### Valley County Planning & Zoning Cynda Herrick, Director

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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:** 

September 20, 2021

TO:

**Board of County 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

#### 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. At a properly noticed public hearing on August 12, 2021, the Valley County Planning and Zoning Commission unanimously recommended approval of the proposed vacation and variance. (Facts and Conclusions attached.)
- Legal notice was posted in the Star News on August 26, 2021, and September 2, 2021.
   Potentially affected agencies were notified on August 19, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent August 19, 2021. The site was posted on August 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:

Idaho Power's review indicated that they do not have facilities located within the easement area. Thus, Idaho Power agrees to relinquish their interest in the area described in the attachment. (August 12, 2021)

Central District Health has no objections. (August 20, 2021)

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)

Tony Adams, Emmett, is the property owner of Lot 7 located diagonally across the street. He testified that he has no problems with the approval of the vacation and variance. (August 12, 2021)

Arnold Hipwell, Emmett, owns Lot 12 located directly across the road from Lot 10. He testified that a lot of trees have been removed between the road and garage. He is concerned about the drainage as water would flow to his property. Mistakes can be made but should not be passed on to someone else. (August 12, 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 <u>9-5H-11</u> 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 <u>9-5H-6B</u> of this article.

#### D. Granting Of Variance:

- 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 <u>9-5H-11</u> 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)

#### STAFF COMMENTS:

- 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 and/or variance.

Staff recommends approval of the as recommended by the Commission.

#### Staff's Recommended Motion:

I move to approve Vacation Application No. 21-05 Montalbano Vacation of Utility and Drainage Easement and V-3-21 Montalbano Setback Variance; accept the Planning and Zoning Commission Facts and Conclusions; and authorize the chairman to sign Resolution No. 2021-23 Declaration of Vacation.

#### **ATTACHMENTS:**

- Proposed Resolution
- Planning and Zoning Facts and Conclusions
- Planning and Zoning Meeting Minutes August 12, 2021
- Vicinity Map
- Aerial Map
- Whispering Pines Subdivision No. 2 as recorded
- Site Plan
- Pictures taken July 14, 2021, and August 31, 2021
- Pictures submitted by applicant
- Responses

**END OF STAFF REPORT** 

### RESOLUTION NO. 21-23 DECLARATION OF VACATION OF A PLATTED UTILITY AND DRAINAGE EASEMENT IN THE WHISPERING PINES SUBDIVISION NO. 2

#### VAC-21-05 Vacation of a Utility and DrainageEasement

Location: Whispering Pines Subdivision No. 2 Lot 10, SE ¼ Section 33, T.14N, R.4E, Boise Meridian, Valley County, Idaho.

Whereas, the current action is to vacate the 20' utility and drainage easement along a private road right-of-way and to relax the front-yard setback to 4' along Lot 10 that fronts on Silver Cloud DR, in Whispering Pines Subdivision No. 2.

Whereas, Whispering Pines Subdivision No. 2 was platted at Book 11, Page 1 on September 27, 2006;

Whereas, it has been determined that vacation of the utility and drainage easement shall not inhibit future development of the neighborhood;

Therefore, the Board of County Commissioners hereby vacate the 20' utility and drainage easement along Lot 10 as it fronts on Silver Cloud DR, 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 21-05 Utility and Drainage Easement

Variance V-3-21 Montalbano Setback Variance

Whispering Pines Subdivision No. 2

#### 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, Jerry Montalbano, was present and requested a vacation of the utility and drainage easement along a private road right-of-way and a variance to relax the front-yard setback, in Whispering Pines Subdivision No. 2, Lot 10. The site is 3.02 acres and addressed at 55 Silver Cloud DR in the SE ¼ Section 33, T.14N, R.4E, 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 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.
- 3. A variance is justified due to topographic reasons such as the steep hill adjacent to the property line.

#### ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends to the Board of County Commissioners that the application of Jerry Montalbano for Vacation No. 21-05 and V-3-21 in Whispering Pines Subdivision No. 2, as specified in the following and as described in the application, staff report, and minutes of the meeting be approved.

VAC 21-05: Vacation of a 20-foot-wide utility and drainage easement on the interior side of Lot 10 of Whispering Pines Subdivision No. 2 along Silver Cloud DR.

V-3-21: Variance to relax the front-yard setback from the required 20' to 4' along Silver Cloud DR.

END FACTS AND CONCLUSIONS

Chairman, Valley County Planning and Zoning

Date

7:18 p.m.

4. VAC 21-05 Montalbano Vacation of Utility and Drainage Easement and V-3-21 Montalbano Setback Variance: Jerry Montalbano is requesting a vacation of a 20-foot-wide utility and drainage easement on the interior side of the lot line between Silver Cloud Drive and Lot 10 of Whispering Pines Subdivision No. 2. He is also requesting a variance to relax the front-yard setback from the required 20 feet to 4 feet. Silver Cloud Drive is a private road. The site is addressed at 55 Silver Cloud Drive and is in the SE ¼ Section 33, T.14N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *exparte* contact or conflict of interest. Commissioner Freeman recused himself due to a conflict of interest.

Chairman Defoort asked for the Staff Report. Staff presented the report and summarized the following exhibits:

 <u>Exhibit 1</u> – Idaho Power's review indicated that they do not have facilities located within the easement area. Thus, Idaho Power agrees to relinquish their interest in the area described in the attachment. (August 12, 2021)

Chairman Defoort asked how this happened. Director Herrick replied that building permits require site plans with setbacks shown. However, the property line was not marked properly on the ground prior to construction.

Chairman Defoort asked for the applicant's presentation.

Bob Fodrea, Cascade, represented the applicant. This was a mistake. He located the property line. The new garage is too close to the property line. It was incorrectly believed that a lathe stick in the ground was marking the property line. This led to the garage being constructed within the easement. The rebar marking the true property line is at the correct location. The existing power line has been located by Digline and is not in the actual easement area. The easement area is actually on a hillside. Construction is quite far along and includes a foundation and walls with significant expense and work. Construction has been halted. He previously submitted photos that were included in the Staff Report. Exhibit 2 – pictures of partial constructed garage and property line boundary. The building is 4.6-feet from property line.

The applicant needs a variance from the setback and a vacation of the easements. The garage is solely on Lot 10 and will not affect the existing utilities or drainage or neighboring lots. The existing utilities are in the roadway. The vacation and variance should be approved because of undue hardship to property owners by an issue that was not their fault. Approval will not give the property owners special privileges. The trench for power and telephone were put in by the developer in the flat roadway and not up on the hillside in the designated easement area.

Chairman Defoort asked for proponents.

Tony Adams, Emmett, is the property owner of Lot 7 located diagonally across the street. He has no problems with the approval of the vacation and variance.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents.

