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STAFF REPORT
Vacation Application 20-02
Vacation of Utility and Drainage Easements

HEARING DATE: December 10, 2020
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Mark and Debra Simpson
9592 Packer John RD
Cascade, ID 83611
LOCATION: 17 E Prospector Drive, Gold Dust Ranch No. 1, Lots 93, 94, and 95 in the NW ¼ Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho.
REQUEST: Vacate Platted Utility and Drainage Easements
EXISTING LAND USE: Bare Land

BACKGROUND:

Mark and Debra Simpson are requesting a vacation of the 10-foot wide utility and drainage easements that are centered on the lot lines between Lots 93, 94 and 95 in the Gold Dust Ranch No. 1 Subdivision.

The applicants own all three lots. Removal of the easements would give them more flexibility in the location of their future home, well, and septic system.

The 3-acre site is addressed at 17 E Prospector Drive.

FINDINGS:

1. The application was submitted on September 24, 2020.
2. Legal notice was posted in the *Star News* on November 19 and November 25, 2020. Potentially affected agencies were notified on November 10, 2020. Neighbors within 300 feet

of the property lines were notified by fact sheet sent November 10, 2020. The site was posted on November 24, 2020. The application and notice were posted on the Valley County website "Public Hearing Information" on November 10, 2020.

3. Agency comment received:

Central District Health has no objection. (November 16, 2020)

4. Neighbor comment received: None

5. Valley County Code:

10-6-2: VACATIONS OF PLATS, PUBLIC RIGHTS OF WAY OR EASEMENTS:

- A. Filing Of Application Required: An applicant wishing to vacate an existing subdivision, portion thereof, public right of way, or easement shall complete and file with the administrator an "application for total or partial vacation of an existing subdivision or other public right of way". This action shall be supplemental to, and in no way in conflict with, the applicant's obligation to comply with the provisions contained in Idaho Code sections 50-1317 through 50-1325.
- B. Placement On Commission Agenda: Upon receipt of the completed application, the administrator shall place said application on the agenda of the commission to be considered at its next regular meeting, subject to the same time limits prescribed for preliminary plat applications.
- C. Commission Review: The commission shall review the proposed vacation with regard to future development of the neighborhood. The commission shall also take into consideration the interests of adjacent property owners, of utilities, and of various public agencies where pertinent to the application.
- D. Commission Recommendation: Within ten (10) days, the commission shall make its recommendation concerning the application to the board who shall hold a public hearing and give such public notice as required by law.
- E. Board Action: The board may approve, deny or modify the application and shall record its action in the official minute book of the meetings of the board. Whenever public rights of way or lands are vacated, the board shall provide adjacent property owners with a quitclaim deed, as prepared by the applicant, for said vacated rights of way in such proportions as are prescribed by law. (Ord. 10-07, 8-26-2010)

SUMMARY:

- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

- We need written approval from Idaho Power and proof of notice to Frontier/Zipley/Cable.

ATTACHMENTS:

- Vicinity Map
- Assessor's Plat T.13N R.4E Section 10
- Portion of plat with easements highlighted
- Pictures taken November 24, 2020
- Responses

