

Valley County Planning & Zoning Department

219 N. Main
PO Box 1350
Cascade, ID 83611
www.co.valley.id.us
Phone 208-382-7115
Fax 208-382-7119



Application for Vacations
of Plats, Portions Thereof,
Public Rights-of Ways,
or Easements

See Section 10-6-2 Valley County Code

Subject to I.C. 55-22 Underground Facilities Damage Prevention

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input checked="" type="checkbox"/> Check # <u>995</u> or <input type="checkbox"/> Cash	
FILE # <u>VAC 21-05</u>		FEE \$ <u>500-</u>	
ACCEPTED BY _____		DEPOSIT _____	
CROSS REFERENCE FILE(S): _____		DATE <u>7-1-2021</u>	
PROPOSED USE: _____			
<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Vacation of Road and/or Right-of-Way	<input checked="" type="checkbox"/> Vacation of Utility Easement	<input type="checkbox"/> Other

Name of Applicant(s): JERRY MONTALBANO

Applicant's Signature: *Jerry Montalbano* Date: 6/30/2021

Mailing Address of Applicant(s): PO Box 614
55 Silver Cloud Dr. Cascade, Id 83611

Phone #: _____ email: _____

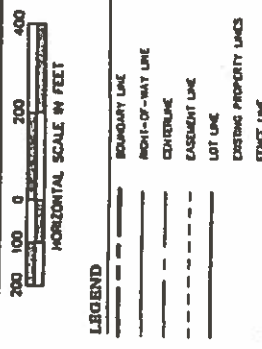
Required Attachments

1. Narrative describing property and the reason(s) for the request
2. Map, sketch, or plat showing the property and names and addresses of owners of adjoining property.
3. Letters from, or signatures on a petition, of each owner of adjoining property stating:
 - their approval of the proposed vacation,
 - their willingness to share in the costs,
 - they are aware that vacated property becomes part of adjoining property subject to the rights and easements of utilities.
4. Application for Release of Idaho Power Easement, if applicable.
5. An application processing fee of \$500.00.

Submit ten copies of all application materials with the fee to the Planning and Zoning Administrator a minimum of 45 days prior to the regularly scheduled Planning and Zoning meeting. Regularly scheduled meetings are held the second Thursday of each month. When an application is submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as

A PLAT SHOWING Whispering Pines Subdivision No. 2

A Parcel of Land Located in a Portion of
Section 3, T. 13 N., R. 4 E., B.M., &
Section 33, T. 14 N., R. 4 E., B.M.,
Valley County, Idaho

