



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

Planning & Zoning Administrator
Floodplain Coordinator

PO Box 1350
219 North Main Street
Cascade, Idaho 83611

Phone: 208.382.7115
Fax: 208.382.7119
Email: cherrick@co.valley.id.us
Web: www.co.valley.id.us

STAFF REPORT
Vacation Application 20-01
Vacation of Portion of Cheyenne Road

MEETING DATE: November 12, 2020
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Ron and Judy Boyd
12475 Landou Way
Nampa, ID 83686
LOCATION: Within Smiling Julie Subdivision, located between Julie Lane and Lots 37B and 47 in the SENE Section 19, T.16N, R.3E, Boise Meridian, Valley County, Idaho.
REQUEST: Vacate Platted Road Right-of-Way
EXISTING LAND USE: Bare Land

Ron and Julie Boyd are requesting a vacation of a public road right-of-way that was platted as part of Smiling Julie Subdivision which was recorded on September 14, 1959, at Book 2, Page 26. The road has not been constructed.

The requested vacation is for the portion of Cheyenne Road between Julie Lane and Lots 37B and 47 (see attached plat). All nine (9) adjoining lots have access from roads that have been constructed.

If the road right-of-way is vacated, the land would become the property of the adjoining owners. The application includes signatures from the property owners of the nine adjoining lots stating they are in favor of the road vacation and are willing to accept the adjacent property.

The road right-of-way is on a timbered hillside. Approximately 300-ft of the northern portion of the road has been constructed in order to access Lot 37B.

FINDINGS:

1. The application was submitted on September 24, 2020.

2. Legal notice was posted in the *Star News* on October 22 and October 29, 2020. Potentially affected agencies were notified on October 13, 2020. Neighbors within 300 feet of the property line were notified by fact sheet sent October 14, 2020 via certified mail. The site was posted on October 22, 2020. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on October 13, 2020.

3. Agency comment received:

Donnelly Rural Fire Protection District has no comments or concerns. (Aug. 26, 2020 and Oct. 19, 2020)

Central District Health has no objection provided access is still afforded to all lots. (Oct. 13, 2020)

4. Neighbor comment received:

C. Joy, Libery Joy, Jonathan Long, and Carla Long recently purchased Smiling Julie Lot 40. They are in favor of the vacation of the unbuilt portion of the road and are willing to accept the property addition when the right-of-way is vacated. (Oct. 24, 2020)

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)

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.
- Deeds will need to be prepared by the applicant in order to convey the property along this portion of Cheyenne Road to the nine adjacent property owners.

ATTACHMENTS:

- Vicinity Map
- Assessor's Plat T.16N R.3E Section 16
- Portion of Accessor's Plat with requested vacation highlighted
- Pictures
- Responses

