

# Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Fax: 208-382-7119  
Email: cherrick@co.valley.id.us

**STAFF REPORT:** VAC 23-01 Vacation of Utility and Drainage Easement  
**HEARING DATE:** May 1, 2023  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT / OWNER:** Alexis Martin & Joseph K Brinkley  
PO Box 391, McCall ID 83638  
**ADJACENT OWNER:** Verna A Vanis 2002 Trust  
PO Box 721, McCall, ID 83638  
**LOCATION:** 253 and 265 Alta Vista Drive  
A portion of the lot line between Alta Vista Subdivision Lots 27 and 28  
in the SW ¼ Section 36, T.18N, R.3E, Boise Meridian, Valley County,  
Idaho  
**REQUEST:** Vacate Platted Utility and Drainage Easement  
**EXISTING LAND USE:** Residential Subdivision Lots

Alta Vista Subdivision was recorded on September 13, 1976. Per the plat, there is a 10-foot utility and drainage easement centered on all interior lot lines.

Alexis Martin and Joe Brinkley are requesting a vacation of a 10-foot-wide utility and drainage easement centered on a portion of the lot line between Lots 27 and 28, Alta Vista Subdivision in order to build over the easement.

Both original Lots 27 and 28 have been split. A lot line adjustment has also occurred on part of the original lot line between Lots 27 and 28.

The applicants are requesting a vacation of the utility and drainage in order to build over the easement.

The site is accessed from Alta Vista Drive, a public road.

The Planning and Zoning Commission recommended approval on March 9, 2023.

## FINDINGS:

1. At a properly noticed public hearing on March 9, 2023, 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 April 6, 2023, and April 13, 2023. Potentially affected agencies were notified on March 28, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent March 28, 2023. The site was posted on April 17, 2023. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on March 28, 2023.

3. Agency comment received:

Laura Lacy, Associate Real Estate Specialist, states that Idaho Power's review indicates that they do not have facilities located within the area where vacation is requested. Idaho Power agrees to relinquish interest in the public utility easement located between Lots 27 and 28m, Block 1 of Alta Vista Subdivision. (February 17, 2023, and March 28, 2023)

Central District Health has no objections. (March 28, 2023)

Garrett de Jong, McCall Fire Chief, has no comments. (February 17, 2023)

4. Public comment received at P&Z Commission hearing: *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)

**STAFF COMMENTS:**

- The lots are within the McCall Fire District.
- The lots are not within a sewer district, irrigation district, nor a herd district.
- The Planning and Zoning Commission recommended approval on March 9, 2023.
- The Board needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Board of County Commissioners will be signing a resolution for a Declaration of Vacation.
- A copy of the resolution shall be sent to Laura Lacy, Idaho Power, by the Planning and Zoning staff.

**Staff's Recommended Motion:**

I move to approve Vacation Application 23-01 Vacation of Utility and Drainage Easement; accept the Planning and Zoning Commission Facts and Conclusions as our own; and authorize the chairman to sign Resolution No. 2023-10 Declaration of Vacation.

**ATTACHMENTS:**

- Proposed Resolution 2023-10
- Planning and Zoning Facts and Conclusions
- Planning and Zoning Meeting Minutes – March 9, 2023
- Vicinity Map
- Aerial Map
- Record of Survey 14-193 with Easement Highlighted and Lot Splits
- Alta Vista Subdivision – Assessor's Plat Showing Original Lot Line
- Book 6 Page 21 Alta Vista Subdivision as Recorded
- Pictures Taken February 24, 2023
- Responses
- Application

**END OF STAFF REPORT**

**RESOLUTION NO. 2023-10  
DECLARATION OF VACATION  
OF A PLATTED UTILITY AND DRAINAGE EASEMENT  
IN ALTA VISTA SUBDIVISION**

**VAC-23-01 Alta Vista Subdivision - Vacation of Utility and Drainage Easement**

Location: The site is addressed at 253 and 265 Alta Vista Drive and the vacation is along a portion of the lot line between Alta Vista Subdivision Lots 27 and 28 in the SW ¼ Section 36, T.18N, R.3E, Boise Meridian, Valley County, Idaho

*Whereas*, the current action is to vacate a portion of the the 10' wide utility and drainage easement centered between Lot 27 and Lot 28, in Gold Dust Ranch No. 2;

*Whereas*, Alta Vista Subdivision was platted at Book 6, Page 21 on September 13, 1976;

*Whereas*, the applicants have completed lot line adjustments that place the utility easement through the buildable area of the lots;

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

*Therefore*, the Board of County Commissioners hereby vacate the 10' utility and drainage easement centered on a portion of the lot line between Lot 27 and Lot 28, in Alta Vista Subdivision, 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 1st day of May, 2023.

Board of Valley County Commissioners

\_\_\_\_\_  
Elting Hasbrouck, Chairman

State of Idaho            )  
                                  )SS  
County of Valley        )

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, \_\_\_\_\_, the undersigned, a Notary Public in and for said State, personally appeared Elting Hasbrouck 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: VAC 23-01 Vacation of Utility and Drainage Easement  
Alta Vista Subdivision – Lots 27 and 28**

**INTRODUCTION**

This matter came before the Valley County Planning and Zoning Commission on March 9, 2023. The Commission reached a quorum. Commission members in attendance were Sasha Childs, Scott Freeman, Ken Roberts, Gary Swain and Chairman Kallin Caldwell.

Alexis Martin and Joe Brinkley are requesting a vacation of a 10-foot-wide utility and drainage easement centered on a portion of the lot line between Lots 27 and 28 in Alta Vista Subdivision in order to build over the current easement location. The lots, addressed at 253 and 265 Alta Vista Drive, are located in the SW ¼ Section 36, T.18N, R.3E, Boise Meridian, Boise Meridian, Valley County, Idaho.