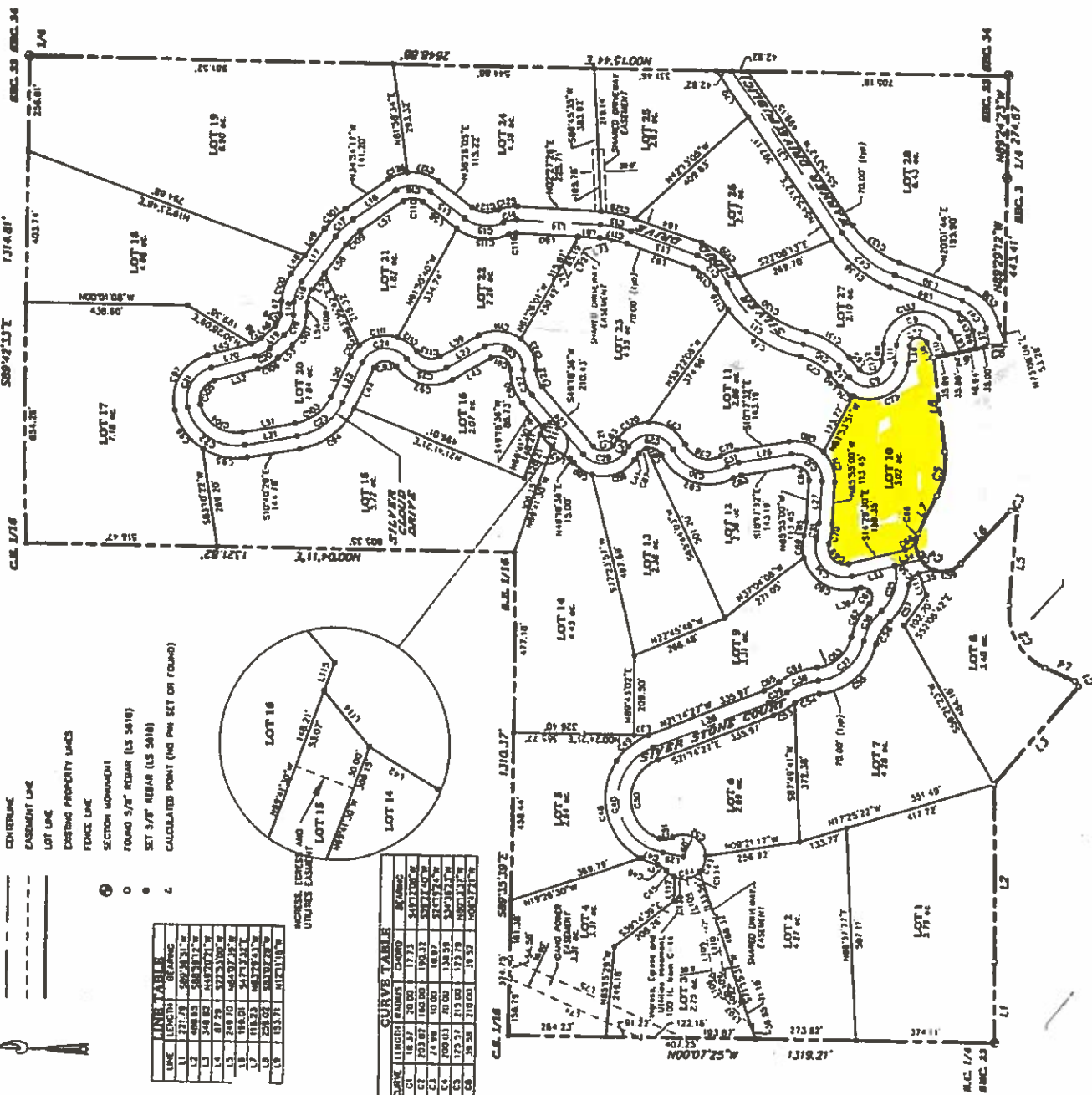


INDEX TABLE

LINE	LENGTH	BEARING
L1	231.75	S89°24'17"W
L2	468.15	S89°24'17"W
L3	348.82	N89°24'17"W
L4	87.75	S27°31'00"W
L5	249.70	S61°37'25"W
L6	198.01	S41°37'25"W
L7	118.23	S83°27'25"W
L8	253.62	S83°27'25"W
L9	152.11	N11°11'11"W

CURVE TABLE

CURVE NUMBER	PC	PT	BEARING
C1	18.37	70.00	S77°31'00"W
C2	203.07	186.00	S89°24'17"W
C3	14.98	10.00	S61°37'25"W
C4	700.03	70.00	S41°37'25"W
C5	173.37	213.00	S27°31'00"W
C6	28.58	210.00	S83°27'25"W



WHISPERING PINES NO. 2 ROAD DEDICATION
The portions of Silver Cloud Drive, Silver Stone Court, and Warner Drive, within the boundary of Whispering Pines Subdivision No. 2 are dedicated to the public for the public's use.

UTILITY AND DRAINAGE EASEMENTS
Utility and drainage easements shall be 20 ft wide on the minor side of all right-of-way boundaries.

BUILDING SETBACKS
Building setbacks shall comply with Valley County Regulations.

NOTES
Lots shall not be reduced in size.
No additional domestic water supplies shall be installed because the water system approved in the sanitary restriction release.
This plat is subject to Idaho Code Section 31-3805. No irrigation water shall be supplied to any lot herein.
A snow removal and storage easement, 20 ft wide on each side of roads on the interior side of lot lines.
Exterior lighting shall comply with Valley County Ordinances.

DECLARATION OF UTILITIES
Electrical and telephone utilities shall be installed prior to the issuance of building permits for residential construction. Valley County shall have no responsibility for the construction of utilities serving Whispering Pines Subdivision No. 2.

HEALTH CERTIFICATE
Sanitary restrictions as required by Idaho Code, Chapter 13 have been satisfied in accordance with the letter to be read on file with the County Engineer's agent listing the conditions of approval. Sanitary restrictions may be removed in accordance with Section 50-1326 Idaho Code by the issuance of a certificate of disapproval.

