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



Conditional Use Permit Application

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT FILE #	☐ Check # or ☐ Cash FEE \$ DEPOSIT \$
PROPOSED USE:	DATE
When an application has been submitted, it will be reviewed in order to det A hearing date will be scheduled only after an application has been accepted as co Applicant's Signature: Dawel Hawlin, Melin	omplete or if applicant requests the hearing in writing.

The following must be completed and submitted with the conditional use permit application:

- A <u>detailed project description</u> disclosing the purpose, strategy, and time frame of construction. Include a phasing plan if appropriate.
- A <u>plot plan</u>, drawn to scale, showing the boundaries, dimensions, area of lot, existing and proposed utilities, streets, easements, parking, setbacks, and buildings.
- A <u>landscaping plan</u>, drawn to scale, showing elements such as trees, shrubs, ground covers, and vines. Include a plant list indicating the size, quantity, location and name (both botanical and common) of all plant material to be used.
- ❖ A <u>site grading plan</u> clearly showing the existing site topography and detailing the best management practices for surface water management, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development.
- A lighting plan.
- Names and addresses of property owners within 300 feet of the property lines. Information can be obtained through the Assessor's Office. Only one copy of this list is required.
- Ten (10) copies of the application, project description, plot plan, landscaping plan, grading plan, and impact report are required.

We recommend you review the Valley County Codes online at www.co.valley.id.us/planning-zoning or at the Planning & Zoning Office at 219 North Main Street, Cascade, Idaho

Subject to Idaho Statute 55-22 Underground Facilities Damage Prevention.

James: 208-315-7775

Owner Purchaser Lessee Renter ZIP 83638
OWNER'S NAME James Hamblin + Melinda Voicu
OWNER'S MAILING ADDRESS P. O. Box 3091 ZIP \$3638
AGENT/REPRESENTATIVE FAX PHONE
AGENT/REPRESENTATIVE ADDRESS ZIP
CONTACT PERSON (if different from above)
CONTACT'S ADDRESS ZIP PHONE
ADDRESS OF SUBJECT PROPERTY
PROPERTY DESCRIPTION (either lot, block & subdivision name or attach a recorded deed with a metes and bounds description.) W(Call Ranch Parcel #30, See Record of Survey
TAX PARCEL NUMBER
Quarter <u>SE 1/4 NW 1/4</u> Section <u>28</u> Township <u>18 N.</u> Range <u>3 E</u>
1. PROPOSED USE: Residential ☑ Civic or Community □ Commercial □ Industrial □
2. SIZE OF PROPERTY 32.263 Acres 1 or Square Feet 1 with home-based business
3. EXISTING LAND USES AND STRUCTURES ON THE PROPERTY ARE AS FOLLOWS:
agricultural
4. ARE THERE ANY KNOWN HAZARDS ON OR NEAR THE PROPERTY (such as canals, hazardous material spills, soil
or water contamination)? If so, describe and give location: See Attachment
Water contamination). If 30, describe and give rotation.
THE PART OF THE PA
5. ADJACENT PROPERTIES HAVE THE FOLLOWING BUILDING TYPES AND/OR USES:
North agriculture (anticipate residential, similar type of use)
south agriculture (anticipate residential, similar type of use)
East residential
west agriculture (anticipate residential, similar type of use)
6. MAXIMUM PROPOSED STRUCTURE HEIGHT: 25'
7a. NON-RESIDENTIAL STRUCTURES OR ADDITIONS (If applicable):
Number of <u>Proposed</u> Structures: 2 Number of <u>Existing</u> Structures: 0
Proposed Gross Square Feet Existing Gross Square Feet
1st Floor 600'44,000 interior square feet 1st Floor
2 nd Floor
Total 4,600 square feet Total
Garage, Shop

8a.	TYPE OF RESIDENTIAL USE (If applicable): Single family residence Mobile home for single family residence Multiple residences on one parcel
8b.	SQUARE FOOTAGE OF PROPOSED RESIDENTIAL STRUCTURES (If applicable): Maximum: 4,800 sq. ff
	SQUARE FOOTAGE OF EXISTING RESIDENTIAL STRUCTURES:
8c.	DENSITY OF DWELLING UNITS PER ACRE: 32 + 3 = 10.66 Acres Per Dwelling
9.	SITE DESIGN: Percentage of site devoted to building coverage: ~ .0131770
	Percentage of site devoted to landscaping: ~ , O 14 %
	Percentage of site devoted to roads or driveways: ~ 032 %
	Percentage of site devoted to other uses:, describe:
	Total: 100%
10.	PARKING (If applicable): Office Use Only
	a. Handicapped spaces proposed: N/A Handicapped spaces required:
	b. Parking spaces proposed: N/A Parking spaces required:
	c. Number of compact spaces proposed: Number of compact spaces allowed: Number of compact spaces allowed:
	d. Restricted parking spaces proposed: N/A
	e. Are you proposing off-site parking: N/A
11.	SETBACKS: <u>BUILDING</u> <u>Office Use Only</u> <u>PARKING</u> <u>Office Use Only</u>
	Proposed Required Proposed Required
	Front open land
	Rear 20' off east fence
	Side open land
	Street Side open land
12a.	NUMBER OF EXISTING ROADS: Width: Private or Public?
	Are the existing road surfaces paved or graveled? N/A
12b.	NUMBER OF PROPOSED ROADS: Proposed width:
	Will the <u>proposed</u> roads be publicly or privately maintained? <u>privately</u>
	Proposed road construction: Gravel ☑ Paved ☐
13a.	EXISTING UTILITIES ON THE PROPERTY ARE AS FOLLOWS:
	power. Southwest Corner
13b.	PROPOSED UTILITIES:
	Proposed utility easement width 3' Location east fence
14a.	SEWAGE WASTE DISPOSAL METHOD: Septic ☑ Central Sewage Treatment Facility □
14b.	POTABLE WATER SOURCE: Public ☐ Water Association ☐ Individual ☑
	If individual, has a test well been drilled? NO Depth Flow Purity Verified?
	Nearest adjacent well 1/4 mile away Depth 160' Flow 17-18 gal. /min

15.	ARE THERE ANY EXISTING IRRIGATION SYSTEMS? Yes
	Are you proposing any alterations, improvements, extensions or new construction?
	If yes, Explain:
16.	DRAINAGE (Proposed method of on-site retention): Land slightly slopes to drain into Any special drains? NO (Please attach map) ditches or Brown Pond
	the character and the contract of the contract
	Soil type (Information can be obtained from the Soil Conservation District): Archahal Loam 2-40/65/8
17a.	IS ANY PORTION OF THE PROPERTY LOCATED IN A FLOODWAY OR 100-YR FLOODPLAIN? * See Attachme
	(Information can be obtained from the Planning & Zoning Office) NO
17b.	DOES ANY PORTION OF THIS PARCEL HAVE SLOPES IN EXCESS OF 15%? Ye.s
17c.	ARE THERE WETLANDS LOCATED ON ANY PORTION OF THE PROPERTY? Yes, status pending. ~1, 1800
18.	IS THERE ANY SITE GRADING OR PREPARATION PROPOSED? Yes, minimal. If yes, Explain:
	For driveway: Will be outside the Clara Foltz Ditch easment but will us
	soil which has already been disturbed for the rough maintenance room
	For foundations: Will be on flatter, higherground. Need minimal sitegradion
19.	COMPLETE ATTACHED PLAN FOR IRRIGATION if you have water rights and are in an irrigation district.
20.	COMPLETE ATTACHED WEED CONTROL AGREEMENT
21.	COMPETE ATTACHED IMPACT REPORT. It must address potential environmental, economic, and social impacts and how these impacts are to be minimized.



VALLEY COUNTY PLANNING & ZONING DEPARTMENT

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

APPLICATION FOR IRRIGATION PLAN APPROVAL

submitted with C.U.P. & Subdivision Applications (Idaho Code 31-3805)

Applicant(s):	James Hamblin, Me	elinda Voicu	
P.O. B	00x 3091 McCa	IL ID	83638
Mailing Address		, State	Zip
Telephone Num	nbers: James: 208-315-777	5, Melinda:	208-473-8702
Location of Subj	ject Property: West of 14111, 14107, 14 (Property Address or	103 HWY 55, Ear Two Nearest Cross Stre	ist of Norwood Road ets)
Assessor's Acco	ount Number(s): RP	Section Township	Range
C.U.P Number:			
	 ☑ Has water rights available to it □ Is dry and has no water rights available t □ return to the Planning & Zoning Department 		

idaho Code 31-3805 states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water deliver entity ... no subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless:"

- A. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- B. The owner filing the subdivision plat or amendment to a subdivision plat or map has provided for the division of land of underground tile or conduit for lots of one acre or less or a suitable system for lots of more than one acre which will deliver water to those land owners within the subdivision who are also within the irrigation entity with the appropriate approvals:
 - 1. For proposed subdivisions located within an area of city impact, both city and county zoning authorities must approve such irrigation system in accordance with 50-the irrigation system.
 - For proposed subdivisions outside of negotiated areas of city impact, the delivery system
 must be approved by the Planning and Zoning Commission and the Board of County
 Commissioners with the advice of the irrigation entity charged with the delivery of water to
 said lands.

To better understand your irrigation request, we need to ask you a few questions. A list of the map requirements follows the short questionnaire. Any missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners as part of final plat approval.

1.	Are you within an area of negotiated City Impact? Yes No
	What is the name of the irrigation and drainage entities servicing the property? Irrigation:
	How many acres is the property being subdivided? N/A
4.	What percentage of this property has water? 62% *See A Hachm
	How many inches of water are available to the property? 20 Lake Irrigation District Acre Share
6.	How is the land currently irrigated? ☑ surface ☐ sprinkler ☐ irrigation well
	☑ above ground pipe ☐ underground pipe
7.	How is the land to be irrigated after it is subdivided?
	☐ surface ☐ sprinkler ☐ irrigation well
	above ground pipe underground pipe
8.	Please describe how the head gate/pump connects to the canal and irrigated land and where ditches &/or pipes go. See. A Hachmen +
10	Is there an irrigation easement(s) on the property? If Yes I No 1. How do you plan to retain storm and excess water on each lot? The property has slight slopes causing water to naturally drain into the Stringer Ditch or Brown Pond.
dr	How do you plan to process this storm water and/or excess irrigation water prior to it entering the established rainage system? (i.e. oil, grease, contaminated aggregates) We will contain our small amounts of oil, grease, etc. at the shop. Extra irrigation water runs towards Brown Pond, as it currently does.

Page 6 of 12 Updated 6-12-2017

Irrigation Plan Map Requirements

* See site plan map.

The irrigation plan must be on a scalable map and show all of the irrigation system including all supply and drainage structures and easements. Please include the following information on your map: All canals, ditches, and laterals with their respective names. Head gate location and/or point of delivery of water to the property by the irrigation entity. Pipe location and sizes, if any Rise locations and types, if any. Easements of all private ditches that supply adjacent properties (i.e. supply ditches and drainage ways). Slope of the property in various locations. ☐ Direction of water flow (use short arrows on your map to indicate water flow direction →). Location of drainage ponds or swales, if any where wastewater will be retained on property ☐ Other information: Also, provide the following documentation: W Legal description of the property. See attached Warranty Deed Proof of ownership. See attached Deed of Trust A written response from the irrigation entity and/or proof of agency notification. See attached L.I.D. Correspondence N/A ☐ Copy of any water users' association agreement currently in effect which shows water schedules and maintenance responsibilities. N/A \square Copy of all new easements ready for recording (irrigation supply and drainage). $N/A \square$ If you are in a city area of impact, please include a copy of the approvals by the city planning and zoning commission and city council of your irrigation plan. =========Applicant Acknowledgement==========Applicant Acknowledgement========== I, the undersigned, agree that prior to the Planning and Zoning Department accepting this application, I am responsible to have all the required information and site plans. I further acknowledge that the irrigation system, as approved by the Planning and Zoning Commission and ultimately the Board of County Commissioners, must be bonded and/or installed prior to the recording of the plat or building permit.

