



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

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Cascade, Idaho 83611

Planning & Zoning Administrator  
Floodplain Coordinator

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Web: [www.co.valley.id.us](http://www.co.valley.id.us)

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

**HEARING DATE:** January 25, 2021  
**TO:** Board of County Commissioners  
**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

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**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. At a properly noticed public hearing on December 10, 2020, the Valley County Planning and Zoning Commission unanimously recommended approval of the proposed vacation. (Facts and Conclusions attached.)

2. Legal notice was posted in the *Star News* on December 31, 2020 and January 7, 2021. Potentially affected agencies were notified on December 18, 2020. Neighbors within 300 feet of the property lines were notified by fact sheet mail sent via certified mail on December 18, 2020. The site was posted on December 29, 2020. The application and notice were posted on the Valley County website "Public Hearing Information" on December 17, 2020.

3. Agency comment received:

Central District Health has no objection. (December 21, 2020)

Idaho Power submitted a letter to Planning and Zoning on December 10, 2020. There are no Idaho Power facilities within the easement area. Idaho Power agrees to relinquish their interest in the public utility easement so long as they retain the 10' PUE which runs along the east and west lot lines.

4. Neighbor comment received:

Ed and Linda Cimbalik, owners of 12 E Prospector and 1921 Gold Dust Road, are in favor of the vacation request. (Dec. 30, 2020)

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 Board needs to determine if the future development of the subdivision would be inhibited by the vacation of the utility easement.

**Staff's Recommended Motion:**

I move to approve Vacation Application No. 20-02 Vacation of Utility and Drainage Easements; and accept the Planning and Zoning Commission Facts and Conclusions.

**ATTACHMENTS:**

- Vicinity Map
- Assessor's Plat T.13N R.4E Section 10
- Portion of plat with highlighted easements
- Pictures taken November 24, 2020
- P&Z Facts and Conclusions
- Meeting Minutes of December 10, 2020
- Responses