Arnold Hipwell, Emmett, owns Lot 12 located directly across the road from Lot 10. A lot of trees have been removed between the road and garage. He is concerned about the drainage as water would flow to his property. Mistakes can be made but should not be passed on to someone else.

Chairman Defoort asked for rebuttal from the applicant.

Bob Fodrea referred to previous pictures that show the roadbed with grass growing in the ditch area and no obvious issues with erosion along the cutbank. Drainage will be to the south away from Mr. Hipwell's property. The subdivision developer worked with engineers regarding drainage when the subdivision was platted.

Chairman Defoort closed the public hearing.

The Commission deliberated. Commissioner Benton had no concern. Commissioner Thompson asked about the easements. No one owns the drainage easement. Idaho Power has agreed to release the easement for utilities. Valley County imposed the easement when the plat was recorded since the developer had placed it on the plat.

**COA**: Must utilize Best Management Practices (BMPs) around structures to protect runoff.

This is an unfortunate situation, but the request is valid with the additional condition of approval.

Commissioner Benton moved to recommend approval of VAC 21-05 and V-3-21 to the Board of County Commissioners. Commissioner Thompson seconded the motion. Motion carried unanimously.

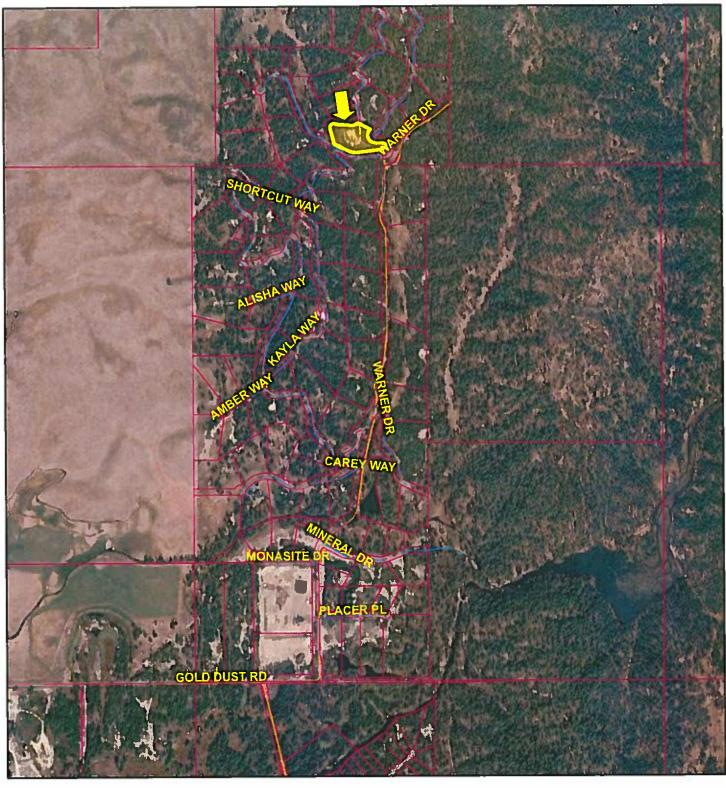
Commissioner Freeman returned to the meeting for the remaining public hearings.

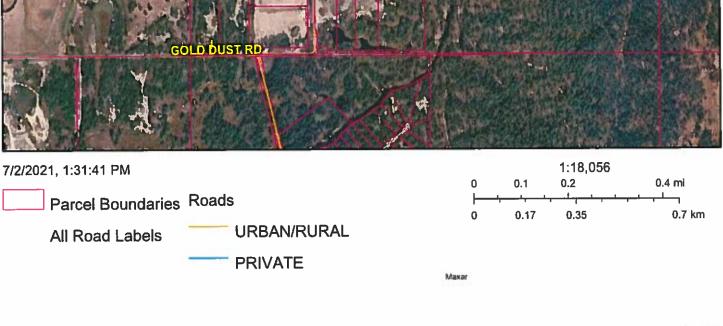
5-10 minute recess

7:58 p.m.

5. C.U.P. 21-18 Hidden Pines Event Venue: Eli and Kayla McClure and Kenneth and Danielle Crawford are requesting approval to establish an event venue. The cabins, dining hall, other buildings, RV spots, and property would be used for short-term rentals and events such as weddings and camps. Electricity, septic system, and a well exist at the site. Access is via an existing driveway off Kennedy Road, a public road. The 80-acre site, addressed at 130 Alpha Lane, is the SESW Section 27 and the NENW Section 34, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item. – Postponed to September 9, 2021

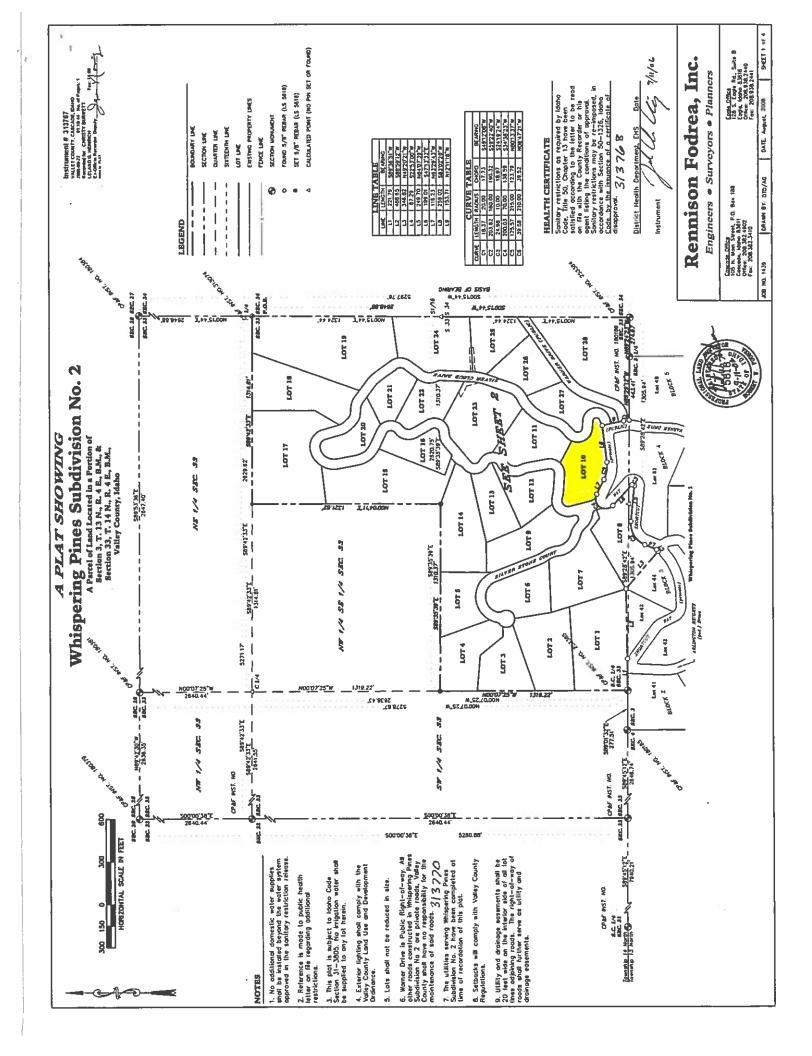
### VAC 21-05 and V-3-21 at 55 Silver Cloud DR

