



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

PO Box 1350  
219 North Main Street  
Cascade, Idaho 83611

Planning & Zoning Administrator  
Floodplain Coordinator

Phone: 208.382.7115  
Fax: 208.382.7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)  
Web: [www.co.valley.id.us](http://www.co.valley.id.us)

**STAFF REPORT**  
Vacation Application 21-01  
Vacation of Utility and Drainage Easements

**HEARING DATE:** April 8, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Steve and Merrie Chapman  
1935 E Lockmeadow ST  
Meridian ID 83646  
**LOCATION:** 57 and 59 E Prospector Drive, Gold Dust Ranch No. 2, Lots 244  
and 245 in the SW 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:**

Steve and Merrie Chapman are requesting a vacation of 10-foot-wide utility and drainage easements that are centered on the lot lines between Lot 244 and 245 of Gold Dust Ranch No. 2. The applicants own both lots. Removal of the easements would allow them to build over the lot line and give them more flexibility in the location of their future home, well, and septic system.

Gold Fork Ranch No. 2 Lot 244 contains 0.852 acres and Lot 245 contains 0.863 acres. The lots are addressed at 57 and 59 E Prospector Drive.

Access would be from a driveway from East Prospector Drive.

**FINDINGS:**

1. The application was submitted on February 19, 2021.
2. Legal notice was posted in the *Star News* on March 18 and 25, 2021. Potentially affected agencies were notified on March 9, 2021. Neighbors within 300 feet of the property lines

were notified by fact sheet sent March 12, 2021. The site was posted on March 30, 2021. The application and notice were posted on the Valley County website "Public Hearing Information" on March 9, 2021.

3. Agency comment received:

Central District Health has no objection. (March 9, 2021)

Idaho Power's review sent to the applicants indicated that there are no facilities within the easement area. Idaho Power agrees to relinquish their interest in the easement centered on the interior lot line so long as they retain the easement adjacent to E Prospectors Drive. (March 3, 2021) The same information was sent directly to Valley County in a letter dated March 28, 2021.

4. Neighbor comment received:

Jerry Davis, owner of 53 E Prospectors Drive, said that his property naturally slopes toward 57 E Prospector Drive which may affect the applicant's building plans. (March 16, 2021)

Patricia Stewart is the owner of Gold Dust 2, Lot 230 which is located on the west side of the application site. She wants assurance that the proposed vacation would not negatively affect her lot. (Mar. 25, 2021)

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:**

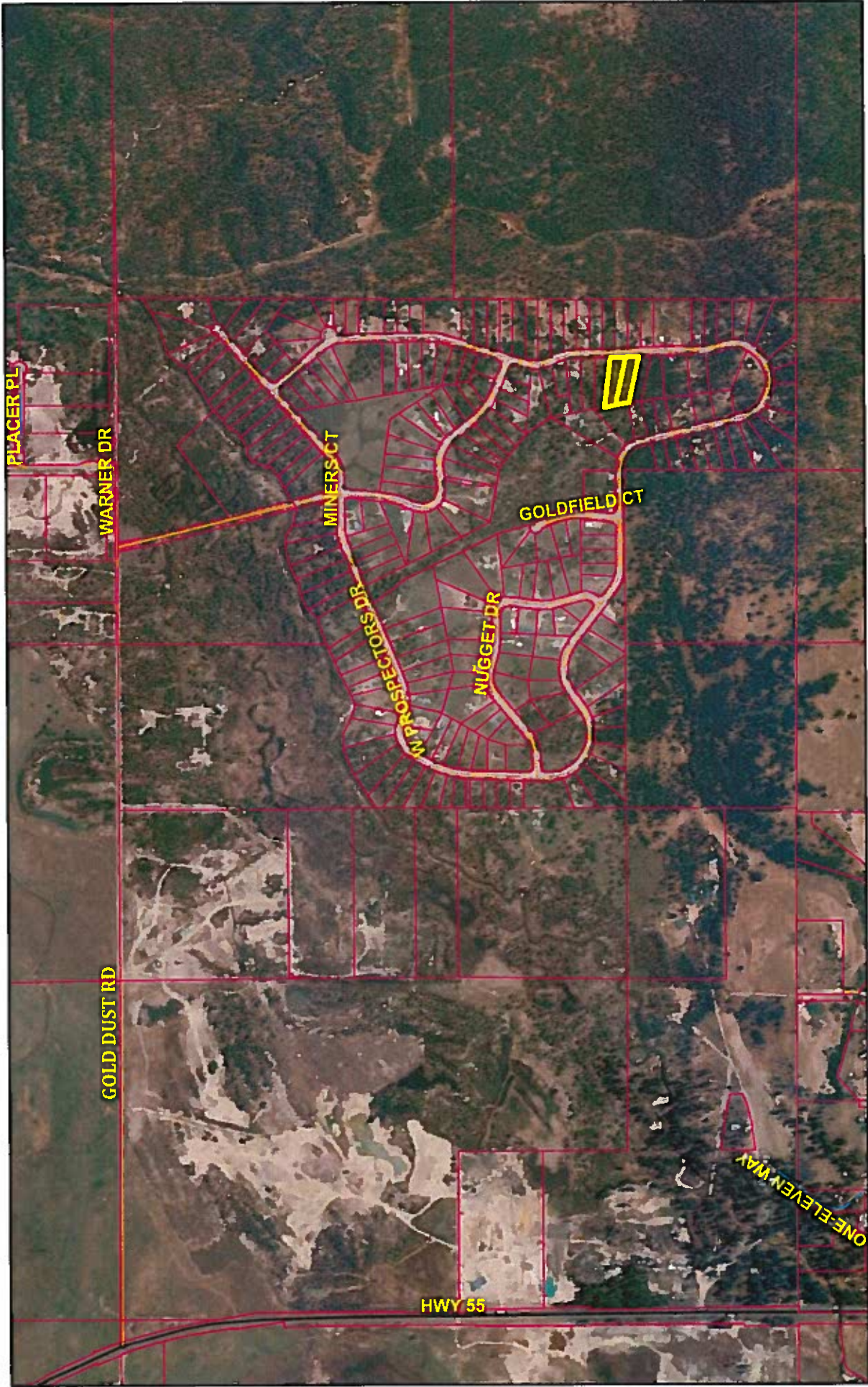
- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