**END STAFF REPORT**

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



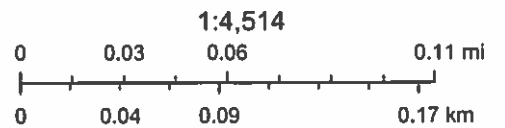
10/28/2020, 4:02:41 PM

 Parcel Boundaries

All Road Labels

Roads

 URBAN/RURAL



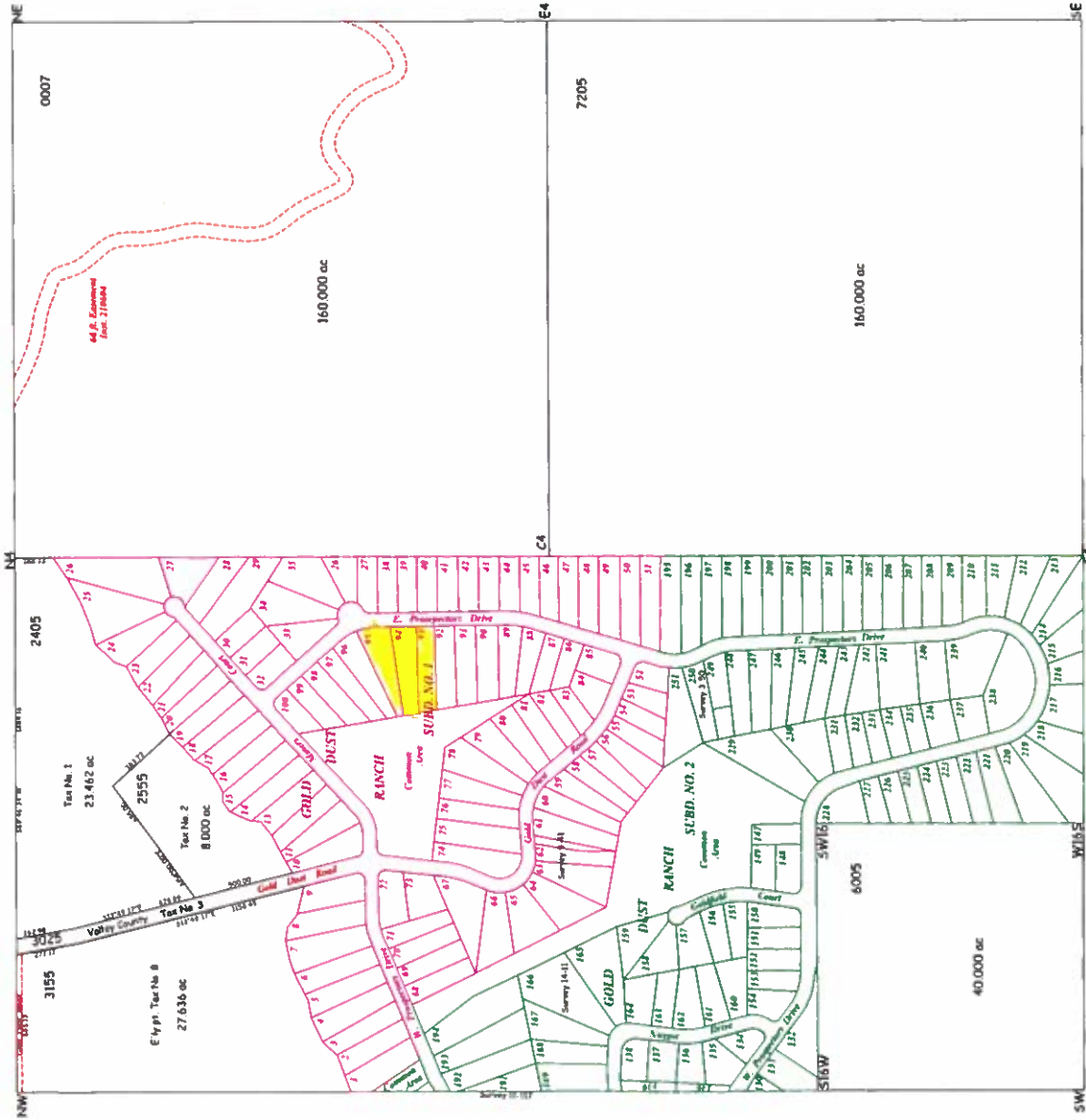
USDA FSA, GeoEye, Maxar

PLAT TITLE

T W P : 1 3 N R 0 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: I. Fredenck





