

Valley County Planning and Zoning

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



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

STAFF REPORT: VAC 22-03 Wardwell Vacation of Utility and Drainage Easement
HEARING DATE: August 29, 2022
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT / OWNER: Wayne K Wardwell
12473 W Murchison ST
Boise ID 83709
LOCATION: 9 Nugget Drive
Gold Dust Ranch No. 2 Lots 142 and 143
NESE Section 9, T.13N, R.4E,
Boise Meridian, Valley County, Idaho
SIZE: 0.88 Acres
REQUEST: Vacate Platted Utility and Drainage Easement
EXISTING LAND USE: Residential Subdivision Lots

Gold Dust Ranch No. 2 was recorded on September 22, 1975, at Book 6, Page 1. Per the plat, there is a 10-foot utility and drainage easement centered on all interior lot lines.

The applicant is combining Gold Dust Ranch No. 2, Lot 142 with a portion of the adjacent Lot 143. He is requesting a vacation of a 10-foot-wide utility and drainage easement centered on the lot line between Gold Dust Ranch No. 2 Lots 142 and 143. This would allow building to occur over the lot line.

A 24-ft x 32-ft (768-sqft) footprint is planned for a home with a daylight basement and loft.

The applicant also applied for a variance from the building setbacks. However, this application was withdrawn.

FINDINGS:

1. At a properly noticed public hearing on July 14, 2022, 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 4, 2022, and August 11, 2022. Potentially affected agencies were notified on July 28, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent July 28, 2022. The site was posted on July 29, 2022. The notice and application were posted online at www.co.valley.id.us on July 28, 2022.

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 request area. Idaho Power agrees to relinquish interest in the public utility easement located between Lots 142 and 143, Gold Dust Ranch No. 2. (July 6, 2022)

Central District Health has no objections. (June 17, 2022; July 29, 2022)

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

Timothy and Pamela Holden, 90 W Prospectors Drive, are opposed to the variance request. They sold Lot 142 (9 Nugget Drive) and part of Lot 143 to the applicants. The verbal agreement included a stipulation that the Wardwell's must agree to the existing setback and no permanent or temporary structures would be placed on the ground within the setback. They do not oppose the request to vacate the utility and drainage easement on Lots 142 and 143. (July 5, 2022)

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)
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STAFF COMMENTS:

- The lots are within the Cascade Fire District.
- The lots are not within a sewer district, irrigation district, nor a herd district.
- The Planning and Zoning Commission recommended approval with a condition of approval:
 - The Variance application has been withdrawn. The approval recommendation does not include the setback variance request.
- 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 22-03 Wardwell Vacation of Utility and Drainage Easement; accept the Planning and Zoning Commission Facts and Conclusions; and authorize the chairman to sign Resolution No. 22-15 Declaration of Vacation.

ATTACHMENTS:

- Proposed Resolution 2022-15
- Planning and Zoning Facts and Conclusions
- Planning and Zoning Meeting Minutes – July 14, 2022
- Vicinity Map
- Aerial Map
- Site Plan
- Gold Dust Ranch No. 2 page 4 as recorded
- Pictures Taken July 1, 2022, and July 29, 2022
- Responses
- Application

END OF STAFF REPORT

**RESOLUTION NO. 2022-15
DECLARATION OF VACATION
OF A PLATTED UTILITY AND DRAINAGE EASEMENT
IN GOLD DUST RANCH NO. 2**

VAC-22-03 Wardwell - Vacation of Utility and Drainage Easement

Location: Easement located on lot line between Lots 142 and 143 in Gold Dust Ranch No. 2 in the NESE Section 9, T. 13N, R. 4E, Boise Meridian, Valley County, Idaho.

Whereas, the current action is to vacate the 10' wide utility easements centered between Lot 142 and Lot 143, in Gold Dust Ranch No. 2;

Whereas, Gold Dust Ranch No. 2 was platted at Book 6, Page 1 on September 22, 1975;

Whereas, the applicant agrees that the Lot 142 will be combined with a portion of Lot 143 and if they build over the lot line both lots will be permanently encumbered;

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 easement centered between Lot 142 and Lot 143, in Gold Dust Subdivision No. 2, 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 29th day of August, 2022.

Board of Valley County Commissioners

Elting Hasbrouck, Chairman

State of Idaho)
)SS
County of Valley)

On this ____ day of _____, 2022, 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: _____

GOLD DUST RANCH NO. 2

as recorded in 1934
 under Title 50
 Chapter 13, Idaho Code

A SUBDIVISION IN

A PORTION OF SECTIONS 9 & 10, T. 13 N., R. 4 E., B. M.

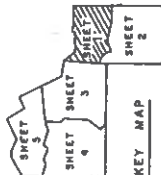
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.



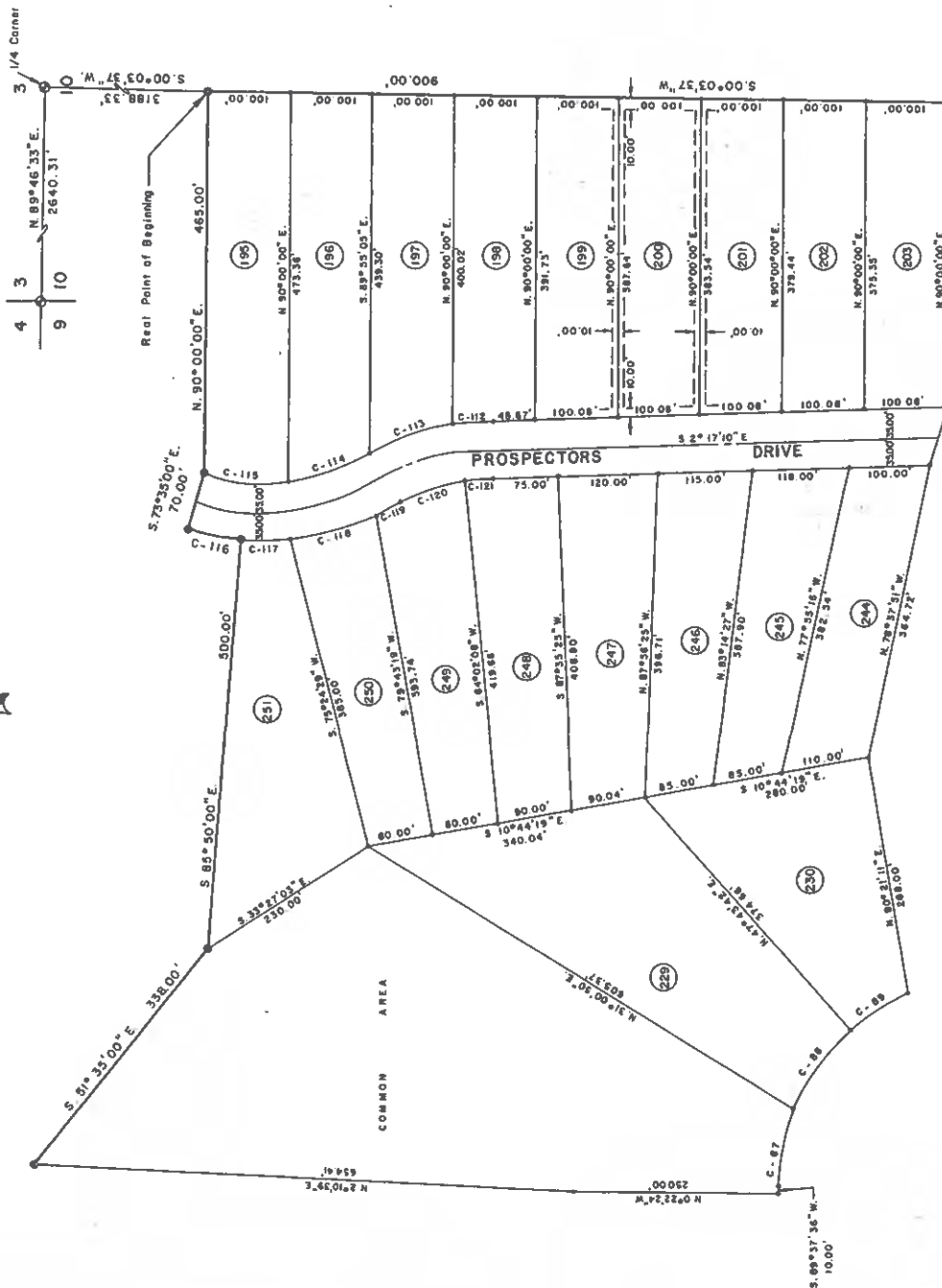
LEGEND

- 5/8" x 30" Steel Pin or Angle Points on Boundary.
- 1/2" x 24" Steel Pin at Lot Corners.
- ① Lot Numbers.
- 10' Utility B Drainage Easements.
 (Note: All Lot Lines Along Roads, Sidewalks, Easements and Corridors are 10' Centered on All Interior Lot Lines.)
- ⊕ Brass Cap



CURVE	R	Δ	L	Ch.L.	Ch. B.C.
C-87	855.00'	212.00'	85.00'	94.43'	N. 79° 44' 02" W.
C-88	255.00'	282.57'	120.00'	118.20'	N. 53° 32' 57" W.
C-89	255.00'	187.00'	85.00'	84.81'	N. 32° 30' 37" W.
C-112	350.00'	97.16'	51.74'	48.95'	S. 62° 53' 24" E.
C-113	370.00'	187.25'	104.51'	107.89'	N. 82° 00' 00" E.
C-114	250.00'	249.74'	105.87'	103.01'	N. 10° 31' 53" W.
C-115	250.00'	232.00'	101.04'	100.38'	N. 43° 50' 18" E.
C-116	320.00'	117.50'	64.10'	65.38'	N. 40° 23' 58" E.
C-117	350.00'	107.30'	58.87'	58.95'	S. 0° 40' 11" E.
C-118	320.00'	189.41'	110.00'	109.46'	S. 13° 36' 07" E.
C-119	380.00'	372.17'	30.00'	29.29'	S. 82° 00' 00" E.
C-120	250.00'	187.25'	85.00'	84.35'	S. 17° 41' 54" E.
C-121	250.00'	97.16'	40.24'	40.20'	S. 87° 53' 49" E.

