

### Cynda Herrick, AICP, CFM VALLEY COUNTY IDAHO

PO Box 1350 219 North Main Street Cascade, Idaho 83611

Planning & Zoning Administrator Floodplain Coordinator Phone: 208.382.7115 Fax: 208.382.7119

Email: cherrick@co.valley.id.us Web: www.co.valley.id.us

#### STAFF REPORT

Vacation Application 20-04 Vacation of Utility Easement

**HEARING DATE:** 

February 11, 2021

TO:

Planning and Zoning Commission

STAFF:

Cynda Herrick, AICP, CFM

APPLICANT:

Robert Workman

10154 Arnold RD Boise, ID 83714

LOCATION:

Easement between 12868 Syringa Road and 152 Camas Lane

Wagon Wheel Ranch #4, Lot 74 and Lot 75, Block C, located in SW ¼ Section 27, T.16N, R.3E, Boise Meridian, Valley County,

Idaho.

**REQUEST:** 

Vacate Platted Utility Easement

**EXISTING LAND USE:** 

Single-family Residential

#### **BACKGROUND:**

Robert Workman is requesting a vacation of a 10-foot-wide utility easement that is centered on the lot line between Lot 74 and Lot 75, Block C, of Wagon Wheel Ranch #4, which was recorded on May 13, 1974, at Book 5, Page 9.

The applicant owns both lots. Removal of the easement would allow the applicant to build an addition to a home over the existing easement area. Building over the lot line would permanently encumber both lots unless the setbacks could be met for a 20,000 sq. ft. split.

The lots front on Syringa Road and Camas Lane.

#### **FINDINGS:**

1. The application was submitted on December 28, 2020.

- 2. Legal notice was posted in the *Star News* on January 21, and January 28, 2021. Potentially affected agencies were notified on January 12, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent via certified mail on January 15, 2021. The site was posted on February 1, 2021. The notice was posted online at www.co.valley.id.us/public-hearing-information on January 12, 2021.
- 3. Agency comment received:

Idaho Power agrees to relinquish their interest in the public utility easement between the lots so long as they retain the easement inside the front and rear lot lines. (Nov. 11, 2020)

Central District Health has no objection. (Jan. 13, 2021)

Donnelly Rural Fire Protection District has no comments or concerns. (Jan. 17, 2021)

Casey Pozzanghera, Idaho Department of Fish and Game Staff Biologist, stated that IDFG has no comments. (Jan. 12, 2021)

- 4. Neighbor comment received: None
- 5. Valley County Code:

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

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

#### **SUMMARY:**

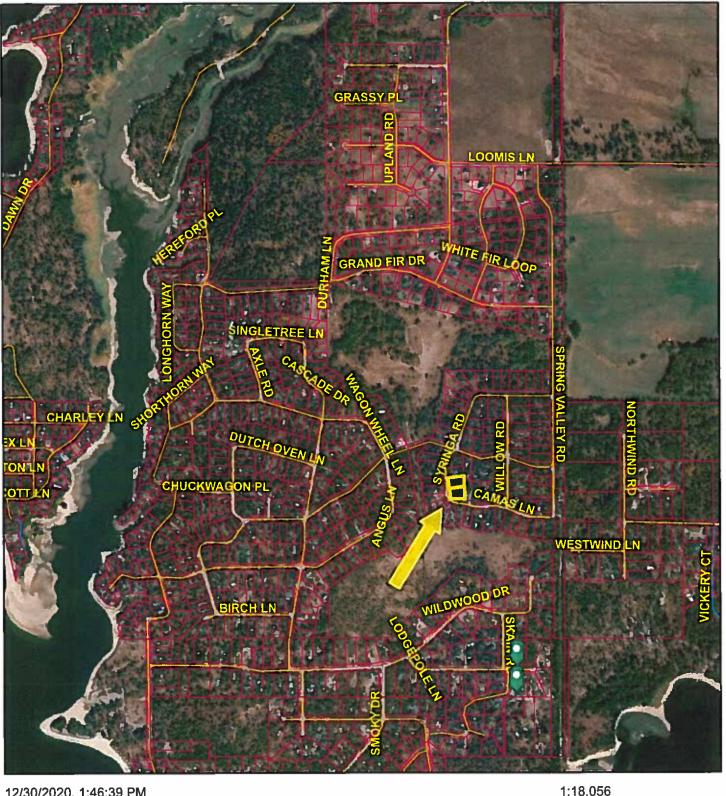
- The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners.
- We need written approval from Idaho Power and proof of notice to Frontier/Zipley/Cable.

