



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 20-04
Vacation of Utility Easement

HEARING DATE: February 11, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Robert Workman
10154 Arnold RD
Boise, ID 83714
LOCATION: Easement between 12868 Syringa Road and 152 Camas Lane
Wagon Wheel Ranch #4, Lot 74 and Lot 75, Block C, located in
SW ¼ Section 27, T.16N, R.3E, Boise Meridian, Valley County,
Idaho.
REQUEST: Vacate Platted Utility Easement
EXISTING LAND USE: Single-family Residential

BACKGROUND:

Robert Workman is requesting a vacation of a 10-foot-wide utility easement that is centered on the lot line between Lot 74 and Lot 75, Block C, of Wagon Wheel Ranch #4, which was recorded on May 13, 1974, at Book 5, Page 9.

The applicant owns both lots. Removal of the easement would allow the applicant to build an addition to a home over the existing easement area. Building over the lot line would permanently encumber both lots unless the setbacks could be met for a 20,000 sq. ft. split.

The lots front on Syringa Road and Camas Lane.

FINDINGS:

1. The application was submitted on December 28, 2020.

2. Legal notice was posted in the *Star News* on January 21, and January 28, 2021. Potentially affected agencies were notified on January 12, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent via certified mail on January 15, 2021. The site was posted on February 1, 2021. The notice was posted online at www.co.valley.id.us/public-hearing-information on January 12, 2021.

3. Agency comment received:

Idaho Power agrees to relinquish their interest in the public utility easement between the lots so long as they retain the easement inside the front and rear lot lines. (Nov. 11, 2020)

Central District Health has no objection. (Jan. 13, 2021)

Donnelly Rural Fire Protection District has no comments or concerns. (Jan. 17, 2021)

Casey Pozzanghera, Idaho Department of Fish and Game Staff Biologist, stated that IDFG has no comments. (Jan. 12, 2021)

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:

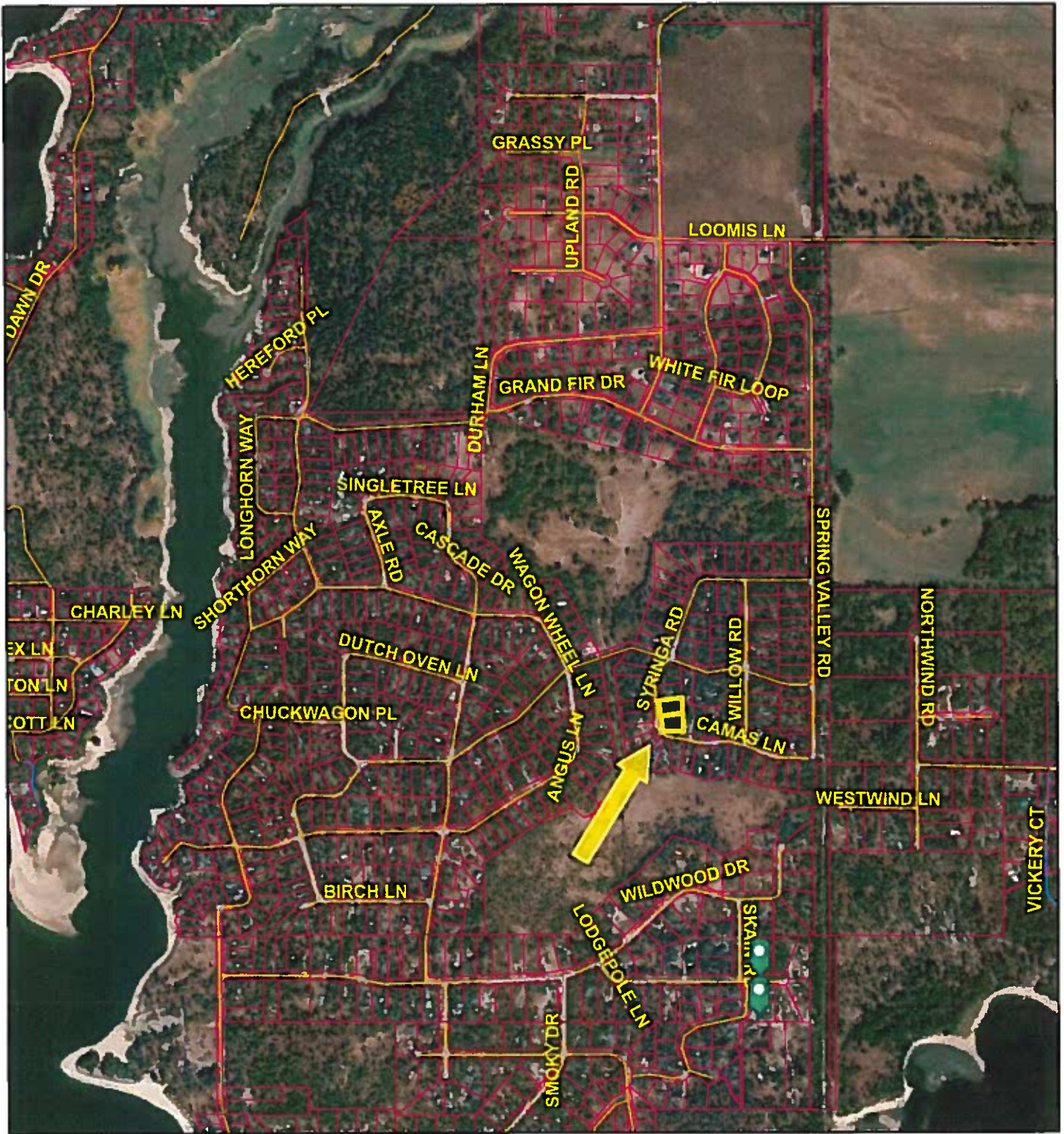
- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.
- We need written approval from Idaho Power and proof of notice to Frontier/Zipley/Cable.