END STAFF REPORT

Gold Dust Ranch 1 Lots 93, 94 & 95 at 17 E Prospector DR



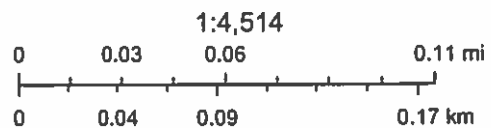
10/28/2020, 4:02:41 PM

 Parcel Boundaries

All Road Labels

Roads

 URBAN/RURAL



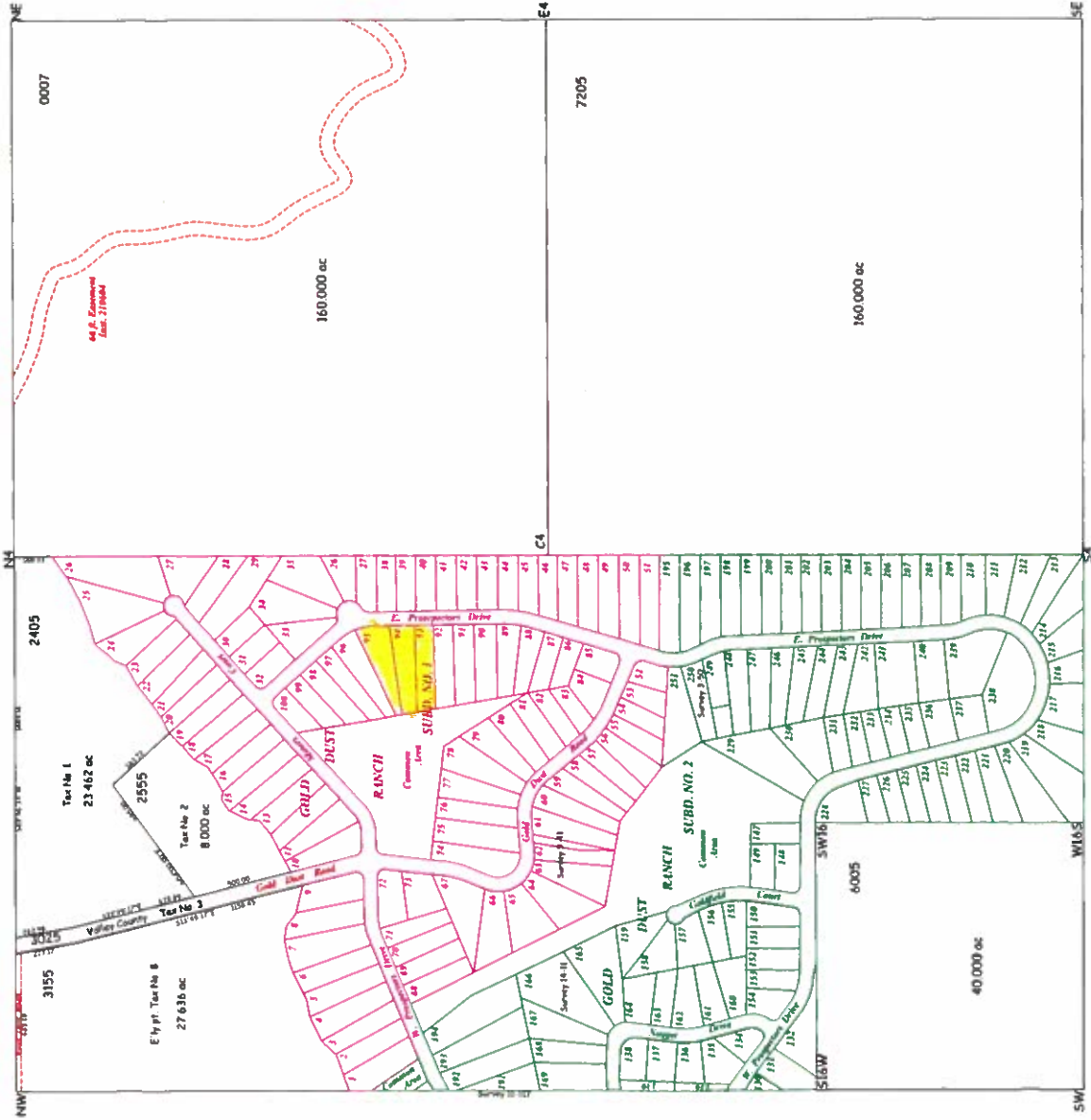
USDA FSA, GeoEye, Maxar

PLAT TITLE

T W P . 1 3 N R O 4 E S E C . 1 0

VALLEY COUNTY
Assessor's Office
Cartography Dept.
Cascade, ID 83611

Filename: Valley County Plat Map
Scale: 1" = 400 ft.
Date: 2/25/2020
Drawn by: L. Fredrick



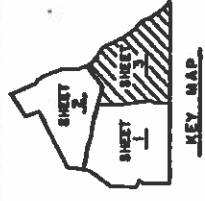
17E Prospector Dr Cascade ID 83611

RP 00103

GOLD DUST RANCH NO. 1

A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.
602 MAIN ST. BOISE, IDAHO



- LEGEND**
- 3/8" x 30" Steel Pin of Angle Points on Boundary.
 - 1/2" x 24" Steel Pin of Lot Corners.
 - ⑫ Lot Numbers.
 - Utility & Drainage Easements.
 - Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary.
 - Contained on All Interior Lot Lines.
 - Stress Cap

