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STAFF REPORT
Vacation Application 21-04
Vacation of a Road Right-of-Way in
Big Smoky No. 2 Sub.

MEETING DATE: August 12, 2021
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Robert Andrew
8844 W Midland ST
Boise, ID 83704
LOCATION: Public Road Right-of-Way in Big Smoky No. 2
SW Section 21, T.16N, R.3E, Boise Meridian,
Valley County, Idaho.
REQUEST: Vacate Platted Road Right-of-Way
EXISTING LAND USE: Bare Land

Robert Andrew is requesting a vacation of a public road right-of-way that was platted but has not been constructed.

The road right-of-way is located adjacent to Lots 1 and 2 in Big Smoky No. 2, and U.S. Bureau of Reclamation property, between DeeDee Lane and Dawn Drive. It was designated Perc Lane on the subdivision plat. The right-of-way width on the plat is 20'.

If the road right-of-way is vacated, the land would become the property of the adjoining owners: the applicant. The applicant is requesting the vacation to ease setback restrictions for building purposes.

Big Smoky No. 2 Subdivision was recorded at Book 2, Page 25, on September 14, 1959.

FINDINGS:

1. The application was received on June 21, 2021.

2. Legal notice was posted in the *Star News* on July 22 and July 29, 2021. Potentially affected agencies were notified on July 13, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent July 13, 2021. The site was posted on July 14, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on July 13, 2021.

3. Agency comment received:

Donnelly Rural Fire Protection District has no concerns. (July 16, 2021)

4. Neighbor comment received:

Louis and Beverly Schumacher, owners in subdivision, are concerned and have questions regarding the following:

- Emergency Access: DeeDee LN is not a good lane and is not plowed. Either this road needs to be constructed or DeeDee Ln improved.
- The approach to Dawn DR from DeeDee Ln is a dangerous corner due to angle of approach and speed limit.
- If vacated is should be sold and used to improve DeeDee LN.
- Lot 2 will be landlocked.
- General questions about future use of lots 1 and 2. (July 17, 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:

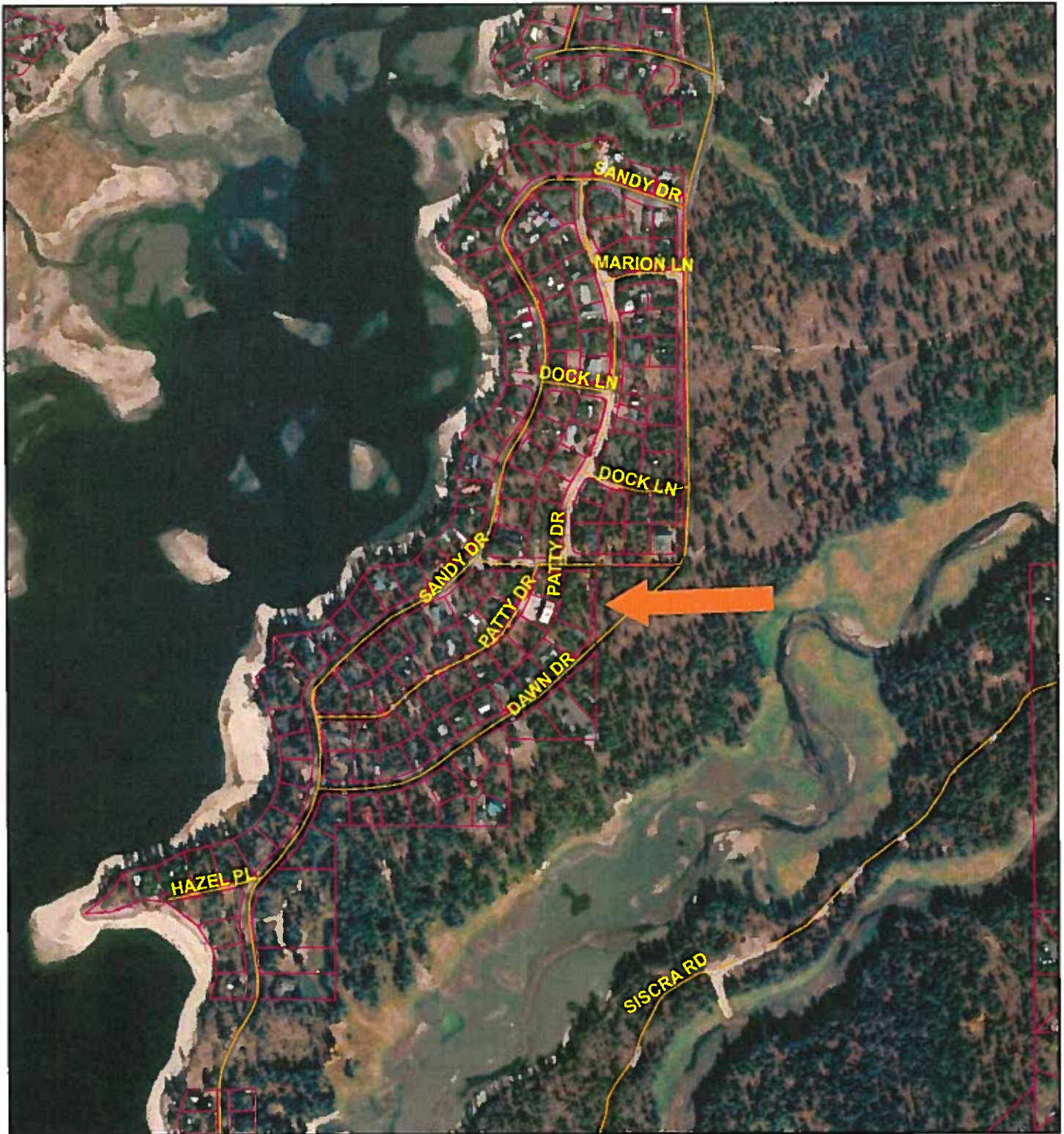
- The frontage along Dawn DR for Lot 2 would be approximately 20'. Current standards require 30'. "Frontage On Public Or Private Road: Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel."
- The Planning and Zoning Commission needs to determine if the 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.
- Deeds will need to be prepared by the applicant to convey the property along this unnamed road-right-of-way to the adjacent property owners.