**FINDINGS OF FACT**

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated March 9, 2023, with the exhibits, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. That the existing use of the property described in the Petition is a single-family residential subdivision.
2. That the land use categorization in Valley County Code (Table 9-3-1) are as follows:
  - (2) Residential Uses (c) Subdivision for single-family residence.
3. That the surrounding land uses are single-family residential.
4. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
  - The complete application was received from the applicant on January 30, 2023.
  - Legal notice was posted in the Star News on February 16, 2023, and February 23, 2023.
  - Potentially affected agencies were notified on February 6, 2023.
  - Property owners within 300 feet of the property line were notified by fact sheet sent via certified mail on February 7, 2023.
  - The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) on February 6, 2023.
  - The site was posted on February 24, 2023.
5. Other persons in attendance expressed neither approval nor disapproval of the proposed vacation.

6. Idaho Power's review indicates that they do not have facilities located within the easement area and agrees to relinquish interest in the public utility easement located between Lots 27 and 28 in Alta Vista Subdivision.

### 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. Other existing easements will sufficiently provide access for utilities to nearby lots.

### ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends to the Board of County Commissioners that the application of Alexis Martin and Joe Brinkley for Vacation No. 23-01 Vacation of Utility and Drainage Easement, as described in the application, staff report, and minutes of the meeting be approved.

### NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such request must be in writing and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

**Please take notice** that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

**Please take notice** that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

### END FACTS AND CONCLUSIONS

Kurt M. Caldwell  
Valley County  
Planning and Zoning Commission Chairman

Date: 04/18/23

# Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Katlin Caldwell, Chairman  
Ken Roberts, Vice-Chairman

Sasha Childs, Commissioner  
Scott Freeman, Commissioner  
Gary Swain, Commissioner

## MINUTES

Valley County Planning and Zoning Commission  
March 9, 2023  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 6:00 p.m.

- A. **OPEN:** Meeting called to order at 6:00 p.m. by Chairman Caldwell. A quorum exists.
- |                                     |         |
|-------------------------------------|---------|
| PZ Director – Cynda Herrick:        | Present |
| PZ Commissioner – Katlin Caldwell   | Present |
| PZ Commissioner – Sasha Childs:     | Present |
| PZ Commissioner – Scott Freeman:    | Present |
| PZ Commissioner – Ken Roberts:      | Present |
| PZ Commissioner – Gary Swain:       | Present |
| PZ Assistant Planner – Lori Hunter: | Present |
- B. **MINUTES:** Commissioner Childs moved to approve the minutes of February 9, 2023, and February 21, 2023. Commissioner Roberts seconded the motion. Motion passed unanimously.
- C. **OLD BUSINESS:**
1. **C.U.P. 21-09 Copper Rock Subdivision – Final Plat:** Biltmore Investments is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 13 single-family residential lots and two common lots. Lots would be assessed from shared driveways onto Dawn Drive (public). The 6.4-site is a portion of parcel RP16N03E161805 in the SE 1/4 Section 16, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Not a public hearing.**

Chairman Caldwell introduced the item. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Condition of Approval No. 3 requires the final plat to be recorded by April 20, 2023. The applicant is asking for an extension to allow time to complete infrastructure.

Keven Amar, Meridian, Idaho, representing Biltmore Investments, finds general agreement with the conditions of approval. The improvements are in the ground but ran out of time to complete installation and electrical connections due to weather. The electric work has been scheduled with Idaho Power. Changes will be made to the plat as stated in the staff report. Fiber optics

6:30 p.m.

**D. NEW BUSINESS:**

1. **VAC 23-01 Vacation of Utility and Drainage Easement:** Alexis Martin and Joe Brinkley are requesting a vacation of a 10-foot-wide utility and drainage easement centered on a portion of the lot line between Lots 27 and 28 in Alta Vista Subdivision in order to build over the current easement location. The lots, addressed at 253 and 265 Alta Vista Drive, are located in the SW ¼ Section 36, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Confirmation that the lot line adjustment has occurred. (Mar. 7, 2023)
- **Exhibit 2** – Laura Lacy, Idaho Power Company, stated Idaho Power does not have facilities located within the area and agrees to relinquish their interest in the specified public utility easement. (Feb. 17, 2023)

The Commissioners asked if other utility companies other than Idaho Power would use the utility easement. Director Herrick stated that the phone company [Zipty] is sent notice of proposed easement vacations but typically does not respond.

Chairman Caldwell asked for the applicant's presentation.

Alexis Martin, 265 Alta Vista DR, concurs with the staff report. The lot line adjustment has occurred. Vacating the utility easement would allow the owners to build over the original lot line that is located within the reshaped lots.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated.

Commissioner Childs moved to recommend approval of VAC 23-01 to the Board of County Commissioners. Commissioner Swain seconded the motion.

