2008.

  
Jonathan Lee Ming Chu

STATE OF IDAHO            )  
  ) ss.  
County of ADA                )

On this 24<sup>th</sup> day of March, 2008, before me, a notary public in and for said state, personally appeared Jonathan L. Chu, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Kendra Raver  
Notary Public for the State of Idaho  
Residing at Boise, Idaho  
My commission expires: 12-7-2010



Recording Requested By and Return To:

FINCH & ASSOCIATES LAW OFFICE, P.A.  
P. O. Box 1296  
Boise, Idaho 83701  
(208) 385-0800 Telephone  
(208) 389-2186 Facsimile

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SAVE AND EXCEPT that portion lying North of the centerline of Waldvogel irrigation lateral as said centerline existed on January 15, 1991.

SAVE AND EXCEPT THE FOLLOWING PARCEL:

Personal Representative Deed - 1

THIS PARCEL IS A PORTION OF GOVERNEMENT LOT 5 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE BOISE MERIDIAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6;  
THENCE SOUTH 0 DEGREES 51'28" WEST ALONG THE WEST BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1212.05 FEET;  
THENCE SOUTH 89 DEGREES 08'32" EAST AT RIGHT ANGLES A DISTANCE OF 272.93 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89 DEGREES 08'32" EAST A DISTANCE OF 256.23 FEET;  
THENCE SOUTH 0 DEGREE 51'28" WEST PARALLEL WITH SAID WEST BOUNDARY A DISTANCE OF 170.00 FEET;  
THENCE NORTH 89 DEGREES 08'32" WEST A DISTANCE OF 256.23 FEET;  
THENCE NORTH 0 DEGREES 51'28" WEST PARALLEL WITH SAID WEST BOUNDARY A DISTANCE OF 170.00 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A 30.00 FOOT INGRESS-EGRESS EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE BOISE MERIDIAN;  
THENCE SOUTH 0 DEGREE 51'28" WEST ALONG THE WEST BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1251.71 FEET TO THE TRUE POINT OF BEGINNING FOR SAID EASEMENT;  
THENCE SOUTH 89 DEGREES 08'32" EAST A DISTANCE OF 272.93 FEET;  
THENCE SOUTH 0 DEGREES 51'28" WEST A DISTANCE OF 30.00 FEET;  
THENCE NORTH 89 DEGREES 08'32" WEST A DISTANCE OF 272.93 FEET TO A POINT ON SAID WEST BOUNDARY;  
THENCE NORTH 0 DEGREE 51'28" EAST ALONG SAID WEST BOUNDARY A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING FOR SAID EASEMENT.

END OF LEGAL DESCRIPTION.

DATED this \_\_\_ day of May, 2007.

  
Jonathan Lee Ming Chu

Personal Representative Deed - 2

EXHIBIT 10  
Page 5 of 6  
Project # 20160456A

STATE OF IDAHO            )  
  ) ss.  
County of ADA                )

On this 4<sup>th</sup> day of May, 2007, before me, a notary public in and for said state, personally appeared Jonathan L. Chu, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



  
Notary Public for the State of Idaho  
Residing at Boise, Idaho  
My commission expires: 10-1-2010



Unlimited Boundaries, Inc. dba ALS  
LAND SURVEYING & PLANNING  
1103 W. Main St.  
Middleton, Idaho 83644  
208-585-5858 866-716-5253 fax

**DESCRIPTION FOR  
JONATHAN CHU  
PARCEL 1**

That portion of Government Lot 5 of Section 6, Township 1 South, Range 1 West, Boise Meridian, Payette County, Idaho, particularly described as follows:

COMMENCING at the northwest corner of said Section 6; Thence, along the west line of said Section 6, South 00°51'28" West, 1229.78 feet to the **POINT OF BEGINNING**;

Thence, departing from said west line, South 89°08'32" East, 565.00 feet;

Thence, South 00°51'28" West, 215.00 feet;

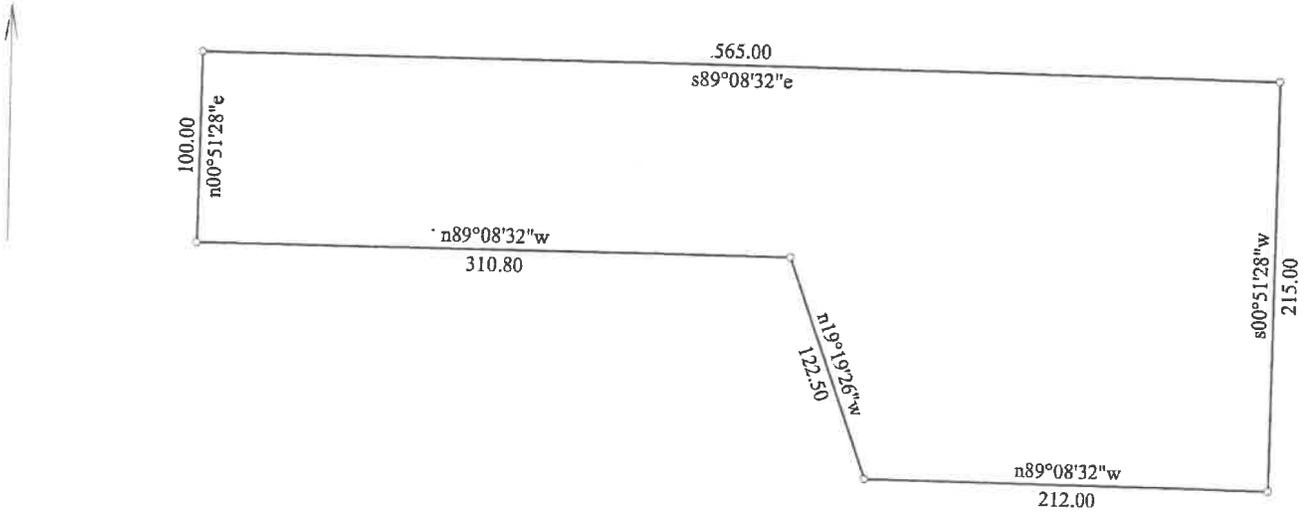
Thence, North 89°08'32" West, 212.00 feet;

Thence, North 19°19'26" West, 122.50 feet;

Thence, North 89°08'32" West, 310.80 feet to said west line;

Thence, along said west line of said Section 6, North 00°51'28" East, 100.00 feet to the **POINT OF BEGINNING**, containing 1.913 acres, more or less and is subject to any easements or reservations.





Title:		Date: 08-19-2016
Scale: 1 inch = 100 feet	File: PARCEL 1.des	
Tract 1: 1.913 Acres: 83312 Sq Feet: Closure = n72.0903e 0.07 Feet: Precision = 1/23212: Perimeter = 1525 Feet		
001=s89.0832e 565.00	004=n19.1926w 122.50	
002=s00.5128w 215.00	005=n89.0832w 310.80	
003=n89.0832w 212.00	006=n00.5128e 100.00	



*Unlimited Boundaries, Inc. dba ALS*  
LAND SURVEYING & PLANNING  
1103 W. Main St.  
Middleton, Idaho 83644  
208-585-5858 866-716-5253 fax

**DESCRIPTION FOR  
JONATHAN CHU  
PARCEL 2**

That portion of Government Lot 4 and Government Lot 5 of Section 6, Township 1 South, Range 1 West, Boise Meridian, Payette County, Idaho, particularly described as follows:

COMMENCING at the northwest corner of said Section 6, Thence, along said west line, South  $00^{\circ}51'28''$  West, 339.12 feet to the intersection of said west line and the centerline of the Waldvogel Lateral and the **POINT OF BEGINNING**;

Thence, departing said west line, along said centerline the following courses and distances:

North  $43^{\circ}55'28''$  East, 115.69 feet;

56.10 feet along a tangent curve to the right, said curve having radius of 89.00 feet, having a delta angle of  $36^{\circ}06'51''$ , a long chord which bears North  $61^{\circ}58'54''$  East, 55.17 feet;

North  $80^{\circ}02'19''$  East, 109.11 feet;

North  $81^{\circ}56'17''$  East, 262.92 feet;

77.69 feet along a tangent curve to the left, said curve having a radius of 131.50 feet, having a delta angle of  $33^{\circ}50'58''$ , a long chord which bears North  $65^{\circ}00'48''$  East, 76.56 feet;

North  $48^{\circ}05'19''$  East, 113.17 feet;

86.38 feet along a tangent curve to the right, said curve having a radius of 90.00 feet, having a delta angle of  $54^{\circ}59'27''$ , a long chord which bears North  $75^{\circ}35'03''$  East, 83.10 feet;

South  $76^{\circ}55'14''$  East, 157.71 feet;

136.78 feet along a tangent curve to the left, said curve having a radius of 255.00 feet, having a delta angle of  $30^{\circ}44'01''$ , a long chord which bears North  $87^{\circ}42'46''$  East, 135.15 feet;

20.88 feet along a reverse curve to the right, said curve having a radius of 80.00 feet, having a delta angle of  $14^{\circ}57'12''$ , a long chord which bears North  $79^{\circ}49'22''$  East, 20.82 feet;

North  $87^{\circ}17'58''$  East, 63.13 feet to the east line of Government Lot 4;

Thence, along the east line of Government Lot 4 and Government Lot 5, South  $01^{\circ}31'30''$  West, 2391.82 feet to the southeast corner of said Government Lot 5;

Thence, along the south line of said Government Lot 5, North  $88^{\circ}39'05''$  West, 1071.06 feet to the southwest corner of said Government Lot 5;

Thence, along the west line of said Section 6, North  $00^{\circ}51'28''$  East, 1105.38 feet;

Thence, departing said west line, South  $89^{\circ}08'32''$  East, 310.80 feet;

Thence, South  $19^{\circ}19'26''$  East, 122.50 feet;

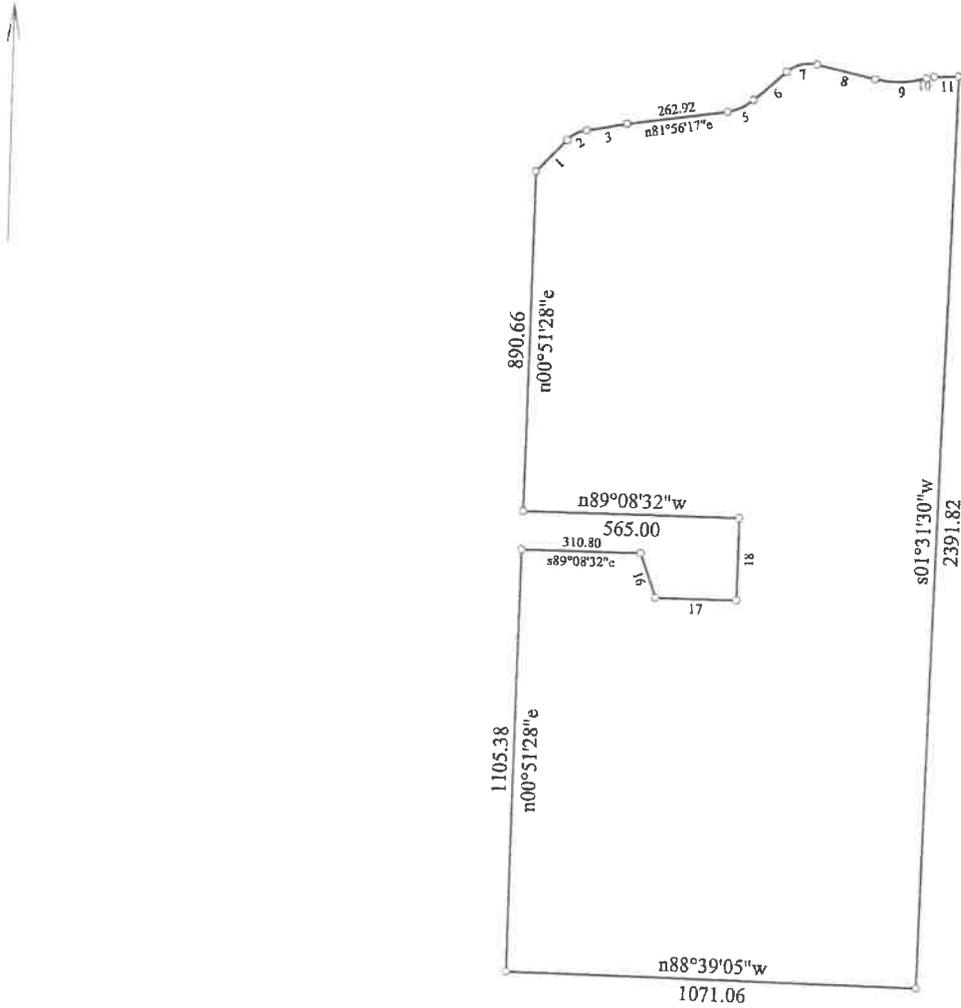
Thence, South  $89^{\circ}08'32''$  East, 212.00 feet;