END STAFF REPORT

VAC 20-01 - portion of Cheyenne Road



9/28/2020, 11:18:40 AM

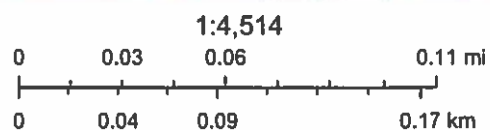


Parcel Boundaries Roads

All Road Labels

COLLECTOR

URBAN/RURAL

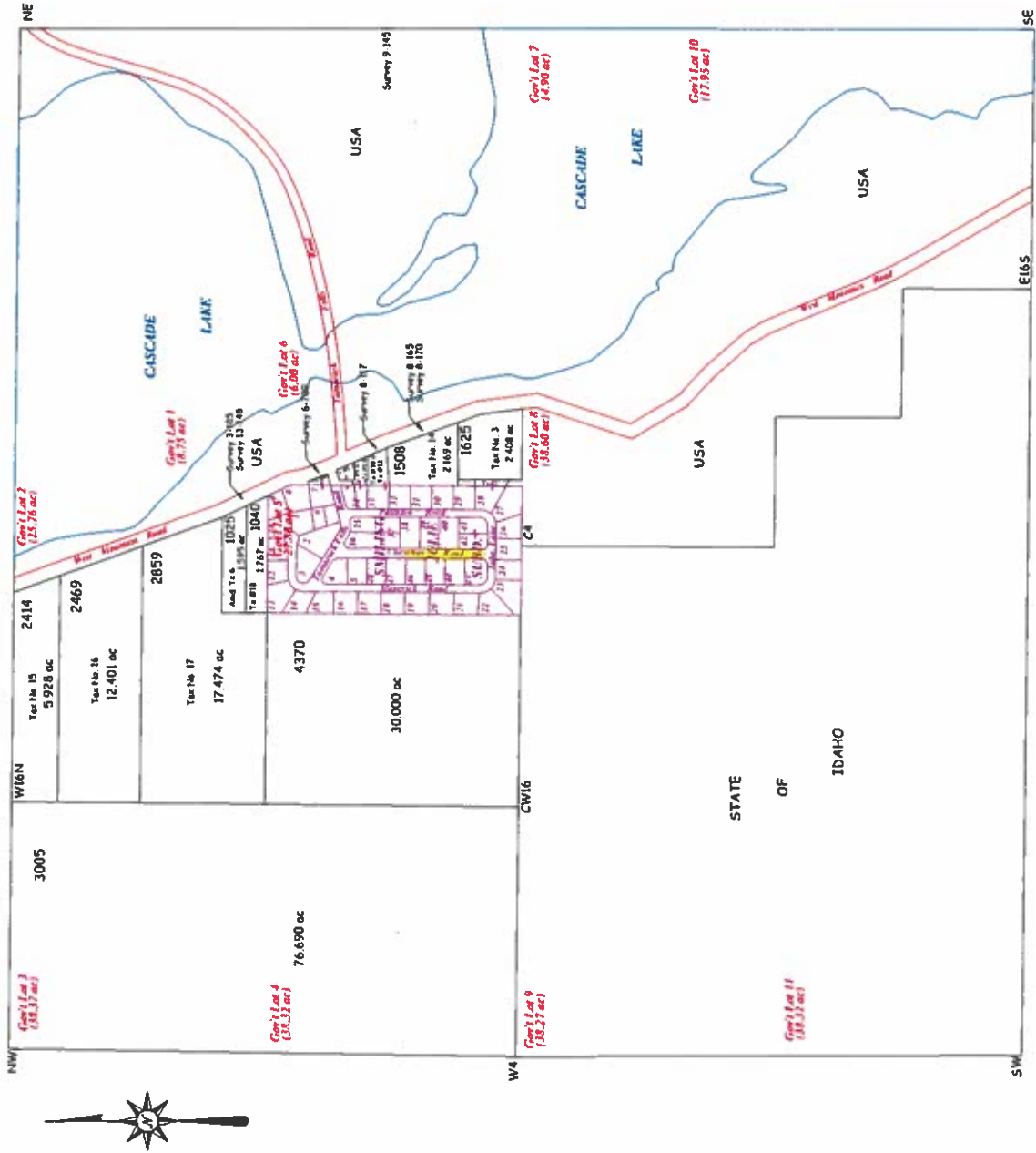


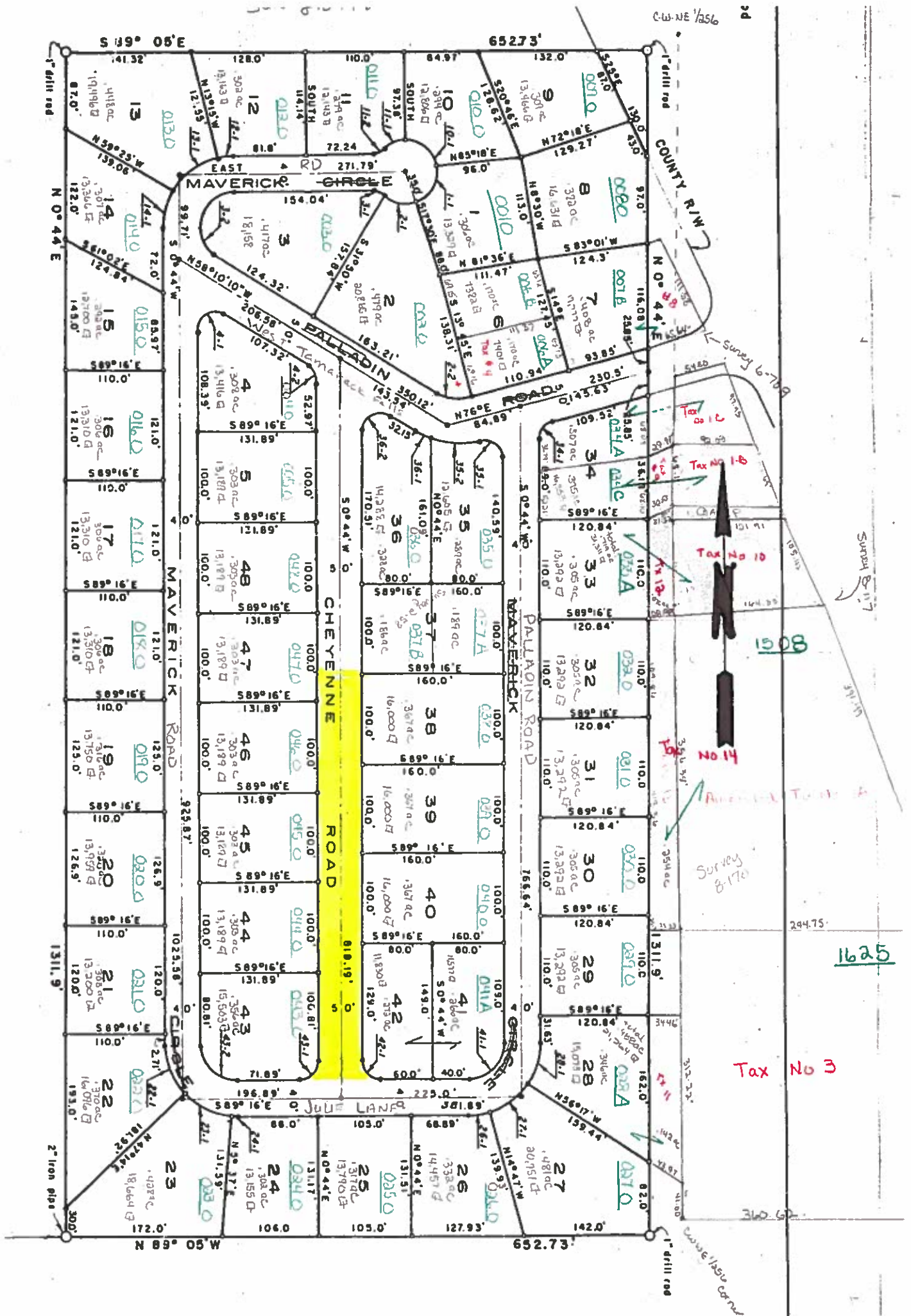
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

