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IDAHO

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## STAFF REPORT

### VAC 21-05 Montalbano Vacation of Utility and Drainage Easement and V-3-21 Montalbano Setback Variance

**MEETING DATE:** August 12, 2021  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
**APPLICANT/OWNER:** Jerry Montalbano  
PO Box 614  
Cascade, ID 83611  
**LOCATION/SIZE:** 55 Silver Cloud Drive  
Whispering Pines Subdivision No. 2 Lot 10  
SE ¼ Section 33, T.14N, R.4E, Boise Meridian,  
Valley County, Idaho.  
3.02-acre lot  
**REQUEST:** Vacation of Utility and Drainage Easement and a  
Variance of the Front-yard Setback  
**EXISTING LAND USE:** Single-family Residence

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### BACKGROUND:

The applicant has been issued a building permit to construct a single-family residence with a detached garage. He is currently requesting the following:

- vacation of a 20-foot-wide utility and drainage easement on the interior side of the lot line between Silver Cloud DR and Lot 10 of Whispering Pines Subdivision No. 2.
- variance to relax the front-yard setback from the required 20' feet to 4' along Silver Cloud DR.

The concrete foundation, flooring, and framing of walls have already been established. The applicant believed the construction of the new garage was compliant with setbacks. The correct property corner was found after the concrete foundation, flooring, and framing of walls was completed. The construction is on hold.

No utilities have been placed in the easement at this time.

Whispering Pines Subdivision No. 2 was recorded at Book 11, Page 1 on September 27, 2006. A note on the plat states, "Utility and drainage easements shall be 20 ft. wide on the interior side of all right-of-way boundaries."

**FINDINGS:**

1. The applications were submitted on July 1, 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 applications were posted online at [www.co.valley.id.us/public-hearing-information](http://www.co.valley.id.us/public-hearing-information) on July 13, 2021.
3. Agency comment received: None
4. Neighbor comment received:

The Cascade Whispering Pines Subdivision HOA has no objections to the requests for road vacation and setback variance. (July 28, 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)

### **9-5H-10: VARIANCES:**

A. Conditions: Pursuant to Idaho Code section 67-6516, the commission shall be empowered to grant variances relaxing or modifying the requirements of this title with respect to lot size, setbacks, parking space, height of buildings, or other provisions of this title affecting the size or shape of a structure upon lots, and other land use requirements of this title. In the case of a PUD involving variations from the requirements of this title, it shall not be necessary for the applicant to file a separate application for such variances. Variances may also be heard simultaneously with conditional use permit applications.

#### **B. Application:**

1. A variance may be granted to an applicant only upon a showing of undue hardship as a result of characteristics of the site.
2. A written application for a variance shall be submitted to the administrator or staff containing:
  - a. Description of the nature of the variance requested. (Ord. 10-06, 8-23-2010)
  - b. A narrative statement and graphic material demonstrating:
    - (1) 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.
    - (2) That granting the variance requested will not result in any special privilege otherwise denied to other similar or adjacent lands, uses, and structures.
  - c. A site plan showing the location of the variance and the special characteristics of the site.
  - d. A list of adjoining property owners within three hundred feet (300') of the site.
  - e. The fee set by resolution of the board shall accompany the application for a variance. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

C. Procedure: An application for a variance shall be reviewed by the administrator or staff and the commission in accordance with section 9-5H-11 of this article. The administrator shall post notice of the public hearing to the applicant, adjoining property owners, on site, and the public in accordance with subsection 9-5H-6B of this article.

#### **D. Granting Of Variance:**

1. A variance may be granted if the commission makes specific findings of fact based directly on the particular evidence in the application which supports the conclusion that the above conditions have been met by the applicant.
  2. 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.
  3. The commission's decision shall be a recommendation to the board.
  4. The clerk, upon receipt of a recommendation from the commission, shall set the item on the agenda of the board at the earliest possible regular meeting of the board.
  5. The board shall consider and act upon the commission's recommendations by following the procedures outlined in section 9-5H-11 of this article. However, if the commission's recommendation is unanimous and there is no opposition to approval of the variance, then the board need not hold a public hearing, but may make a decision as a regular agenda item. Only the applicant must be notified as to the time on the agenda of the public meeting.
  6. A permit for the variance may be issued by the administrator or staff only after approval by the board.
  7. The variance approval is valid for five (5) years, unless a more specific date is specified. (Ord. 10-06, 8-23-2010)
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#### **STAFF COMMENTS:**

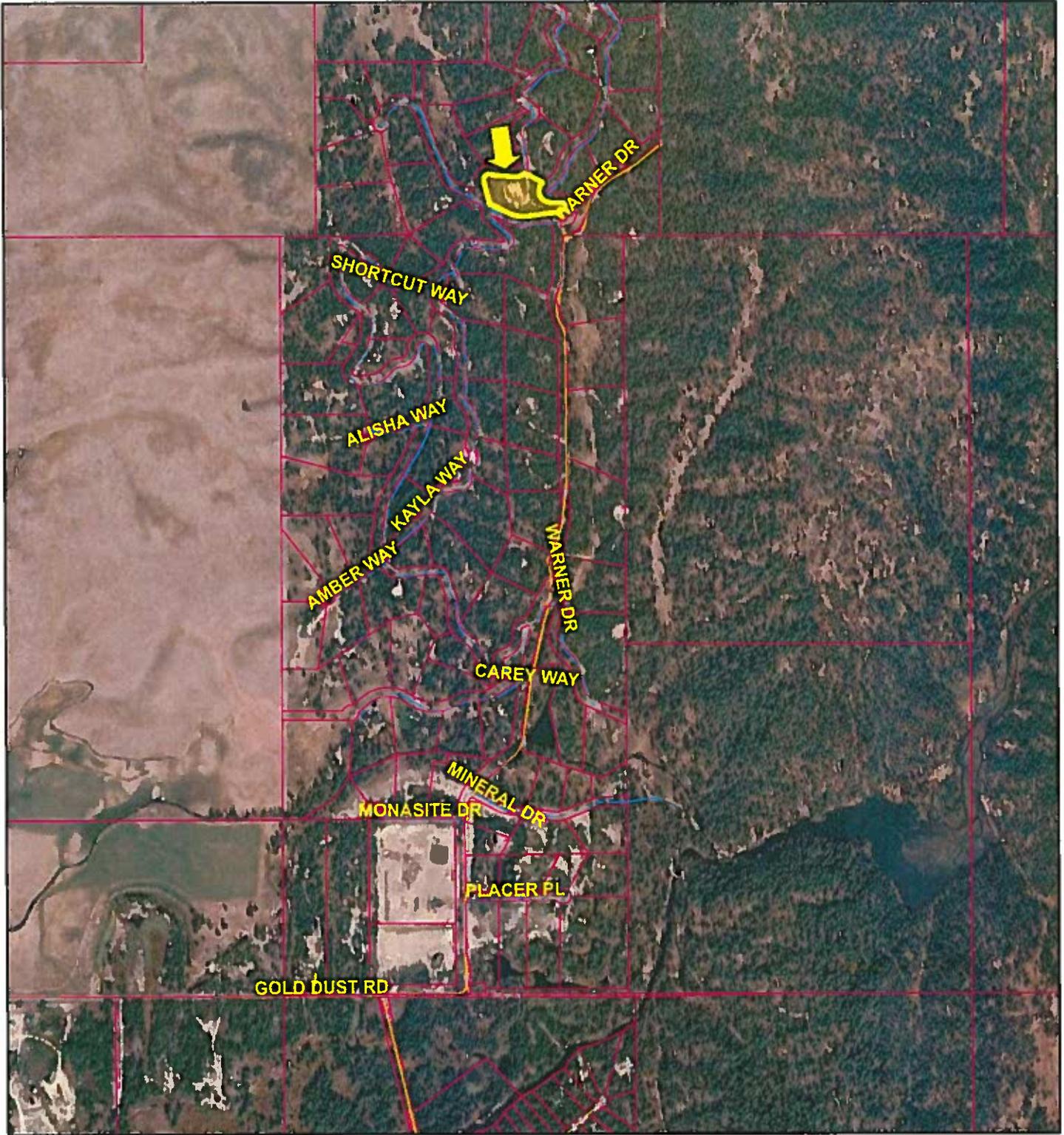
- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- A condition of approval would be that Idaho Power releases the easement.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.