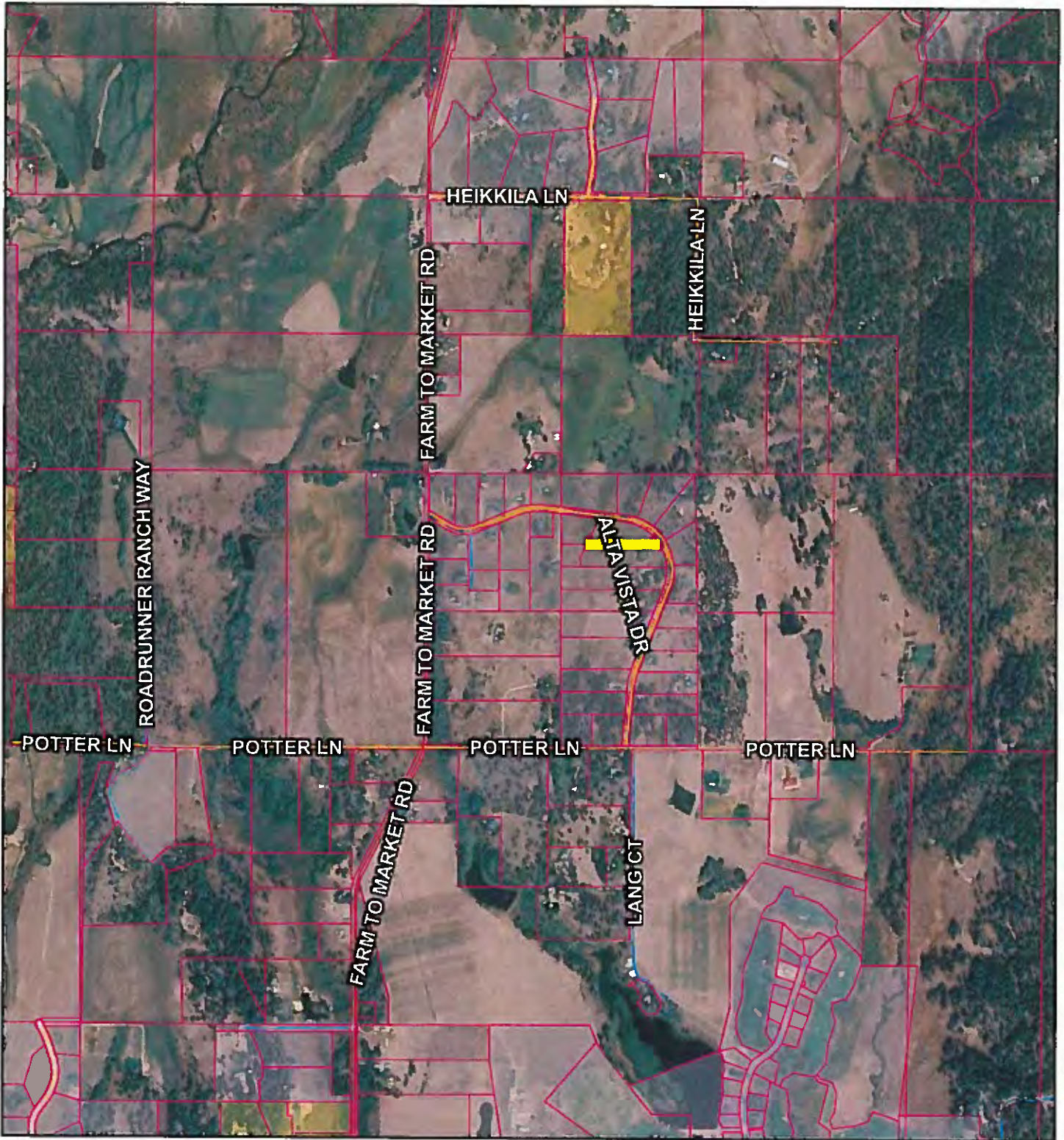
Commissioner Freeman is in favor of the vacation as Idaho Power has stated they do not need the easement location. Idaho Power is the primary user of utility easements.

Motion carried unanimously.







This matter will be scheduled with the Board of County Commissioners for a future public hearing.



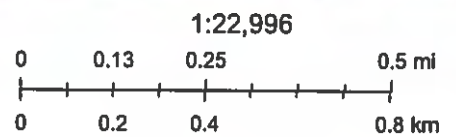
# VAC 23-01 Vicinity Map



January 30, 2023

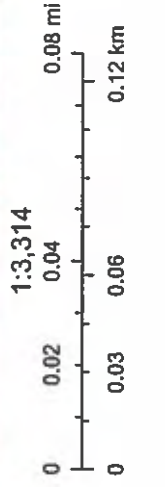
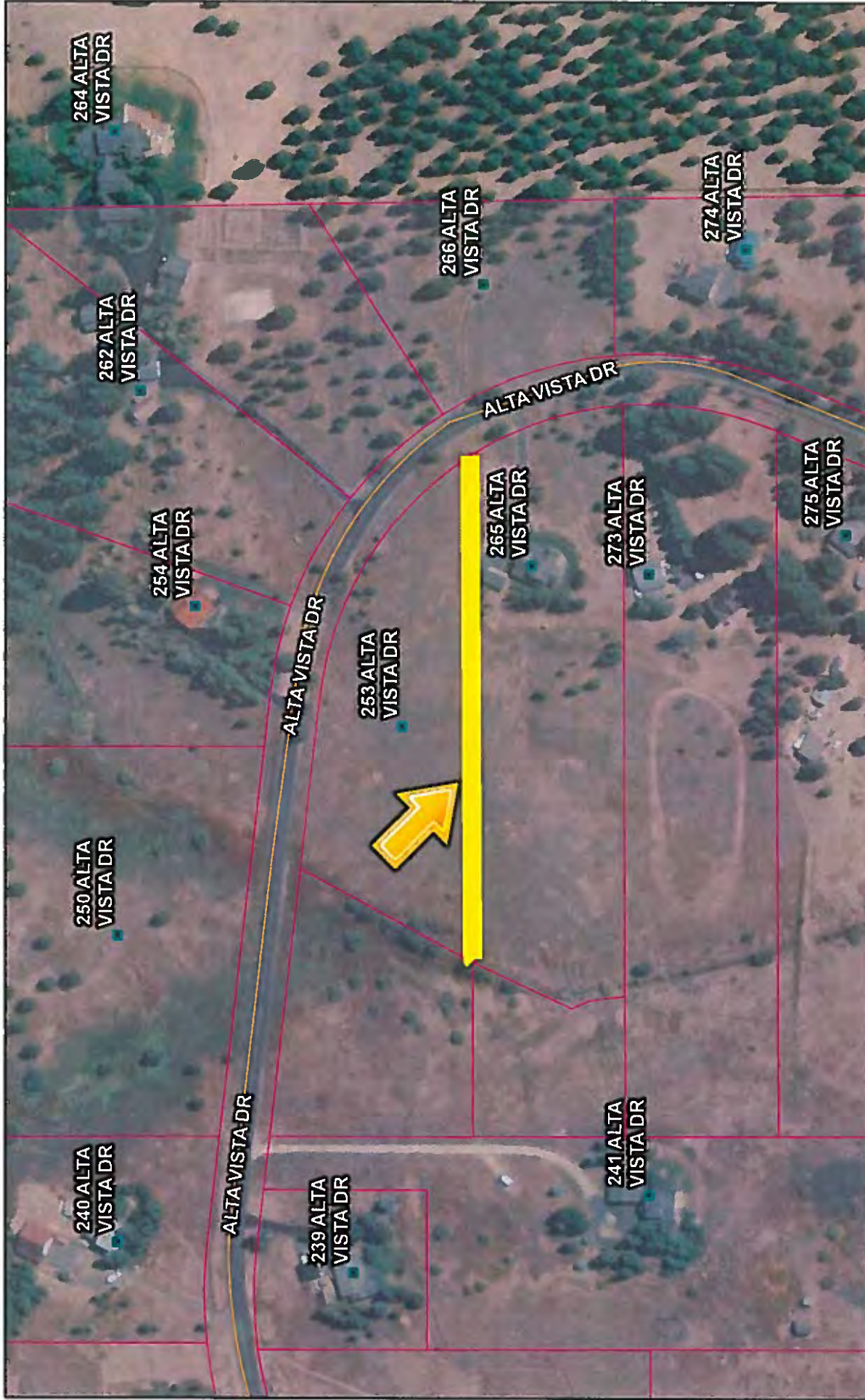
-  Override 1
-  Parcel Boundaries
- Subdivisions
  -  ALPEN RIDGE SUBDIVISION
  -  ALTA VISTA ESTATES
  -  BELLA VISTA SUB
  -  CAREFREE SUBDIVISION, AMD

