

Valley County Planning and Zoning

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



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STAFF REPORT: VAC 24-01 Vacation of Portions of Bings Road and Brads Lane
HEARING DATE: March 14, 2024
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Bennett Reid Payne & Connie Jo Payne
15620 Chaparral Ave, Caldwell ID 83607
LOCATION: Allen Subdivision in the NW ¼ Section 3, T.13N, R.3E,
Boise Meridian, Valley County, ID
REQUEST: Vacate portions of public road rights-of-way, specifically the unbuilt
portions of
• Bings Road between Walters Lane and West Mountain Road and
• Brads Lane between Joes Road and West Mountain Road.
EXISTING LAND USE: Unbuilt Public Road Rights-of Ways

Ben and Connie Payne are requesting a vacation of portions of public road rights-of-way, specifically the unbuilt portions of Bings Road between Walters Lane and West Mountain Road and Brads Lane between Joes Road and West Mountain Road.

The road rights-of-way are located within Allen Subdivision. The plat was recorded on October 8, 1956. The plat dedicated the platted road rights-of-ways to the public.

The plat does not include any utility easements in this section of road right-of-way, except for what is inherent to a platted right-of-way.

If the road rights-of-way are vacated, the land would become the property of the adjoining lot owners. At this time, all surrounding lots are owned by the applicants.

This property is located in the South Lake Recreational Sewer and Water District. There have been proposed vacations of rights-of-way in the West Mountain area in previous years that were denied in order to preserve rights-of-way for possible sewer lines. The Commission can determine if these particular rights-of-way are needed.

FINDINGS:

1. The application was submitted on January 12, 2024.
2. Legal notice was posted in the *Star News* on February 22, 2024, and February 29, 2024. Potentially affected agencies were notified on February 13, 2024. Property owners within 300

feet of the property line were notified by fact sheet sent February 13, 2024. The site was posted on February 29, 2024. The notice and application were posted online at the Valley County website on February 13, 2024.

3. Agency comment received:

Mike Reno, Central District Health, stated CDH has no objections to the proposal. (Feb. 13, 2024)

4. Public comment received: *none*

5. Valley County Code:

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

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

- 1. The site is within the Cascade Fire District, it is not within an irrigation district nor a herd district.
- 2. The site is within the South Lake Recreational Sewer and Water District; however, no infrastructure exists at this time.
- 3. The original recorded plat did not include utility easements. The Assessor Plats do not show any utility easements along these unconstructed road rights-of-ways.
- 4. The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- 5. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners, who will then hold another public hearing.

