



Sam Ross <sam.ross@bonnercountyid.gov>

Bonner County Planning File V0014-19 Agency Review

3 messages

Jeannie Welter <jeannie.welter@bonnercountyid.gov>

Tue, Jun 25, 2019 at 6:51 AM

To: merritt.horsmon@idfg.idaho.gov, tammy.alleman@idwr.idaho.gov, Army Corps of Engineers <shanel.p.slate@usace.army.mil>, Avista Copr - Jay West <jay.west@avistacorp.com>, Avista Corp - Peggy George <peggy.george@avistacorp.com>, Department of Lands <tfleer@idl.idaho.gov>, IDWR - Doug Jones <doug.jones@idwr.idaho.gov>, PHD <bcagencyrouting@phd1.idaho.gov>, Road & Bridge - Matt Mulder <matt.mulder@bonnercountyid.gov>, School District 84 Transportation - James Koehler <james.koehler@lposd.org>, Selkirk Fire Admin - RuthAnn Zigler <rzigler@selkirkfire.com>, "Selkirk, Sagle, Westside Fire Chief - Ron Stocking" <rstocking@selkirkfire.com>, Superintendent School Dist 84 <kelly.fisher@lposd.org>, US Fish & Wildlife Services - Christy Johnson Hughes <christy_johnsonhughes@fws.gov>, DEQ - Kristie McEnroe <kristie.mcenroe@deq.idaho.gov>, Natural Resource Conservation Service - Greg Becker <greg.becker@id.usda.gov>
Cc: Sam Ross <sam.ross@bonnercountyid.gov>, Emily Aerni <emily.aerni@bonnercountyid.gov>

Please see the attached agency review memo for the above-mentioned file.

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Thank you,

Jeannie Welter

**Bonner County Planning Department
Administrative Manager
208-265-1458 ext - 1267**

 **Agency Routing Memo V0014-19.pdf**
234K

Matt Mulder <matt.mulder@bonnercountyid.gov>

Tue, Jul 9, 2019 at 3:11 PM

To: Sam Ross <sam.ross@bonnercountyid.gov>

Sam,

In regards to the proposed setback and bulk variance on Eureka Rd: first, a little history; at one time, Bonner County did maintain Eureka Rd in front of this parcel. Sometime 20+ years ago, there had been a number of structures, including this garage, which were built out into the public's 50' prescriptive right-of-way. I'm told that the County entered into a battle with landowners to attempt to reclaim it's right-of-way and remove the illegal encroachments, but at some point the County abandoned their battle and opted instead to cease maintenance down this narrow road, leaving the property owners to maintain the road themselves.

As I understand it, a 50' wide prescriptive public right-of-way requires that the public (The County) must use and have performed maintenance within the last 5 years in order to preserve a prescriptive right-of-way. Having ceased maintenance more than 20 years ago, it would seem that The County abandoned their prescriptive rights and the Road & Bridge Department no longer has any claim to jurisdiction over this section of Eureka Road. The homeowners association and/or individual members of the public who have used and/or maintained this road since The County ceased maintenance may have their own prescriptive rights at this point, though that is a question for an attorney with experience in private access rights.

All of that said, the Road & Bridge Department has no official comments regarding the proposed variances, and must defer to any comments that the private users of this road might have.

-Matt Mulder, PE
Staff Engineer

Bonner County Road & Bridge
208-255-5681

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Sam Ross <sam.ross@bonnercountyid.gov>
To: Matt Mulder <matt.mulder@bonnercountyid.gov>

Tue, Jul 9, 2019 at 3:13 PM

Thanks, Matt.
I will add this to the project file.

Best,
Samuel Ross
Land-use Planner II

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