Date: 1 / 25 / 202 (Application Submitted)

Signed: Dalue Hound Hour Nova Applicant / Property Owner



VALLEY COUNTY

WEED CONTROL AGREEMENT

The purpose of this agreement is to establish a cooperative relationship between Valley County and the undersigned Cooperator to protect the natural and economic values in the Upper Payette River watershed from damages related to the invasion and expansion of infestations of noxious weeds and invasive plants. This is a cooperative effort to prevent, eradicate, contain and control noxious weeds and invasive plants on public and private lands in this area. Factors related to the spread of weeds are not related to ownership nor controllable at agency boundaries. This agreement formalizes the cooperative strategy for management of these weeds addressed in Valley County's Integrated Weed Management Plan.

In this continuing effort to control Noxious Weeds, Valley County Weed Control will consult with the undersigned Cooperator and outline weed identification techniques, present optional control methods and recommend proper land management practices.

The undersigned Cooperator acknowledges that he/she is aware of any potential or real noxious weed problems on his/her private property and agrees to control said weeds in a timely manner using proper land management principles.

COOPERATOR

James Hamelin	
Melinda I Voicu	
Melinda el Molan	
By: James Hamble	Ву:
	Valley County Weed Control
Date: 1/25/2021	Date:

Conditional Use Permit Application Valley County Planning & Zoning

James Hamblin, Melinda Voicu

CUP Permit Application

- 1. Detailed Project Description (includes landscaping, site grading and lighting plans)
- 2. Site/Plot Plan

Table of Contents for Supporting Documentation

- 1. Page 2. Address of Subject Property: See attached Record of Survey
- 2. Page 2. Question 4, Known Hazards, Canals, Ditches: See attachment
- 3. Page 4. Question 16: See USDA Soil Conservation District Soil Type and Map
- 4. Page 4. Question 17c: See Army Corp of Engineers Aerial Photo. Determination of Wetland Status is still pending.
- 5. Page 6. Question 5. LID (Lake Irrigation District) acre shares of water. Parcel 30 has 20.
- 6. Page 6. Question 8 Head Gates: See attachment
- 7. Page 7. Irrigation Map and Info.:

See Site/Plot Plan

See Attached Warranty Deed (with property legal description)

See Attached Deed of Trust (proof of ownership)

See Attached written correspondence with LID (Lake Irrigation District)

See Attached Exhibit A Detail showing easement on Clara Foltz Ditch

- 8. Page 9. See attached Impact Report Answers
- 9. Supplemental Documents

Letters from neighbors for their consideration of our project

Photographs of the property

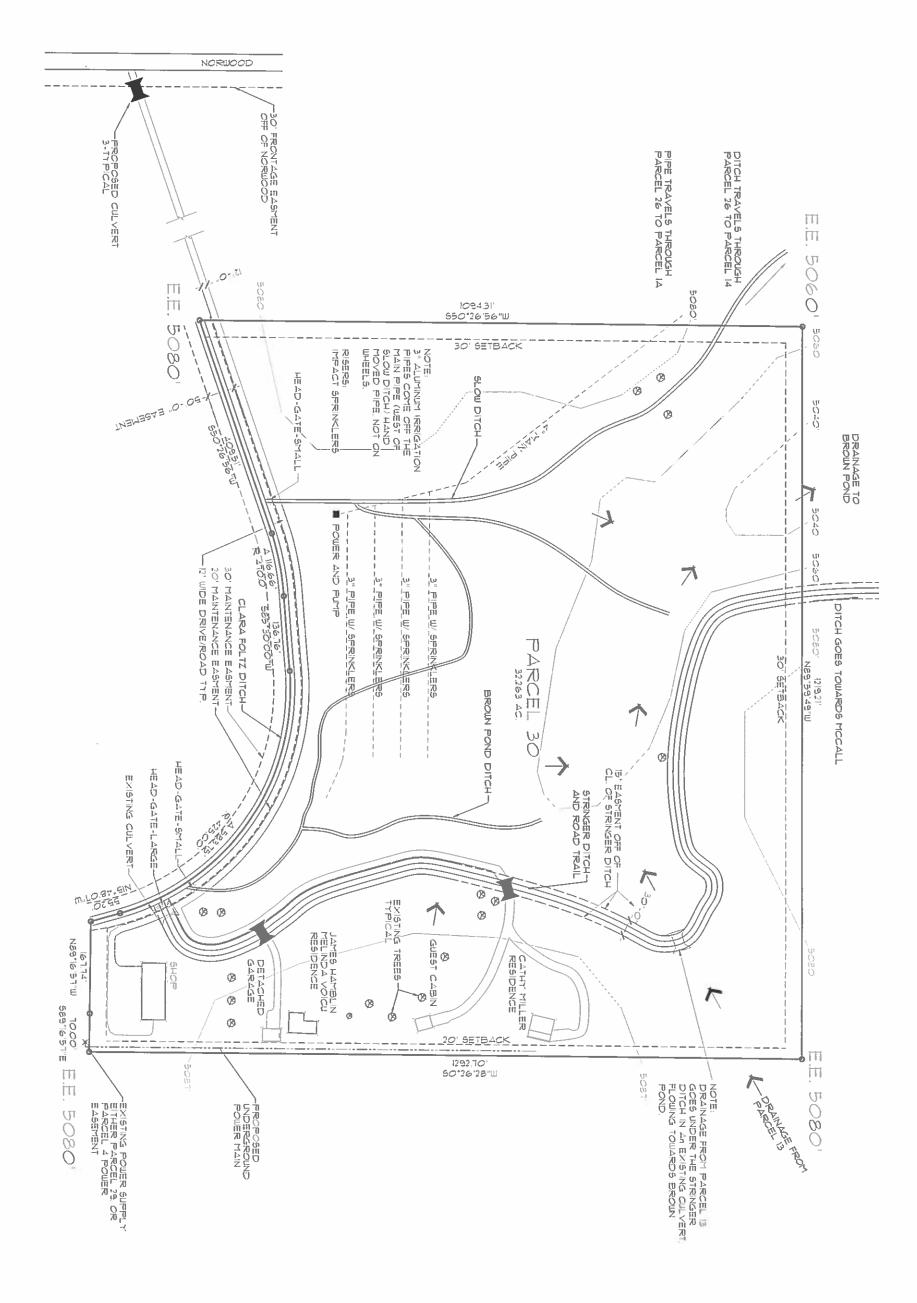
McCall Ranch Proposed Parcel Concept Map

McCall Airport Existing Approach and Departure Analysis. Parcel 30

McCall Airport Future Approach and Departure Analysis. Parcel 30

Declaration of Access Easement. Parcel 30

Declaration of Utility Easement. Parcel 30



-

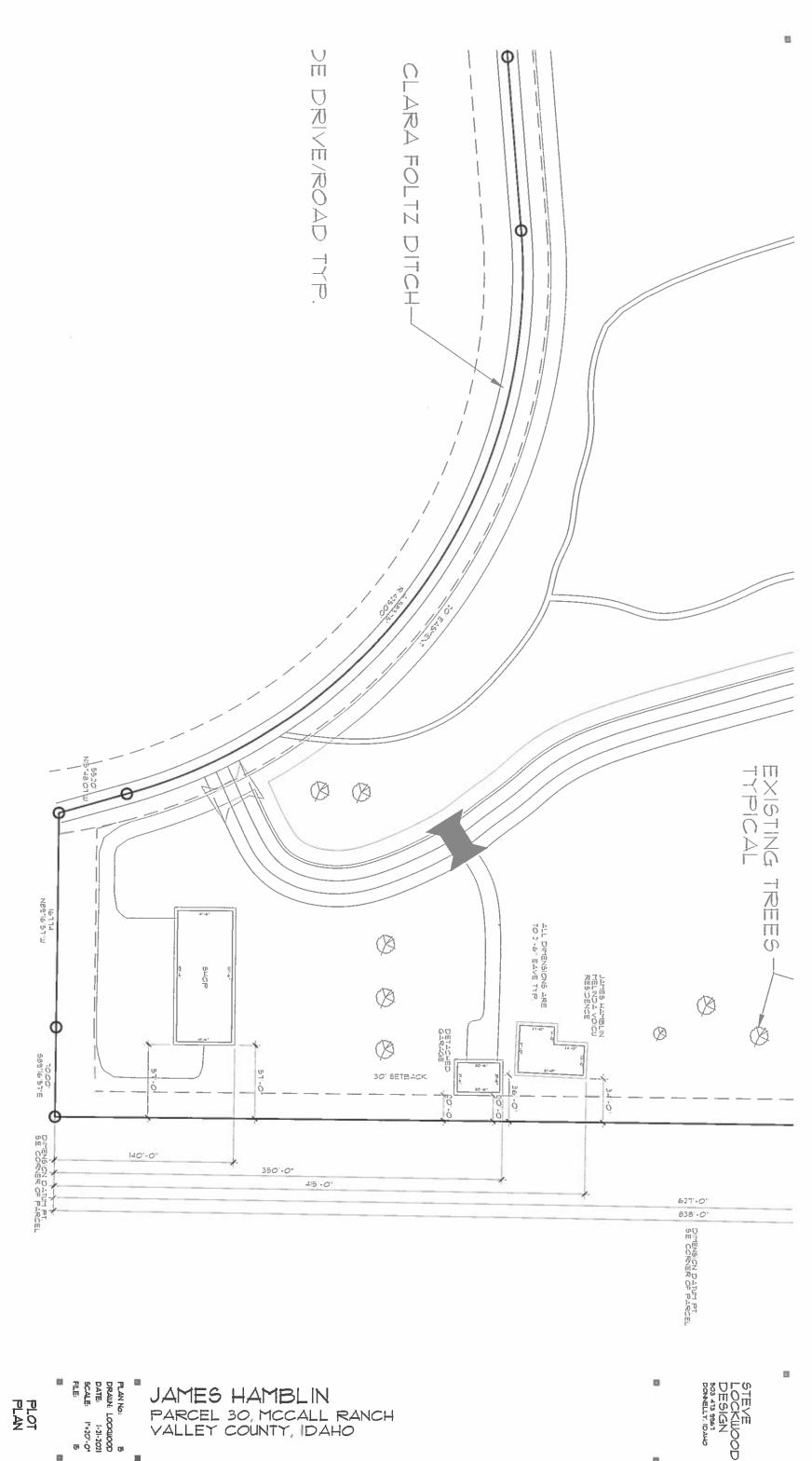
PLAN NO.2 15
DRAMN: LOCKWOOD
DATE: 1-21-2021
SCALE: 1":80"-0"
FILE: 15 п