#### **ATTACHMENTS:**

- Vicinity Map
- Aerial Map
- Whispering Pines Subdivision No. 2 as recorded
- Site Plan
- Pictures taken July 14, 2021
- Pictures submitted by applicant
- Responses

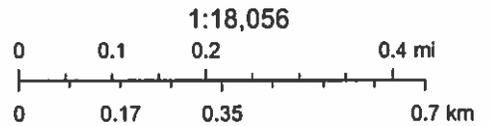
**END OF STAFF REPORT**

# VAC 21-05 and V-3-21 at 55 Silver Cloud DR



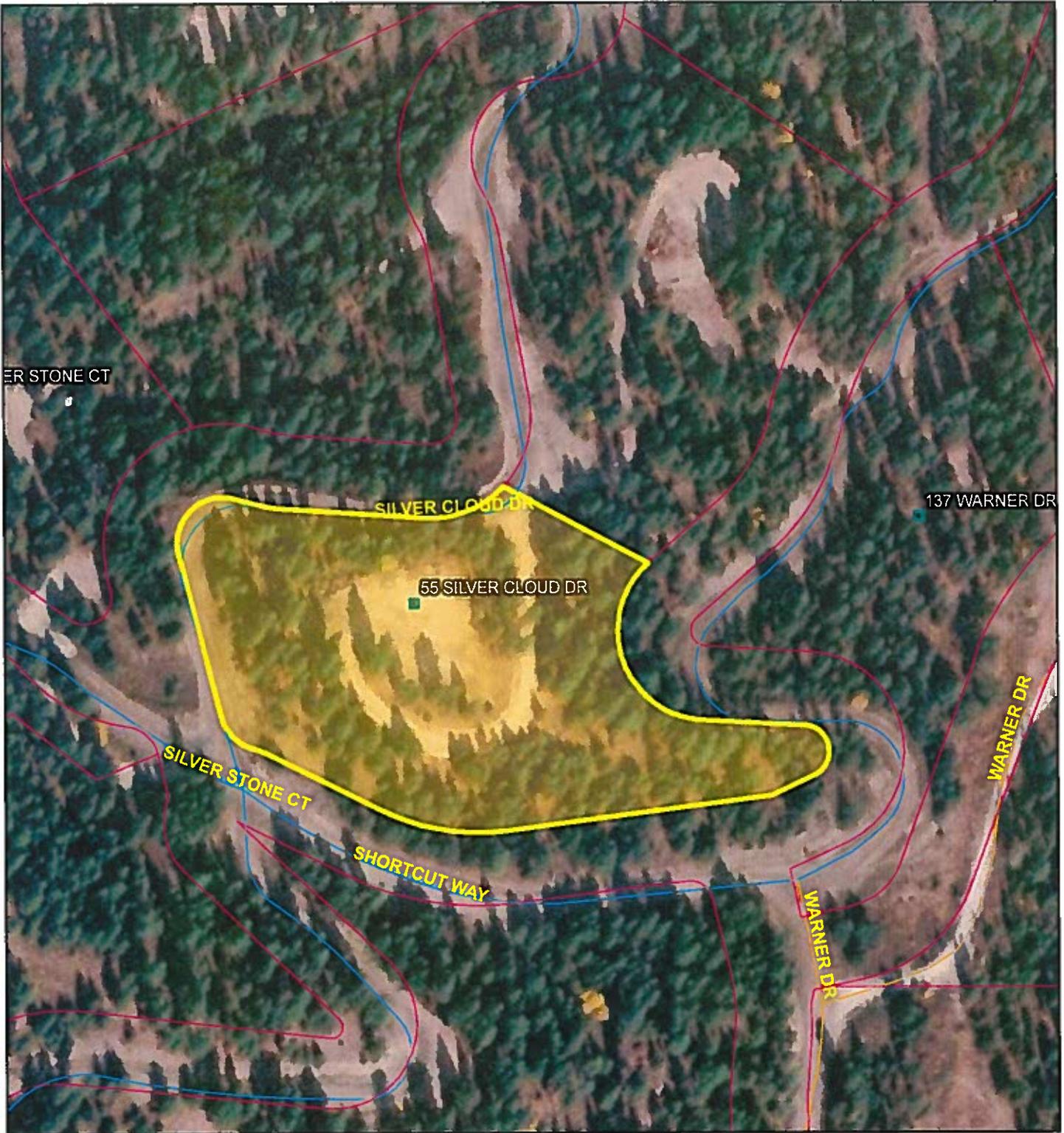
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- Parcel Boundaries
- All Road Labels
- URBAN/RURAL
- PRIVATE



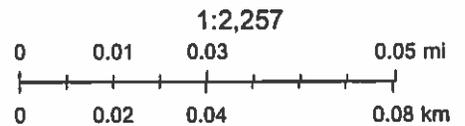
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# VAC 21-05 and V-3-21 at 55 Silver Cloud DR



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



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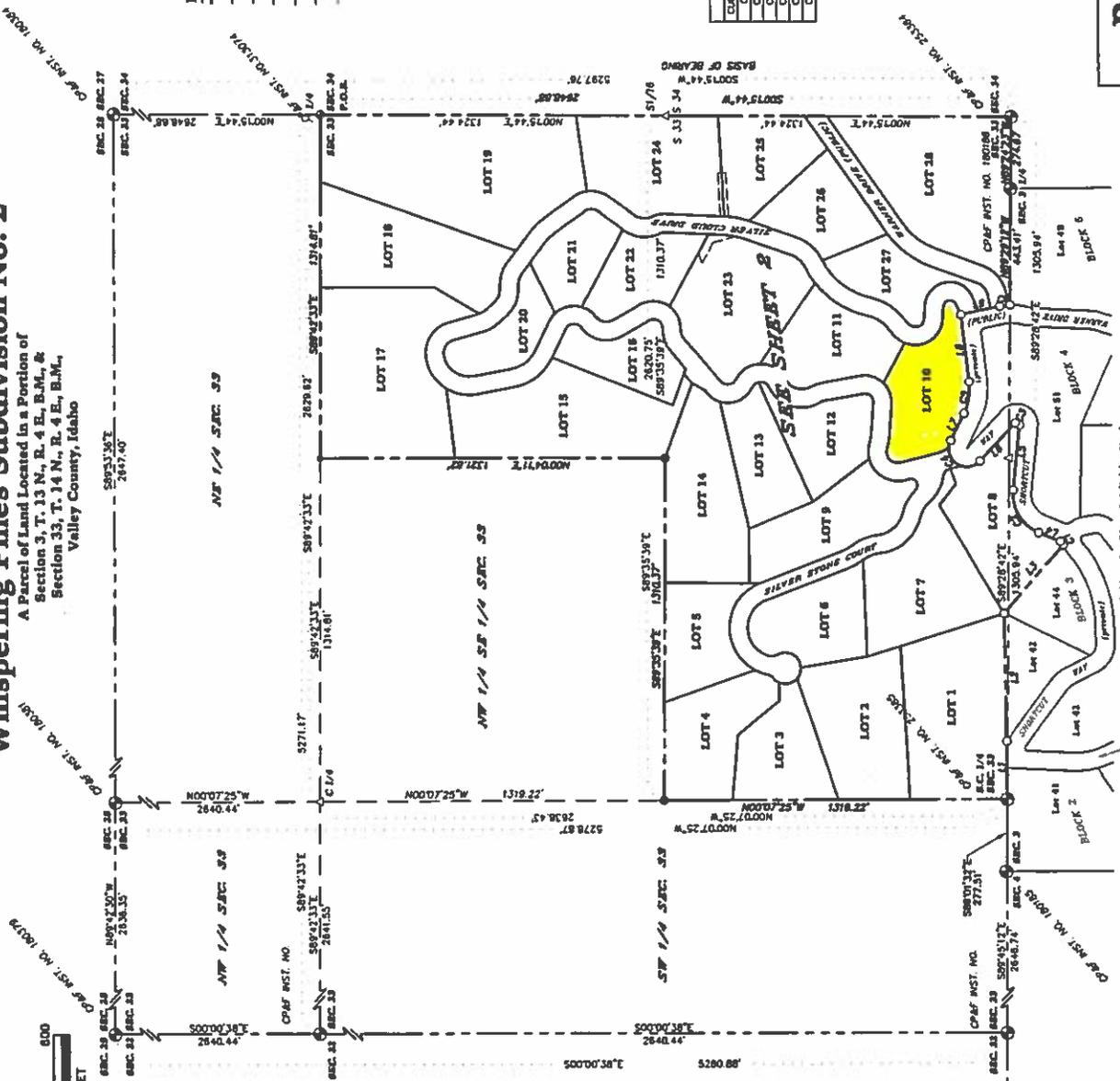
# A PLAT SHOWING Whispering Pines Subdivision No. 2

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

Instrument # 313767  
VALLEY COUNTY, CAROLINE DAWD  
PLAT # 313767  
E-LAND REGISTRATION  
E-Office Recorder Deputy  
Page 1 of 1



HORIZONTAL SCALE IN FEET



**LEGEND**

---	BOUNDARY LINE
---	SECTION LINE
---	QUARTER LINE
---	SIXTEENTH LINE
---	LOT LINE
---	EXISTING PROPERTY LINES
---	FENCE LINE

- SECTION MONUMENT**
- FOUND 5/8" REBAR (LS 5418)
  - SET 5/8" REBAR (LS 5418)
  - 4 CALCULATED POINT (NO PIN SET OR FOUND)

