

**[EXT SENDER] Comp plan goals objectives and policies**

1 message

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

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Planning Commissioners,

Thank you for your time and effort!

This is a difficult task you have taken on to update the implementation chapter of the comp plan. I have the privilege to serve on the zoning commission and through that work I have a new appreciation for these goals, policies and objectives. They are the working portion of the greater document that guides us in our work. I will not say that they are perfect as written but, I worry that some of your suggested changes will have immediate real world negative effects.

Recently we were asked to issue a Conditional Use Permit for a wedding venue in a residential area. Many of the neighbors came to the meeting to express concerns about having large gatherings at regular intervals. They were concerned about the impacts to their privately maintained road, drunk drivers, the noise and potential for fire danger. Real people, real concerns, real world property rights challenges. Because of the current wording in our property rights section of the plan:

**Section 2.1 - Property Rights**

<b>PROPERTY RIGHTS</b>
<b>GOAL:</b> → 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.
<b>OBJECTIVES:</b> → 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.

The guidance that property rights is a two way street was helpful in crafting conditions that met the needs of the applicant and the needs of the neighbors.

I feel like I'm doing good work when we can create a compromise that keeps the peace in a neighborhood, when all who took their time to attend the meeting feel heard and considered and each of our constituents, not just the applicant, feel that there is due process!

The regulatory takings act, Idaho statute, Idaho constitution and the United States constitution offer strong protection for private property rights but also uphold the rights of the public and often speak to the public good. If you are attempting to craft a good guide for legal procedure it is essential that it be balanced and not all in favor of one group over another or it will not have the effect of keeping the peace and will not hold up to the test of time.

Here are some suggestions as to how this section could be worded in green:

## PROPERTY RIGHTS

### GOAL:

- Bonner County shall protect property rights by complying with state law relevant to all county land use actions.
- Bonner County shall consider the property rights of all citizens as well as the value of public property in all land use decisions.
- 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.
- Public property shall not be taken for private 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.
- Privately maintained roads are private investments with private property rights that shall be considered when making land use decisions.

### POLICIES:

- Bonner County shall consider follow 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.
- Decisions shall For all land use decisions findings of fact and conclusions of law shall be adopted that reflect the justifications for exactions, conditions and restrictions and shall confirm that a taking of private property has not occurred.
- 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 takings.
- The property rights of the applicant, adjoining landowners and future generations shall be considered, as well as the short-term consequences of decisions.

The guidance offered in the Recreation section of our plan has been clear that as we grow there is a growing need to add public access points to our natural amenities to keep a comfortable proportion. More growth means more people who use the public access points so if we do not expand capacity we will be overcrowded - we are seeing overcrowding already! In the economic growth section you encourage support for recreation based businesses and the access they depend on: Support local economic development by increasing support for outdoor recreation in Bonner County. Encourage and protect public access to public lands and water, campgrounds, and recreational areas.

And yet the Recreation section is written in a way that seems to restrict the expansion of and protection of these access points.

Here are my suggestions on how this section could be worded:

### RECREATION:

#### GOALS:

- Public and private recreational opportunities are recognized as a major county asset to be protected and encouraged

#### OBJECTIVES:

- Public **legal** (strike legal and go back to just original wording that word would only be used to initiate lawsuits over the many grey areas that we know) recreational accesses and amenities shall not be obstructed or adversely impacted by future development.

**POLICIES:**

- Bonner County should **needs to is encouraged to** develop a waterways and park access program to preserve existing and develop additional access to public recreational lands and waterways. The program should include retaining access parcels that may be acquired from tax sales or private donations. As development of the area's waterways continues, public access to public waterways is being eroded.
- A plan for a system of green belts and pathways (bike and pedestrian) should be **considered prioritized** as areas develop, so that a connected system can be developed and preserved.
- **Bike and "multi-use" trail and recreation systems should be developed by the county as an "economic bootstrap" for the area to add to the existing attractions.**
- **Under no circumstances, will Bonner County require access easements on private property as a condition of development.** *(this sentence should be changed to: Bonner County may require access easements on private property as a condition of development In the effort to prioritize public access to our natural amenities)*

At the meeting on August 2nd many folks spoke out with concern about the process that is being used to update this working segment of our plan. I have heard many comments expressing a lack of trust in our county government process around land use law. As a long-time local who loves our home (Bonner County) very deeply, I am sad to think that so many of our constituents have such little faith in the work we are doing for them. Like you, I have stepped up to be a part of the process. My goal is to rebuild public trust through good work, transparency and direct communication. I ask that you consider and act upon the requests for changes to this proposed process to be more responsive to the needs of our constituency in an effort to build public trust.

Thank you for your efforts and your consideration.

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