



Cynda Herrick, AICP, CFM
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IDAHO

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STAFF REPORT
Vacation Application 21-02
Vacation of Drainage Easement
In Westwoods Subdivision No. 2

HEARING DATE: May 13, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Gail Starkey, Cody Lindley, & Lisa Lindley
5650 Tignes AVE
Meridian ID 83646
LOCATION: 2509 Westwood Drive
Westwoods Subdivision No. 2, Lots 2 & 6, Blk 4
West ½ Sec. 18, T.16N R.3E, Boise Meridian,
Valley County, Idaho.
REQUEST: Vacate Platted Drainage Easements
EXISTING LAND USE: Bare Land

BACKGROUND:

Gail Starkey, Cody Lindley, and Lisa Lindley are requesting a vacation of a 12-foot-wide drainage easement that is centered on the lot line between Lot 2 and 6, Block 4, of Westwoods Subdivision No. 2.

The applicants own both lots. Removal of the easement would allow them to build over the lot line and setback area and give them more flexibility in the location of their future garage. Removal of the easement will allow them to retain more existing trees on the property.

Lot 2, Block 4 contains 0.49 acres and Lot 6, Block 4 contains 0.47 acres.

Access would be from a driveway off Westwood Drive.

Westwoods Subdivision No. 2 was recorded at Book 12, Page 53, on November 14, 2011. Note #6 on the plat states: "All Lots shall have a (6) foot wide easement adjacent to each side and rear

lot lines for the purpose of transporting property drainage.”

FINDINGS:

1. The application was submitted on April 7, 2021.
2. Legal notice was posted in the *Star News* on April 22, 2021 and April 29, 2021. Potentially affected agencies were notified on April 13, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent April 13, 2021. The site was posted on May 4, 2021. The application and notice were posted on the Valley County website “Public Hearing Information” on April 13, 2021.

3. Agency comment received:

Central District Health has no objections to this proposal. (April 19, 2021)

Donnelly Rural Fire Protection District has no comments or concerns. (April 29, 2021)

4. Neighbor/Public 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:

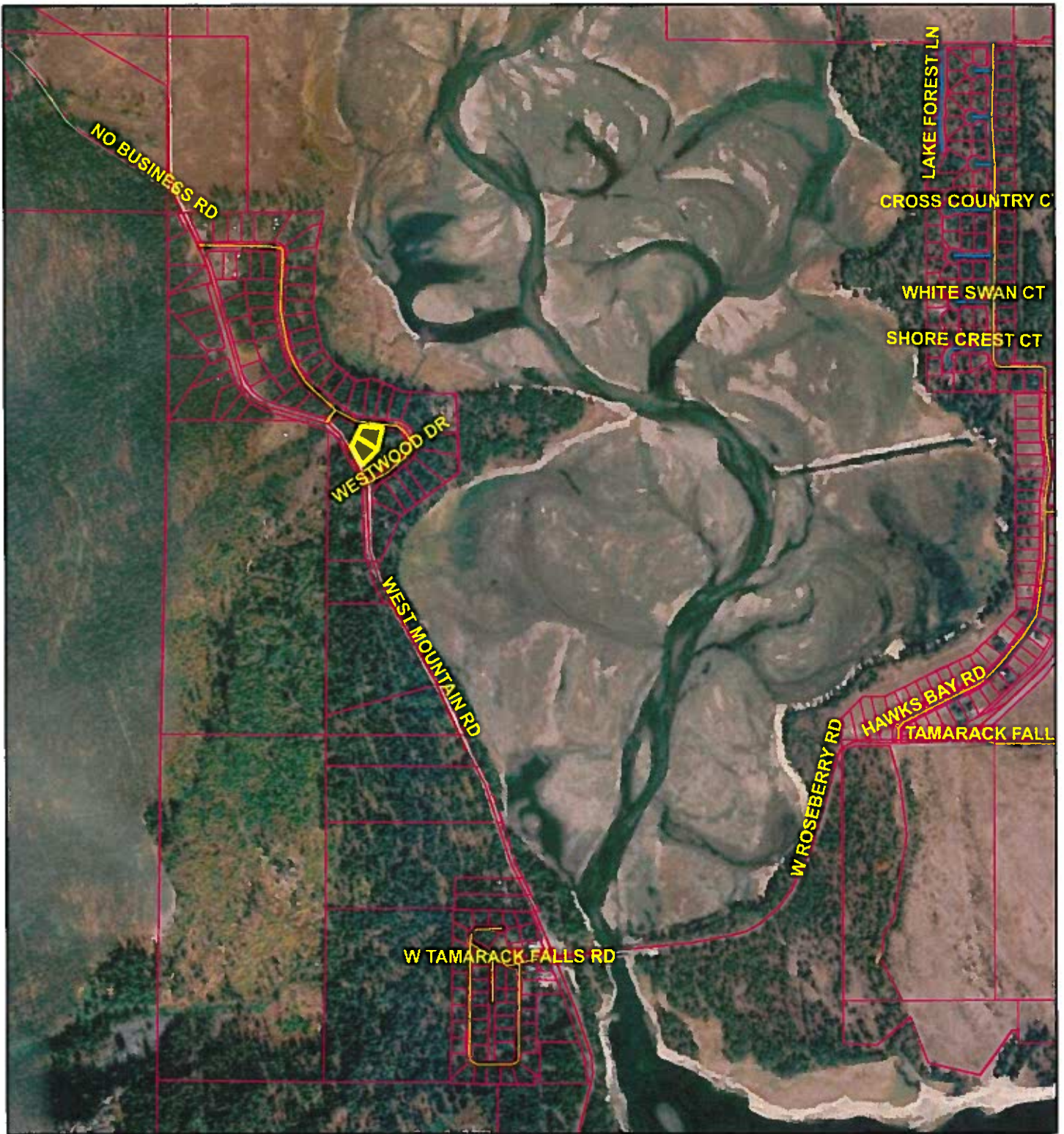
- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