Thence, North  $00^{\circ}51'28''$  East, 215.00 feet;

Thence, North  $89^{\circ}08'32''$  West, 565.00 feet to said west line of said Section 6;

Thence, along said west line, North  $00^{\circ}51'28''$  East, 890.66 feet to the **POINT OF BEGINNING**, containing 55.418 acres more or less and is subject to all easements or reservations.





Title:		Date: 08-19-2016
Scale: 1 inch = 500 feet	File: PARCEL 2.des	
Tract 1: 55.418 Acres: 2414006 Sq Feet: Closure = s68.3845w 0.09 Feet: Precision = 1/87220: Perimeter = 8084 Feet		
001=n43.5528e 115.69 002: Rt, R=89.00, Delta=36.0651 Bng=n61.5854e, Chd=55.17	008=s76.5514e 157.71 009: Lt, R=255.00, Delta=30.4401 Bng=n87.4246e, Chd=135.15	015=s89.0832e 310.80
003=n80.0219e 109.11	010: Rt, R=80.00, Delta=14.5712 Bng=n79.4922e, Chd=20.82	016=s19.1926e 122.50
004=n81.5617e 262.92 005: Lt, R=131.50, Delta=33.5058 Bng=n65.0048e, Chd=76.56	011=n87.1758e 63.13	017=s89.0832e 212.00
006=n48.0519e 113.17 007: Rt, R=90.00, Delta=54.5927 Bng=n75.3503e, Chd=83.10	012=s01.3130w 2391.82	018=n00.5128e 215.00
	013=n88.3905w 1071.06	019=n89.0832w 565.00
	014=n00.5128e 1105.38	020=n00.5128e 890.66

PLS 8980  
NW CORNER, SEC. 6  
CP&F INST. No. 109070285

INITIAL POINT RD.

S88°23'25"E 1099.40'  
970.52'

PLS 12464  
SE COR, GOV'T LOT 4, SEC. 31  
CP&F INST. No. 2016039484

PLS 5081  
NE CORNER, GOV'T LOT 4,  
SEC. 6  
CP&F INST. No. 105009415

NOT A PART

N80°02'19"E 109.12'  
N81°56'17"E 262.92'

N48°03'19"E 113.17'  
C3

S76°55'14"E 157.71'  
C4

N87°17'58"E 63.13'  
C5

128.88'  
38.23'

WALDVOGEL LATERAL

CURVE TABLE						
CURVE	RADIUS	DELTA ANGLE	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	89.00'	38°06'51"	56.10'	29.02'	55.17'	N81°38'54"E
C2	131.50'	33°50'58"	77.69'	40.00'	76.56'	N65°00'48"E
C3	90.00'	54°59'27"	86.38'	46.84'	83.10'	N75°35'03"E
C4	255.00'	30°44'01"	136.78'	70.08'	135.15'	N87°42'46"E
C5	60.00'	14°57'12"	20.88'	10.50'	20.82'	N79°49'22"E

RECORD OF SURVEY No. \_\_\_\_\_



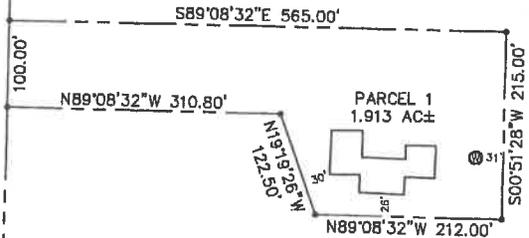
100 50 0 100 200  
SCALE: 1" = 100'

**LEGEND**

- Boundary Line
- - - Section Line
- - - Easement Line
- Found Aluminum Cap (As Noted)
- Set Aluminum Cap on 5/8" Iron Pin, PLS 13446
- Set 1/2"x24" Iron Pin w/ Plastic Cap "PLS 13446"
- △ Calculated Point
- ⊙ Well
- (S89°51'28"W 2435.16')
- ⊙ Data of Record

BASIS OF BEARING(1)  
S00°51'28"W 2435.16' (1)

S. CAN ADA RD.



PARCEL 1  
1.913 AC±

PARCEL 2  
55.418 AC±

**REFERENCES:**

- (1) Record of Survey Inst. No. 98027483
- (2) Record of Survey Inst. No. 105015987
- (3) Record of Survey, Book G at Page 1859
- (4) Record of Survey, Book G at Page 1884
- (5) Warranty Deed, Inst. No. 8028366
- (6) Personal Representatives Deed, Inst. No. 108033760

FOUND WASHER PLS 3627  
RESET WITH PLS 13446 ALUM CAP  
WEST 1/4 CORNER, SEC. 6  
CP&F INST. No. 2018-056391

N88°39'05"W 1071.06'

PLS 5081  
SE CORNER, GOV'T LOT 5, SEC. 6  
CP&F INST. No. 105009420

**CERTIFICATE OF SURVEYOR**

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

Sean P. Sullivan



Licen **EXHIBIT 11**  
Page 6 of 7  
Project # 201601456A

INDEX No. 113-6-4-3-0-00-00

**RECORDERS CERTIFICATE**

Instrument No. \_\_\_\_\_

State of Idaho)  
County of Ada)

I hereby certify that this Instrument was filed for at the request of ALS at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ m, this \_\_\_\_\_ day of \_\_\_\_\_ year of 2016.

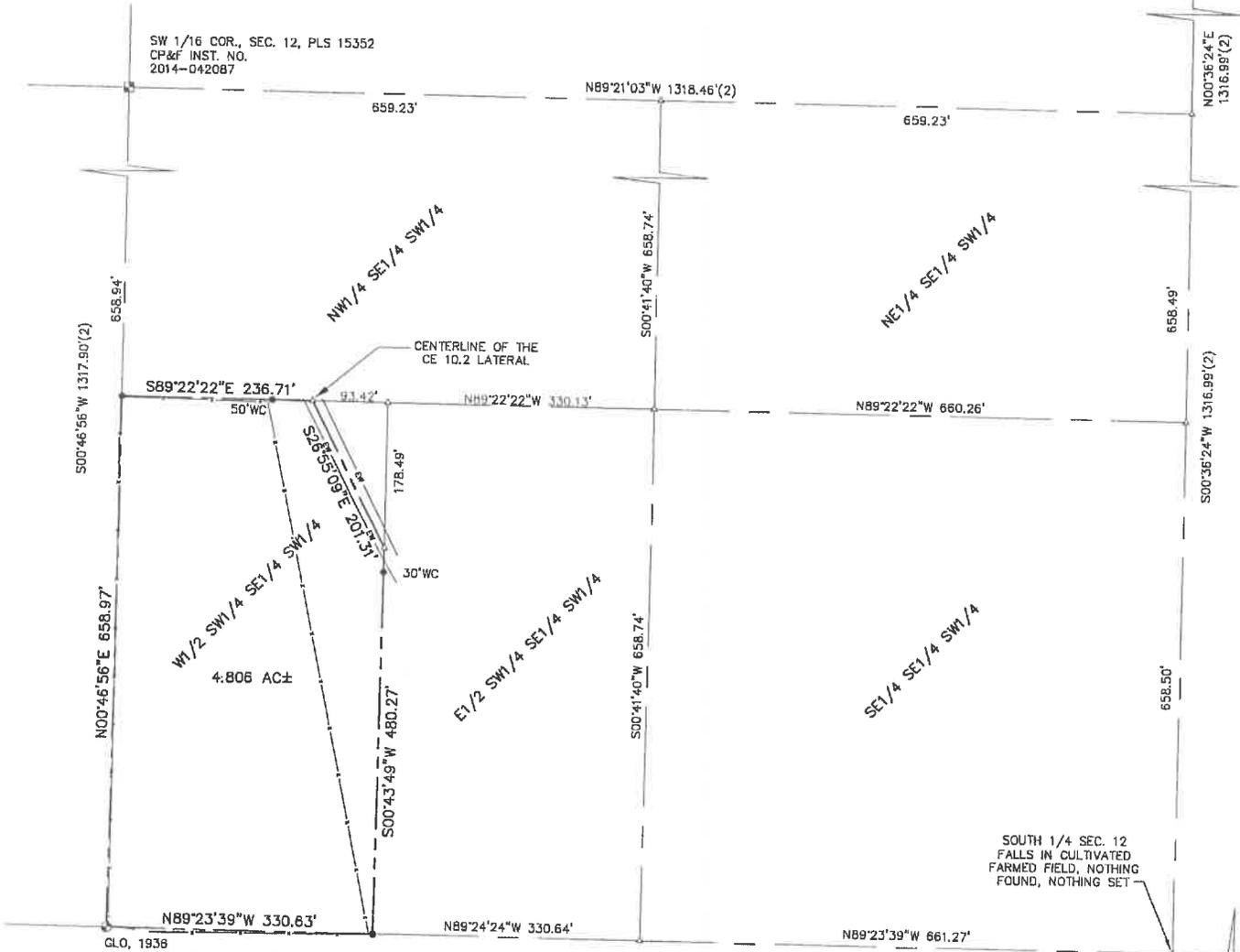
Ex-Officio Recorder  
Fee: \$5.00

Deputy

RECORD OF SURVEY FARM DEVELOPMENT RIGHT FOR JONATHAN CHU			
A PORTION OF GOVERNMENT LOT 4 & 5 OF SECTION 6, T. 1 S., R. 1 W., B.M., ADA COUNTY, IDAHO			
SCALE: 1" = 100'	DR: SPS	CK: MET	SHEET: 1 OF 1
DATE: August 19, 2016	FILE: 1447-01 ROS PBA.dwg		
	Surveyors · Planners 1103 West Main Street Middleton, Idaho 208-585-5858		

G.L.O. 1936  
 CENTER 1/4, SEC. 12  
 INST. NO. 200317009

SW 1/16 COR., SEC. 12, PLS 15352  
 CP&F INST. NO.  
 2014-042087



100 50 0 100 200  
 SCALE: 1" = 100'