JAMES HAMBLIN PARCEL 30, MCCALL RANCH VALLEY COUNTY, IDAHO

STEVE LOCKWOOD DESIGN 503 473 9567 DOWELT, IDAHO

п

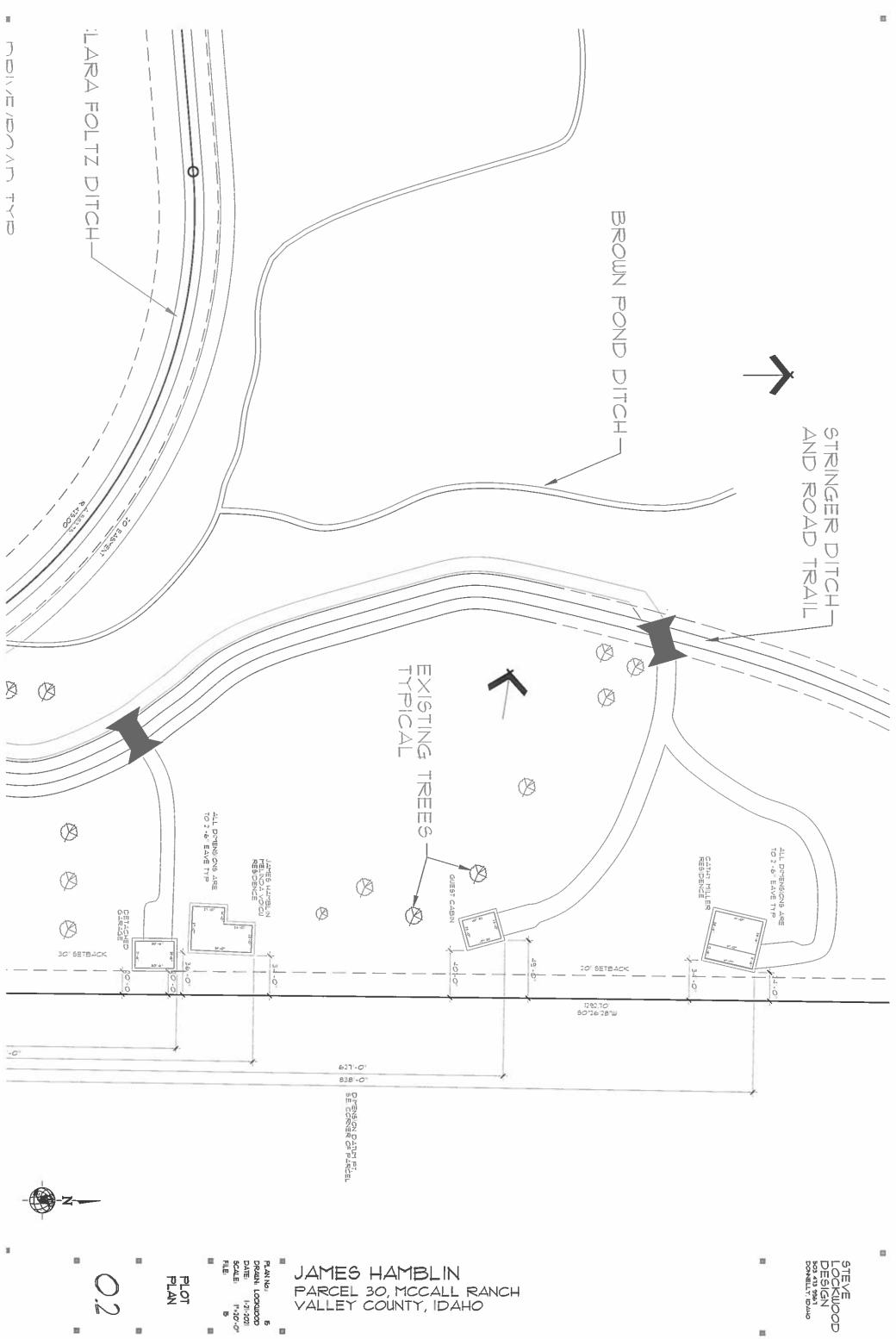
п



JAMES HAMBLIN PARCEL 30, MCCALL RANCH VALLEY COUNTY, IDAHO

STEVE LOCKWOOD DESIGN 503 473 5967 DOWELLY, IDAHO

m.



PARCEL 30, MCCALL RANCH VALLEY COUNTY, IDAHO

STEVE LOCKWOOD DESIGN 503 473 9367 DONELLY, IDAHO

Detailed Project Description: Hamblin/Voicu

We, James Hamblin, Melinda Voicu and 2 children, are applying for a Conditional Use Permit from Valley County Planning and Zoning. We are very excited about being the owners of this lovely 32-acre parcel!

Our buildings will all have CMU walls with stone or wood interiors and exteriors. This will act as a sound barrier from airplanes which fly frequently across the west side of our property and will make our buildings solid and safe. All our buildings must be under 25' tall, due to FAA restrictions, and we are permitted to build only on certain areas of the property due to the airport flight plans. We have permission from the FAA to build on the eastern side of the property, near many beautiful large trees, and away from the main flight traffic. This area is also on higher, dry ground east of the Stringer Ditch.

The 32 acres contains 4 ditches: the Clara Foltz Ditch borders the property on the south, the Stringer Ditch, Slow Ditch and Brown/Pond Ditches run south to north through the property. All our homes will be nestled in at the edge of an existing grove of trees and will look out over the open expanse of land around us. We will leave most of our acreage natural, planting groves of trees and native grasses throughout. To us, open natural land is priceless.

The dwellings we would like to build are as follows:

- 1. Our primary residence will be built of stone with wood accents and large windows facing the beautiful views of trees and open land in all directions. The home will be designed in an L shape, with 2 stories on one end and a corner terrace nestled in the L. We will build our garage of cinder block and stone to the side of the house. Our maximum interior square footage will be 2,500 and garage footage will be 600 square feet. The landscaping will be natural looking with native trees, bushes, and rocks.
- 2. The mother-in-law home will be for Melinda's mother, and will be a 2-bedroom home (one bedroom will be in a small 2-story pop out) with a small, attached garage. The home will be constructed of solid cinder block walls, with a mixture of stone and wood on the exterior and wood interior walls. Large windows will surround the home letting in sun and looking out over the valley. Around the home will be a flagstone terrace, exterior stone fireplace and natural landscaping. The maximum interior square footage will be 1,500.
- 3. The family guest cabin will be 500-800 square feet on the interior. This will be a small, one-bedroom, cozy retreat for family members who visit us. The walls will be built of cinder block with stone exteriors, wood interiors, deep window seats inside and an open

floor plan. There will be a small loft above the bedroom and a dining booth by the kitchen overlooking the valley.

4. We have a home-based masonry business and will build a shop to support this. The shop will be built of CMU with a wooden exterior. It will be located on the southeast edge of our property. The shop will be 100' x 40' (interior measurements) so that we will be able to store and repair our work equipment out of site of the neighbors. This site will be used to store equipment and overflow materials. Our main masonry work takes place at the job site, not at home. Our employees will not park their vehicles at the shop on a regular basis. We will be sure to organize our work materials in an orderly fashion, with overflow crates stored along the south and east sides of this corner of our property. We plan to plant native trees along the southern portion to shield the neighbors from this area. There is an electrical easement on the other side of our fence (on Parcels 29 and 4 up to our property) and we will plant trees nearby but not in the way of this electrical easement. We intend to pull our power from these power lines and install underground cables to our property along the existing eastern fence. We will landscape the west and north sides of the shop with pine trees and aspens. The main shop doors will be along the south side of this home-based business. We have a written letter from the Porter Family, who own Parcel 4, stating they have no issue with our shop being at this location.

Frontage:

Our residential 30' frontage is along Norwood Road, where our legal easement driveway will be built along the south side of Parcel 27 leading to our parcel. The owners of Parcel 27 have no issues with our plan.

Construction Timeline:

Spring/Summer 2021: build the driveway, install electricity, septic system, and wells.

Summer 2021: building the family guest cabin and live in it.

2022: build the mother-in-law home and possibly start on the shop.

2023: finish the shop and possibly start on the primary home and/or primary garage.

2024-2026: finish all dwellings.

Within 5 years we will have all building complete.

Easements:

As the Clara Foltz Ditch runs along part of the southern boundary of our property, we have a 20' official legal maintenance easement (drawn from the centerline of the ditch, 20' to the north) for the Lake Irrigation District's maintenance of the ditch. LID has a 30' easement to the south (Parcels 28 and 29), also. Along the Stringer Ditch, there is an informal 15' maintenance easement from the center of the ditch outwards to both sides. We will not interfere with either of these easements. Outside of these easements, we will be building our driveway which will follow

the contours of both ditches. Since this soil has already been disturbed (the existing rough LID maintenance road/4-wheeler trail) we would like to build our road there. The idea is to disturb the soil on the property as little as possible. We appreciate the history of the ditches and the pumps. We are glad to have 20-acre shares of Lake Irrigation District water rights and will support efforts to work with that district.

We have a 50' easement along the southern part of Parcel 27 for our driveway and utilities. This easement runs west to east. We are in contact with the owners of this parcel and have a letter from them stating they have no issues with our plans.

Please see our site plot plan.

Landscaping:

Plants will be native to the northwest. Populus Family: aspens, white poplar

Salix Family: willows

Pinus Family: Pinus Contorta (Lodgepole Pine), Pinus Ponderosa (ponderosa pine), Larix

Laricina (Tamarack)

Oleaceae: Lilacs, Syringa Lamiaceae (mint): lavender

Rosaceae (rose): Mountain Ash

Berberidaceae (barberry): Oregon Grape

Trees, willows, and lilacs will be planted along the east fence in a natural way, and along the fence to the south around the shop. We will plant natural looking groves of trees and bushes through the property as well as along parts of the driveway. We will expand the groves of trees currently on the property in a meandering, natural way. In marshy areas we will plant willows. We intend to mix poplar and pine trees in groves throughout the property. Eventually, we will have a lawn of rye grass or something similar around the primary home, and perhaps around the 2 smaller homes. We will have flagstone/patio stone walkways by each home.

Site grading:

Site grading will only be done for the driveway and actual building sites. These areas have a slight slope and are the slightly higher areas of the property. Site grading will be minimal and simple, as the natural slope of the land in these areas is already how we need it. We will avoid open cuts and side slopes. See topography on map.

Lighting:

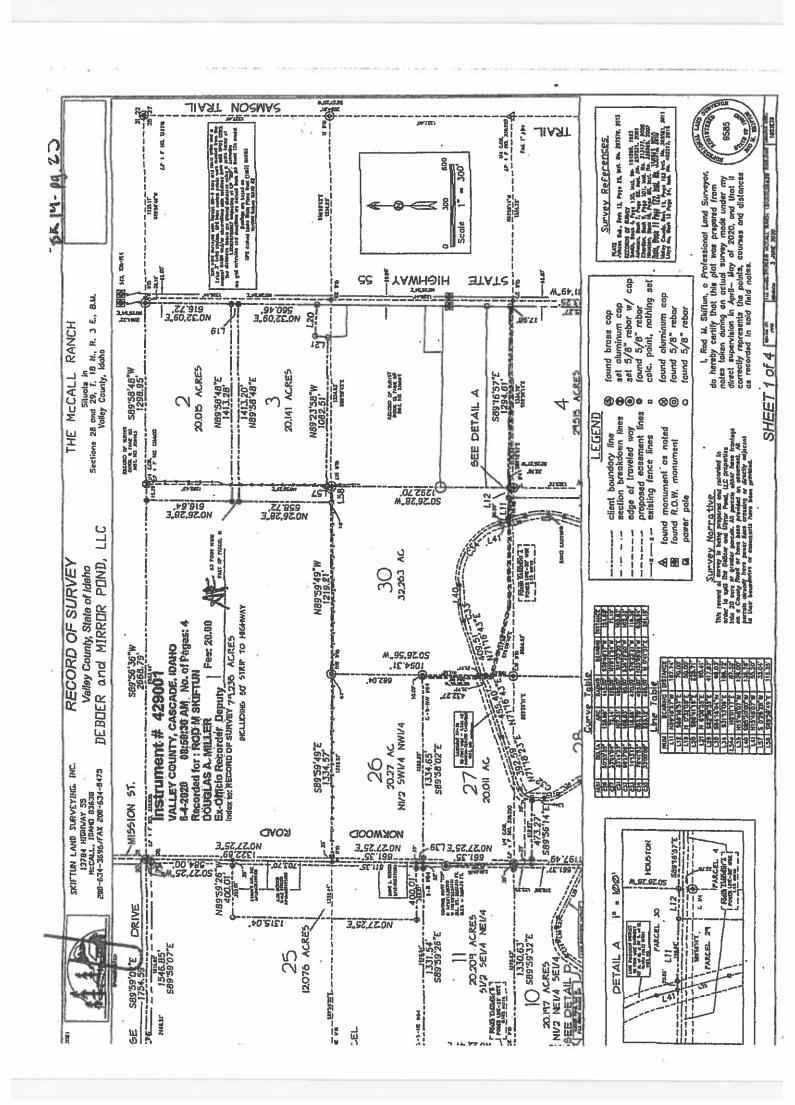
Our lighting will be minimal, no higher than 30' with full cut-off shields and a motion detector. The shop will have 1-2 20' or less high motion detector light(s) facing down with the full cut-off shield. The front doors of each home will have a small motion detector full cut-off shield light by

the door. These will all be motion detected and shielded. The garage by the mother-in-law-home and primary homes will each have a light attached to the building over the door with these same standards. We appreciate the darkness of living in the country and will not be lighting up the sides of our buildings or the outside area in general at night.