ATTACHMENTS:

- Vicinity Map
- Aerial Map
- Assessor's Plat – Big Smoky No. 2
- Assessor's Plat T.16N R.3E Section 21
- Pictures taken July 14, 2021
- Responses

END STAFF REPORT

VAC 21-04 Vacation of Perc Lane



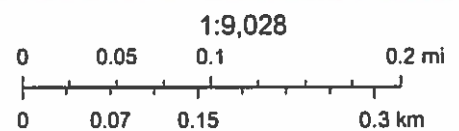
6/30/2021, 9:22:36 AM

 Parcel Boundaries

All Road Labels

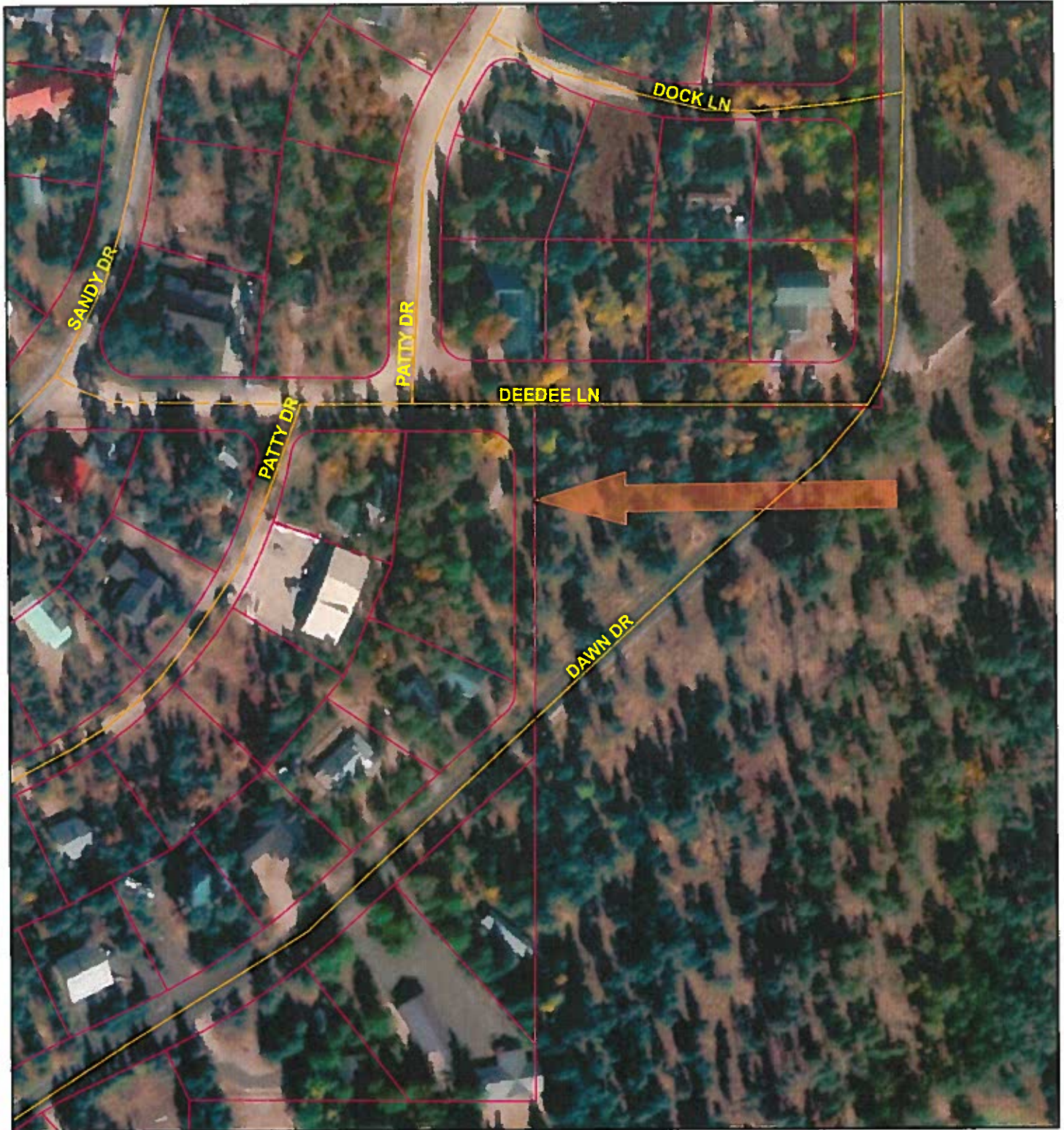
Roads

 URBAN/RURAL



Maxar

VAC 21-04 Vacation of Perc Lane



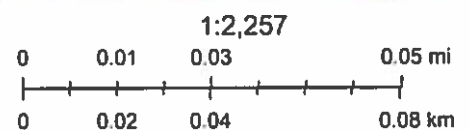
6/30/2021, 9:33:47 AM

 Parcel Boundaries

All Road Labels

Roads

 URBAN/RURAL



Maxar, Microsoft

Uddesatt med att förbättra

Plot of

BIG SMOKY NO.1 SUB.

