



BONNER COUNTY PLANNING DEPARTMENT

1500 HIGHWAY 2, SUITE 208, SANDPOINT, ID 83864 (208) 265-1458 (208) 265-1463 (FAX)
planning@bonnercountyid.gov (email) www.bonnercountyid.gov (web page)

PETITION TO VACATE PLATTED AREAS OR PLATTED RIGHTS-OF-WAY (IDAHO CODE - TITLE 50)

FOR OFFICE USE ONLY:

FILE #	RECEIVED:
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PETITIONER'S INFORMATION:

Name: _____			
Address: _____			
City: _____	State: _____	Zip Code: _____	
Phone: _____	Fax: _____		
E-mail: _____			
Additional Petitioners: _____			

REPRESENTATIVE'S INFORMATION:

Representative's Name: _____			
Company Name: _____			
Mailing Address: _____			
City: _____	State: _____	Zip Code: _____	
Telephone: _____	Fax: _____		
E-mail: _____			

PROJECT DESCRIPTION:

Subdivision name: _____		
Section: _____	Township: _____	Range: _____
Recording instrument number: _____		
Please provide detailed directions to the area to be vacated: _____ _____ _____		
Book: _____	Page: _____	Recording Date: _____
Portion of Plat to be Vacated: (Please choose one of the options below)		
☐ Right-of-way ☐ Lots ☐ Easement ☐ Other (Specify): _____		
Is the area proposed for vacation within any city's established Area of City Impact? ☐ Yes ☐ No		
If yes, list the city of impact: _____		

Note: Whenever a street, alley or other right-of-way is vacated, title shall revert to the owner of adjacent real estate, one-half on each side thereof or as the County deems in the best interests of the adjoining properties.

Explain the reason for the requested vacation.

☐ Yes ☐ No ☐ Not applicable

Are there sewer, water, gas, electrical or other utility or other easements located within the area to be vacated? ☐ Yes ☐ No

If yes, please provide the details of the easement(s): _____

Petitioner's Signature: Monica Miller Date: _____

February 2009



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Sandpoint, Idaho 83864
(208) 265-1458 FAX: (208) 265-1463

PETITION TO VACATE PLATTED AREAS OR PLATTED RIGHTS-OF-WAY (IDAHO CODE TITLE 50)

Instructions:

1. Prior to submittal of this petition, the petitioner shall discuss the proposal with a staff planner.
2. The following items shall be submitted in support of the petition to vacate:

☒ **A map of the area**, including a vicinity map, affected by the vacation request, showing relevant landmarks, subdivision boundaries, public rights-of-way and other features of the vicinity which might affect the request.

☒ **A narrative statement**, explaining the purpose of the proposed vacation request, including a review of the possible effects on adjoining landowners if the request is granted.

☒ **A legal description** of the land or interest proposed to be vacated. The legal description must be prepared by a licensed land surveyor whose seal and signature must be affixed to the submitted description.

☐ **The names and mailing addresses** of the petitioner and all current landowners, as shown by the Assessor's records, within 300 feet of the exterior of the area proposed to be vacated.

To be supplied by Bonner County Planning Dept.
per pre-app meeting on 3/25/26.

☒ **A completed application**

☒ **An application fee as follows:** \$420.00, plus the actual cost for mailing (via certified mail, return receipt requested) and legal advertisement. (Mailing and publication costs will be calculated following the public hearing.)

\$300 in application fees for the plat modification application that was submitted are to be applied to application fees leaving a balance due of \$120 for this application per pre-app meeting with BCPD on 3/25/26.

VICINITY MAP



1040656

Bk 22 Pg 71

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PROVIDENCE SUBDIVISION

SITUATE IN THE NE1/4 OF THE SE1/4 & THE S1/2 OF THE NE1/4 OF SECTION 1
TOWNSHIP 57 NORTH, RANGE 2 WEST, BOISE MERIDIAN
BONNER COUNTY, IDAHO

2" ALUMINUM CAP
CP&F FILED NOV. 8, 1985

T.58N., R.2W., B.M.
T.57N., R.2W., B.M.

T.57N., R.2W., B.M.
T.57N., R.1W., B.M.