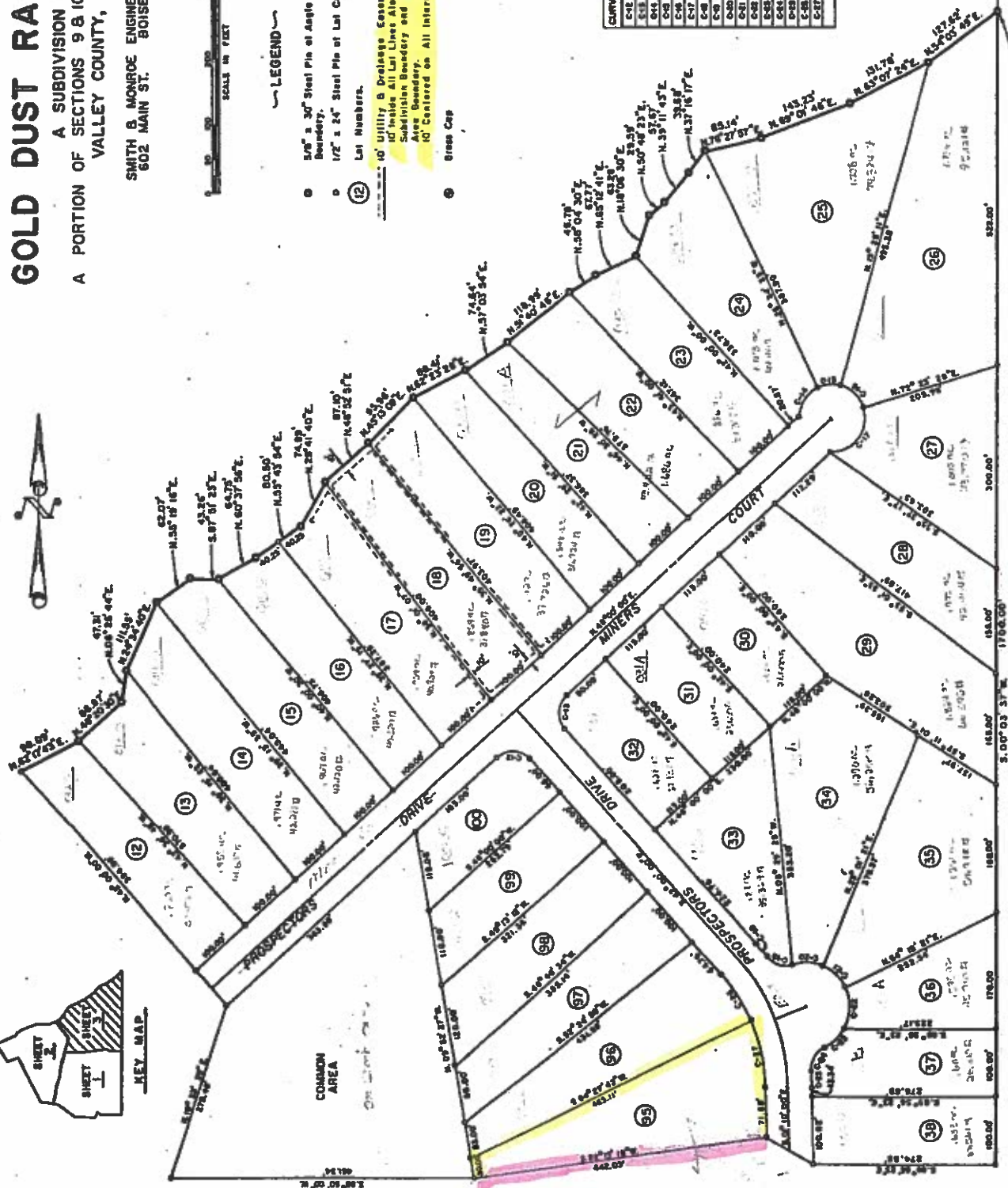
Gordon B. Smith, P.E., being first duly sworn, deposes and says that he is a professional engineer, licensed to practice by the State of Idaho, that he has compared the above copy with the original plat and that the same is a true and exact copy of said plat.