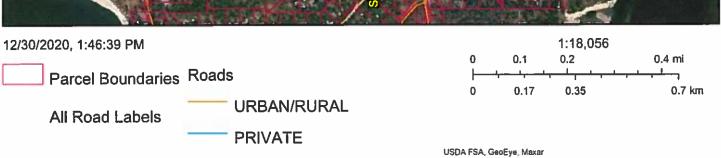
#### **ATTACHMENTS:**

- Vicinity Map
- Aerial photo
- Assessor's Plat Wagon Wheel Ranch #4
- Pictures taken February 1, 2021
- Responses

**END STAFF REPORT** 

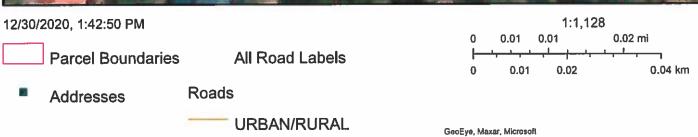
# VAC 20-04 at 12868 Syringa Road





## VAC 20-04 at 12868 Syringa Road





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Feb. 1, 2021



November 11, 2020

Sent via email to framing 4u@qwestoffice.net

Robert Workman 10154 Arnold Rd. Boise, ID 83714

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 74 & 75, Block C, Wagon Wheel Ranch No. 4 Subdivision in Valley County, Idaho.

#### Dear Robert:

This is in response to the relinquishment application received by Idaho Power Company on October 20, 2020, regarding the possible partial relinquishment of the above noted PUE. The attached map more specifically identifies the "easement area" requested for relinquishment.

Idaho Power's review of the relinquishment application indicated that there are no facilities within the above noted easement area. As such, Idaho Power agrees to relinquish our interest in the public utility easement within the easement area so long as we retain the 10' PUE inside the front and rear lot lines of lot 74 & 75, Block C, Wagon Wheel Ranch No. 4 Subdivision.