Driveway:

We have spoken to Garrett de Jong at the McCall Fire Dept. about their regulations and will construct our road to meet all current McCall Fire Codes.

We are very excited to start our building adventure on this lovely property!





SKIFTUN LAND SURVEYING, INC.

LOTS -BOUNDARY - TOPOGRAPHY - ALTA SUBDIVISIONS - CONSTRUCTION - FLOOD DATA Working hard to protect your property investment!

May 29, 2020

Page 1 of 1

DIANE DEBOER McCALL RANCH -- PARCEL 30

Situate in the SE1/4 NW1/4
Section 28, T. 18 N., R. 3 E., B.M.
Valley County, Idaho
32.263 Acres

A parcel of land situate in the SE1/4 NW1/4, Section 28, T. 18 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the Quarter Corner common to Sections 28 and 29, T. 18 N., R. 3 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey, recorded as Instrument No. 365581, on Book 11, on Page 162 of Surveys, on file in the Office of the Recorder of Valley County, Idaho; thence, N. 0°27'25" E., 1,322.70 feet to the North 1/16th Corner common to said Sections 28 and 29; thence, S. 89°59'49" E., 1,334.57 feet to a 5/8" rebar marking the NW 1/16th Corner of said Section 28, the REAL POINT OF BEGINNING:

Thence, S. 89°59'49" E., 1,334.57 feet to a 5/8" rebar marking the CN 1/16th Corner of said Section 28, Thence, S. 0°26'28" W., 1,292.70 feet along the easterly boundary of said SE1/4 NW1/4, to a 1/2" rebar, as shown on that particular Record of Survey, recorded as Instrument No. 326569, on file in Book 10, on Page 60 of Surveys, in the Office of the Recorder of Valley County, Idaho,

Thence, N. 89°16'57" W., 216.88 feet to a 1/2" rebar.

Thence, continuing N. 89°16'57" W., 20.86 feet to the centerline of the Clara Foltz Ditch,

Thence, N. 15°48'07" W., 55.20 feet along said ditch centerline,

Thence, 583.76 feet along said ditch centerline on a curve to the left, whose radius is 425.00 feet, delta angle is 78°41'53", and whose long chord bears N. 55°09'04" W., 538.94 feet,

Thence, S. 85°30'00" W., 136.76 feet along said ditch centerline,

Thence, 116.66 feet along said ditch centerline on a curve to the left, whose radius is 470.00 feet, delta angle is 14°13'17", and whose long chord bears S. 78°23'21" W., 116.36 feet,

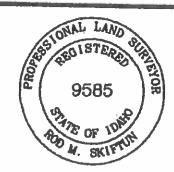
Thence, S. 71°16'43" W., 409.51 feet along said ditch centerline, to the westerly boundary of said SE1/4 NW1/4,

Thence, N. 0°26'56" E., 1,094.31 feet to the Point of Beginning, containing 32.263 acres, more or less.

Bearings based on GPS derived State Plane Grid Azimuth, Idaho West Zone (1103).

Original Signed and Filed at Location Below:

Rod M. Skiftun – P.L.S. 9585 13784 Highway 55 McCall, ID 83638 208-634-3696/Fax 208-634-8475 E-mail: rskiftun@frontiernet.net



CUP Application, Page 2, Question 4:

ARE THERE ANY KNOWN HAZARDS ON OR NEAR THE PROPERTY (SUCH AS CANALS...)

The Clara Foltz Ditch runs across our southern boundary east to west.

The Stringer Ditch runs north through the eastern to central part of our property.

The Slow Ditch runs north through the western part of our property.

The Brown/Pond Ditch runs north and is located just west of the Stringer Ditch.

1/20/2021

W.S.D.A. Natural Resources Conservation Service Masson Source

Area of Interest (AOI)

Soil Data Explorer

Download Soils Data

Shopping Cart (Free)

Printable Version Add to Shopping Cart

Valley Area, Idaho, Parts of Adams and Valley Counties (ID652)

Valley Area, Idaho, Parts of Adams and Valley Counties (ID652)

Map Unit Name Map Unit Symbol

Acres Percent in of AOI AOI

4.1 10.0% Archabal loam, 2 to 4 percent slopes

Archabal loam, 4 to 12 percent

to 50 percent slopes Melton loam

41.4 100.0% 20.4 49.3% 11.1% 12.2 29.6% 4.6 McCall complex, 5 **Totals for Area of** slopes



FOIA | Accessibility Statement | Privacy Policy | Non-Discrimination Statement | Information Quality | USA.gov | White House

We plan to build along the east side which is mostly Archabal loam 29%-49% slongs

Wetland

U.S. Army Corps of Engineers

Map from Tracy Redk, Regulatory Division



wetland

We are working through the wetland utility line permit process with the U.S. Army Corps of Engineers, We would like our underground power line to be along this east fence. The wetland appears, to be about 1,200m² and our buildings

Lake Irrigation District Water Acres

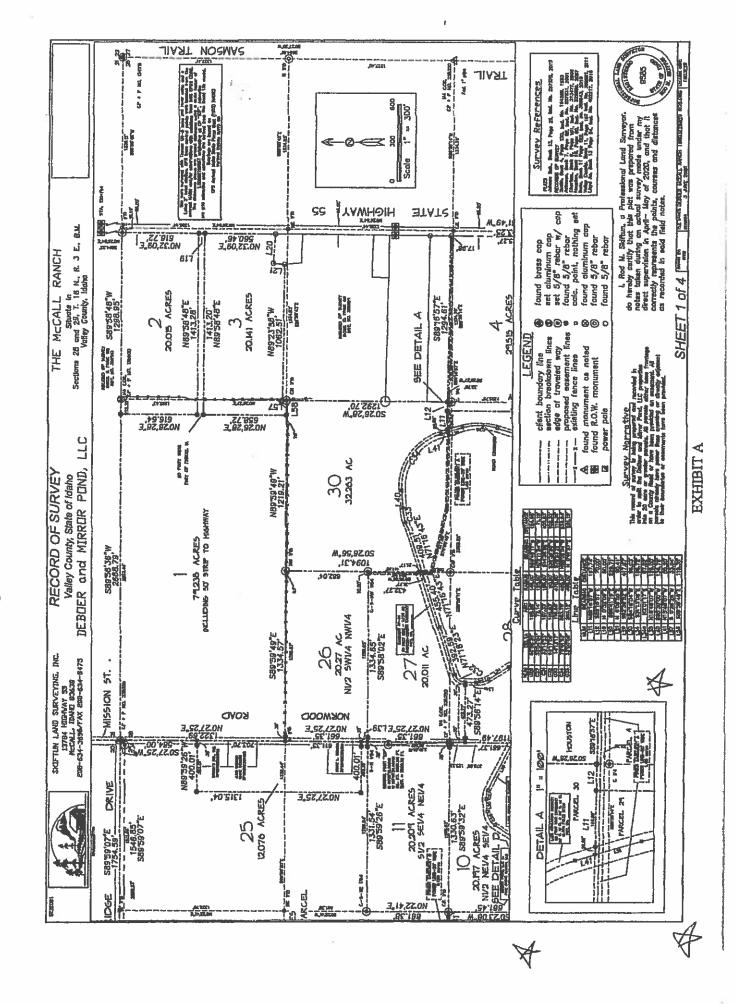
	SFCF	7												0		10	10																						20
	CUNCE	7242	1	1										0				-				20	16					1	7	7									8
	NWSE		1	†		2								50							22									4	4				es.				8
	NFGF		1	1				_						0	-			15	20																				35
	CFCW						13	13						26									4.5	14.5			9		ដ										35
	CANCIA	SWSWS												0										2	15	5.25													25.25
	MINCH	MCMAI									17			17												89						22							30
1/4	NECW	ACC N										11		11													00		m	a 0	00	1							28
LID Acres by 1/4 1/4	CENIM	SCINE					i					æ	20	17																	1	11.5	20	1					33.5
LID Acr	CAVNIA	AANAAC							1	0.75			- 2	1.75																		15							15
	NYAZANAZ	ANNA	777											21																			15						15
	MEANA	ACIANA	77											21				-															40						40
	CENIE	-+	1							- 				0						20														12.5	6.5			1	40
	CANNE	SWINE							Γ					0						Γ														30					30
	NAMA	INVANE												0																			11.5	25					36.5
	NENE	NENE												0																				29	4	1	1		32
	Continu	Section	97	78	28	28	28	28	78	78	28	28	28			29	29	29	29	29	29	23	23	29	29	29	29		29	59	29	52	29	29	29	29	29	29	
	£ .	, l	Т	7				Γ	Γ	Γ	Γ				1	Γ		Γ	Γ	<u> </u>	Γ	Г		Γ			П							П	П				
	ш		75	2	20	26			19	81		39	•	194		_			L															L		_			
	2	UD ACTES	76	٥	0	20	13	113		0.75	17	14	(20)	140.75		10	8	55	2	22	22	20	20.5	19.5	15	13,25	14		15	14	13	49.5	86.5	97.5	10.5	1	1	T	488.25
	Total	Acres	/3.24	20.02	20.14	29.51	20.31	20.30	20.27	20.01	40.82	46.88	32.26	8 Total		20.16	20.17	20.18	20.20	20.21	22.13	20.74	20.65	26.57	21.30	21.30	20.27	4.03	20.60	21.20	20.05	95.25	98.78	114.38	12.08	1.15	1.06	1.15	9 Total
	Parcel	NO.	-	7	m	4	S	9	92	27	28	52		Section 28 Total		7	80	6	9	=======================================	12	13	14	15	16	17	18	18A	19	22	21	22	23	24	25	25A	258	25C	Section 29 Total

Application for Irrigation Plan Approval, Page 6, Question 8:

PLEASE DESCRIBE HOW THE HEAD GATE/PUMP CONNECTS TO THE CANAL AND IRRIGATED LAND AND WHERE DITCHES &/PIPES GO.

All headgates are located off the north side of the Clara Foltz Ditch.

- 1. Southwest Headgate opens to the Slow Ditch. The water flows north and the ditch forks. The main part of the Slow Ditch flows to Parcel 1A and part flows through our property north towards Brown Pond. There is an existing pump (and power) on Parcel 30 for irrigating Parcel 30. There is a secondary 4" aluminum sprinkler pipe running off the pump which heads northwest through the corner of Parcel 26 and ends at Parcel 1A. The irrigation lines are 3" aluminum sprinkler pipes connecting to the 4" pipe and are placed towards the east, across the center of our property. There are raised sprinkler heads off this 3" pipe.
 - 2. Southeast Headgate opens to Brown/Pond Ditch. This flows north and forks. One small ditch goes west in a zig zag pattern and one goes north and disperses across that section of the property.
 - 3. Southeast Headgate opens to the Stringer Ditch. This is a large headgate and a larger ditch, but considerably smaller than the Clara Foltz Ditch. The water flows north and then northwest through our property. This ditch flows through Parcel 1B and other properties and appears to travel past Ikola's property, past Gusty Laidlaw's property (Franz Witte rental), under the airport, through the ponds by the River Ranch Subdivision and then southwest through various ponds appearing to end in an irrigation field.



Lake Inrigation District
50 Foot Wide Easment
20' N. of C.L., 36' S. of C.L.,
Clara Foltz Ditch

Impact Report Answers (from Valley County Code 9-5-3-D)

Question 1 (Traffic)

We are following the 12' driveway and turn-around requirements from the McCall Fire Dept. Traffic will be normal for a family: driving 2 children to and from school and activities, driving for errands, shopping, normal activities.

Our home business travel will be normal and include driving to and from job sites. Our employees will not park at our home business on a regular basis. Occasional deliveries of materials will be made at the shop.

The driveway will be constructed from drain rock and road base materials.

Question 2 (Housing Affordability Impact)

We are building our homes and shop in a style and affordability like houses already existing in the McCall area.

Question 3 (Noise)

Currently there are no noise levels as it is agriculture land.

