



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

PO Box 1350
219 North Main Street
Cascade, Idaho 83611

Planning & Zoning Administrator
Floodplain Coordinator

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STAFF REPORT
Vacation Application 20-03
Vacation of Access Easements

HEARING DATE: January 14, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Ron Grunsky
PO Box 911
McCall, ID 83638
OWNER: JJS Southwest LLC
2033 San Elijo Ave STE 131
Cardiff CA 92007
LOCATION: Ashton Ridge Ranch Subdivision Phase 2 Lots 8 & 9
NE ¼ Section 12, T.17N, R.4E, Boise Meridian,
Valley County, Idaho.
REQUEST: Vacate Platted Access and Utility Easements
EXISTING LAND USE: Bare Land

BACKGROUND:

Robert Grunsky is requesting vacations of the ingress/egress easement and utility easement for Ashton Ridge Ranch Subdivision Phase II Lots 8 & 9.

Currently Lots 8 & 9 are accessed from Ashton Ridge Place, a private road. If the vacations are approved, the property where the shared driveway is located would be transferred to the adjacent Lots 5 and 6. Lots 8 and 9 would then be accessed from Sweet Iron Court, a private road.

The adjoining lot owners have agreed to the proposed vacation and land transfer.

FINDINGS:

1. The application was submitted on November 12, 2020.