N

S.1

S.30

S.6

S.1

S.6

S.1

S.6

S.1

S.6

S.1

S.6

S.1

S.6

S.1

S.6

S.1

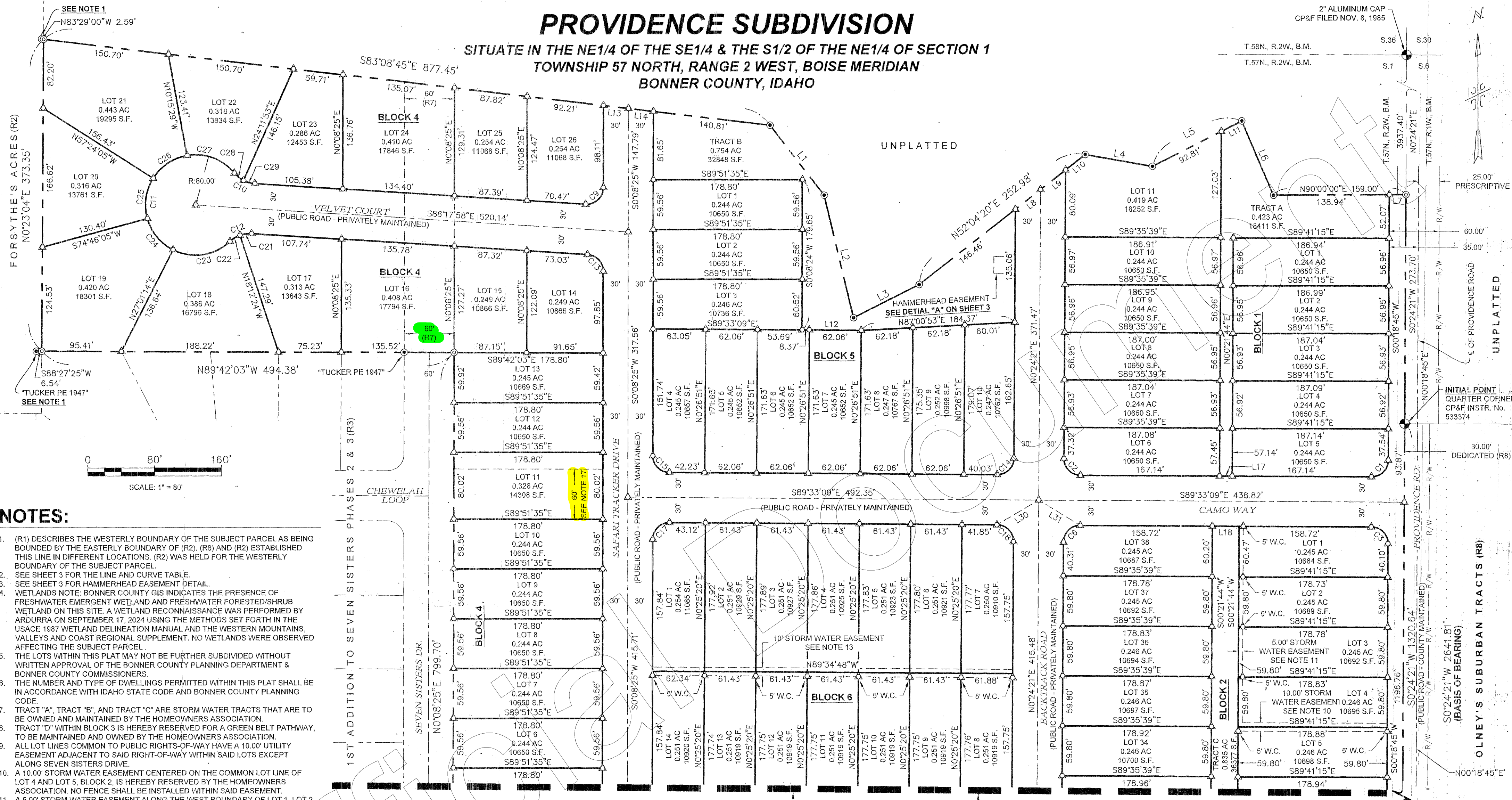
S.6

S.1

S.6

S.1

S.6



NOTES:

- (R1) DESCRIBES THE WESTERLY BOUNDARY OF THE SUBJECT PARCEL AS BEING BOUNDED BY THE EASTERLY BOUNDARY OF (R2), (R6) AND (R2) ESTABLISHED THIS LINE IN DIFFERENT LOCATIONS. (R2) WAS HELD FOR THE WESTERLY BOUNDARY OF THE SUBJECT PARCEL.
- SEE SHEET 3 FOR THE LINE AND CURVE TABLE.
- SEE SHEET 3 FOR HAMMERHEAD EASEMENT DETAIL.
- WETLANDS NOTE: BONNER COUNTY GIS INDICATES THE PRESENCE OF FRESHWATER EMERGENT WETLAND AND FRESHWATER FORESTED/SHRUB WETLAND ON THIS SITE. A WETLAND RECONNAISSANCE WAS PERFORMED BY ARDURRA ON SEPTEMBER 17, 2024 USING THE METHODS SET FORTH IN THE USAGE 1987 WETLAND DELINEATION MANUAL AND THE WESTERN MOUNTAINS, VALLEYS AND COAST REGIONAL SUPPLEMENT. NO WETLANDS WERE OBSERVED AFFECTING THE SUBJECT PARCEL.
- THE LOTS WITHIN THIS PLAT MAY NOT BE FURTHER SUBDIVIDED WITHOUT WRITTEN APPROVAL OF THE BONNER COUNTY PLANNING DEPARTMENT & BONNER COUNTY COMMISSIONERS.
- THE NUMBER AND TYPE OF DWELLINGS PERMITTED WITHIN THIS PLAT SHALL BE IN ACCORDANCE WITH IDAHO STATE CODE AND BONNER COUNTY PLANNING CODE.
- TRACT "A", TRACT "B", AND TRACT "C" ARE STORM WATER TRACTS THAT ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- TRACT "D" WITHIN BLOCK 3 IS HEREBY RESERVED FOR A GREEN BELT PATHWAY, TO BE MAINTAINED AND OWNED BY THE HOMEOWNERS ASSOCIATION.
- ALL LOT LINES COMMON TO PUBLIC RIGHTS-OF-WAY HAVE A 10.00' UTILITY EASEMENT ADJACENT TO SAID RIGHT-OF-WAY WITHIN SAID LOTS EXCEPT ALONG SEVEN SISTERS DRIVE.
- A 10.00' STORM WATER EASEMENT CENTERED ON THE COMMON LOT LINE OF LOT 4 AND LOT 5, BLOCK 2, IS HEREBY RESERVED BY THE HOMEOWNERS ASSOCIATION. NO FENCE SHALL BE INSTALLED WITHIN SAID EASEMENT.
- A 5.00' STORM WATER EASEMENT ALONG THE WEST BOUNDARY OF LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK 2 IS HEREBY RESERVED BY THE HOMEOWNERS ASSOCIATION. NO FENCE SHALL BE INSTALLED ALONG THESE LOT LINES OR WITHIN SAID EASEMENT.
- A 10.00' STORM WATER EASEMENT CENTERED ON THE COMMON LOT LINE OF LOT 31 AND LOT 32, BLOCK 2, IS HEREBY RESERVED BY THE HOMEOWNERS ASSOCIATION. NO FENCE SHALL BE INSTALLED WITHIN SAID EASEMENT.
- A 10.00' STORM WATER EASEMENT WITHIN BLOCK 6 IS HEREBY RESERVED BY THE HOMEOWNERS ASSOCIATION. NO FENCE SHALL BE INSTALLED WITHIN SAID EASEMENT.
- THE SUBJECT PROPERTY IS LOCATED WITHIN FEMA FLOOD ZONE "X", AREA OF MINIMAL FLOOD HAZARD, PER FIRM PANEL 16017C0710E WITH AN EFFECTIVE DATE OF 11/18/2009.
- THE FOLLOWING LOTS SHALL BE REQUIRED TO UTILIZE SHARED DRIVEWAYS, PER BONNER COUNTY ROAD AND BRIDGE REQUIREMENTS: BLOCK 1, LOT 1-2, LOT 3-4, BLOCK 2, LOT 1-2, LOT 3-4, LOT 5-6, LOT 7-8, LOT 9-10, LOT 11-12, LOT 13-14, LOT 15-16, AND LOT 17-18.
- ALL ROADS WITHIN THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC AS PRIVATELY MAINTAINED PUBLIC ROADS AND WILL BE CONSTRUCTED TO THE PRIVATELY MAINTAINED PUBLIC ROADS COUNTY STANDARDS. THEY HAVE NOT BEEN CONSTRUCTED TO COUNTY STANDARDS FOR COUNTY MAINTENANCE. THESE ROADS SHALL BE MAINTAINED AT THE SOLE EXPENSE OF THE PROPERTY OWNERS. THE EXTENSION OF SEVEN SISTERS DRIVE IS NOT BEING CONSTRUCTED AS A PART OF THIS PLAT.
- 60.00' WIDE PUBLIC UTILITY EASEMENT AND FIRE ACCESS EASEMENT.
- PURSUANT TO IDAHO CODE 50-1304(2)(L), PER PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATIONS NATIONAL PIPELINE MAPPING SYSTEM, THERE ARE NO EXISTING INTERSTATE NATURAL GAS TRANSMISSION PIPELINES OR INTERSTATE PETROLEUM PRODUCTS PIPELINES WITHIN 1000 FEET OF THIS DEVELOPMENT.
- PURSUANT TO IDAHO CODE 50-1332 & 50-1333, THE INTERIOR MONUMENT FOR THIS SUBDIVISION WERE NOT SET PRIOR TO RECORDING THIS PLAT. REFERENCE SURETY AGREEMENT FILING NO.
- THIS PLAT IS SUBJECT TO THE TERMS, CONDITIONS AND PROVISIONS AS OUTLINES IN THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S) RECORDED AS INSTRUMENT NO.