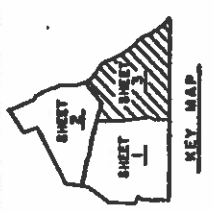
17E Prospector Dr Cascade ID 83611

RP 00103

# GOLD DUST RANCH NO. 1

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

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



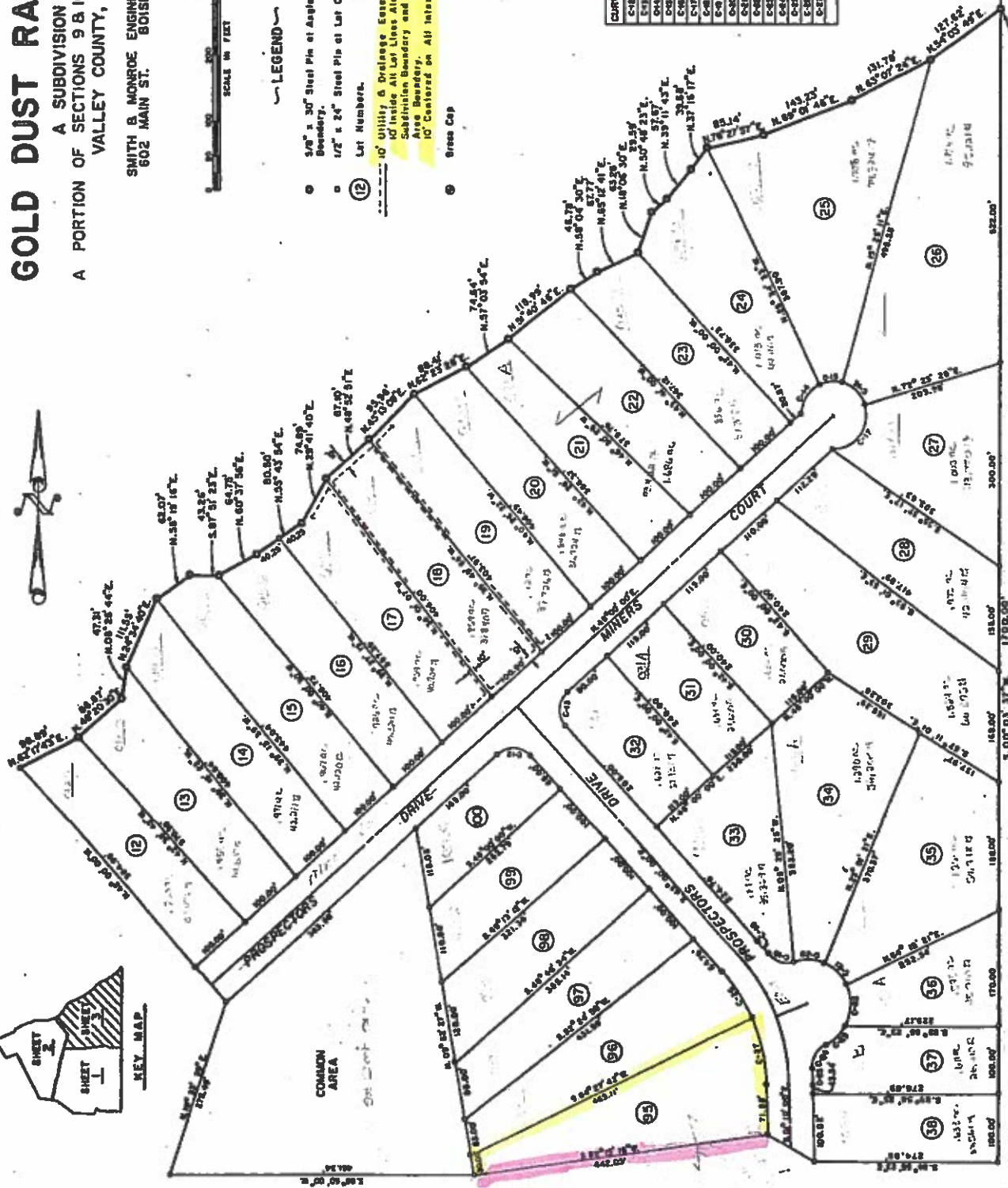
### LEGEND

- 3/8" x 30" Steel Pin of Angle Points on Boundary.
- 1/2" x 24" Steel Pin of Lot Corners.
- ⑫ Lot Numbers.
- 10' Utility & Drillage Easements, 10' Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary.
- Green Cap

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1974

*My Comm. Expires 10/1/74*

Notary Public for Idaho



CURVE	R	Δ	L	CH. L.	CH. BEARING
C1E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C2E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C3E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C4E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C5E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C6E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C7E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C8E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C9E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C10E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C11E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C12E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C13E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C14E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C15E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C16E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C17E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C18E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C19E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C20E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C21E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C22E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C23E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C24E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C25E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C26E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C27E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C28E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C29E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C30E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C31E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C32E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C33E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C34E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C35E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C36E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C37E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C38E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E
C39E	2100'	30° 00' 00"	11.31'	01.31'	11° 31' 00" E

Reel Point of Beginning

1/4 Corner

2.00' 03.37" W.