**LEGEND**

- Boundary Line
- Section Line
- Edge of Water Along Lateral
- Existing Fence Line
- ⊙ Found Brass Cap (As Noted)
- ⊠ Found Aluminum Cap (As Noted)
- Set 5/8"x24" Iron Pin, PLS13446
- △ Calculated Point
- (N89°23'39"W 2645.08') Date of Record
- WC Witness Corner

SOUTH 1/4 SEC. 12  
 FALLS IN CULTIVATED  
 FARMED FIELD, NOTHING  
 FOUND, NOTHING SET

G.L.O. 1936  
 WEST 1/16 COR. SEC. 12 & 13  
 CP&F INST. NO. 2016-033270

G.L.O. 1936  
 CP&F INST. NO.  
 20080050907

EXHIBIT 11  
 Page 7 of 7  
 Project # 201601450 A

- REFERENCES:**
- (1) Warranty Deed, Inst. No. 9939176
  - (2) Record of Survey, Inst. No. 200324176
  - (3) Record of Survey, Inst. No. 2014-044401
  - (4) Record of Survey, Inst. No. 9836583
  - (5) G.L.O. Plat and Notes, Dated: 1937

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



Sean P. Sullivan License No. 13446

INDEX No. 534-12-4-3-0-00-00

RECORD OF SURVEY FOR  
**DALE AND KATHY LANKFORD**

THE WEST 1/2 OF SW 1/4 SE 1/4 SW 1/4 SECTION 12,  
 T. 5 N., R. 3 W., B.M.,  
 CANYON COUNTY, IDAHO

SCALE: 1" = 100'	DR: MET	CK: SPS	SHEET: 1 OF 1
DATE: August 18, 2016	FILE: 4769-01 ROS.dwg		

**ALS** Surveyors • Planners  
 1103 West Main Street  
 Middleton, Idaho  
 208-585-5858



Megan M. Leatherman, MCRP  
Director

Ada County Courthouse  
200 West Front Street  
Boise ID 83702  
208.287.7900  
Fax 208.287.7909  
www.adacounty.id.gov

Department Divisions  
Building  
Engineering & Surveying  
Permitting  
Planning & Zoning

Ada County Commissioners  
Jim Tibbs, First District  
Rick Yzaguirre, Second District  
David L. Case, Third District

ADA COUNTY  
Development Services Department

October 3, 2016

Jonathan L. Chu  
13400 S. Can Ada Road  
Melba, ID 83641

**RE: PROJECT #201601456 OA: CHU**

Dear Mr. Chu,

Submission of the application referenced above, Project #201601456 OA, for a Farm Development Right occurred on August 19, 2016.

Based on staff's review of the Ada County Code, this application has been denied.

This determination was made based upon current information contained in the public record and interpretation of the Ada County Zoning Ordinance. You may appeal this decision to the Board of Ada County Commissioners. To do so, you must file the appeal within fifteen days of the date of this letter. The fee for filing an appeal is \$350.

This letter is to further inform you that to the extent a final decision has been made on a site-specific land use request, an applicant has the right to request a regulatory taking analysis under Idaho Code.

If you have any questions, I can be reached 287-7913 or via email at [bdanielson@adaweb.net](mailto:bdanielson@adaweb.net).

Sincerely,

Handwritten signature of Brent Danielson in cursive.

Brent Danielson, Associate Planner  
Ada County Development Services

Cc: Sean Sullivan, ALS Surveying, 1103 W. Main, Middleton, ID 83644

EXHIBIT 12  
Page 1 of 23  
Project # 201601456-A



**BEFORE THE DIRECTOR OF ADA COUNTY DEVELOPMENT SERVICES**

In re:

Application of Jonathan Chu

Project No. 201601456 OA

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**FINDINGS OF FACT**

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

A. The Director finds that the record is comprised of:

1. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
2. All other information contained in Ada County Development Services File for Project No. 201601456 OA.

B. As to procedural items, the Director finds the following:

1. On August 19, 2016, submission to Development Services occurred for Project #201601456 OA.

C. As to the project description, the Director finds based on the application materials found in the file for Project No. 201601456 OA the following:

1. PROPOSED USES: Farm development right to divide 1.913 acres from a 57.33 acre parcel.
2. PROPOSED STRUCTURES: The applicant did not state what proposed structures might be built on the parcels.
3. PROPOSED SITE IMPROVEMENTS: None.

D. Based on the materials found in the file for Project No. 201601456 OA, the Director finds the following concerning the project description:

1. **PARCEL NUMBER AND LOCATION:** The parcel numbers are S2306233700 and S2306223020 and they are located at 13400 S. Can Ada Road in Section 6 of T. 1S, R. 1W, which is the east side of S. Can Ada Road and south of W. Initial Point Road.

2. **OWNERSHIP:** Jonathan Chu.

3. **SITE CHARACTERISTICS**

Property size: 57.33 acres.

Existing structures: A 3,128 square foot single family dwelling with an 868 square foot attached garage.

Existing vegetation: Agricultural crops.

Slope: The property has slopes less than 15%.

Irrigation: The property is within the jurisdiction of the Boise-Kuna Irrigation District, New York Irrigation District, and the Boise Project Board of Control.

Drainage: The property drains towards the south.

Views: The property is generally visible from all directions.

E. Based on the officially adopted Ada County land use maps, the Director finds the following concerning the current land use and zoning:

The property is agricultural with a single-family dwelling and is zoned Rural Preservation (RP).

F. Based on the officially adopted Ada County land use maps, the Director finds the following concerning the surrounding land use and zoning:

North: The site is a rural residence located in the Rural Preservation (RP) District and fallow ground and agricultural crops in the Rural Residential (RR) District.

South: The site is a single-family dwelling on an unplatted parcel and agricultural in the Rio Ranch Estates Subdivision located in the Rural Preservation (RP) District.

East: The site is agricultural and is located in the Rural Preservation (RP) District.

West: The site is agricultural and is located in Canyon County in their Agricultural (A) zone.

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 201601456 OA, the Director finds the following concerning services:

Access Street and Designation: Access is off of S. Can Ada Road. S. Can Ada Road is designated as a section line street.

Fire Protection: Melba Fire District.

Sewage Disposal: Individual Septic Systems.

Water Service: Individual Wells.

Irrigation District: Boise-Kuna Irrigation District, New York Irrigation District, and Boise Project Board of Control.

Drainage District: None.

H. As to the applicable law, the Director finds the following:

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Director finds **Subsection 8-2A-5C2 of the Ada County Code** is applicable because the applicant has applied for a farm development right. The Director finds the application does not comply with **Subsection 8-2A-5C2 of the Ada County Code** as the property was not of record in the Ada County Recorder's Office since the boundaries of the property have changed since 1985. Regarding Subsection 8-2A-5C2 of the Ada County Code the Director finds the following:

a. *The proposed farm development right meets the applicability requirements of subsection B of this section; and*

1. *The property is within the rural preservation district;*

The Director finds as evidenced in the record that the property is located within the Rural Preservation (RP) District.

2. *The property is a minimum of forty (40) acres of contiguous land;*

The Director finds as evidenced in the record that the property consists of 57.33 acres, which is greater than the minimum of forty (40) acres of contiguous land that is necessary for a farm development right.

3. *The property was of record in the Ada County recorder's office as of January 1, 1985 (hereinafter referred to as the "property of record"), the boundaries of which shall not have changed except as the result of governmental action.*

The Director finds as evidenced in the record that the subject property is not a "property of record" as the boundaries of the subject property have changed since January 1, 1985. A one acre split (File #91-01-OA) was approved on the property in 1991. The resulting one acre split parcel (Parcel #S2306223080) was conveyed from Mary Mueller and Peggy Goodwin to the Melba Community Baptist Church on January 23, 1991 and the deed was recorded in the Ada County Recorder's Office on February 5, 1991.

b. *The proposed farm development right meets the applicability requirements of subsection D of this section.*

1. *The farm development right parcel shall meet the dimensional standards for a rural residence as established by section 8-2A-4, table 8-2A-2 of this article.*

The Director finds that the farm development right meets the dimensional standards for a rural residence as established by Section 8-2A-4, Table 8-2A-2 because the applicant has illustrated this on the site plan. The street frontage for the farm development right is 100 feet, which meets the required minimum street frontage of 100 feet. The parcel size of the farm development right parcel is 1.913 acres, which is within the acceptable range of 1.0 to 2.5 acres.

2. *Access and frontage shall be required by section 8-4A-3 of this title.*

The Director finds as evidenced in the record that both the farm development right parcel and the remainder parcel have street frontage onto S. Can Ada Road. The farm development right has 100 feet of street frontage and the remainder parcel has 1,996.04 feet of street frontage.

3. *If the qualifying property has more than one permanent dwelling, the farm development right parcel shall contain one of the extra dwellings. This standard shall not apply to temporary living quarters.*

The Director finds as evidenced in the record that there is only one (1) permanent dwelling on the property. The permanent dwelling will be located on the farm development right parcel. The existing dwelling is in compliance with required setbacks for a rural residence in the RP District as the dwelling exceeds the setback of 50 feet for a property line on a section line street and exceeds the 25 foot setback for a property line not fronting a roadway.

4. *The proposed farm development right division shall maximize to the greatest extent possible the preservation of prime agricultural soils.*

The Director finds that the farm development right division maximizes to the greatest extent possible the preservation of prime agricultural soils as the farm development is centered around the existing single-family dwelling allowing the surrounding agricultural cropland on the property to remain in agricultural production.

5. *The farm development right parcel shall be located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards of this section.*

The Director finds that the farm development right parcel is located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards Subsection 8-2A-5D. The farm development right parcel is centered around the existing single-family

dwelling allowing the surrounding agricultural cropland on the property to remain in agricultural production.

### CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Director concludes that Project No. 201601456 OA does not comply with Subsection 8-2A-5C of the Ada County Code.

### ORDER

Based upon the Findings of Fact and Conclusions of Law contained herein, the Director denies Project #201601456 OA.

DATED this 3<sup>rd</sup> day of October, 2016.

By: Brent Danielson  
Brent Danielson, AICP, Associate Planner  
Ada County Development Services



Megan M. Leatherman, MCRP  
Director

Ada County Courthouse  
200 West Front Street  
Boise ID 83702  
208.287.7900  
Fax 208.287.7909  
www.adacounty.id.gov

Department Divisions  
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Permitting  
Planning & Zoning

Ada County Commissioners  
Jim Tibbs, First District  
Rick Yzaguirre, Second District  
David L. Case, Third District

ADA COUNTY  
Development Services Department

August 23, 2016

Jonathan L. Chu  
13400 S. Can Ada Road  
Melba, ID 83641

**RE: PROJECT #201601456 OA, CHU**

Dear Mr. Chu;

This is to notify you that submission of your application to Ada County Development Services occurred on August 19, 2016. The Director shall act upon the application within 60 days of the date of submission, and may require conditions of approval that are deemed necessary to protect the public health, safety and welfare and prevent undue adverse impacts on surrounding properties. Failure of the Director to act upon an application shall be deemed automatic denial of the application.

If you have any questions, please call 287-7913 or via e-mail at [bdanielson@adaweb.net](mailto:bdanielson@adaweb.net).

Sincerely,

A handwritten signature in cursive script that reads "Brent Danielson".

