

**BONNER COUNTY PLANNING DEPARTMENT
BOARD OF COUNTY COMMISSIONERS
STAFF REPORT FOR FEBRUARY 12, 2025**



Project Name: Title 50 Vacation – Vacation of Irontop Ridge

File Number, Type: VS0004-24, Title 50 – Vacation of a Plat

Request: The petitioner is seeking to vacate the entirety of "Irontop Ridge" plat

Legal Description: Irontop Ridge, Book of Plats 21, Page 96, records of Bonner County, Idaho.

Location: The property site is located off Tahoe Drive in Clark Fork located in Section 16, Township 56 North, Range 2 West, Boise Meridian.

Parcel Number(s) 8-56N-2E IRONTOP RIDGE LOT 1 & 8-56N-2E IRONTOP RIDGE LOT 2

Area: ±19.48-acres

Applicant: Jonathan and Chelsea Mowery
2151 Highland Flats Road
Naples, ID 83847

Applicant Representative: Dan Provolt, Provolt Land Surveying
PO Box 580
Ponderay, ID 83852

Property owner: Same as applicant

Petition filed: September 10, 2024

Notice provided: Mailed: January 29, 2025
Published in newspaper: January 29 & February 5, 2025
Site Posting: January 28, 2025

Enclosure Appendix A-Notice of Public Hearing Record of Mailing

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Project summary:

The applicants are requesting a Title 50 Plat Vacation of "Irontop Ridge", recorded in Bonner County Records as instrument number 1035134, Book of Plat 21, Page 96 on July 01, 2024. The purpose of this vacation is to extinguish the current plat, and create four (4) 5-acre lots, instead of two (2) ~10-acre lots as was recorded by the plat. The 9.71 & 9.77-acre lots are zoned Rural 5. The project site is located off Tahoe Drive. This was platted through a Minor Land Division, MLD0020-24.

Applicable laws:

The following sections of Idaho Code apply to this petition:

- §50-1306A – Vacations of Plats – Procedures
- §50-1317 - Vacation Procedure in Unincorporated Areas and in Cities Not Exercising Their Corporate Functions — Filing of Petition — Notice of Hearing.

Overview:

A. Site data:

Plat Acreage: ±19.48 acres

Hydrologic Features: Lot 1 of this plat contains an intermittent stream.

Flood Hazard Zone: Entire property is within SFHA Zone X, per FIRM Panel 16017C1005E, Effective Date 11/18/2009.

Wetlands: Wetlands are present on the Lot 1 of this plat.

Slope: Few slopes at 15%-29% and 30%+ per USGS.

Soils: Pend Oreille silt loam, 5 to 45 percent slopes; not prime farmland.

Area to be vacated: ±19.48 acres.

B. Access: Access to the property is provided via Tahoe Drive, a privately owned and maintained road.

C. Standards review:

The project has been reviewed for conformance with Idaho Code §50-1306A, Vacation of Plats - Procedure, and Idaho Code §50-1317. The following facts relate to the standards of review:

- The petition to vacate a platted area complies with all State procedures set forth in IC §50-1306A and IC §50-1317.
- In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and existing travelway - these easements are to be left intact and are not vacated through the provisions of this petition.

- Abandonment would not impede or deprive any property of legal access.

D. Agency Review

Notice of this petition was given to taxing districts and agencies listed in Appendix A on January 29, 2025.

Comments Received:

Panhandle Health District.

No Comments:

Idaho Department of Fish & Game
Idaho Transportation Department

All other agencies did not respond

E. Public Notice & Comments

As of the date of this staff report, public comments have been received.

Planner's Initials: AF **Date:** February 5, 2025

Note: The final decision rests with the governing body after the completion of the public hearing and consideration of all relevant oral and written testimony and evidence.

Motion by the governing body:

BOARD OF COMMISSIONERS

MOTION TO APPROVE: I move 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 & §50-1317.

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.

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.

MOTION TO DENY: I move to deny 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, based upon the following conclusions:

Conclusion 1

This proposal **is/ is not** compliant with the vacation criteria and standards set forth at Idaho Code §50-1306A & §50-1317.

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 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.

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/will** 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/ will** 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 / is not** in the public's interest.