ATTACHMENTS:

- Vicinity Map
- Aerial Map
- Westwood Subdivision No. 2 with Lot Line Highlighted
- Pictures taken May 4, 2021
- Responses

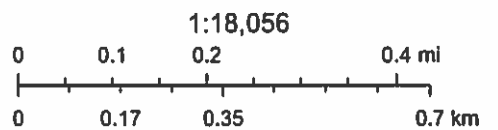
END STAFF REPORT

VAC 21-02 at 2509 Westwood Drive



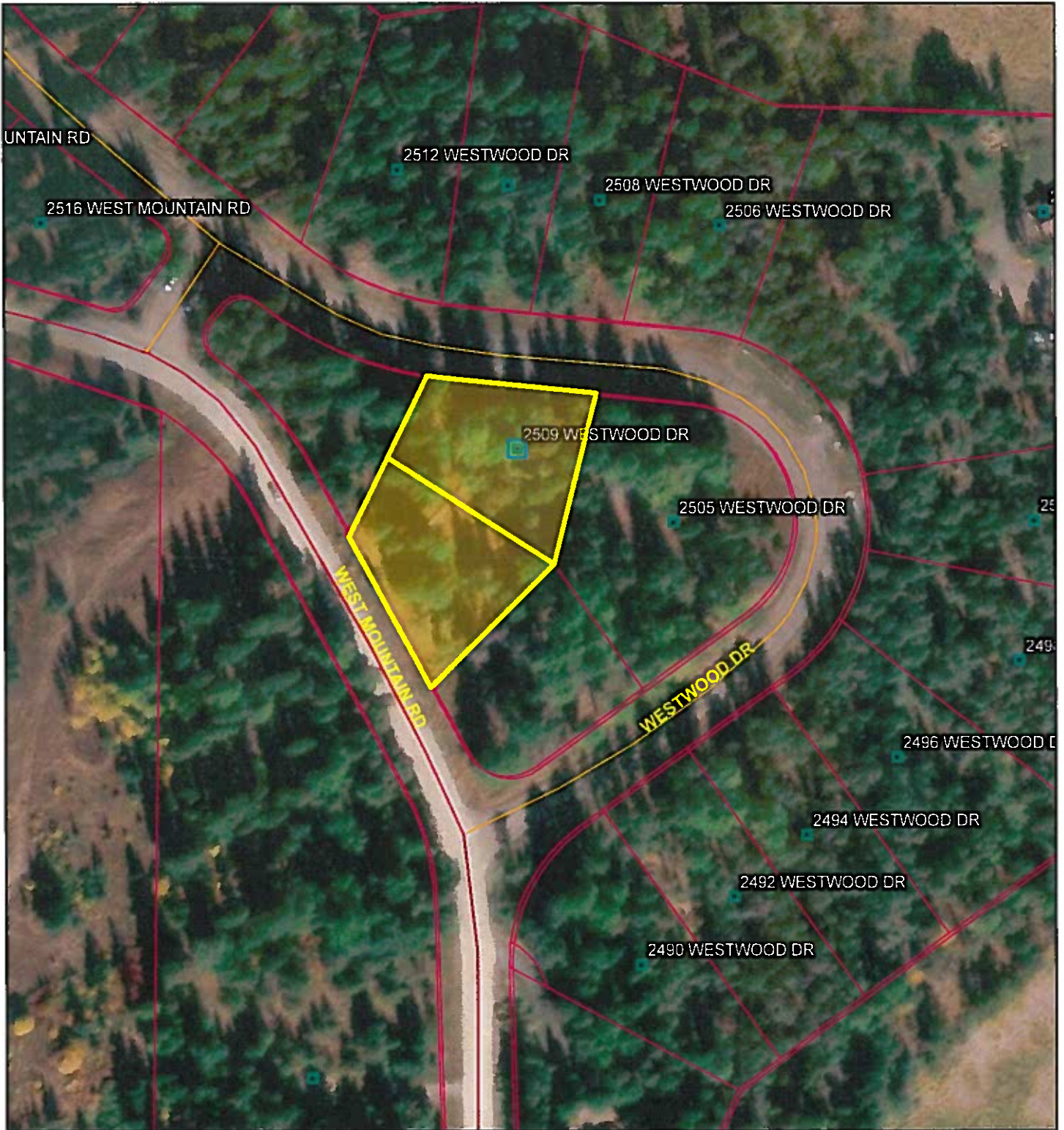
4/13/2021, 9:50:23 AM

- Parcel Boundaries
- URBAN/RURAL
- All Road Labels
- USFS
- Roads
- PRIVATE
- COLLECTOR



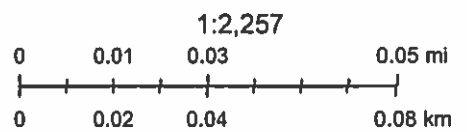
Maxar

VAC 21-02 at 2509 Westwood Drive



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



Maxar, Microsoft

PLAT SHOWING
THE WESTWOODS SUBDIVISION NO. 2
 IN THE W. 1/2 OF SECTION 18, T.16N., R.3E., B.M.
 VALLEY COUNTY, IDAHO
 2011



NUMBER	DELTA ANGLE	CURVED DIMENSION	LENGTH	RADIUS	ARC CHORD
C1	121.700°	S 107.031° E	87.41	435.00	133.78
C2	37.050°	S 14.970° E	64.25	250.00	118.25
C3	28.443°	S 43.172° E	38.06	237.45	63.26
C4	93.025°	S 08.917° E	78.37	25.00	40.60
C5	90.000°	S 8.910° W	25.00	25.00	39.27