**LINE TABLE**

LINE	LENGTH	BEARING
L1	271.78	S89°23'31"W
L2	486.85	S88°52'12"W
L3	81.26	S13°27'21"W
L4	249.70	S44°07'33"W
L5	190.01	S47°13'32"W
L6	311.23	S63°29'43"W
L7	258.02	S83°02'22"W
L8	153.71	N17°11'18"W

**CURVE TABLE**

DATE	LENGTH	PC	PT	BEARING
C1	203.82	160.00	160.32	S12°27'40"W
C2	24.98	10.00	18.97	S44°12'24"W
C3	200.03	70.00	138.59	S44°12'24"W
C4	173.57	215.00	123.79	N60°13'37"W
C5	39.56	210.00	38.52	N60°13'37"W

**HEALTH CERTIFICATE**

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been outlined according to the letter to be read and followed by the contractor. The contractor listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval. 313768

District Health Department, EHS  
Instrument  
Date  
*Jill King 7/11/06*

**Rennison Fodrea, Inc.**  
Engineers • Surveyors • Planners

Contract Office  
105 N. Main Street, P.O. Box 188  
Coeur d'Alene, Idaho 83814  
Office: 208.302.1802  
Fax: 208.302.3410

East Office  
178 S. Edge Rd., Suite B  
Coeur d'Alene, Idaho 83814  
Office: 208.302.1802  
Fax: 208.302.3410

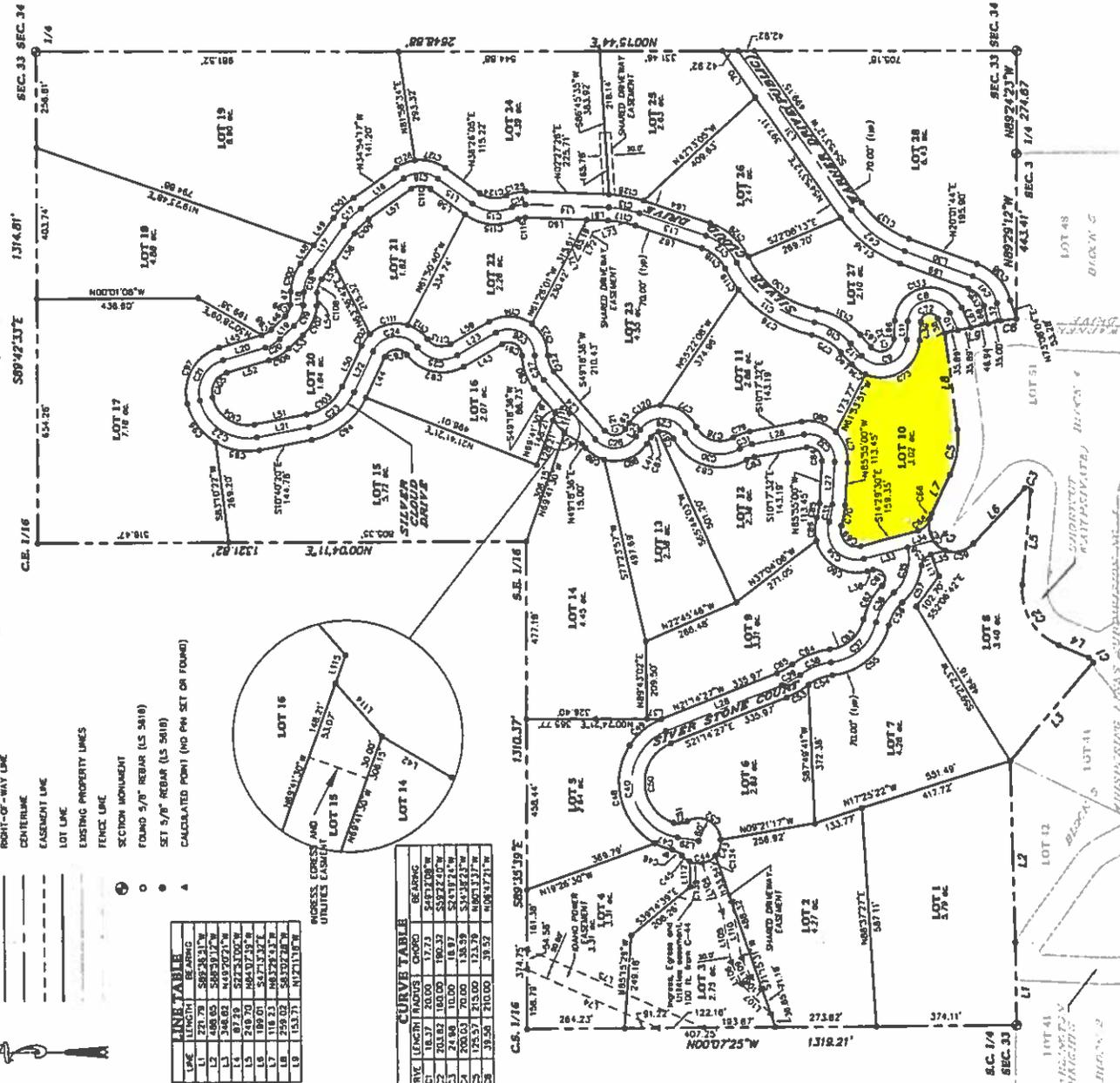


**NOTES**

1. No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restriction release.
2. Reference is made to public health letter for regarding additional restrictions.
3. This plat is subject to Idaho Code Section 31-3805. No irrigation water shall be supplied to any lot herein.
4. Exterior lighting shall comply with the Valley County Land Use and Development Ordinance.
5. Lots shall not be reduced in size.
6. Warner Drive is Public Right-of-way. All other roads constructed in Whispering Pines Subdivision No. 2 are private roads. Valley County shall have no responsibility for the maintenance of said roads. 313770
7. The utilities serving Whispering Pines Subdivision No. 2 have been completed at time of recordation of this plat.
8. Subbacks will comply with Valley County Regulations.
9. Utility and drainage easements shall be 20 feet wide on the interior side of all lot lines adjoining roads. The right-of-way of roads shall further serve as utility and drainage easements.

# 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



### LEGEND

- BOUNDARY LINE
- FRONT-OF-WAY LINE
- CENTERLINE
- EASEMENT LINE
- LOT LINE
- EXISTING PROPERTY LINES
- FENCE LINE
- SECTION MONUMENT
- FOUND 5/8" REBAR (LS 5418)
- SET 5/8" REBAR (LS 5018)
- ▲ CALCULATED POINT (NO PVI SET ON FOUND)

LINE	LENGTH	BEARING
L1	221.78	S82°28'21"W
L2	488.05	S88°31'17"W
L3	348.02	N65°20'21"W
L4	917.79	S27°33'02"W
L5	100.00	S89°59'59"W
L6	100.00	S41°21'21"W
L7	118.53	S83°28'43"W
L8	259.02	S83°32'28"W
L9	153.71	N17°11'17"W

CURVE	LENGTH	BEARING
C1	203.00	S77°00'00"W
C2	203.00	S77°00'00"W
C3	203.00	S77°00'00"W
C4	203.00	S77°00'00"W
C5	203.00	S77°00'00"W
C6	203.00	S77°00'00"W
C7	203.00	S77°00'00"W
C8	203.00	S77°00'00"W

**WHISPERING PINES NO. 2 ROAD DEDICATION**  
 Warner Drive, within the boundary of Whispering Pines Subdivision No. 2 is dedicated to the public use of Valley County and Valley County will not be responsible for the maintenance of said roads boundaries.

**UTILITY AND DRAINAGE EASEMENTS**  
 Utility and drainage easements shall be 20 ft. wide on the interior 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 are to be installed beyond 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, shall be set on all roads on the interior side of all 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. The applicant shall have responsibility for the construction of utilities serving Whispering Pines Subdivision No. 2.

**HEALTH CERTIFICATE**  
 Sanitary restrictions as required by Idaho Code Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder. Sanitary restrictions may be reimposed in accordance with Section 50-1326 Idaho Code by the issuance of a certificate of disapproval. 313768

DNS 7-17-06 2006  
*[Signature]*



**Rennison Fodrea, Inc.**  
 Engineers • Surveyors • Planners

Coastal Office  
 100 N. Main Street, P.O. Box 188  
 Coeur d'Alene, Idaho 83814  
 Office: 208.302.3440  
 Fax: 208.302.3410

Local Office  
 176 E. Long St., Suite B  
 Coeur d'Alene, Idaho 83814  
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 Fax: 208.302.3441

JOB NO. 1439    DRAWN BY: DTG/AC    DATE: August, 2006    SHEET 2 of 4

# 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., S.  
Section 33, T. 14 N., R. 4 E., B.M.,  
Valley County, Idaho