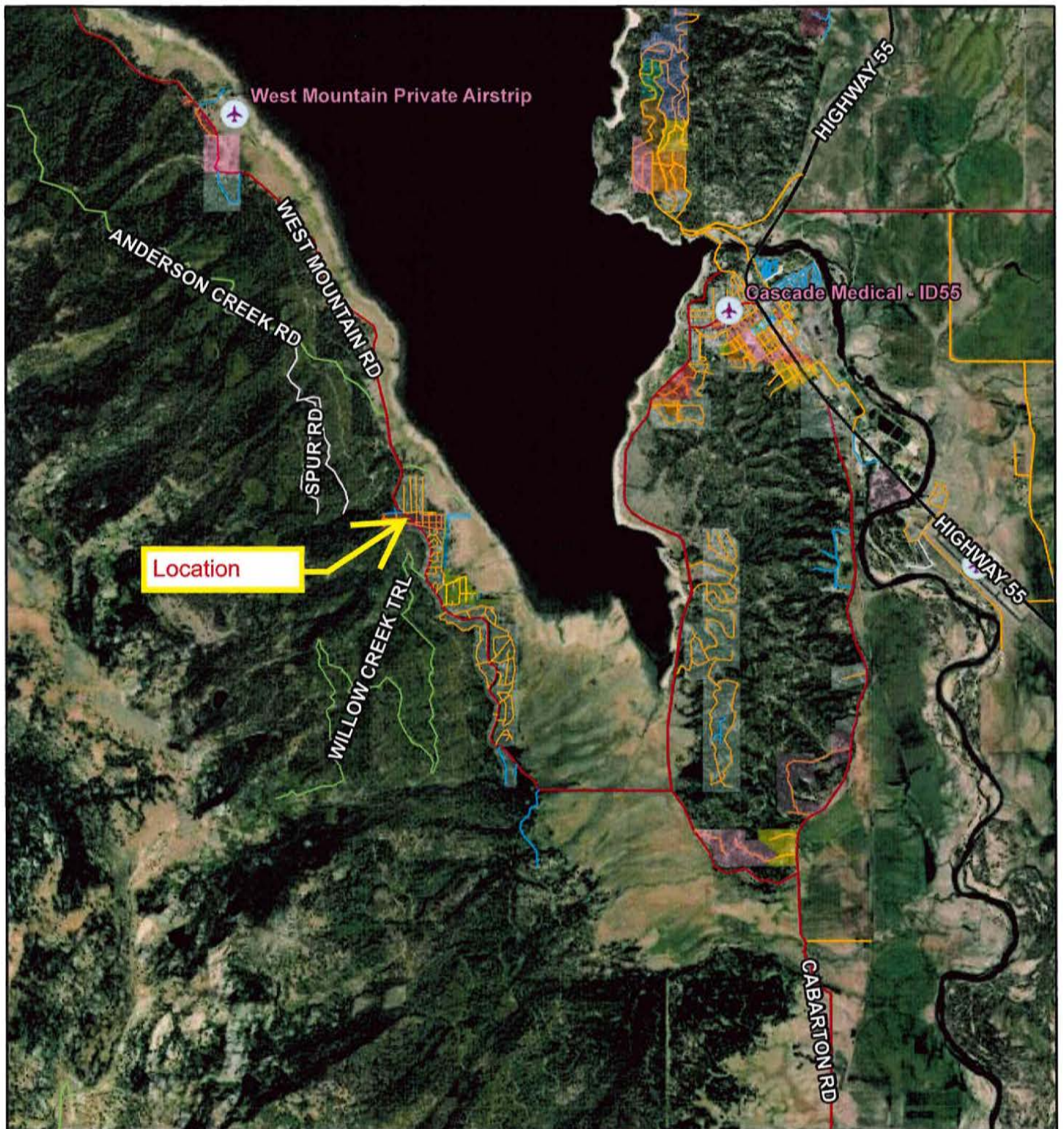
6. Deeds will need to be prepared by the applicants to convey the property along the road-right-of-way from Valley County (grantor) to the applicants (grantees)
7. The Board of County Commissioners will sign a Declaration of Vacation if approved.

ATTACHMENTS:










- Vicinity Map
- Aerial Map
- Allen Subdivision – Assessor Plat
- Assessor's Plat – T13N R3E Section 3 (2 pages)
- Site Plan from Applicant
- Pictures Taken February 29, 2024
- Responses