Outdoor:

Construction in the Day: Noise will consist of sawing, cutting, drilling, nail guns etc.

Construction in the Night: no noise.

Normal Outdoor Activities in the Day: kids playing, vehicles driving, repairs of work equipment (mostly indoors), normal talking and household noises.

Normal Indoor Activities in the Night: nothing loud, normal music and talking.

Question 4 (Heat & Glare)

Existing Heat and Glare: snow, water reflection from ditches

New Heat and Glare: cars parked by our homes and shop, windows on the south and west sides of our homes and shop. Roofs will be tin and not shiny. We will have normal motion detected lighting (to code) by doors.

Question 5 (Particulate Emissions)

No existing.

Added: smoke from up to 4 fireplaces. Dust from driveway.

Ouestion 6 (Water)

Well water for domestic uses. Stringer Ditch could provide fire protection to the west of our structures. See our irrigation map for surface water drainage. There is a small wetland in the tree area at the southeast corner of the property (north of the shop). We are attempting to get ahold of someone at the Army Corp. of Engineers but so far have not heard back, about if this is currently a designated wetland. This appears very dry part of the year. We will not be affecting the water quality and will leave it as it currently is.

Question 7 (Fire, Explosions)

Propane tanks, paint spray cans, and normal shop materials could explode. We won't have anything out of the ordinary. Neighbors are all a good distance from us.

Question 8 (Ground Disturbance)

We will only be disturbing the soil to dig our foundations and they are all located on relatively flat ground. We will build a driveway close to the already disturbed soil of the irrigation ditch maintenance road but just outside of our (20' from centerline) easement. We will not be disturbing the wetland. We will not remove vegetation around the property.

Ouestion 9 ((Soil Stabilization)

We will be taking the tip layer of soil off for the driveway. We will place the soil on the sides of the driveway to keep the natural plants on the property.

Question 10 (Soil Characteristics)

We have a low slope grade by the driveways and foundations. We don't foresee potential problems with this.

Ouestion 11 (Site Grading)

The property has a natural slight slope. The homes and shop will have French drains around them. We will install 3 culverts: 1 at Norwood Road at the start of our driveway, 1 across the Stringer Ditch to access our primary home and 1 across the Stringer Ditch to access the guest home and mother-in-law home.

Our power will be underground running from the southeast corner north along the fence about 800°. We will dig the trench with as little disturbance as possible and help vegetation to grow back. We will also plant native vegetation and trees along the east fence as a screen for neighboring properties. We will not site grade for landscaping.

Question 12 (Dwelling Visibility)

Our shadows will not affect any existing homes. All existing neighbors to the east are out of site due to thick trees. Our homes are all tucked into the trees and fit in with the surroundings. The shop is visible to the south to the Porter Family (Parcel 4). They plan to also locate their shop near our shop location and have no issues with our placement of the shop. We will plant trees to the south (along the property line) and west sides of the shop to reduce visibility for neighbors.

Question 13 (Why you bought this property)

We love this property! It is located a mere 1,400 feet from our current rental, and we have often walked through the open fields of the McCall Ranch. We love the trees and especially the old growth trees, the historical ditches, the beautiful open views in all directions and the natural beauty of this area. This property has a country ranch feel and we want to design our buildings to flow with this. We are placing our homes amongst the trees, so we blend into the natural landscape while being able to enjoy the open spaces around us. Our homes will be built of natural materials and colors and will not stand out to neighbors. We enjoy living with neighbors like us: family homes on large parcels so we all can enjoy the open space of natural land.

Question 14 (Increased Revenue, Jobs, Spending)

Since we live in McCall already, we will continue our spending habits as usual. Our property tax assessment will increase once we build structures on the property.

Question 15 (Economic Impacts)

Does not apply as we already live in McCall.

Question 16 (Impact of Existing Developments)

Does not apply as we are not providing any new products or services to the area.

Ouestion 17 (Natural Resources at Site)

We will not be using natural resources from the property. We will bring in materials for the construction of our dwellings and driveway.

Question 18 (Impacts of Project Abandonment)

We do not plan on this occurring, but if we had to halt construction for a time, neighbors might see tarps, plastic, and other weatherproof covering materials over the structure.

Ouestion 19 (Number of Residential Units)

Residential: 3 dwellings

- 1. Primary Home: 2,112 sq. feet (interior measurement)
- 2. Mother-in-Law Home plus attached garage: 1,444 sq. feet (interior measurement)
- 3. Guest Cabin: 500-800 sq. feet (interior measurement)

Non-Residential Dwellings: 2 dwellings

- 1. Shop: 4,000 sq. feet (interior measurement)
- 2. Detached Primary Garage: 600 sq. feet (interior measurement)

Question 20 (Construction Time Schedule)

- 1. Spring-Summer 2021: build driveway, install power, drill a well, install septic.
- 2. Summer 2021: build guest cabin.
- 3. 2022: build mother-in-law home and possibly start building shop.
- 4. 2023: work on shop, possibly start building our primary home and garage.
- 5. 2024-2026: work on primary home and garage, finish up all dwellings.

Question 21 (Range of Sale or Rent)

We do not anticipate selling, leasing, or renting any dwelling units.

Clay Szeliga 200 Swiftwater Blvd. Cle Elum, WA 98922 206 793 3733 01/11/21 clay@cnwcorp.com

Valley County Planning & Zoning Attn. Cynda Herrick, AICP, CFM 219 N. Main P O Box 1350 Cascade, ID 83611 208-382-7115 cherrick@co.valley.id.us

Subject: Neighbor's Consideration of CUP Application.

Dear Valley County Planning & Zoning,

I, (Clay Szeliga), own Parcel 27 of the McCall Ranch, which lies south of McCall. On the south edge of our parcel there lies a 50' driveway and utility easement for Parcel 30, which begins on Norwood Road and ends at the southeast corner of our parcel.

The owners of Parcel 30, James Hamblin and Melinda Voicu, have explained to us that they are applying for a Conditional Use Permit through your office. They called us to explain that they are applying for a 'multiple residences on one parcel' permit, as they will build a primary residence for themselves, a small home for Melinda's mother, and a small family guest cabin. They will have a home-based business on their parcel, with their business activity taking place off site.

We would like to state to Valley County Planning & Zoning that we have no issues with this plan.



Jason and Jennifer Porter 14090 HWY 55 McCall, ID 83638 208-630-4492 1-10-21

Email: Notetojason@gmail.com

Valley County Planning & Zoning Attn. Cynda Herrick, AICP, CFM 219 N. Main
P O Box 1350
Cascade, ID 83611
208-382-7115
cherrick@co.valley.id.us

Subject: Neighbor's Consideration of CUP Application and Shop Location.

Dear Valley County Planning & Zoning,

We, Jason and Jennifer Porter own Parcel 4 of the McCall Ranch which lies south of McCall. The northwest part of our parcel is adjacent to Parcel 30.

The owners of Parcel 30, James Hamblin and Melinda Voicu, have explained to us that they are applying for a Conditional Use Permit through your office. James called us to explain that they are applying for a 'multiple residences on one parcel' permit, as they will build a primary residence for themselves, a small home for Melinda's mother, and a small family guest cabin. They will have a home-based business with a large shop located in the corner of their property adjacent to the northwest corner of our property and have said they will design their shop and surrounding landscaping to fit the area so it is visually appealing from our property.

We will also be working towards using our property in a similar way for our family.

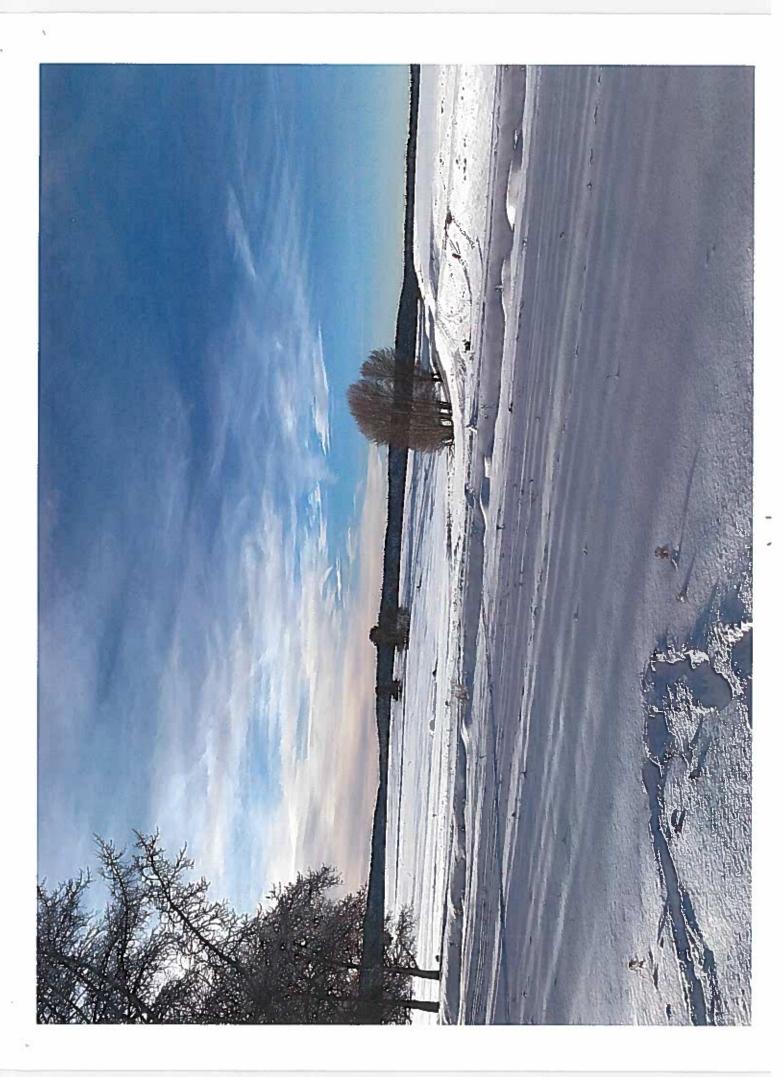
We are ok leaving the space between our properties natural and without fencing or berms to shield the view.

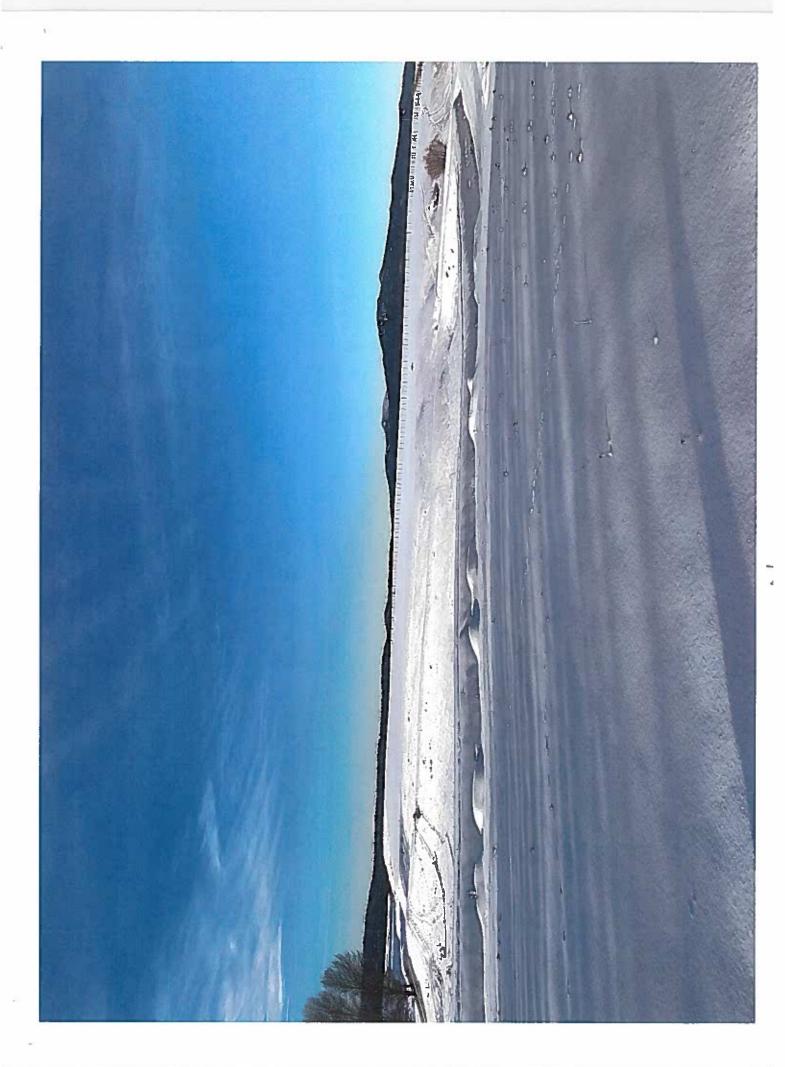
We are excited to have James and Melinda as our neighbors and look forward to working cooperatively for years to come.