SHEET 1 of 5



Sanitary Restriction Under Title So
Removed By Instrument No. 22273

GOLD DUST RANCH NO. 2

A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.
VALLEY COUNTY, IDAHO

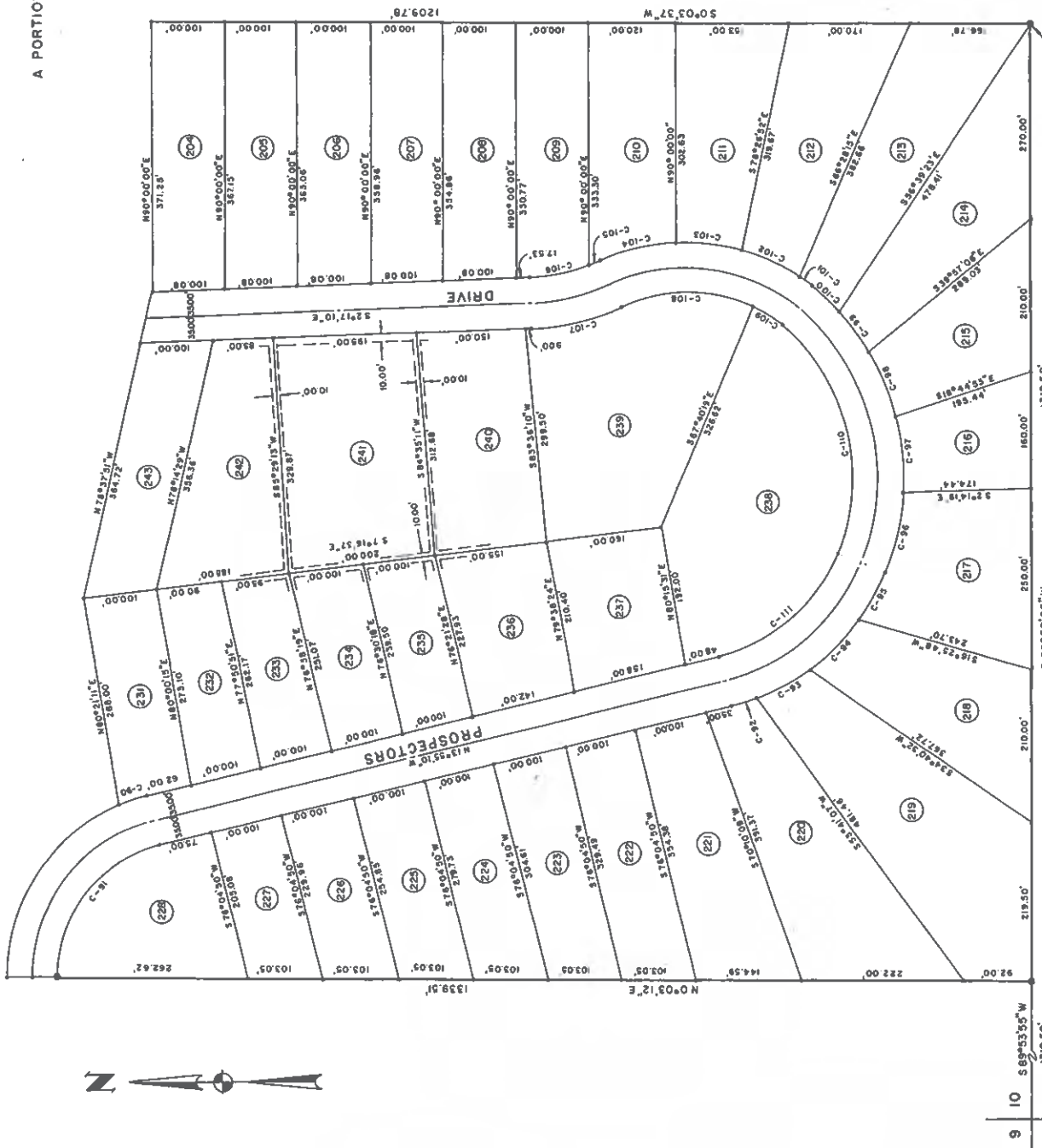
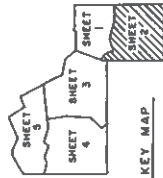
SMITH & MONROE ENGINEERS, INC.

Sanitary Restriction Under Title So
Removed By Instrument No. 22273



LEGEND

- 5/8" x 30" Steel Pin or Angle Pliers on Repeater.
- 1/2" x 24" Steel Pin or Lat Cores
- ⊙ Lot Numbers
- 10' Utility & Drainage Easements.
- 10' Inside All Lot Lines Along Roads, Subdivision
and Easements.
- 10' Centered on All Interior Lot Lines.



CURVE	R	A	L	CH. BRG.
C-90	255.00'	9°02'49"	40.27'	40.22' N18°26'35" W
C-91	185.00'	7°27'14"	266.86'	228.53' S52°08'45" E
C-92	340.00'	6°54'43"	37.40'	37.37' S17°22'30" E
C-93	340.00'	15°42'38"	83.00'	84.73' S28°41'11" E
C-94	340.00'	18°00'48"	98.00'	97.59' S49°35'32" E
C-95	340.00'	12°54'18"	70.00'	69.85' S48°07'24" E
C-96	340.00'	19°37'24"	116.45'	115.88' S77°20'45" E
C-97	340.00'	17°41'35"	103.500'	103.500' N83°56'14" E
C-98	340.00'	16°00'33"	95.00'	94.89' N57°00'04" E
C-99	340.00'	11°47'48"	70.00'	69.89' N37°10'25" E
C-100	340.00'	9°21'18"	55.91'	55.91' N42°20'22" E
C-101	265.00'	10°00'58"	18.84'	18.84' N39°54'16" E
C-102	265.00'	10°00'58"	90.00'	89.53' N 0°22'20" E
C-103	265.00'	10°00'58"	90.00'	89.53' N 0°22'20" E
C-104	265.00'	2°49'39"	108.84'	108.84' N39°06'48" E
C-105	265.00'	3°27'40"	16.01'	16.01' N22°17'17" W
C-106	265.00'	10°46'17"	84.51'	84.51' N17°29'19" W
C-107	335.00'	2°49'35"	127.07'	126.31' S13°09'09" E
C-108	245.00'	5°04'41"	90.39'	89.33' S 1°21'01" W
C-109	245.00'	11°12'38"	42.07'	42.00' S32°18'24" W
C-110	270.00'	7°47'24"	326.97'	326.78' S75°10'08" W
C-111	240.00'	5°40'22"	224.82'	218.89' N40°40'21" W

Sanitary Restriction Under Title So
Removed By Instrument No. 822/3

GOLD DUST RANCH NO. 2

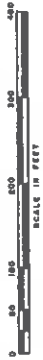
A SUBDIVISION IN

A PORTION OF SECTIONS 9 & 10, T.13N., R. 4E., B. 1M.

VALLEY COUNTY, IDAHO

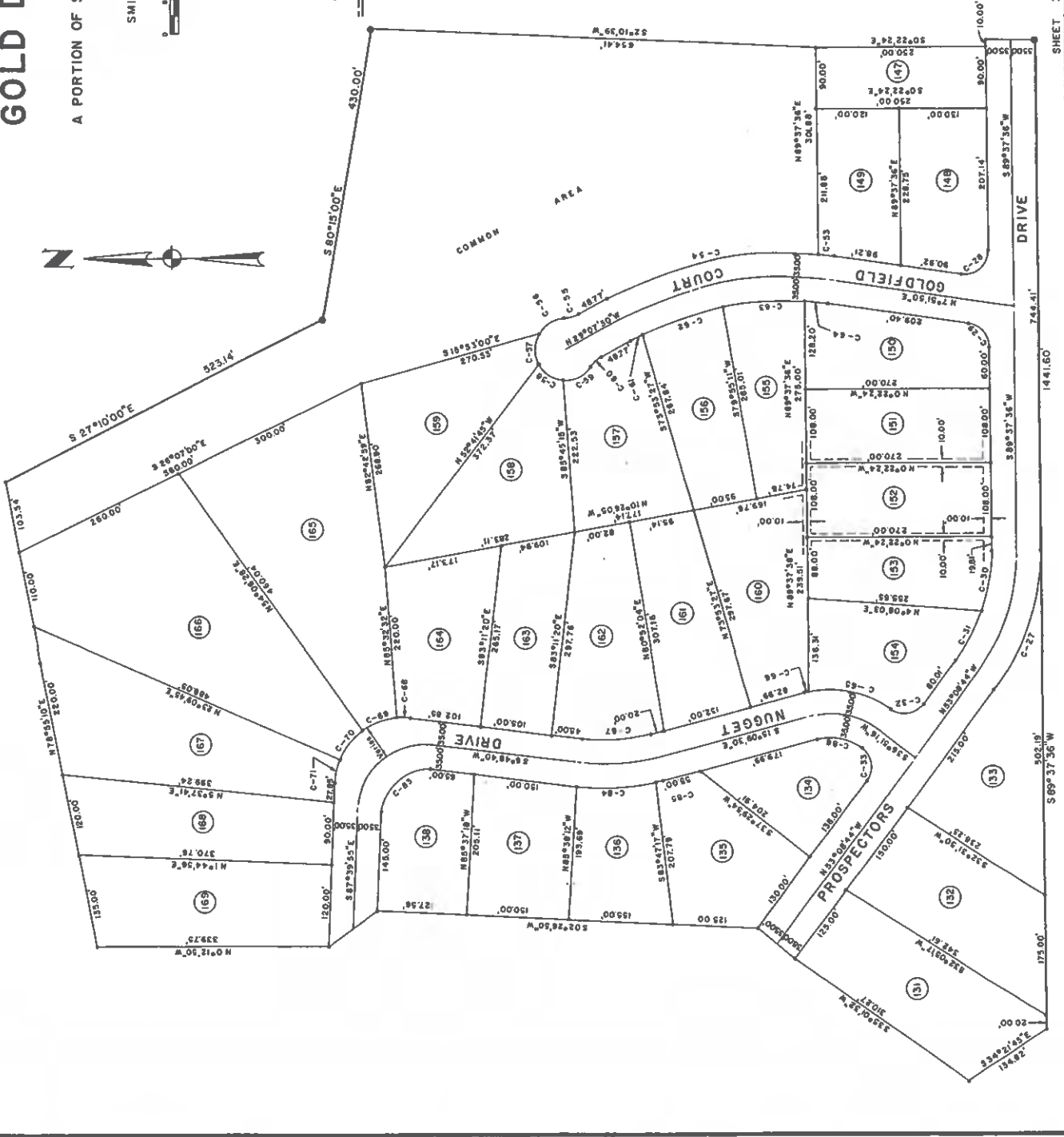
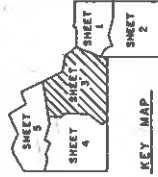
SMITH & MONROE ENGINEERS, INC.