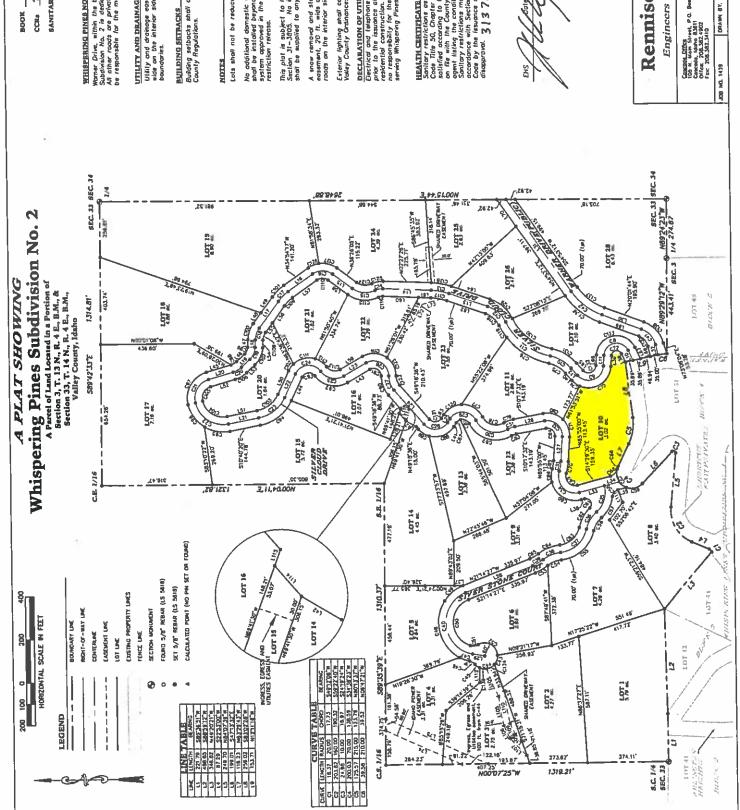




#### VAC 21-05 and V-3-21 at 55 Silver Cloud DR







SANITARY RESTRICTION 3/3768 COR 2 3 269 PAGE

Womer Drive, within the boundary of Whispering Pries Sobbrishing Mo. 2 is dedicated to the public. All chief roads are private and Velley County will not be responsible for the maintainence of soid roads. WHISPERING PINES NO. 1 ROAD DEDICATION

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

Volley Building setbacks shall comply with County Regulations. BUILDING SETBACKS

Lots shall not be reduced in size.

No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restriction release.

This plot is subject to idoho Code Section 31-3805. No irrigation in shall be supplied to any lot herein

A snaw removal and starage easement, 20 ft. wide adjoins all roads on the interior side of lot lines.

Exterior lighting shall comply with Valley County Ordinances.

DECLARATION OF UNLINES

Destricts and temphone utilities should be installed prior to the issuance of building permits for repdestrict construction. Vidity County, shoul have no responsibility for the construction of utilities serving Whispering Priors Subdivision No. 2.

Solilary restrictions as required by Idaho Code IIIs St. Chapter 11 have been solisfied according to the Istler to be read on the with the County Recorder or his agent tisting the conditions of approved. Solitary restrictions may be removed in accordance with Section 50-1126 table Code by the Issuance of a certificate of disapproved. 3 | 3 7 6 8

7-27-06 2006

# Rennison Fodrea, Inc.

Engineers . Surveyors . Planners

Concrete Different P.O. Box 188 (10.5 N. Mehn Street, P.O. Box 188 Canceda, Morbe 83811 Office: 208.382.3410 Fee: 208.382.3410

DRAWN BY, DTD/AG

Engla Office 128 S. Cope Rd., Sails B Cope, Monto BJ818 Office: 208,938,2440 For: 208,938,2441

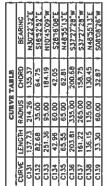
SHEET 2 of 4 DATE, August, 2008

## Whispering Pines Subdivision No. 2 A PLAT SHOWING

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

																																			_
ABLE	BEARING	M61'26'01"W	W.41.90.51N	N24'02'12'E	N24'02'12"E	60	32	531.34,24,6			M29.33,47,W	3,15,52,995	N13'42'58"W	22	N63'38'43"W	ND017'27'E	M_00,00,06N	27	\$00.00.00	3,00,000.065	7	W-00,00.00S	3,00,00.06N	\$00,00,00\$	V67'45'54"W	C80'41'45"W	SA3'43'05"W	54819'54"W	54679'94"W	SRT'41'05"W	SA0*41*45*#	S89"26"58"W	S89704'18'W	S4918'367W	\$69.41,30,E
LINET	LENGTH	88.64	91.34	387.96	521.30	131.04	162.45	106.96	244.26	73.04		164.38	169.65	69.67	61.48	108.13	172.11	107.24	135.01	178.10	134.11	89.85	179.15	85.94	141.48	139.61	64.36	12.21	43.07	55.29	154.97	61.04		47.59	20.00
L	JNI	172	173	L74	175	176	177	L78	L79	LBO	181	182	183	184	1.85	1.86	187	188	1.89	190	161	192	193	194	104	1105	106	70	108	1109	=		1112	114	1115

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CURVE	KAUMUS	2000	105.00	3 2	M.C7	00.00	OI:	144 25	335.00	00:00	69.73	135.00	105.00	35.00	139.73	65.00	35.00	165.00	113.06	35.00	105.00	105 00	135.00	35.00	118.00	35.00	205.00	167.68	167.68	125.00	65.00	45.00	135.00	235.00	00.00	135.00	20.00	135.00	115.00	65.00	165.00	45.00	02:00	2000	105.00	139.07	40.D0	265.00	20.50	233.00	15.00	65.00	105.00	69.07	110.00	115.00	115.00	3220	265.00
	H P C I	91.00	01 15	3	C1.00	CQ:ID7	45.38			119.63			99.93	47.90	230.04	22.83	63.78	39.09	61.90	25.39	132.18	60.95	97.25	73.51			191.99	122.77	132.33	-	30.44	35.14	79.98		5 2	125.44	0.00	63.22	69.91	38.51	53.67	56.03	110 23	97.20	122.08	150.92	19.69	75.65	94.66		وفات	46.83	98.45	74.96	54.14		88.78	95.63	240.72
	CURVE	200	3 5	3	3	3	Š	ŝ	C76	2	2	623	83	CBI	CB2	283	C84	200	980	C87	883	8	000	5	C65	C93	\$60	262	960	C97	865	660	000	500	2005	5003	500	900	C107	C108	C109	C\$10	=	212	0114	C115	C116	C112	910	200	3 2	C122	C123	C124	C125	C126	C127	222	252