**ATTACHMENTS:**

- Vicinity Map
- Aerial Map
- Assessor's Plat T.13N R.4E Section 10
- Portion of Gold Dust Ranch No. 2 plat with lots highlighted
- Pictures taken March 30, 2021
- Responses

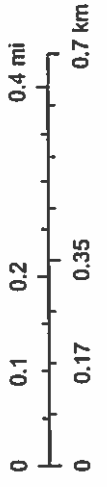
**END STAFF REPORT**

# VAC 21-01 Vicinity Map



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1:18,056

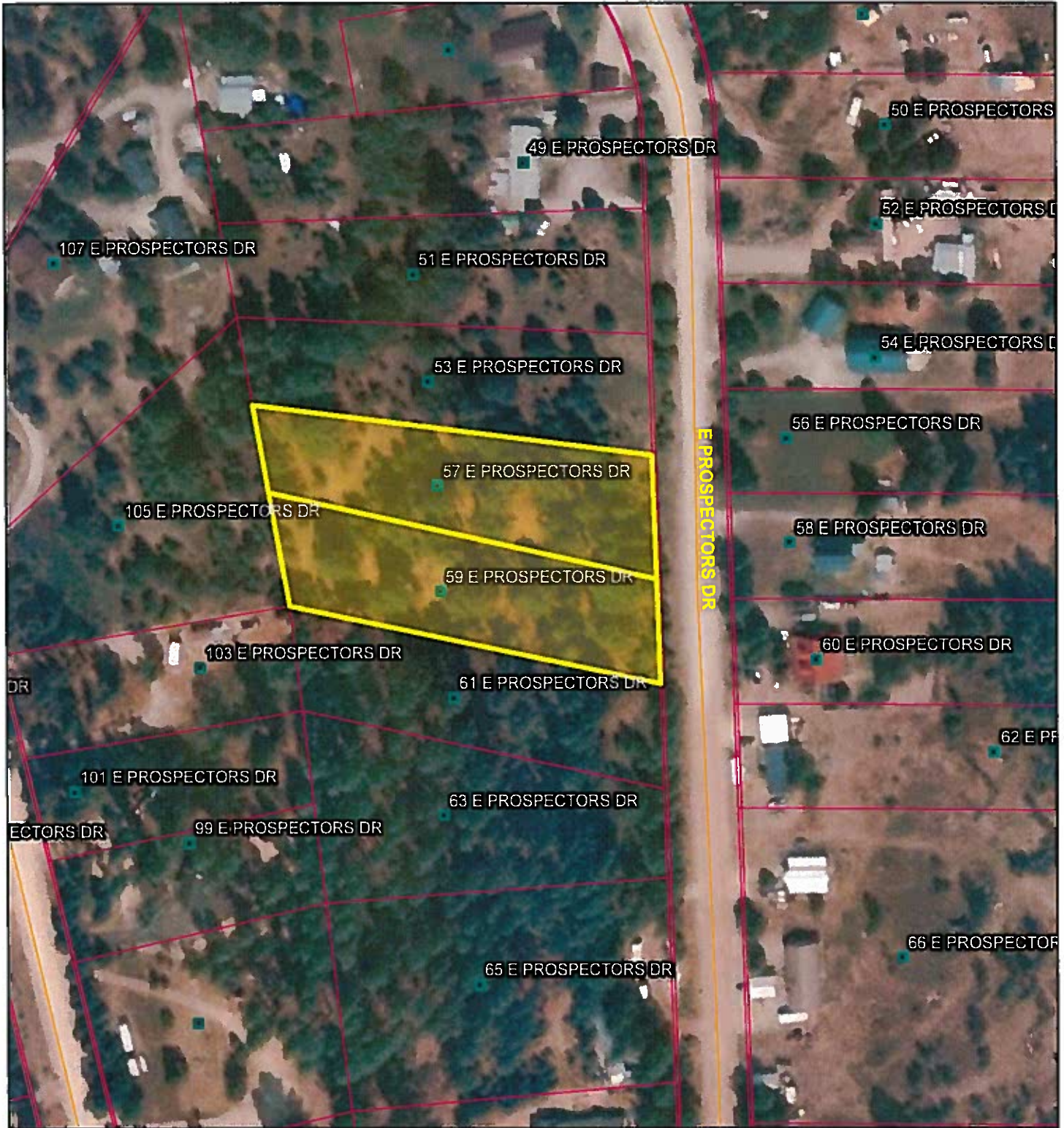


- Parcel Boundaries
- Other Parcels
- All Road Labels
- Roads
- URBAN/RURAL
- PRIVATE
- MAJOR

USDA FSA, GeoEye, Maxar



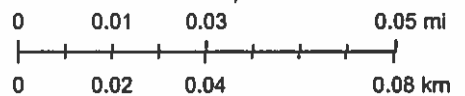
# VAC 21-01



3/2/2021, 12:22:33 PM

1:2,257

- Parcel Boundaries
- Other Parcels
- Addresses
- All Road Labels
- Roads
- URBAN/RURAL



