

Valley County Planning & Zoning
Cynda Herrick, Director

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STAFF REPORT

Vacation Application 21-03
a Public Road Right-of-Way in
Cascade Lake Subdivision No. 1

HEARING DATE: September 20, 2021
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
APPLICANT/OWNER: Matthew and Michelle Woodmansee
Woodmansee Family Trust
2677 S Goshen Way
Boise, ID 83709
LOCATION: Public Road Right-of-Way in Cascade Lake Subdivision No. 1,
between Lots 2 and 3, Block 4
SENW Section 20, T.14N, R.3E, Boise Meridian,
Valley County, Idaho.
REQUEST: Vacate Platted Road Right-of-Way
EXISTING LAND USE: Bare Lane

BACKGROUND:

Matthew and Michelle Woodmansee are requesting a vacation of a 20' public road right-of-way that was platted but has not been constructed.

The requested vacation is for the portion of an unnamed road right-of-way between Lots 2 and 3, Block 4, of Cascade Lake Subdivision No. 1 (see attached plat). The ROW was originally intended for access to Lot 4 from Owl Creek Road. However, the applicants own both Lot 4 and the adjacent Lot 2; and the lots have been combined.

If the road right-of-way is vacated, the land would become the property of the adjoining owners (Lot 2 and Lot 3). The application includes signatures from the property owners of the adjoining lots stating they are in favor of the road vacation and are willing to accept the adjacent property.

The road right-of-way is on a timbered hillside. It does not access any property outside of the subdivision.

Cascade Lake Subdivision No. 1 was recorded at Book 2, Page 46 on June 11, 1962.

FINDINGS:

1. At a properly noticed public hearing on August 12, 2021, the Valley County Planning and Zoning Commission unanimously recommended approval of the proposed vacation. (Facts and Conclusions attached.)
2. Legal notice was posted in the Star News on August 26, 2021, and September 2, 2021. Potentially affected agencies were notified on August 19. Neighbors within 300 feet of the property line were notified by fact sheet sent August 19, 2021. The site was posted on May 31, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on August 18, 2021.
3. Agency comment received:

Central District Health has no objections. (August 20, 2021)
4. Neighbor/Public comment received: None
5. Valley County Code:

10-6-2: VACATIONS OF PLATS, PUBLIC RIGHTS OF WAY OR EASEMENTS:

- A. Filing Of Application Required: An applicant wishing to vacate an existing subdivision, portion thereof, public right of way, or easement shall complete and file with the administrator an "application for total or partial vacation of an existing subdivision or other public right of way". This action shall be supplemental to, and in no way in conflict with, the applicant's obligation to comply with the provisions contained in Idaho Code sections 50-1317 through 50-1325.
- B. Placement On Commission Agenda: Upon receipt of the completed application, the administrator shall place said application on the agenda of the commission to be considered at its next regular meeting, subject to the same time limits prescribed for preliminary plat applications.
- C. Commission Review: The commission shall review the proposed vacation with regard to future development of the neighborhood. The commission shall also take into consideration the interests of adjacent property owners, of utilities, and of various public agencies where pertinent to the application.
- D. Commission Recommendation: Within ten (10) days, the commission shall make its recommendation concerning the application to the board who shall hold a public hearing and give such public notice as required by law.
- E. Board Action: The board may approve, deny or modify the application and shall record its action in the official minute book of the meetings of the board. Whenever public rights of way or lands are vacated, the board shall provide adjacent property owners with a quitclaim deed, as prepared by the applicant, for said vacated rights of way in such proportions as are prescribed by law. (Ord. 10-07, 8-26-2010)

SUMMARY:

- The Planning and Zoning Commission recommended approval.
- The Board needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- Deeds will need to be prepared by the applicant to convey the property along this unnamed road-right-of-way to the adjacent property owners.
- Written approval is required from Idaho Power.
- If Lot 4 is ever divided from Lot 2, an easement will be required for access to Lot 4.

Staff's Recommended Motion:

I move to approve Vacation Application No. 21-03 Vacation of a Road Right-of-Way in Cascade Lake Subdivision No. 1; accept the Planning and Zoning Commission Facts and Conclusions; and authorize the chairman to sign Resolution No. 2021-21 Declaration of Vacation.