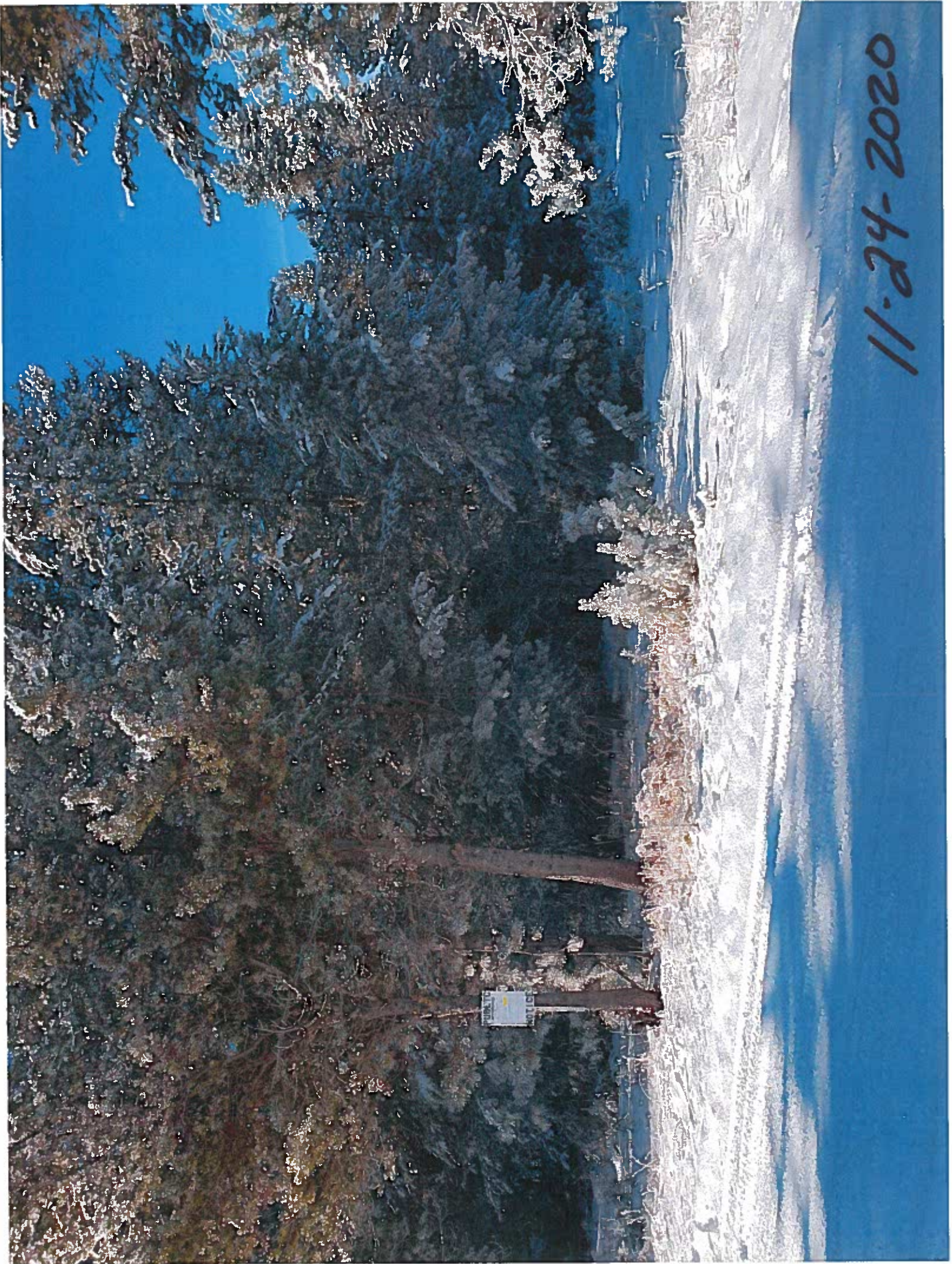
2840.21

2.00' 03.37" W.

1/4 Corner

SHEET 1 OF 3





11-24-2020



**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE  
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT:** Vacation Application No. VAC 20-01  
Portion of Cheyenne RD  
in Smiling Julie Subdivision

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on November 12, 2020. The Commission reached a quorum. Commission members in attendance were Chairman Johanna Defoort, Scott Freeman, Ray Cooper, Brian Benton and Neal Thompson.

The applicants, Ron and Judy Boyd, were present and requesting a vacation of a road right-of-way that was platted as part of Smiling Julie Subdivision, which was recorded on September 14, 1959, at Book 2, Page 26. The portion to be vacated would be between Julie Land, and Lot 37B and Lot 47 (drawing attached).

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented on November 12, 2020, the Valley County Planning and Zoning Commission hereby makes the following findings of fact:

1. That the existing use of the property described in the Petition will not affect the future development of the adjacent neighbors or neighborhood.
2. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the *Star News* on October 22 and October 29, 2020. Potentially affected agencies were notified on October 13, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent October 14, 2020 via certified mail. The site was posted on October 22, 2020. The notice and application were posted online at [www.co.valley.id.us/public-hearing-information](http://www.co.valley.id.us/public-hearing-information) on October 13, 2020.