 COMFORT WOODS SUB PHASE 2





Maxar


# VAC 23-01 Aerial Map






January 30, 2023

**Override 1** 

**Address Points** 

**Parcel Boundaries** 

**Subdivisions**  **ALTA VISTA ESTATES**  **URBAN/RURAL**

**County Boundaries**  **VALLEY COUNTY**

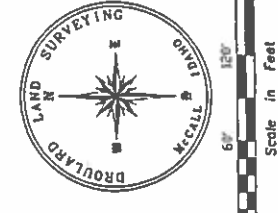
**Roads** 

Instrument # 4446895  
VALLEY COUNTY, CAROLINE BIANO  
Registered Professional Land Surveyor  
No. 5357, State of Idaho  
Dated 10/18/2021  
CHRISTOPHER A. BRINKLEY, Surveyor  
1000 N. 10th St., Boise, ID 83702  
Phone: 208-333-1111  
Fax: 208-333-1112  
www.brinkleyland.com

35 36  
1/4 COR  
CPT #184794



**RECORD OF SURVEY**  
situate in SW4 of  
Section 16, T. 18 N., R. 3 E., B.M.,  
Lots 27 and 28, Alta Vista Subdivision,  
Book 6, Page 21 of Plats, Valley County, Idaho  
for  
**BRINKLEY / MARTIN / VANIS**  
JORDOULARD@OUTLOOK.COM 208-630-3423 NOVEMBER 2021 1811339



**LEGEND**

- Set 5/8 inch dia. rebar w/plastic cap
- ⊙ Set 1/2 inch dia. rebar w/plastic cap
- ⊙ Found 5/8 inch dia. rebar
- Found 1/2 inch dia. rebar
- ⊙ Found brass cap
- ( ) Record data in parentheses

Bearings based on Alta Vista Subdivision  
Reference Record of Survey 13/39, #401322



J. Joel W. Droulard, a Registered Land Surveyor,  
do hereby certify that this plat was prepared by me  
on November 18, 2021, and that it correctly represents  
the points, courses and distances as recorded on  
said field notes.

**SURVEY WARRANT:**  
This survey was done to adjust the boundaries between Lot 27 and 28  
in Alta Vista Subdivision. Record instruments were found and accepted.

RP 0 0010

6K 6 Pg. 21 inst. 89282 9-13-76  
C.C.E.R.'S inst. No. 89737

# ALTA VISTA SUBDIVISION

A PORTION OF THE SW 1/4 SECTION 36 T. 18N., R. 3E., B.M.  
VALLEY COUNTY, IDAHO  
SMITH & MONROE ENGINEERS, INC.

Sheets attached to Full set  
no County Records



**LEGEND**

- Set 1/2" x 2-1/2" Steel Pin
- ⊙ Set 5/8" x 3/4" Steel Pin
- ⊙ 1/16 Corner
- ⊙ 1/4 Corner
- Section Corner

① — Curve Number  
② — Lot Number

WATER-----Individual lots  
SEWER-----Individual lot lots

Health department approval is required before construction.

10' Utility & Drainage Easements  
10' Inside of Lot Lines Along Road  
Subdivision Boundary and Common  
Area Boundary,  
10' Centered on All Interlot Lot Lines.

STATE OF IDAHO }  
COUNTY OF ADA }

*John A. Kasper* being first duly sworn, deposes and says  
That he is a professional engineer, licensed to practice by the  
State of Idaho, that he has carefully examined the above copy with the  
original plat and that the same is a true and correct copy of said  
plat.