# Rennison Fodrea, Inc.

Engineers . Surveyors . Planners

Concrate Others 105 N. Most Street, P.O. Box 168 Concrete, Inches 83011 Others. 208.382.4902 Far: 208.382.3410

Endle Office 125 % Engu Rd., Suite B Engle, form 8,3816 Office: 208.938,2440 Fer: 208.938,2441

DATE, August, 2006

SHEET 3 of 4

DRAIN BY. 070/AG

JOB NO. 1439

## Whispering Pines Subdivision No. 2 A PLAT SHOWING

A PARCEL OF LAND LOCATED BLA POPRIDA OF SETTON 1. I. 13 K., R. 4 E. AND SETTON 3.1. I I H., R. 4 E., VALLEY COUNTY, BANG, BEING PARRICIAET FOSSORED AS FOLLOWS: KNOW ALL MEM BY THESE PRESENTS: The undersigned are the owners of the histowing described percei of land:

And Annual Control of the Control of

CERTIFICATE OF OWNERS

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

I, THE LANDERSLOWED COLUMITY SURVEYOR FOR VALLEY COUNTY, DO HEREBY CERTIFY THAT THE PLAT OF WINSTERRACHES INSTRUMENTION HOLD IS IN COLUMINACE WITH TITLE SO, CHAPTER 13, IDAHO CODE, REALTHAN TO PLATS AND SURVEYS AND IS 4250 BH COMPLIANCE WITH THE VALLEY COUNTY SUBDIVISION REGULATIONS RELATING JULY 18. CERTIFICATE OF VALLEY COUNTY SURVEYOR

APPROVAL OF VALLEY COUNTY PLANNING AND ZONING COMMISSION The plat of whereand phes subdivision no. 2 is hereby accepted and approved the  $\frac{1}{14}$  day of  $\frac{1}{2}q^2$  lab 20mb commission.

MADICE A RELAME OF S GOTS-LEW OF ADSTRUCT OF THAT BOTTON SLOE ELST BOUNDARY TO A TOURN LOWARDIT MADICE A RELAME OF OF STRUCKLY STRUCK OF THE S

# APPROVAL OF VALLEY COUNTY COMMISSIONERS

THE PLAT OF WHISPERBAD PINES SUBDINSION NO. 2 IS HEREBY ACCEPTED AND APPROVED THE

# CERTIFICATE OF VALLEY COUNTY TREASURER

THAT IT IS THE OWNERS BITENT TO INCLUDE THE ABOVE DESCRIBED PARICEL OF LAND IN THIS PLAT OF THE WAYS BRAIN OF SEASONS AS PROPARED. 3 | 3 7 7 0 Heart of the SEASONS AS PROPARED. 3 | 3 7 7 0 Heart of the PARICE STATES AS PROPARED. SHALL SHAT HE WITH OF ACCESS TO AND USE OF THESE ELISABETHS AS RECORDED TO SERVICE SAD UTILITIES IS PERFETUALLY RESERVED. THE OWNERS METER OF STATES BY ANY WAYSTER SYSTEM COMMENDED TO SERVED BY SADVINDLAL WELLS. THE OWNERS WESTER SYSTEM COLOURS TO ANY WAYSTER SYSTEM COLOURS TO ANY WAYSTER SYSTEM.

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SAID DESCRIBED PAREL OF LAND CONTANS 117.87 ADMES MORE OR LESS, TOCKDAGE WITH AND SUBJECT TO EASTHONES AND MONEY—O—MAY OF RECORD AND/OR USE.

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VALLEY COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO VALLEY COUNTY

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-8

COUNTY OF VALLEY

STATE OF IDAHO

NI WITHESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL BEAL THE CAY AND THE YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF EANHO

\*\* BOOK \_\_\_ OF PLATS ON PAGE \_\_\_ AND WAS DULY RECORDED AS INSTRUMENT

DEPUTY

EX-DFFICTO RECORDER

# Rennison Fodrea, Inc.

Engineers . Surveyors . Planners

Concade Office 105 M. Mon Street, P.O. Box 108 Corcock, 104th B.M.11 Office, 208,392,4922 For: 208,382,3410

Earle Office 128 S. Earje Rd., Suite B Earje, Idens B3816 Offer: 208 938,2441 Fer: 208 938,2441 DATE August, 2008 DRAMM BY. OTD/AG