Survey conducted in May
1954 by
Charles L. Kelly, Civil
Engineer



LEGEND

- 5/8" x 30" Steel Pin or Angle Points on Boundary.
- 1/2" x 24" Steel Pin or 1/4" Corner
- (130) Lot Numbers
- 10' Utility & Easement Easements.
- 10' Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary
- ID Centered on all Interior Lot Lines



CURVE	R	Δ	L	CH. L.	CH. BRG.
C-27	335.00'	37°13.40'	812.67'	833.85'	S 71°40.51' E
C-28	330.00'	89°14.64'	80.00'	83.30'	S 41°15' 17" W
C-29	320.00'	81°43.40'	89.00'	88.87'	S 49°44.41' W
C-30	325.00'	13°27.32'	89.00'	88.57'	S 89°34.34' W
C-31	333.00'	17°48.08'	84.00'	81.45'	S 89°01.48' W
C-32	330.00'	30°00.00'	54.00'	49.30'	S 90°00.00' W
C-33	350.00'	30°00.00'	24.00'	49.30'	S 91°31.16' W
C-34	330.00'	28°37.17'	82.87'	82.87'	S 82°37.17' E
C-35	325.00'	35°31.43'	82.41'	87.55'	S 10°51.34' W
C-36	330.00'	27°21.34'	21.43'	21.43'	S 13°28.34' W
C-37	330.00'	27°21.34'	45.43'	45.53'	S 20°48.00' W
C-38	330.00'	59°23.00'	48.84'	44.53'	S 89°23.55' W
C-39	350.00'	37°00.78'	44.78'	43.85'	S 89°22.11' W
C-40	350.00'	60°15.19'	47.32'	45.17'	S 28°15.48' E
C-41	350.00'	37°15.58'	21.43'	21.31'	S 42°43.28' E
C-42	350.00'	19°24.08'	25.00'	20.00'	S 87°23.58' E
C-43	350.00'	15°03.55'	22.22'	12.87'	S 34°31.47' E
C-44	350.00'	43°07.44'	33.97'	32.85'	S 58°43.87' E
C-45	350.00'	49°35.13'	125.23'	121.42'	S 12°00.00' E
C-46	350.00'	29°53.31'	6.35'	6.35'	S 13°54.14' W
C-47	350.00'	27°08.00'	101.61'	100.39'	S 41°10.25' W
C-48	350.00'	17°18.08'	18.87'	19.44'	S 10°10.34' E
C-49	350.00'	37°42.04'	54.86'	54.18'	S 89°00.30' W
C-50	350.00'	30°00.00'	54.00'	53.36'	S 91°21.54' W
C-51	350.00'	20°46.35'	34.35'	34.05'	S 77°19.00' W
C-52	350.00'	94°20.33'	107.61'	95.44'	S 40°23.37' E
C-53	315.00'	20°46.35'	118.45'	117.84'	S 39°19.06' E
C-54	330.00'	84°33.17'	10.00'	10.00'	S 18°11.17' E
C-55	330.00'	84°33.17'	80.00'	80.00'	S 18°11.17' E
C-56	350.00'	28°00.00'	80.00'	83.77'	S 10°50.53' W

Sanitary Restriction Under Title So
Removed By Instrument No. 57,373

GOLD DUST RANCH NO. 2

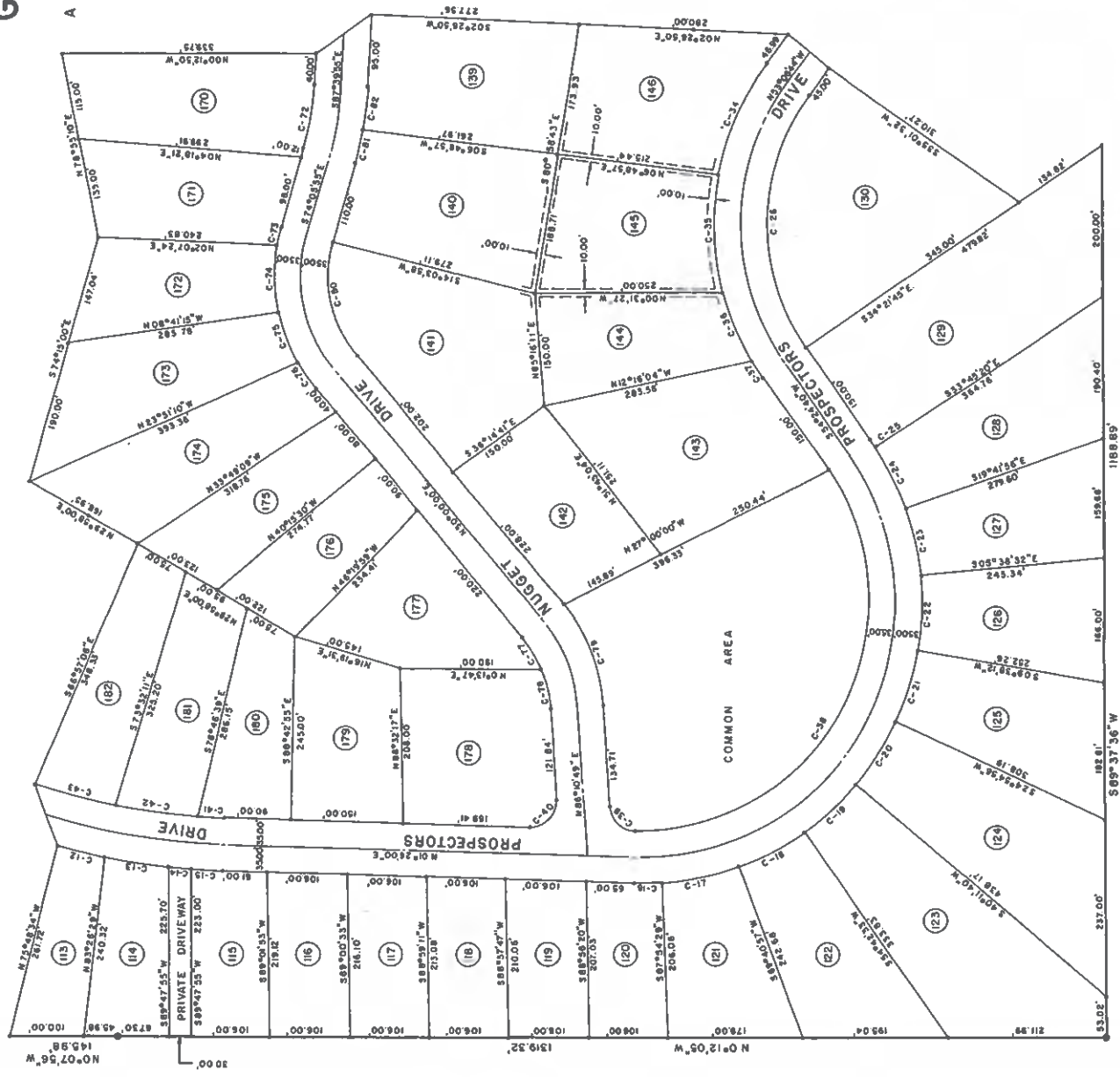
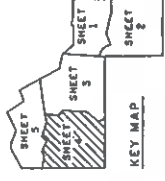
A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.
VALLEY COUNTY, IDAHO
SMITH & MONROE ENGINEERS, INC.

Sanitary restriction to be removed by
Instrument No. 57,373
Chapter 12, Idaho Code.



LEGEND

- 5/8" x 30" Steel Pin of Angle Points on Boundary.
 - 1/2" x 24" Steel Pin of Lot Corners
 - (B) Lot Numbers.
- 10' Utility & Driveway Easements
10' Inside All Lot Lines Along Roads, Specifications
Boundary and Common Area Boundary
10' Centered on All Interior Lot Lines.



CURVE	R	A	L	CH. L.	CH. BEG.
C-12	935.00	375.58	85.00	643.9	31307.25 W
C-13	935.00	375.16	85.00	643.9	31307.25 W
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C-15	935.00	375.16	85.00	643.9	31307.25 W
C-16	935.00	375.16	85.00	643.9	31307.25 W
C-17	935.00	375.16	85.00	643.9	31307.25 W
C-18	935.00	375.16	85.00	643.9	31307.25 W
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C-21	935.00	375.16	85.00	643.9	31307.25 W
C-22	935.00	375.16	85.00	643.9	31307.25 W
C-23	935.00	375.16	85.00	643.9	31307.25 W
C-24	935.00	375.16	85.00	643.9	31307.25 W
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C-26	935.00	375.16	85.00	643.9	31307.25 W
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C-41	935.00	375.16	85.00	643.9	31307.25 W
C-42	935.00	375.16	85.00	643.9	31307.25 W
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C-69	935.00	375.16	85.00	643.9	31307.25 W
C-70	935.00	375.16	85.00	643.9	31307.25 W
C-71	935.00	375.16	85.00	643.9	31307.25 W
C-72	935.00	375.16	85.00	643.9	31307.25 W
C-73	935.00	375.16	85.00	643.9	31307.25 W
C-74	935.00	375.16	85.00	643.9	31307.25 W
C-75	935.00	375.16	85.00	643.9	31307.25 W
C-76	935.00	375.16	85.00	643.9	31307.25 W
C-77	935.00	375.16	85.00	643.9	31307.25 W
C-78	935.00	375.16	85.00	643.9	31307.25 W
C-79	935.00	375.16	85.00	643.9	31307.25 W
C-80	935.00	375.16	85.00	643.9	31307.25 W
C-81	935.00	375.16	85.00	643.9	31307.25 W
C-82	935.00	375.16	85.00	643.9	31307.25 W
C-83	935.00	375.16	85.00	643.9	31307.25 W
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C-89	935.00	375.16	85.00	643.9	31307.25 W
C-90	935.00	375.16	85.00	643.9	31307.25 W
C-91	935.00	375.16	85.00	643.9	31307.25 W
C-92	935.00	375.16	85.00	643.9	31307.25 W
C-93	935.00	375.16	85.00	643.9	31307.25 W
C-94	935.00	375.16	85.00	643.9	31307.25 W
C-95	935.00	375.16	85.00	643.9	31307.25 W
C-96	935.00	375.16	85.00	643.9	31307.25 W
C-97	935.00	375.16	85.00	643.9	31307.25 W
C-98	935.00	375.16	85.00	643.9	31307.25 W
C-99	935.00	375.16	85.00	643.9	31307.25 W
C-100	935.00	375.16	85.00	643.9	31307.25 W

Sanitary Restriction Under Title So

GOLD DUST RANCH NO.2

Sanitary Restriction Under Title So
 under Title 50
 Chapter 13, Idaho Code.