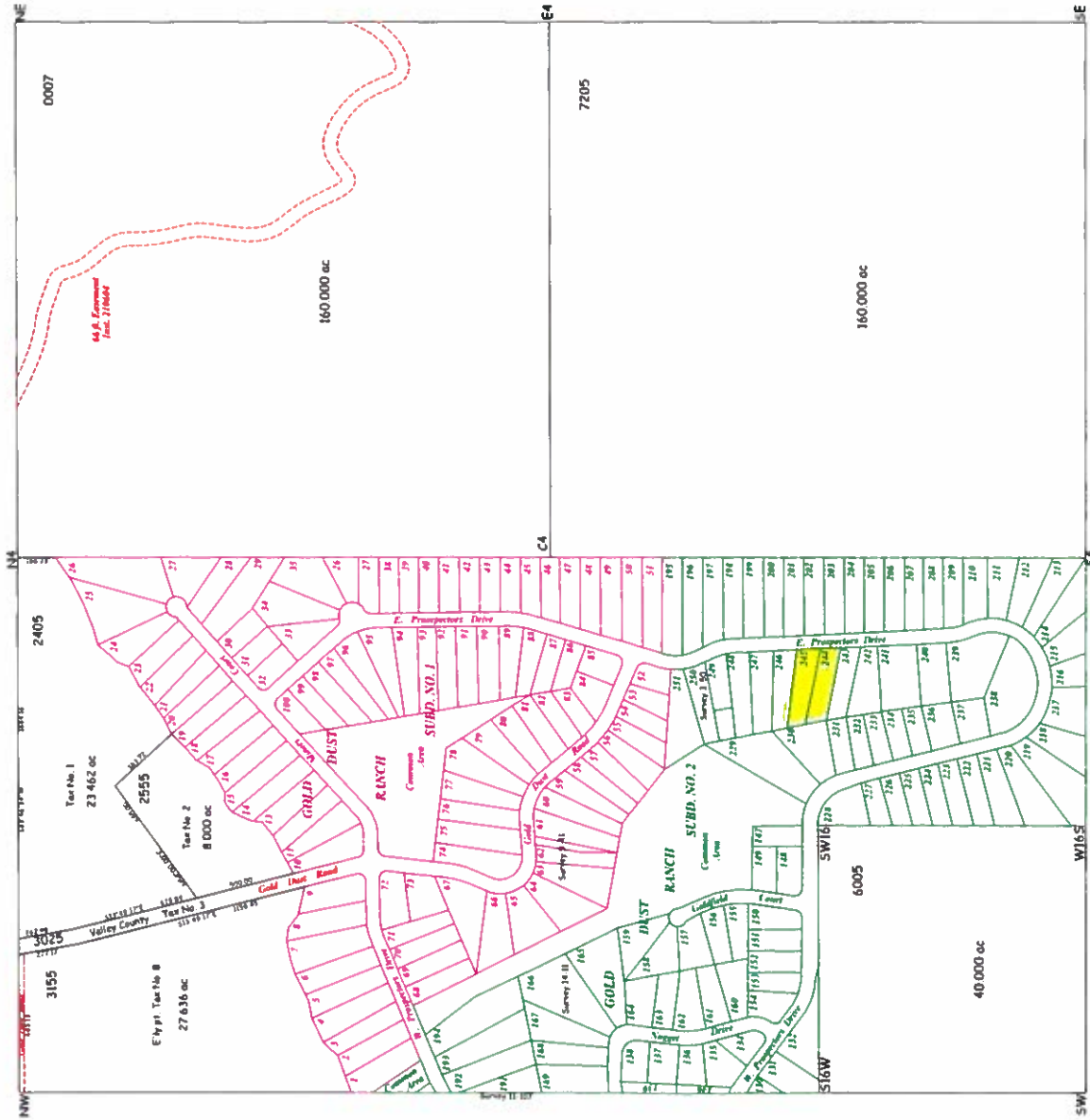
GeoEye, Maxar, Microsoft

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 Base Map  
Scale: 1" = 400 ft.  
Date: 2/25/2020  
Drawn by: L. Frelenck





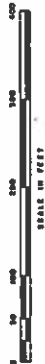
# RP 0 0104

84-4 89-1 104-1 104-2 104-3 104-4 104-5 104-6 104-7 104-8 104-9 104-10 104-11 104-12 104-13 104-14 104-15 104-16 104-17 104-18 104-19 104-20 104-21 104-22 104-23 104-24 104-25 104-26 104-27 104-28 104-29 104-30 104-31 104-32 104-33 104-34 104-35 104-36 104-37 104-38 104-39 104-40 104-41 104-42 104-43 