3. Other persons in attendance (telephonically) expressed disapproval of the proposed vacation.



## CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes, as follows:

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and would not be otherwise detrimental to the public health, safety and welfare.
2. Future development of the subdivision will not be inhibited by the vacation.

## ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends to the Board of County Commissioners that the application of Ron and Judy Boyd, for Vacation No. 20-01 Vacation of a Portion of Cheyenne RD, as described in the application, staff report, and minutes of the meeting be approved.

## END FACTS AND CONCLUSIONS

  
\_\_\_\_\_  
Johann Defoort, Chairman

Date 12/20/2020

7:43 p.m.

5. **VAC 20-02 Vacation of Utility and Drainage Easements:** Mark and Debra Simpson are requesting a vacation of 10-foot wide utility and drainage easements that are centered on the lot lines between Lots 93, 94, and 95 of Gold Dust Ranch No. 1. The site is addressed at 17 E Prospector Drive and is in the NW ¼ Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Administrator Herrick presented the staff report.

Chairman Defoort asked for the applicant's presentation.

Mark and Debra Simpson, 9592 Packer John, want to build a home on the property without the complication of easements restricting the building site.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents. There were none.

Chairman Defoort closed the public hearing.

The Commission deliberated. It is acceptable to Idaho Power. The Commissioners have no issues with this request.

Commissioner Freeman moved to recommend approval of VAC 20-02 Vacation of Utility and Drainage Easements to the Board of County Commissioners. Commissioner Benton seconded the motion. Motion carried unanimously.

The Board of County Commission will also hold a public hearing for VAC 20-02.

7:50 p.m.

**E. FACTS AND CONCLUSIONS - Action Items:**

- V-3-20 RMC Flagpole Variance
- VAC 20-01 Vacation of Portion of Cheyenne Road
- C.U.P. 20-27 Ed Staub Drivers' Office – Amendment to C.U.P. 19-28
- C.U.P. 20-29 Kemp Private Airstrip
- C.U.P. 20-30 Willow Creek Vista Multiple Residence

Commissioner Benton moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Defoort adjourned the meeting at 7:51 p.m.



November 11, 2020

*Sent via email to [djs6455@yahoo.com](mailto:djs6455@yahoo.com)*

Mark & Debra Simpson  
9592 Packer John Rd.  
Cascade, ID 83611

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 93, 94, & 95, Gold Dust Ranch No. 1 Subdivision in Valley County, Idaho.

Dear Mark & Debra:

This is in response to the relinquishment application received by Idaho Power Company on October 28, 2020, regarding the possible partial relinquishment of the above noted PUE. The attached maps more specifically identify the "easement area" requested for relinquishment.

Idaho Power's review of the relinquishment application indicated that there are no facilities within the above noted easement area. As such, Idaho Power agrees to relinquish our interest in the public utility easement within the easement area so long as we retain the 10' PUE which runs along the east and west lot lines of lots 93, 94, and 95 of the Gold Dust Ranch No. 1 Subdivision.

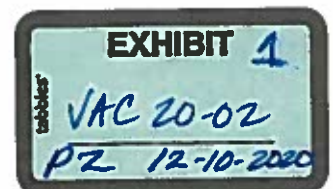
Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

A handwritten signature in cursive script that reads "Krista Englund".

Krista Englund  
Assoc. Real Estate Specialist  
Land Management and Permitting Department  
Corporate Real Estate  
Idaho Power Company

208-388-2245  
[kenglund@idahopower.com](mailto:kenglund@idahopower.com)





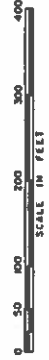
Sanitary Restriction Under Title So  
Removed By Instrument No. 14772

Sanitary restriction in force  
under Title So  
Chapter 12, Idaho Code

# GOLD DUST RANCH NO. 1

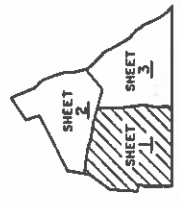
A SUBDIVISION IN  
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.  
VALLEY COUNTY, IDAHO

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



### LEGEND

- 5/8" x 30" Steel Pin at Angle Points on Boundary.
- 1/2" x 24" Steel Pin at Lot Corners.
- ④ Lot Numbers.
- Utility & Drainage Easements.
- 10' Utility, All Easements, Subdivision Boundary and Common Area Boundary.
- 10' Centered on All Interior Lot Lines.