A SUBDIVISION IN
 VALLEY COUNTY, IDAHO
 SMITH & MONROE ENGINEERS, INC.

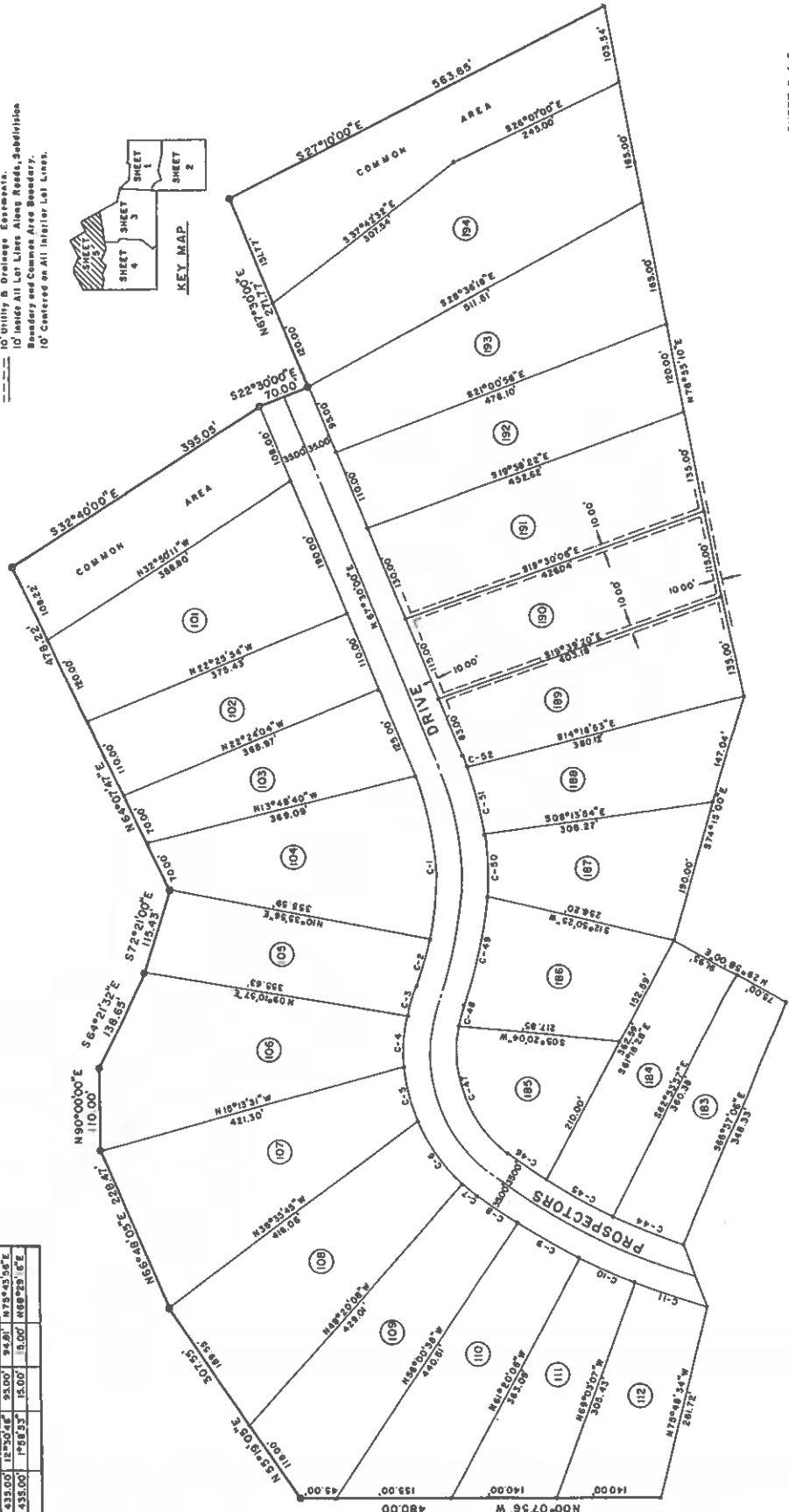


LEGEND

- 5/8" x 30" Steel Pin at Angle Points on Boundary.
- 1/2" x 24" Steel Pin at Lot Corners
- (10) Lot Numbers
- 10' Utility & Drainage Easements.
- 10' Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary.
- 10' Centered on All Interior Lot Lines.



CURVE	R	A	L	CH. L.	CH. BRG.
C-1	388.00'	84°35'25"	217.03'	182°47'43" W	
C-2	383.00'	10°12'12"	83.00'	82°37'48" W	
C-3	235.00'	10°05'49"	41.82'	87°24'47" W	
C-4	235.00'	18°34'45"	84.00'	67°51'08" W	
C-5	235.00'	18°17'00"	75.00'	74.68'	37°52'29" W
C-6	235.00'	28°08'45"	102.18'	35°48'51" W	
C-7	235.00'	8°05'43"	25.00'	24.99'	33°09'07" W
C-8	935.00'	3°06'58"	85.00'	64.98'	32°40'45" W
C-9	935.00'	3°09'17"	85.00'	64.98'	32°31'04" W
C-10	935.00'	3°01'20"	82.00'	81.97'	32°39'45" W
C-11	935.00'	8°07'40"	100.00'	89.95'	31°18'10" W
C-12	865.00'	8°37'25"	100.00'	89.94'	32°00'05" E
C-13	865.00'	8°45'23"	102.00'	101.94'	32°01'29" E
C-14	865.00'	8°10'16"	82.97'	62.95'	33°59'18" E
C-15	165.00'	8°52'49"	191.50'	180.93'	163°18'20" E
C-16	165.00'	8°43'53"	28.00'	27.97'	37°23'40" E
C-17	435.00'	10°48'02"	82.00'	61.88'	167°23'20" E
C-18	435.00'	12°20'48"	83.00'	64.61'	165°43'56" E
C-19	435.00'	1°58'33"	15.00'	15.00'	168°29'16" E



CERTIFICATE OF OWNERS

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

A portion of the East 1/4 Section 9, T.13N., R.4E. and the West 1/4 Section 10, T.13N., R.4E., B.A., Valley County, Idaho, more particularly described as follows; Beginning at the section corner common to Sections 3, 4, 9 and 10, T.13N., R.4E., S.A., thence N. 89° 48' 55" E., 26.40.31 feet to the 1/4 corner common to Sections 9 & 10; thence S. 0° 05' 37" W., 31.09.78 feet; thence S. 89° 25' 55" W., 1514.50 feet; thence S. 89° 37' 56" W., 2650.89 feet; thence N. 0° 07' 56" W., 825.99 feet; thence N. 66° 48' 05" E., 229.87 feet; thence N. 64° 21' 38" E., 139.85 feet; thence N. 64° 07' 47" E., 478.29 feet; thence S. 22° 50' 00" E., 70.00 feet; thence S. 27° 19' 00" E., 1086.79 feet; thence S. 51° 35' 00" E., 338.00 feet; thence along a curve to the right whose radius is 320.00 feet, and whose long chord bears N. 10° 24' 58" E. 65.98 feet; thence S. 73° 35' 00" E., 70.00 feet; thence N. 90° 00' 00" E., 465.00 feet to the Real Point of Beginning; containing 175.56 acres more or less subject to all easements and rights of way of record.

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.

- Gold Dust Ranch, a limited partnership by:
 - Baron H. Ballantyne: Baron H. Ballantyne
 - Clara M. Ballantyne: Clara M. Ballantyne
 - Duane S. Perkins: Duane S. Perkins
 - Anno C. Perkins: Anno C. Perkins
 - C. W. Parks: C. W. Parks
 - Wilma I. Parks: Wilma I. Parks

ACKNOWLEDGEMENT

State of Idaho, ss.
County of Blaine, ss.

On this 23 day of September, 1975, before me, the undersigned a notary public in and for the State of Idaho, personally appeared Baron H. Ballantyne, Clara M. Ballantyne, Duane S. Perkins, Anno C. Perkins, C.W. Parks and Wilma I. Parks known to me to be the partners in the partnership of Gold Dust Ranch, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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: 1-23-79
Shirley Kuhlman
Notary Public for the State of Idaho
Residing at Blaine, Idaho.



CERTIFICATE OF ENGINEER

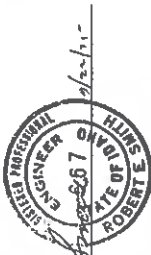
This is to certify that I, Gordon B. Smith, a registered Professional Engineer in the State of Idaho, personally supervised the survey of the land shown on this plat and described in the Certificate of Owners, being in Sections 9 & 10, T.13N., R.4E., B.A., Valley County, Idaho and designated as Gold Dust Ranch No. 2 subdivision and that this is a true and correct representation of said survey of said land.



Gordon B. Smith
County Engineer

CERTIFICATE OF COUNTY ENGINEER

This is to certify that I have examined this plat of Gold Dust Ranch No. 2 and determined that it conforms with the laws of the State of Idaho relating thereto.

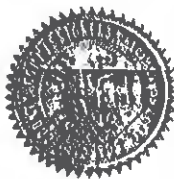


Robert E. Williams
County Engineer

COUNTY COMMISSIONERS ACCEPTANCE

Accepted and approved this 23 day of Sept, 1975, by the Board of County Commissioners of Valley County, Idaho.