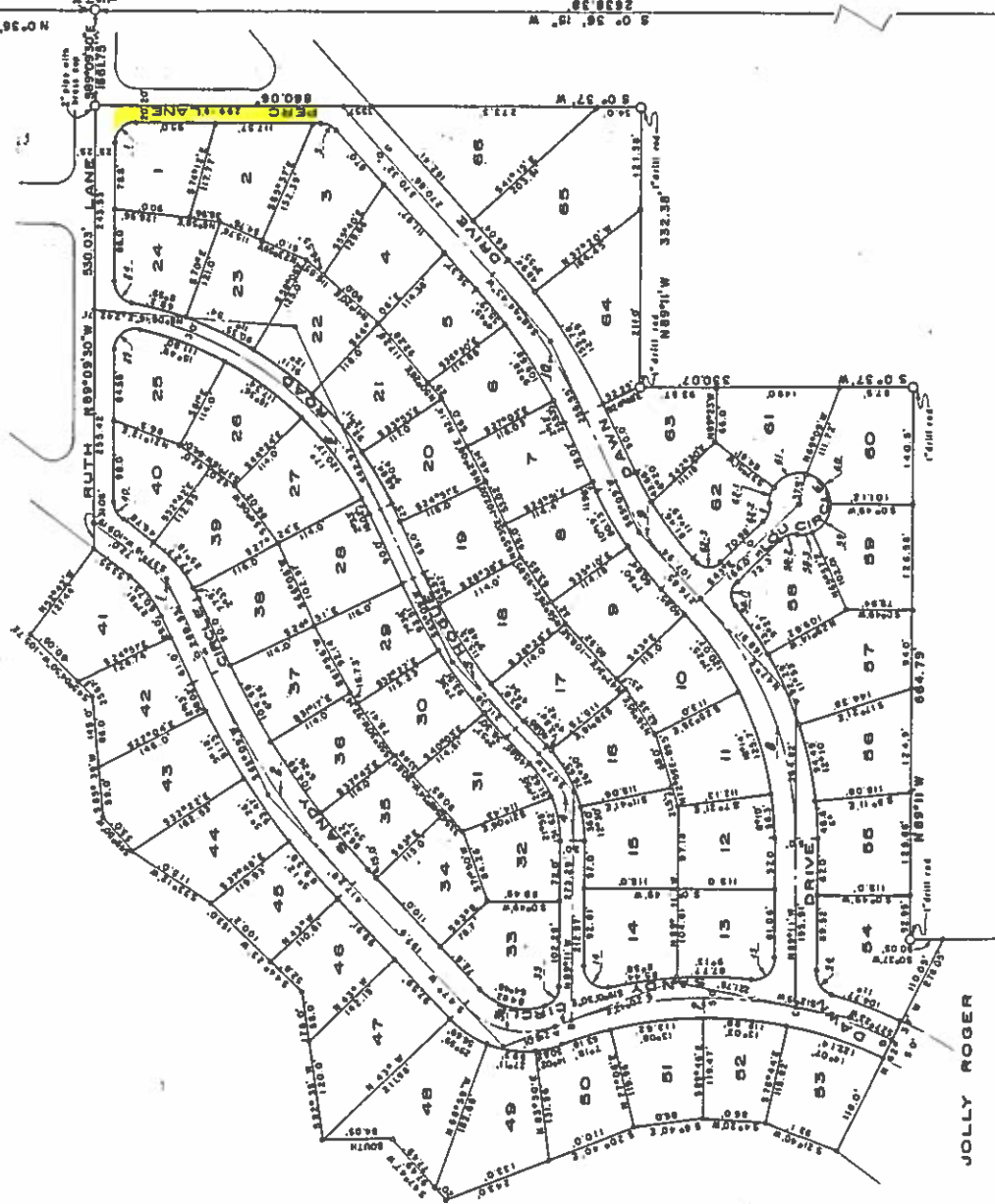
BIG SMOKY NO. 2 SUB.

a part of

NW 1/4 of the SE 1/4 and the NE 1/4 of the SW 1/4 of SEC. 21, T.16N, R.3E, B. M.

VALLEY COUNTY, IDAHO

Scale 1"=100'



CURVE DATA					CENTER LINE OF	STREETS
No.	Δ	Radius	Tangent	Length	Offset	
1	27°31'	150.0'	37.19'	72.91'		
2	17°03'	960.0'	153.34'	304.11'		
3	16°12'	1000.0'	66.44'	117.29'		
4	4°32.58"	150.0'	66.32'	114.71'		
5	17°03'	960.0'	150.21'	218.58'		
6	60°02.44"	420.0'	242.71'	440.16'		
7	34°36.27"	520.87'	181.31'	295.00'		
8	12°01'	920.87'	90.68'	21.36'		
9	4°32.58"	420.0'	168.91'	321.19'		
10	17°03'	960.0'	87.09'	33.05'		

SHORT			RADIUS CURVE DATA			Tenth-Cent	
No.	Δ	Radius	Tangent	Offset	Stationing	Stationing	Stationing
1	89°46'50"	25.0'	24.90'	19.17'	191.17'	191.17'	191.17'
2	48°04'42"	25.0'	11.16'	21.00'	210.00'	210.00'	210.00'
3	48°04'42"	25.0'	27.45'	41.81'	418.11'	418.11'	418.11'