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, as amended, and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the vacation is to:

- 1) File a new petition with the Planning Department and meet the standards required by Idaho Code; or
- 2) Pursue such remedies as may be applicable at Idaho Code, Title 50, Chapter 13.

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.

Suggested 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.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online one week before the hearing at www.bonnercountyid.gov Bonner County Revised Code (BCRC) is available at the Planning Department or online.

APPENDIX A-Notice of Public Hearing Record of Mailing

RECORD OF MAILING

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File No.: V S 0 0 0 4 - 2 4

Record of Mailing Approved By:



I hereby certify that a true and correct copy of the "Notice of Public Hearing" was digitally transmitted or mailed (postage prepaid) on this **29th** day of **January, 2024**.



Jessica Montgomery, Hearing Coordinator

Assessor - Email

Bay Drive Recreation District - Email

Bonner County Airport Manager - Email

Bonner County EMS - Email

Bonner County Road & Bridge - Email

Bottle Bay Water & Sewer District - Email

City of Dover - Email

City of Hope - Email

City of Oldtown - Email

City of Priest River - Email

City of Spirit Lake - Email

Coolin-Cavanaugh Bay Fire District - Email

East Bonner Library - Email

Ellisport Bay Sewer - Email

GEM STATE MINER - U.S. Mail

Department of Environmental Quality (DEQ) - Email

Department of Lands - CDA - U.S. Mail

Department of Lands - Navigable Waters & Mining - Email

Idaho Department of Water Resources - IDWR - Email

Transportation Department- District I - Email

Kalispel Bay Sewer & Water - U.S. Mail

KPBX-FM 91 SPOKANE PUBLIC RADIO - U.S. Mail

Laclede Water District - Email

Pend Oreille School District, #84 (Transportation) - Email

Little Blacktail Ranch Water Association - U.S. Mail

Northern Lights, Inc. - Email

Northside Fire District - Email

Panhandle Health District - Email

Priest Lake Public Library District - Email

Sagle Valley Water & Sewer - Email

Schweitzer Fire District - Email

Selkirk Fire, Rescue & EMS - Email

Southside Water & Sewer District - Email

Spokesman-Review - U.S. Mail

Swan Shores Sewer District - U.S. Mail

Tamarack Village Water & Sewer - U.S. Mail

Trestle Creek Sewer District - Email

U.S. Fish & Wildlife Service - Email

West Bonner County Cemetery District - Email

West Bonner Library - Email

West Pend Oreille Fire District - Email

Avista Utilities - Email

Bayview Water & Sewer - Email

BONNER COUNTY DAILY BEE - U.S. Mail

Bonner County Floodplain Review - Email

Bonner County Sheriff - Email

City of Clark Fork - Email

City of East Hope - Email

City of Kootenai - Email

City of Ponderay - Email

City of Sandpoint - Email

Coolin Sewer District - Email

Drainage District #7 - Email

East Priest Lake Fire District - Email

Garfield Bay Water & Sewer District - Email

Granite Reeder Water & Sewer District - Email Idaho

Idaho Department of Fish & Game - Email Idaho

Idaho Department of Lands - Coolin - Email Idaho

Idaho Department of Lands - Sandpoint - Email

Idaho Transportation Department (Aeronautics) - U.S. Mail Idaho

Independent Highway District - Email

Kootenai-Ponderay Sewer District - Email

KSPT-KPND-KIBR RADIO - U.S. Mail

Lake Pend Oreille School District, #84 (Admin Office) - Email Lake

Lakeland Joint School District, #272 - Email

North of the Narrows Fire District - Email

Northland/Vyve Cable Television - Email

Outlet Bay Sewer District - Email

Pend Oreille Hospital District - Email

Priest Lake Translator District - Email

Sam Owen Fire District - Email

SELKIRK ASSOCIATION OF REALTORS - U.S. Mail

Selkirk Recreation District -Email

Spirit Lake Fire District - Email

State Historical Society - Email

Syringa Heights Water Association - Email

Timber Lake Fire District - Email

U.S. Army Corps of Engineers - Email

U.S. Forest Service - U.S. Mail

West Bonner County School District, #83 - Email

West Bonner Water & Sewer District - Email

West Priest Lake Fire District - Email