

# Valley County Planning and Zoning

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



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**STAFF REPORT:** VAC 24-02 Harris Vacation of Utility Easement  
**HEARING DATE:** March 14, 2024  
**TO:** Planning and Zoning Commission  
**STAFF:** Cynda Herrick, AICP, CFM  
Planning and Zoning Director  
**APPLICANT:** Michael Harris & Pepin Corso-Harris  
PO Box 879, Donnelly ID 83615  
**LOCATION:** 142 and 144 Casey Lane  
Lake Cascade Ranch Subdivision Lots 10 and 11 in the  
NWNW Section 16, T.16N, R.3E, Boise Meridian, Valley County, ID  
**Request:** Vacate the 12-ft Utility Easement Center on Lot Line.  
**EXISTING LAND USE:** Residential Subdivision Lots

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Lake Cascade Ranch Subdivision was recorded on June 11, 1973, Book 4 page 35, instrument # 79116. Per the plat, there is a 12-foot utility easement centered on all interior lot lines.

Michael Harris and Pepin Corso-Harris are requesting a vacation of the 12-ft utility easement that is centered on the lot line between Lake Cascade Ranch Subdivision Lots 10 and 11.

The applicants are requesting this vacation in order to build over the easement. The applicants have already requested the lots be combined for tax purposes.

The site is addressed at 142 and 144 Casey Lane.

The site is accessed from Casey Lane, a public road.

## FINDINGS:

1. The application was submitted on January 23, 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 15, 2024. The site was posted on February 29, 2024. The notice and application were posted online at [www.co.valley.id.us](http://www.co.valley.id.us) 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:

George and Reva Carlock, owners of 137 and 139 Casey Lane, are in favor of the proposed vacation. (Feb. 23, 2024)

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:**

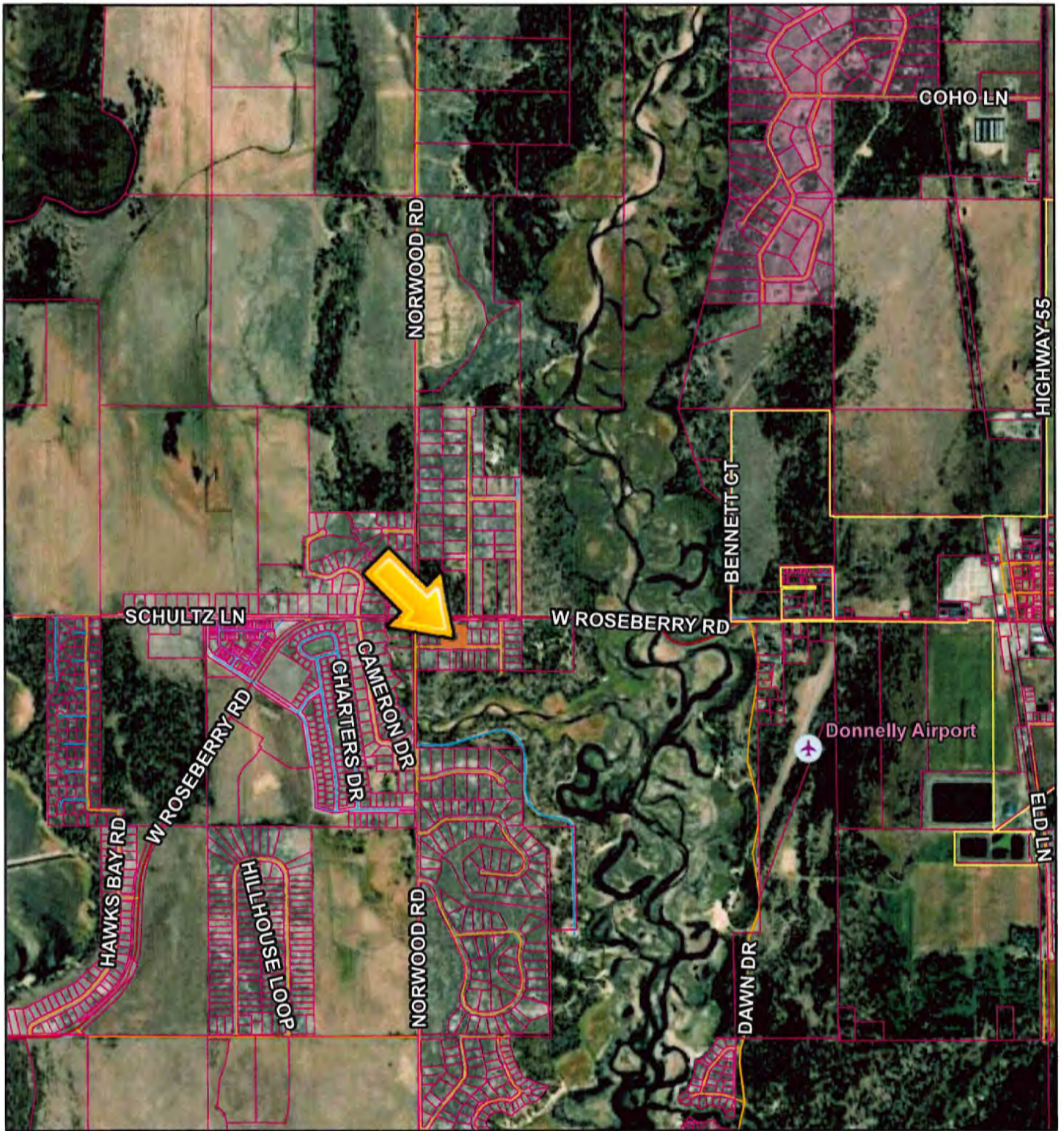
- 1. The site is within the Donnelly Fire District and the North Lake Recreational Sewer and Water District. It is not within a herd district.
- 2. A condition of approval would be that Idaho Power releases the easement.
- 3. The Planning and Zoning Commission needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- 4. The Planning and Zoning Commission decision would be a recommendation to the Board of County Commissioners, who will then hold another public hearing.
- 5. The Board of County Commissioners will sign a Declaration of Vacation if approved.