ATTACHMENTS:

- Proposed Resolution
- Planning and Zoning Facts and Conclusions
- Planning and Zoning Meeting Minutes – August 12, 2021
- Vicinity Map
- Aerial Map
- Assessor's Plat – Cascade Lake Subdivision No. 1
- Assessor's Plat T.14N R.3E Section 20
- Pictures
- Responses

END STAFF REPORT

**RESOLUTION NO. 21-21
DECLARATION OF VACATION
OF A PLATTED PUBLIC RIGHT-OF-WAY
IN THE CASCADE LAKE SUBDIVISION NO. 1**

VAC-21-03 Vacation of a Public ROW in Cascade Lake Subdivision No. 1

Location: Public Road Right-of-Way in Cascade Lake Subdivision No. 1, between Lots 2 and 3, Block 4, in the SENW Section 20, T.14N, R.3E, Boise Meridian, Valley County, Idaho.

Whereas, the current action is to vacate a public road right-of-way, in Cascade Lake Subdivision No. 1.

Whereas, Cascade Lake Subdivision No. 1 was platted at Book 2, Page 46 on June 11, 1962;

Whereas, it has been determined that vacation of the public road right-of-way shall not inhibit future development of the neighborhood;

Therefore, the Board of County Commissioners hereby vacate the platted public right-of-way that has not been constructed, as shown on the attached plat; and, authorize the Chairman to sign this resolution.

Approved by the Board of County Commissioners of the County of Valley, State of Idaho, on this 20th day of September 2021.

Board of Valley County Commissioners

Dave Bingman, Chairman (Acting)

State of Idaho)
)SS
County of Valley)

On this ____ day of _____, 2021, before me, _____, the undersigned, a Notary Public in and for said State, personally appeared Dave Bingaman known to be the person whose name subscribed to the within Instrument, and acknowledged to me that he, she, they executed the same.

Notary Public, Residing at Cascade, Idaho
My Commission Expires: _____

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

SUBJECT: Vacation Application No. VAC 21-03
Vacation of ROW in Cascade Lake Subdivision No. 1

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on August 12, 2021. The Commission reached a quorum. Commission members in attendance were Neal Thompson, Brian Benton, Scott Freeman, and Chairman Johanna Defoort.

The applicant, Matthew Woodmansee, was present and requested a vacation of the public road right-of-way in Cascade Lake Subdivision No. 1 between Lots 2 and 3, Block 4, in SENW Section 20, T.14N, R.3E, Boise Meridian, Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented and marked as exhibits on August 12, 2021, the Valley County Planning and Zoning Commission hereby makes the following findings of fact:

1. That the existing use of the property described in the Petition will not affect the future development of the adjacent neighbors or neighborhood.
2. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

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

3. Other persons in attendance expressed neither approval nor disapproval of the proposed vacation.

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes, as follows:

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and would not be otherwise detrimental to the public health, safety and welfare.
2. Future development of the subdivision will not be inhibited by the vacation.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends to the Board of County Commissioners that the application of Matthew and Michelle Woodmansee for Vacation No. 21-03 Vacation of a Public Right-of-Way platted between Lots 2 and 3, Block 4, in the Cascade Lake Subdivision No. 1, as described in the application, staff report, and minutes of the meeting be approved.

END FACTS AND CONCLUSIONS



Chairman, Valley County Planning and Zoning

9/9/21
Date

Commissioner Benton moved to recommend approval of V-1-21 allowing a variance of eight feet resulting in a 12-foot setback to the Board of County Commissioners. Commissioner Thompson seconded the motion. Motion carried unanimously.

Director Herrick clarified that the property owner could apply for a vacation and an additional two-foot variance.

Commissioner Freeman returned to participate in the remainder of the public hearings.

6:50 p.m.

2. VAC 21-03 Vacation of a Road Right-of-Way in Cascade Lake Subdivision No. 1: Matthew and Michelle Woodmansee are requesting a vacation of a public road right-of-way that was platted but has not been constructed. If vacated the land would become the property of the adjoining owners. The road right-of-way is approximately 20-feet by 165-feet between Cascade Lake Subdivision Lots 2 and 3, Block 4, in the SENW Section 20, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the report. If the property is ever split back into two lots, an easement would need to be provided to access the back portion. The applicant does not need to purchase the right-of-way; it was originally purchased and dedicated by the original property owner.

Chairman Defoort asked for the applicant's presentation.

Matthew Woodmansee said the lots have been combined. The only purpose of the road was to access the back lot. The road only makes sense on paper. On the ground, his driveway will use an existing logging road that accesses his property. Idaho Power confirmed there are no easements in the right-of-way.