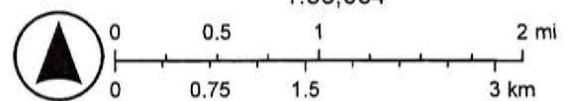
END OF STAFF REPORT

VAC 24-01 Vicinity



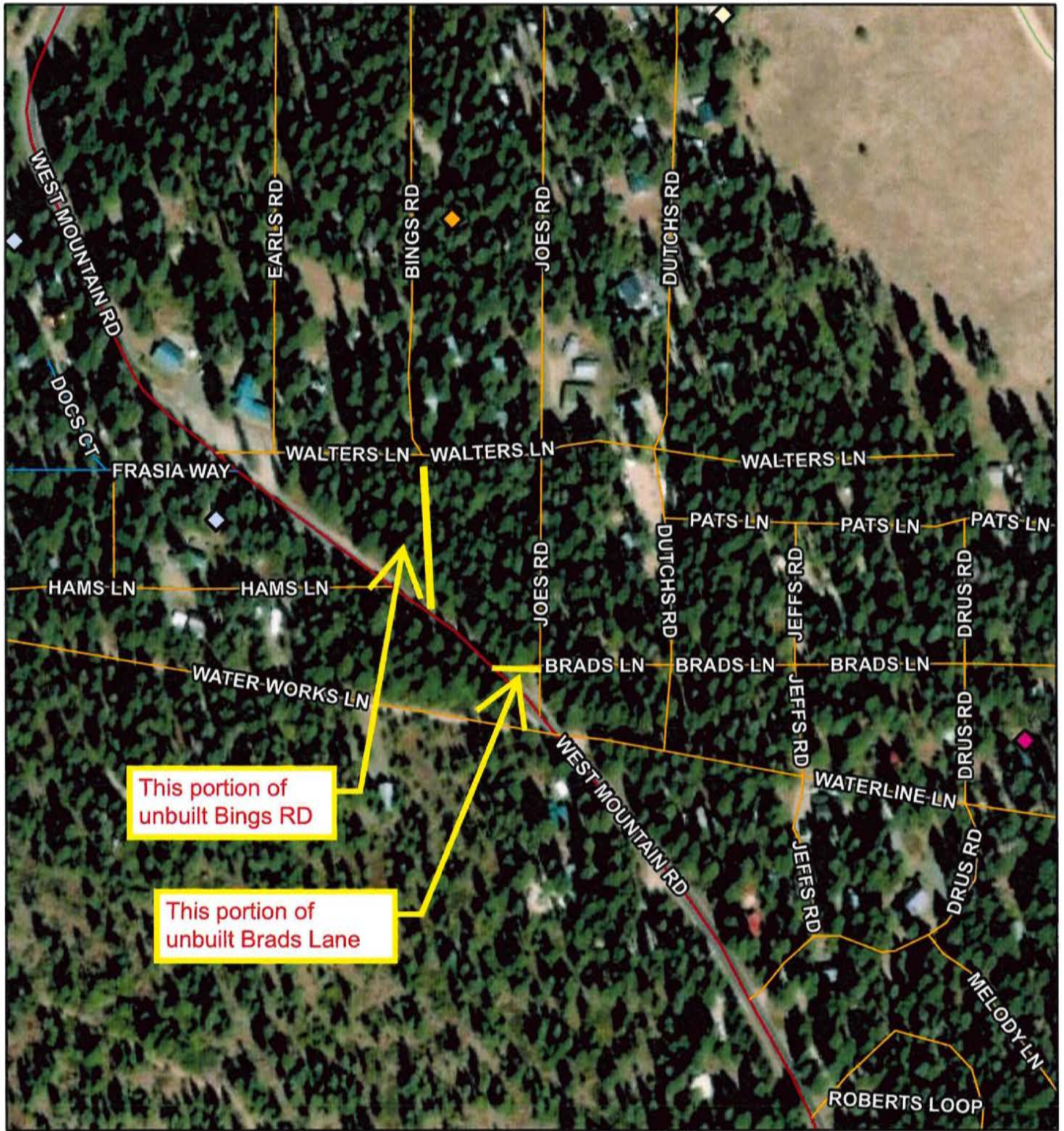
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|---|---|
|  Airstrips |  URBAN/RURAL |
| Roads |  USFS |
|  MAJOR |  PRIVATE |
|  MINOR COLLECTOR |  OTHER |
|  COLLECTOR |  Other |



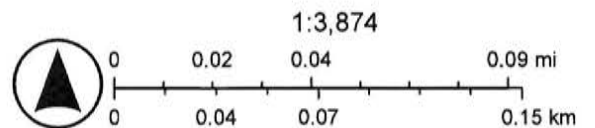
Earthstar Geographics

VAC 24-01 Aerial



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Permits	Roads
	COLLECTOR
	URBAN/RURAL
	USFS
	PRIVATE
	Privy
	RVC
	STR
	VAR



Maxar

THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.

Theresa's care dedicated to
 making every day a better day

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MAP OF
ALLEN SUB-DIVISION
Section 9 Tr 13 NR 3 EBM.

Yolley County Idaho. Scale 1 in = 100 ft.

State of Idaho } ss
County of Valley,

I Geo W Knowles do hereby certify that the following is a correct description of the land in the accompanying plat commencing at the NE corner of section 31, T13N, R3E, AM, thence South on the East line of said section 26 1/2 to the SE corner of lot 1 of said section, thence West along the said South line of lot 1 of said section 26 1/2 to the North line of said section, thence East on said section line 26 1/2 to the point of beginning. And I further do certify that the plat was made by me from an actual survey in September 1936, and that all lot 1 of sections 26 1/2 and 27 be set as shown on the plat.