**ATTACHMENTS:**

- Vicinity Map
- Aerial Map
- Lake Cascade Ranch Subdivision Recorded as Instrument # 88024
- Assessor's Plat – T16N R3E Section 16
- Pictures Taken February 29, 2024
- Responses

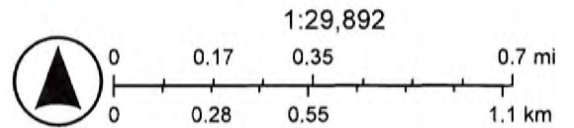
**END OF STAFF REPORT**

# VAC 24-02 Vicinity Map



1/26/2024, 4:01:21 PM

- Airstrips
- Municipalities
- Parcel Boundaries
- Roads**
- COLLECTOR
- URBAN/RURAL
- PRIVATE
- MAJOR



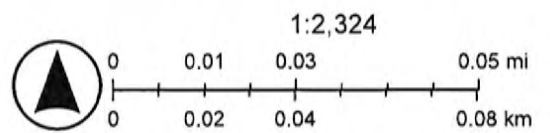
Maxar

# VAC 24-02 Aerial Map



1/26/2024, 3:54:20 PM

- Address Points
- ▭ Parcel Boundaries
- Roads
  - COLLECTOR
  - URBAN/RURAL



Maxar, Microsoft

Restrictive Covenants  
Filed July 19, 1906  
Instrument No. 93,024

Sanitary Association Under Title 50  
Removed By Instrument No. 21,611

Sanitary Association in force  
under Title 50, Idaho Code  
Chapter 14, Article 14

