

[EXT SENDER] Text of comments I made at Aug 2 public hearing

1 message

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Tue, Aug 2, 2022 at 5:19 PM

To: Bonner county Planning <planning@bonnercountyid.gov>

- 1). I couldn't find on the website a link to the document <https://www.bonnercountyid.gov/FileAM0012-22>
- 2). The table of goals/objectives/policies in the Implementation section of current Comp Plan doesn't match with the text under the individual components. For example:

From Property Rights component:

OBJECTIVES & POLICIES

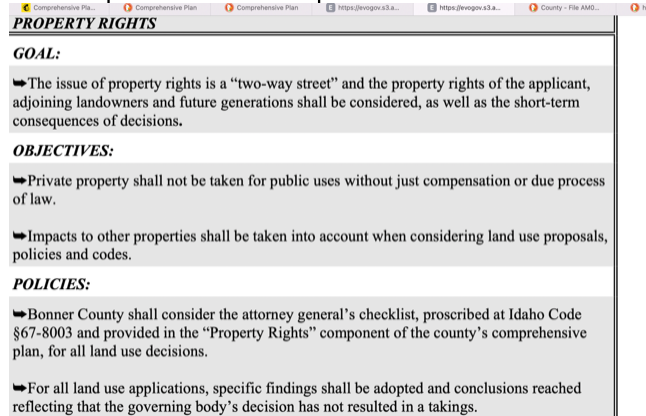
1. Private property shall not be taken for public uses without just compensation or due process of law. Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.
2. Bonner County shall consider the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.
3. For all land use applications, specific findings shall be adopted and conclusions reached reflecting that the governing body's decision has not resulted in a taking.
4. Decisions shall reflect the justifications for exactions, conditions and restrictions and shall confirm that a taking of private property has not occurred.

ACTION PLAN

In order to comply with the requirements of Idaho Code set forth above, Bonner County and its agencies should:

1. Review new Comprehensive Plan policies, zoning ordinances and other regulations for consistency with Idaho Code.
2. Before finalizing any administrative or regulatory action prescribed by the Local Land Use Planning Act, use the review process and guidelines established by the Attorney General of the State of Idaho (Idaho Code §67-8003) to evaluate whether such action may result in an unconstitutional taking of private property. This should be done on a case-by-case basis with guidance from the state Attorney General and County legal counsel, as needed.
3. Promote and make available regular training with County staff to ensure that they properly adhere to and apply provisions of Idaho Code 67-8003 in land use planning and development review processes.

From Implementation Component



PROPERTY RIGHTS

GOAL:

➤ The issue of property rights is a "two-way street" and the property rights of the applicant, adjoining landowners and future generations shall be considered, as well as the short-term consequences of decisions.

OBJECTIVES:

➤ Private property shall not be taken for public uses without just compensation or due process of law.

➤ Impacts to other properties shall be taken into account when considering land use proposals, policies and codes.

POLICIES:

➤ Bonner County shall consider the attorney general's checklist, proscribed at Idaho Code §67-8003 and provided in the "Property Rights" component of the county's comprehensive plan, for all land use decisions.

➤ For all land use applications, specific findings shall be adopted and conclusions reached reflecting that the governing body's decision has not resulted in a taking.

- 3) Many components (natural resources, agriculture, hazards,...). will be impacted by population growth and extreme weather events. Either address those factors in relevant components, or add an introduction paragraph that adds the context.