LINE	LENGTH	BEARING
L10	51.65	N65°02'32"E
L11	49.70	N86°33'10"W
L12	41.73	N48°47'26"E
L13	169.91	N18°48'45"E
L14	225.71	N02°27'28"E
L15	115.22	N47°26'05"E
L16	141.20	N44°41'17"W
L17	150.90	N53°32'34"W
L18	35.93	N47°19'20"W
L19	52.51	N42°44'30"W
L20	120.64	N15°54'38"W
L21	144.78	S10°40'20"E
L22	120.57	S64°19'59"E
L23	121.04	S29°44'59"E
L24	210.43	S49°16'35"W
L25	21.30	S46°10'21"E
L26	143.19	S10°17'32"E
L27	113.45	N63°35'00"W
L28	335.97	N14°14'27"W
L29	37.40	S09°37'28"W
L30	195.90	N09°01'44"E
L31	524.00	S24°53'12"W
L32	49.38	N77°49'47"E
L33	121.30	S14°28'30"E
L34	71.73	S14°28'30"E
L35	41.90	S14°28'30"E
L36	16.22	S14°28'30"E
L37	39.37	N00°24'21"E
L38	43.72	N65°02'52"E
L39	49.75	N46°13'10"W
L40	43.70	N48°47'26"E
L41	21.30	S56°04'21"E
L42	54.31	S30°31'15"W
L43	121.04	S29°44'59"E
L44	120.64	S15°54'38"W
L45	120.64	N15°54'38"W
L46	52.51	N42°44'30"W
L47	35.93	N47°19'20"W
L48	60.95	N53°32'34"W
L49	89.95	N53°32'34"W
L50	120.57	S64°19'59"E
L51	144.78	S10°40'20"E
L52	120.64	N15°54'38"W
L53	52.51	N42°44'30"W
L54	35.93	N47°19'20"W
L55	55.13	N53°32'34"W
L56	95.77	N53°32'34"W
L57	141.20	N44°41'17"W
L58	152.22	N47°26'05"E
L59	121.04	S29°44'59"E
L60	167.63	S02°27'28"E
L61	58.08	N02°27'28"E
L62	169.91	N18°48'45"E
L63	21.30	S46°10'21"E
L64	189.91	S18°48'45"W
L65	49.75	N86°33'10"W
L66	43.70	N48°47'26"E
L67	59.58	N65°02'52"E
L68	49.38	N77°49'47"E
L69	195.90	N09°01'44"E
L70	151.74	S44°53'12"W
L71	38.48	S67°20'01"W

LINE	LENGTH	BEARING
L72	68.64	N61°26'01"W
L73	91.34	N15°06'14"W
L74	387.96	N24°02'12"E
L75	521.30	N40°31'12"E
L76	131.04	S08°43'53"E
L77	162.46	S12°32'34"E
L78	106.96	S31°34'54"E
L79	244.26	N13°55'22"E
L80	73.04	N49°28'40"E
L81	109.02	N29°33'47"W
L82	164.38	S66°55'51"E
L83	169.65	N13°42'58"W
L84	69.67	N35°22'32"E
L85	61.46	N63°38'43"W
L86	108.13	N00°17'27"E
L87	172.11	N90°00'00"W
L88	102.74	N06°17'27"E
L89	135.01	S00°00'00"E
L90	178.10	S90°00'00"E
L91	134.11	N00°17'27"E
L92	89.85	S00°00'00"W
L93	179.15	N90°00'00"E
L94	86.94	S00°00'00"E
L95	141.48	S87°45'54"W
L96	139.81	S80°41'45"W
L97	106.66	S63°43'08"W
L98	112.21	S46°19'54"W
L99	54.79	S61°14'06"W
L100	43.07	S46°19'54"W
L101	54.79	S61°14'06"W
L102	154.97	S80°41'45"W
L103	61.64	S83°26'58"W
L104	47.98	S83°26'58"W
L105	47.98	S83°26'58"W
L106	20.00	S89°41'30"E

CURVE	LENGTH	RADIUS	CHORD	BEARING
C7	158.76	60.00	116.33	N102°45'09"W
C8	165.35	70.00	129.50	S18°52'32"E
C9	115.23	179.26	113.25	N30°27'32"E
C10	271.87	300.00	262.75	S37°55'54"W
C11	112.21	142.58	109.33	N41°21'27"E
C12	85.64	300.00	85.35	N10°38'05"E
C13	36.92	75.00	36.54	N11°38'36"W
C14	112.94	104.07	107.48	S05°20'44"W
C15	99.61	80.00	93.30	N00°45'44"E
C16	85.06	200.00	84.77	N44°13'26"W
C17	59.25	100.00	58.38	N70°30'57"W
C18	46.83	80.00	46.40	S66°06'55"E
C19	62.48	80.00	60.60	S66°06'55"E
C20	66.83	100.00	64.40	S79°01'44"E
C21	137.59	90.00	124.58	N59°42'30"W
C22	201.85	132.68	182.94	S37°34'40"W
C23	159.21	170.00	153.46	S37°30'09"E
C24	144.27	70.00	120.06	N03°17'26"W
C25	120.96	83.00	110.34	S12°00'04"W
C26	147.02	70.00	121.45	N30°55'04"E
C27	72.04	100.00	70.49	S69°56'51"W
C28	128.75	70.00	111.35	S03°22'52"E
C29	146.59	70.00	121.23	N03°55'02"E
C30	172.42	104.73	153.60	S16°44'44"W
C31	35.13	100.00	34.95	N20°21'19"W
C32	127.52	70.00	110.60	N41°53'44"E
C33	47.38	200.00	47.27	S70°07'49"E
C34	166.41	78.06	136.65	S46°34'55"W
C35	133.54	120.00	126.76	S73°15'40"E
C36	94.39	50.00	92.63	N58°45'22"W
C37	174.67	140.00	163.56	S41°02'23"E
C38	90.75	160.40	89.56	N21°30'19"W
C39	37.50	200.00	37.30	S49°28'37"E
C40	386.15	148.52	286.21	S81°16'31"W
C41	100.85	100.00	96.63	N48°55'15"E
C42	182.51	300.00	179.71	S37°27'45"E
C43	48.07	60.00	44.94	S70°46'32"E
C44	76.26	60.00	71.23	S12°22'15"E
C45	27.58	60.00	27.34	S37°42'30"W
C46	28.73	45.00	28.19	N31°27'12"E
C47	50.27	183.52	50.11	S70°22'32"W
C48	305.62	183.52	271.51	S75°55'50"W
C49	112.49	183.52	110.74	N48°40'04"W
C50	278.90	113.52	213.86	S88°23'03"W
C51	37.68	45.00	36.59	S85°39'40"E
C52	172.74	60.00	162.43	N49°37'24"E
C53	67.58	235.00	67.33	S49°28'37"E
C54	70.94	125.40	70.00	N21°30'19"W
C55	216.34	175.00	200.45	S41°02'23"E
C56	72.36	115.00	71.17	N58°45'22"W
C57	114.01	155.00	111.46	S61°48'07"E
C58	41.76	35.00	39.34	N48°40'58"W
C59	81.76	70.00	77.20	S14°45'47"E
C60	179.13	113.06	160.98	S30°33'53"W
C61	65.52	25.00	64.32	N60°33'53"E
C62	104.82	185.00	103.42	N60°33'53"E
C63	131.00	105.00	122.67	S44°07'23"E
C64	110.55	195.40	109.08	N21°30'19"W
C65	47.44	165.00	47.27	S79°28'37"E
C66	13.72	70.00	13.69	N69°06'32"W
C67	104.55	70.00	95.10	S82°28'19"W
C68	47.31	45.00	45.16	S44°56'26"E