Brent Danielson, AICP  
Associate Planner  
Ada County Development Services

Cc: Sean Sullivan, ALS Land Surveying, 1103 W. Main, Middleton, ID 83644

EXHIBIT 12  
Page 7 of 23  
Project # 201601456 A



# MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702. www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

### TYPE OF ADMINISTRATIVE APPLICATION:

- ACCESSORY USE\*
- FARM DEVELOPMENT RIGHT
- FLOODPLAIN PERMIT
- HILLSIDE DEVELOPMENT\*
- HIDDEN SPRINGS ADMINISTRATIVE
- HIDDEN SPRINGS SPECIAL EVENT
- LIGHTING PLAN
- LANDSCAPE PLAN
- DRAINAGE PLAN
- MASTER SITE PLAN\*
- EXPANSION NONCONFORMING USE
- ONE TIME DIVISION
- PRIVATE ROAD
- PROPERTY BOUNDARY ADJUSTMENT
- PLANNED UNIT DEVELOPMENT (PUD)
- SIGN PLAN
- TEMPORARY USE\*

### TYPE OF HEARING LEVEL APPLICATION:

- CONDITIONAL USE
- DEVELOPMENT AGREEMENT
- SUBDIVISION, PRELIMINARY\*
- PLANNED COMMUNITIES\*
- SUBDIVISION, SKETCH PLAT\*
- VACATION
- VARIANCE
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT

### TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

### TYPE OF ADDENDA:

- APPEAL
- ADMINISTRATIVE MODIFICATION
- DEVELOPMENT AGREEMENT MODIFICATION
- FINAL PLAT
- TIME EXTENSION

### REQUIRED SUBMITTALS:

- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- \*SUPPLEMENTAL WORKSHEET REQUIRED

### SITE INFORMATION:

Section: 06 Township: 1S Range: 1W Total Acres: 57.33  
 Subdivision Name: 1S 1W 06 Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Site Address: 13400 S CAN ADA RD City: MELBA  
 Tax Parcel Number(s): S2306233700 / 52-306223020  
 Existing Zoning: Ada County-PP Proposed Zoning: \_\_\_\_\_ Area of City Impact: NA Overlay \_\_\_\_\_  
 District(s) NA

RECEIVED  
 10/17/16  
 ADA COUNTY  
 DEVELOPMENT SERVICE

### OFFICE USE ONLY

Project #: <u>201601456-01</u>	Planning Fees/GIS:	Engineering Fees:
Received By: <u>BSP</u> Date: <u>8-19-16</u> Stamped <input checked="" type="checkbox"/>	<u>\$40900</u>	

EXHIBIT 12  
 Page 8 of 23  
 Project # 201601456 A

<b>APPLICANT/AGENT:</b> (Please print)	<b>ADDITIONAL CONTACT if applicable:</b> (Please Print)
Name: <u>Jonathan L Chu</u>	Name: _____
Address: <u>13400 S Can Ada Rd</u>	Address: _____
City: <u>Melba</u> State: <u>ID</u> Zip: <u>83641</u>	City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____
Email: _____	Email: _____
I certify this information is correct to the best of my knowledge.	<b>ENGINEER/SURVEYOR if applicable:</b> (Please Print)
	Name: <u>Sean Sullivan ~ ALS Land Surveying</u>
<u>5/24/16</u>	Address: <u>1103 W. Main</u>
Signature: (Applicant)	City: <u>Middleton</u> State: <u>ID</u> Zip: <u>83644</u>
Date	Telephone: <u>585-5858</u> Fax: <u>866-716-5253</u>
	Email: <u>ssullivan@alsce.com</u>

<b>OWNER (S) OF RECORD:</b> (Please Print)	<b>OWNER (S) OF RECORD:</b> (Please Print)
Name: <u>Jonathan L Chu</u>	Name: _____
Address: <u>13400 S Can Ada Rd</u>	Address: _____
City: <u>Melba</u> State: <u>ID</u> Zip: <u>83651</u>	City: _____ State: _____ Zip: _____
Telephone: _____	Telephone: _____
Fax: _____	Fax: _____
Email: _____	Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.
	
<u>5/24/16</u>	
Signature: All Owner (s) of Record	Signature: All Owner (s) of Record
Date	Date

**ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)**

**If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.**

RECEIVED  
 APR 19 2016  
 ADA COUNTY  
 DEVELOPMENT SERVICES

EXHIBIT 12  
 Page 9 of 23  
 Project # 201601456 A

# ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83702. www.adaweb.net phone: (208)287-7900 fax: (208)287-7909



## FARM DEVELOPMENT RIGHT CHECKLIST (ACC 8-2A-5)

A Farm Development Right request is a staff level application.

### GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
	<b>One paper copy and one electronic copy of all required submittals.</b>	
	Completed and signed Master Application	✓
	<b>DETAILED LETTER</b> by the applicant fully describing the request or project and address the following:	✓
	Size of proposed parcel in acres and square feet.	✓
	Does the proposed farm development right parcel meet the dimensional standards for a rural residence? YES (X) NO ( )	✓
	<b>SITE PLAN</b> showing all existing and proposed easements, property lines, and structures drawn to scale on 8 1/2" X 11" paper.	✓
	<b>COPY OF RECORDED DEED OR INSTRUMENT NUMBER PRIOR TO 1985.</b>	✓
	<b>DEED</b> or evidence of proprietary interest.	✓
	<b>APPLICATION FEE:</b> Call County for Current Planning Fee or go to www.adaweb.net	

**APPLICATION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORMS ARE SUBMITTED.**

	<b>OVERLAY DISTRICT:</b> May require a separate checklist or additional information for the following:	
	<b>HILLSIDE DEVELOPMENT (ACC 8-3H)</b> YES ( ) NO ( <input checked="" type="checkbox"/> )	
	<b>FLOOD HAZARD (ACC 8-3F)</b> YES ( ) NO ( <input checked="" type="checkbox"/> )	
	<b>WILDLAND-URBAN FIRE INTERFACE (ACC 8-3B)</b>	
	<b>SOUTHWEST PLANNING AREA (ACC 8-3C)</b>	
	<b>PLANNED UNIT DEVELOPMENT (ACC 8-3D)</b>	
	<b>BOISE RIVER GREENWAY (ACC 8-3G)</b>	
	<b>BOISE AIR TERMINAL AIRPORT INFLUENCE AREAS (ACC 8-3A)</b>	
	<b>PROPOSED STREET NAME</b>	
	Must comply with ACC 2-1.	
	Copy of application for requesting Street Name (Ada County Assessor's office).	
	<b>APPLICATION FEE:</b> Call County or go to <a href="http://www.adaweb.net">www.adaweb.net</a> for fees	

**APPLICATION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORMS ARE SUBMITTED.**



Unlimited Boundaries, Inc. dba ALS  
**LAND SURVEYING & PLANNING**  
1103 W. Main St.  
Middleton, Idaho 83644  
208-585-5858 www.alsce.com

August 19, 2016  
Ada County Development Services  
200 W. Front St., Boise, ID 83702

Re: Farm Development Right  
Jonathan Chu, 13400 S Can Ada Rd., Melba, ID 83641  
Parcel # S2306233700 and S2306223020

To whom it may concern;

This particular parcel is eligible for a Farm Development Right land division. The 1.00 acre parcel with Parcel No. S 2306233700 was recorded as a parcel of land but was not created through the correct application of a land division. It was surveyed and a deed was recorded, however, Ada County Development Services does not recognize this parcel as an eligible parcel and was created incorrectly.

The client would like to apply for the Farm Development Right and create two parcels, having 1.913 and 55.418 acres. Two new mete's and bound's descriptions will be provided. Both proposed parcels have access to S. Can Ada Rd. The 1.913 acre parcel has 100 feet of road frontage along S. Can Ada Rd. The 1.913 acre parcel has an existing house and meets the setback requirements for Ada County and current zoning.

Thank you for your consideration.

Sincerely,

  
Sean P. Sullivan, PLS

PLS 8960  
NW CORNER, SEC. 6  
CP&F INST. No. 109070285

INITIAL POINT RD.

S88°23'25"E 1099.40'  
970.52'

PLS 12464  
SE COR, GOV'T LOT 4, SEC. 31  
CP&F INST. No. 2016039484

PLS 5081  
NE CORNER, GOV'T LOT 4,  
SEC. 6  
CP&F INST. No. 105009415

NOT A PART

N80°02'19"E  
109.12'

N81°56'17"E 262.92'

WALDVOGEL LATERAL

N48°05'19"E  
113.17'

S76°55'14"E  
157.71'

N87°17'58"E  
63.13'

128.88'  
38.23'

CURVE TABLE						
CURVE	RADIUS	DELTA ANGLE	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	89.00'	38°08'51"	58.10'	29.02'	55.17'	N81°58'54"E
C2	131.50'	33°50'58"	77.89'	40.00'	76.56'	N65°00'48"E
C3	90.00'	54°59'27"	86.34'	46.84'	83.10'	N75°35'03"E
C4	255.00'	30°44'01"	136.78'	70.08'	135.15'	N87°42'46"E
C5	80.00'	14°57'12"	20.88'	10.50'	20.82'	N79°49'22"E

S89°08'32"E 565.00'

N89°08'32"W 310.80'

N19°19'26"W  
122.50'

N89°08'32"W 212.00'

S00°51'28"W 215.00'

S00°51'28"W 2435.16' (1)

100.00'

1229.78'

339.12'

890.66'

N4°35'28"E  
115.69'

N4°35'28"E  
115.69'

1229.78'

339



Unlimited Boundaries, Inc. dba ALS  
LAND SURVEYING & PLANNING  
1103 W. Main St.  
Middleton, Idaho 83644  
208-585-5858 866-716-5253 fax

**DESCRIPTION FOR  
JONATHAN CHU  
PARCEL 1**

That portion of Government Lot 5 of Section 6, Township 1 South, Range 1 West, Boise Meridian, Payette County, Idaho, particularly described as follows:

COMMENCING at the northwest corner of said Section 6; Thence, along the west line of said Section 6, South 00°51'28" West, 1229.78 feet to the **POINT OF BEGINNING**;

Thence, departing from said west line, South 89°08'32" East, 565.00 feet;

Thence, South 00°51'28" West, 215.00 feet;

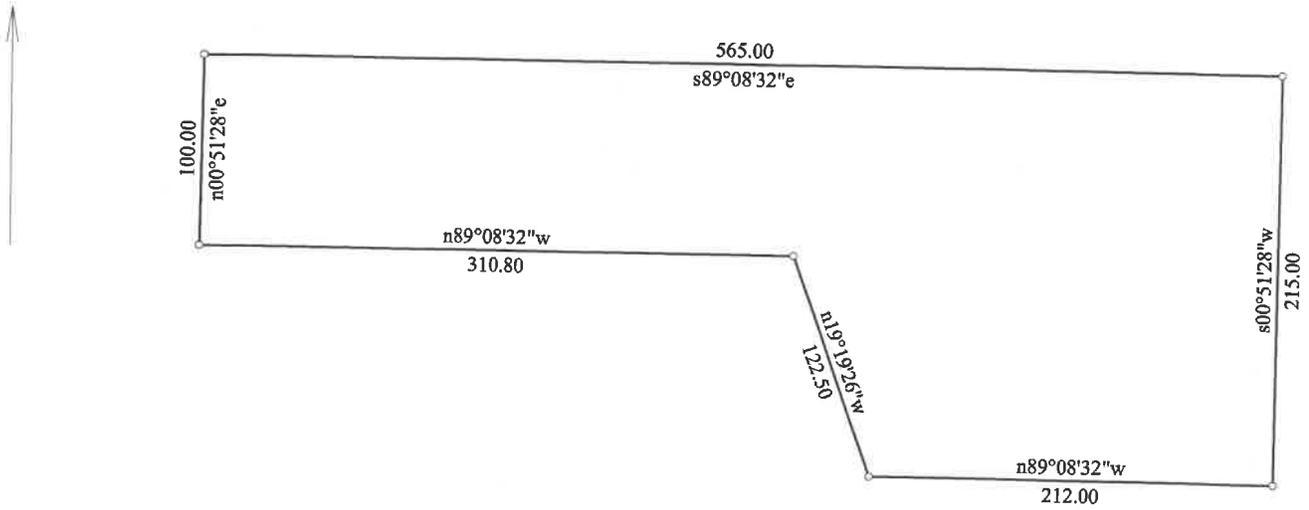
Thence, North 89°08'32" West, 212.00 feet;

Thence, North 19°19'26" West, 122.50 feet;

Thence, North 89°08'32" West, 310.80 feet to said west line;

Thence, along said west line of said Section 6, North 00°51'28" East, 100.00 feet to the **POINT OF BEGINNING**, containing 1.913 acres, more or less and is subject to any easements or reservations.