*Ralph A. Kasper*

Subscribed and sworn to before me this 12th day of September, 1976

*Edward C. Mennicke*

Notary Public for Idaho My Commission Expires

Renewing at Boise, Idaho 1/6/78

TABLE 1

C	R	A	L	CHL	CH. BRG.
C1	235.00'	1° 01' 37"	30.15	31.05	N 57° 53' 33" W
C2	335.00'	3° 33' 37"	221.74	217.72	N 77° 27' 33" W
C3	248.00'	4° 50' 37"	189.33	194.45	N 66° 59' 50" E
C4	335.00'	1° 15' 45"	34.89	34.37	N 77° 13' 48" E
C5	435.00'	1° 35' 00"	63.45	62.81	N 75° 53' 37" E
C6	535.00'	1° 45' 00"	65.69	65.15	N 75° 00' 00" E
C7	635.00'	1° 45' 37"	66.33	65.70	N 74° 00' 00" E
C8	735.00'	1° 45' 00"	65.14	64.51	N 73° 00' 00" E
C9	835.00'	1° 45' 00"	63.45	62.81	N 71° 53' 37" E
C10	935.00'	1° 45' 00"	62.16	61.52	N 70° 46' 53" E
C11	1035.00'	1° 45' 00"	60.47	59.83	N 69° 40' 00" E
C12	1135.00'	1° 45' 00"	58.78	58.14	N 68° 33' 17" E
C13	1235.00'	1° 45' 00"	57.09	56.45	N 67° 26' 33" E
C14	1335.00'	1° 45' 00"	55.40	54.76	N 66° 19' 50" E
C15	1435.00'	1° 45' 00"	53.71	53.07	N 65° 13' 06" E
C16	1535.00'	1° 45' 00"	52.02	51.38	N 64° 06' 22" E
C17	1635.00'	1° 45' 00"	50.33	49.69	N 62° 59' 38" E
C18	1735.00'	1° 45' 00"	48.64	48.00	N 61° 52' 54" E
C19	1835.00'	1° 45' 00"	46.95	46.31	N 60° 46' 10" E
C20	1935.00'	1° 45' 00"	45.26	44.62	N 59° 39' 26" E
C21	2035.00'	1° 45' 00"	43.57	42.93	N 58° 32' 42" E
C22	2135.00'	1° 45' 00"	41.88	41.24	N 57° 25' 58" E
C23	2235.00'	1° 45' 00"	40.19	39.55	N 56° 19' 14" E
C24	2335.00'	1° 45' 00"	38.50	37.86	N 55° 12' 30" E
C25	2435.00'	1° 45' 00"	36.81	36.17	N 54° 05' 46" E
C26	2535.00'	1° 45' 00"	35.12	34.48	N 52° 59' 02" E
C27	2635.00'	1° 45' 00"	33.43	32.79	N 51° 52' 18" E
C28	2735.00'	1° 45' 00"	31.74	31.10	N 50° 45' 34" E
C29	2835.00'	1° 45' 00"	30.05	29.41	N 49° 38' 50" E
C30	2935.00'	1° 45' 00"	28.36	27.72	N 48° 32' 06" E
C31	3035.00'	1° 45' 00"	26.67	26.03	N 47° 25' 22" E
C32	3135.00'	1° 45' 00"	24.98	24.34	N 46° 18' 38" E
C33	3235.00'	1° 45' 00"	23.29	22.65	N 45° 11' 54" E
C34	3335.00'	1° 45' 00"	21.60	20.96	N 44° 05' 10" E
C35	3435.00'	1° 45' 00"	19.91	19.27	N 42° 58' 26" E
C36	3535.00'	1° 45' 00"	18.22	17.58	N 41° 51' 42" E
C37	3635.00'	1° 45' 00"	16.53	15.89	N 40° 44' 58" E
C38	3735.00'	1° 45' 00"	14.84	14.20	N 39° 38' 14" E
C39	3835.00'	1° 45' 00"	13.15	12.51	N 38° 31' 30" E
C40	3935.00'	1° 45' 00"	11.46	10.82	N 37° 24' 46" E
C41	4035.00'	1° 45' 00"	9.77	9.13	N 36° 18' 02" E
C42	4135.00'	1° 45' 00"	8.08	7.44	N 35° 11' 18" E
C43	4235.00'	1° 45' 00"	6.39	5.75	N 34° 04' 34" E
C44	4335.00'	1° 45' 00"	4.70	4.06	N 32° 57' 50" E
C45	4435.00'	1° 45' 00"	3.01	2.37	N 31° 51' 06" E
C46	4535.00'	1° 45' 00"	1.32	0.68	N 30° 44' 22" E



# ALTA VISTA SUBDIVISION

A PORTION OF THE SW 1/4 SECTION 36 T.18N., R.3E., B.M.  
VALLEY COUNTY, IDAHO  
SMITH & MONROE ENGINEERS, INC.

Restrictive Covenants  
Filed 23<sup>rd</sup> day of July, 1976  
Instrument No. 27227

Sanitary Restriction Under Title Sd  
Removed By Instrument No. 27488  
See Order # 27488



### LEGEND

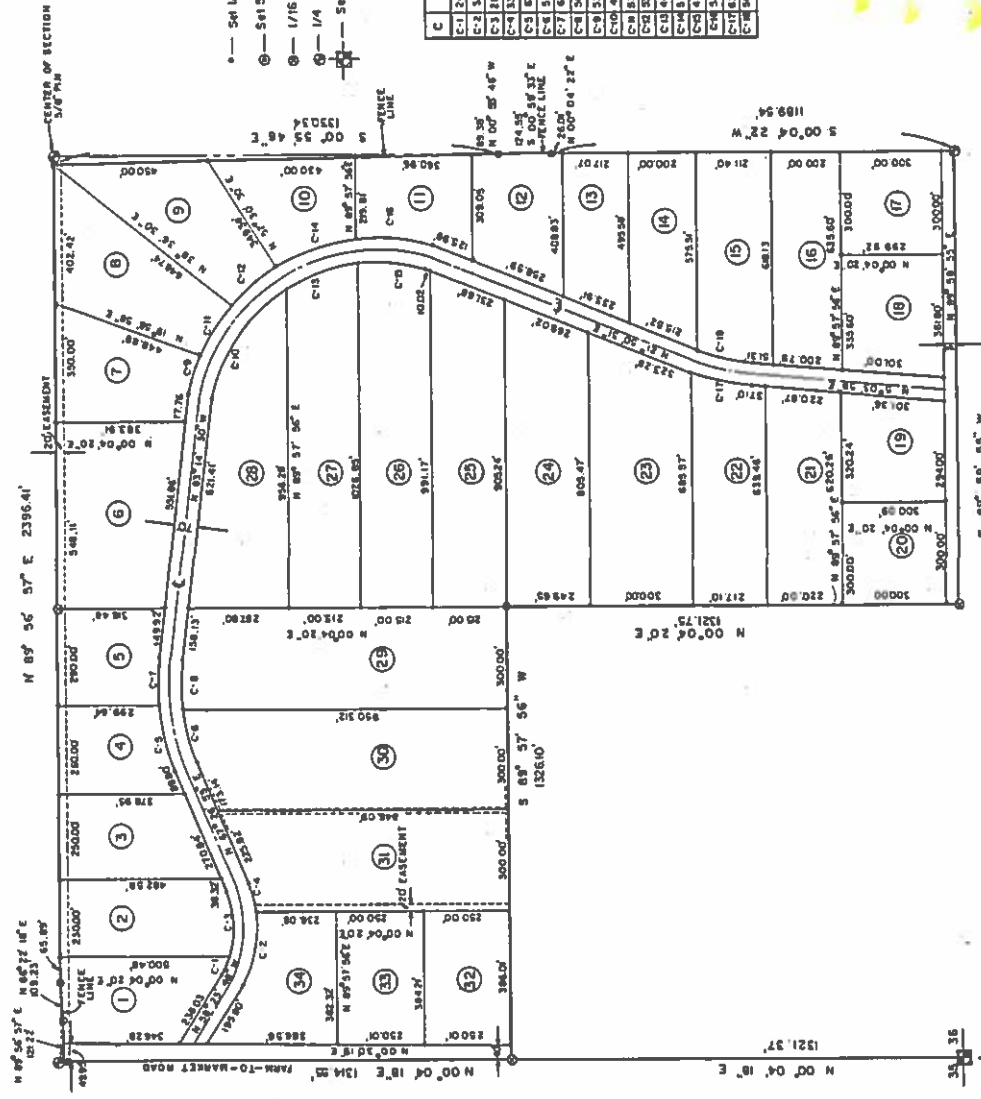
- 54 1/2" 24" Steel Pin
- ⊙ 54 1/2" 30" Steel Pin
- ⊙ 1/16" Corner
- ⊙ 1/4" Corner
- Section Corner
- Curve Number
- ⑥ Lot Number