The applicant will need to get written permission from Idaho Power prior to approval by the Board of County Commissioners.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

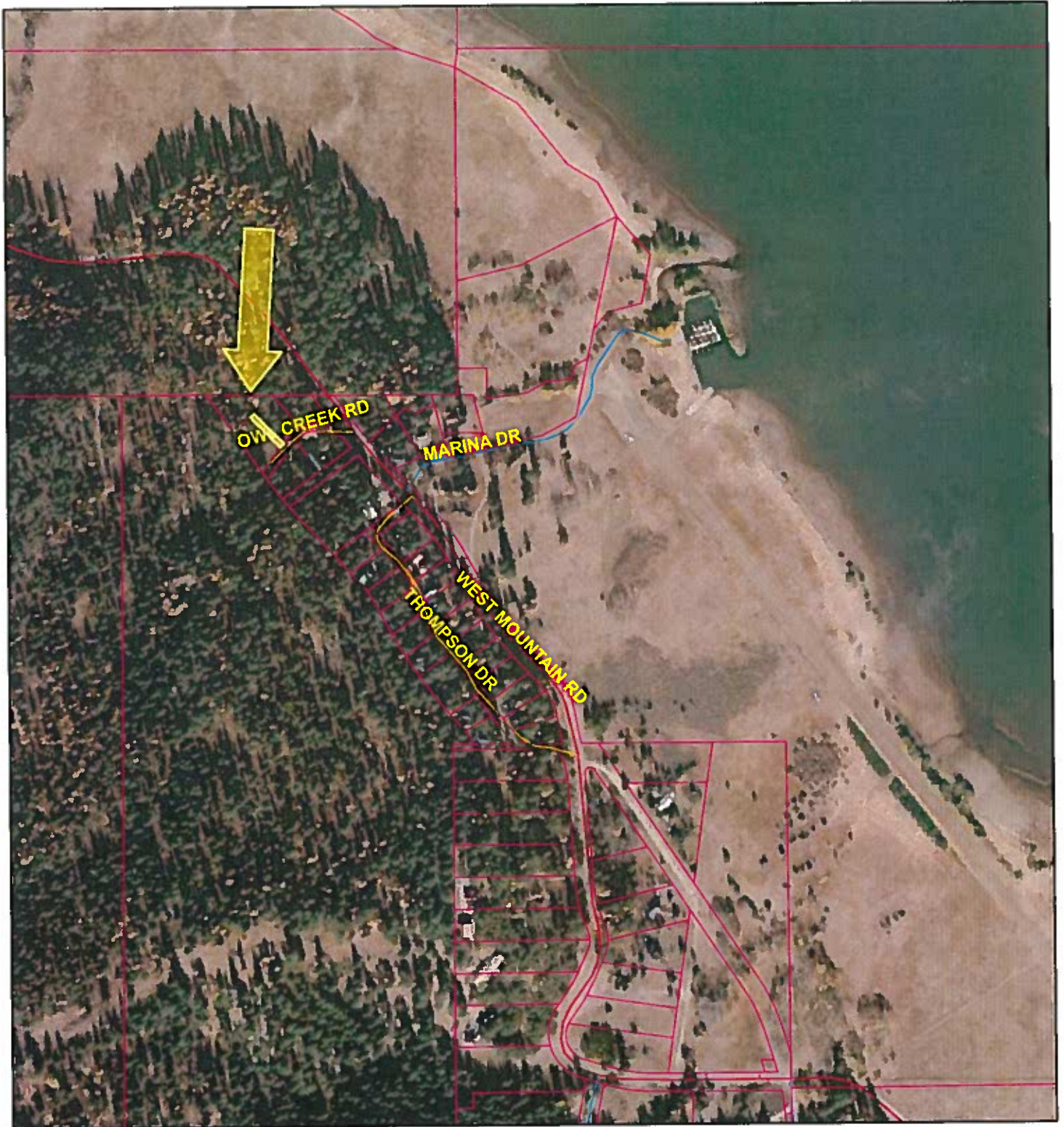
Chairman Defoort asked for opponents. There were none.

Chairman Defoort closed the public hearing.

The Commission deliberated. All Commissioners agreed that the issue is straightforward.

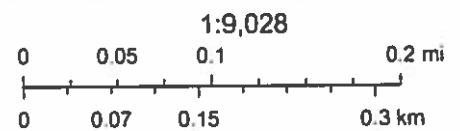
Commissioner Benton moved to recommend approval of VAC 21-03 to the Board of County Commissioners. Commissioner Freeman seconded the motion. Motion carried unanimously.

7:00 p.m.