By: Stanford W. Hall
Chairman



COUNTY RECORDER'S CERTIFICATE

State of Idaho
County of Valley ss.

This is to certify that the foregoing plat was filed for record in the office of the recorder of Valley County, Idaho, this 23 day of Sept, 1975 at 2:30 o'clock P.M. at the request of Robert E. Smith and was duly recorded in plat book no. 6 on page 1-12-13-14-15-16-17-18-19-20.

R.D. Hummel
Deputy
W. L. Custer
Ex-Officio Recorder

Jan. 2012

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

SUBJECT: VAC 22-03 Wardwell Vacation of Utility and Drainage Easement
Gold Dust Ranch No. 2

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on July 14, 2022. The Commission reached a quorum. Commission members in attendance were Katlin Caldwell, Sasha Childs, Scott Freeman, and Acting Chairman Ken Roberts.

Wayne Wardwell requested a vacation of a 10-foot-wide utility and drainage easement centered on the lot line between Gold Dust Ranch No. 2 Lots 142 and 143. Lot 142 will be combined with part of Lot 143. He also requested a variance to relax the rear setback from the required 20 feet to 7.5 feet. However, he withdrew the variance application prior to the public hearing. The site is addressed at 9 Nugget Drive and is in the NESE Section 9, T.13N, R.4E, 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 July 14, 2022, 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 and by the Laws of the State of Idaho.

Legal notice was posted in the Star News on June 23, 2022, and June 30, 2022. Potentially affected agencies were notified on June 14, 2022. Property owners within 300 feet of the property line were notified by fact sheet sent June 17, 2022. The site was posted on July 1, 2022. The notice and application were posted online at www.co.valley.id.us on June 14, 2022.

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 142 and 143, Gold Dust Ranch No. 2.

7. The applicant withdrew the application for the variance.

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 Wayne K. Wardwell for Vacation No. 22-03 Wardwell Vacation of Utility and Drainage Easement, as described in the application, staff report, and minutes of the meeting be approved.

COA: The Variance application has been withdrawn. The approval recommendation does not include the setback variance request.

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



Valley County
Planning and Zoning Commission Chairman

Date: 8-11-2022

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

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Katlin Caldwell, Commissioner
Sasha Childs, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
July 14, 2022
Valley County Court House - Cascade, Idaho
PUBLIC HEARING – 6:00 p.m.

You may view the hearing by going to www.co.valley.id.us and click on "Watch Meetings Live".

A. OPEN: Meeting called to order at 6:00 p.m. by Acting Chairman Roberts. 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 – Neal Thompson:	Excused
PZ Assistant Planner – Lori Hunter:	Present

B. MINUTES: Commissioner Caldwell moved to approve the minutes of June 9, 2022, with a minor correction. Under C.U.P. 22-16 Camp Modern, the minutes should state "Acting Chairman Caldwell introduced the item and opened the public hearing. Acting Chairman Caldwell asked if there was any *ex parte* contact or conflict of interest." Commissioner Freeman seconded the motion. Motion passed unanimously. Commissioner Freeman moved to approve the minutes of June 23, 2022; Commissioner Caldwell seconded. Motion passed unanimously.

PZ Commissioner Sasha Childs joined the Commissioners at 6:04 p.m.

C. NEW BUSINESS:

- VAC 22-02 Wykert Vacation of Utility Easement:** Nicole Wykert is requesting a vacation of a 12-foot-wide utility easement centered on the lot line between Lots 32 and 34, Little Donner Subdivision Tract II in order to build over the easement. The 2-acre site is addressed at 1560 Crown Point Parkway and located in the NENE Section 11, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- Exhibit 1** – David Moiza is in opposition unless the easement does not affect his ability to receive utilities on his lot. (July 7, 2022)

Commissioner Freeman referred to the utility easements listed on the recorded plat and asked staff for confirmation that all other 12-ft easements would still exist except for the lot line between Lots 32

and 34 centered on all rear and side. If approved, only the easement on the lot line between Lots 32 and 34 would be vacated. Therefore, easements will continue to exist on lot lines to Mr. Moiza's lot.

Acting Chairman Roberts asked for the applicant's presentation.

Nicole Wykert, owner of both Lot 32 and 34, wants to vacate the easement between the lots they own; the other easements along the lot lines would remain.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided. There were none.

Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing.

Commissioner Caldwell moved to recommend approval of VAC 22-02 to the Board of County Commissioners with an additional condition of approval:

COA: Easements shall remain on the lot lines between Lots 34 and 38 and Lots 31 and 34.

Commissioner Childs seconded the motion. Motion carried unanimously.

- 2. VAC 22-03 Wardwell Vacation of Utility and Drainage Easement and V-3-22 Wardwell Setback Variance:** Wayne Wardwell is requesting a vacation of a 10-foot-wide utility and drainage easement centered on the lot line between Gold Dust Ranch No. 2 Lots 142 and 143. Lot 142 will be combined with part of Lot 143. He is also requesting a variance to relax the rear setback from the required 20 feet to 7.5 feet. The site is addressed at 9 Nugget Drive and is in the NESE Section 9, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report.

Director Herrick stated the applicant has withdrawn the variance request.

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. The lot-line adjustment was clarified on the map. The new parcel will be Lot 142 and a portion of 143. The rear setback would be 20-ft. Many of the plats recorded in the 1970's have utility easements shown on all lot lines.

Chairman Roberts asked for the applicant's presentation.

Wayne Wardwell, 9 Nugget Drive and Boise, Idaho, purchased this lot to build or put a RV on the site. Toby Olson put in a driveway and septic system. Due to the hill, there is not a lot of buildable area. The Holden's sold them a part of Lot 143. He does not recall the conversation that Pam Holden refers to; however, he does not want to cause issues with the neighbors. Thus he has requested to withdraw the variance application.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided. There were none.

Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing.

Commissioner Childs moved to recommend approval of VAC 22-03 to the Board of County Commissioners with the additional conditional of approval:

COA: The Variance application has been withdrawn. The approval recommendation does not include the setback variance request.

Commissioner Freeman seconded the motion. Motion carried unanimously.

6:24 p.m.

3. C.U.P 22-22 Round Valley Haven Subdivision – Preliminary Plat: Philip Portsche is requesting a conditional use permit for a 2-lot single-family subdivision on 34 acres. Access would be from a shared driveway from Highway 55. Proposed lot sizes are 16-acres and 18-acres. Individual wells and individual septic systems are proposed. The site is parcel RP12N04E190004 and RP12N04E190480, addressed at 10373 Highway 55, in the NENE Section 19, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report and displayed the site, GIS map, and application on the projector screen. There is a mandatory 100-ft setback from the property line along Highway 55 to any building. The approach from Highway 55 was clarified.

Acting Chairman Roberts asked for the applicant's presentation.

Philip Portsche, Boise, Idaho, apologizes for the plat as the surveyor became sick. It will be corrected.

Acting Chairman Roberts asked for proponents. There were none.
Acting Chairman Roberts asked for undecided. There were none.
Acting Chairman Roberts asked for opponents. There were none.
Acting Chairman Roberts closed the public hearing.

The Commission deliberated. Commissioner Caldwell stated this is a good application and owners have done their due diligence. The applicant will need a corrected plat prior to final plat submittal. Commissioner Freeman stated that the two-lot subdivision is a good use for the property; the property has been cleaned up. Acting Chairman Roberts asked for clarification on the illegal lot split that occurred in 2016. Director Herrick said that a deed was recorded that caused an illegal, non-buildable split. The subdivision plat will fix the illegal parcel split.

The wildland urban interface fire mitigation plan needs to be included in CCRs and/or financially guaranteed. The applicant can complete required work prior to final plat. The wildland urban interface fire mitigation plan needs to be addressed in CCRs for long-term maintenance or the plan could be recorded and referenced in a note on the face of the final plat.

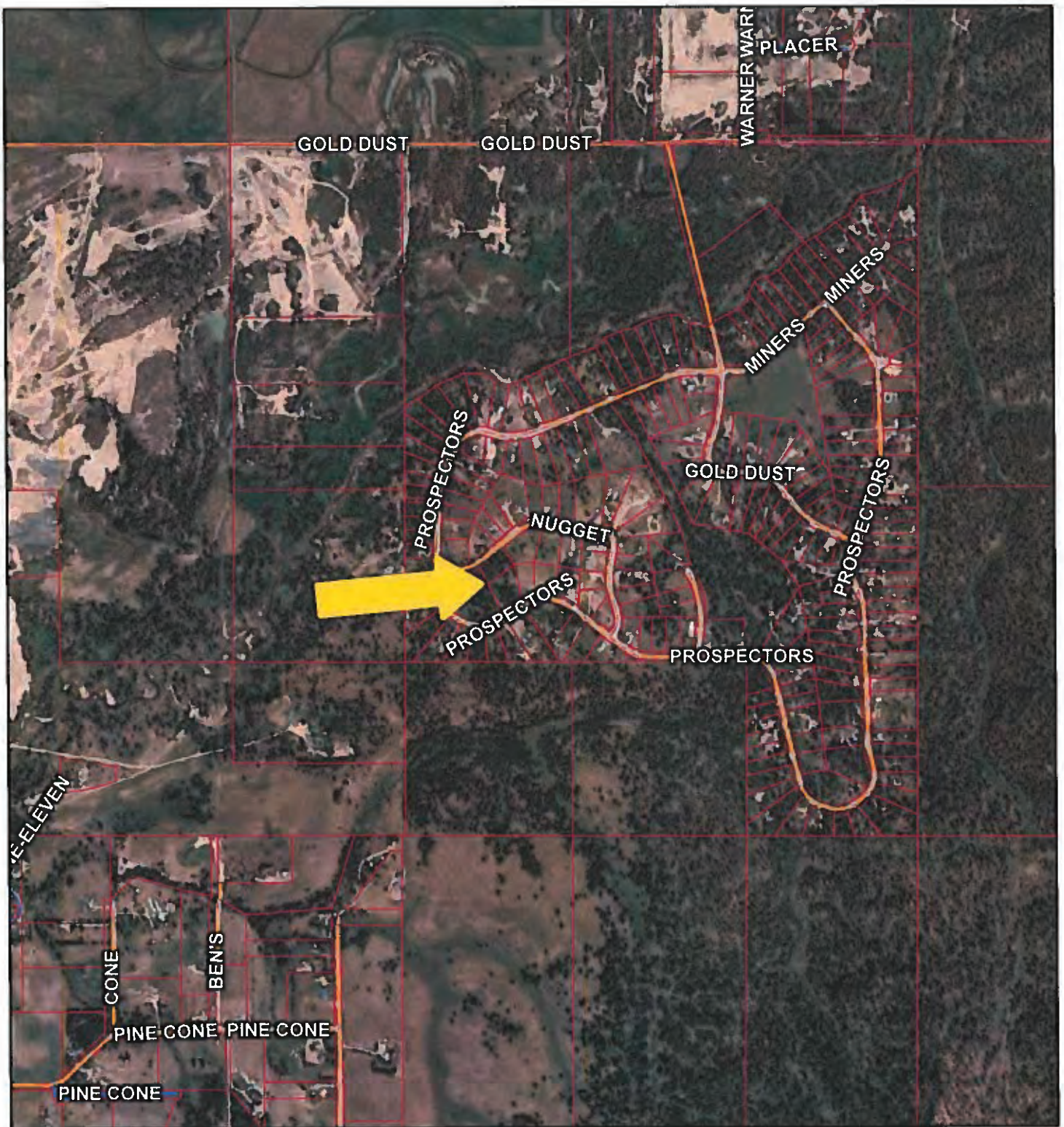
Commissioner Caldwell moved to approve C.U.P. 22-22 with the conditions stated in the staff report and:

COA: A 30-ft frontage for Lot 1 along Highway 55 is required.

COA: Shall be a note to the face of the plat referencing a recorded wildland urban interface fire mitigation plan.

Commissioner Freeman seconded the motion. Motion carried unanimously. There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

VAC 22-03 and V-3-22 Vicinity Map



6/1/2022, 10:32:28 AM

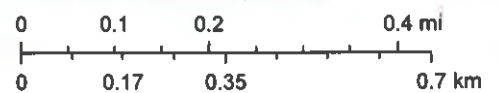
 Parcel Boundaries

Roads

 URBAN/RURAL

 PRIVATE

1:18,056



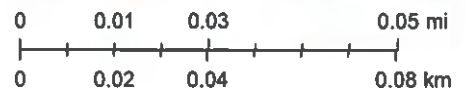
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

VAC 22-03 and V-3-22 Aerial Map



6/1/2022, 10:26:39 AM

1:2,257

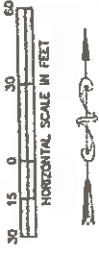


- Addresses
- ▭ Parcel Boundaries
- Roads
- URBAN/RURAL

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

RECORD OF SURVEY

Wardwell
 A Parcel Line Adjustment
 To Lots 142, 143
 Gold Butte Park, No. 2
 In the SW 1/4, Sec. 4, E. 1/4, R. 14E,
 Valley County, Idaho
 2022



- Legend**
- Set 5/8" Rebar
 - Found Monument on Aired
 - Computed Position, No Monument Set
 - or Found
 - Found 1/2" Rebar
 - Parcel Line

Survey Narrative

The purpose of this survey was to show the Lot Line Adjustment between Lots 142 & 143 as shown.

Notes

Horizontal datum based on Idaho State Plane, Idaho West Zone 1103 Coordinates were derived from GPS observations and projected to GDA 83 and by applying a scale factor to the ground distances and are in U.S. survey feet.
 Refer to Plat of Gold Butte Ranch, 1102, 2nd 1/4, 1102-2.

CURVE	LENGTH	RADIUS	BEARING	CHORD
07	23.25	355.00	1.306560 P.W. 1.25 27	

CERTIFICATE OF SURVEYOR

I, George Bowers, do hereby certify that I am a Registered Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground by me or under my supervision, and that the map is an accurate representation of the current laws of the State of Idaho pertaining to plats and surveys, including Title Chapter 16, Corner, Corner, and Filing.



Bowers Land Surveys, Inc.
 P.O. BOX 976 - CASZCO, IDAHO 83411 PHONE 208 4950457

JOB NO. 2015
 DRAWN BY: CB
 DATE: 5/27/22
 SHEET: 1 OF 1

Sanitary Restriction Under Title So
Removed By Instrument No. 56,713

GOLD DUST RANCH NO.2

A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13 N., R.4 E., B.M.

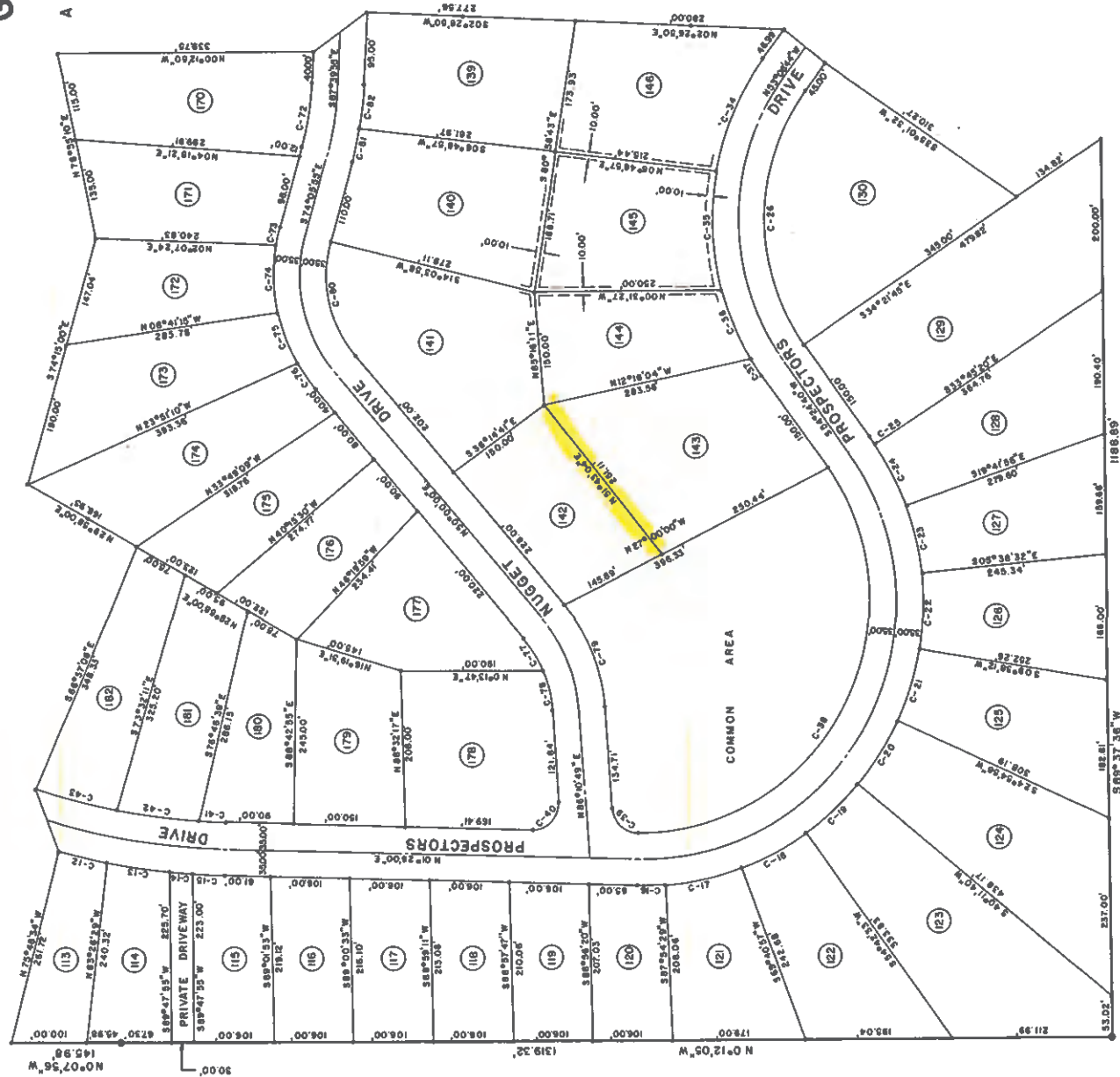
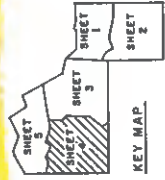
VALLEY COUNTY, IDAHO
SMITH & MONROE ENGINEERS, INC.

Survey conducted in Area
Covered by Idaho Code
Chapter 15, Idaho Code



LEGEND

- 5/8" x 30" Steel Pin at Angle Points on Boundary.
- 1/2" x 24" Steel Pin at Lot Corners
- 113 Lot Numbers.
- 10' Utility & Driveway Easements.
10' Inside All Lot Lines Along Roads, Subdivisions
Boundary and Common Area Boundary
10' Centered on All Interior Lot Lines.