JOB NO. 1439

Section of 4

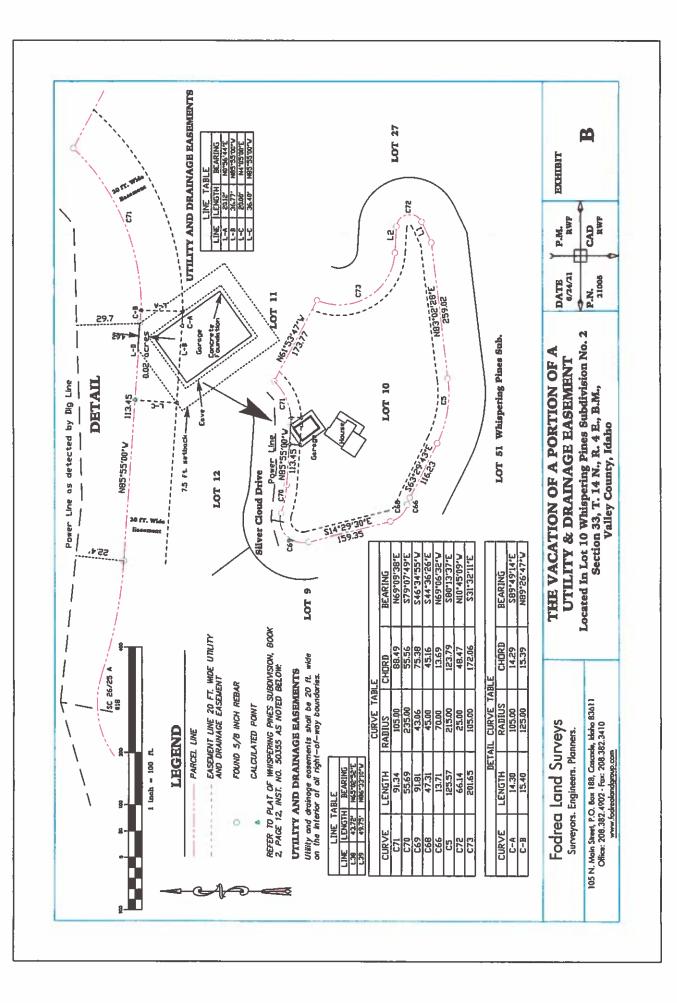
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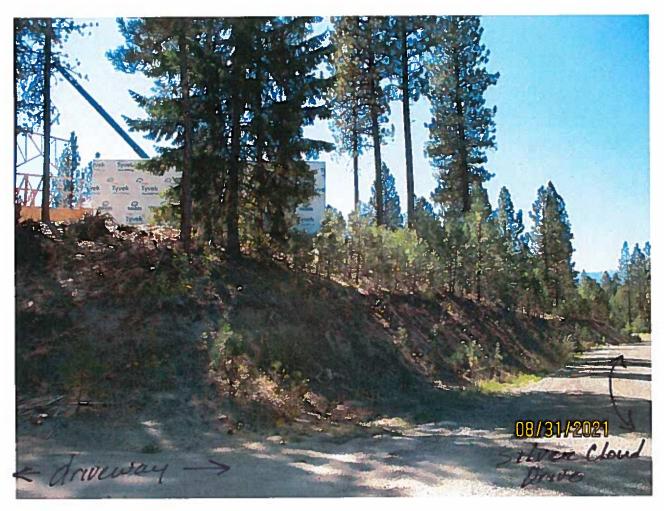
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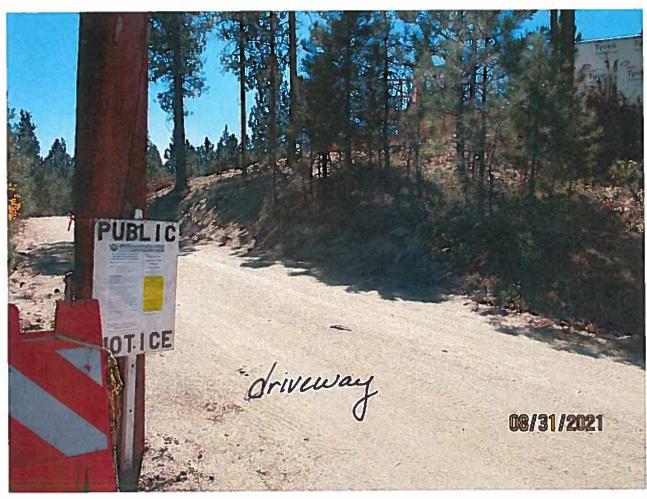
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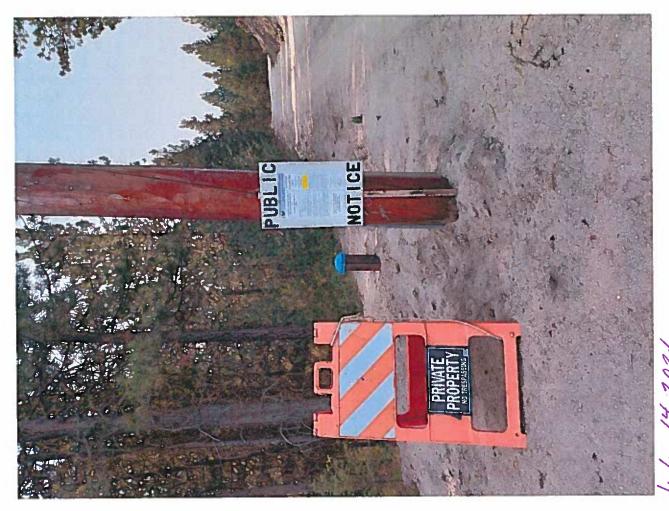
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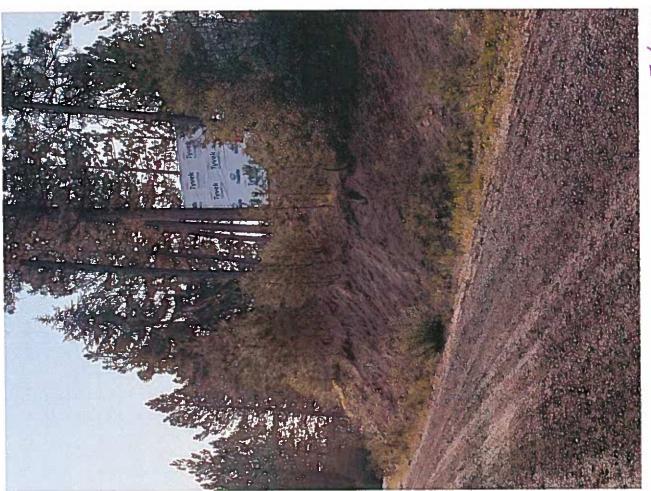
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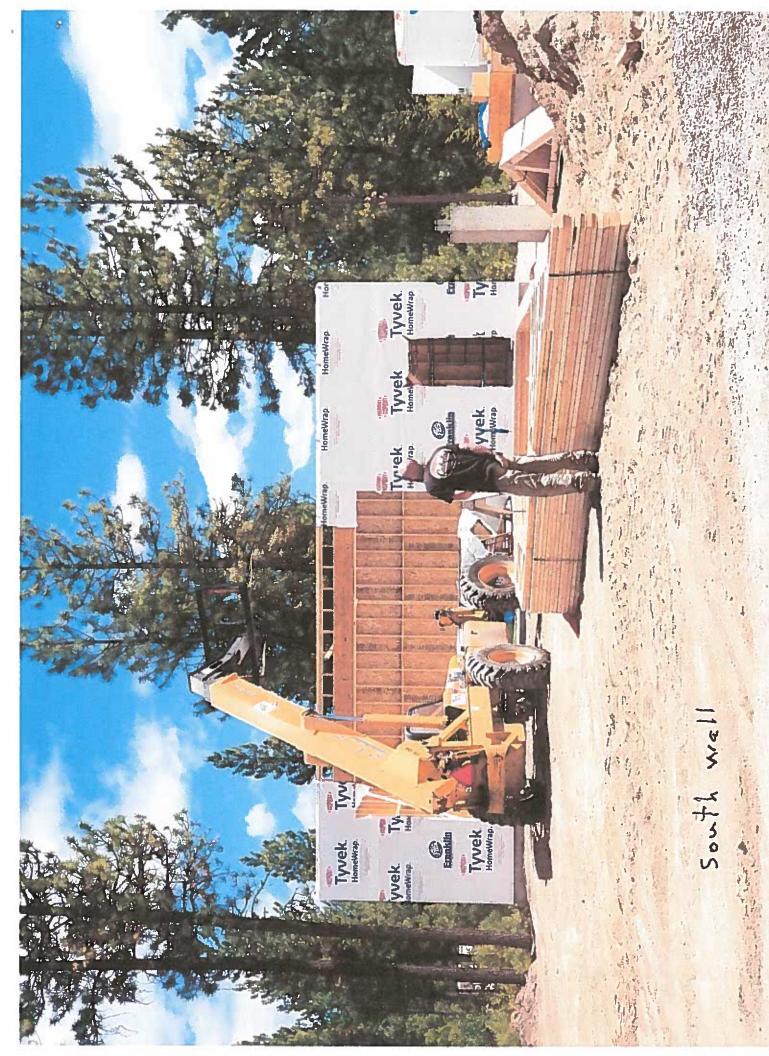