EMS Date: Aug. 4th, 2008



Remison Fodrea, I
Engineers • Surveyors • Planners

428 W. 14th
Pocatello, Idaho 83411
Office: 204.382.4902
Fax: 204.382.1110

DATE: August, 2008

HORIZONTAL SCALE IN FEET

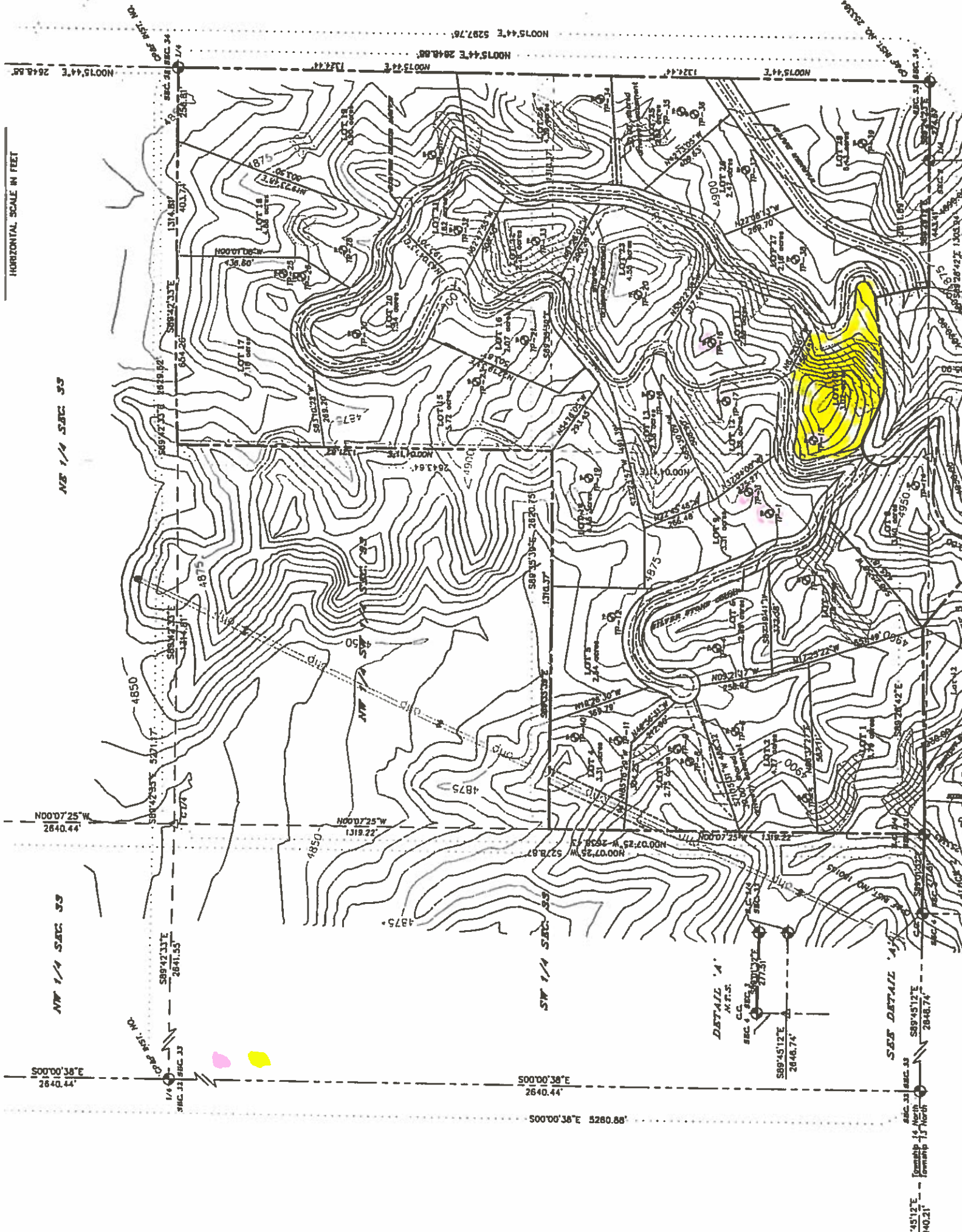
NE 1/4 SEC. 33

NW 1/4 SEC. 33

SW 1/4 SEC. 33

DETAIL 'A'