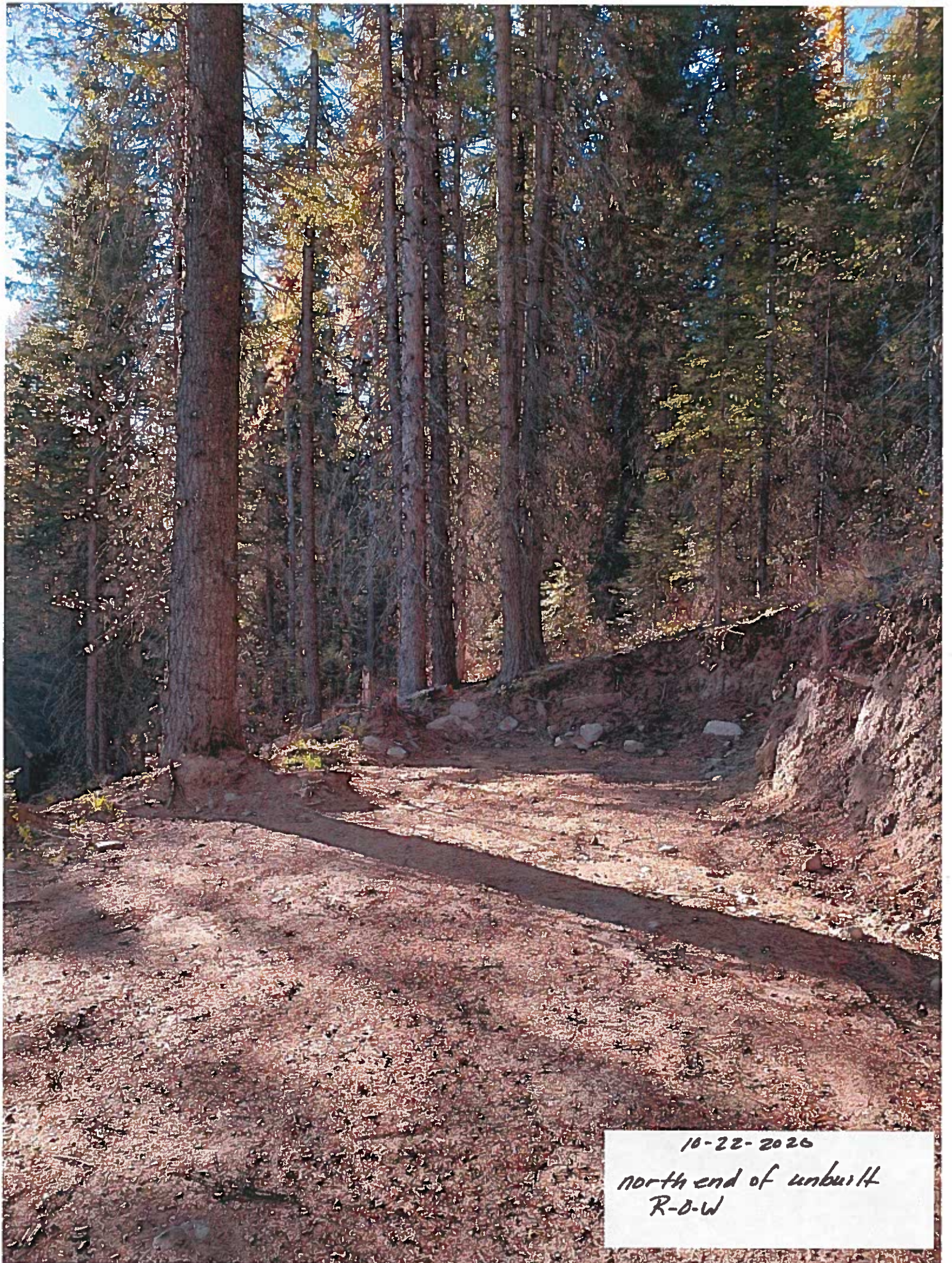
TWP. 16N ROSE SEC. 19

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

Filename: H:\proj\11\11\Valley County Reso Map
 Scale: 1" = 400 ft.
 Date: 8/8/18
 Drawn by: L Frederick