Henry Stansbury C.E. 239 Emma H. Idaho

Subscribed and sworn to before me this 8 day of October 1956

Charles J. ...
Notary Public

State of Idaho } ss.
County of Blaine }

and Mary A. Allen to hereby certify that we are the owners of the land described in the Taxpayer's Certificate. Shown on the plat, and that said information is correct in the plat, that we do hereby plot the said land as the same Subdivision in Section 27, T. 13 N., R. 10 E., Valley County, Idaho, according to the plat hereto attached, and to hereby certify that all lots and interests are as shown on the plat and are hereby dedicated to the use of the public to be right of way over said streets. In witness whereof we have hereunto set our hand and seal this 1st day of October, 1922.

Subscribed and sworn to before me this 1st day of October 1956

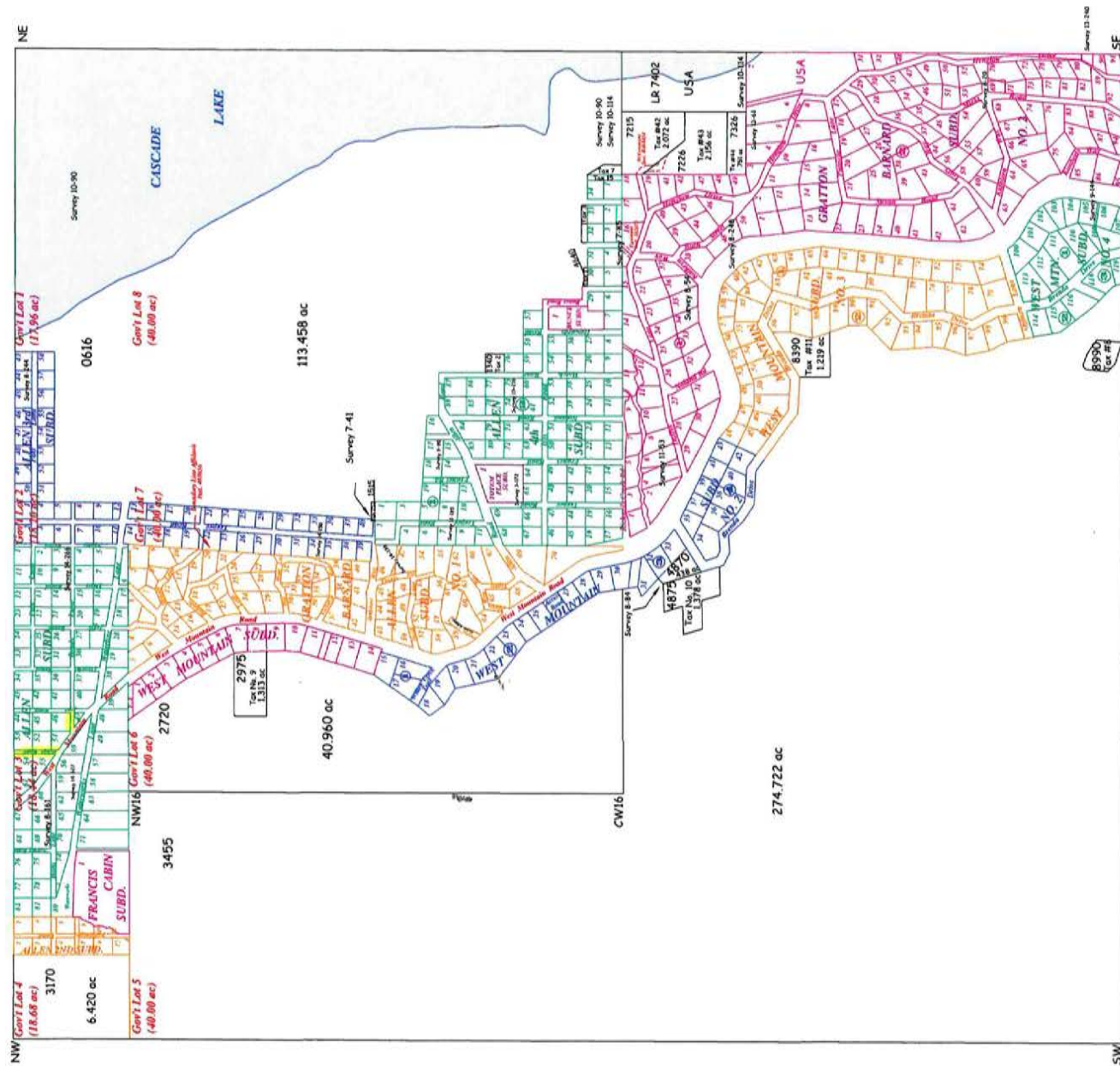
Approved and accepted by the County Commissioners
County Treasurer, W. A. of 20th Nov. 1922
Chas. J. T. 1922
Note: 1/2/22