C6	107.143°	N 09.971° E	35.50	345.00	111.06
C7	18.567°	N 18.543° E	27.78	283.00	83.70
C8	35.043°	N 43.922° W	83.50	272.45	162.08
C9	76.375°	N 41.362° W	72.53	307.45	142.48
C10	97.070°	N 76.542° W	50.42	44.48	75.43
C11	132.500°	N 31.360° E	56.42	110.00	118.62
C12	143.500°	N 31.360° E	56.42	110.00	118.62
C13	132.500°	N 31.360° E	56.42	110.00	118.62
C14	103.000°	N 87.950° W	8.85	338.40	10.70
C15	29.000°	S 62.900° E	82.17	358.40	106.39
C16	37.000°	N 07.500° E	82.67	351.40	106.39
C17	138.300°	S 14.930° E	382.72	145.00	353.51
C18	157.000°	N 39.300° E	83.40	157.74	153.40
C19	127.500°	N 25.415° E	33.60	180.00	70.88
C20	127.500°	N 25.415° E	33.60	180.00	70.88
C21	127.500°	N 25.415° E	33.60	180.00	70.88
C22	127.500°	N 25.415° E	33.60	180.00	70.88
C23	133.729°	N 79.118° W	84.50	180.00	106.25
C24	127.000°	N 87.400° W	81.50	180.00	106.25
C25	127.000°	N 87.400° W	81.50	180.00	106.25
C26	37.140°	N 11.393° E	18.39	345.00	137.19