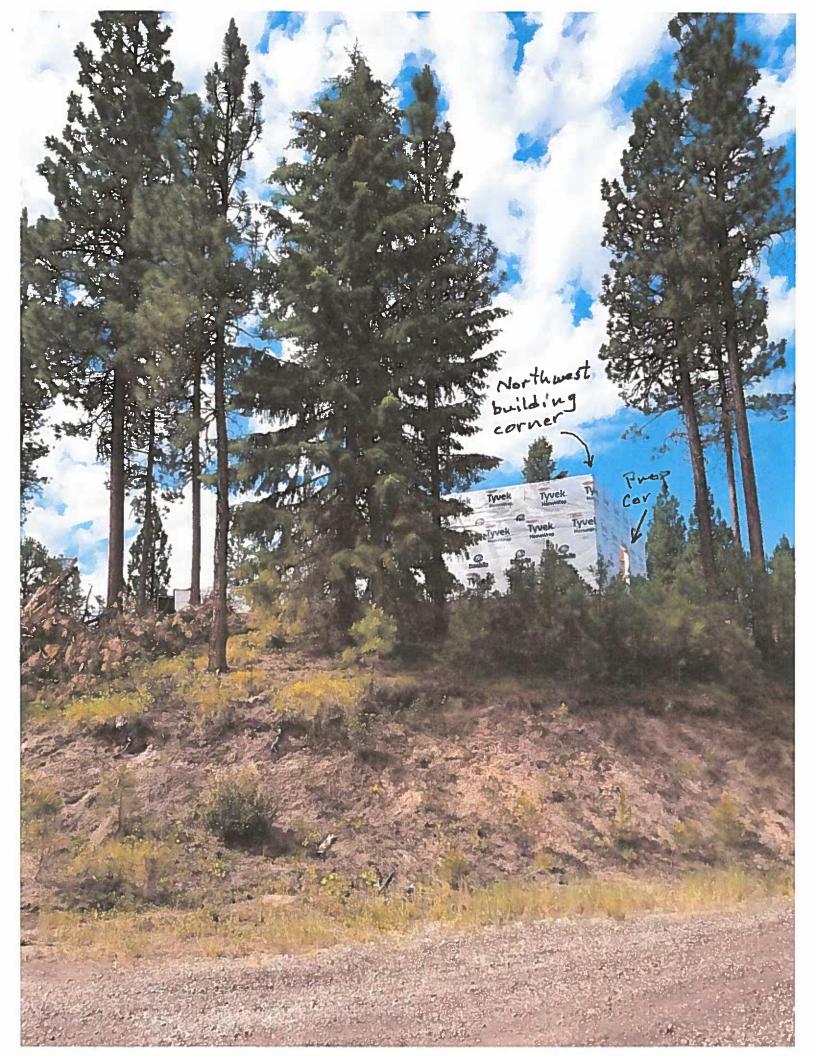


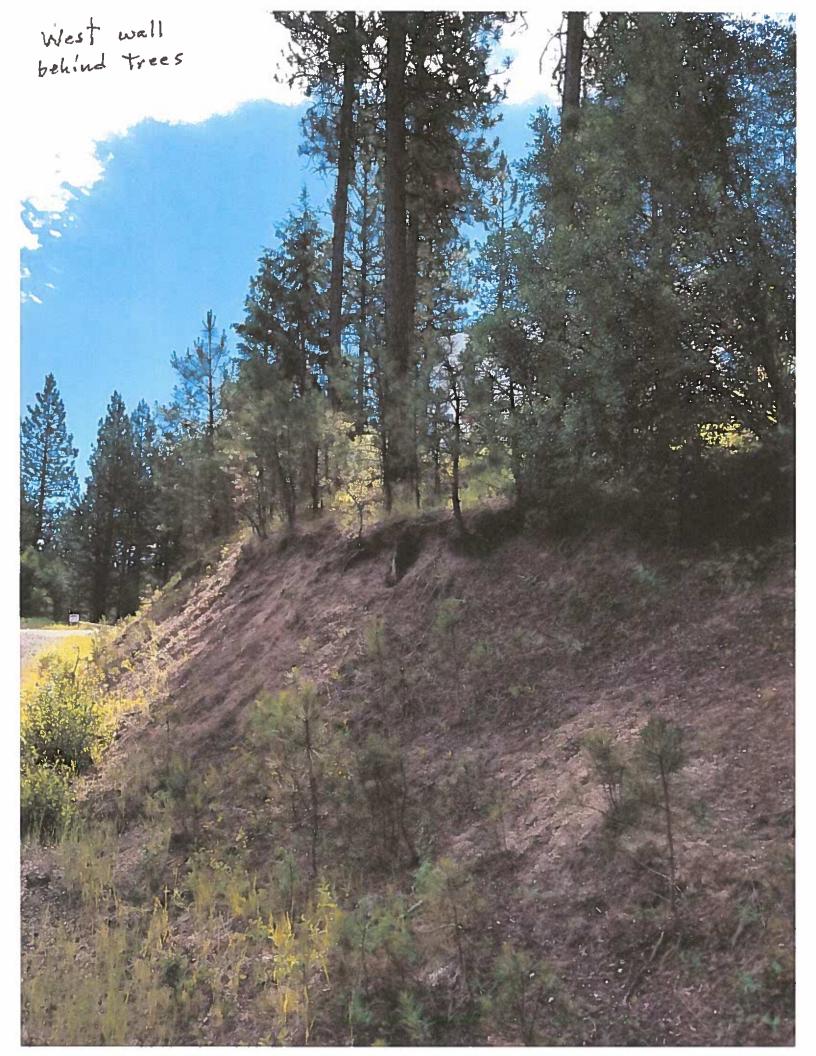


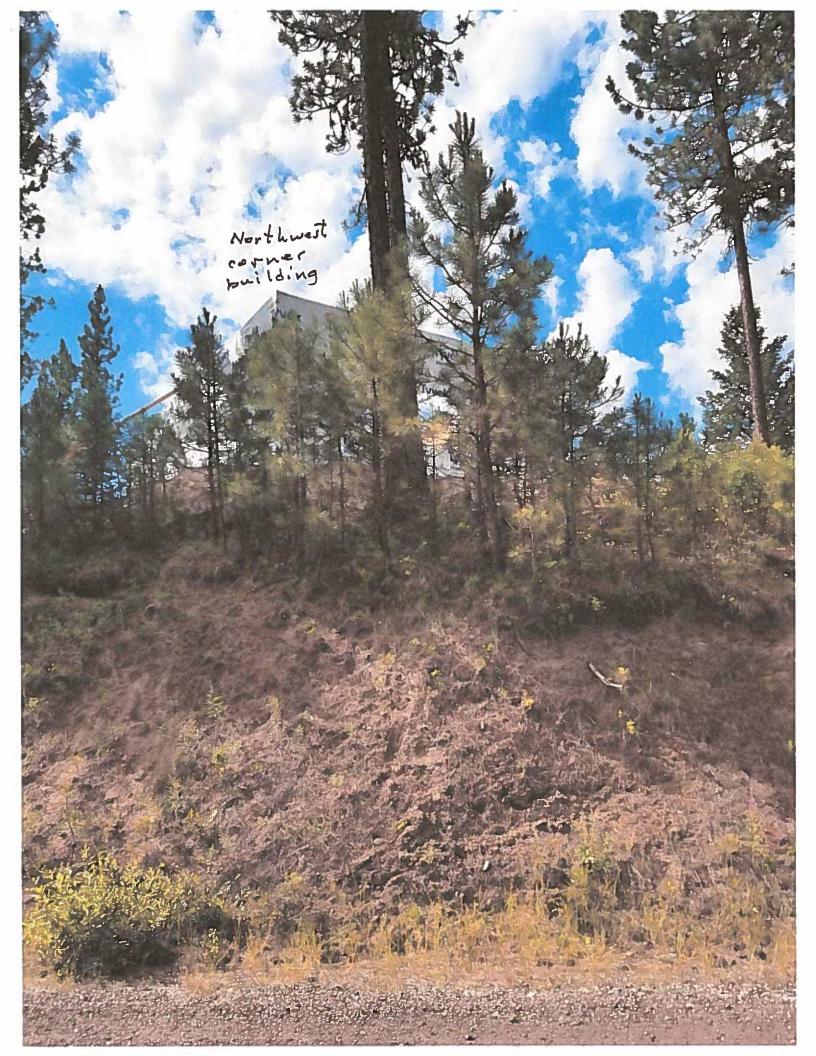


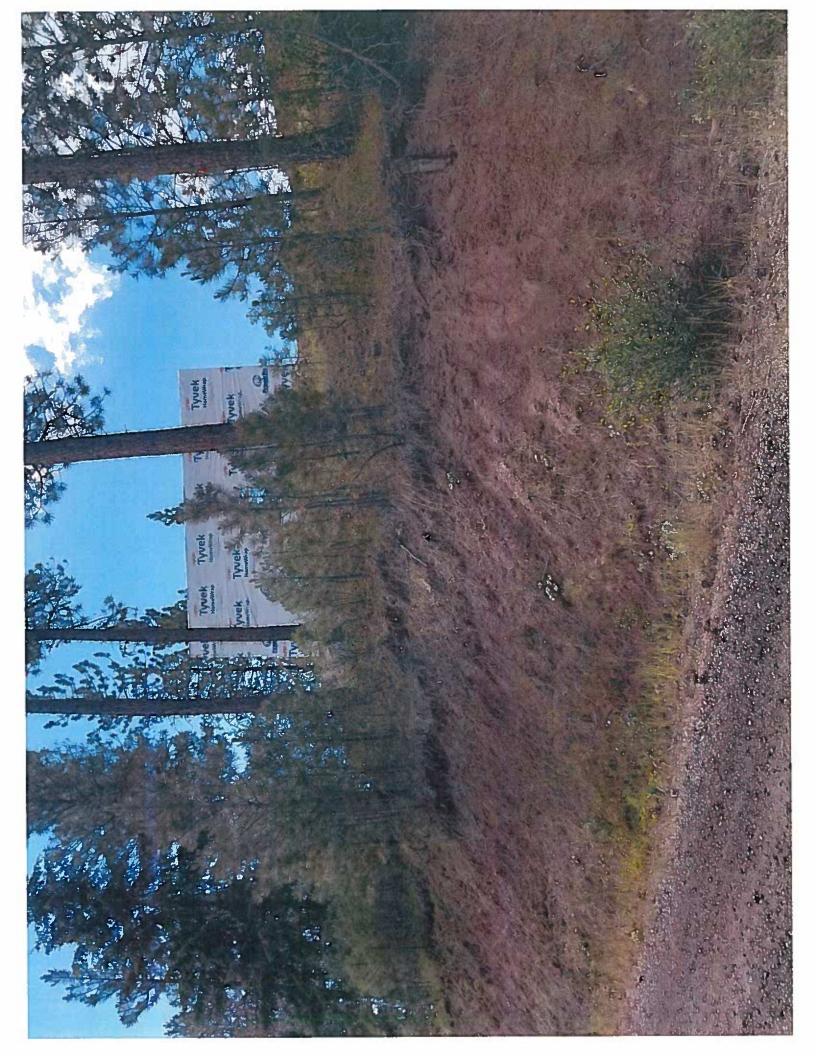


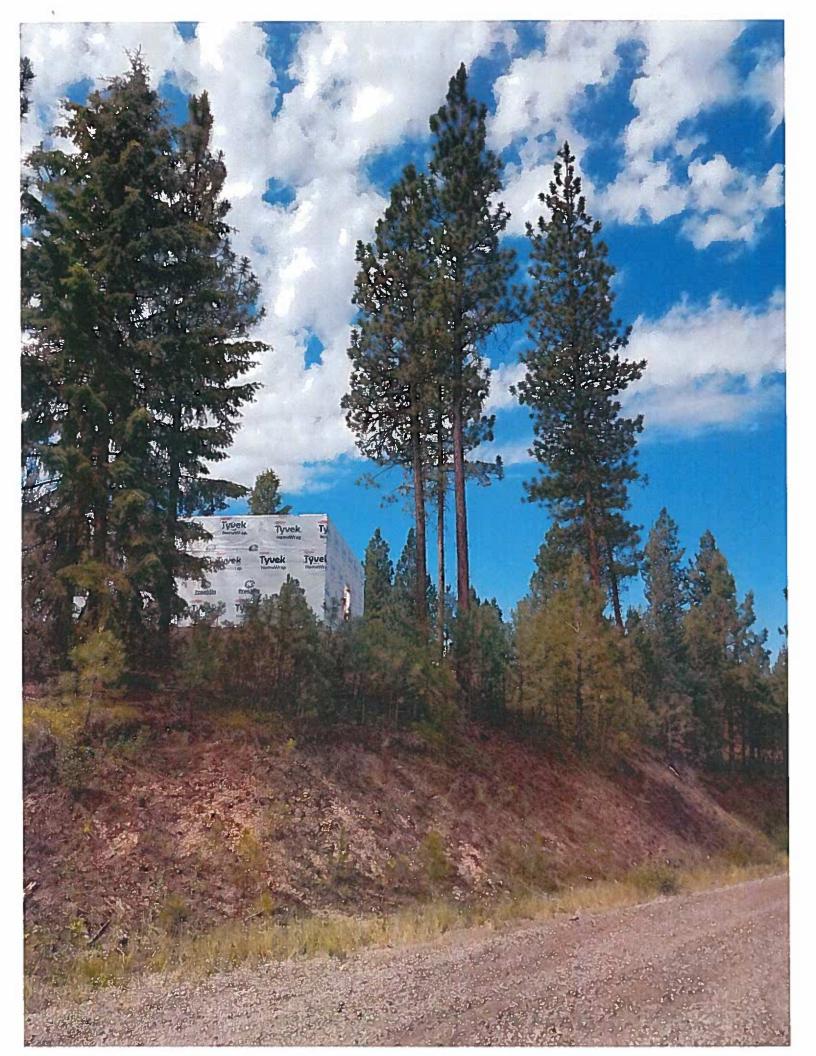












Cascade Whispering Pines Subdivision HOA

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

	Yes	CENTRAL DISTRICT HEALTH	Division	Valley of Com	County Transm	nittal nental Health	Return to:
Re	ezone :	<i>‡</i> \	VAC 21-1	55,	VAC-3, 21		☐ Donnelly ☐ McCall
Co	onditio	nal Use #	···				☐ McCall Impact
Pr	elimin	ary / Final / St	nort Plat				Valley County
				10 W	uspering Pine	es Sub #2	
				55	Silver Cloud	Detre	
	. We h	ave No Objections t	to this Proposal.				
2	. We re	commend Denial o	f this Proposal.				
<b></b> 3	s. Speci	ic knowledge as to	the exact type o	f use must	be provided before we c	an comment on this	Proposal,
<b></b> 4	l. We w	ill require more dat	a concerning soil	conditions	on this Proposal before	we can comment.	
5	6. Befor of:	l high seasc	concerning indivi onal ground water om original grade	r	ge disposal, we will requi waste flow characted other		rning the depth
☐ 6	i. This c water	ffice may require a s.	study to assess t	he impact	of nutrients and pathoge	ens to receiving gro	and waters and surface
7.	. This p	roject shall be revie bllity.	ewed by the Idaho	Departm	ent of Water Resources	concerning well con	struction and water
□ 8	l. After	written approvals fi	rom appropriate e	entities are	submitted, we can appr	ove this proposal fo	or;
		central ser Interim ser Individual	wage	centra	nunity sewage system al water dual water	Commu	nity water well
По	The fo	llowing plan(s) mu	st be submitted to	n and ann	roved by the Idaho Depa	stment of Environm	tophal County
, man		central sev	wage	Comm	nunity sewage system al water		nity water
<u> </u>	). Run-o	f is not to create a n	nosquito breeding	problem			