Subscribed and sworn to before me this _____ day of _____ 1974

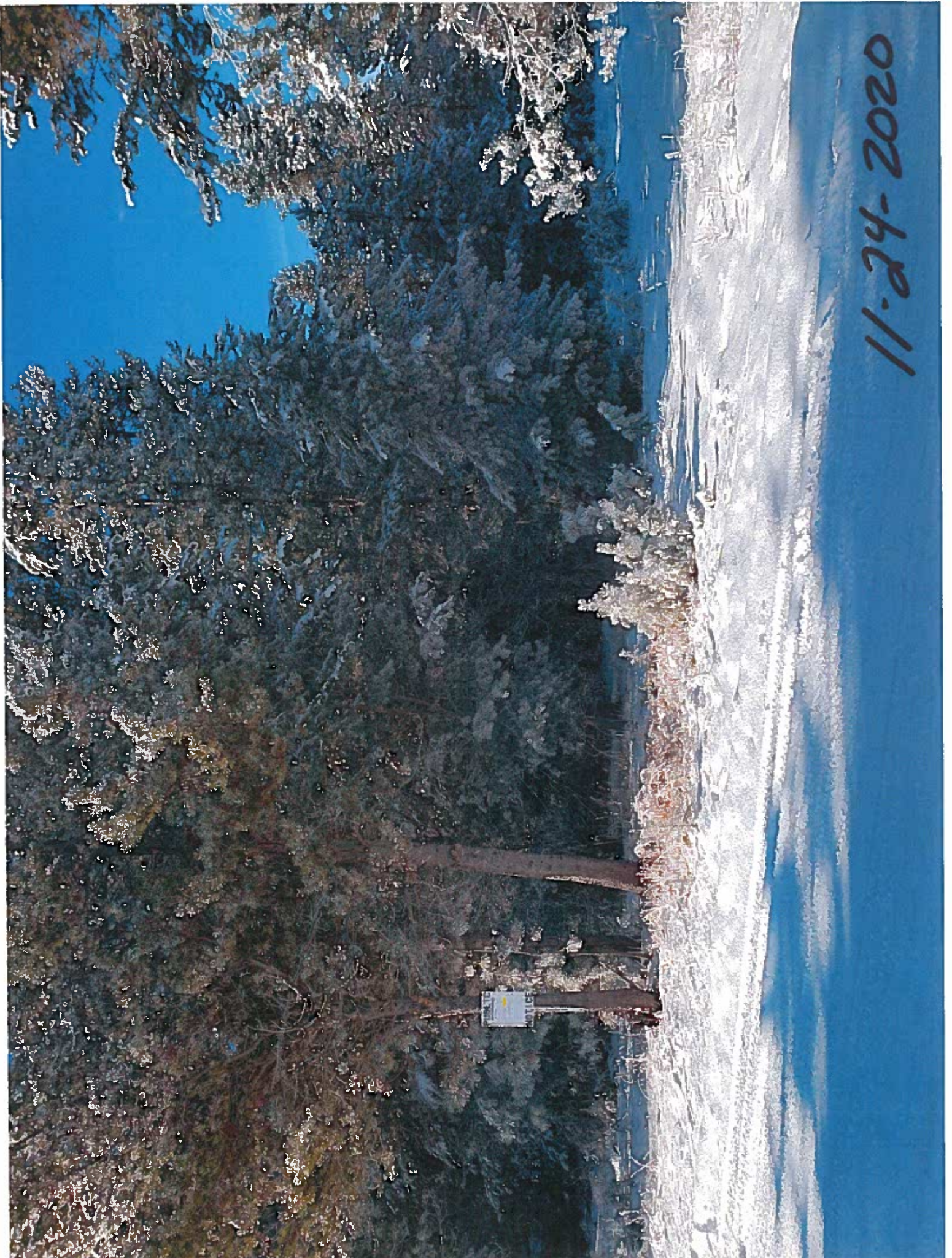
My Comm. Expires 10/178

Factory Public for Idaho by Commission Expires _____

CURVE	R	Δ	CH. L.	CALCULATIONS
C-1	100.00	90°	157.08	157.08
C-2	100.00	90°	157.08	157.08
C-3	100.00	90°	157.08	157.08
C-4	100.00	90°	157.08	157.08
C-5	100.00	90°	157.08	157.08
C-6	100.00	90°	157.08	157.08
C-7	100.00	90°	157.08	157.08
C-8	100.00	90°	157.08	157.08
C-9	100.00	90°	157.08	157.08
C-10	100.00	90°	157.08	157.08
C-11	100.00	90°	157.08	157.08
C-12	100.00	90°	157.08	157.08
C-13	100.00	90°	157.08	157.08
C-14	100.00	90°	157.08	157.08
C-15	100.00	90°	157.08	157.08
C-16	100.00	90°	157.08	157.08
C-17	100.00	90°	157.08	157.08
C-18	100.00	90°	157.08	157.08
C-19	100.00	90°	157.08	157.08
C-20	100.00	90°	157.08	157.08
C-21	100.00	90°	157.08	157.08
C-22	100.00	90°	157.08	157.08
C-23	100.00	90°	157.08	157.08
C-24	100.00	90°	157.08	157.08
C-25	100.00	90°	157.08	157.08
C-26	100.00	90°	157.08	157.08
C-27	100.00	90°	157.08	157.08



SHEET 1 OF 3



11-24-2020



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # VAC 20-02

Conditional Use # _____

Preliminary / Final / Short Plat Mark & Debra Simpson

176 Prospector Drive
Sec 10 Goldust Ranch #1 Lots 93, 94, & 95

- 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
 - waste flow characteristics
 - bedrock from original grade
 - 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 approvals from appropriate entities are submitted, we can approve this proposal for:
 - central sewage
 - community sewage system
 - interim sewage
 - central water
 - individual sewage
 - 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
 - community sewage system
 - sewage dry lines
 - central water
 - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
 - food establishment
 - swimming pools or spas
 - beverage establishment
 - grocery store
 - child care center
- 14. _____

Reviewed By: [Signature]

Date: 11/16/20