NOTES

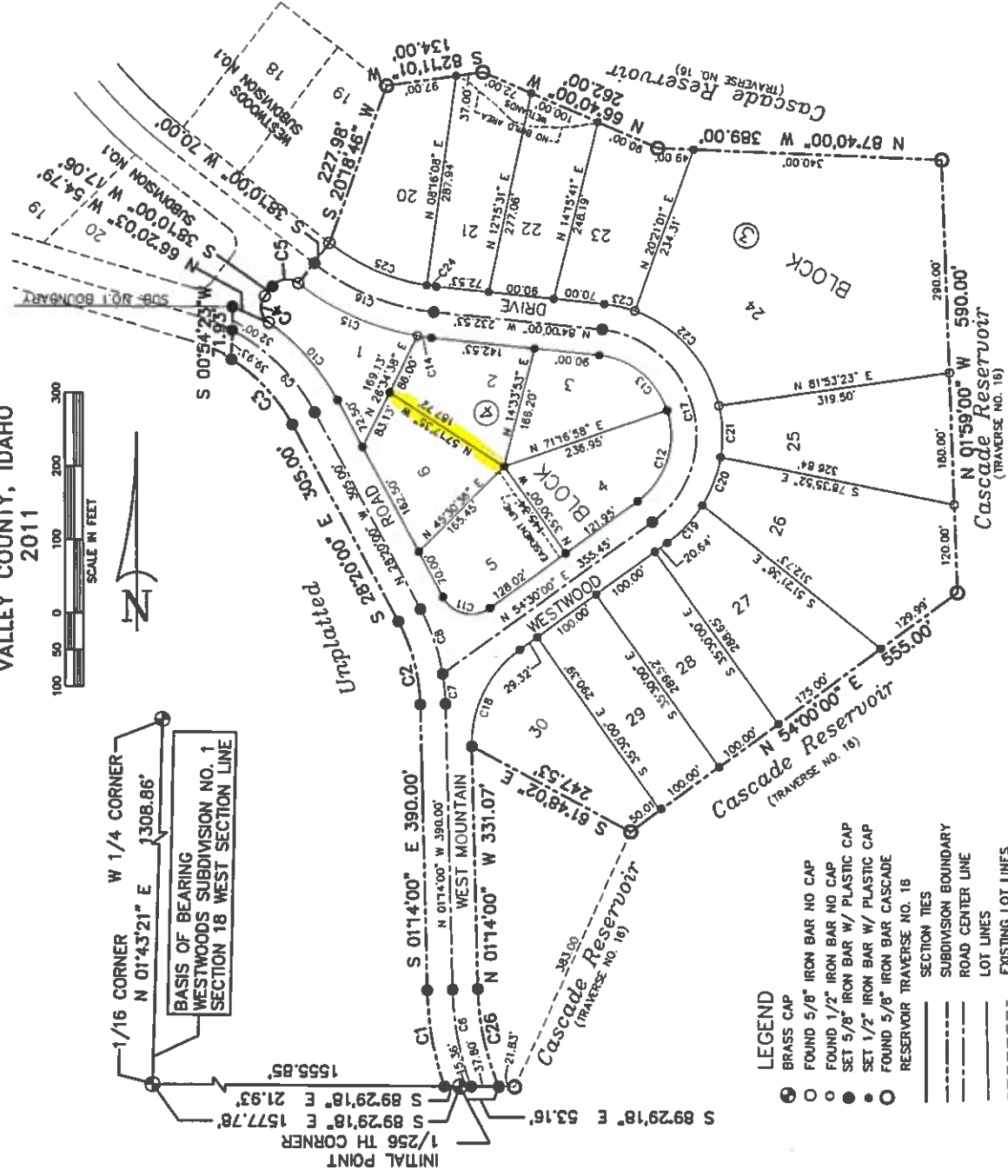
- MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT.
- ALL LOTS SHALL COMPLY WITH THE PUBLIC RIGHT-OF-WAY AND ADJACENT TO SAID R.O.W. HAVE A (3) FOOT WIDE PERMANENT PUBLIC UTILITIES DRAINAGE, IRRIGATION AND STREET LIGHT EASEMENT. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF OVERHEADS AND TALLENTS.
- DEVELOPER SHALL COMPLY WITH DAHO CODE SECTION 31-3003.
- ANY SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE REDEVELOPMENT.
- THE MAINTENANCE FOR ALL IRRIGATION AND DRAINAGE FACILITIES OUTSIDE THROUGH WHICH THESE FACILITIES PASS.
- ALL LOTS SHALL HAVE A (6) FOOT WIDE EASEMENT ADJACENT TO EACH SIDE AND REAR LOT LINES FOR THE PURPOSE OF TRANSPORTING PROPERTY DAMAGE.**
- THIS SUBDIVISION IS SUBJECT TO THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AS REGULATED BY VALLEY COUNTY.
- ALL LOTS WITH FRONTAGE ON WESTWOOD DRIVE MUST HAVE THEIR DRIVEWAY ACCESS TO THE DRIVEWAY CROSS SECTION AS SHOWN.
- NO PERSON OR ENTITY SHALL CAUSE OR PERMIT ANY ENCROACHMENTS ONTO NEIGHBORHOOD LOTS, INCLUDING PUBLIC OR PRIVATE ROADS, UTILITIES, TRUCKS, RAILROADS, OR OTHER FACILITIES, WITHOUT THE WRITTEN PERMISSION OF THE BOARD OF REGULATION. THE REGULATION LINES, ADJACENT TO THIS SUBDIVISION ARE DESIGNATED AS A MAINTENANCE AREA (MMA). ALL MMA RULES MUST BE IN EFFECT.