□ n	This D	epartment would re lerations indicate a	ecommend deferi oproval.:	ral until hig	gh seasonal ground wate	er can be determine	d if other
□ 12	If rest Regul	oom facilities are t	o be installed, the	en a sewag	e system MUST be insta	lled to meet Idaho !	State Sewage
13	s. Wew	Il require plans be s food estal beverage		Sv	for any: wimming pools or spas rocery store	Child ca	re center
14	<del>!</del>			-		-	
	-					Reviewed By:	mulle.
			-			,	Date: B 1201 21



August 12, 2021

Sent via email to cherrick@co.valley.id.us

Re: Partial Relinquishment of Public Utility Easement in Lot 10 Whispering Pines Subdivision No. 2 Valley County, ID

Dear Commissioners,

This is in response to the relinquishment request submitted to Idaho Power Company and received in our office in the month of July 2021, regarding the possible partial relinquishment of a public utility easement located within Lot 10 of the Whispering Pines Subdivision No. 2 in Valley County, Idaho. The attached legal description (Exhibit A) and drawing (Exhibit B) more specifically identify the "easement area" requested for relinquishment.

Idaho Power's review of your request indicated that we do not have facilities located within the easement area. As such, Idaho Power agrees to relinquish our interest in the area described in the attached documents.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

Krista Englund

Associate Real Estate Specialist

KRISTA Englund

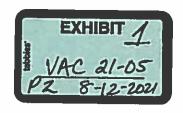
Land Management and Permitting Department

Corporate Real Estate

Idaho Power Company

208-388-2245

kenglund@idahopower.com



#### Exhibit A

### The Vacation of a Portion of a Utility and Drainage Easement Located in Lot 10 Whispering Pines Subdivision No. 2

The vacation of a portion of a 20 foot wide Utility and Drainage Easement located on the interior side of the boundary of Lot 10, Whispering Pines Subdivision No. 2, Book 11, page 1, Valley County, Idaho, in the SE1/4 of Section 33, T. 14 N., R. 4 E., B.M., being more particularly described as follows:

Commencing at the northerly corner common to said Lot 10 and Lot 11 on the southerly right-of-way boundary of Silver Cloud Drive of said Whispering Pines Subdivision No. 2; Thence on a curve to the right, on said right-of-way boundary, which curve has a length of 91.35 feet, a radius of 105.00 feet, and a chord which bears S 69°09′38″ W, a distance of 88.49 feet to a 5/8 inch rebar on the north boundary of said Lot 10; Thence on a curve to the left, on said right-of-way boundary of Silver Cloud Drive, which curve has a length of 12.94 feet, a radius 105.00 feet, and a chord which bears S 89°26′43″ E, a distance of 12.93 feet to the TRUE POINT OF BEGINNING.

Thence a bearing of S 2°58′33″ W, a distance of 20.00 feet to a point on the southerly boundary of said Utility and Drainage Easement; Thence on a curve to the right, on said southerly boundary, which curve has a length of 15.40 feet, a radius of 125.00 feet, and chord which bears N 89°26′47″ W a distance of 15.39 feet on said southerly boundary to a point; Thence a bearing of N 85°55′00″ W, a distance of 36.77 feet on said southerly boundary to a point; Thence a bearing of N 4°05′00″ E, a distance of 20.00 feet to a point on said northerly boundary of Lot 10 and the Utility and Drainage Easement; Thence a bearing of S 85°55′00″ E, a distance of 36.77 on said northerly boundary of Lot 10 and the Utility and Drainage Easement to a point; Thence on a curve to the left, on said northerly boundary of Lot 10 and the Utility and Drainage Easement, which curve has a length of 12.94 feet, a radius of 105.00 feet, and a chord which bears S 89°26′43″ E, a distance of 12.93 feet to the POINT OF BEGINNING.

Said described portion of the Utility and Drainage Easement located in said Lot 10 contains 0.02 acres, more-of-less, together with and subject to rights of ways and easements of record and/or use.