ATTACHMENTS:

- Vicinity Map
- Aerial photo
- Assessor's Plat Wagon Wheel Ranch #4
- Pictures taken February 1, 2021
- Responses

END STAFF REPORT

VAC 20-04 at 12868 Syringa Road



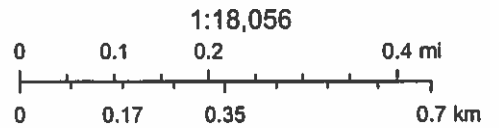
12/30/2020, 1:46:39 PM

Parcel Boundaries Roads

All Road Labels

URBAN/RURAL

PRIVATE



VAC 20-04 at 12868 Syringa Road



12/30/2020, 1:42:50 PM

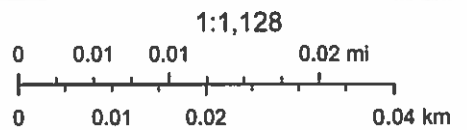
 Parcel Boundaries

All Road Labels

 Addresses

Roads

 URBAN/RURAL





Feb. 1, 2021

November 11, 2020

Sent via email to framing-4u@qwestoffice.net

Robert Workman
10154 Arnold Rd.
Boise, ID 83714

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 74 & 75, Block C, Wagon Wheel Ranch No. 4 Subdivision in Valley County, Idaho.

Dear Robert:

This is in response to the relinquishment application received by Idaho Power Company on October 20, 2020, regarding the possible partial relinquishment of the above noted PUE. The attached map more specifically identifies 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 inside the front and rear lot lines of lot 74 & 75, Block C, Wagon Wheel Ranch No. 4 Subdivision.