WATER ----- Individual wells  
SEWER ----- Individual septic tanks  
Health department approval is required before construction.

10' Utility & Drainage Easements  
10' Inside Long Roads  
5' Outside Long Roads  
10' Boundary and Curves  
10' Centered on All Interior Lot Lines

TABLE 1

C	R	A	L	CH. BRG.
C-1	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-2	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-3	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-4	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-5	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-6	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-7	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-8	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-9	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-10	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-11	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-12	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-13	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-14	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-15	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-16	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-17	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-18	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-19	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-20	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-21	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-22	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-23	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-24	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-25	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-26	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-27	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-28	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-29	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-30	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-31	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-32	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-33	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-34	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-35	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-36	335.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-37	285.00'	N 03.27'	314'	31.08° N 83.59.33 W
C-38	335.00'	S 79.53.31'	221.74'	21.72° W 77.21.31 W
C-39	285.00'	S 79.53.31'	193.33'	194.66° W 79.59.50 E
C-40	335.00'	N 03.27'	314'	31.08° N 83.59.33 W



Original Plat

**CERTIFICATE OF OWNERS**

KNOW ALL MEN BY THESE PRESENTS: that the undersigned do hereby certify that they are the owners of the real property hereinafter described:

A parcel of land in the S W 1/4 Section 36, T 18 N., R 3 E. B.M., Valley County, Idaho. More particularly described as follows, beginning at the Southwest corner of said Section 36; thence N 0° 04' 18" E 1321.37 feet to a point, the real point of beginning; thence N 0° 04' 18" E 1314.55 feet; thence N 89° 56' 57" E 121.22 feet; thence N 86° 22' 18" E 109.23 feet; thence N 89° 56' 57" E 2396.41 feet; thence S 00° 55' 46" E 1330.34 feet; thence S 00° 59' 33" E 124.55 feet; thence S 00° 04' 22" W 1189.54 feet; thence S 89° 59' 55" W 1326.08 feet; thence N 00° 04' 20" E 1321.75 feet; thence S 89° 57' 56" W 1326.10 feet to the real point of beginning. Containing 120.26 acres more or less.

The undersigned do hereby dedicate to the public use the streets shown on this plat Public utility and drainage easements are not dedicated to the public, but the right of access to and use of these easements as required to service all lots within this plat is perpetually reserved.

**OWNERS**

Osborn Ranch Inc.  
An Idaho Corporation  
By Warren Osborn, President  
By Tessie Osborn, Secretary

Frank R. Thomas  
Frank R. Thomas  
Diane Thomas  
Diane Thomas

**ACKNOWLEDGEMENT**

State of Idaho ss  
County of Valley

On this 9th day of September, in the year 1976, before me, the undersigned, a notary public in and for said State, personally appeared Warren Osborn, known to me to be the President, and Tessie Osborn, known to me to be the Secretary, of Osborn Ranch Inc., an Idaho corporation, and acknowledged to me that said corporation executed the foregoing certificate.

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

My Commission Expires 1-1-1978

Donna M. Campbell  
A notary public for the State of Idaho  
Residing at New Meadows



**ACKNOWLEDGEMENT**

State of Idaho ss  
County of Valley

On this 9th day of September, in the year 1976, before me, the undersigned, a notary public in and for said State, personally appeared Frank R. Thomas and Diane Thomas known to me to be the persons whose names are subscribed to the foregoing certificate and acknowledged to me that they executed the same.

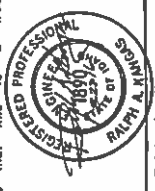
IN WITNESS WHEREOF I have hereunto set my hand affixed my official seal the day and year in this certificate first above written.

Frank R. Thomas  
A notary public for the State of Idaho  
Residing at Cascade



**CERTIFICATE OF ENGINEER**

This is to certify that I, Ralph A. Kangas, a registered Professional Engineer in the State of Idaho, personally supervised the survey of the land shown on this plat and described in the Certificate of Owners, being in Section 36, T 18 N., R 3 E., B.M. Valley County, Idaho, and designated as Alta Vista Subdivision and that this is a true and correct representation of said survey of said land.



Ralph A. Kangas

**CERTIFICATE OF COUNTY ENGINEER**

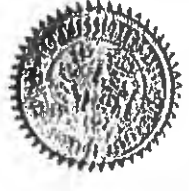
This is to certify that I have examined this plat of Alta Vista Subdivision and determined that it conforms with the laws of the State of Idaho relating thereto.



Robert E. Hines  
County Engineer

**COUNTY COMMISSIONERS ACCEPTANCE**

Accepted and approved this 13 day of Sept, 1976, by the Board of County Commissioners of Cascade, Idaho.



By James W. Hall  
Chairman

**892B2  
COUNTY RECORDER'S CERTIFICATE**

State of Idaho ss  
County of Valley

This is to certify that the foregoing plat was filed in the office of the recorder of Valley County, Idaho, this 13 day of Sept, 1976, at 3:53 o'clock P.M. at the request of Osborn Ranch Inc. and was duly recorded in plat book 6 on page 51.

