



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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February 20, 2025

Provolt Land Surveying
PO Box 580
Ponderay, ID 83852

Subject: File VS0004-24 - Title 50 Vacation - Irontop Ridge

To whom it may concern:

The Bonner County Commissioners at the February 12, 2025, public hearing approved the referenced petition with conditions.

Commissioner Domke made a motion to approve this petition, FILE VS0004-24, to vacate the plat known as "Irontop Ridge" recorded at Instrument No.1035134, Book of Plats 21, Page 96 of Bonner County Records, finding that it is in accord with Idaho Code as enumerated in the following conclusions of law:

Conclusion 1:

This proposal **is** compliant with the vacation criteria and standards set forth at Idaho Code §50-1306A.

Finding:

This petition was submitted to the Planning Department on September 10, 2024. This petition was noticed to neighbors within 300 feet on January 29, 2025, and was noticed in the newspaper on January 29, 2025 and February 5, 2025.

There is one ingress, egress, and utility easement located within the areas that are proposed to be vacated, according to the petition. The applicant has not proposed the vacation of this easement. Local utility providers were routed as part of agency review, and none responded.

Idaho Code §50-1317 does not apply to this project. The platted area is not located within any city limits.

Conclusion 2:

By granting of this petition for vacation, easements **will not** be vacated according to the legal description.

Finding:

The ingress, egress and utility easement will continue to exist, recorded at Instrument No. 1031798, per the applicant.

Conclusion 3:

Abandonment **will not** impede or deprive any property of legal access.

Finding:

This petition is to abandon the subject plat. This property and the remaining properties within the plat will not be left without legal access.

Conclusion 4:

Granting this petition for vacation **is** in the public's interest.

Finding:

The vacation would not prevent access, change the use and capability of the adjacent parcels, and would not create a condition that is in contrast with the Comprehensive Plan designation or current zoning that would create more potential impacts. This proposal would not be a detriment and returning the properties to their pre-platted status would be protecting the applicant's property rights.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in the taking of private property.

Commissioner Korn stepped down from the chair and seconded the motion.

Roll Call Vote:

Commissioner Domke	Aye
Commissioner Korn	Aye

The motion passed.

Notice of public hearing mailed via regular U.S. mail on January 29, 2025.

(12 at \$.68 each)	\$8.16
Legal Notice published 01/29/25 and 02/05/25	<u>\$66.98</u>
TOTAL DUE: \$	75.14

Findings of Fact:

- The applicant is requesting to vacate the plat of "Irontop Ridge", recorded at instrument no. 1035134, Book of Plats 21 Page 96.
- Based on materials submitted in this application, no real property adjoining the area to be vacated would be left without access to an established highway or public right-of-way.
- This petition was submitted to the Planning Department on September 10, 2024. This petition was noticed to neighbors within 300 feet on January 29, 2025, and was noticed in the newspaper on January 29 and February 5, 2025.
- There is one ingress, egress, and utility easement located within the area that is proposed to be vacated, according to the petition. The applicant has not proposed the vacation of this easement. Local utility providers were routed as part of agency review, and none responded.
- All utility easements will remain in place.
- Vacation of this right-of-way will not extinguish any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities.
- The vacation would not prevent access, change the use and capability of the adjacent parcels, and would not create a condition that is contrast with the Comprehensive Plan designation or current zoning that would create more potential impacts. This proposal would not be a detriment and returning the properties to their pre-platted status would be protecting the applicant's property rights.

Conditions of approval:

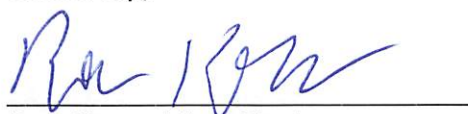
- A-1** The vacation of the platted area shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
- A-2** No lots or parcels shall be left without legal access.

Conditions to be Met Prior to Recording of the Resolution:

- B-1** The costs for legal advertisements and recording fees shall be borne by the petitioner and shall be paid in full to the Planning Department.
- B-2** The vacation of the platted area shall only be for the lot as described above. All easements existing on the subject area shall remain in place.

Please contact this department if you have any questions.

Sincerely,



Ron Korn, Vice Chair
Bonner County Commissioners