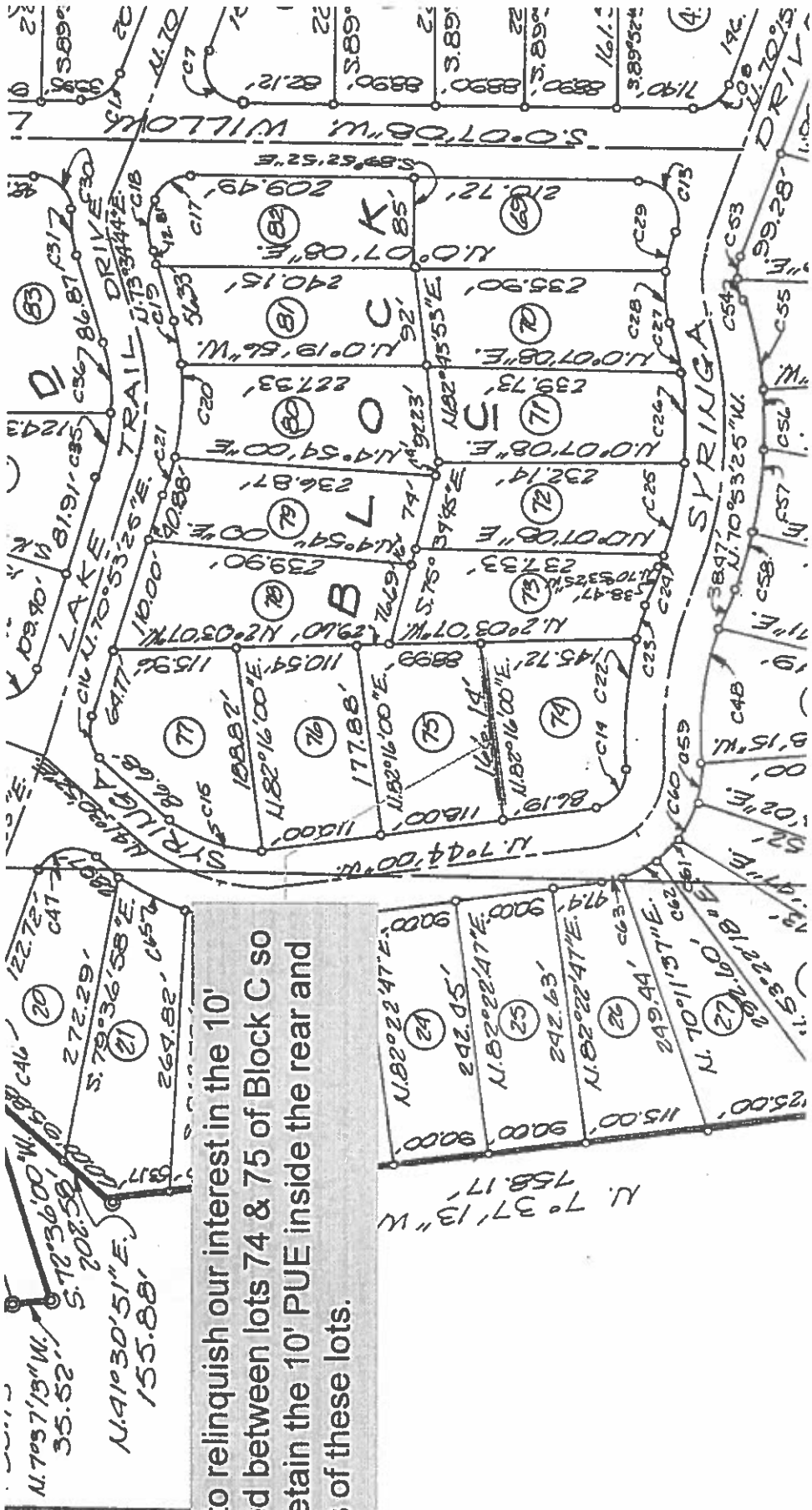
Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