SEE DETAIL 'A'



3,980.00, 38' 2640.44"

3,980.00, 38' 2640.44"

3,980.00, 38' 2640.44"

19°45'12"E 7840.21' - - Township 14 North Range 13 North

Whispering Pines Subdivision No. 2, Lot 10

A twenty foot wide Utility and Drainage Easement is present inside most of the boundary of Lot 10. Construction of a building occurred within the boundary of the 20 foot easement because of an incorrect identification of the property boundary of Lot 10. The buildings location within the easement requires the lot owner to seek the vacation of that portion of the Utility and Drainage Easement occupied by the building. Prior to the discovery of the correct property corner, the concrete foundation and the wall framing were constructed and the roof trusses were on site at construction.

Adjoining Lot Owners Whispering Pines No. 2 (circle yes, no, or not applicable n/a))

Lot7: Anthony & Charlene Adams
6722 Hillview Rd
Emmett ID 83617

Approval of the proposed vacation:	yes	no	n/a
Willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights and easements of utilities.	yes	no	n/a

Lot 8: James Hafner
2717 S. Lang St.
Arlington VA 27206

Approval of the proposed vacation:	yes	no	n/a
Willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights an and easements of utilities.	yes	no	n/a

Lot 9: Aaron & Lauran Joelson
19822 Top Rd.
Greenleaf, ID

Approval of the proposed vacation:	yes	no	n/a
willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights and easements of utilities.	yes	no	n/a

Lot 11 William & Mary Krumm
3890 W. Pine Creek St.
Meridian, ID 83642

Approval of the proposed vacation:	yes	no	n/a
Willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights and easements of utilities.	yes	no	n/a

Lot 12: Arnold & Joyce Hipwell
5437 W. Black Canyon HWY
Emmett, ID 83617

Approval of the proposed vacation:	yes	no	n/a
Willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights and easements of utilities.	yes	no	n/a

Lot 27 Jonathan Fielding

3877 N. Patton
Boise, ID 83704

Approval of the proposed vacation:	yes	no	n/a
Willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights and easements of utilities.	yes	no	n/a

Adjoining Lot Owners Whispering Pines No. 1

Lot 51: Travis & Debra Tripp
2066 E. Feldspar Ct.
Boise, ID 83712

Approval of the proposed vacation:	yes	no	n/a
Willing to share in the cost:	yes	no	n/a
Aware that vacated property becomes part of the adjoining property subject to the rights and easements of utilities.	yes	no	n/a

Mail to: Corporate Real Estate Department: Land Management & Permitting
 Attn: Easement Specialist
 P.O. Box 70
 Boise, ID 83707-0070
 Phone: (208) 388-2699

Jerry Montalbano
 Applicant's Signature and Printed Name

Applicant Information

Applicant's Name Jerry Montalbano		Date 6/29/21	
Mailing Address 55 Silver Cloud Dr.		City Cascade	State ID
Zip # 83611		E-mail jerrymontalbano6@gmail.com	
Phone	Cell 985 969 9001		

Current Property Owner Information

Owner's Name Jerry Montalbano			
Mailing Address same		City	State
Zip		E-mail	
Phone	Cell		

Type

<input type="checkbox"/> Idaho Power Easement	<input checked="" type="checkbox"/> Public Utility Easement	<input type="checkbox"/> Road Right of Way	<input type="checkbox"/> Line Crossings
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Easement Information

Instrument # 313767	Date Recorded 2006-09-27	Execution Date same
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Location Information

County Valley	Quarter SE 1/4	Township 14 N	Range 4 E	Section 33
Subdivision Whispering Pines #2	Block N/A	Lot 10	Parcel Number / Assessor's Number RP00579000010	

In addition to information provided, please explain request. (If more space is needed, please use the backside of this form.)

(Why is this needed? Is there a pending sale? Are there any associated public hearings? What are your dates of construction?)

A 4 ft. lath was mistaken for a property corner. The correct corner was found after a concrete foundation was in place showing the foundation was inside the 20 ft. wide Utility and Drainage Easement identified on the plat.

