

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
DECEMBER 9, 2020**

CALL TO ORDER: Chair McDonald called the Bonner County Commissioners' hearing to order at 1:31 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Dan McDonald and Vice Chair Jeff Connolly

ABSENT: Steve Bradshaw

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Planning Director Josh Plich; Planner II Jason Johnson; Administrative Manager Jeannie Welter; and Administrative Assistant III Jenna Mickelson

PUBLIC HEARINGS:

ROAD VACATIONS

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File VS0002-20 - Title 50 - Vacation of Vista Largo 1 Plat - Eric Nunes is requesting the complete vacation of the Vista Largo 1 Plat through a Title 50 Vacation process. The property is zoned Agricultural/forestry 20 (A/f-20) and Agricultural/forestry 10 (A/f-10). The project is located off Jeep Trail Rd in Sections 6 & 7, Township 57 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

BOARD DELIBERATION: The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

MOTION TO APPROVE: Commissioner Connolly moved to approve this petition, FILE VS0002-20, Vacation of Vista Largo 1 Plat, finding that it is in accord with Idaho Code enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Connolly further moved to adopt the following findings of fact, conclusions of law and conditions of approval as written. 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 a taking of private property. After stepping down from the Chair, Commissioner McDonald seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Overview:

A. Site data:

Plat acreage: ±80.4 acres

Hydrologic Features: None.

Flood Hazard Zone: None. Entire property is within SFHA Zone X, per FIRM Panel 16017C0695E, Effective Date 11/18/2009 & FIRM Panel 16017C0715E, Effective Date 11/18/2009.

Wetlands: None mapped.

Slope: Virtually the entire property is sloped 15%-29% and 30%+ per USGS.

Soils: Treble, high precipitation-Rock outcrop complex, 35 to 65 percent slopes; Vay-Arduo association, 35 to 65 percent slopes; Pend Orellie silt loam, 5 to 45 percent slopes; Hun gravelly silt loam, 35 to 65 percent slopes.

Area to be vacated: ±80.4 acres

B. Access: Access to the property is provided via Jeep Trail Rd, a private that is not county maintained.

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

The petition was routed to the following agencies on November 10, 2020.

Panhandle Health District	Idaho Department of Fish and Game
Idaho Department of Water Resources	Idaho Department of Environmental Quality
School District #84	Idaho Department of Lands (Sandpoint)
Bonner County Road & Bridge Department	Northern Lights
U.S. Army Corps (Coeur d'Alene)	Bonner School District – transportation
West Side Fire	Avista Utilities
Bonner County Assessor's Office	Area of City Impact: Sandpoint
Bonner County Schools – Transportation	U.S. Fish and Wildlife Service

All routed agencies responded with no comment, or did not respond.

E. Public Notice & Comments

There have been no public comments at the time this staff report was produced.

Conclusions of Law:

The Overview section of the staff report above is the basis for all of the following findings of fact and conclusions of law. Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

This proposal is compliant with the vacation criteria and standards set forth at Idaho Code §50-1306A and §50-1317.

Finding

No public agency has objected to the proposed easement vacation. There are no utilities easements located within the areas that are proposed to be vacated, according to the petition. Local utility providers were routed as part of agency review, and none responded.

Conclusion 2

By granting this petition for vacation, the easement will be vacated according to the included survey and legal description.

Finding

The 60-foot easement known as Jeep Trail Road will continue to exist per instrument 913580. The vacation does not include utility easements.

Conditions of approval:

1. The vacation of the above-described platted area shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the petitioner and shall be paid prior to the recording of this vacation.

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File VS0004-20 - Vacation of Platted Easement – Neil Howard is requesting to vacate a five foot portion of a 30 foot easement in order to build a carport/woodshed. The platted easement is an ingress/egress, utility easement to Lot 6 Block 2 of Carr Creek Subdivision. The property is zoned Rural-10. The project is located off Carr Creek Road in Section 23, Township 57 North, Range 3 West, Boise-Meridian.

STAFF PRESENTATION: Planning Director Milton Ollerton presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

BOARD DELIBERATION: The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

MOTION TO APPROVE: Commissioner Connolly moved to approve this petition, FILE VS0004-20, Vacation of Platted Easement, finding that it is in accord with Idaho Code enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Connolly further moved to adopt the following findings of fact, conclusions of law and conditions of approval as written. 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 a taking of private property. After stepping down from the Chair, Commissioner McDonald seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Overview:

A. Site data:

Hydrologic Features: Intermittent stream runs through the eastern portion of the property.

FIRM Map: 16017C0695E

Wetlands: follows the intermittent stream on the eastern portion of property

Slope: 15-29% per USGS with some greater than 30%

Soils: Pend Oreille-Rock Outcrop Complex, 5 To 45 Percent Slopes.

Area to be vacated: ±300 square feet

B. Access: Access to the area is provided off Highway 2 on Carr Creek Road with the easement being as the dedicated roadway ends at the petitioner's property.

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 slope purposes, public notice of intent to vacate is not required. These easements are to be left intact and are not vacated through the provisions of this petition.
- The vacation of five (5) feet of this easement will benefit the neighboring property owner by allowing for a setback from the carport to the easement. The remaining 25 feet of easement is adequate for access to both properties.
- Vacating five (5) feet of a 30 foot easement will not impede or deprive any property of legal access.

D. Agency Review: The application was routed to the following agencies on November 10, 20.

Bonner County Road and Bridge	Bonner County Schools – Transportation
West Side Fire District	Area of City Impact: Dover
Northern Lights	

- No comments have been received at time of the staff report.

E. Public Notice & Comments: No public comments have been received at time of the staff report

Conclusions of Law:

The Overview section of the staff report above is the basis for all of the following findings of fact and conclusions of law. Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, IC §50-1306A and IC §50-1317.

Finding

The vacation is for five (5) feet of a 30 foot easement as shown on Lot 24A of the Carr Creek Subdivision plat.

Conclusion 2

The abandonment of the easement **is** in the public interest.

Finding

No public agency has objected to the proposed right-of-way vacation.

Conclusion 3

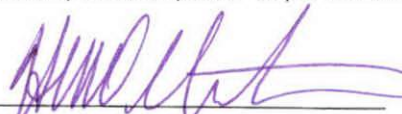
By granting this petition for vacation, the exchange of land from the existing easement is beneficial to applicant, the public and the County.

Conditions of approval:

1. The vacation of the above-described platted area shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the applicant and shall be paid prior to the recording of this vacation.

The Chair declared the hearing adjourned at 1:45p.m.

Respectfully submitted, this 9th day of December, 2020,


Milton Ollerton, Planning Director