Title:		Date: 08-19-2016
Scale: 1 inch = 100 feet	File: PARCEL 1.des	
Tract 1: 1.913 Acres: 83312 Sq Feet: Closure = n72.0903e 0.07 Feet: Precision = 1/23212: Perimeter = 1525 Feet		
001=s89.0832e 565.00	004=n19.1926w 122.50	
002=s00.5128w 215.00	005=n89.0832w 310.80	
003=n89.0832w 212.00	006=n00.5128e 100.00	



*Unlimited Boundaries, Inc. dba ALS*  
**LAND SURVEYING & PLANNING**  
1103 W. Main St.  
Middleton, Idaho 83644  
208-585-5858 866-716-5253 fax

**DESCRIPTION FOR  
JONATHAN CHU  
PARCEL 2**

That portion of Government Lot 4 and Government Lot 5 of Section 6, Township 1 South, Range 1 West, Boise Meridian, Payette County, Idaho, particularly described as follows:

COMMENCING at the northwest corner of said Section 6, Thence, along said west line, South  $00^{\circ}51'28''$  West, 339.12 feet to the intersection of said west line and the centerline of the Waldvogel Lateral and the **POINT OF BEGINNING**;

Thence, departing said west line, along said centerline the following courses and distances:

North  $43^{\circ}55'28''$  East, 115.69 feet;

56.10 feet along a tangent curve to the right, said curve having radius of 89.00 feet, having a delta angle of  $36^{\circ}06'51''$ , a long chord which bears North  $61^{\circ}58'54''$  East, 55.17 feet;

North  $80^{\circ}02'19''$  East, 109.11 feet;

North  $81^{\circ}56'17''$  East, 262.92 feet;

77.69 feet along a tangent curve to the left, said curve having a radius of 131.50 feet, having a delta angle of  $33^{\circ}50'58''$ , a long chord which bears North  $65^{\circ}00'48''$  East, 76.56 feet;

North  $48^{\circ}05'19''$  East, 113.17 feet;

86.38 feet along a tangent curve to the right, said curve having a radius of 90.00 feet, having a delta angle of  $54^{\circ}59'27''$ , a long chord which bears North  $75^{\circ}35'03''$  East, 83.10 feet;

South  $76^{\circ}55'14''$  East, 157.71 feet;

136.78 feet a long a tangent curve to the left, said curve having a radius of 255.00 feet, having a delta angle of  $30^{\circ}44'01''$ , a long chord which bears North  $87^{\circ}42'46''$  East, 135.15 feet;

20.88 feet along a reverse curve to the right, said curve having a radius of 80.00 feet, having a delta angle of  $14^{\circ}57'12''$ , a long chord which bears North  $79^{\circ}49'22''$  East, 20.82 feet;

North  $87^{\circ}17'58''$  East, 63.13 feet to the east line of Government Lot 4;

Thence, along the east line of Government Lot 4 and Government Lot 5, South  $01^{\circ}31'30''$  West, 2391.82 feet to the southeast corner of said Government Lot 5;

Thence, along the south line of said Government Lot 5, North  $88^{\circ}39'05''$  West, 1071.06 feet to the southwest corner of said Government Lot 5;

Thence, along the west line of said Section 6, North  $00^{\circ}51'28''$  East, 1105.38 feet;

Thence, departing said west line, South  $89^{\circ}08'32''$  East, 310.80 feet;

Thence, South  $19^{\circ}19'26''$  East, 122.50 feet;

Thence, South  $89^{\circ}08'32''$  East, 212.00 feet;

Thence, North  $00^{\circ}51'28''$  East, 215.00 feet;

Thence, North  $89^{\circ}08'32''$  West, 565.00 feet to said west line of said Section 6;

Thence, along said west line, North  $00^{\circ}51'28''$  East, 890.66 feet to the **POINT OF BEGINNING**, containing 55.418 acres more or less and is subject to all easements or reservations.





Title:		Date: 08-19-2016
Scale: 1 inch = 500 feet	File: PARCEL 2.des	
Tract 1: 55.418 Acres: 2414006 Sq Feet: Closure = s68.3845w 0.09 Feet: Precision = 1/87220: Perimeter = 8084 Feet		
001=n43.5528e 115.69 002: Rt, R=89.00, Delta=36.0651 Bng=n61.5854e, Chd=55.17	008=s76.5514e 157.71 009: Lt, R=255.00, Delta=30.4401 Bng=n87.4246e, Chd=135.15	015=s89.0832e 310.80
003=n80.0219e 109.11	010: Rt, R=80.00, Delta=14.5712 Bng=n79.4922e, Chd=20.82	016=s19.1926e 122.50
004=n81.5617e 262.92 005: Lt, R=131.50, Delta=33.5058 Bng=n65.0048e, Chd=76.56	011=n87.1758e 63.13	017=s89.0832e 212.00
006=n48.0519e 113.17 007: Rt, R=90.00, Delta=54.5927 Bng=n75.3503e, Chd=83.10	012=s01.3130w 2391.82	018=n00.5128e 215.00
	013=n88.3905w 1071.06	019=n89.0832w 565.00
	014=n00.5128e 1105.38	020=n00.5128e 890.66



**Recording Requested By and Return To:**

**FINCH & ASSOCIATES LAW OFFICE, P.A.**  
P. O. Box 1296  
Boise, Idaho 83701  
(208) 385-0800 Telephone  
(208) 389-2186 Facsimile

**PERSONAL REPRESENTATIVE DEED**

THIS DEED is made by Jonathan L. Chu, personal representative of the Estate of Janet C. Rondeau, deceased, Grantor, to Jonathan L. Chu, 140 Meffan Ave., Nampa, Idaho 83651, Grantee.

WHEREAS, Janet C. Rondeau, died while residing at 140 Meffan Ave., Nampa, Idaho 83651 on January 27, 2007; and

WHEREAS, Grantor was duly appointed personal representative of the estate by the Third District Court of Idaho, Canyon County, Case Number CV 07-2031 on February 22, 2007, and is now qualified in acting in that capacity; and

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Third District Court of Idaho, in and for the County of Canyon, Grantor does hereby convey, assign, transfer and set over unto Grantee, as the person entitled to distribution of that certain property in the Janet C. Rondeau estate, a fee simple interest in the following real property located at **13400 S. CANADA Road, Melba, Idaho 83641** and more particularly described as:

The West one-half of the Northwest Quarter of Section 6. Township 1 south, Range 1 West of the Boise Meridian, Ada County, Idaho.

SAVE AND EXCEPT that portion lying North of the centerline of Waldvogel irrigation lateral as said centerline existed on January 15, 1991.

SAVE AND EXCEPT THE FOLLOWING PARCEL:

Personal Representative Deed - 1

THIS PARCEL IS A PORTION OF GOVERNEMENT LOT 5 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE BOISE MERIDIAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

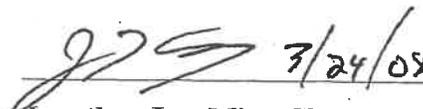
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6;  
THENCE SOUTH 0 DEGREES 51'28" WEST ALONG THE WEST BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1212.05 FEET;  
THENCE SOUTH 89 DEGREES 08'32" EAST AT RIGHT ANGLES A DISTANCE OF 272.93 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89 DEGREES 08'32" EAST A DISTANCE OF 256.23 FEET;  
THENCE SOUTH 0 DEGREE 51'28" WEST PARALLEL WITH SAID WEST BOUNDARY A DISTANCE OF 170.00 FEET;  
THENCE NORTH 89 DEGREES 08'32" WEST A DISTANCE OF 256.23 FEET;  
THENCE NORTH 0 DEGREES 51'28" EAST PARALLEL WITH SAID WEST BOUNDARY A DISTANCE OF 170.00 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A 30.00 FOOT INGRESS-EGRESS EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE BOISE MERIDIAN;  
THENCE SOUTH 0 DEGREE 51'28" WEST ALONG THE WEST BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1251.71 FEET TO THE TRUE POINT OF BEGINNING FOR SAID EASEMENT;  
THENCE SOUTH 89 DEGREES 08'32" EAST A DISTANCE OF 272.93 FEET;  
THENCE SOUTH 0 DEGREES 51'28" WEST A DISTANCE OF 30.00 FEET;  
THENCE NORTH 89 DEGREES 08'32" WEST A DISTANCE OF 272.93 FEET TO A POINT ON SAID WEST BOUNDARY;  
THENCE NORTH 0 DEGREE 51'28" EAST ALONG SAID WEST BOUNDARY A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING FOR SAID EASEMENT.

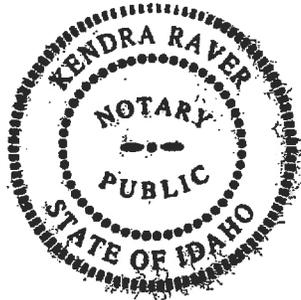
END OF LEGAL DESCRIPTION.

DATED this 24<sup>th</sup> day of March, 2008.