CURVE	LENGTH	RADIUS	CHORD	BEARING
C69	91.80	43.06	75.38	S45°34'55"W
C70	58.67	235.00	55.54	S79°07'49"E
C71	91.35	235.00	88.49	N69°09'38"E
C72	66.15	75.00	48.47	N10°45'09"W
C73	201.65	105.00	172.06	S33°32'11"E
C74	48.38	105.00	46.01	S38°08'07"W
C75	92.73	144.26	91.14	N20°27'32"E
C76	236.66	335.00	231.77	S21°11'55"W
C77	119.69	110.33	113.31	N31°15'17"E
C78	114.60	68.73	102.27	S16°44'44"W
C79	47.42	135.00	47.18	N20°21'19"W
C80	99.93	105.00	96.20	N16°58'22"E
C81	47.90	35.00	44.25	N42°42'15"E
C82	230.04	139.73	204.93	S16°44'44"W
C83	22.83	85.00	22.72	N20°21'19"W
C84	63.78	35.00	55.30	N43°53'44"E
C85	39.09	165.00	39.00	S79°07'49"E
C86	61.90	113.06	61.13	N88°01'41"W
C87	25.39	35.00	24.84	N35°17'14"W
C88	132.18	105.00	123.62	S20°00'35"E
C89	60.95	105.00	60.09	S32°40'54"W
C90	97.25	135.00	95.16	S69°56'51"W
C91	73.51	35.00	69.72	N30°25'04"E
C92	171.97	118.00	157.15	S12°00'04"W
C93	72.13	35.00	60.03	N05°17'26"W
C94	191.99	205.00	185.05	S37°30'09"E
C95	122.77	167.68	120.04	S10°14'08"W
C96	132.33	167.68	128.93	S53°53'08"W
C97	191.10	25.00	173.03	N52°42'30"W
C98	30.44	45.00	30.16	S21°19'24"E
C99	35.14	45.00	34.26	S85°08'35"E
C100	79.98	135.00	78.82	N70°30'57"W
C101	76.44	235.00	76.11	N44°13'26"W
C102	38.91	105.00	38.69	N53°42'59"W
C103	126.44	135.00	121.86	S37°30'09"E
C104	148.60	97.68	134.69	S32°54'40"W
C105	84.09	55.00	76.13	N59°42'30"W
C106	63.22	135.00	62.64	S29°19'44"E
C107	69.81	115.00	67.55	S65°06'55"E
C108	38.51	65.00	37.95	N70°30'57"W
C109	53.67	165.00	53.44	N44°13'26"W
C110	56.03	45.00	52.48	N02°45'54"E
C111	110.23	105.00	105.23	N13°01'33"W
C112	67.26	105.00	66.12	N35°24'00"E
C113	69.85	48.00	63.93	S12°00'04"W
C114	122.08	105.00	115.32	N03°33'25"E
C115	150.92	139.07	143.62	S05°20'44"W
C116	19.69	40.00	19.49	N11°38'36"W
C117	75.65	265.00	75.39	N16°38'05"E
C118	84.66	107.58	81.50	N41°21'27"E
C119	67.04	335.00	66.93	S58°10'11"W
C120	100.19	105.00	96.43	N28°44'10"W
C121	64.37	35.00	55.68	S03°22'52"E
C122	46.83	105.00	45.82	S69°56'51"W
C123	98.45	105.00	94.88	N63°43'28"E
C124	74.96	69.07	71.33	S05°20'44"W
C125	54.14	110.00	53.60	N11°38'36"W
C126	54.41	115.00	53.90	N21°30'19"W
C127	86.78	115.00	86.59	N41°19'08"E
C128	95.63	335.00	95.30	N10°38'05"E
C129	139.75	177.58	136.17	N41°21'27"E
C130	240.24	265.00	232.10	S37°55'54"W

CURVE	LENGTH	RADIUS	CHORD	BEARING
C131	137.73	214.26	135.37	N30°22'37"E
C132	82.68	35.00	84.75	S18°52'32"E
C133	251.36	95.00	194.19	N10°45'09"W
C134	42.96	60.00	42.05	S28°16'08"E
C135	65.55	65.00	62.61	N48°55'13"E
C136	203.81	335.00	200.68	S37°27'28"W
C137	161.22	265.00	158.75	S37°27'28"W
C138	136.15	135.00	130.45	N48°55'13"E
C139	33.30	60.00	32.87	S08°08'28"W



**Rennison Fodrea, Inc.**  
Engineers • Surveyors • Planners

Corporate Office  
128 W. Main Street, P.O. Box 108  
Coeur d'Alene, Idaho 83814  
Office: 208.382.1802  
Fax: 208.382.3410

# A PLAT SHOWING Whispering Pines Subdivision No. 2

A Parcel of Land Located in a Portion of  
Section 35, T. 14 N., R. 4 E., B.M., &  
Valley County, Idaho

### CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: The undersigned are the owners of the following described parcel of land:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 35, T. 14 N., R. 4 E., AND SECTION 33, T. 14 N., R. 4 E., VALLEY COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 33 (CAMP ACT. NO. 24338A) AND DISTANCES ON THE NORTHERLY BOUNDARY OF SAID WHISPERING PINES SUBDIVISION NO. 1; THENCE A BEARING OF N 89°51'44" E A DISTANCE OF 2448.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 33 TO A SET ALUMINUM CAP MONUMENT MARKING THE EAST 1/4 CORNER OF SAID SECTION 33 (CAMP ACT. NO. 313074) SAID BOUNDARY BEING THE TRUE POINT OF BEGINNING.

THENCE A BEARING OF S 0°15'14" E A DISTANCE OF 2448.00 FEET ON SAID EAST BOUNDARY TO A FOUND MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 33 (CAMP ACT. NO. 24338A); THENCE A BEARING OF N 89°51'44" E A DISTANCE OF 2448.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 33 TO A SET ALUMINUM CAP MONUMENT MARKING THE EAST 1/4 CORNER OF SAID SECTION 33 (CAMP ACT. NO. 313074) SAID BOUNDARY BEING THE TRUE POINT OF BEGINNING.

THENCE A BEARING OF S 0°15'14" E A DISTANCE OF 2448.00 FEET ON SAID EAST BOUNDARY TO A FOUND MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 33 (CAMP ACT. NO. 24338A); THENCE A BEARING OF N 89°51'44" E A DISTANCE OF 2448.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 33 TO A SET ALUMINUM CAP MONUMENT MARKING THE EAST 1/4 CORNER OF SAID SECTION 33 (CAMP ACT. NO. 313074) SAID BOUNDARY BEING THE TRUE POINT OF BEGINNING.

THENCE A BEARING OF S 0°15'14" E A DISTANCE OF 2448.00 FEET ON SAID EAST BOUNDARY TO A FOUND MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 33 (CAMP ACT. NO. 24338A); THENCE A BEARING OF N 89°51'44" E A DISTANCE OF 2448.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 33 TO A SET ALUMINUM CAP MONUMENT MARKING THE EAST 1/4 CORNER OF SAID SECTION 33 (CAMP ACT. NO. 313074) SAID BOUNDARY BEING THE TRUE POINT OF BEGINNING.

THAT IT IS THE OWNERS INTENT TO INCLUDE THE ABOVE DESCRIBED PARCEL OF LAND IN THIS PLAT OF WHISPERING PINES SUBDIVISION NO. 2, WHISPERING PINES SUBDIVISION NO. 2, VALLEY COUNTY, IDAHO, FOR THE UTILITY AND DRAINAGE EASEMENTS ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO AND USE OF THESE EASEMENTS AS REQUIRED TO THE PUBLIC IS PERPETUALLY RESERVED. THE OWNERS HEREBY CERTIFY THAT THE INDIVIDUAL LOTS WILL NOT BE SERVED BY ANY WATER SYSTEM COMMON TO ONE (1) OR MORE LOTS BUT WILL BE SERVED BY INDIVIDUAL WELLS. THE OWNERS CERTIFY THAT THEY WILL COMPLY WITH IDAHO CODE 31-3008 CONCERNING IRRIGATION RIGHTS AND DISCLOSURE.

K.O.B.L.L.C.C.D. *[Signature]*  
DEPUTY PUBLIC DEFENDER, MANAGING MEMBER

### ACKNOWLEDGEMENT

Hobby Public of Idaho  
Residing in Carlsbad  
STATE OF IDAHO )  
COUNTY OF VALLEY )  
ON THIS 11 DAY OF Sept, IN THE YEAR 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DEMAR BURNETT KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFRDED MY OFFICIAL SEAL THE DAY AND THE YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

*[Signature]*  
NOTARY PUBLIC FOR THE STATE OF IDAHO  
RESIDING AT Carlsbad  
MY COMMISSION EXPIRES 7-10-09

### CERTIFICATE OF SURVEYOR

I, Robert W. Fodrea, Professional Land Surveyor No. 5618, licensed by the State of Idaho, do hereby certify that the plat of Whispering Pines Subdivision in the certificate of owners, was drawn from a survey conducted by me and accurately represents the points plotted thereon, and is in conformance with Idaho Code Title 56, Chapter 13.

*[Signature]*  
Robert W. Fodrea, P.L.S. 5618



### CERTIFICATE OF VALLEY COUNTY SURVEYOR

I, THE UNDERSIGNED COUNTY SURVEYOR FOR VALLEY COUNTY, DO HEREBY CERTIFY THAT THE PLAT OF WHISPERING PINES SUBDIVISION NO. 2 IS IN COMPLIANCE WITH TITLE 56, CHAPTER 13, IDAHO CODE, RELATING TO PLATS AND SURVEYS AND IS ALSO IN COMPLIANCE WITH THE VALLEY COUNTY SUBDIVISION REGULATIONS RELATIVE TO PLATS.

*[Signature]*  
VALLEY COUNTY SURVEYOR

APPROVAL OF VALLEY COUNTY PLANNING AND ZONING COMMISSION  
OF THE PLAT OF WHISPERING PINES SUBDIVISION NO. 2 IS HEREBY ACCEPTED AND APPROVED THE 11 DAY OF September, 2006 BY THE VALLEY COUNTY PLANNING AND ZONING COMMISSION.

*[Signature]*  
CHAIRMAN

### APPROVAL OF VALLEY COUNTY COMMISSIONERS

THE PLAT OF WHISPERING PINES SUBDIVISION NO. 2 IS HEREBY ACCEPTED AND APPROVED THE 25 DAY OF September, 2006 BY THE VALLEY COUNTY COMMISSIONERS.