13	92°24'12"	25.0'	31.33'	44.87'	448.77'	448.77'	448.77'
14	102°24'15"	25.0'	20.91'	34.83'	348.33'	348.33'	348.33'
24	78°45'50"	25.0'	31.08'	44.65'	446.55'	446.55'	446.55'
25	102°20'30"	25.0'	31.08'	44.65'	446.55'	446.55'	446.55'
33	71°12'33"	25.0'	17.98'	23.36'	233.66'	233.66'	233.66'
40	53°12'30"	25.0'	12.61'	23.36'	233.66'	233.66'	233.66'
54	74°25'26"	25.0'	18.98'	32.47'	324.77'	324.77'	324.77'
58-1	89°41'	20.0'	18.55'	29.91'	299.91'	299.91'	299.91'
58-2	50°12'	25.0'	11.71'	21.90'	219.00'	219.00'	219.00'
59-1	31°13'	37.5'	10.49'	20.45'	204.55'	204.55'	204.55'
59-2	68°08'	37.5'	23.93'	42.63'	426.33'	426.33'	426.33'
60	68°08'	37.5'	26.24'	45.79'	457.99'	457.99'	457.99'
61	71°31'	37.5'	27.25'	47.88'	478.88'	478.88'	478.88'
62-1	41°03'	25.0'	14.04'	36.86'	368.66'	368.66'	368.66'
62-2	50°12'	20.0'	11.71'	21.90'	219.00'	219.00'	219.00'
62-3	50°12'	20.0'	20.00'	31.42'	314.22'	314.22'	314.22'