Richard E. Smith  
Deputy  
Doris E. Smith  
Ex-officio Recorder

CONFIRMED	<input type="checkbox"/>
INDEXED	<input type="checkbox"/>
RECORDED	<input type="checkbox"/>
FILED	<input type="checkbox"/>









March 28, 2023

Sent via email to [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

Cynda Herrick  
Valley County P & Z Director  
PO Box 1350  
Cascade, Idaho 83611

Re: VAC 23-01 – Vacation of Utility and Drainage Easement between the interior lot lines of Lots 27 and 28, Block 1 of the Alta Vista Subdivision, Valley County, Idaho.

Dear Cynda,

This is in response to the public utility easement (PUE) relinquishment request submitted to Idaho Power Company and received in our office March 28, 2023, regarding the possible relinquishment of the PUEs located as noted above. The attached Exhibits more specifically identifies the requested area for relinquishment.

Idaho Power's review of the request indicated that we do not have facilities located within the requested area. As such, Idaho Power agrees to relinquish our interest in the PUE between the interior lot lines of Lots 27 and 28, Block 1 of the Alta Vista Subdivision, Valley County, Idaho.

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

Sincerely,

A handwritten signature in black ink that reads "Laura Lacy".

Laura Lacy  
Associate Real Estate Specialist  
Idaho Power Company/ Corporate Real Estate  
Land Management and Permitting Department





# DROULARD LAND SURVEYING, INC.

JOEL W. DROULARD, PRES.  
*Professional Land Surveyor*

POST OFFICE BOX 69  
McCALL, IDAHO 83638

TELEPHONE [REDACTED]  
E-MAIL [REDACTED]

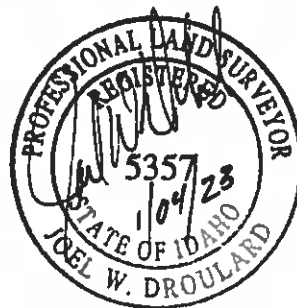
## ALTA VISTA SUBDIVISION Lots 27 and 28 Easement Vacation

An parcel of land situate in the south west 1/4 of Section 36, Township 18 North, Range 3 East, Boise Meridian, being a portion of Lots 27 and 28, Alta Vista Subdivision, as shown on the official plat thereof on file in the Office of the Recorder of Valley County, Idaho, in Book 6 on Page 21 of Plats, and on that particular Record of Survey on file in the Office of the Recorder of Valley County, Idaho, in Book 14 on Page 193 as Instrument Number 448695 of Surveys in Valley County, Idaho, more particularly described as follows:

Commencing at a found 1/2 inch diameter rebar marking the east corner common to Lots 27 and 28, Alta Vista Subdivision, as shown on the official plat thereof on file in the Office of the Recorder of Valley County, Idaho, in Book 6 on Page 21 of Plats, the REAL POINT OF BEGINNING:

Thence, a distance of 5.88 feet along the arc of a curve to the right whose long chord bears S. 31° 49' 16" E., a distance of 5.88 feet, whose radius is 465.00 feet, and delta angle is 0° 43' 29" along the east boundary of said Lot 27,  
Thence, leaving said east boundary, S. 89° 57' 56" W., a distance of 717.65 feet along a line 5.0 feet south of and parallel to the north boundary of said Lot 27,  
Thence, N. 24° 51' 32" E., a distance of 5.51 feet to a set 1/2 inch diameter rebar with a plastic cap on the line common to said Lots 27 and 28,  
Thence, leaving said common line, N. 28° 33' 58" W., a distance of 5.69 feet,  
Thence, N. 89° 57' 56" E., a distance of 706.32 feet along a line 5.0 feet north of and parallel to the south boundary of said Lot 28 to the east boundary of said Lot 28,  
Thence, a distance of 5.93 feet along the arc of a curve to the right whose long chord bears S. 32° 32' 56" E., a distance of 5.93 feet, whose radius is 465.00 feet, and delta angle is 0° 43' 50" along the east boundary of said Lot 28 to the Point of Beginning.

Bearings are based on the plat of Alta Vista Subdivision.





Valley County Transmittal  
Division of Community and Environmental Health

Return to.

- Cascade
- Donnelly
- McCall
- McCall Impact
- Valley County

Rezone # \_\_\_\_\_

Conditional Use # VAC 23-01

Preliminary / Final / Short Plat \_\_\_\_\_

Lot 27 & 28 Alta Vista Sub  
253 & 265 Alta Vista

- 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
  - bedrock from original grade
  - waste flow characteristics
  - 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
  - interim sewage
  - individual sewage
  - community sewage system
  - central water
  - individual water
  - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - sewage dry lines
  - community sewage system
  - central water
  - community 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
  - beverage establishment
  - swimming pools or spas
  - grocery store
  - child care center

14. CDH has no objection to the vacation of the  
10' utility & drainage easement.

Reviewed By: [Signature]

Date 8/28/23

## **VAC 23-01 Vacation of Utility and Drainage Easement**

**From:** Garrett de Jong <garrett@mccallfire.com>

**Sent:** Friday, February 17, 2023 8:38 AM

**To:** Cynda Herrick <cherrick@co.valley.id.us>

**Subject:** VAC 23-01 Vacation of Utility and Drainage Easement

Hi Cynda,

I do not have any comments regarding VAC 23-01 Vacation of Utility and Drainage Easement.