# LAKE CASCADE RANCH SUBDIVISION

A PORTION OF SECTION 16, T16N, R3E, B.M., THE N1/2, NW1/4, NW1/4

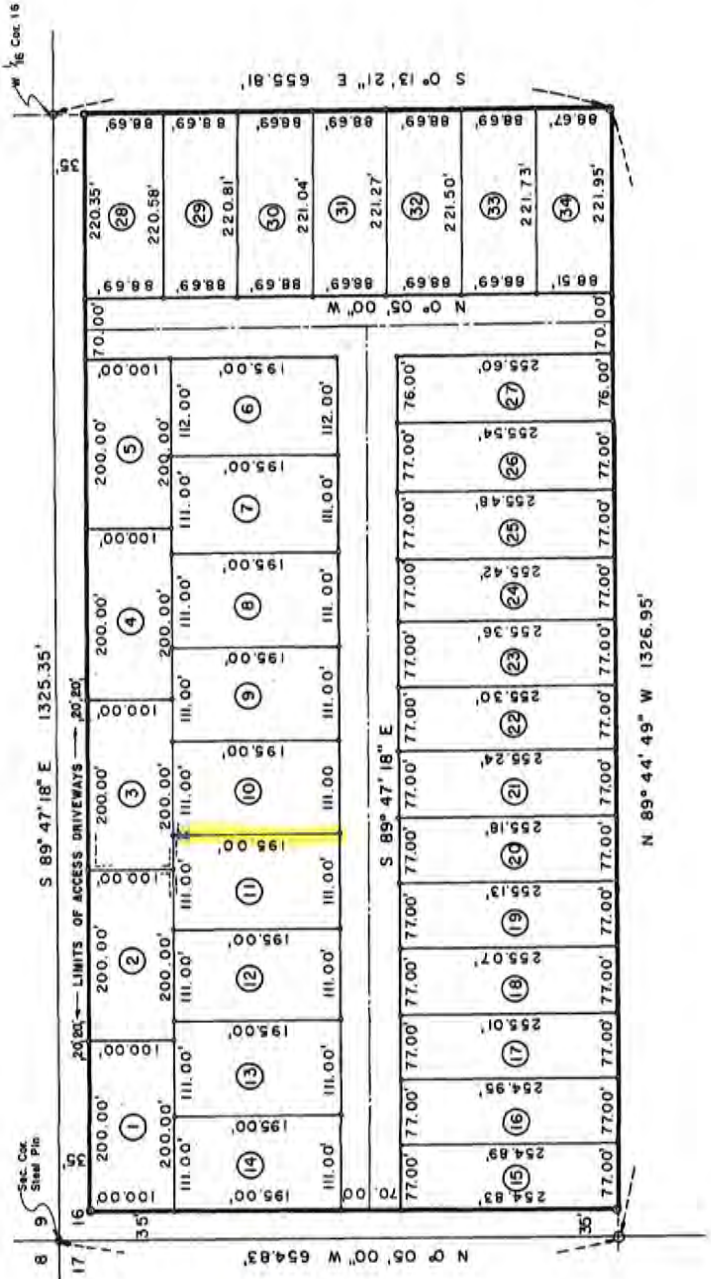
## VALLEY COUNTY, IDAHO

ENGINEER: SMITH & MONROE ENGINEERS INC.



- LEGEND —
- ⊙ 5" x 30" Steel Pins at Angle Points on Boundary.
  - ⊙ 1/2" x 24" Steel Pins at Lot Corners.
  - ① Lot Number.

— EASEMENT FOR UTILITIES —  
 12' Wide inside all street and anterior lot lines  
 6' Each side of all interior lot lines



**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 portion of the North 1/2 of the NW 1/4 of Section 16, T16N, R35E, Boise Meridian, in Valley County, Idaho, more particularly described as follows, beginning at the corner common to Sections 8, 9, 16, 17 thence S 89° 47' 18" E 132.535 feet; thence S 0° 13' 21" E 655.81 feet; thence N 89° 44' 49" W 1326.95 feet; thence N 0° 05' 00" W 654.83 feet to the point of beginning, subject to all easements and rights of way of record.

The undersigned do hereby dedicate to the public for 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.

*Barton H. Ballantyne*  
OWEN M. FUHRIMAN  
A Limited Partnership  
BARTON H. BALLANTYNE  
General Partner

*Owen M. Fuhriman*  
OWEN M. FUHRIMAN  
Elinor Y. Fuhriman

STATE OF IDAHO  
COUNTY OF VALLEY SS

On this 30 day of May, 1973, before me, the undersigned, a notary public in and for said State, personally appeared BARTON H. BALLANTYNE, OWEN M. FUHRIMAN, and ELINOR Y. FUHRIMAN, whose names are subscribed to the foregoing certify 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.

My Commission Expires: May 15, 1977



*Charles E. Thomas*

**CERTIFICATE OF ENGINEER**

THIS IS TO CERTIFY that I, ROBERT E. SMITH, a registered professional Engineer in the State of Idaho, surveyed the land shown on this plat and described in the Certificate of Owners, being in section 16, T16N, R35E, B.M. Valley County, Idaho, and designated as LAKE CASCADE RANCH/and that this plat is a true and correct representation of said survey made by me on said land.



**CERTIFICATE OF COUNTY SURVEYOR**

Sub. This is to certify that I have examined this plat of LAKE CASCADE RANCH/and determined that it conforms with the laws of the State of Idaho relating thereto.



**COUNTY COMMISSIONERS ACCEPTANCE**

Accepted and approved this 11 day of June, 1973, by the Board of County Commissioners of Valley County, Idaho

*Edward W. Hall*  
CHAIRMAN



COUNTY RECORDER'S CERTIFICATE  
STATE OF IDAHO SS  
COUNTY OF VALLEY 79116

This is to certify that the foregoing plat was filed for record in the office of the recorder of Valley County, Idaho, this 11 day of June, 1973, at 2:00 o'clock P.M. at the request of *Robert E. Smith* and was duly recorded in plat book no.        at page 35.