2. Legal notice was posted in the Star News on December 24 and December 31, 2020. Potentially affected agencies were notified on December 15, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent December 15, 2020. The site was posted on December 29, 2020. The notice and application were posted on the Valley County website "Public Hearing Information" on December 14, 2020.

3. Agency comment received:

Central District Health stated that approved drainfield locations are located in the southwest corner of each of these lots adjacent to Sweet Iron Court. Access to these lots must not impact the approved drainfield locations. (Dec. 17, 2020)

Idaho Power Company's review indicated that there are no facilities within the easement area; therefore, Idaho Power agrees to relinquish their interest while not restricting the 12' public utility easement that lies adjacent to Ashton Ridge Place Road. (Dec. 8, 2020)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, hazardous waste, and ground water contamination. (Dec. 24, 2020)

Garrett de Jong, McCall Fire & EMS Fire Chief, has no comments. (Dec. 31, 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:

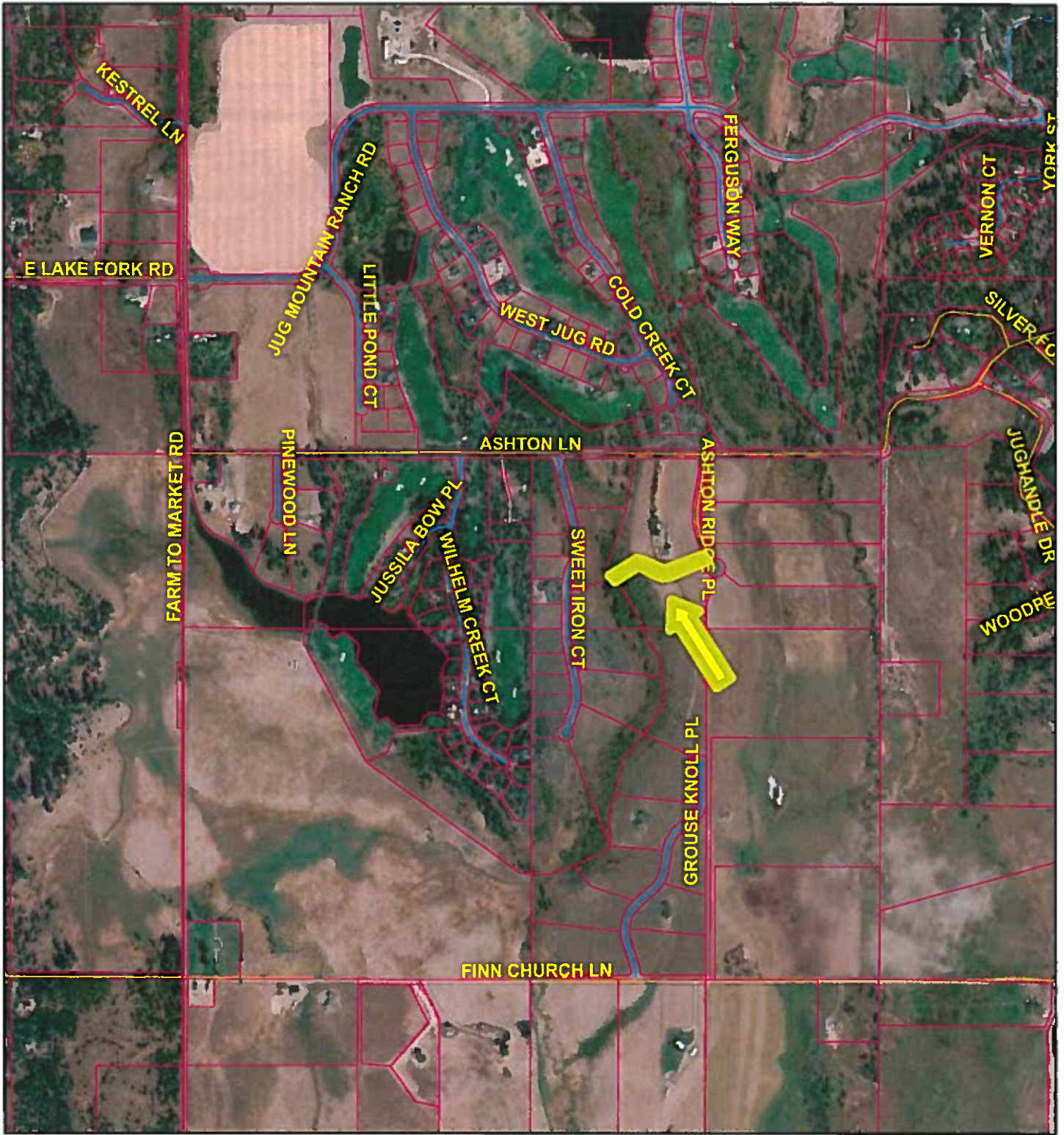
- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.
- We need written approval from Idaho Power and proof of notice to Frontier/Ziply/Cable.
- Deeds will need to be created in order to transfer the “flagpoles” to adjoining properties (Lots 5 and 6).
- Recommend ingress/egress and utility easements are recorded for access to lots 8 and 9 prior to recordation of the vacation and deeds.