LEGEND

- 5/8" rebar cut
- 1/2" rebar tot

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: That The Spring Valley Livestock Co. Inc. and Charles W. Edwards and Ora M. Edwards, husband and wife, are the owners of the fee simple title to the following described tract of land, subject to a perpetual easement and flowage right of the U.S. Bureau of Reclamation to flood the same with water to seep, erode, or otherwise damage the land by action of the existing or enlarged Cascade Reservoir; said lands being located in the NW 1/4 of the SE 1/4 and the NE 1/4 of the SW 1/4 of Sec. 21, T16N., R.3E., B.M., and described as follows:

Beginning at the 1/4 cor. between Secs. 21 and 22, T16N., R.3E., B.M., thence N.89°09'30"W., 1661.75 ft. distant, to a 2 in. pipe, the real point of beginning, thence N.89°09'30"W., 530.03 ft., thence N.52°42'W., 127.44 ft.; thence, following a line 30.0 ft. distant from and parallel to the 4828 contour U.S. Bureau of Reclamation datum, by meanders; S.45°04'30"W., 145.0 ft.; S.49°50'W., 153.0 ft.; S.33°12'W., 153.0 ft.; S.82°35'W., 178.0 ft.; S.47°47'W., 97.49 ft.; S.20°40'E., 243.0 ft.; S.6°40'E., 86.0 ft.; S.4°20'W., 86.0 ft.; S.21°40'W., 93.1 ft.; thence S.62°37'E., 278.05 ft.; thence N.0°37'E., 660.08 ft. to the point of beginning, and the attached plat was drawn from an actual survey made on the ground and accurately represents the points plotted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.

The owners do hereby dedicate to the use of the public, forever, all streets and rights of way easements not heretofore dedicated or shown on this plat. The dedications hereby grant an easement to the public for the use of the same for the purpose of ingress and egress to the owner or owners of all other lots within the Big Smoky No. 2 Subdivision to use said Lot 53 as a beach, park, and recreation area. This easement shall be appurtenant to all other lots in the Big Smoky No. 2 Subdivision.

Building and Occupancy Restrictions—See Book No. _____ of Miscellaneous Records at Page No. _____ Valley County, Idaho, for Building and Occupancy Restrictions filed on the _____ day of _____, A.D., 1959, in the office of the Valley County Recorder, Cascade, Idaho.

IN WITNESS WHEREOF, We have hereunto set our hands this 24 day of August, 1959.



Colin McLeod, Sr.
Colin McLeod, Sr., Pres.
Charles W. Edwards
Charles W. Edwards

The Spring Valley Livestock Co. Inc.

Colin McLeod, Jr.
Colin McLeod, Jr., Sec.
Ora M. Edwards
Ora M. Edwards

STATE OF IDAHO)
COUNTY OF VALLEY)

On this 24 day of August, 1959, before me, the undersigned, a notary public in and for said State, personally appeared Colin McLeod, Sr., Colin McLeod, Jr., Charles W. Edwards and Ora M. Edwards, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year in this certificate first above written.



Peter J. Miller
Notary Public for Idaho
Residing in Donnelly, Idaho

My commission expires May 1st 1962
I have to me to be the President and Secretary respectively of the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same, Colin McLeod