  
Jonathan Lee Ming Chu

STATE OF IDAHO )  
 ) ss.  
County of ADA )

On this 24<sup>th</sup> day of March, 2008, before me, a notary public in and for said state, personally appeared Jonathan L. Chu, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Kendra Raver  
Notary Public for the State of Idaho  
Residing at Boise, Idaho  
My commission expires: 12-7-2010

WARRANTY DEED

8028366

For Value Received

312 1661

BRUCE ROBINSON, married man dealing with his sole & separate property

the grantor, does hereby grant, bargain, sell and convey unto

MARY ELEANOR MUELLER, a married woman & PEGGY GOODWIN, married woman, 4418 W. 60th St, 400 Bonhill Road, Los Angeles, Ca. 90049 Los Angeles, Ca 90043

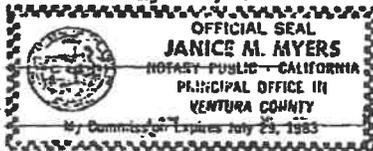
the grantees, the following described premises, to-wit:

Share and share alike, each as her sole and separate property an undivided 1/6 interest to each in the West 1/2 of the Northwest 1/4 of Section 6, Township 1 South, Range 1 West, B. M., Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 19, 1980



*Bruce Robinson*

STATE OF IDAHO, COUNTY OF Ventura  
On this 21st day of May, 1980,  
before me, a notary public in and for said State, personally appeared

BRUCE ROBINSON

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

*Janice M. Myers*  
Notary Public  
Residing at 42 W. Warner St Ventura, IDAHO  
Comm. Expires July 29, 1983  
Mail to: Brandt Agency, 203 11th Avenue South,ampa, ID

STATE OF IDAHO, COUNTY OF Ada  
I hereby certify that this instrument was filed for record at the request of *Brandt Farm Man*  
at 30 minutes past 12 o'clock p.m.,  
this 17th day of June  
1980, in my office, and duly recorded in Book of Deeds at page

JOHN BASTIDA

Ex-Officio Recorder

By *John Bastida* Deputy

Fees \$ 900  
Mail to:

EXHIBIT 12

Page 22 of 23  
Project # 201601456 A

### QUITCLAIM DEED

FOR VALUE RECEIVED BRUCE ROBINSON

do hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM

GRANTOR

unto PEGGY GOODWIN, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY; AND MARY ELEANOR MUELLEN, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY

GRANTEE

whose current mailing address is: 400 BONHILL ROAD, LOS ANGELES, CA 90049  
the following described real property located in ADA County, State of Idaho,  
more particularly described as follows, to wit:

Those portions of Government Lots 4 and 5 in Section 6, Township 1 South, Range 1 West, Boise Meridian, Ada County, Idaho, lying North of the center line of Waldvogel irrigation lateral as said centerline existed on January 15, 1991.

IT IS THE INTENT OF THE GRANTOR HEREIN TO CONVEY, REMISE, RELEASE AND FOREVER QUITCLAIM UNTO GRANTEE HEREIN, ALL RIGHT, TITLE AND INTEREST WHICH GRANTOR NOW HAS OR MAY HEREAFTER ACQUIRE IN THE REAL PROPERTY HEREIN DESCRIBED, COMMUNITY OR OTHERWISE, AND TO VEST TITLE IN THE GRANTEE AS GRANTEE'S SOLE AND SEPARATE PROPERTY.

9106420

STEWART TITLE  
ADA COUNTY, ID. FOR  
J. DAVID BAYARRU  
RECORDER BY *[Signature]*

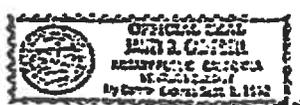
together with their appurtenances  
Dated: January 23, 1991

'91 FEB 5 PM 2 46

*January 23 1991*

*Bruce Robinson*  
BRUCE ROBINSON

STATE OF CALIFORNIA, County of Ventura  
On this 25<sup>th</sup> day of JANUARY  
in the year of 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Bruce Robinson  
known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same  
*[Signature]*  
Name JANET B. CAMPBELL  
Residing at 2155 Hill Rd, Ventura  
No commission expires 9-1-92



This form furnished courtesy of  
**STEWART TITLE OF IDAHO, Inc.**





**Megan M. Leatherman, MCRP**  
Director

**Ada County Courthouse**  
200 West Front Street  
Boise ID 83702  
208.287.7900  
Fax 208.287.7909  
[www.adacounty.id.gov](http://www.adacounty.id.gov)

**Department Divisions**  
Building  
Engineering & Surveying  
Permitting  
Planning & Zoning

**Ada County Commissioners**  
*Jim Tibbs, First District*  
*Rick Yzaguirre, Second District*  
*David L. Case, Third District*

ADA COUNTY  
Development Services Department

October 21, 2016

Jonathan L. Chu  
13400 S. Can Ada Road  
Melba, ID 83641

**RE: PROJECT #201601456 A; CHU**

Dear Mr. Chu;

This is to notify you that your application has been scheduled to be heard by the Board of Ada County Commissioners on **December 14, 2016**. This hearing will begin at 6:00 p.m. and will be held in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID. You or your representative must be present.

A copy of the staff report will be sent to you (and available online) prior to the meeting. Please contact me if you have any questions or comments regarding this application, the staff report, or any conditions, which may be attached to the staff report. I can be reached at 287-7913 or via e-mail at [bdanielson@adaweb.net](mailto:bdanielson@adaweb.net).

In accordance with State law, "Notice of Public Hearing" must be posted on the site. Ada County recently amended the code to require the applicant to post the sign.

The sign is required to be posted ten (10) days in advance of the hearing. If the property is not posted correctly or the certification form is not submitted to Development Services at least seven (7) days prior to the public hearing, the application will be tabled until the next available hearing date. The certification form is available to download on our website at [www.adaweb.net/DevelopmentServices](http://www.adaweb.net/DevelopmentServices). The sign is required to be taken down no later than three (3) days after the final decision. If there are multiple hearings on the application, the sign does not need to be taken down between hearings. However, the sign will need to be updated with the new hearing dates as the application goes through the hearing process.

Sincerely,

Handwritten signature of Brent Danielson in cursive.

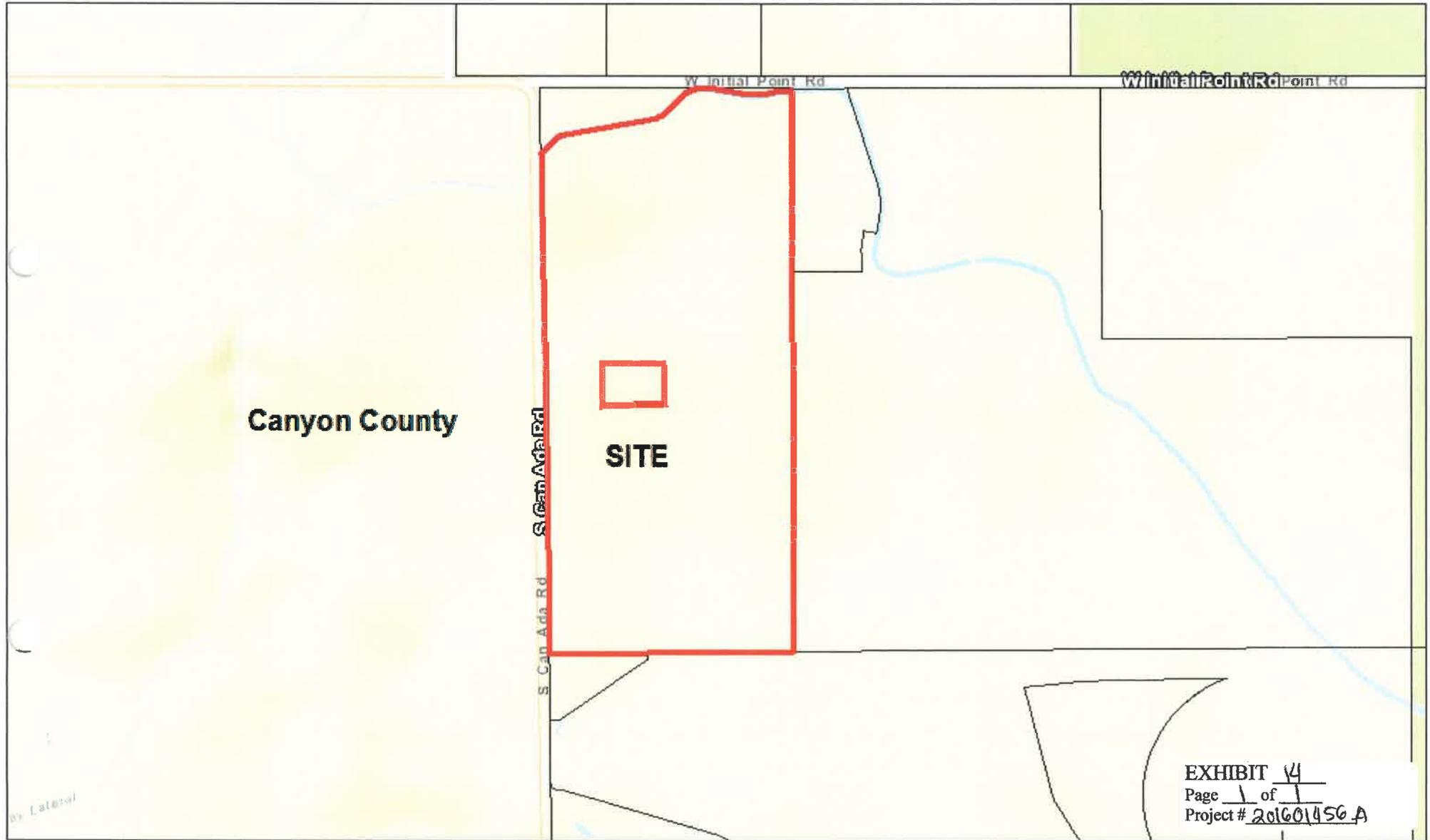
Brent Danielson, AICP  
Associate Planner  
Ada County Development Services, Planning & Zoning Division

Cc: Sean Sullivan, ALS Land Surveying, 1103 W. Main, Middleton, ID 83644

EXHIBIT 13  
Page 1 of 1  
Project # 201601456 A



# Project #201601456-A Vicinity Map



Search Results: City Limits  
Parcels

GARDEN CITY

STAR

Parks

BOISE

KUNA

Street Names

EAGLE

MERIDIAN

Major Streets

Parcels

0 0.05 0.1 0.2 Miles

Date: 10/24/2016



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



# Project #201601456-A Aerial

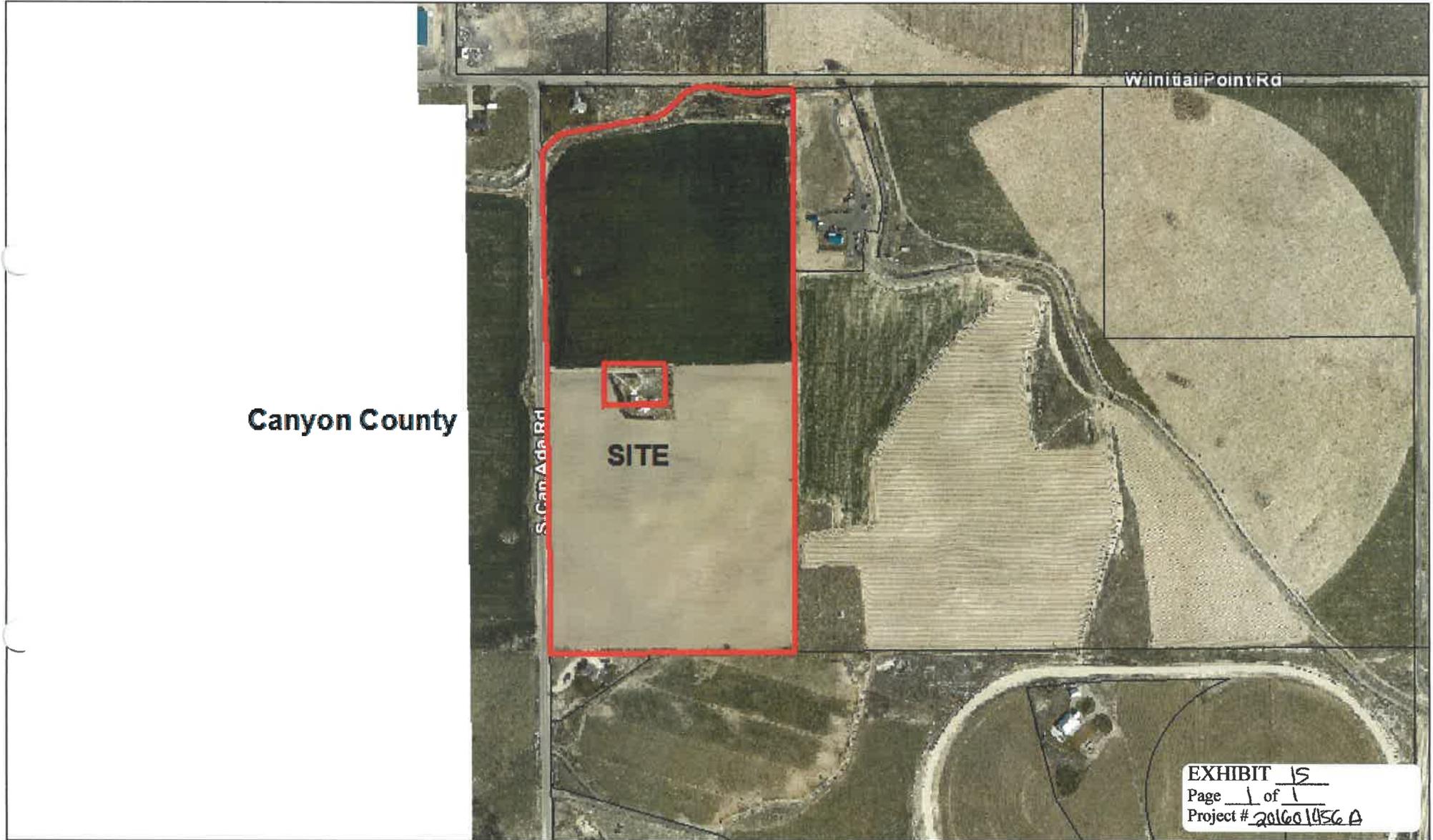
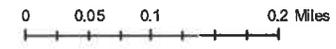