ATTACHMENTS:

- Vicinity Map
- Aerial View
- Portion of plat with proposed land transfers highlighted
- Picture taken Dec. 29, 2020
- Responses

END STAFF REPORT

VAC 20-03 within Ashton Ridge Ranch Subd

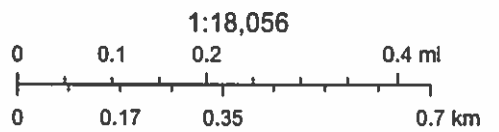


11/23/2020, 10:21:45 AM

Parcel Boundaries Roads

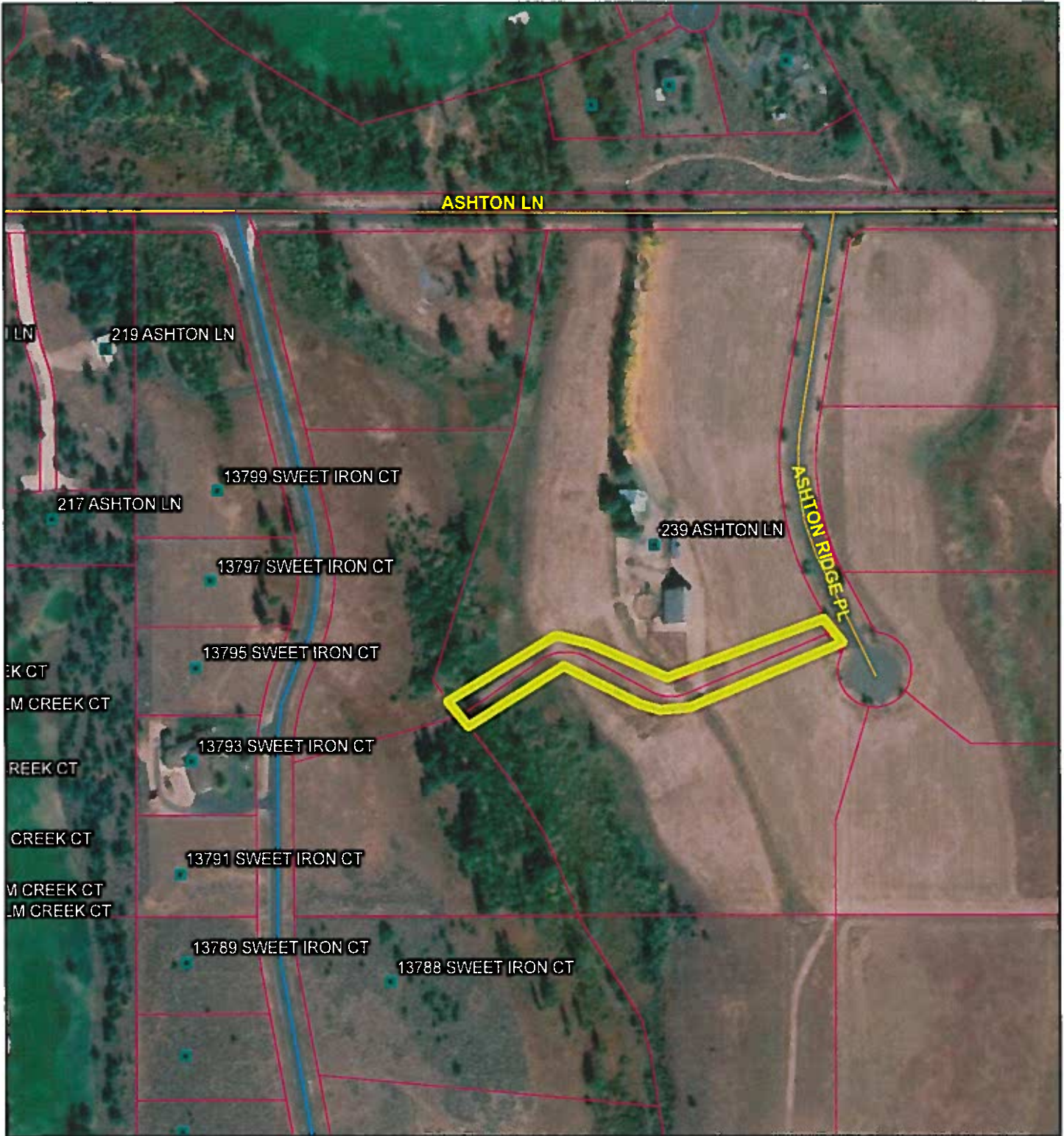
All Road Labels

- COLLECTOR
- URBAN/RURAL
- PRIVATE