*[Signature]*  
CHAIRMAN

### CERTIFICATE OF VALLEY COUNTY TREASURER

I, THE UNDERSIGNED COUNTY TREASURER IN AND FOR THE COUNTY OF VALLEY, STATE OF IDAHO, PER THE REQUIREMENTS OF IDAHO CODE 50-1008 DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAX FOR THE PROPERTY INCLUDED IN THE PLAT OF WHISPERING PINES SUBDIVISION NO. 2 HAS BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY. RP13 NOVE 03 2565, RPNOVE 337200

*[Signature]*  
VALLEY COUNTY TREASURER  
DATE Sept 25 2006

### VALLEY COUNTY RECORDER'S CERTIFICATE

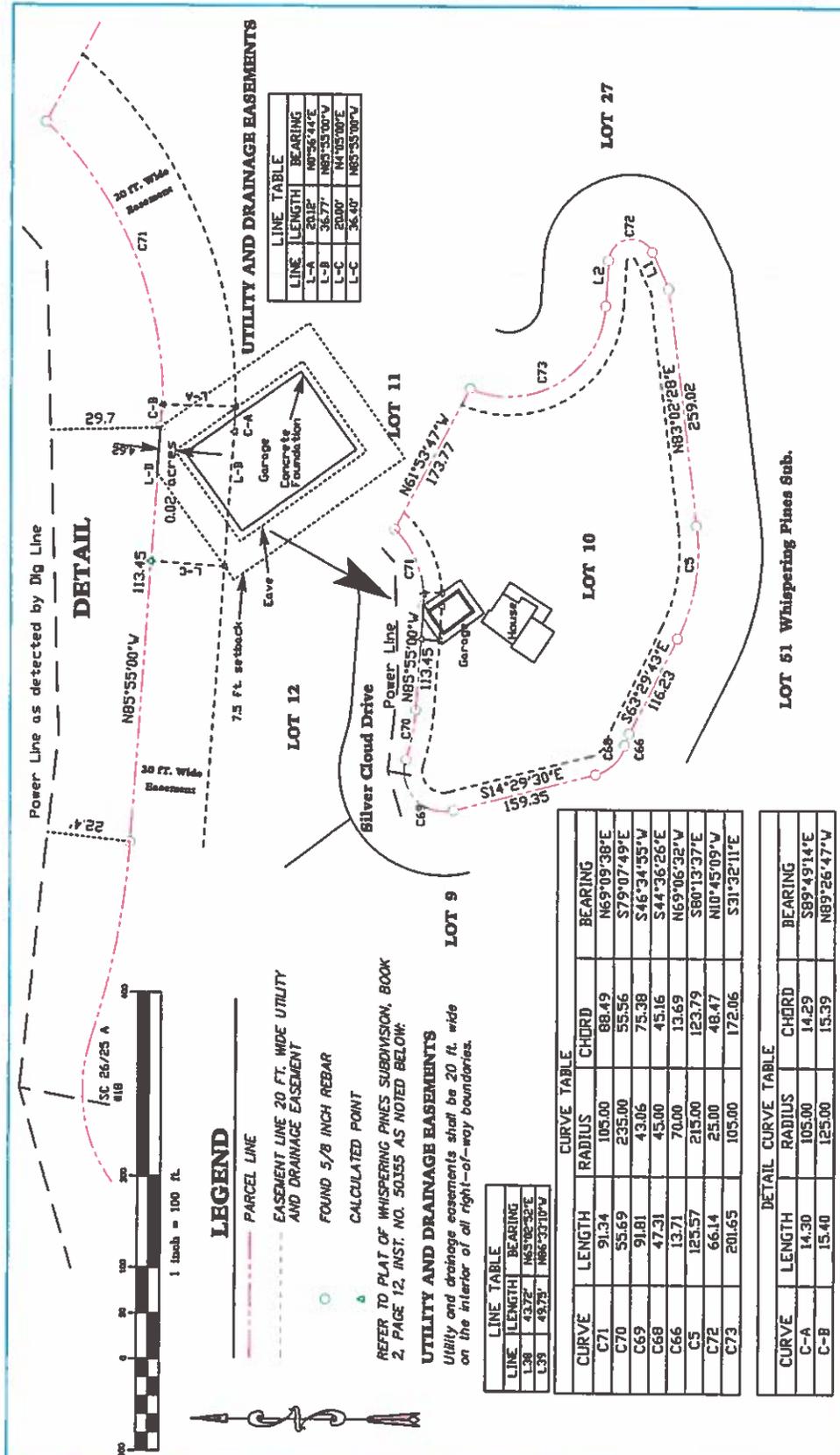
STATE OF IDAHO )  
VALLEY COUNTY )  
THIS IS TO CERTIFY THAT THE PLAT OF WHISPERING PINES SUBDIVISION NO. 2 WAS FILED IN THE OFFICE OF THE RECORDER OF VALLEY COUNTY, IDAHO, THIS 11 DAY OF September, 2006, AT 10:00 O'CLOCK AM AT THE REQUEST OF AND WAS DULY RECORDED AS INSTRUMENT        IN BOOK        OF PLATS ON PAGE       

DEPUTY  
EX-OFFICIO RECORDER

**Rennison Fodrea, Inc.**  
Engineers • Surveyors • Planners

Cascade Office  
105 N. Main Street, P.O. Box 108  
Valley, Idaho 83416  
Office: 208.382.4972  
Fax: 208.382.3140

JOB NO. 1439 DRAWN BY: DTD/AG DATE: August, 2006 SHEET 4 of 4



**LINE TABLE**

LINE	LENGTH	BEARING
L-A	201.2	N0°56'44"E
L-B	36.77	N85°55'00"V
L-C	20.00	N4°05'00"E
L-C	36.40	N85°55'00"V

**LINE TABLE**

LINE	LENGTH	BEARING
L38	43.72	N85°06'32"E
L39	49.79	N85°33'10"V

**CURVE TABLE**

CURVE	LENGTH	RADIUS	CHORD	BEARING
C71	91.34	105.00	88.49	N69°09'38"E
C70	55.69	235.00	55.56	S79°07'49"E
C69	91.81	43.06	75.38	S46°34'55"V
C68	47.31	45.00	45.16	S44°36'26"E
C66	13.71	70.00	13.69	N69°06'32"V
C5	125.57	215.00	123.79	S80°13'37"E
C72	66.14	25.00	48.47	N10°45'09"V
C73	201.65	105.00	172.06	S31°32'11"E