PLAT TITLE

T W P . 1 3 N R O 3 E S E C . 0 3

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename:	Valley County Base Map
Scale:	1"=100ft
Date:	8/24/2023
Drawn by:	L. Frederick



This Proceeding is to be Used for Reference Purposes ONLY. The Country is NOT Responsible for Any Inaccuracies Contained Herein.

portion of Brad's LN

2720

3455

**FRANCIS
CABIN
SUBD.**



Lots owned
By Applicant

Unbuilt portion
of Bings Road, looking
northerly direction

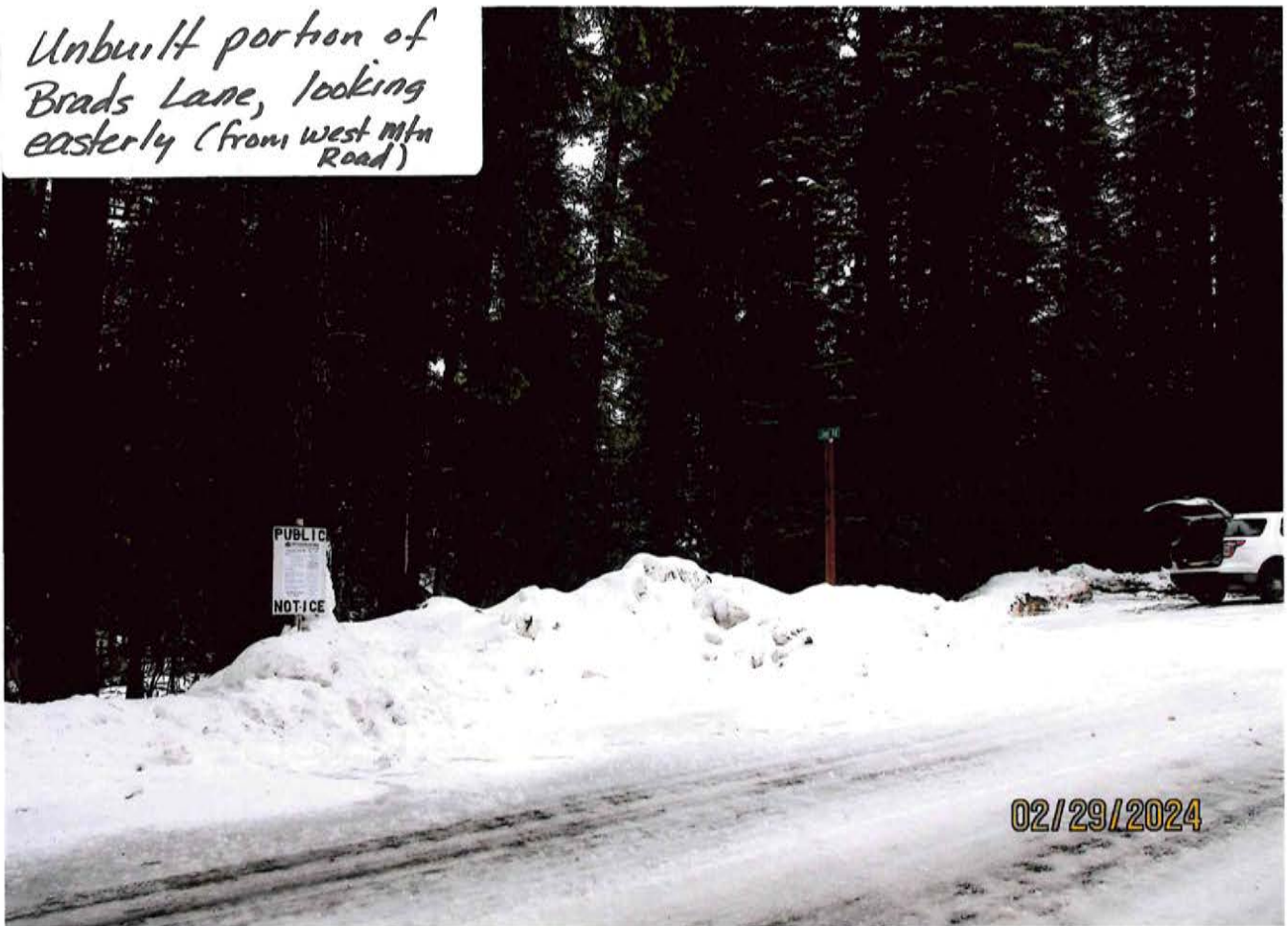


02/29/2024

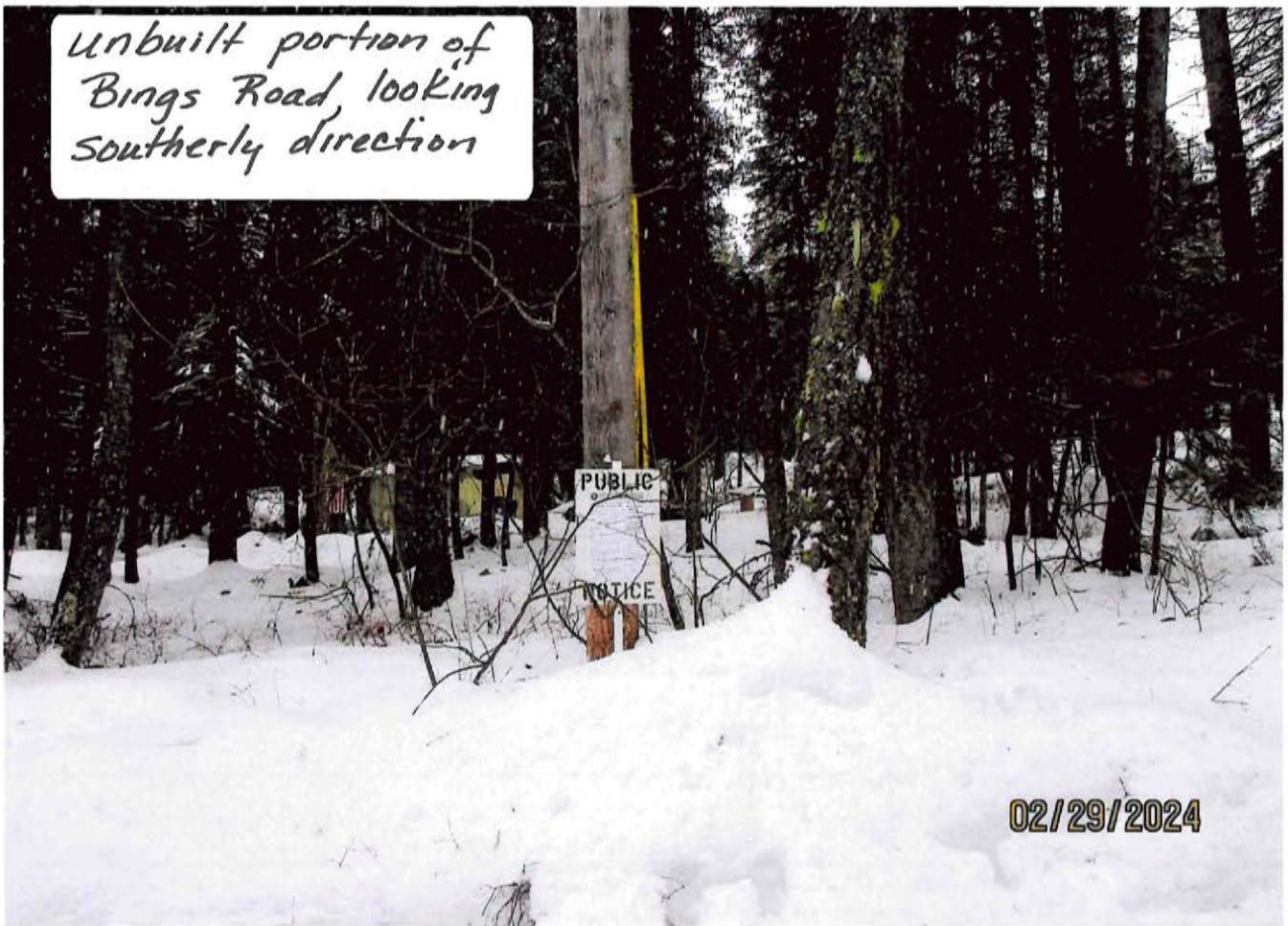


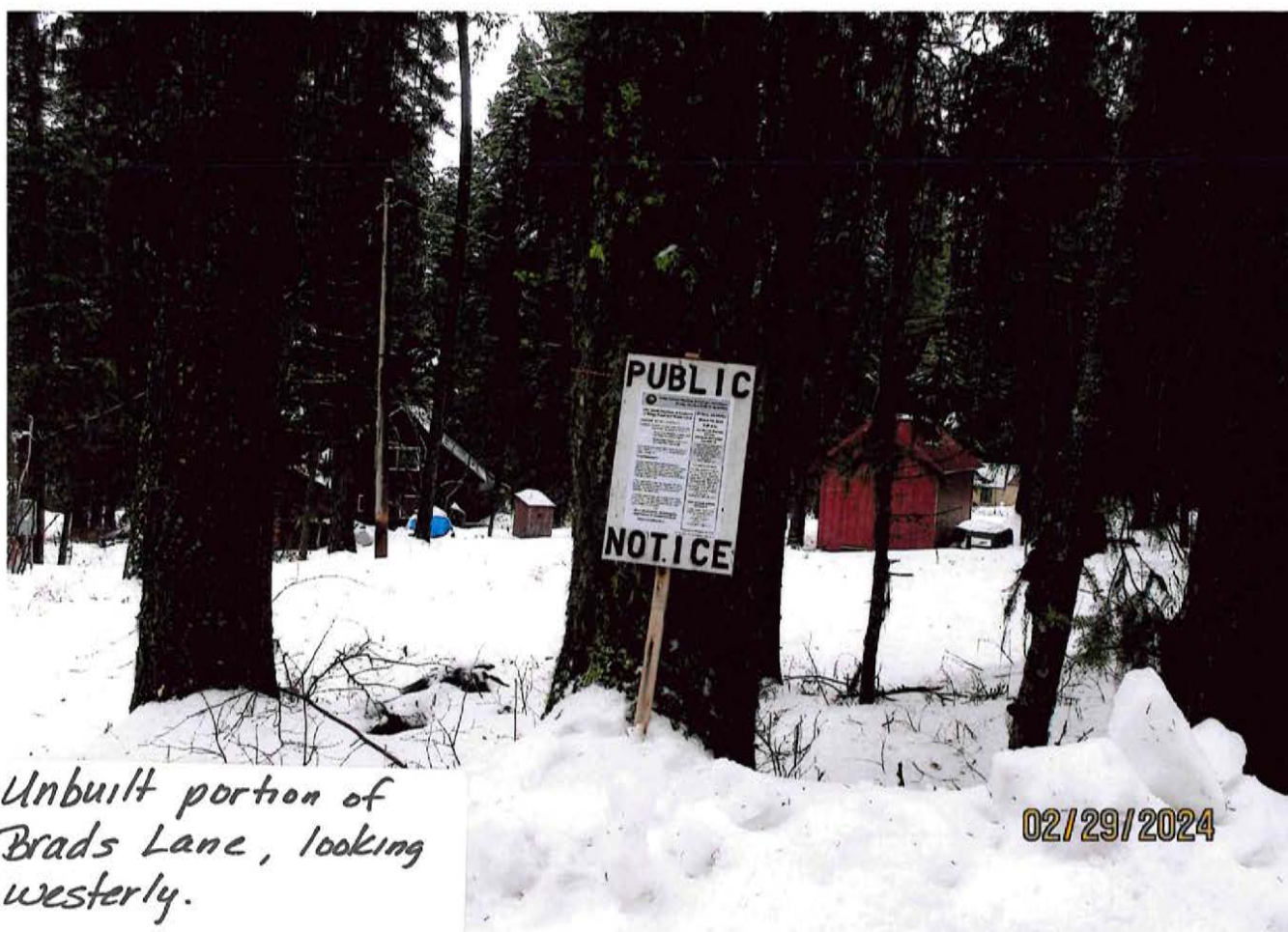
02/29/2024

Unbuilt portion of
Brads Lane, looking
easterly (from west mtn
Road)



Unbuilt portion of
Bings Road, looking
southerly direction







Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # VAC 24-01

Conditional Use # _____

Preliminary / Final / Short Plat _____

Allen Subdivision

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

Reviewed by: [Signature]

Date: 2-18-24