- AS SET FORTH IN THE CONDITIONAL USE PERMIT FOR THIS SUBDIVISION NO FURTHER LOT SPLITS ARE ALLOWED.
- LOT 5, BLOCK 4 HAS A TEN (10) FOOT WIDE SENIOR SERVICE EASEMENT ON ITS EASTSIDE ADJACENT TO LOT 4.
- THE PUBLIC UTILITIES, SENIOR LINES AND SERVICES HAVE BEEN INSTALLED.

CCLs # 364537

Instrument # 364540
 VALLEY COUNTY, IDAHO
 11-16-2011
 ARCHIVE & SUBMITTAL
 11-16-2011
 11:11:11 AM
 11-16-2011

JOB NO. 04-801

MTC, Inc. Engineers Surveyors 1 of 2







Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # VAC 21-02

Preliminary / Final / Short Plat _____

Lot 246 Blk 4 Westwood Sub #2
2509 Westwood 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: 4/19/21



Donnelly Rural Fire Protection District
P.O. Box 1178 Donnelly, Idaho 83615
208-325-8619 Fax 208-325-5081

April 29, 2021

Valley County Planning & Zoning Commission
P.O. Box 1350
Cascade, Idaho 83611

RE: Vac 21-02

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

Please call 208-325-8619 with any questions.

Amy Newcomb

A handwritten signature in blue ink that reads "Amy Newcomb".

Deputy Fire Marshal
Donnelly Fire Department