We would like to state to Valley County Planning & Zoning Department that we have no issues with this plan.

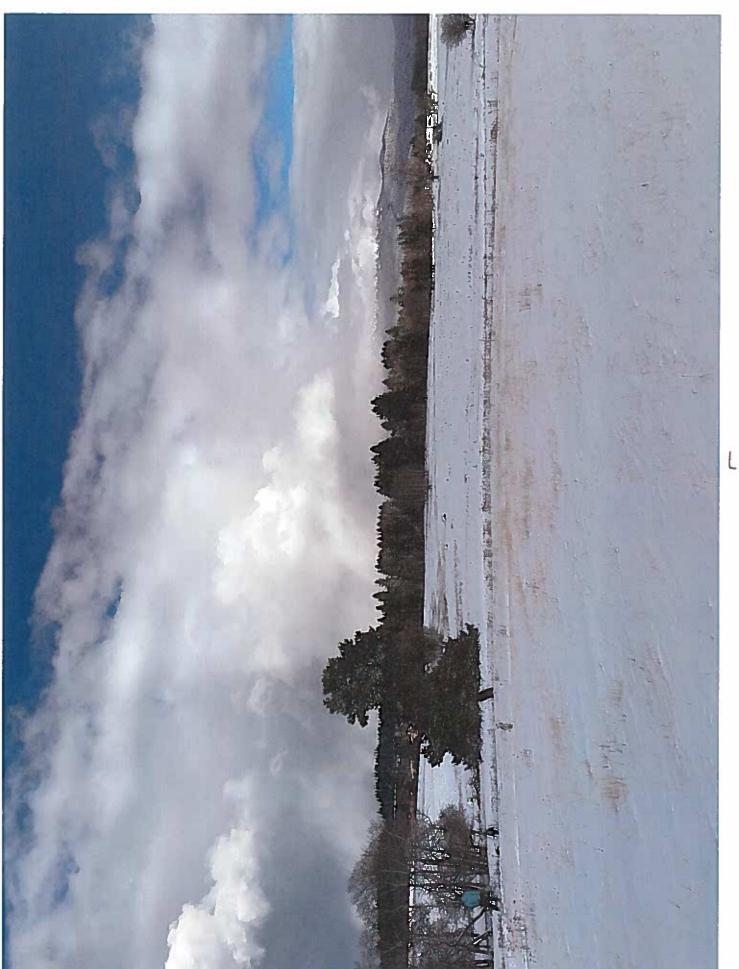
Sincerely,

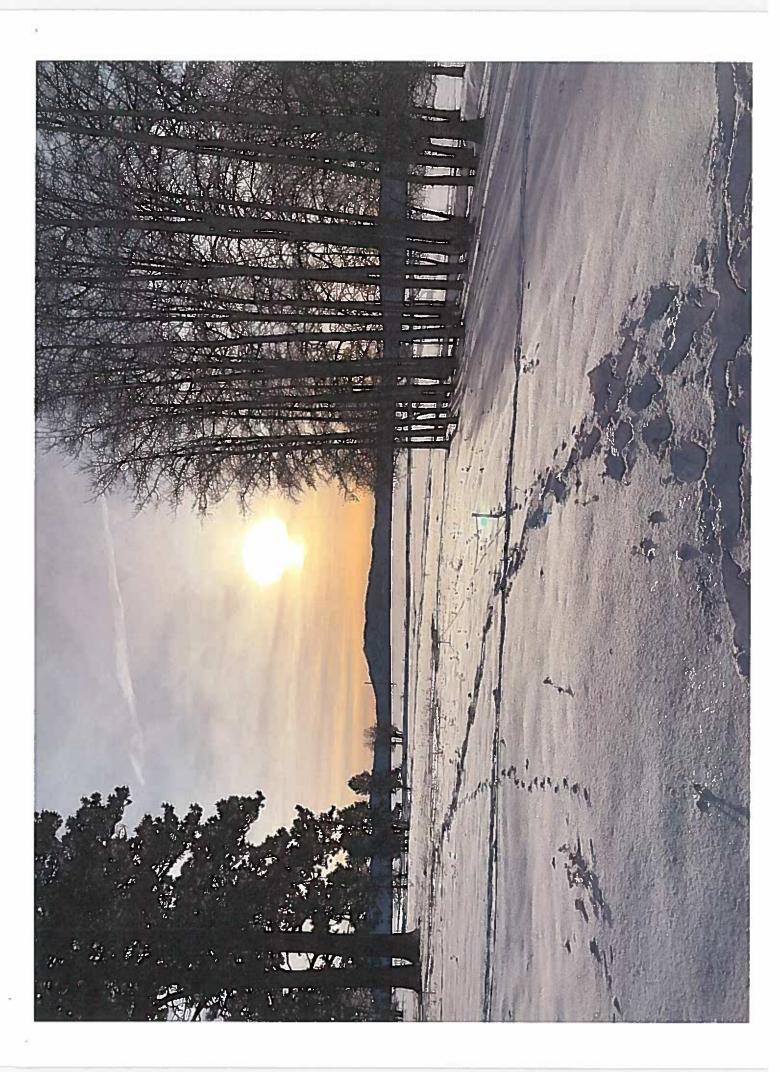
Jason and Jennifer Porter

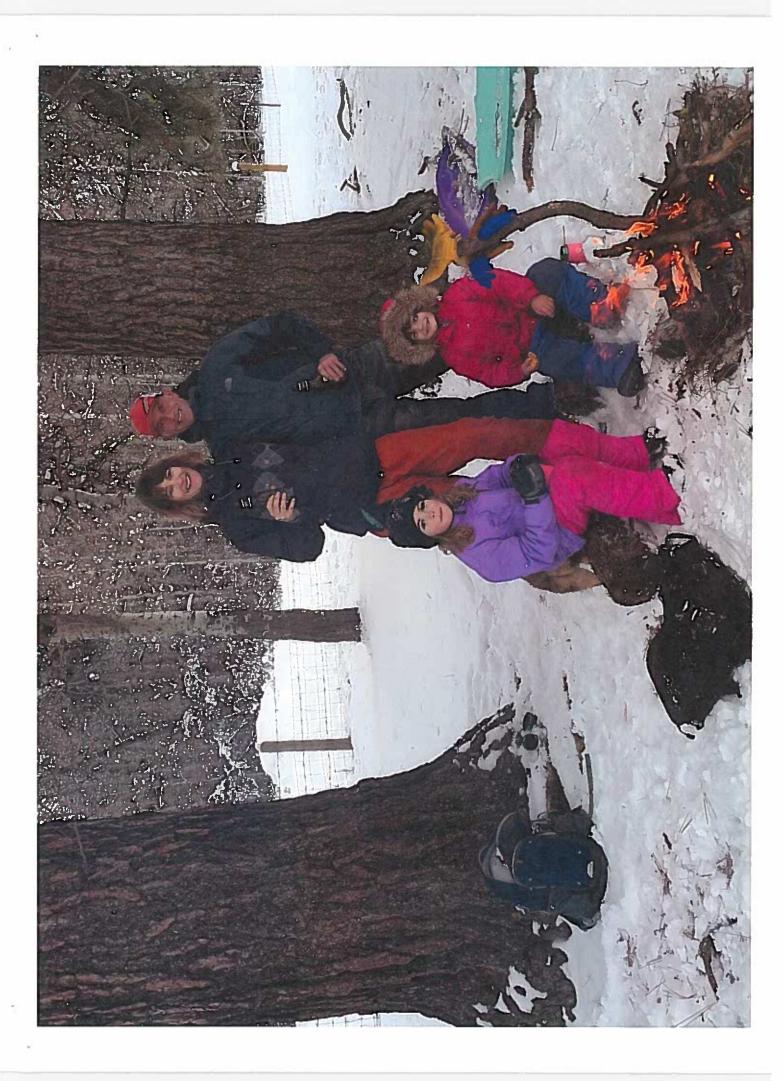


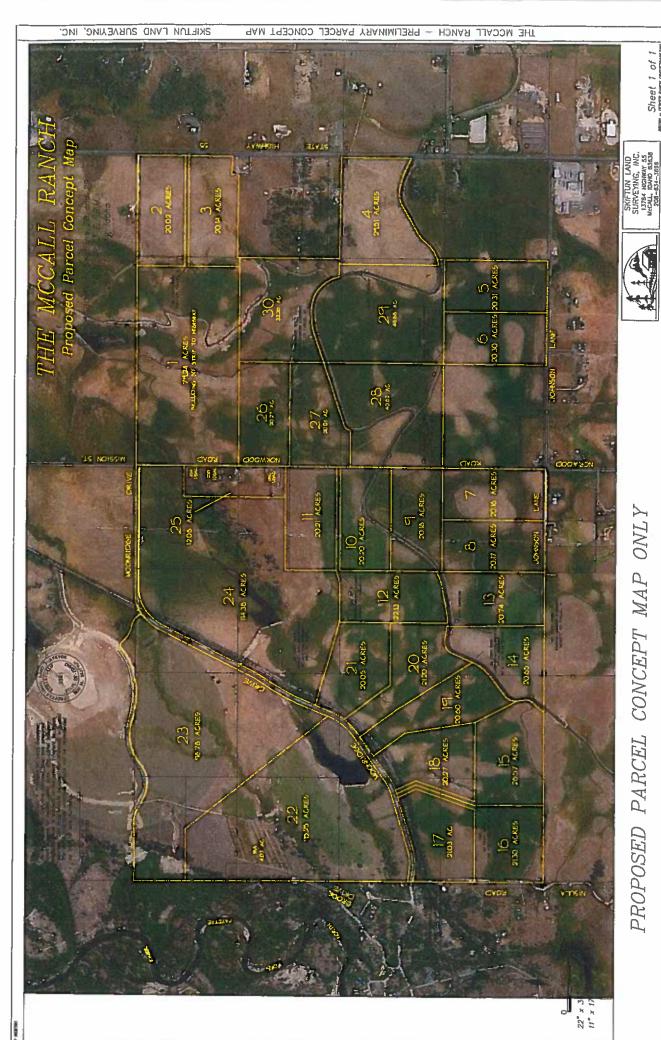












PROPOSED PARCEL CONCEPT MAP ONLY

Sheet 1 of 1

PHONE; 201, 281, 2411 WWW.TD-ENGINEERS.COM

WERTEAN HAVER, HEBER CITY,

WERTEAN HAVER & SPINKANE 502 334D 81REET CODY, WY 82414

O.