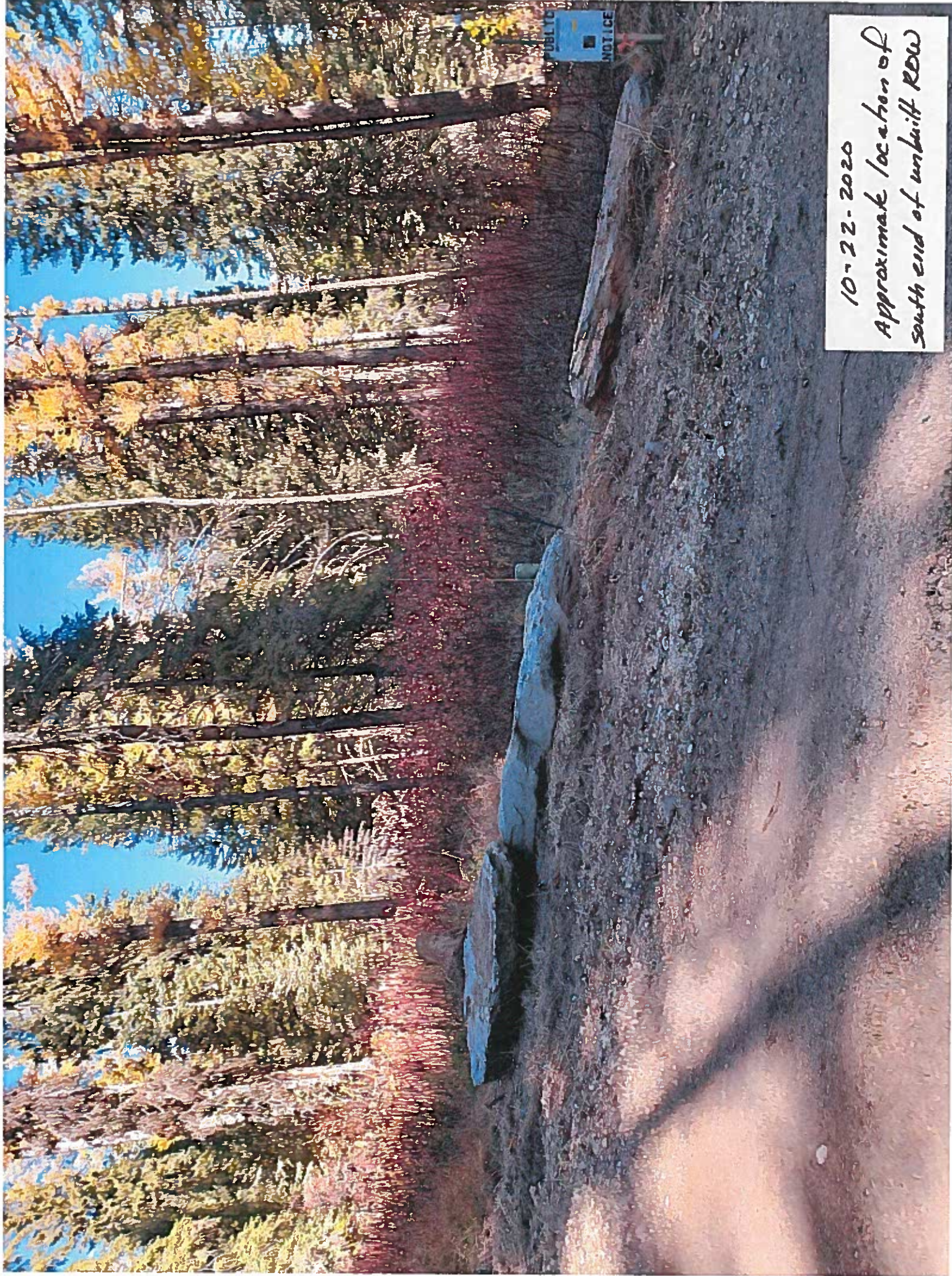






10-22-2020

north end of unbuilt
R-O-W



10-22-2020
Approximate location of
south end of unbuilt ROW



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

October 19, 2020

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: VAC 20-01 Vacation of Portion of Cheyenne Road

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

Please call 208-325-8619 with any questions.

Jess Ellis

Fire Marshal

Donnelly Fire Department



Donnelly Rural Fire Protection District

P.O. Box 1178 Donnelly, Idaho 83615

208-325-8619 Fax 208-325-5081

August 26, 2020

Valley County Planning & Zoning Commission

P.O. Box 1350

Cascade, Idaho 83611

RE: Cheyenne Road Vacation

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

A handwritten signature in blue ink, appearing to read "Jess Ellis".

Fire Marshal
Donnelly Fire Department



Valley County Transmittal
Division of Community and Environmental Health

Return to:

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

Rezone # VAC 20-01 Vacation alportan
Conditional Use # of Cheyenne Road
Preliminary / Final / Short Plat _____

Smoking Judy Sub

- ☐ 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. CDH has no objection to this proposal provided
ACCESS is still afforded to all lots.

Reviewed By: [Signature]

Date: 10.13.12

C. Joy, Liberty Joy, Jonathan Long, and Carla Long
6504 E Driver Court
Nampa, ID 83687
208-697-7170 (Jonathan Long)
Idaho4you@gmail.com (Jonathan Long)

October 24, 2020

Cynda Herrick
Planning & Zoning Administrator
PO Box 1350
Cascade, ID 83611
208-382-7115
cherrick@co.valley.id.us (sent via email)

RE: Lot 40 of Smiling Julie Subdivision & Vacation of Cheyenne Road

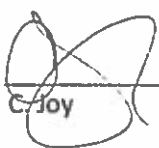
Dear Mrs. Herrick,

Our two families recently purchased lot 40 in the Smiling Julie subdivision with the intent of building a family vacation home. Please accept this letter as our confirmation of the previous owners' (Janice, Linda, and Lynda Kinney) September 28, 2020 letter advising your office that the owners are willing to accept the property addition when the right of way is vacated.

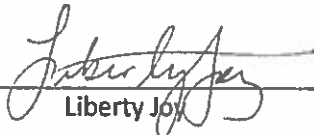
We recognize there is a public hearing on November 12, 2020 at 6:00 p.m. and plan to attend virtually. Please accept this letter as a public comment/recommendation to accept Ron and Julie Boyd's request to vacate the public road right-of-way that was platted, but not constructed.

If you have any questions, please feel free to contact us. Thank you and we appreciate your hard work.


Respectfully,



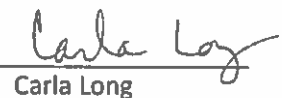
C. Joy



Liberty Joy



Jonathan Long
Genesis Real Estate
Licensed REALTOR®



Carla Long