BASIS OF BEARING:

THIS PLAT WAS ESTABLISHED BY GPS CONTROL COORDINATES DERIVED FROM NGS OPUS SOLUTIONS USING A REFERENCE FRAME OF NAD83 (2011) (EPOCH: 2010.000) ALL BEARINGS REFER TO THE IDAHO COORDINATE SYSTEM OF 1983, WEST ZONE, (1103) - US SURVEY FT. REFER TO THE DRAWING FOR SPECIFIC LINE AND MONUMENTS USED. DISTANCES SHOWN HAVE BEEN CONVERTED FROM GRID TO GROUND USING A COMBINED ADJUSTMENT FACTOR (CAF) OF 1.000126659.

SURVEYOR'S NARRATIVE:

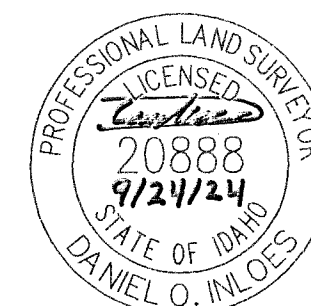
- THIS PLAT WAS PREPARED AT THE REQUEST OF HG FAMILY, LLC, AND EQUITY TRUST COMPANY CUSTODIAN FBO LEONARD BAUM ROTH IRA.
- THE BASIS OF BEARING WAS ESTABLISHED FROM FOUND MONUMENTS AT THE EAST QUARTER CORNER AND SOUTHEAST CORNER OF SECTION 1.
 - ALL FOUND MONUMENTS SUBSTANTIALLY MATCHED RECORD AND WERE HELD EXCEPT THOSE REFERENCED ON NOTE 1. THESE WERE NOT HELD DUE TO THE CONTROLLING CALL IN (R1) BEING FORSYTH'S ACRES.
 - THE BEARING OF THE EAST LINE OF BLOCK 1 AND BLOCK 2 OF THIS PLAT IS 35.00 FEET WEST OF AND PARALLEL TO THE CENTERLINE PROVIDENCE ROAD, AS FIELD LOCATED.

REFERENCES:

- (R1) WARRANTY DEED INSTRUMENT NO. 851584, 2013
(R2) FORSYTH'S ACRES, BOOK 7, PAGE 269, LANCE MILLER, PLS 6107, 2005.
(R3) 1ST ADDITION TO SEVEN SISTERS PHASES 2 & 3, BOOK 12 PAGE 45, RECORDED UNDER INSTRUMENT NO. 905042, MARK DUFFNER, PLS 8905, 2015.
(R4) RECORD OF SURVEY INSTRUMENT NO. 1013762, TYSON GLAHE, PLS 14879, 2022.
(R5) RECORD OF SURVEY INSTRUMENT NO. 617901, GILBERT BAILEY, PLS 10559, 2003.
(R6) RECORD OF SURVEY INSTRUMENT NO. 552497, RICHARD TUCKER, PE 1947, 1999.
(R7) 60' INGRESS/EGRESS & UTILITY EASEMENT, INSTRUMENT NO. 533696.
(R8) OLNEY'S SUBURBAN TRACTS, BOOK 1, PAGE 132, J.H. CAVE, LS 180, 1911.