Required Enclosures (See explanations on cover letter)

- | | |
|---|---|
| <input type="checkbox"/> Complete Application | <input type="checkbox"/> Copy of easement, subdivision plat, or city town site |
| <input type="checkbox"/> Map of Location | <input type="checkbox"/> \$150 Application Fee <input type="checkbox"/> Legal Description |

For IPC Use Only

Mail to: Corporate Real Estate Department: Land Management & Permitting
 Attn: Easement Specialist
 P.O. Box 70
 Boise, ID 83707-0070
 Phone: (208) 388-2699

Jerry Montalbano
 Applicant's Signature and Printed Name

Applicant Information

Applicant's Name Jerry Montalbano		Date 6/29/21	
Mailing Address 55 Silver Cloud Dr.	City Cascade	State ID	Zip 83611
Phone	Cell	E-mail	

Current Property Owner Information

Owner's Name Jerry Montalbano			
Mailing Address same	City	State	Zip
Phone	Cell	E-mail	

Type

<input type="checkbox"/> Idaho Power Easement	<input checked="" type="checkbox"/> Public Utility Easement	<input type="checkbox"/> Road Right of Way	<input type="checkbox"/> Line Crossings
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Easement Information

Instrument # 313767	Date Recorded 2006-09-27	Execution Date same
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Location Information

County Valley	Quarter SE 1/4	Township 14 N	Range 4 E	Section 33
Subdivision Whispering Pines #2	Block N/A	Lot 10	Parcel Number / Assessor's Number RP0057900010	

In addition to information provided, please explain request. (If more space is needed, please use the backside of this form.)

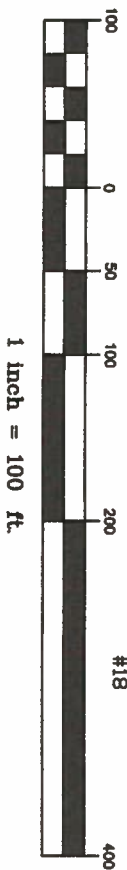
(Why is this needed? Is there a pending sale? Are there any associated public hearings? What are your dates of construction?)

A 4 ft. lath was mistaken for a property corner. The correct corner was found after a concrete foundation was in place showing the foundation was inside the 20 ft. wide Utility and Drainage Easement identified on the plat.

Required Enclosures (See explanations on cover letter)

- | | |
|---|---|
| <input type="checkbox"/> Complete Application | <input type="checkbox"/> Copy of easement, subdivision plat, or city town site |
| <input type="checkbox"/> Map of Location | <input type="checkbox"/> \$150 Application Fee <input type="checkbox"/> Legal Description |

For IPC Use Only



LEGEND

- PARCEL LINE
- EASEMENT LINE 20 FT. WIDE UTILITY AND DRAINAGE EASEMENT
- FOUND 5/8 INCH REBAR
- CALCULATED POINT

REFER TO PLAT OF WHISPERING PINES SUBDIVISION, BOOK 2, PAGE 12, INST. NO. 50355 AS NOTED BELOW:

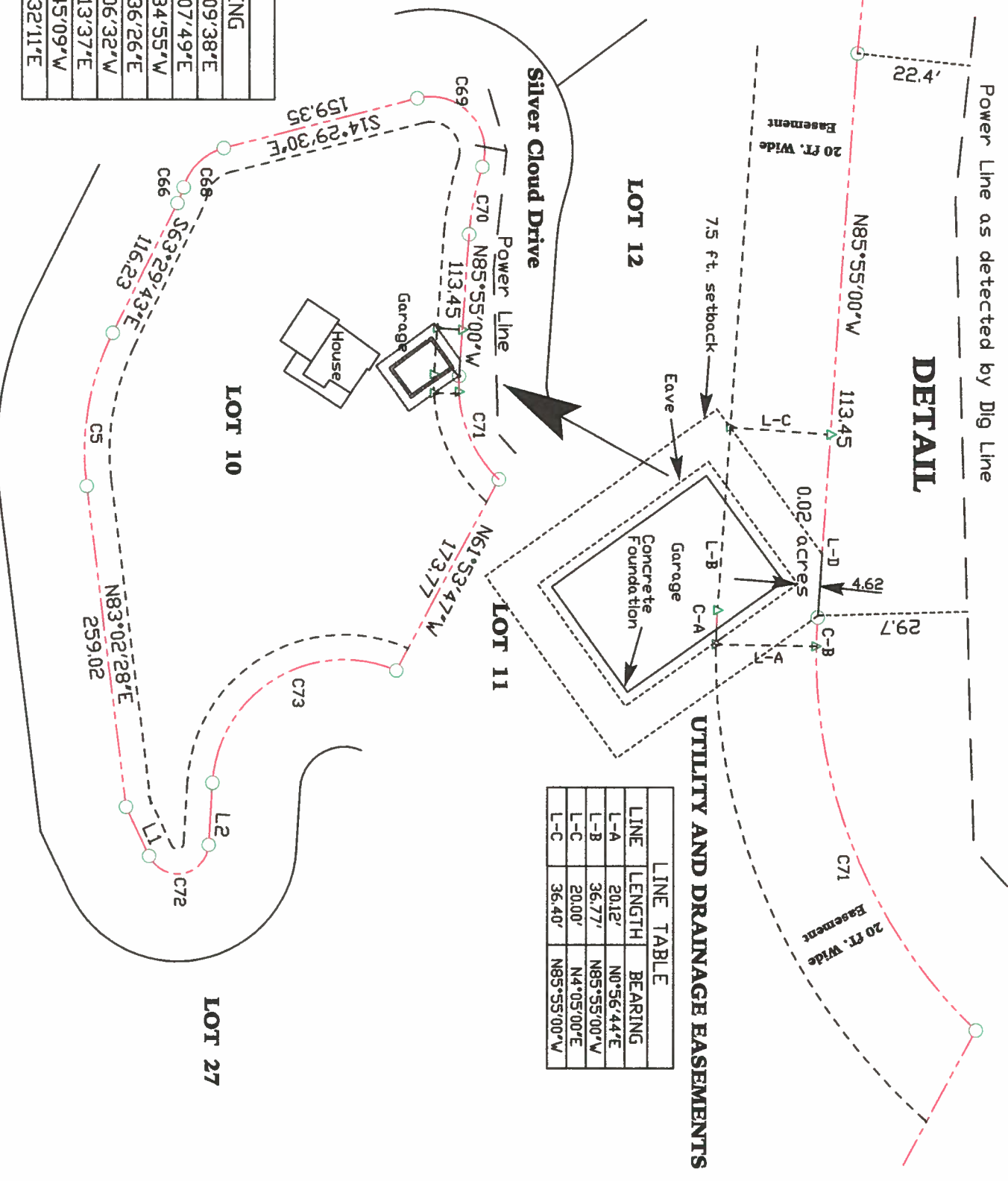
UTILITY AND DRAINAGE EASEMENTS

Utility and drainage easements shall be 20 ft. wide on the interior of all right-of-way boundaries.

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C71	91.34	105.00	88.49
C70	55.69	235.00	55.56
C69	91.81	43.06	75.38
C68	47.31	45.00	45.16
C66	13.71	70.00	13.69
C5	125.57	215.00	123.79
C72	66.14	25.00	48.47
C73	201.65	105.00	172.06

DETAIL CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C-A	14.30	105.00	14.29
C-B	15.40	125.00	15.39

LOT 51 Whispering Pines Sub.



DETAIL

LINE TABLE	
LINE	BEARING
L-A	2012'
L-B	36.77'
L-C	20.00'
L-C	36.40'

Fodrea Land Surveys
 Surveyors. Engineers. Planners.
 105 N. Main Street, P.O. Box 188, Cascade, Idaho 83611
 Office: 208.382.4902 · Fax: 208.382.3410
www.fodrealandgroup.com

THE VACATION OF A PORTION OF A UTILITY & DRAINAGE EASEMENT
 Located In Lot 10 Whispering Pines Subdivision No. 2
 Section 33, T. 14 N., R. 4 E., B.M.,
 Valley County, Idaho