CERTIFICATE OF ENGINEER

I, Bill Harris, do certify that I am a professional engineer, licensed by the State of Idaho, and that this plat of the "Big Smoky No. 2" Subdivision described as follows: Beginning at the 1/4 cor. between Secs. 21 and 22, T16N., R.3E., B.M., thence N.89°09'30"W., 1661.75 ft. distant, to a 2 in. pipe, the real point of beginning, thence N.89°09'30"W., 530.03 ft.; thence N.52°42'W., 127.44 ft.; thence, following a line 30.0 ft. distant from and parallel to the 4828 contour U.S. Bureau of Reclamation datum, by meanders; S.45°04'30"W., 145.0 ft.; S.49°50'W., 153.0 ft.; S.33°12'W., 153.0 ft.; S.82°35'W., 178.0 ft.; S.47°47'W., 97.49 ft.; S.20°40'E., 243.0 ft.; S.6°40'E., 86.0 ft.; S.4°20'W., 86.0 ft.; S.21°40'W., 93.1 ft.; thence S.62°37'E., 278.05 ft.; thence N.0°37'E., 660.08 ft. to the point of beginning, and the attached plat was drawn from an actual survey made on the ground and accurately represents the points plotted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.



Bill Harris
Bill Harris
Aug 3, 1959
Idaho 753

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

Accepted and approved this 14 day of Sept, 1959, by the Board of County Commissioners of Valley County, Idaho.

Harvey Patterson
Chairman

COUNTY RECORDER'S CERTIFICATE

Instrument No. 54104

STATE OF IDAHO)
COUNTY OF VALLEY)

I hereby certify that this instrument was filed at the request of Charles W. Edwards at 2.4 minutes past 12 o'clock P.M. this 14 day of Sept, 1959, in my office and was duly recorded in Book 10 of 24 pages of Page 24.

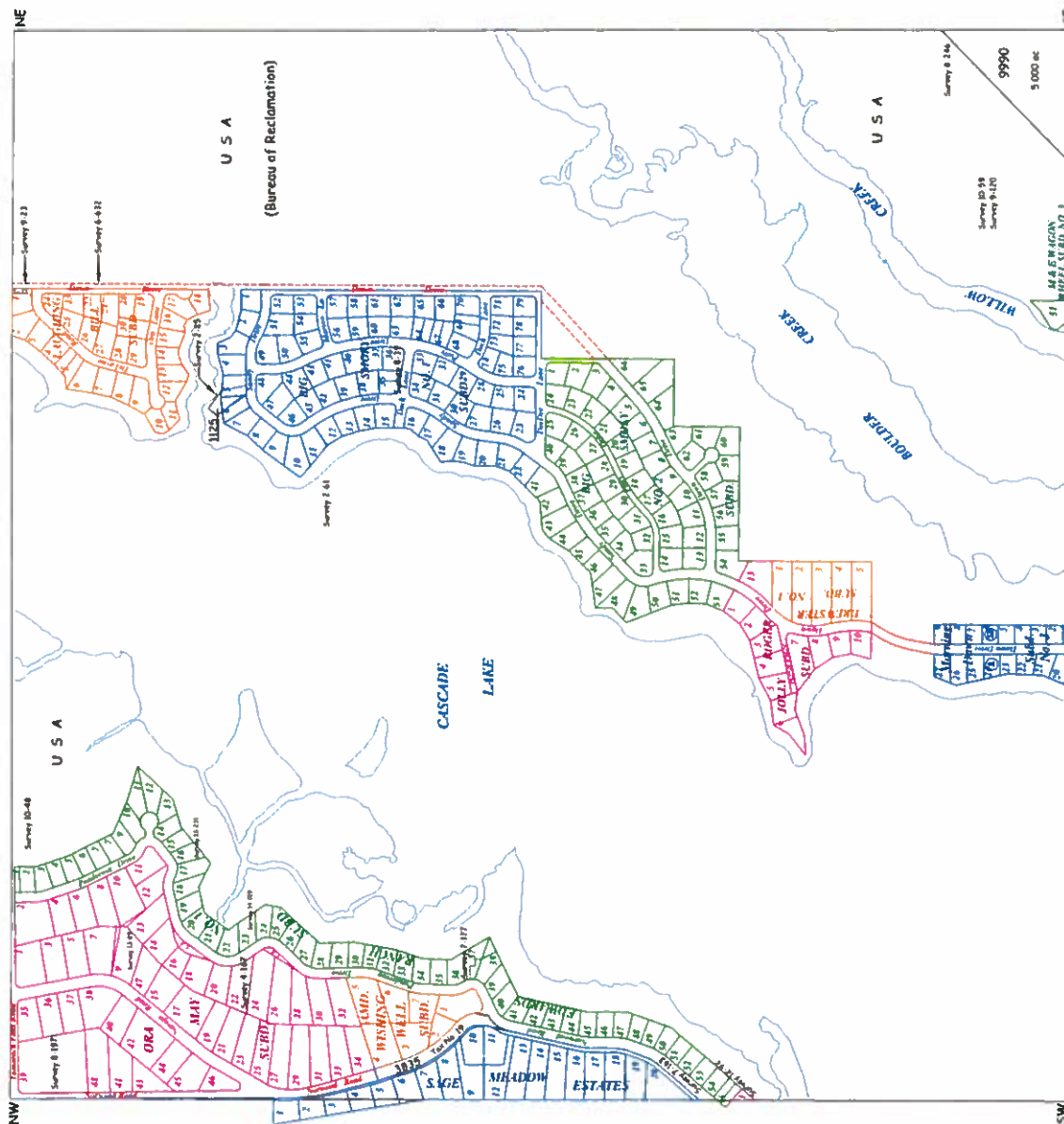
John S. W. Deputy
Frank S. Bell Ex-Officio Recorder