Thank you,

Garrett

**Garrett de Jong**  
**Fire Chief - McCall Fire & EMS**



[Scan QR code below or click here to sign up for CodeRED!](#)



**CodeRED®**

# Valley County Planning and Zoning Department

219 N. Main  
PO Box 1350  
Cascade, ID 83611  
www.co.valley.id.us  
cherrick@co.valley.id.us  
208-382-7115



Application for Vacations  
of Plats, Portions Thereof,  
Public Rights-of Ways,  
or Easements

See Section 10-6-2 Valley County Code

Subject to I.C. 55-22 Underground Facilities Damage Prevention

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input checked="" type="checkbox"/> Check # [REDACTED] or <input type="checkbox"/> Cash
FILE # <u>VAC 23-01</u>		FEE \$ <u>500</u>
ACCEPTED BY <u>JDM</u>		DEPOSIT _____
CROSS REFERENCE FILE(S): _____		DATE <u>1/17/23</u>
PROPOSED USE: _____		
<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Vacation of Road and/or Right-of-Way	<input checked="" type="checkbox"/> <u>+ drainage easement</u> Vacation of Utility Easement <input type="checkbox"/> Other

Name of Applicant(s): Alexis Martin, Joe Brinkley  
Applicant's Signature: [Signatures] Date: 1/10/23  
Mailing Address of Applicant(s): PO Box 391 McCall ID 83638  
Phone #: [REDACTED] email: [REDACTED]

### Required Attachments

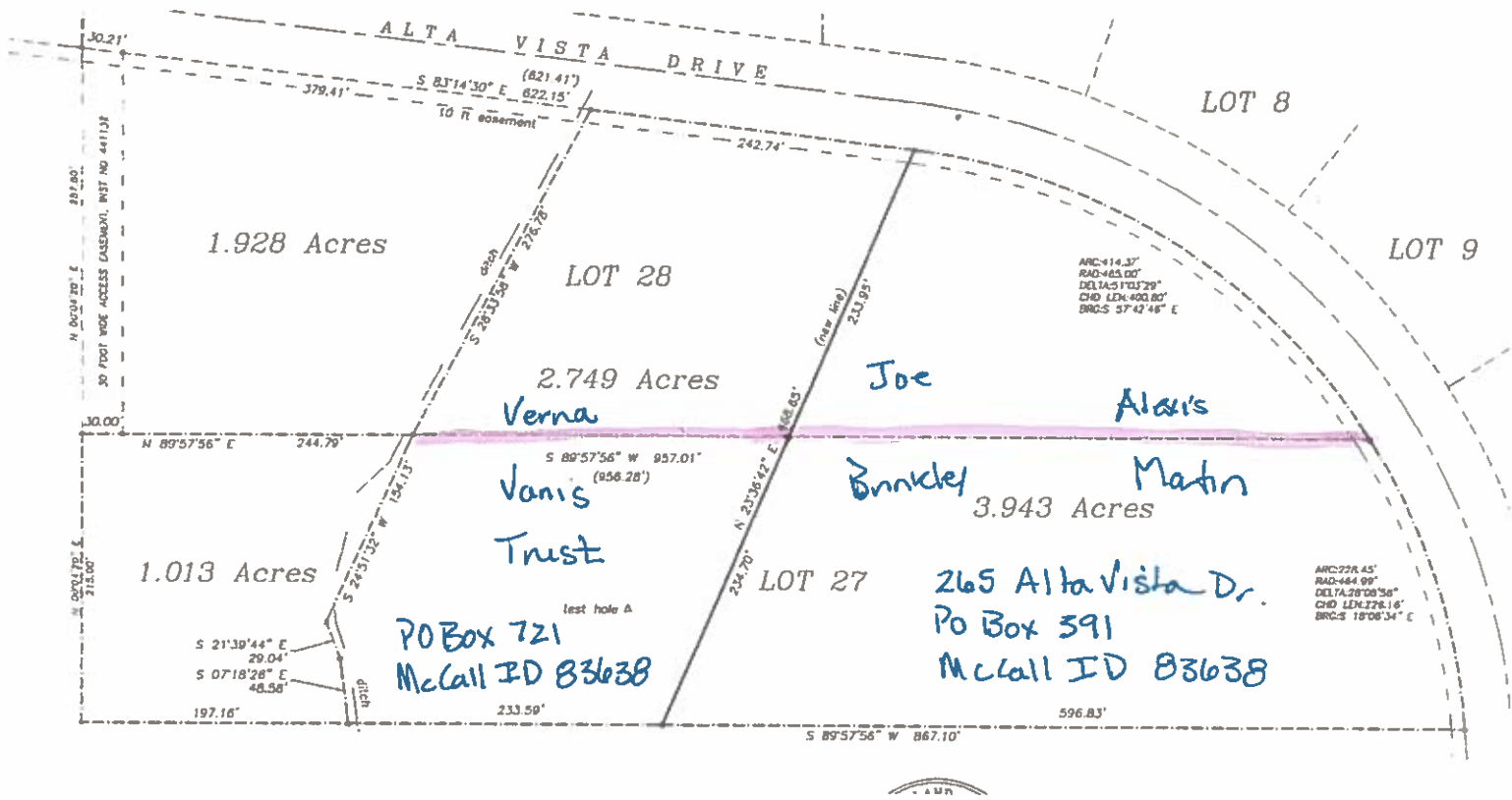
1. Narrative describing property and the reason(s) for the request
2. Map, sketch, or plat showing the property and names and addresses of owners of adjoining property.
3. Letters from, or signatures on a petition, of each owner of adjoining property stating:
  - their approval of the proposed vacation,
  - their willingness to share in the costs,
  - they are aware that vacated property becomes part of adjoining property subject to the rights and easements of utilities.
4. Application for Release of Idaho Power Easement, if applicable.
5. An application processing fee of \$500.00.

Submit **ten copies** of all application materials with the fee to the Planning and Zoning Administrator a minimum of 45 days prior to the regularly scheduled Planning and Zoning meeting. Regularly scheduled meetings are held the second Thursday of each month. When an application is submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.

**Public Utility Easement Vacation Application  
Narrative of Property Description**

The parcels of land involved in the request to vacate a public utility easement include Lots 27 and 28 in Alta Vista Subdivision, McCall ID. Recently a lot line adjustment was completed on these two lots and the utility easement now runs through the middle of both properties instead of along the property line separating the two lots. Vacating the easement is necessary to allow construction over the area where the easement currently sits.

Alta Vista ~~Tract~~  
Subdivision



↑ North

 = Easement Vacation



Dear Valley County,

I, Verna Vanis, as the adjacent property owner, approve the proposed public utility easement vacation submitted by Alexis Martin and Joe Brinkley. I agree to share in the costs and am aware that the vacated property becomes part of the adjoining property subject to the rights and easements of utilities.

Sincerely,

  
Signature

1-11-23  
Date