104-44 104-45 104-46 104-47 104-48 104-49 104-50 104-51 104-52 104-53 104-54 104-55 104-56 104-57 104-58 104-59 104-60 104-61 104-62 104-63 104-64 104-65 104-66 104-67 104-68 104-69 104-70 104-71 104-72 104-73 104-74 104-75 104-76 104-77 104-78 104-79 104-80 104-81 104-82 104-83 104-84 104-85 104-86 104-87 104-88 104-89 104-90 104-91 104-92 104-93 104-94 104-95 104-96 104-97 104-98 104-99 104-100

## GOLD DUST RANCH NO. 2

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

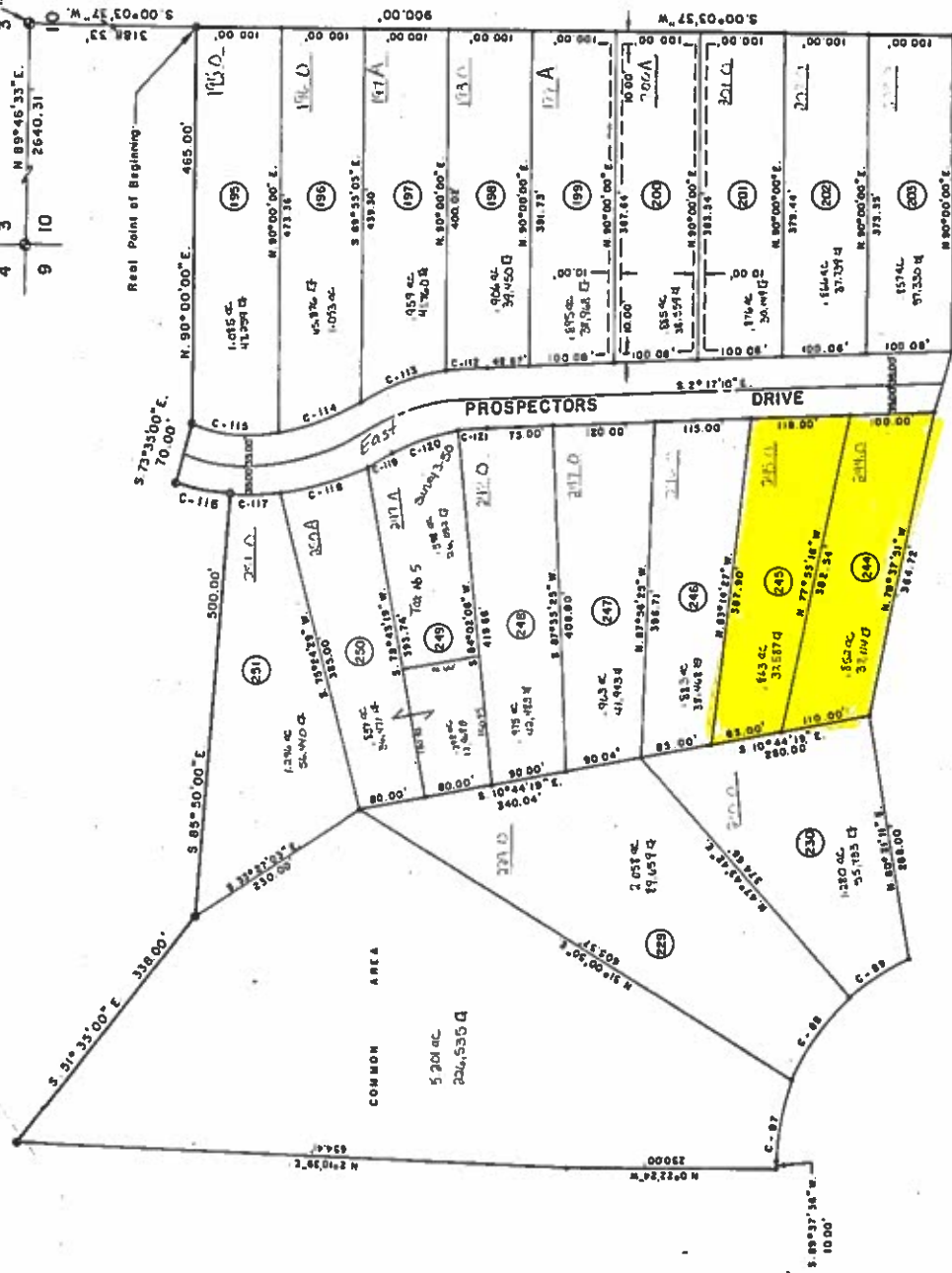
SMITH & MONROE ENGINEERS, INC.