DATE: 6/24/21
 P.N. 21005
 P.M. RWF
 CAD RWF

EXHIBIT

B

Valley County Planning & Zoning Department

219 N. Main
PO Box 1350
Cascade, ID 83611
www.co.valley.id.us
Phone 208-382-7115
Fax 208-382-7119



Variance Application

See Section 9-5H-10 Valley County Code

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		
FILE # <u>V-3-21</u>	<input checked="" type="checkbox"/> Check # <u>997</u> or <input type="checkbox"/> Cash	
ACCEPTED BY _____	FEE \$ <u>250.00</u>	
CROSS REFERENCE FILE(S): _____	DATE <u>7-1-2021</u>	
PROPOSED USE: _____		
<input type="checkbox"/> Shared Driveway	<input checked="" type="checkbox"/> Setback Variance	<input type="checkbox"/> Other

Applicant Name Jerry Montalbano

Applicant Signature [Signature] **Date** 7/1/21

Mailing Address 55 Silver Cloud Dr. Cascade, Idaho 83611
PO Box 614

Phone / Email [Redacted] **Info** [Redacted]

Property Parcel Number RP00579000010

Parcel Physical Address 55 Silver Cloud Dr.

Required Attachments

1. Proposed Site Plan See map.
2. Narrative statement demonstrating:
 - That special conditions and circumstances exist which are not a result from any action of the Applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures. **The correct corner marking the west end of curve 71, (C 71) was buried. A 4 ft. long lathe, a typical marker of corners, was in place north of the correct corner. The lathe was identified to be a lot corner and used for the incorrect location of the building. The foundation of the building and framed walls were constructed prior to the**

- That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

The applicant was acting in good faith setting back 20 ft. from what was thought to be and pointed out to be the property corner. The construction continued through the finished concrete foundation, flooring, and the framing of the walls when the property corner was found. The construction is on hold at this time. A variance should be permitted primarily because the building is on Lot 10. It does not cross any of the Lot lines of Lot 10. It is up hill from Silver Cloud Drive and does not cause any potential danger to the traffic using the road. The building site is also over 90 feet from the common lot line with Lot 11 and over 300 feet to the building site of Lot 11. Similarly the likely building sites of Lots 9 and 12, exceed 200 feet, based on the approved drainfield sites. Further more, the 20 foot wide setback easement is designated for utilities and drainage so it should be noted that no utilities have been placed in the easement and runoff is not a problem on Lot 10. Granted the building encroaches on the designated easement but little if any problems are passed on to the neighbors or adjacent roadway. A tremendous amount of work went into this building before the lot corner was discovered. A variance should be granted.

Pursuant to "Idaho Code", Section 67-6516 and Section 9-5H-10 of the Valley County Code, the Planning and Zoning Commission shall be empowered to grant variances relaxing or modifying the requirements of the Valley County Land Use and Development Ordinance with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this Ordinance affecting the size or shape of a structure or the placement of the structure upon lots, and other land use requirements of this ordinance.

A variance may be granted if:

- the applicant can prove undue hardship is a result of characteristics of the site,
- that special conditions and circumstances exist which are not a result from any action of the applicant, which are peculiar to the land use or structure involved, and which are not applicable to other similar or adjacent lands, uses, or structures, and
- that granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.

In the case of the Planned Unit Development (PUD) involving variations from the requirements of this Ordinance, it shall not be necessary for the applicant to file a separate application for such variances.

Procedure:

- When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.

- The fee set by resolution of the Board of County Commissioners shall accompany the variance application. The fee is \$250.00.
- An application for a variance shall be reviewed by the Administrator and the Planning & Zoning Commission in accordance with Valley County Code Section 9-5H-11. The Administrator shall post notice of the public hearing to the applicant, adjoining property owners, and the public in accordance with Section 9-5H-6B.
- A variance may be granted if the Planning & Zoning Commission makes specific findings of fact based directly on the particular evidence in the application which support conclusions that the above conditions have been met by the applicant.
- Within ten (10) days after a decision has been rendered, the Administrator or staff shall provide the applicant with written notice of the action by regular mail if so requested by the applicant.
- The Planning & Zoning Commission's decision shall be a recommendation to the Board of County Commissioners.
- The County Clerk, upon receipt of a recommendation from the Commission, shall set the item on the agenda of the Board at the earliest possible regular Board meeting.
- The Board shall consider and act upon the Commission's recommendations by following the procedures outlined in Valley County Code Section 9-5H-11.
- A permit for the variance may be issued by the Administrator or staff after approval of the Board of County Commissioners.
- Subject to Idaho Statute 55:22 Underground Facilities Damage Prevention.