OK to release the 10' PUE centered between lots 93 & 94 and 94 & 95 so long as IPC retains the 10' PUE along the east and west boundary of lots 93, 94, and 95



### CURVE DATA

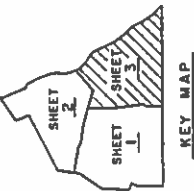
CURVE	R	Δ	L	CH.L.	CH BEARING
C-28	310.00	8°17'38"	71.74	71.64	N. 8°31'49" E.
C-29	310.00	8°17'38"	71.74	71.64	N. 8°31'49" E.
C-30	440.00	11°54'51"	85.03	84.90	S. 4°27'40" E.
C-31	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-32	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-33	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-34	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-35	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-36	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-37	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-38	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-39	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-40	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-41	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-42	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-43	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-44	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-45	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-46	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-47	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-48	310.00	8°17'38"	80.00	79.87	S. 17°02'40" E.
C-37	300.00	17°50'03"	86.49	85.98	S. 10°29'59" E.

Survey conducted in accordance with Idaho Statute 54-201, Chapter 13, Idaho Code.

# GOLD DUST RANCH NO. 1

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

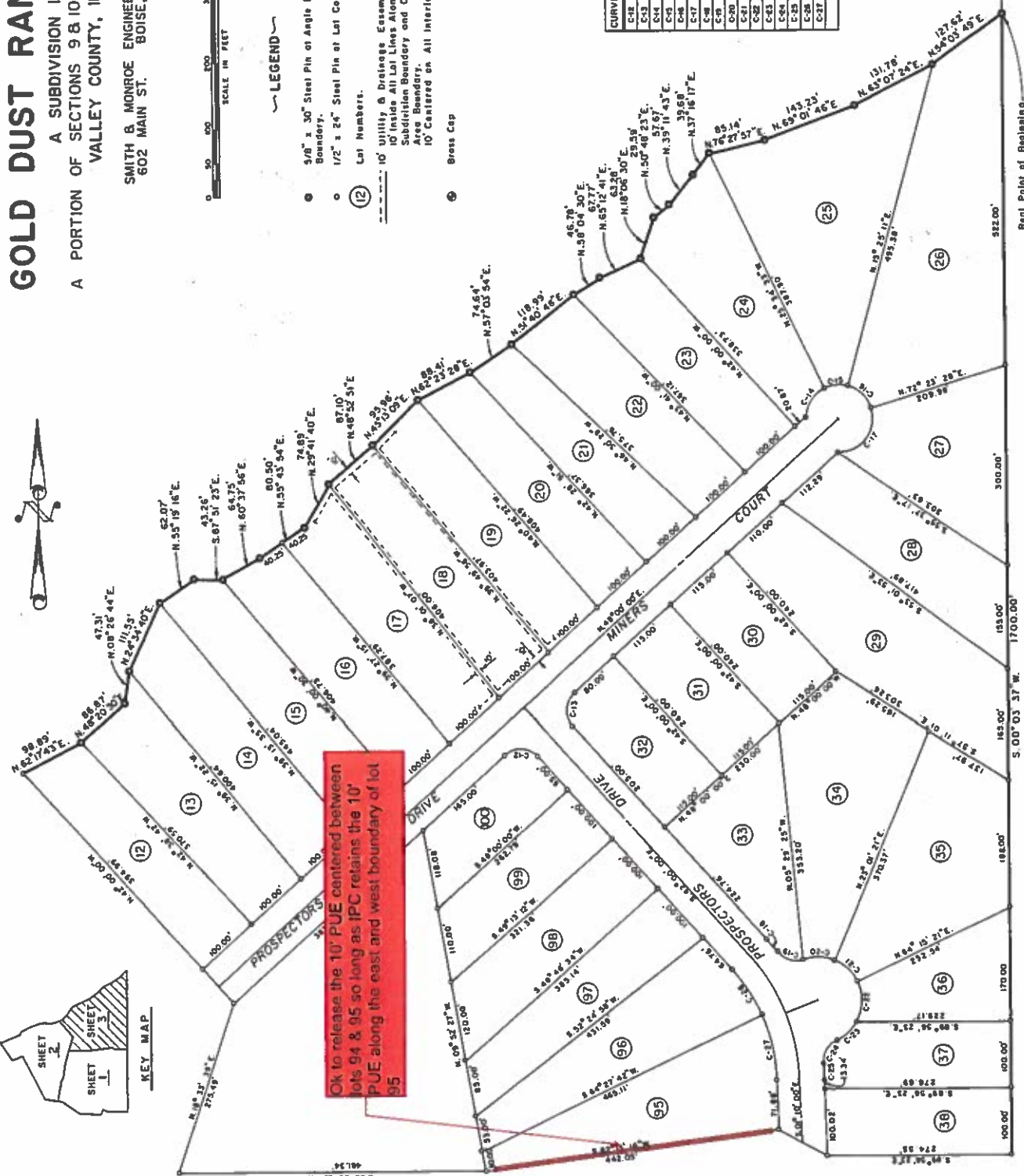
SMITH & MONROE ENGINEERS, INC.  
602 MAIN ST. BOISE, IDAHO