1/4 Corner

Plats are subject to Review by  
County Assessor's Commission  
Minutes 8/5/87, 8/10/87

Open Limit on all Roads - 35 feet  
Commissioner Minutes 8/4/87, 8/10/87, 8/17/87

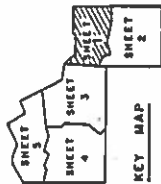


### LEGEND

- 3/8" x 30" Steel Pio at Angle Points on Boundary.
- 1/2" x 24" Steel Pio at Lot Corners.
- ⑩ Lot Number.

10' Utility & Drains Easements  
10' Inside All Lot Lines Along Roads, Subdivisions  
10' Outside All Lot Lines Along Roads, Subdivisions  
10' Contained in All Interior Lot Lines.

• Street Cap



| CURVE | R       | A          | L       | CH. BRG. |
|-------|---------|------------|---------|----------|
| C-87  | 253.00' | 217°10'45" | 93.00'  | 84.45'   |
| C-88  | 253.00' | 217°37'48" | 120.00' | 118.80'  |
| C-89  | 253.00' | 174°05'35" | 85.00'  | 84.81'   |
| C-102 | 370.00' | 6°16'28"   | 31.80'  | 31.71'   |
| C-103 | 370.00' | 6°25'14"   | 108.31' | 107.94'  |
| C-104 | 370.00' | 34°15'58"  | 103.00' | 103.00'  |
| C-105 | 370.00' | 3°09'27"   | 101.04' | 100.36'  |
| C-106 | 370.00' | 51°50'05"  | 54.00'  | 65.98'   |
| C-107 | 370.00' | 109°51'45" | 51.87'  | 51.94'   |
| C-108 | 370.00' | 109°51'45" | 110.00' | 109.44'  |
| C-109 | 370.00' | 172°27'17" | 30.00'  | 29.97'   |
| C-110 | 370.00' | 172°27'17" | 63.80'  | 63.80'   |
| C-111 | 370.00' | 8°13'10"   | 60.14'  | 60.10'   |





03/30/2021



03/30/2021





March 3, 2021

*Sent via email to [m\\_chapman08@yahoo.com](mailto:m_chapman08@yahoo.com)*

Steve & Merrie Chapman  
1935 E. Lochmeadow St.  
Meridian, ID 83646

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 244 and 245, Gold Dust Ranch No. 2 Subdivision in Valley County, Idaho.

Dear Steve & Merrie:

This is in response to the relinquishment application received by Idaho Power Company on February 25, 2021, 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 10' PUE centered on the interior lot line of lots 244 & 245 of the Gold Dust Ranch No. 2 Subdivision so long as we retain the 10' PUE that runs adjacent to East Prospectors Drive as shown on the attached document.