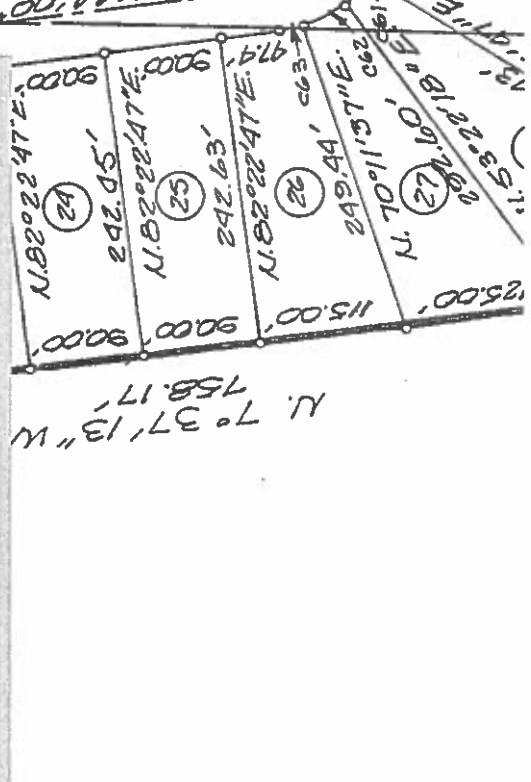
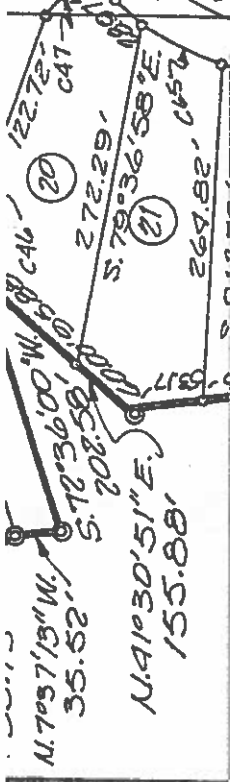


Krista Englund
Assoc. Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2245
kenglund@idahopower.com



agrees to relinquish our interest in the 10' centered between lots 74 & 75 of Block C so as we retain the 10' PUE inside the rear and of lines of these lots.





Valley County Transmittal
Division of Community and Environmental Health

Return to:

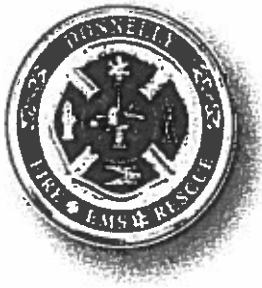
- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # VAC 20-04
 Conditional Use # _____
 Preliminary / Final / Short Plat _____

Lots 74 & 75 Block C Wagonwheel Ranch #4
12868 Syrener Rd & 152 Camas Lane

- 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: 1/13/21



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

January 17, 2021

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: Vac 20-04

After review, the Donnelly Rural Fire Protection District has no comments or concerns on this matter.

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal

Donnelly Fire Department

From: Pozzanghera, Casey <casey.pozzanghera@idfg.idaho.gov>
Sent: Tuesday, January 12, 2021 11:11 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: FW: Agency Notice for Feb. 2021

Hi Cynda,

IDFG does not have any comments regarding the attached notices, and does not intend to participate in the public hearing. Thank you for the opportunity to review.

Casey

Casey Pozzanghera
Staff Biologist, Southwest Region
Idaho Department of Fish and Game
15950 N Gate Blvd
Nampa, ID 83687
(208) 854-8947



<https://idfg.idaho.gov>

From: Lori Hunter <lhunter@co.valley.id.us>
Sent: Tuesday, January 12, 2021 11:04 AM
To: Pozzanghera, Casey <casey.pozzanghera@idfg.idaho.gov>; ITD Development Services <d3development.services@itd.idaho.gov>; Durena Farr <durena.farr@id.nacdnet.net>; Patti Bolen <pbolen@co.valley.id.us>; Mike Reno @ CDH <mreno@cdh.idaho.gov>; Suzanne @ CDH <smack@cdh.idaho.gov>; Tom White @ CDH <twhite@cdh.idaho.gov>
Subject: Agency Notice for Feb. 2021

Please read, distribute, and comment on the attached public hearing notices. Relevant maps, site plans, etc., will also be attached. More information, including applications and staff reports, will be available at www.co.valley.id.us/public-hearing-information/

Send comments to: cherrick@co.valley.id.us

Lori Hunter, P&Z Technician
Valley County Planning & Zoning Dept.
Phone: 208-382-7115
Fax: 208-382-7119
lhunter@co.valley.id.us

The smallest good deed is greater than the grandest intention.

Visit the P&Z GIS map at www.co.valley.id.us/departments/information-technology/gis-maps/