EXHIBIT 15  
 Page 1 of 1  
 Project # 201601456 A

- Search Results: **City Limits**    ■ GARDEN CITY    ■ STAR    ■ Parks  
 Parcels    ■ BOISE    KUNA    Street Names  
 Parcels    ■ EAGLE    MERIDIAN    — Major Streets



Date: 10/24/2016



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



# Project #201601456-A Aerial



Search Results: **City Limits**  
Parcels



Parcels

BOISE  
EAGLE

GARDEN CITY  
KUNA  
MERIDIAN

STAR

Street Names  
Major Streets

Parks

0 0.1 0.2 0.4 Miles

Date: 10/24/2016



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

## Brent Danielson

**From:** Brent Danielson  
**Sent:** Monday, October 24, 2016 4:34 PM  
**To:** laurenboehlke@yahoo.com; carla.bernardi@cableone.biz; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; cmiller@compassidaho.org; velta@nyid.org; clittle@achdidaho.org; syarrington@achdidaho.org; Mark Ferm; Angela Gilman; Jean Schaffer; Street NameMail; Jerry Servatius; Brent Danielson  
**Cc:** Brent Danielson  
**Subject:** Ada County Application Transmittal Notice.



### Ada County Development Services Planning & Zoning Division Transmittal

<b>File Number:</b> <a href="#">201601456-A / OA</a>	<b>X-Reference:</b> NONE
<b>Description:</b> An appeal of the Director's decision for a farm development right.	
<b>Reviewing Body:</b> BOCC	<b>Hearing Date:</b> 12/14/2016
<b>Applicant:</b> CHU JONATHAN	<b>P&amp;Z Recommendation:</b>
<b>Property:</b> The property contains 59.790 acres and is located at 13400 S CAN ADA RD MELBA 83641, Section 6 1S 1W.	

Ada County Development Services is requesting comments and recommendations on the application referenced above. To review detailed information about the request please either click on the file number identified above, or visit the Ada County Development Service's Application Tracking System (ATS) web site at [gix.adaweb.net/acdsv2/](http://gix.adaweb.net/acdsv2/) and search by file number. Hover over the pushpin that appears on the map with your mouse and select "Additional Info" from the pop-up box. You will then be able to review individual documents, drawings and other information detailing the request.

We request that you submit your comments or recommendations by 11/8/2016. When responding, please reference the file number identified above. If responding by email, please send comments to [bdanielson@adaweb.net](mailto:bdanielson@adaweb.net).

To request a hard copy of materials associated with this application, for additional information, or to provide comment on Ada County's Development Services ATS, please call me at the number listed below.

Sincerely yours,  
BRENT DANIELSON, ASSOCIATE PLANNER  
200 W Front Street  
Boise ID 83702  
[bdanielson@adaweb.net](mailto:bdanielson@adaweb.net)  
(208) 287-7913

EXHIBIT 17  
Page 1 of 1  
Project # 201601456 A



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone # 201601456-A/OA

Conditional Use #

Preliminary / Final / Short Plat



- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
high seasonal ground water
bedrock from original grade
waste flow characteristics
other
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approval from appropriate entities are submitted, we can approve this proposal for:
central sewage
interim sewage
individual sewage
community sewage system
central water
individual water
community water well
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
central sewage
sewage dry lines
community sewage system
central water
community water
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
food establishment
beverage establishment
swimming pools or spas
grocery store
child care center
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.
14.

Reviewed By: [Signature]
Date: 10/28/16

EXHIBIT 18
Page 1 of 1
Project # 201601456 A



MEMORANDUM

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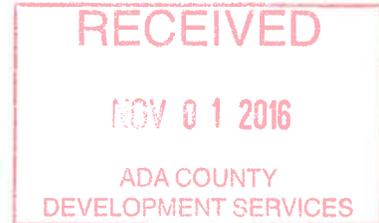


DATE: 11/1/2016

RE: 201601456-A/OA Jonathan Chu

TO: Brent Danielson, Associate Planner

FROM: Mark Ferm, Ada County Building Official



---

Summary of Project:

An appeal of the Director's decision for a farm development right at 13400 S Can ADA Road.

Findings and Conditions:

The Building Division has no objection appeal of the proposed private road.

Conclusion:

Approved as submitted

Mark Ferm  
Ada County Building Official  
200 W Front Suite 2125  
Boise Idaho 83702  
Phone 287-7910

[markf@adaweb.net](mailto:markf@adaweb.net)

WARRANTY DEED

8028366

For Value Received

512 1661

BRUCE ROBINSON, married man dealing with his sole & separate property

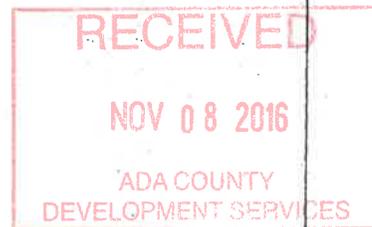
the grantor, does hereby grant, bargain, sell and convey unto

MARY ELEANOR MUELLER, a married woman & PEGGY GOODWIN, married woman, 4418 W. 60th S

the grantees, the following described premises, to-wit:

Los Angeles, Ca 90043

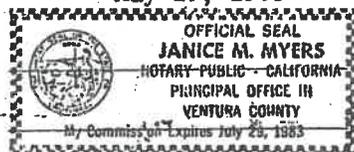
Share and share alike, each as her sole and separate property an undivided 1/6 interest to each in the West 1/4 of the Northwest 1/4 of Section 6, Township 1 South, Range 1 West, B. M., Ada County, Idaho.



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 19, 1980



*Bruce Robinson*

STATE OF ~~CA~~ IDAHO, COUNTY OF Ventura  
On this 21st day of May, 1980,  
before me, a notary public in and for said State, personally appeared  
BRUCE ROBINSON

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

*Janice M. Myers*  
Notary Public  
Residing at 42 W. Warner St  
Comm. Expires July 29, 1983  
Mail to: Brandt Agency, 203 11th Avenue South, Nampa, Idaho 83651

STATE OF IDAHO, COUNTY OF Ada  
I hereby certify that this instrument was filed for record at the request of *Brandt Term Man*  
at 30 minutes past 2 o'clock p.m.,  
this 17th day of June,  
1980, in my office, and duly recorded in Book  
of Deeds at page

JOHN BASTIDA  
Ex-Officio Recorder  
By *Carlene Progle* Deputy.  
Fees \$ 300  
Mail to:  
of Deeds at page

INSTRUMENT NO.

Boise 013404

4-1046 B



# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, the Act of Congress approved August 9, 1912, entitled "An Act providing for patents on reclamation entries, and for other purposes," provides—

"That every patent and water-right certificate issued under this Act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights."

And it is further provided:

"That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own or hold irrigable land for which entry or water-right application shall have been made under the said reclamation Act of June seventeenth, nineteen hundred and two, and Acts supplementary thereto and amendatory thereof, before final payment in full of all instalments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this Act."

And WHEREAS, it appears from a Certificate of the Register at **Boise, Idaho,**  
that **Gracia A. Robinson is,**

said Act, entitled to a patent for **the Farm Unit "C",** <sup>under the provisions of</sup> **according to the farm unit plat, or**  
**the Lots four and five of Section six in Township one south of Range one**  
**west of the Boise Meridian, Idaho, containing sixty acres and thirteen**  
**hundredths of an acre,**

according to the Official Plat of the Survey of the said Land, on file in the General Land Office;

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of  
**935903** 6-3748

EXHIBIT 23  
Page 1 of 2  
Project # 201601456 A

Boise 013404

4-1048 R

Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said

Gracia A. Robinson

and to her heirs, the Tract above described, together with the right to the use of water from the Boise

Reclamation Project as an appurtenance to the irrigable lands in said tract; TO HAVE AND TO HOLD

the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said

Gracia A. Robinson

and to her heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; but excepting, nevertheless, and reserving unto the United States, rights of way over, across, and through said lands for canals and ditches constructed, or to be constructed, by its authority, all in the manner prescribed and directed by the Act of Congress approved August 30, 1890 (26 Stat., 391). To secure payment to the United States, or its successors in the ownership or control of the works constituting and appertaining to the said reclamation project, of all sums due or to become due the United States or its successors in control of said reclamation project in connection with said land and water rights, a lien prior and superior to all other liens, claims, or demands whatsoever upon the lands herein and hereby described and conveyed, upon all water rights thereto appurtenant, and upon the right to receive and use water from the reservoirs and canals of said reclamation project, is expressly reserved.

IN TESTIMONY WHEREOF, I, Calvin Coolidge,

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the SEVENTH

(SEAL)

day of APRIL in the year of our Lord one thousand nine hundred and TWENTY-FOUR and of the Independence of the

United States the one hundred and FORTY-EIGHTH

By the President: Calvin Coolidge  
By: Dista B. Coughlin, Secretary

M.P. LeRoy  
Recorder of the General Land Office.