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)

# GOLD DUST RANCH NO.2

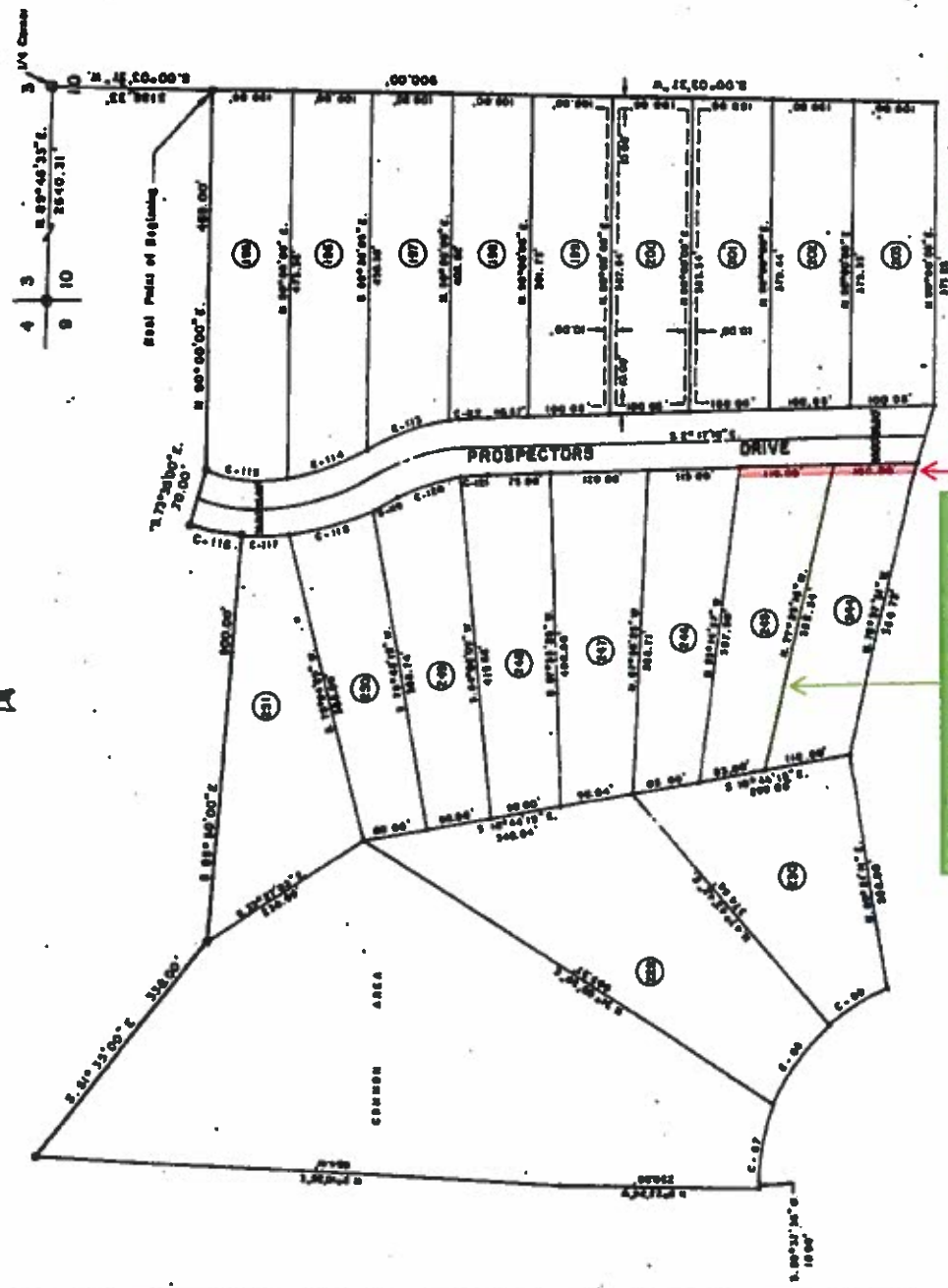
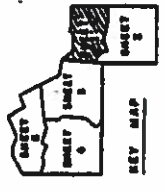
Sanitary Restriction Under Title So  
Removed By Instrument No. SL273

A SUBDIVISION IN  
A PORTION OF SECTIONS 9 & 10, T.15N., R.4E., S.1M.,  
VALLEY COUNTY, IDAHO  
SMITH & MONROE ENGINEERS, INC.



### LEGEND

- 1/4" x 1/8" Steel Pin at Bench Points on Contour.
- 1/4" x 1/8" Steel Pin at Lot Corners.
- (17) Lot Number.
- Utility & Exchange Connections.
- Utility on Lot Lines Along Paved, Unpaved, or Gravelled Streets, Any Boundary or Right-of-Way of All Incorporated Cities.
- Green Oak



Idaho Power agrees to relinquish interest in the 10' PUE centered between lot 244 & 245

IPC to retain 10' PUE that runs along Prospector's Drive

| Cont'd | B      | A      | L      | Dist. (ft.) | Dist. (ft.) |
|--------|--------|--------|--------|-------------|-------------|
| 5-10   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-11   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-12   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-13   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-14   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-15   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-16   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-17   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-18   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-19   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-20   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-21   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-22   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-23   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-24   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-25   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-26   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-27   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-28   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-29   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |
| 5-30   | 120.00 | 120.00 | 100.00 | 120.00      | 120.00      |





March 28, 2021

*Sent via email to [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)*

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 244 and 245, Gold Dust Ranch No. 2 Subdivision in Valley County, Idaho.