TWP. 16N R03E SEC. 21

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:
Valley County Base Map
Scale: 1" = 400 ft.
Date: 5/17/2021
Drawn by: L. Frederick



	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	52
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North end — intersection with DeeDee LN



South end - intersection with Dawn Drive



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

July 16, 2021

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: Vac 21-04

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

Please call 208-325-8619 with any questions.

Amy Newcomb

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

Deputy Fire Marshal

Donnelly Fire Department

From: Louis & Bev Schumacher <lbschumach@q.com>
Sent: Saturday, July 17, 2021 10:17 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: VAC 21-04 Vacation of Perc Lane Comment

To P & Z Commission,

As neighbors and landowners just houses to the south on Dawn Drive of the proposed vacation of Perc Lane we(husband and wife) have a few concerns and would appreciate the reading of this at the meeting:

* Have the property owners in Smokey #1 been notified of this proposal as we were as part of Smokey #2?

*Concerns about abandoning the road:

1. DeeDee Lane from Patty Dr. to Dawn Dr. has never been completed as a viable roadway. It is extremely narrow, with big ruts and holes and virtually unpassable as a through fare in wet seasons and does not get plowed in the winter! In case of an emergency, vehicles have to search for alternate ways to get in which slows down response time and puts surrounding homes at more risk. The County should really complete one road or the other!!!
2. The approach to Dawn Dr. from DeeDee Ln. is an extremely dangerous corner. With curves on both sides of Dawn and the speed limit at 35 (which vehicles hardly abide) a vehicle pulling out slowly as with an RV or boat is in danger of being hit. Alternatives need to be in place as many of the intersections in the interior area are narrow and do not allow for longer loads. The construction of Perc Ln. would have allowed safer access to Dawn Dr. We know of people who live on Patty Ln. who take their boat to the Donnelly Docks via Sandy to the intersection of Dawn and then down to the docks. This is a long way around but no choice due to the narrow roads. This significantly increases traffic on the stretch from the intersection of Dawn and Sandy North.
3. Would the county just "give" the landowners this land? The BOR owns the land on the other side from the applicants. Would the vacated road land be split between the BOR and the current landowners, or is this proposal asking for the entire easement to be handed over? What does the BOR think about this? Is anyone else allowed to request to be deeded state land as their own for free? Consider this: The sale of this land could pay for improvements to DeeDee lane and moving of the BOR fence! BOR land belongs to all Idaho citizens.

* Concerns of the use of lots 1 & 2:

1. We realize this is not a part of this application, but is this application the first of several baby steps to something that would not be in the character of the area or accessible by fire equipment? Since lot 2 will be land locked, will the merging of lots 1 & 2 and fire lane easement be required as part of the approval of this proposal? Lot 2 is very visible from Dawn Dr. and close to many homes!
2. If lots 1 & 2 are not required to be legally merged into one will they be held to abide by the RV ordinances for one lot or two? Lot 2 is very visible from Dawn Dr. which is mostly single dwelling homes on that stretch!

3. If lots 1 & 2 are merged into one we have concerns of the size of structure if not a home, such as an oversized storage building, that could go in such a sizable piece of property. The "building purposes" stated in the application are very vague.
4. What if the current owners "building" plan is abandoned and/or they sell the property? Would there be restrictions set in place to control the size of structure, such as a oversized storage building, that could be put on this large lot if it is not a home? Again, lot 2 is very visible from Dawn Dr. which is overwhelmingly single dwelling homes!

Thank you!

Louis and Beverly Schumacher