6/29/2021, 4:10:49 PM

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



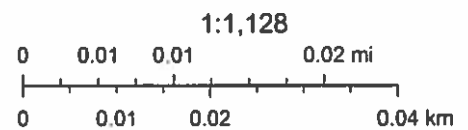
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VAC 21-03



6/29/2021, 4:09:02 PM

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



Maxar, Microsoft

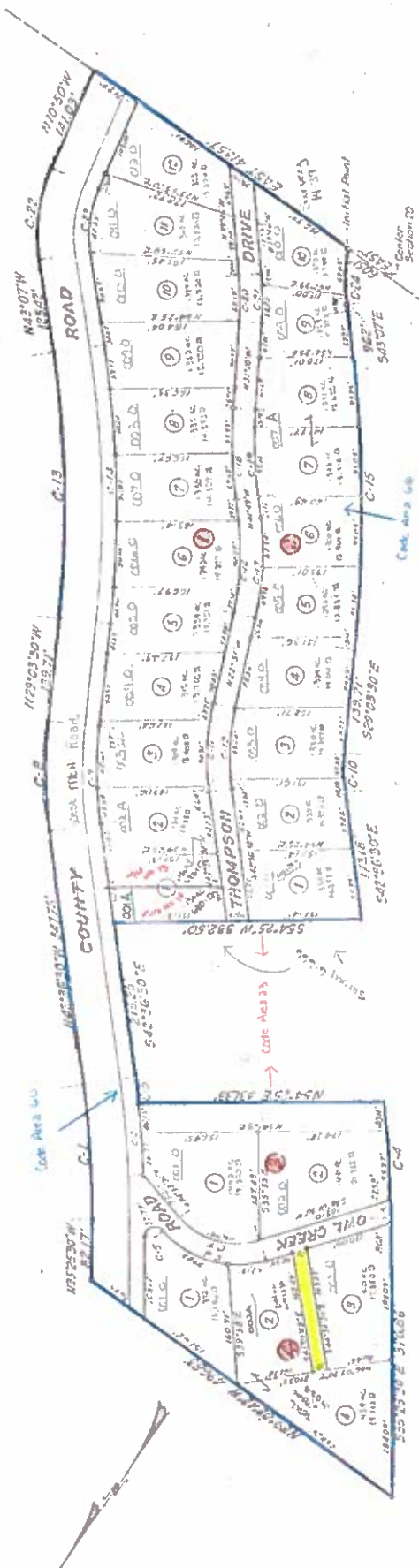
RP 00048

CASCADE LAKE SUBDIVISION NO. 1

A PART OF SECTION 20, T.14N, R.3E, B.M., VALLEY COUNTY, IDAHO.

TOOTHMAN & ASSOCIATES CONSULTING ENGINEERS BOISE IDAHO.

Roads and Public Works as shown are addressed for file only.



CURVE DATA

CURVE NO.	RADIUS	ANGLE	LENGTH	LONG CHORD
1	1475.00'	74°	90.55'	1824.33'
2	1545.00'	74°	90.55'	1824.33'
3	1545.00'	74°	90.55'	1824.33'
4	1545.00'	74°	90.55'	1824.33'
5	1545.00'	74°	90.55'	1824.33'
6	1545.00'	74°	90.55'	1824.33'
7	1545.00'	74°	90.55'	1824.33'
8	1545.00'	74°	90.55'	1824.33'
9	1545.00'	74°	90.55'	1824.33'
10	1545.00'	74°	90.55'	1824.33'
11	1545.00'	74°	90.55'	1824.33'
12	1545.00'	74°	90.55'	1824.33'
13	1545.00'	74°	90.55'	1824.33'
14	1545.00'	74°	90.55'	1824.33'
15	1545.00'	74°	90.55'	1824.33'
16	1545.00'	74°	90.55'	1824.33'
17	1545.00'	74°	90.55'	1824.33'
18	1545.00'	74°	90.55'	1824.33'
19	1545.00'	74°	90.55'	1824.33'
20	1545.00'	74°	90.55'	1824.33'
21	1545.00'	74°	90.55'	1824.33'
22	1545.00'	74°	90.55'	1824.33'
23	1545.00'	74°	90.55'	1824.33'
24	1545.00'	74°	90.55'	1824.33'