6-3714

RECORD OF PATENTS: Patent Number 935903

EXHIBIT 22  
Page 2 of 2  
Project # 201601456 A



# 201601456 A Radius Map

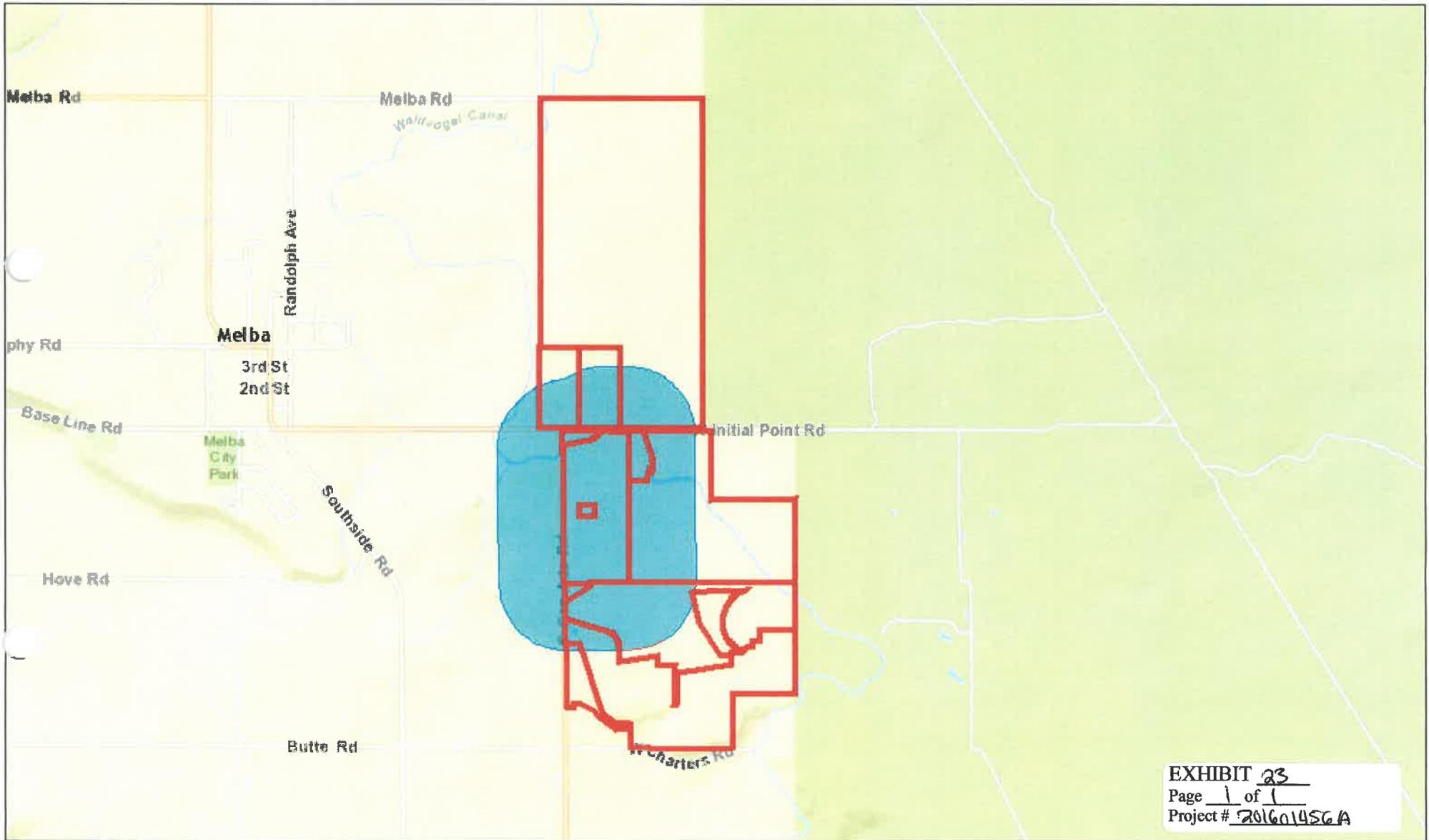


EXHIBIT 23  
 Page 1 of 1  
 Project # 201601456A

- Search Results: Parcels
- EAGLE
  - MERIDIAN
  - STAR
  - GARDEN CITY
  - BOISE
  - KUNA
  - P Parks



Date: 11/15/2016



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

PRIMOWNER	SECOWNER	ADDCONCAT	STATCONCAT
CATTLEMAN'S LIVESTOCK AUCTION INC		PO BOX 639	CALDWELL, ID 83606-0000
CHARTERS DANIEL KENNETH		13388 W INITIAL POINT RD	MELBA, ID 83641-0000
CHU JONATHAN L	& RONDEAU JANET C	13400 S CAN ADA RD	MELBA, ID 83641-0000
CITY OF MELBA		PO BOX 209	MELBA, ID 83641-0209
COMMUNITY BAPTIST CHURCH OF MELBA II		PO BOX 88	MELBA, ID 83641-0000
GREAT SKY INC		PO BOX 1979	SAN MATEO, CA 94401-0963
MCCORMACK PERRY E	& GAIL A	13600 S CAN ADA RD	MELBA, ID 83641-0000
MELBA GUN CLUB		7775 BUTTE RD	MELBA, ID 83641-0000
SLEGGERS FAMILY LP	c/o SUNDANCE FARMS LLC	7260 WILD HORSE WAY	NAMPA, ID 83686-0000

**CANYON COUNTY MAILING LIST**

OwnerName	Address	City	State	ZipCode
ALDER NORMAN C	6522 BASELINE RD	MELBA	ID	83641
CLARK DOUGLAS R	5800 22ND AVE NW # 206	SEATTLE	WA	98107
MANZER RONALD A	6049 BASELINE RD	MELBA	ID	83641
SWARTHOUT CLAUDE	4925 MOUNTAIN VIEW DR	BOISE	ID	83704

ADA COUNTY DEVELOPMENT SERVICES  
200 W FRONT ST BOISE ID 83702



November 16, 2016

Dear Property Owner:

LEGAL NOTICE IS HEREBY GIVEN THAT the Board of Ada County Commissioner's will hold a public hearing on **December 14, 2016** at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, to hear the following:

**201601456-A**, An appeal of the Director's decision for a farm development right. The property contains 59.790 acres and is located at 13400 S. Can Ada Road in Section 6, T. 1S, R. 1W, Melba, ID.

Contact, Brent Danielson, AICP, Associate Planner, at 287-7913 for more information.

This is an Official Notice of Public Hearing regarding the use of a property near your own. You have been notified because records indicated that you own property near or within **1,000'** of the applicant's project boundary. You are invited to attend the public hearing and offer your comments for consideration. If you are unable to attend, you may send comments to our office before the hearing date, and they will be entered in the public hearing record.

This application can be viewed by completing the following:

- 1 Type <http://gisx.adaweb.net/acdsv2>
- 2 Enter "**201601456-A**" in search application by file number.
- 3 Click on 'Application Information'.
- 4 Review documents by clicking on 'Supporting Documents.

5 days prior to the hearing you can go to <https://adacounty.id.gov> to view the agenda or staff report.



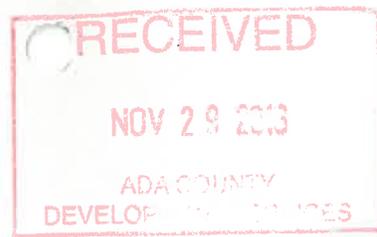
NOTES:

- This item may not be heard at the scheduled time of 6:00 p.m., as multiple items may be considered during the hearing.
- Video, audio, PowerPoint, or other computer-generated visuals used to present testimony, must be provided to the Planner ½ hour prior to the start of the hearing: file format compatibility cannot be guaranteed.
- Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 or 287-7979 (TDD) three days prior to this public hearing to make arrangements.

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Project # 201601456 A

LEGAL NOTICE LEGAL NOTICE OF PUBLIC HEARING Legal notice is hereby given that the Board of Ada County Commissioners will hold a public hearing on December 14, 2016 at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, to hear a request for: 201600465-V, SATTLER RICK; Variance application requesting approval of a reduction to the required 300-foot setback from property lines for all structures or outdoor activity areas associated with a racetrack. Items proposed within the setback include: concession stand restrooms and grandstand, practice arena and covered pit area, storage buildings, bike storage, and seventeen (17) light poles. The property contains 80 acres and is located at S. Pleasant Valley Rd. Kuna, ID 83634 in Sections 21, T. 1N., R. 2E. Kristy Inselman 287-7998. 201601397-PR-S, STEPPE SHEM D; A preliminary plat for a three (3) lot subdivision along with an application for a private road. The property contains 16.828 acres and is located at 2525 N Brandon Rd., Star, ID 83669 in Sections 5, T. 4N., R. 1W. Brent Danielson 287-7913. 201601456-A, CHU JONATHAN; An appeal of the Director's decision for a farm development right. The property contains 59.79 acres and is located at 13400 S. CAN ADA Rd., Melba, ID 83641 in Sections 6, T. 1S., R. 1W. Brent Danielson 287-7913. Staff Reports Available On-Line 5 Days before Hearing Date adaweb.net Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 or 287-7979 (TDD) by 5:00 p.m. three days prior to this public hearing so that arrangements can be made. BOARD OF ADA COUNTY COMMISSIONERS Mark Perfect Planning & Zoning Administrator Pub. Nov. 22, 2016  
**Publish Dates:** 11/22/2016-12/6/2016

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# Sign Posting Certification

ADA COUNTY DEVELOPMENT SERVICES, 200 W Front Street, Boise, Idaho 83702

www.adaweb.net | (208) 287-7900

## GENERAL INFORMATION:

You must post the property at least ten (10) days prior to the scheduled public hearing. The Certification form must be submitted at least seven (7) days prior to the scheduled public hearing. Please review Section 8-7A-5 of the Ada County Code for all sign posting requirements.

Please attach dated photographs of each sign with the certification.

## PROJECT INFORMATION:

Location:	Quarter: <b>NW</b>	Section: <b>6</b>	Township: <b>1S</b>	Range: <b>1W</b>	Total Acres: <b>59.790</b>
Project Name: <b>201601456-A; CHU</b>				Lot: <b>5</b>	Block:
Site Address: <b>13400 S Can Ada Rd Melba ID 83641</b>				Tax Parcel Number(s): <b>S2306233700 &amp; S2306223020</b>	
File Number: <b>201601456-A</b>				Date Posted:	

## APPLICANT:

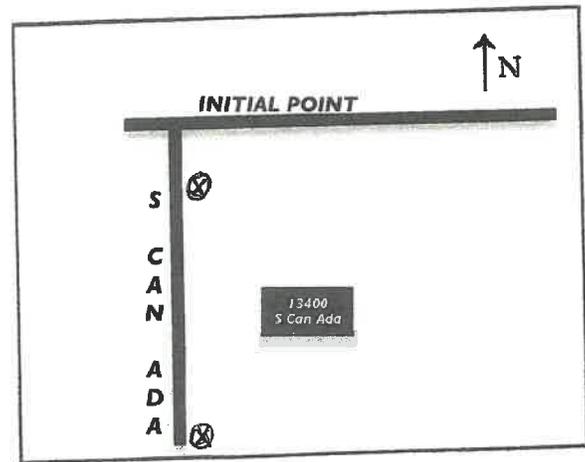
Name: <b>Jonathan Chu</b>		
Address: <b>13400 S Can Ada Rd</b>		
City: <b>Melba</b>	State: <b>ID</b>	Zip: <b>83641</b>
Telephone: <b>208-250-3641</b>	Fax:	

I certify that the property was posted at least ten (10) days prior to the scheduled public hearing and have attached dated photographs of each sign in accordance with Section 8-7A-5 of the Ada County Code.

*Premier Signs Inc. on behalf of applicant. Signs posted 11/29/16*

*Jonathan Chu* 11/29/16  
Signature: (Applicant) Date

Please draw a diagram of sign location(s) on the property



⊗ = sign posting

OFFICE USE ONLY		
File No.:	Received By:	Date:
		Stamped:

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