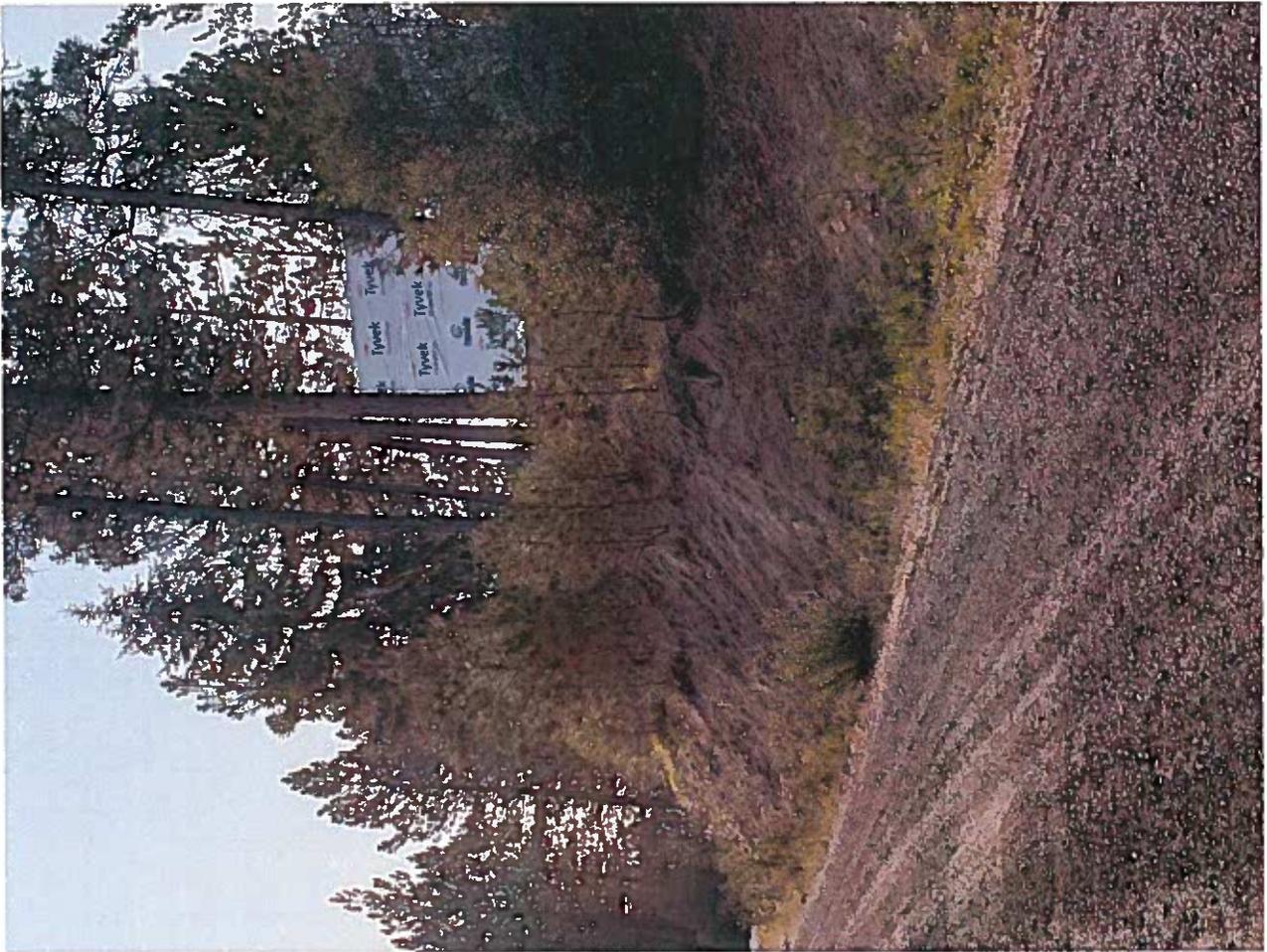
**DETAIL CURVE TABLE**

CURVE	LENGTH	RADIUS	CHORD	BEARING
C-A	14.30	105.00	14.29	S89°49'14"E
C-B	15.40	125.00	15.39	N89°26'47"V

**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

**Fodrea Land Surveys**  
 Surveyors, Engineers, Planners.  
 105 N. Main Street, P.O. Box 188, Coocoma, Idaho 83611  
 Office: 208.382.4902 - Fax: 208.382.3410  
[www.fodrealandgroup.com](http://www.fodrealandgroup.com)