CURVE	R	Δ	L	CH. L.	CH. BRG.
C-12	855.00	3°18'55"	85.00	84.89	313°07'33"
C-13	855.00	0°16'18"	86.02	85.90	5°08'30"
C-14	855.00	1°10'05"	30.12	30.12	5°08'30"
C-15	855.00	0°24'58"	42.10	42.10	3°04'32"
C-16	375.00	0°42'29"	37.34	37.34	0°15'14"
C-17	375.00	0°02'34"	100.00	100.00	104.68
C-18	375.00	0°06'24"	88.00	87.72	327°06'19"
C-19	375.00	0°10'54"	85.00	84.75	348°32'54"
C-20	375.00	0°15'44"	100.00	99.70	372°03'26"
C-21	375.00	0°18'44"	100.00	99.70	372°03'26"
C-22	375.00	0°03'24"	92.00	91.77	88°00'10"
C-23	375.00	0°03'24"	92.00	91.77	88°00'10"
C-24	375.00	1°00'00"	12.00	12.00	N 88°18'22"
C-25	375.00	1°00'00"	12.00	12.00	N 88°18'22"
C-26	883.00	7°28'56"	360.35	358.82	88°18'22"
C-27	883.00	7°28'56"	360.35	358.82	88°18'22"
C-28	883.00	7°28'56"	360.35	358.82	88°18'22"
C-29	883.00	7°28'56"	360.35	358.82	88°18'22"
C-30	883.00	7°28'56"	360.35	358.82	88°18'22"
C-31	883.00	7°28'56"	360.35	358.82	88°18'22"
C-32	883.00	7°28'56"	360.35	358.82	88°18'22"
C-33	883.00	7°28'56"	360.35	358.82	88°18'22"
C-34	883.00	7°28'56"	360.35	358.82	88°18'22"
C-35	883.00	7°28'56"	360.35	358.82	88°18'22"
C-36	883.00	7°28'56"	360.35	358.82	88°18'22"
C-37	883.00	7°28'56"	360.35	358.82	88°18'22"
C-38	883.00	7°28'56"	360.35	358.82	88°18'22"
C-39	883.00	7°28'56"	360.35	358.82	88°18'22"
C-40	883.00	7°28'56"	360.35	358.82	88°18'22"
C-41	883.00	7°28'56"	360.35	358.82	88°18'22"
C-42	883.00	7°28'56"	360.35	358.82	88°18'22"
C-43	883.00	7°28'56"	360.35	358.82	88°18'22"
C-44	883.00	7°28'56"	360.35	358.82	88°18'22"
C-45	883.00	7°28'56"	360.35	358.82	88°18'22"
C-46	883.00	7°28'56"	360.35	358.82	88°18'22"
C-47	883.00	7°28'56"	360.35	358.82	88°18'22"
C-48	883.00	7°28'56"	360.35	358.82	88°18'22"
C-49	883.00	7°28'56"	360.35	358.82	88°18'22"
C-50	883.00	7°28'56"	360.35	358.82	88°18'22"
C-51	883.00	7°28'56"	360.35	358.82	88°18'22"
C-52	883.00	7°28'56"	360.35	358.82	88°18'22"
C-53	883.00	7°28'56"	360.35	358.82	88°18'22"
C-54	883.00	7°28'56"	360.35	358.82	88°18'22"
C-55	883.00	7°28'56"	360.35	358.82	88°18'22"
C-56	883.00	7°28'56"	360.35	358.82	88°18'22"
C-57	883.00	7°28'56"	360.35	358.82	88°18'22"
C-58	883.00	7°28'56"	360.35	358.82	88°18'22"
C-59	883.00	7°28'56"	360.35	358.82	88°18'22"
C-60	883.00	7°28'56"	360.35	358.82	88°18'22"
C-61	883.00	7°28'56"	360.35	358.82	88°18'22"
C-62	883.00	7°28'56"	360.35	358.82	88°18'22"









July 6, 2022

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

Valley County Planning & Zoning Commission
% Cynda Herrick
Post Office Box 1350
Cascade, Idaho 83611

Re: VAC 22-03 Wardwell Vacation of Utility Easement -- Relinquishment of the 10-foot Public Utility Easement between the lot line of Lots 142 & 143 of the Gold Dust Ranch No. 2 in Valley County, Idaho

Dear Cynda,

This is in response to the completed PUE relinquishment request submitted to Idaho Power Company and received in our office June 2022, regarding the relinquishment of a 10-foot public utility easement (PUE) located between the lot line of Lots 142 & 143 of the Gold Dust Ranch No. 2 in Valley County, Idaho. The front and rear 10-foot PUE will be maintained as noted in the plat. The attached Exhibit A more specifically identifies the requested area for relinquishment.

Idaho Power's review of your 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 that is located between the lot line of Lots 142 & 143 of the Gold Dust Ranch No. 2 in 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

Sanitary Restriction Under Title So
Removed By Instrument No. 57,873

EXHIBIT A

GOLD DUST RANCH NO. 2

A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.

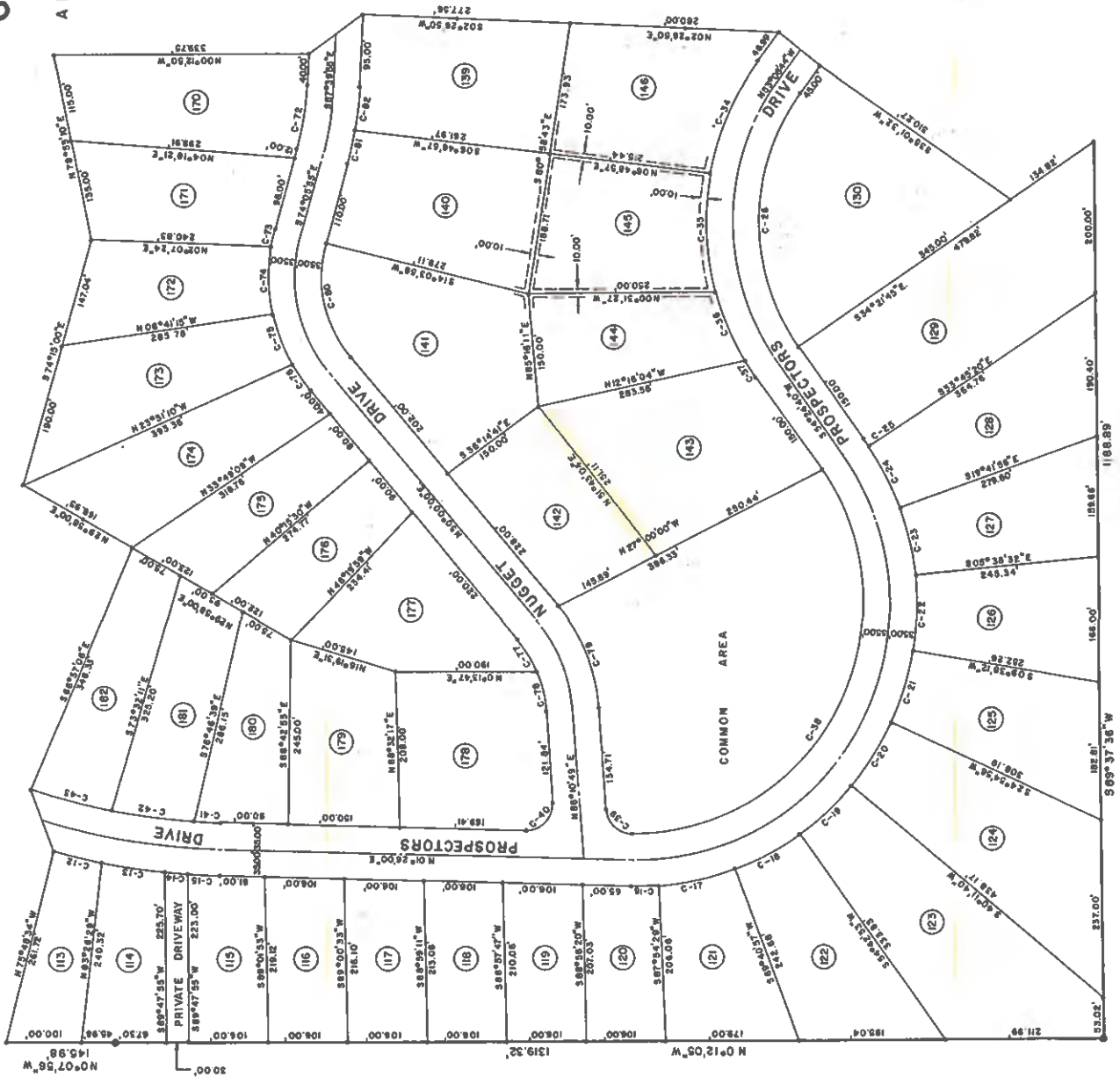
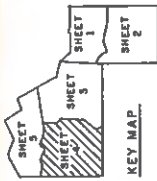
Survey conducted in Year
1980
Checked by
C. M. Smith, C.E.



LEGEND

- 5/8" x 30" Steel Pin of Asph. Points on Boundary.
- 1/2" x 24" Steel Pin of Lot Corners
- Lot Numbers.