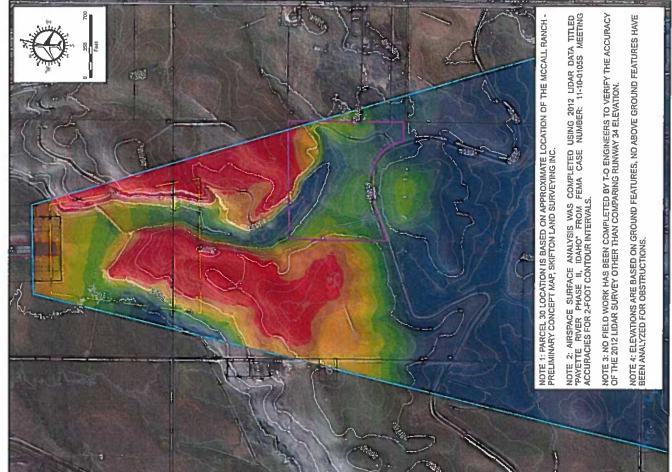
T-O ENGINEERS

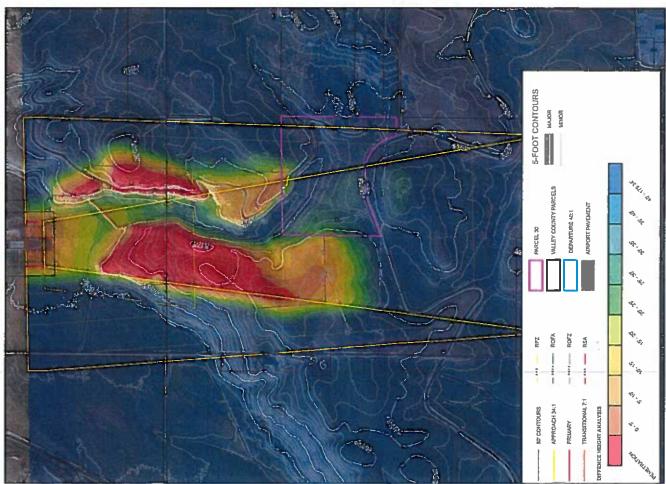
DESCRIPTION

PARCEL 30 PLANNING LEVEL EXHIBIT

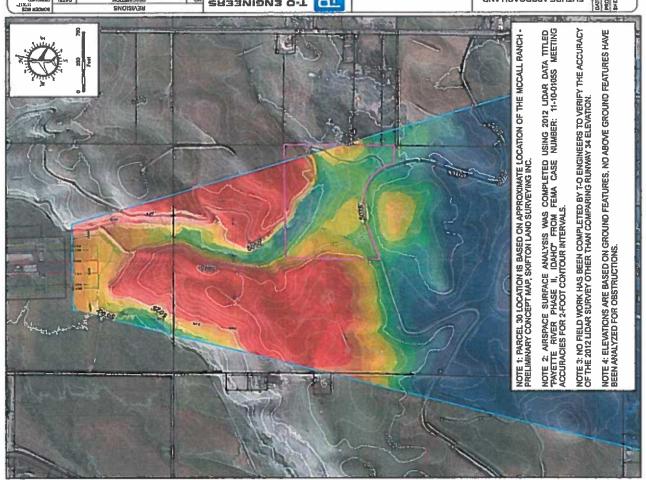
McCALL MUNICIPAL AIRPORT DEPARTURE ANALYSIS EXISTING APPROACH AND

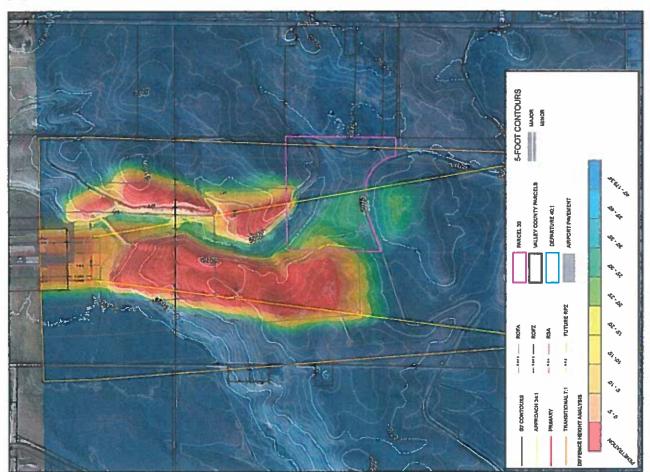












Instrument # 429032

VALLEY COUNTY, CASCADE, IDAHO
06-04-2020 16:30:17 No. of Pages: 10
Recorded for MILLEMANN PEMBERTON & HOLM LLP
DOUGLAS A. MILLER Fee: \$37.00

Ex-Officio Recorder Deputy; AMF
Electronically Recorded by Simplifile

DECLARATION OF ACCESS EASEMENT The McCall Ranch – Crossing Parcel 27 to Parcel 30

THIS DECLARATION OF ACCESS EASEMENT is made by Diane DeBoer, an unmarried individual and Diane B. DeBoer as Personal Representative of the Estate of Judd W. DeBoer (collectively "Declarant").

ARTICLE 1 - GENERAL

1.1 Property Affected: Declarant owns certain real property in McCall, Valley County Idaho, which is described as follows:

Parcel 27, as the same is shown on the Record of Survey for The McCall Ranch, a copy of which is attached hereto as **Exhibit A**, and as more particularly described at **Exhibit B** attached hereto ("Parcel 27"); and,

Parcel 30, as the same is shown on the Record of Survey for The McCall Ranch attached hereto as Exhibit A, and as more particularly described at Exhibit C attached hereto ("Parcel 30").

Parcel 30 is located adjacent to and east of Parcel 27. Parcel 27 abuts Norwood Road. Parcel 30 is accessed by a 50 foot easement that runs from Norwood Road across Parcel 27 to Parcel 30, which easement is depicted at Exhibit A and legally described at Exhibit D ("Access Easement").

1.2 Declaration: Declarant hereby declares that Parcel 27 and Parcel 30 are and shall be held, sold conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following terms, covenants, conditions, easements and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance and improvement of Parcel 27 and Parcel 30. The terms, covenants, conditions, easements and restrictions set forth herein: (i) shall run with the land constituting Parcel 27 and Parcel 30, and shall be binding upon all persons having or acquiring any right, title or interest in Parcel 27 and Parcel 30 or any portion thereof; (ii) shall inure to the benefit of the Parcel 27 and Parcel 30; (iii) shall inure to the benefit of and be binding upon Declarant, Declarant's successor in interest and each grantee or Owner and such grantee's or Owner's respective successors in interest; and, (iv) may be enforced by Declarant, by any Owner or such Owner's successors in interest.

ARTICLE 2 DEFINITIONS

2.1 Owner: The term "Owner" shall refer to that person or entity or those persons or entities who hold the ownership interest in the Parcel 27 and Parcel 30, as shown on the records of the County Recorder, Valley County, Idaho.

ARTICLE 3 EASEMENT

- 3.1 Easement benefiting Parcel 30:
 - 1. Access Easement. A non-exclusive easement to the Access Easement is reserved for the benefit of Parcel 30, for ingress and egress to Parcel 30 and for the placement of utilities.

DECLARATION OF ACCESS EASEMENT - 1
The McCall Ranch - Crossing Parcel 27 to Parcel 30

2. Conditions of Access Easement.

- a. The Access Easement is described as a non-exclusive easement because it will be used by the Parcel 27 Owner, and their licensees, guests, invitees, successors and assigns, and by other persons to whom the Parcel 27 Owner may elect to grant rights of use in the Access Easement; provided, that the Access Easement may not be used by the owner of Parcel 27 as a driveway for access to a home on Parcel 27.
- b. The purpose of the Access Easement is to provide access to Parcel 30. The Owner of Parcel 30 may also place their utilities in the Access Easement. Cost of construction of the access and installation of utilities shall be at the expense of the Owner of Parcel 30, as well as the cost of maintenance and repair of the same.
- c. The Parcel 30 Owner shall indemnify and hold the Parcel 27 Owner harmless regarding, and waive as to the Parcel 27 Owner, any claims of any kind for damages, fees, costs, or relief of any kind whatsoever stemming from or related in any way to use of the Access Easement by the Parcel 30 Owner or their guests, invitees, or agents.

ARTICLE 4 – MISCELLANEOUS PROVISIONS

- 4.1 Non-Waiver/Modification: The failure of a party to demand strict performance of or compliance with this Declaration or any provisions hereof at any time or under any set of circumstances will not be deemed a waiver by such party of its right to demand such performance and compliance at any other time or under any other circumstances. This Declaration may not be changed or modified orally. It may only be modified by a written instrument executed by the owners of Parcel 27 and Parcel 30 and recorded with the Valley County, Idaho Recorder.
- 4.2 Attorneys Fees: In the event that any dispute arises regarding the legal consequence, interpretation, application or enforcement of this Declaration, then the prevailing party in such dispute shall be entitled to recover his/her attorneys fees and costs incurred, including attorneys fees and costs incurred on appeal.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date stated by Declarant's signature below.

ESTATE OF JUDD W. DeBOER

DIANE B. DeBOER

DIANE B. DeBOER

DIANE B. DeBOER, Personal Representative

STATE OF IDAHO,) ss.
County of Valley .)

DECLARATION OF ACCESS EASEMENT – 2 The McCall Ranch – Crossing Parcel 27 to Parcel 30



SKIFTUN LAND SURVEYING, INC.

LOTS -BOUNDARY - TOPOGRAPHY - ÁLTA SUBDIVISIONS - CONSTRUCTION - FLOOD DATA Working hard to protect your property investment!

May 24, 2020

Page 1 of 1

DIANE DEBOER McCALL RANCH – PARCEL 30

Situate in the SE1/4 NW1/4
Section 28, T. 18 N., R. 3 E., B.M.
Valley County, Idaho
32.263 Acres

A parcel of land situate in the SE1/4 NW1/4, Section 28, T. 18 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at an aluminum cap marking the Quarter Corner common to Sections 28 and 29, T. 18 N., R. 3 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey, recorded as Instrument No. 365581, on Book 11, on Page 162 of Surveys, on file in the Office of the Recorder of Valley County, Idaho; thence, N. 0°27'25" E., 1,322.70 feet to the North 1/16th Corner common to said Sections 28 and 29; thence, S. 89°59'49" E., 1,334.57 feet to a 5/8" rebar marking the NW 1/16th Corner of said Section 28, the REAL POINT OF BEGINNING:

Thence, S. 89°59'49" E., 1,334.57 feet to a 5/8" rebar marking the CN 1/16th Corner of said Section 28, Thence, S. 0°26'28" W., 1,292.70 feet along the easterly boundary of said SE1/4 NW1/4, to a 1/2" rebar, as shown on that particular Record of Survey, recorded as Instrument No. 326569, on file in Book 10, on Page 60 of Surveys, in the Office of the Recorder of Valley County, Idaho,

Thence, N. 89°16'57" W., 216.88 feet to a 1/2" rebar,

Thence, continuing N. 89°16'57" W., 20.86 feet to the centerline of the Clara Foltz Ditch,

Thence, N. 15°48'07" W., 55.20 feet along said ditch centerline,

Thence, 583.76 feet along said ditch centerline on a curve to the left, whose radius is 425.00 feet, delta angle is 78°41'53", and whose long chord bears N. 55°09'04" W., 538.94 feet,

Thence, S. 85°30'00" W., 136.76 feet along said ditch centerline,

Thence, 116.66 feet along said ditch centerline on a curve to the left, whose radius is 470.00 feet, delta angle is 14°13'17", and whose long chord bears S. 78°23'21" W., 116.36 feet,

Thence, S. 71°16'43" W., 409.51 feet along said ditch centerline, to the westerly boundary of said SE1/4 NW1/4,

Thence, N. 0°26'56" E., 1,094.31 feet to the Point of Beginning, containing 32.263 acres, more or less.

Bearings based on GPS derived State Plane Grid Azimuth, Idaho West Zone (1103).

Original Signed and Filed at Location Below:

Rod M. Skiftun – P.L.S. 9585 13784 Highway 55 McCall, ID 83638 208-634-3696/Fax 208-634-8475 E-mail: rskiftun@frontiernet.net





SKIFTUN LAND SURVEYING, INC.

LOTS -BOUNDARY - TOPOGRAPHY - ALTA SUBDIVISIONS - CONSTRUCTION - FLOOD DATA Working hard to protect your property investment!