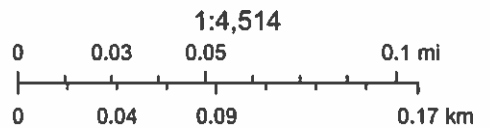
USDA FSA, GeoEye, Maxar

VAC 20-03 within Ashton Ridge Ranch Subd

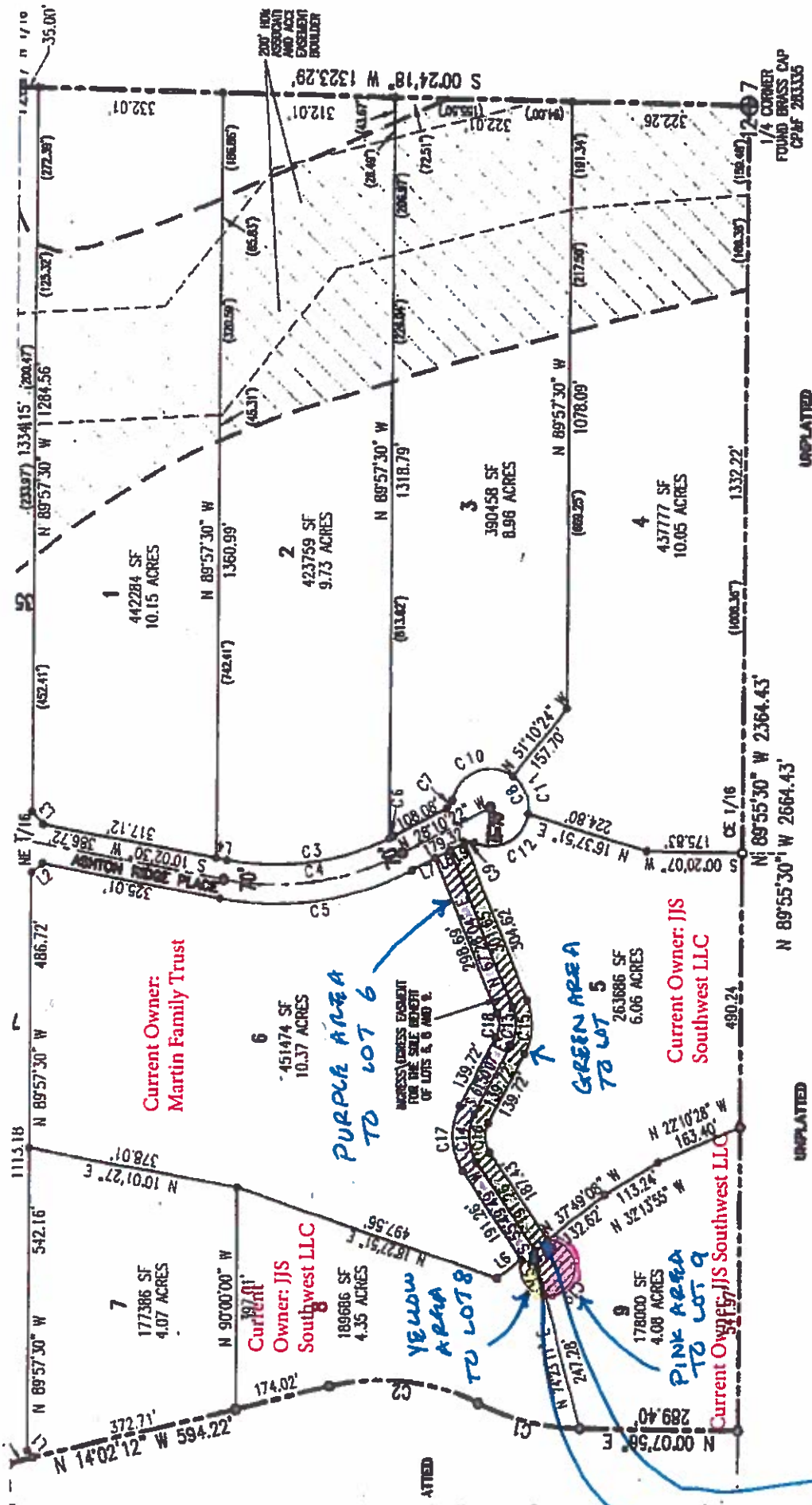


11/23/2020, 10:27:37 AM

- Parcel Boundaries
- Addresses
- All Road Labels
- Roads
- URBAN/RURAL
- PRIVATE



USDA FSA, GeoEye, Maxar



LOT 8 NEW SOUTHEASTELY PROPERTY LINE ENDS HERE.
 LOT 9 NEW NORTH EASTERLY PROPERTY LINE END HERE.