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



CURVE	R	Δ	L	CH. L.	CH. BRG.
C-12	915.00'	35.00'	44.83'	151507.28'	W
C-13	915.00'	35.16'	45.02'	151507.21'	W
C-14	915.00'	35.32'	45.21'	151507.14'	W
C-15	915.00'	35.48'	45.40'	151507.07'	W
C-16	915.00'	35.64'	45.59'	151507.00'	W
C-17	915.00'	35.80'	45.78'	151506.93'	W
C-18	915.00'	35.96'	45.97'	151506.86'	W
C-19	915.00'	36.12'	46.16'	151506.79'	W
C-20	915.00'	36.28'	46.35'	151506.72'	W
C-21	915.00'	36.44'	46.54'	151506.65'	W
C-22	915.00'	36.60'	46.73'	151506.58'	W
C-23	915.00'	36.76'	46.92'	151506.51'	W
C-24	915.00'	36.92'	47.11'	151506.44'	W
C-25	915.00'	37.08'	47.30'	151506.37'	W
C-26	915.00'	37.24'	47.49'	151506.30'	W
C-27	915.00'	37.40'	47.68'	151506.23'	W
C-28	915.00'	37.56'	47.87'	151506.16'	W
C-29	915.00'	37.72'	48.06'	151506.09'	W
C-30	915.00'	37.88'	48.25'	151506.02'	W
C-31	915.00'	38.04'	48.44'	151505.95'	W
C-32	915.00'	38.20'	48.63'	151505.88'	W
C-33	915.00'	38.36'	48.82'	151505.81'	W
C-34	915.00'	38.52'	49.01'	151505.74'	W
C-35	915.00'	38.68'	49.20'	151505.67'	W
C-36	915.00'	38.84'	49.39'	151505.60'	W
C-37	915.00'	39.00'	49.58'	151505.53'	W
C-38	915.00'	39.16'	49.77'	151505.46'	W
C-39	915.00'	39.32'	49.96'	151505.39'	W
C-40	915.00'	39.48'	50.15'	151505.32'	W
C-41	915.00'	39.64'	50.34'	151505.25'	W
C-42	915.00'	39.80'	50.53'	151505.18'	W
C-43	915.00'	39.96'	50.72'	151505.11'	W
C-44	915.00'	40.12'	50.91'	151505.04'	W
C-45	915.00'	40.28'	51.10'	151504.97'	W
C-46	915.00'	40.44'	51.29'	151504.90'	W
C-47	915.00'	40.60'	51.48'	151504.83'	W
C-48	915.00'	40.76'	51.67'	151504.76'	W
C-49	915.00'	40.92'	51.86'	151504.69'	W
C-50	915.00'	41.08'	52.05'	151504.62'	W
C-51	915.00'	41.24'	52.24'	151504.55'	W
C-52	915.00'	41.40'	52.43'	151504.48'	W
C-53	915.00'	41.56'	52.62'	151504.41'	W
C-54	915.00'	41.72'	52.81'	151504.34'	W
C-55	915.00'	41.88'	53.00'	151504.27'	W
C-56	915.00'	42.04'	53.19'	151504.20'	W
C-57	915.00'	42.20'	53.38'	151504.13'	W
C-58	915.00'	42.36'	53.57'	151504.06'	W
C-59	915.00'	42.52'	53.76'	151503.99'	W
C-60	915.00'	42.68'	53.95'	151503.92'	W
C-61	915.00'	42.84'	54.14'	151503.85'	W
C-62	915.00'	43.00'	54.33'	151503.78'	W
C-63	915.00'	43.16'	54.52'	151503.71'	W
C-64	915.00'	43.32'	54.71'	151503.64'	W
C-65	915.00'	43.48'	54.90'	151503.57'	W
C-66	915.00'	43.64'	55.09'	151503.50'	W
C-67	915.00'	43.80'	55.28'	151503.43'	W
C-68	915.00'	43.96'	55.47'	151503.36'	W
C-69	915.00'	44.12'	55.66'	151503.29'	W
C-70	915.00'	44.28'	55.85'	151503.22'	W
C-71	915.00'	44.44'	56.04'	151503.15'	W
C-72	915.00'	44.60'	56.23'	151503.08'	W
C-73	915.00'	44.76'	56.42'	151503.01'	W
C-74	915.00'	44.92'	56.61'	151502.94'	W
C-75	915.00'	45.08'	56.80'	151502.87'	W
C-76	915.00'	45.24'	56.99'	151502.80'	W
C-77	915.00'	45.40'	57.18'	151502.73'	W
C-78	915.00'	45.56'	57.37'	151502.66'	W
C-79	915.00'	45.72'	57.56'	151502.59'	W
C-80	915.00'	45.88'	57.75'	151502.52'	W
C-81	915.00'	46.04'	57.94'	151502.45'	W
C-82	915.00'	46.20'	58.13'	151502.38'	W
C-83	915.00'	46.36'	58.32'	151502.31'	W
C-84	915.00'	46.52'	58.51'	151502.24'	W
C-85	915.00'	46.68'	58.70'	151502.17'	W
C-86	915.00'	46.84'	58.89'	151502.10'	W
C-87	915.00'	47.00'	59.08'	151502.03'	W
C-88	915.00'	47.16'	59.27'	151501.96'	W
C-89	915.00'	47.32'	59.46'	151501.89'	W
C-90	915.00'	47.48'	59.65'	151501.82'	W
C-91	915.00'	47.64'	59.84'	151501.75'	W
C-92	915.00'	47.80'	60.03'	151501.68'	W
C-93	915.00'	47.96'	60.22'	151501.61'	W
C-94	915.00'	48.12'	60.41'	151501.54'	W
C-95	915.00'	48.28'	60.60'	151501.47'	W
C-96	915.00'	48.44'	60.79'	151501.40'	W
C-97	915.00'	48.60'	60.98'	151501.33'	W
C-98	915.00'	48.76'	61.17'	151501.26'	W
C-99	915.00'	48.92'	61.36'	151501.19'	W
C-100	915.00'	49.08'	61.55'	151501.12'	W



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # _____

Conditional Use # VAC 22-03

Preliminary / Final / Short Plat _____

Gold Dust Ranch #2 Lots 142 & 143
Y Nugget Drive

- 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
 - in term sewage
 - in dividual 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. _____

Reviewed By: [Signature]
7/29/22



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # VAC 22-03

Conditional Use # _____

Preliminary / Final / Short Plat _____

lots 142 & 143 Gold Dust Ranch #2
9 Nugget Drive

- 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. _____

Reviewed By: [Signature]
Date: 6/17/22

Timothy & Pamela Holden

90 W Prospectors Drive
Cascade, ID 83611

Valley County Planning and Zoning Commission
PO Box 1350, 219 N Main Street
Cascade, ID 83611

July 1, 2022



Dear Valley County Planning and Zoning Commission Members,

We are writing today in regards to business items VAC 220-03 Wardwell Vacation of Utility and Drainage Easement and V-3-22 Wardwell Setback Variance. We were the prior owners of Gold Dust Ranch Lot 142 (9 Nugget Drive) and are still the current owners of Lot 143, 144, 145, and 146 (84, 86, 88, and 90 W Prospectors Drive respectively). We have and had no intension of selling any of these lots including the partial piece of Lot 143 that we did sell to the Wardwell's. The only reason we sold the Wardwell's a portion of lot 143 is because they had installed their septic system and well without fully planning out their home plans and realized too late, they didn't have room for the home they wanted to build. When they realized this, they approached us about selling a portion of Lot 143 to them. We didn't want to be bad neighbors and agreed to meet them and talk about their proposal on the ground. When I (Timothy) met with Kim Wardwell on the ground to discuss their request I informed Kim of the Utility and Drainage Easement and Setback requirements. The only stipulation we (Tim and Pam) had was that they (Wardwell's) agree to the Setback and no permanent or temporary structures would be placed on the ground within the Setback. This was clearly discussed and agreed to verballing and hand shaken to prior to us agreeing to sell any portion of Lot 143.

We (Timothy and Pamela) have no issue with Valley County Planning and Zoning Commission approving the vacation of the Utility and Drainage Easement on lots 142 and 143 to allow the sale of the surveyed portion of Lot 143 to the Wardwell's. However, we adamantly oppose any Variance on the Setback from the newly created lot-line. That was the one and only stipulation that we had with the Wardwell's. We feel like we have been lied to and taken advantage of by the Wardwell's asking for this Variance. It seems they were willing to agree to any terms to get us to sell them the portion of Lot 143 we did at their request and their offered price. We would never have agreed to selling them the surveyed portion of lot 143 if they were unwilling to live with building Variance. If the Wardwell's would rather sell us back that portion of lot 143 at no additional expense to us than what we received from them, minus ten percent, and forego VAC 220-03 Wardwell Vacation of Utility and Drainage Easement and V-3-22 Wardwell Setback Variance, we would be happy to. Thank you for your understanding and agreement on this topic in advance.

Sincerely,

Timothy & Pamela Holden

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 # <u>1015</u> or <input type="checkbox"/> Cash
FILE # <u>VAC 22-03</u>		FEE \$ <u>500-</u>
ACCEPTED BY _____		DEPOSIT _____
CROSS REFERENCE FILE(S): <u>V-3-22</u>		DATE <u>6-2-2022</u>
PROPOSED USE: _____		
<input type="checkbox"/> Vacation of Plat <input type="checkbox"/> Vacation of Road and/or Right-of-Way <input checked="" type="checkbox"/> Vacation of Utility Easement <input type="checkbox"/> Other		

Name of Applicant(s): Wayne K. Wardwell
Applicant's Signature: Wayne K. Wardwell Date: 5/31/22
Mailing Address of Applicant(s): 12493 W Murchison St.
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.

Valley County
Variance Application
Gold Dust Ranch No. 2
9 Nugget Drive
Wayne K and Nora Ann Wardwell

Narrative Statement:

The attached Proposed Plan shows the septic and drain field in green (along with an initial drive way also in green and relevant wooded areas noted as X's, also in green.) The yellow shows the high point in terms of topography.

Upon purchase of the parcel in August 2022, the initial step was to have Mr. Tobie Olsen install a septic system and drain field. Due to the topography limitations, Mr. Olsen placed the system where he felt it met code.

The blue marks a 24' X 32' footprint for a proposed home construction for a 768 sq. ft home with a daylight basement of equal area. (The proposed house plan also calls for a 480 sq. ft loft.) The daylight basement is due to the topography, in which there really isn't sufficient high ground in which to build. A daylight basement would take the slope of the hill into account.

We then purchased an additional parcel of land (part of 143) to allow for an approximate 30 ft to the south.

As it stands, even with the new boundary, this would not allow for sufficient area for construction without a vacating of a public utility easement and a variance in the required set-aside.

Under the advice of Mr. Olsen, we are requesting permission from the Valley County Commissioners to allow for a variance of the 20 ft. set aside from the new property line. (It is our hopeful that this will coincide in conjunction with a vacating of the easement in order to allow for a home construction.)

Thank you for your consideration.

Respectfully,
Wayne K Wardwell

RECORD OF SURVEY

Wardwell
 A Parcel Line Adjustment
 in Lots 142, 143, 144
 Gold Dust Ranch No. 2
 Idaho State of Section 9
 T. 13 N., R. 9 E., S. 14 E.,
 Valley County, Idaho
 2022



- Legend**
- Set 5/8 inch Rebar
 - Found Monument as Noted
 - △ Calculated Position, No Monument Set or Found
 - Found 1/2" Rebar
 - Parcel Line

Survey Narrative

The purpose of this survey was to show the lot line adjustment between Lots 142 & 143 as shown.

Notes

Horizontal datum based on Idaho State Plane, NAD 83. All distances are in feet. All bearings are in degrees, minutes and seconds. All distances are ground distances and are in U.S. survey feet.

Refer to Plat of Gold Dust Ranch No. 2, Inst. No. 86212

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
CT	25.36	353.00	1.356-28.03°W	25.97

CERTIFICATE OF SURVEYOR

I, George J. Bowers IV, do hereby certify that I am a registered Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared by me or under my supervision, and that this map is an accurate representation of said survey, and is in conformity with the current laws of the State of Idaho pertaining to plats and surveys, including Title 55, Chapter 16, Corner Perpetuation and Filing.



Bowers Land Surveys, Inc.
 P.O. BOX 976, CASCADE, IDAHO 83411 | PHONE: 208-469-0457

JOB NO: 2015
 DRAWN BY: CS
 DATE: 5/27/22
 SHEET 1 OF 1