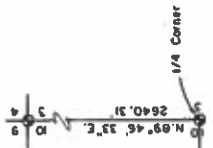
### LEGEND

- 5/8" x 30" Steel Pin at Angle Points on Boundary.
- 1/2" x 24" Steel Pin at Lot Corners.
- ⑫ Lot Numbers.
- 10' utility & Drainage Easements, 10' Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary.
- ⑩ Centered on All Interior Lot Lines.
- ⊙ Brass Cap

CURVE	R	Δ	L	CH. BEARING
C-12	35.00	90° 00' 00"	51.96	48.00' S 01° 00' 00" E
C-13	35.00	90° 00' 00"	54.98	48.00' S 00° 00' 00" E
C-14	50.00	84° 59' 50"	54.10	51.50' S 35° 25' 30" E
C-15	50.00	80° 59' 44"	33.79	50.00' S 04° 55' 10" E
C-16	50.00	80° 59' 11"	48.72	47.89' S 05° 05' 40" E
C-17	50.00	111° 10' 55"	97.02	82.00' S 31° 56' 50" E
C-18	35.00	4° 19' 04"	24.49	24.49' S 89° 50' 28" E
C-19	35.00	70° 31' 44"	43.08	40.02' S 72° 56' 48" E
C-20	65.00	41° 14' 01"	48.79	43.78' S 68° 35' 38" E
C-21	65.00	41° 14' 01"	48.79	43.78' S 68° 35' 38" E
C-22	65.00	39° 04' 15"	62.48	60.00' S 1° 47' 28" E
C-23	65.00	39° 04' 15"	62.48	60.00' S 1° 47' 28" E
C-24	35.00	70° 31' 44"	43.08	40.02' S 72° 56' 48" E
C-25	35.00	4° 19' 04"	24.49	24.49' S 89° 50' 28" E
C-26	35.00	111° 10' 55"	97.02	79.87' S 31° 56' 44" E
C-27	35.00	27° 59' 31"	101.73	101.06' S 17° 30' 44" E



OK to release the 10' PUE centered between lots 94 & 95 so long as IPC retains the 10' PUE along the east and west boundary of lot 95





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone # VAC ~~20-20~~ 20-02

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat \_\_\_\_\_

Lots 93-95 Gold Dust Ranch #1  
17 E Prospector Drive

- 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 approvals 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. 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
  - beverage establishment
  - swimming pools or spas
  - grocery store
  - child care center
- 14. \_\_\_\_\_

Reviewed By: [Signature]  
Date: 12/21/20



**From:** Linda Cimbalik <lindacimbalik@gmail.com>

**Sent:** Wednesday, December 30, 2020 1:53:35 PM

**To:** Douglas Miller <dmiller@co.valley.id.us>

**Subject:** Public Hearing January 25, 2021

To Whom It May Concern,

We would like to express our approval of Mark and Debra Simpson's request to vacate a 10' easement on their poverty.

Ed and Linda Cimbalik

owners of 12 E Prospector and 1921 Gold Dust Rd, Cascade, ID 83611.