ASHTON RIDGE

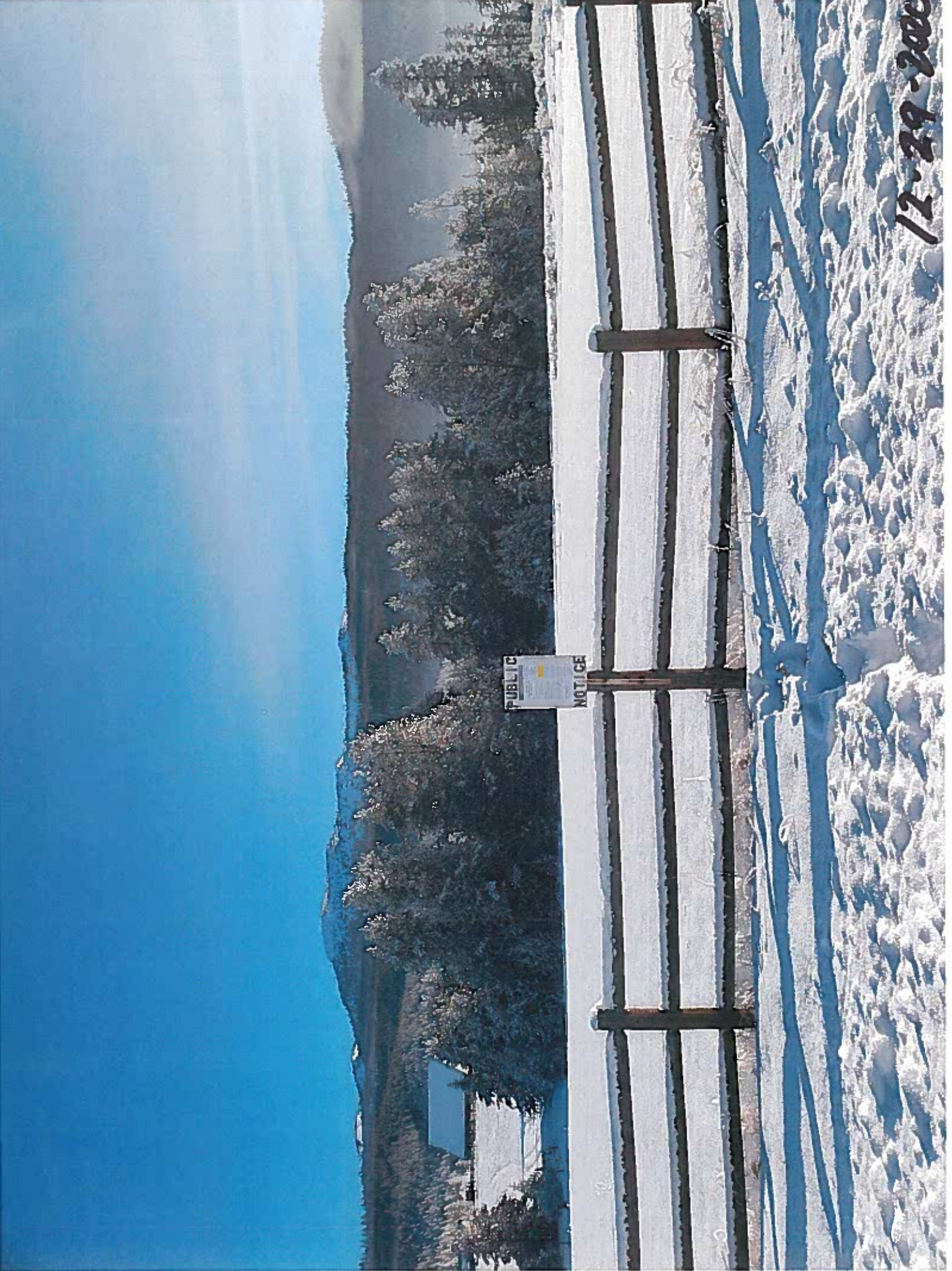


UNPLATTED

UNPLATTED

ATTED

12-29-2008



PUBLIC NOTICE



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # VAC 20-03

Conditional Use # _____

Preliminary / Final / Short Plat Vacation of Utility & Drainage Easement
Lot 8 & 9 Ashton Ridge Ranch Sub #2

- 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 community water well
 - interim sewage central water
 - individual sewage individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage community sewage system community water
 - sewage dry lines central 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 child care center
 - beverage establishment grocery store

14. Approved drainfield locations are located in the SW corner of each of these lots adjacent to Sweet Iron Ct. Access to these lots must not impact the approved drainfield locations. Reviewed By: [Signature]
Date: 12/17/20



December 8, 2020

Sent via email to bob@grunskyins.com

Re: Relinquishment of an ingress/egress utility easement / Lots 5 & 6 Ashton Ridge Subdivision / Lots 8 & 9, Ashton Ridge Subdivision Phase II / Valley County, Idaho

Dear Bob:

This is in response to the relinquishment application received by Idaho Power Company on November 19, 2020, regarding the possible partial relinquishment of an easement located in the above noted subdivisions. The attached map (Exhibit A) more specifically identifies the "easement area" requested for relinquishment highlighted in yellow.

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 easement area identified on the attached map while not restricting the 12' public utility easement that lies adjacent to Ashton Ridge Place Rd. described in note number one on the Ashton Ridge Ranch Subdivision Plat.

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 black ink 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



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 N Orchard Street, Boise, ID 83706
(208) 373-0550

Brad Little, Governor
Jess Byrne, Director

December 24, 2020

By e-mail: cherrick@co.valley.id.us

Cynda Herrick
Valley County Planning & Zoning Commission
PO Box 1350
Cascade, Idaho 83611

Subject: Vacation of Utility and Drainage Easements, VAC 20-03

Dear Ms. Herrick:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: deq.idaho.gov/water-quality/drinking-water.aspx). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

- Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2020AEK293

4. SURFACE WATER

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

From: Garrett de Jong <garrett@mccallfire.com>
Sent: Thursday, December 31, 2020 7:57 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: CUP 15-17 & VAC 20-03

Hi Cynda,

I do not have any comments regarding CUP 15-17, or VAC 20-03.

Happy New Year!

Garrett

Garrett de Jong
Fire Chief
McCall Fire & EMS
201 Deinhard Lane
McCall, ID 83638
www.mccallfire.com
PH: 208.634.7070
FAX: 208.634.5360