Dear Commissioners:

This is in response to a notice received by Idaho Power Company on March 12, 2021, regarding the possible partial relinquishment of PUE located within the above noted lots. The attached exhibit 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 Easement Area. As such, Idaho Power agrees to relinquish our interest in the 10' PUE centered on the interior lot line of lots 244 & 245 of the Gold Dust Ranch No. 2 Subdivision so long as we retain the 10' PUE that runs adjacent to East Prospectors Drive as shown on the attached document.

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

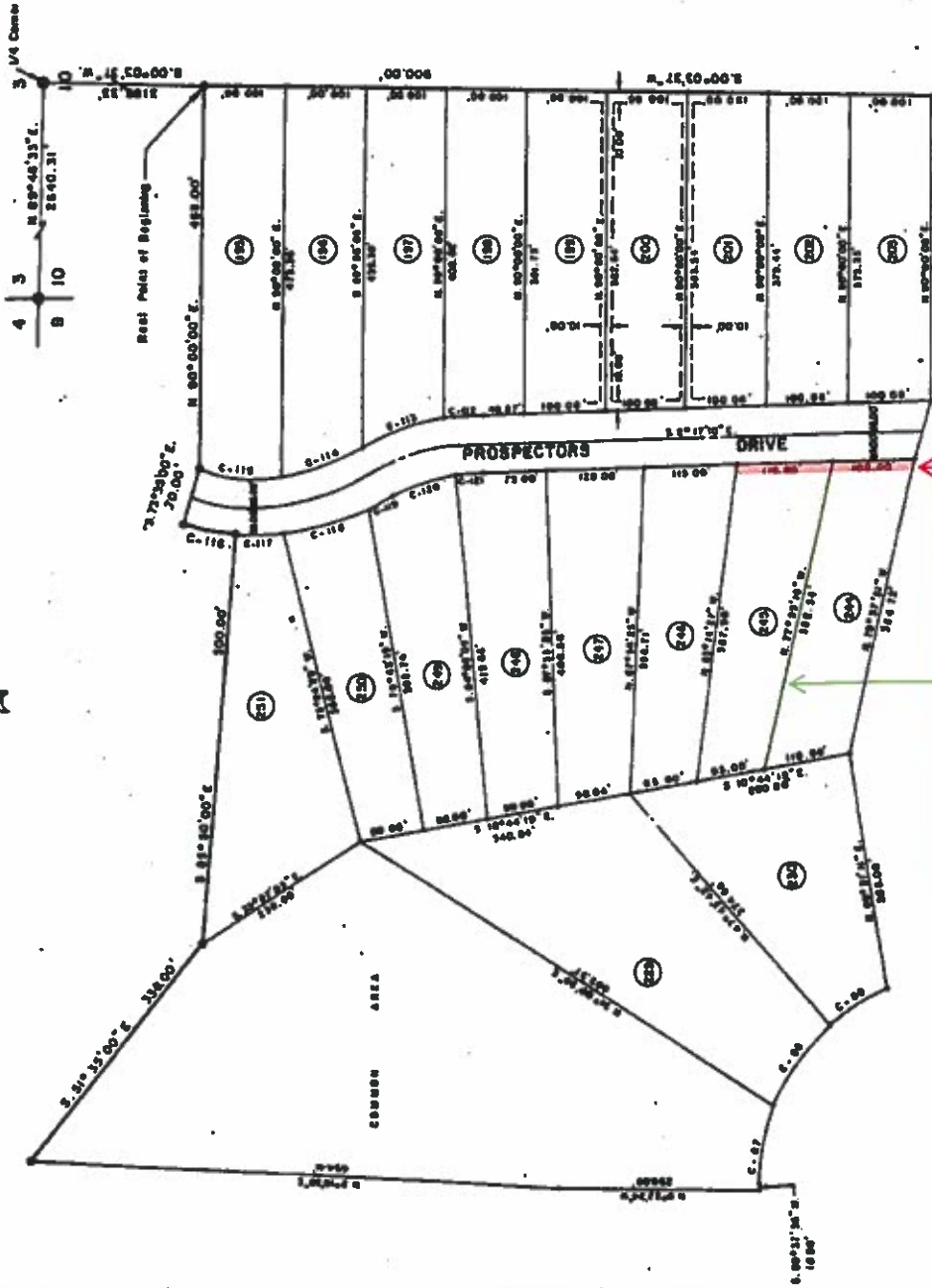
208-388-2245  
[kenglund@idahopower.com](mailto:kenglund@idahopower.com)

# GOLD DUST RANCH NO.2

Sanitary Restriction Under Title So  
Removed By Instrument No. 56273

A SUBDIVISION IN  
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., S.1M.  
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.