DATE: 6/24/21  
 P.M.: RWF  
 P.N.: 21008  
 CAD: RWF  
 EXHIBIT: **B**



TAKEN July 14, 2021



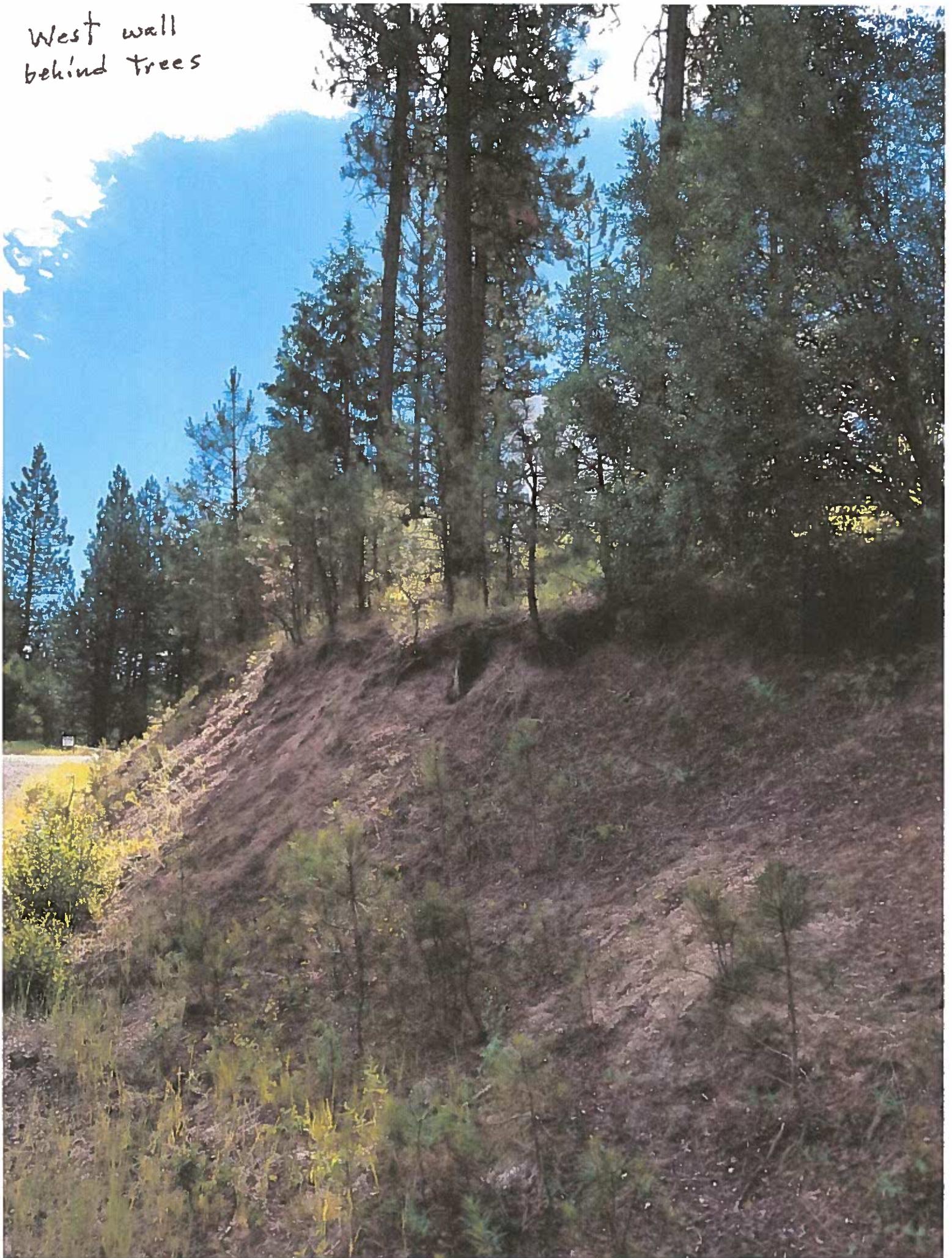
South wall



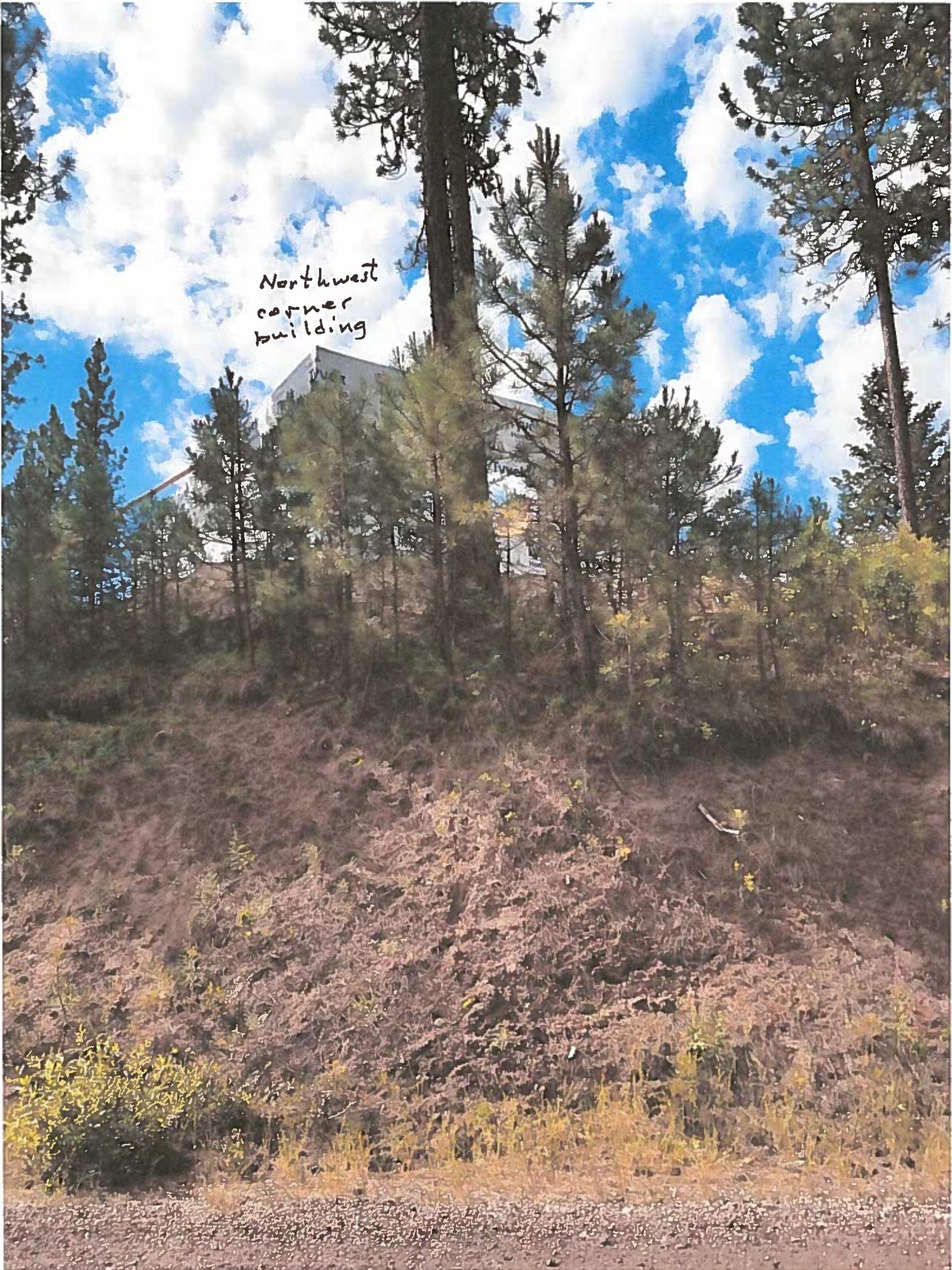
Northwest  
building  
corner

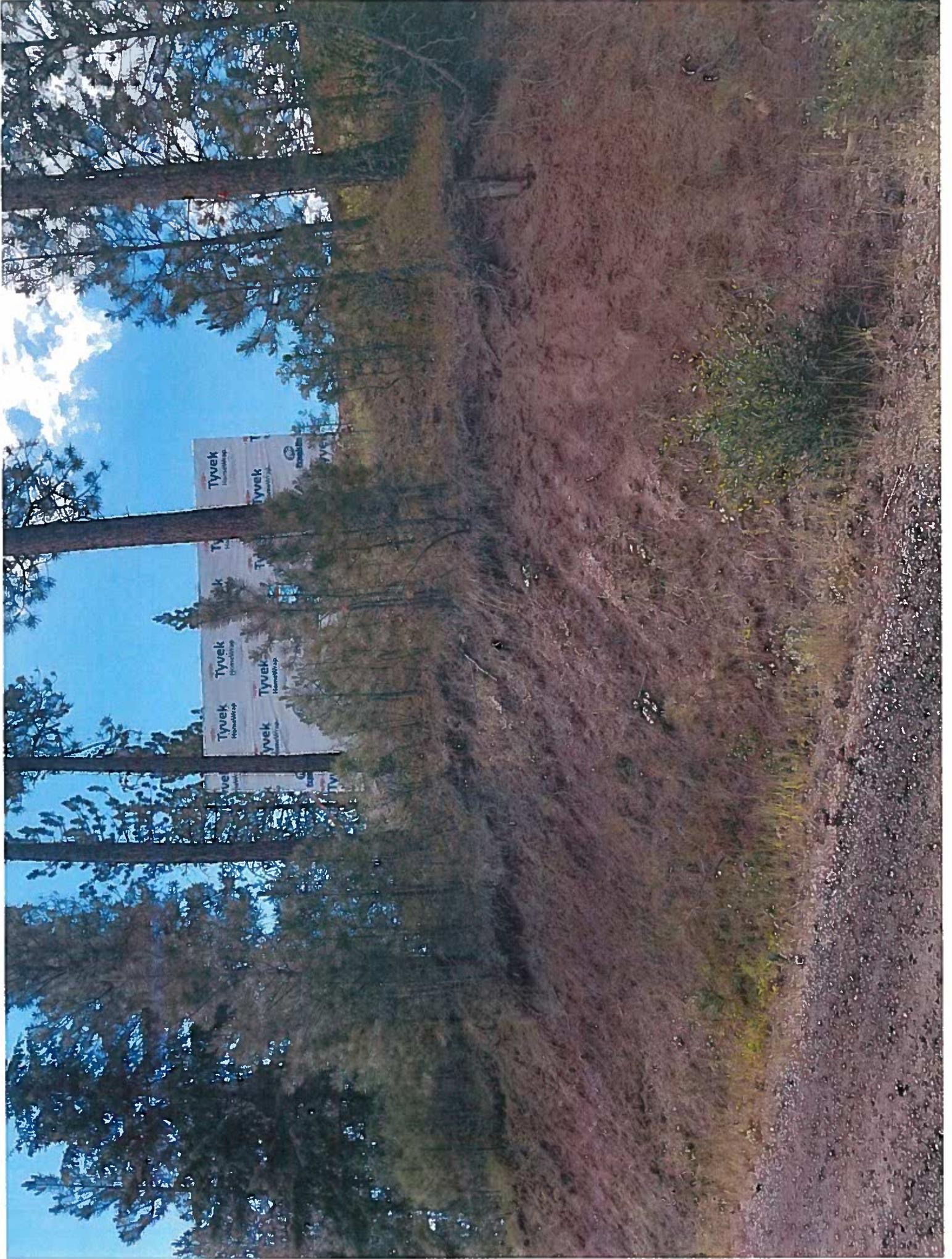
Prop  
Car

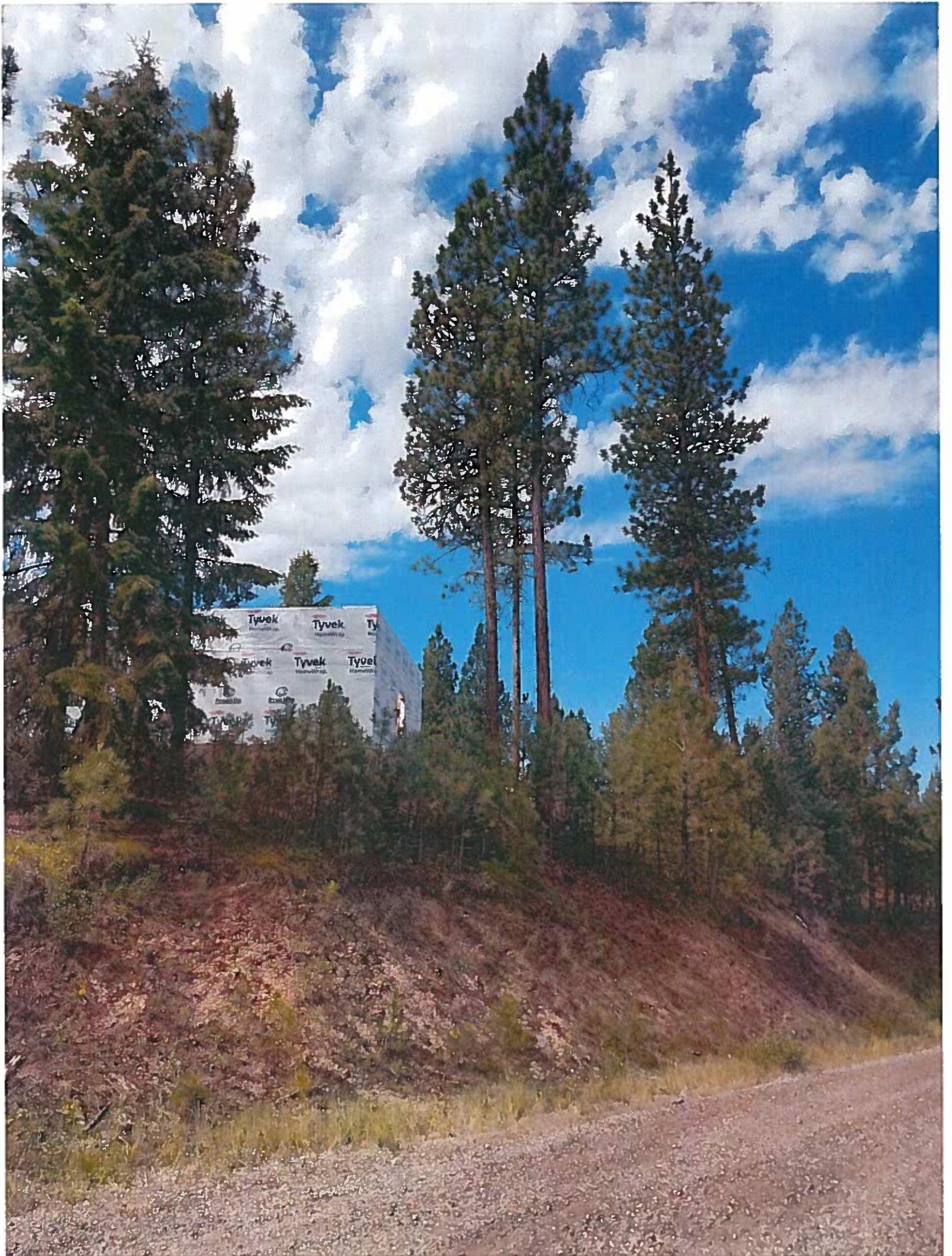
West wall  
behind trees



Northwest  
corner  
building







Cascade Whispering Pines Subdivision HOA  
PO Box 448  
Cascade, ID 83611

July 28, 2021

Re: Jerry Montalbano  
55 Silver Cloud Drive  
Whispering Pines Subdivision No. 2 Lot 10  
Cascade, Idaho 83611

To Valley County Planning and Zoning,

The Cascade Whispering Pines Subdivision HOA has no objections to Jerry Montalbano's request of a vacation of a 20-foot wide utility and drainage easement on the interior side of all right-of-way boundaries.

The Cascade Whispering Pines Subdivision HOA also has no objections to Jerry Montalbano's request of a variance to relax the front-yard setback from the required 20 feet to 0 feet.

Thank you,

Mitch Tuel – President

Kyle Christiansen – Vice President

Misty Percifield – Secretary/Treasurer