*W. Charles Thomas*  
Notary Public

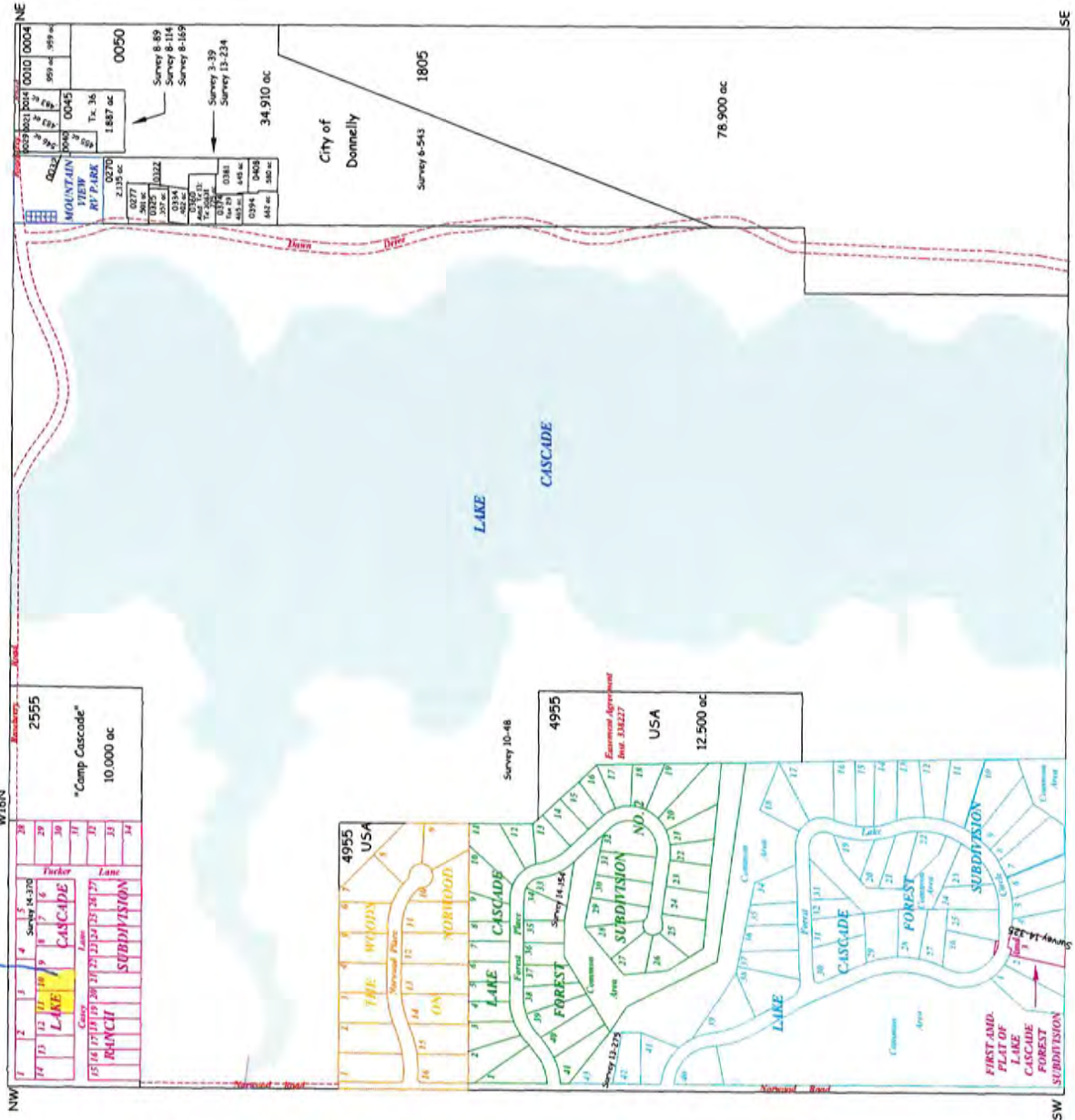
COUNTY RECORDER'S CERTIFICATE  
STATE OF IDAHO SS  
COUNTY OF VALLEY 79116

PLAT TITLE

T W P . 1 6 N R O 3 E S E C . 1 6

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

Filename:  
Valley County Base Map  
Scale:  
Date: 11/27/2023  
Drawn by: L. Frederick



This Drawing is to be used for Reference Purposes Only. The County is NOT Responsible for any Inaccuracies Contained Herein.









Valley County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone # VAC 24-02

Conditional Use # \_\_\_\_\_

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

Lots 10 & 11 Lake Cascade Ranch Sub  
142 & 144 Cusey Lane

- 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: 2-13-24

**VAC 24-02 Harris Vacation of Utility Easement**

**From:** Reva Carlock [REDACTED]

**Sent:** Friday, February 23, 2024 12:12 PM

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

**Subject:** VAC 24-02 Harris Vacation of Utility Easement

To whom it may concern,

We own property, 137 & 139 Casey Lane, just down the street from the property in question. We are George & Reva Carlock. We are in favor of the vacation request mentioned in the public hearing notice we received in the mail. The owners, Michael Harris & Pepin Corso-Harris, are requesting to vacate an easement on property at 142 & 144 Casey Lane.

Thank you,  
George & Reva Carlock