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

Sincerely,

Krista Englund

Assoc. Real Estate Specialist

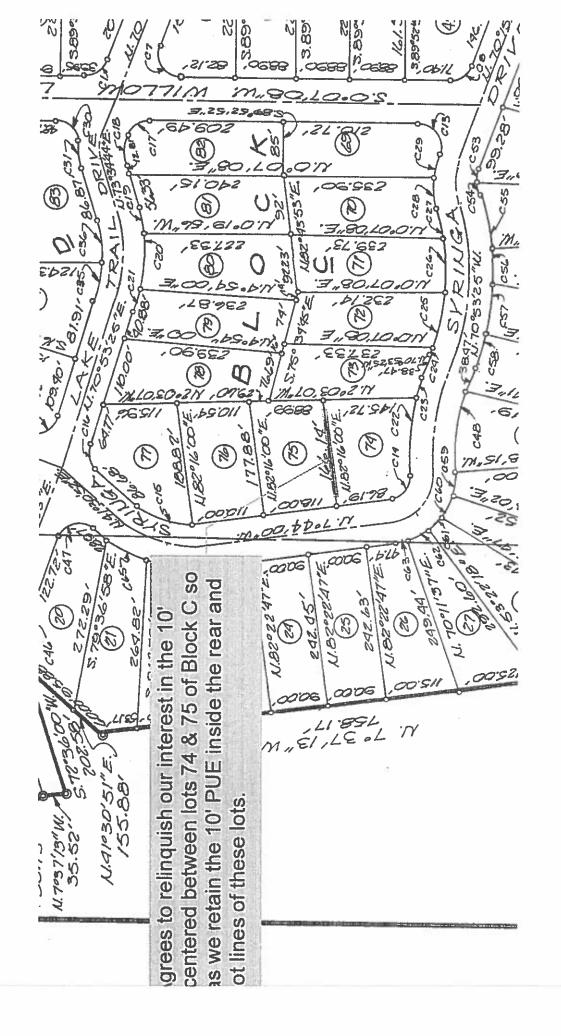
KRISTAEnglund

Land Management and Permitting Department

Corporate Real Estate Idaho Power Company

208-388-2245

kenglund@idahopower.com



	CENTRAL DISTRICT HEALTH	Valley County Transmittal Division of Community and Environmental H	Return to:    Cascade
Rez	one #	VAC 20-04	☐ McCall
	ditional Use #		☐ McCall Impact
	iminary / Final / Short I	Plat	Valley County
	intimary / mary shore	PlatLots 74 & 75 Plack C 1 Syrmon R1 & 152 Canas Laur	Warney Wheel Romeh #4
	12868	SyrhepiRl & 152 CAMAG LAND	
	We have No Objections to this	Proposal.	
2.	We recommend Denial of this F	Proposal.	
<b>3</b> .	Specific knowledge as to the ex	xact type of use must be provided before we can comm	nent on this Proposal.
4.	We will require more data cond	cerning soil conditions on this Proposal before we can c	comment.
<b></b> 5.	Before we can comment conce of: high seasonal gr bedrock from or		•
<b>G</b> 6.	This office may require a study waters.	to assess the impact of nutrients and pathogens to rec	ceiving ground waters and surface
7.	This project shall be reviewed to availability.	by the Idaho Department of Water Resources concerning	ng well construction and water
8.	After written approvals from a central sewage interim sewage individual sewag	central water	proposal for:  ] community water well
9.	The following plan(s) must be sometimes:  central sewage sewage dry lines	submitted to and approved by the Idaho Department o  community sewage system  central water	of Environmental Quality:  community water
10.	Run-off is not to create a mosqu	Ito breeding problem	
<b>11.</b>	This Department would recomi considerations indicate approv	mend deferral until high seasonal ground water can be al.	determined if other
12.	If restroom facilities are to be in Regulations.	nstalled, then a sewage system MUST be installed to m	neet Idaho State Sewage
13.	We will require plans be submi food establishin beverage estab	nent swimming pools or spas [	child care center

**1**4.

Reviewed By:



### **Donnelly Rural Fire Protection District**

P.O. Box 1178 Donnelly, Idaho 83615 208-325-8619 Fax 208-325-5081

January 17, 2021

Valley County Planning & Zoning Commission P.O. Box 1350 Cascade, Idaho 83611

RE: Vac 20-04

After review, the Donnelly Rural Fire Protection District has no comments or concerns on this matter.

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal

**Donnelly Fire Department** 

From: Pozzanghera, Casey < casey.pozzanghera@idfg.idaho.gov>

Sent: Tuesday, January 12, 2021 11:11 AM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: FW: Agency Notice for Feb. 2021

Hi Cynda,

IDFG does not have any comments regarding the attached notices, and does not intend to participate in the public hearing. Thank you for the opportunity to review.

#### Casey

Casey Pozzanghera Staff Biologist, Southwest Region Idaho Department of Fish and Game 15950 N Gate Blvd Nampa, ID 83687 (208) 854-8947



https://idfg.idaho.gov

From: Lori Hunter < lhunter@co.valley.id.us > Sent: Tuesday, January 12, 2021 11:04 AM

To: Pozzanghera, Casey < casey.pozzanghera@idfg.idaho.gov>; ITD Development Services < d3development.services@itd.idaho.gov>; Durena Farr < durena.farr@id.nacdnet.net>; Patti Bolen < pbolen@co.valley.id.us>; Mike Reno @ CDH < mreno@cdh.idaho.gov>; Suzanne @ CDH < smack@cdh.idaho.gov>; Tom White @ CDH < twhite@cdh.idaho.gov>

Subject: Agency Notice for Feb. 2021

Please read, distribute, and comment on the attached public hearing notices. Relevant maps, site plans, etc., will also be attached. More information, including applications and staff reports, will be available at <a href="https://www.co.valley.id.us/public-hearing-information/">www.co.valley.id.us/public-hearing-information/</a>

Send comments to: <a href="mailto:cherrick@co.valley.id.us">cherrick@co.valley.id.us</a>

Lori Hunter, P&Z Technician Valley County Planning & Zoning Dept.

Phone: 208-382-7115 Fax: 208-382-7119 <a href="mailto:lhunter@co.valley.id.us">lhunter@co.valley.id.us</a>

The smallest good deed is greater than the grandest intention.

Visit the P&Z GIS map at www.co.valley.id.us/departments/information-technology/qis-maps/