LEGEND:

- FOUND ALUMINUM CAP MONUMENT, AS DESCRIBED
- FOUND 5/8" REBAR, "BRISTOL PLS 882" OR AS DESCRIBED
- SET 5/8"x24" REBAR WITH YELLOW PLASTIC CAP
- STAMPED "INLOES PLS 20888" OR "W.C. PLS 20888" AS SHOWN
- INTERIOR MONUMENT TO BE SET PURSUANT TO PER IDAHO CODE 50-1332 & 50-1333
- RECORD INFORMATION
- WITNESS CORNER
- SUBJECT PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- SECTION LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- ROAD CENTERLINE



Instrument # 1040656 B: 22 P: 71
Bonner County, Sandpoint, Idaho
11/14/2024 01:59:33 PM No. of Pages: 1
Recorded for: GLAHE & ASSOCIATES
Michael W. Rosedale
Ex-Officio Recorder Deputy
Index to: PLATS

PN:D21033

PAGE 2 OF 3

HMH
engineering

476864 Highway 95, Suite 3
Ponderay, ID 83852
(208) 635-5825

Before the Bonner County Zoning Commission
Request for Vacation: Minor Notational Change

PROJECT DESCRIPTION

The intent of this application is to amend plat note 17 of Providence Subdivision which provides for a 60.00' wide utility and fire access easement across Lot 11 of Block 4 (marked in yellow). The easement causes an encumbrance to most of the lot, restricting development.

BACKGROUND

The original intent of the easement was to provide connectivity to the Seven Sisters Subdivision, 1st Addition, Phases 2 and 3 to the west, however, this connectivity is already provided through a recorded easement across Lots 24 and 16 of Block 4 (Inst. No. 533696, marked in green). These lots were platted to accommodate a 60.00' wide easement while preserving enough space for the development of a single-family residence.

The easement was a topic of discussion during the Bonner County Board of Commissioners hearing on October 2, 2023, during which the Board approved Providence Subdivision. The request for an additional 60.00' easement was proposed and approved without input from the applicant who would have clarified that connectivity was already provided across Lots 24 and 16.

Bonner County Road and Bridge determined that an easement across Lot 16 would be adequate at the time of subdivision approval, stating that the identified 60-foot utility and ingress/egress easement across Block 4 Lot 16 would be essential to preserving future emergency access and connectivity, particularly if Providence Road were to become inaccessible due to maintenance, accidents, or other disruptions. While the City of Kootenai has expressed opposition to a direct connection, establishing a full-width, public right-of-way rather than a limited easement would better serve the public interest.

PROPOSAL

The applicant is proposing a revision to plat note 17. The revision will reduce the easement width while ensuring it meets current fire code standards and utility requirement by acknowledging that a 60.00' easement exists to provide future connectivity. The amendment also clarifies maintenance responsibilities, specifies allowable uses, and acknowledges public interest.

Plat note 17 currently states:

"60.00' wide public utility easement and fire access easement."

The applicant is proposing to amend the plat note to read:

"25.00' wide HOA-maintained fire access, public pedestrian path, and utility easement."

The subdivision currently complies and will continue to comply with BCRC Title 12, Chapter 6: Subdivisions. At this time, there is no provision on the plat stating that the easement is to serve as a public path, or that it is to be maintained by an HOA. The adjacent Seven Sisters subdivision was designed with this connection in mind, and failing to complete it could limit long-term accessibility and network continuity. The easement reduction from 60.00' to 25.00' is consistent with requirements set forth in Bonner County Revised Code (BCRC) and Northside Fire District; this is documented in agency comment letters from the BOCC's review of the plat in 2023.

EXHIBIT "A"
PARTIAL VACATION OF
PUBLIC UTILITY AND FIRE ACCESS EASEMENT

A partial vacation of an existing 60.00 foot wide public utility and fire access easement, being the south 60.00 feet of Lot 11, Block 4 of Providence Subdivision, as same is shown on the official plat thereof, recorded in Book 22 of Plats at Page 71 as Instrument No. 1040656 on November 14, 2024, Bonner County Records, situate in the northeast quarter of the southeast quarter of Section 1, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, being more particularly described as follows:

The North 35.00 feet of the South 60.00 feet of said Lot 11.

This description is intended to vacate the north 35.00 feet of said 60.00 foot wide easement that was dedicated on the plat of Providence Subdivision to a 25.00 foot wide easement, being the south 25.00 feet of said Lot 11.

The above described easement contains 4470 sq.ft.

Prepared by HMH Engineering, LLC.
Daniel O. Inloes, PLS 20888