May 29, 2020

Page 1 of 1

EASEMENT 27-30

50 FOOT WIDE
INGRESS-EGRESS EASEMENT
Situate in the SW1/4 NW1/4 and the NW1/4 SW1/4
Section 28, T. 18 N., R. 3 E., B.M.
Valley County, Idaho
1.634 Acres

A 50.00 foot wide ingress-egress easement situate in the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 28, T. 18 N., R. 3 E., B.M., Valley County, Idaho, lying north of and contiguous with the following described line:

Commencing at a brass cap marking the Quarter Corner common to Sections 28 and 29, T. 18 N., R. 3 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey, recorded as Instrument No. 365581, on Book 11, on Page 162 of Surveys, on file in the Office of the Recorder of Valley County, Idaho; thence, S. 0°27'25" W., 125.25 feet along the line common to said Sections 28 and 29, to the REAL POINT OF BEGINNING:

Thence, S. 89°56' 14" E., 35.00 feet to a 1/2" rebar,

Thence, continuing S. 89°56'14" E., 418.27 feet to a 1/2" rebar,

Thence, continuing S. 89°56'14" E., 20.00 feet to the centerline of the Clara Foltz Ditch,

Thence, 108.83 feet along said ditch centerline on a non-tangent curve to the right, whose radius is 90.00 feet, delta angle is 69°17'06", and whose long chord bears N. 36°39'50" E., 102.32 feet,

Thence, N. 71°18'23" E., 392.59 feet along said ditch centerline,

Thence, N. 71°16'43" E., 455.40 feet along said ditch centerline, to the easterly boundary of said SW1/4 NW 1/4, the Point of Ending, containing 1.634 acres, more or less.

(The sidelines of the above described easement shall contract or extend to conform to the lines they begin or end upon).

Bearings based on GPS derived State Plane Grid Azimuth, Idaho West Zone (1103).

Original Signed and Filed at Location Below:

Rod M. Skiftun – P.L.S. 9585 13784 Highway 55 McCall, ID 83638 208-634-3696/Fax 208-634-8475 E-mail: rskiftun@frontiernet.net



Instrument # 429100
VALLEY COUNTY, CASCADE, IDAHO
06-08-2020 13:34:88 No. of Pages: 17
Recorded for: NHLLEMANN PEMBERTON & HOLM LLP
DOUGLAS A. MILLER Fee: \$48.00
Ex-Officio Recorder Deputy: AMF
Electronically Recorded by Simplifile

DECLARATION OF UTILITY EASEMENT Parcels 4, 26, 27, 28, 29, 30

THIS DECLARATION OF UTILITY EASEMENT is made by Diane DeBoer, an unmarried individual and Diane B. DeBoer as Personal Representative of the Estate of Judd W. DeBoer (collectively "Declarant").

ARTICLE 1 - GENERAL

1.1 Property Affected: Declarant owns certain real property in McCall, Valley County Idaho, which is described as follows:

Parcel 4, as the same is shown on the Record of Survey for The McCall Ranch, a copy of which is attached hereto as Exhibit A, and as more particularly described at Exhibit B attached hereto ("Parcel 4"); and,

Parcel 26, as the same is shown on the Record of Survey for The McCall Ranch attached hereto as **Exhibit A**, and as more particularly described at **Exhibit C** attached hereto ("Parcel 26").

Parcel 27, as the same is shown on the Record of Survey for The McCall Ranch attached hereto as Exhibit A, and as more particularly described at Exhibit D attached hereto ("Parcel 27").

Parcel 28, as the same is shown on the Record of Survey for The McCall Ranch attached hereto as Exhibit A, and as more particularly described at Exhibit E attached hereto ("Parcel 28").

Parcel 29, as the same is shown on the Record of Survey for The McCall Ranch attached hereto as Exhibit A, and as more particularly described at Exhibit F attached hereto ("Parcel 29").

Parcel 30, as the same is shown on the Record of Survey for The McCall Ranch attached hereto as Exhibit A, and as more particularly described at Exhibit G attached hereto ("Parcel 30").

Declarant desires to grant a utility easement for the benefit of Parcel 4, Parcel 26, Parcel 27, Parcel 28, Parcel 29 and Parcel 30, as depicted on the attached Exhibit A and marked "Power Easement A", and as more particularly described at Exhibit H (referred to herein as the "Parcel 4&26-30 Utility Easement" or the "Utility Easements").

1.2 Declaration: Declarant hereby declares that Parcels 4, 26, 27, 28, 29 and 30 are and shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following terms, covenants, conditions, easements and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance and improvement of Parcels 4, 26, 27, 28, 29 and 30. The terms, covenants, conditions, easements and restrictions set forth herein: (i) shall run with the land constituting Parcels 4, 26, 27, 28, 29 and 30, and shall be binding upon all persons having or acquiring any right, title or interest in Parcels 4, 26, 27, 28, 29 and 30 or any portion thereof; (ii) shall inure to the benefit of Parcels 4,

26, 27, 28, 29 and 30; (iii) shall inure to the benefit of and be binding upon Declarant, Declarant's successor in interest and each grantee or Owner and such grantee's or Owner's respective successors in interest; and, (iv) may be enforced by Declarant, by any Owner or such Owner's successors in interest.

ARTICLE 2 - DEFINITIONS

- 2.1 Owner: The term "Owner" shall refer to that person or entity or those persons or entities who hold the ownership interest in Parcels 4, 26, 27, 28, 29 and 30, as shown on the records of the County Recorder, Valley County, Idaho.
- 2.2 Servient Parcels: The term "Servient Parcels" shall refer to the Parcels upon which the Utility Easements are located.
- 2.3 Benefitted Parcels: The term "Benefitted Parcels" shall refer to the Parcels benefited by the Utility Easements, which is all of Parcels 4, 26, 27, 28, 29 and 30.

ARTICLE 3 - EASEMENT

3.1 Utility Easements

a. Parcel 4&26-30 Utility Easement. A non-exclusive easement to the Parcel 4&26-30 Utility Easement is reserved for the benefit of Parcels 4, 26, 27, 28, 29 and 30, and for the benefit of Idaho Power Company to the extent of any powerlines or related facilities located in the Parcel 4&26-30 Utility Easement.

3.2 Conditions of Utility Easements

- a. The Utility Easements are described as non-exclusive easements because they will be used by the Owners of the Servient Parcels, and their licensees, guests, invitees, successors and assigns, to the extent that such use does not negatively impact the use of the Utility Easements by the Owners of the Benefitted Parcels.
- b. The purpose of the Utility Easements is to provide an easement to the Benefitted Parcels for the placement of above ground and/or below ground electrical lines and facilities, as well as telephone, cable, and other utilities, subject to the requirements of each of the related public utility companies.
- c. Idaho Power Company shall have an easement to the Utility Easements for the use, repair, maintenance, and replacement of power lines and related facilities, and to access the same.
- d. Each Benefitted Parcel may grant an easement as necessary to the applicable public utility for the Utility Easements that benefit such parcel, subject to the terms of this Declaration of Utility Easement.
- e. Each Owner of a Benefitted Parcel shall pay for the cost to bring utilities to their own Parcel. Any damage to the Utility Easements caused by the Owner of any Benefitted Parcel, or resulting from the use of the Utility Easements by such Owner, shall be repaired at the cost of the Owner of such Benefitted Parcel.
- f. No structures may be constructed within any of the Utility Easements, other than as needed to facilitate installation of utilities.

g. Any user of the Utility Easements shall indemnify and hold the Servient Parcel Owners harmless regarding, and waive as to the Servient Parcel Owners, any claims of any kind for damages, fees, costs, or relief of any kind whatsoever stemming from or related in any way to use of the Utility Easements by such user or their guests, invitees, or agents.

ARTICLE 4 - MISCELLANEOUS PROVISIONS

- 4.1 Non-Waiver/Modification. The failure of a party to demand strict performance of or compliance with this Declaration or any provisions hereof at any time or under any set of circumstances will not be deemed a waiver by such party of its right to demand such performance and compliance at any other time or under any other circumstances. This Declaration may not be changed or modified orally. It may only be modified by a written instrument executed by all Owners impacted by the modification and recorded with the Valley County, Idaho Recorder.
- 4.2 Attorneys Fees. In the event that any dispute arises regarding the legal consequence, interpretation, application or enforcement of this Declaration, then the prevailing party in such dispute shall be entitled to recover his/her attorneys fees and costs incurred, including attorneys fees and costs incurred on appeal.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date stated by Declarant's signature below.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date stated by Declarant's signature below.

Line L. Aleban Date 6/4/2020
IANE B. DeBOER

Parcels 4 & 26 through 30

ESTATE OF JUDD W. DeBOER

STATE OF IDAHO,)	
) ss.	
County of Ada.	
On this 4 day of June, 2	20_20, before me, a Notary Public in and for said
state, personally appeared Diane DeBoer, kno	wn or identified to me to be the person whose
name is subscribed to the within Instrument ar	nd acknowledged to me that she executed same.
IN WITNESS WHEREOF, I have here	cunto set my hand and affixed my official seal, the
day and year in this certificate first above writ	
•	Dan, Singypra, C.
\overline{h}	OTARY PUBLIC FOR DAHO
Ŋ	Ay Commission Expires 9 7 7 7 7
1	Exp. 9 29 122 12 12 12 12 12 12 12 12 12 12 12 12
	TO A IDAR INTER
DECLARATION OF UTILITY EASEMENT - 3	**************************************

STATE OF IDAHO,)
County of Ada.) ss.
On this 4th day of, 20 20, before me, a Notary Public in and for said state, personally appeared Diane B. DeBoer known or identified to me to be the person whose name is subscribed to the foregoing instrument as Personal Representative of the Estate of Judd W. DeBoer and acknowledged to me that she executed the same as Personal Representative.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the
day and year in this certificate first above written.
NOTARY PUBLIC FOR PAHO TAR
My Commission Expires :9-2-2-2-1-29
EXHIBIT LIST:
Exhibit A – Record of Survey for The McCall Ranch
Exhibit B – Legal description of Parcel 4
Exhibit C – Legal description of Parcel 26
Exhibit D - Legal description of Parcel 27
Exhibit E – Legal description of Parcel 28
Exhibit F – Legal description of Parcel 29
Exhibit G - Legal description of Parcel 30 Exhibit H - Legal description of Parcel 4&26-30 Utility Easement (Shown as "Power Easement A" on the Record of Survey)

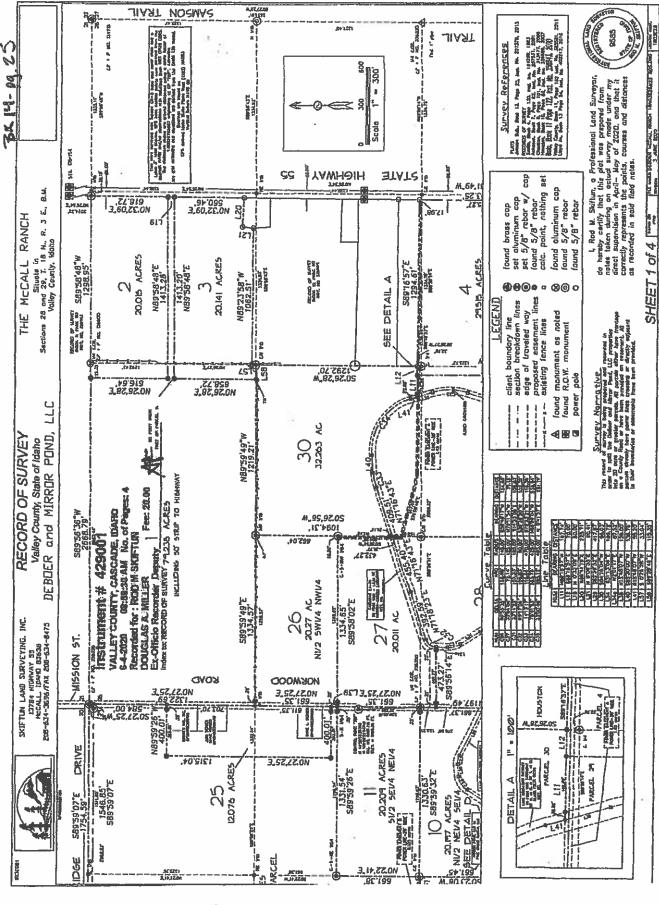


EXHIBIT A