### LEGEND

- 5/8" x 30" Steel Pin at Angle Points on Boundary.
- 1/2" x 30" Steel Pin at Lot Corners.
- ⊙ Lot Markers.
- ⊙ Utility & Easement Encumbrances.
- ⊙ Right of Way Lines, Alameda County, Subdivisions of Nevada and Blaine, Idaho.
- ⊙ Corner of All Surveyed Lot Lines.
- ⊙ Drain Cuts



PC to retain 10' PUE, that runs along Prospectors Drive

Idaho Power agrees to relinquish interest in the 10' PUE centered between lot 244 & 245





Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone # \_\_\_\_\_

Conditional Use # VAC 21-01

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

57859 E Prospector Drive  
Lots 244 & 245 GOLD DUST Ranch #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
  - 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: 

Date: 3.19.21

3-16-21

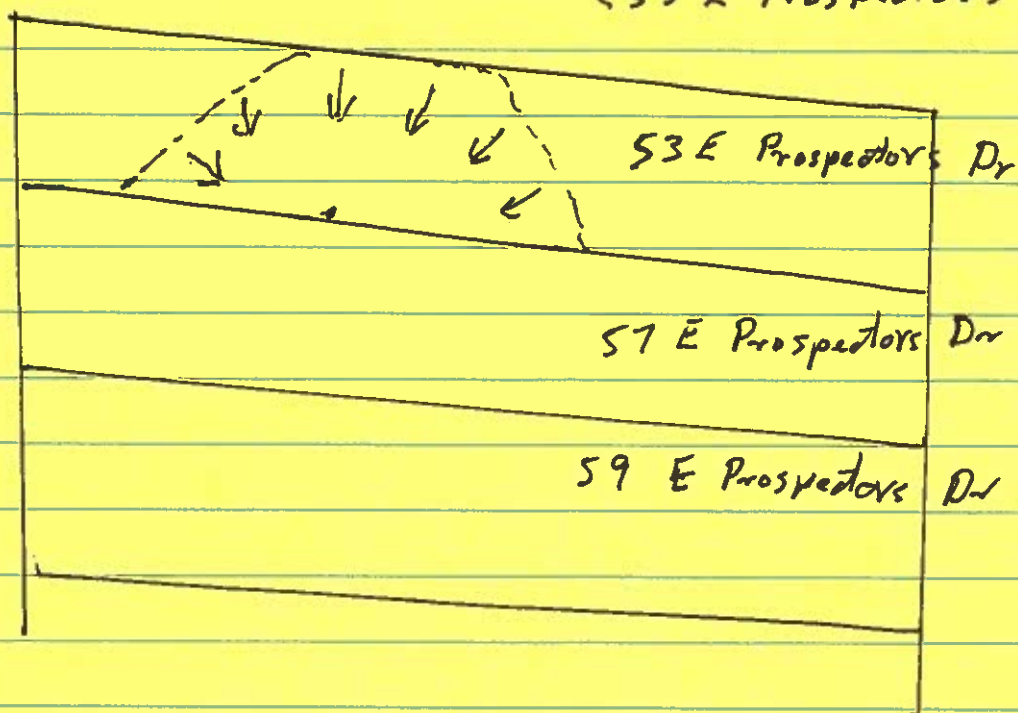
To Valley Co. P&Z commission,

Regarding Vac 21-01 hearing of 4-8-21  
I have been advised to make you aware  
That our property at 53 East Prospectors Dr.  
has  $\frac{1}{4}$  acre that naturally slopes  
to 57 E. Prospectors Dr. This area has  
about 10 feet of fall towards the Chapman  
Property. (see diagram)

This may not be a concern to  
the Chapmans building plans, but  
Thank you for your consideration.

208-850-8740

Jerry D Davis  
5 N Queen Anne Ct  
Nampa, Idaho 83687  
(53 E Prospectors Dr)





**From:** Pat Stewart <hydrochic@hotmail.com>  
**Sent:** Thursday, March 25, 2021 7:46 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** P&Z Hearing April 8, 2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for providing the public hearing agenda. I own lot 230 in Gold Dust 2 which is located on the back side of lots 244 and 245. Since the utility and drainage easements are being addressed, I would like to share one thought. If and when vacation of those easements take place, it would be assuring to know that any changes would not negatively affect lot 230. The only thing I feel might affect it is if drainage is directed to the west for whatever reason. I can't imagine any reason that would happen, but felt I should mention it to you. Please keep me up to date on any future issues should they come up. Thanks again,  
Patricia Stewart