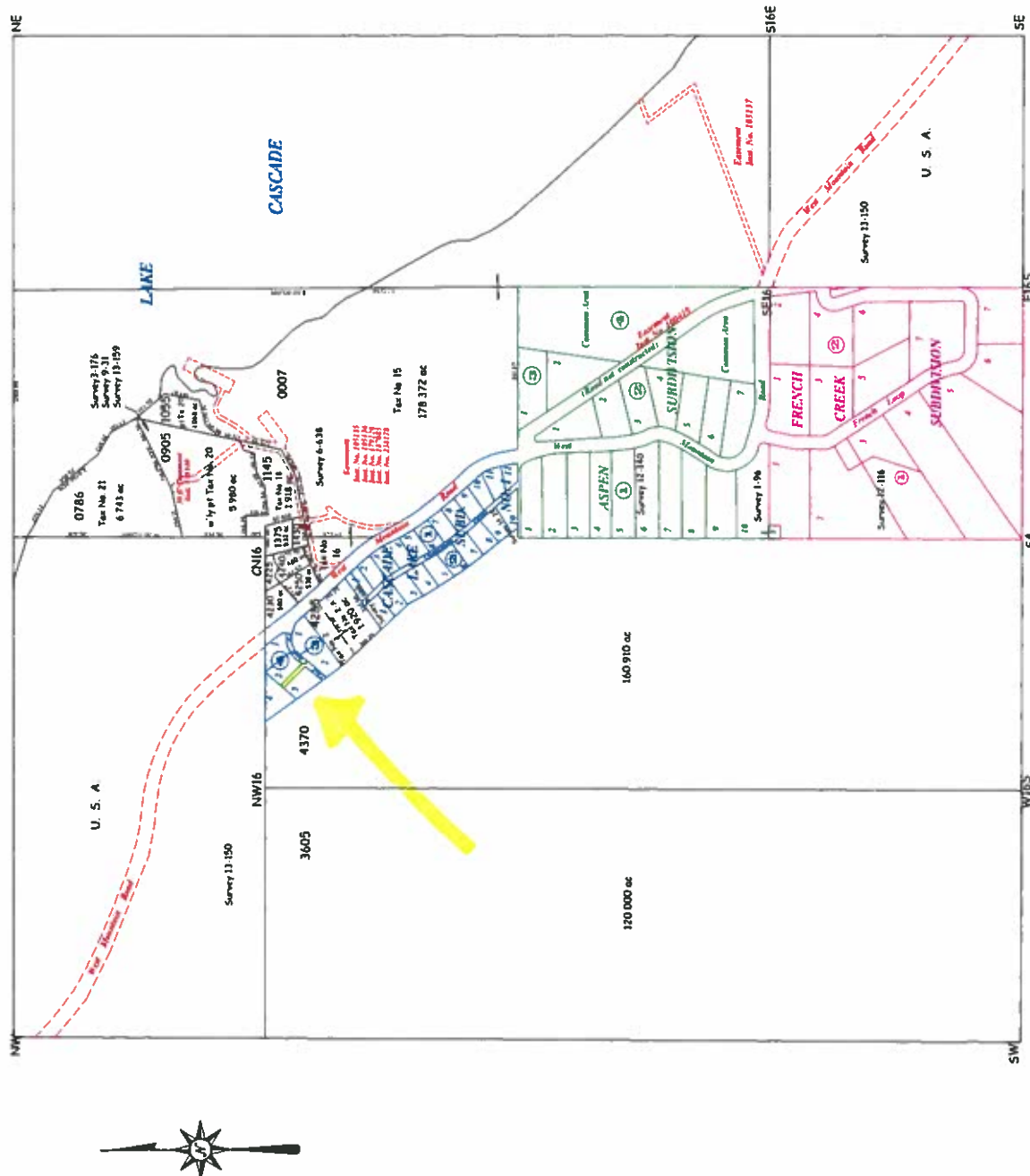
Buildings and Occupancy shall conform to the standards established by the Restrictive Covenants as filed in Book 13 of Miscellaneous Records at Page 22, Valley County, Idaho.

- Initial Point - 2nd 1st Iron Peg.
- Longer Points on Boundary 50' x 20' Iron Ears
- All other Points 8' x 4' Iron Ears
- Block Number
- Lot Number



T W P. 14 N R O S E SEC. 20

Filename: Valley County Base Map
Scale: 1" = 400 ft.
Date: 7/31/2020
Drawn by: L. Frederick



PUBLIC
NOTICE

08/31/2021

PUBLIC NOTICE

07/14/2021



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # VAC 21-03

Conditional Use # _____

Preliminary / Final / Short Plat _____

LOTS 2 & 3 BLK 4 Cascade Lake Sub #1

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
☐ high seasonal ground water ☐ waste flow characteristics
☐ bedrock from original grade ☐ other _____
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
☐ central sewage ☐ community sewage system ☐ community water well
☐ interim sewage ☐ central water
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☐ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:
☐ food establishment ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store
- ☐ 14. _____

Reviewed By: [Signature]

Date: 8.20.21