

Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Planning Commission

Staff Report for February 6, 2024

Amendment Title **Amendment to the Comprehensive Plan – Natural Resources**

File Number, Type: **AM0001-24; Comprehensive Plan Text Amendment**

Proposal: To consider an amendment to the Natural Resources component of the Comprehensive Plan.

Applicant: Bonner County Planning Commission
C/O Bonner County Planning Department,
1500 United States Highway 2, Suite 208,
Sandpoint, ID 83864

Project Representative Bonner County Planning Department,
1500 United States Highway 2, Suite 208,
Sandpoint, ID 83864

Notice provided: Published in Newspaper: January 10, 2024
Notice to cities and political subdivisions: January 10, 2024

Notice of the public hearing to consider the amendment to Bonner County Comprehensive Plan has been provided at least 15 days prior to the hearing to the political subdivisions providing services in Bonner County, to area newspapers, radio and television stations, incorporated cities within Bonner County, and the school districts, consistent with Idaho Code §67-6509.

Project Authority:

This Comprehensive Plan amendment is proposed under the authority granted at Idaho Code:

- §31-714 through §31-716 Board of County Commissioners;
- §31-801 Powers And Duties Of Board Of Commissioners;
- §67-6508 Planning Duties;
- §67-6509 Procedural requirements, recommendation and adoption, amendment, and repeal of the Plan;

Agency and Public Comment:

Agency Review: The application was routed to the following agencies for comment on **January 8, 2024.**

All Taxing Districts	Lake Pend Oreille School District #84 - Admin
Area of City Impact: Clark Fork	Lake Pend Oreille School District #84 - Transportation
Area of City Impact: Dover	Lakeland Joint School District #272
Area of City Impact: East Hope	Lakes Highway District
Area of City Impact: Hope	Little Blacktail Ranch Water Association
Area of City Impact: Kootenai	Midas Water Corporation
Area of City Impact: Oldtown	Montana Rail Link
Area of City Impact: Ponderay	Mountain Utility Company
Area of City Impact: Priest River	Natural Resource Conservation Service
Area of City Impact: Sandpoint	New Schweitzer Ski Village
Area of City Impact: Spirit Lake	North of the Narrows Fire District
Avista Utilities	Northern Lights, Inc.
Bay Drive Recreation District	Northland Cable Television
Bayview Water & Sewer	Northside Fire District
Blanchard Cooperative Water Assoc. Inc.	Northside Water District
Bonner County EMS	Northwest Medstar
Bonner County GIS Department	Oden Water Association
Bonner County Historical District	Outlet Bay Sewer District
Bonner County Road & Bridge	Pack River Cemetery
Bonner County Sherriff	Panhandle Health District
Bonner Historical Society	Pend Oreille Hospital District
Bonneville Power Administration	Pend Oreille Valley Railroad
Bottle Bay Water & Sewer District	Pine Bluff Mutual Water Co, Inc.
Bureau of Land Management – CdA District	Pine Bluff Water System
Burlington Northern Santa Fe (BNSF)	Priest Lake Golf Club Estates Water, Inc.
CDS Stonebridge Utilities	Priest Lake Public Library District
Cedar Grove Water System	Priest Lake Translator District
Clark Fork Library	Priest River Airport
Clark Fork Valley Fire	Public Works Department
Colburn Water Association	Round Lake State Park
Coolin Sewer District	Sagle Valley Water & Sewer
Coolin-Cavanaugh Bay Fire District	Sam Owen Fire District
Drainage District #7	Sandpiper Shores Master Utility, LLC
East Bonner Library	Sandpoint Aviation
East Priest Lake Fire District	Schweitzer Basin Water
Ellisport Bay Sewer	Schweitzer Fire District
Environmental Protection Agency	Schweitzer Resort Water
Federal Aviation Administration	Schweitzer Ski Village
Federal Emergency Management Agency	Selkirk Fire, Rescue & EMS

Frontier Communications	Selkirk Recreation District
Garfield Bay Water and Sewer District	Southside Fire District
Gas Transmission Northwest Corp.	Southside Water & Sewer District
General Telephone Company	Spirit Lake East Water District
Granite Reeder Water & Sewer District	Spirit Lake Fire District
Humane Society of U.S.	SPOT
Idaho Agricultural Aviation Association, Inc.	State Historical Society
Idaho Department of Environmental Quality	Stoneridge Utilities
Idaho Department of Fish & Game	Sunnyside Water Association
Idaho Department of Health and Welfare	Swan Shores Sewer District
Idaho Department of Insurance	Syringa Heights Water Association
Idaho Department of Lands - CdA	Talache Water Association, Inc.
Idaho Department of Lands - Coolin	Tamarack Village Water & Sewer
Idaho Department of Lands - Sandpoint	The Spires Water Company, LLC
Idaho Department of Lands- Navigable Waters & Mining	Timber Lake Fire District
Idaho Department of Parks and Recreation	Trestle Creek Sewer District
Idaho Department of Water Resources	U.S. Army Corps of Engineers (USACE)
Idaho Division of Building Safety	U.S. Department of Agriculture
Idaho Humane Society	U.S. Fish & Wildlife Service
Idaho Panhandle National Forest	U.S. Forest Service
Idaho State Police - CdA	Union Pacific Railroad (Spokane International)
Idaho Transportation Department - Aeronautics	Verizon
Idaho Transportation Department – District I	VP, Inc.
Independent Highway District	Vyve Broadband/ Northland Cable Television
Inland Power & Light	West Bonner County Cemetery District
Kalispel Bay Sewer & Water	West Bonner County School District #83
Kalispel Tribe of Indians	West Bonner Library
Kokanee Park Water System	West Bonner Water & Sewer District
Kootenai Indian Tribe	West Pend Oreille Fire District
Kootenai-Ponderay Sewer District	West Priest Lake Fire District
Kullyspell Water	Westmond Water District
Laclede Water District	Whispering Pines Cemetery

The following agencies replied with comments*:

Idaho Department of Water Resources:

"Based upon our understanding of the project, the Idaho Department of Water Resources determined it is non jurisdictional."

Independent Highway District:

"Our agency is not affected by the proposed changes. We have no comments." "I reviewed the proposed amendment to the existing Bonner County Comprehensive Plan for the Natural Resources Component. This section covers the water bodies, forests, soils, wildlife and minerals. I don't have any comments to add for IHD."

Idaho Department of Environmental Quality– requested various changes throughout Chapter 1 Water Bodies, and septic and drainfield setback information throughout the entire component. See the full agency comment for details.

Idaho Department of Fish and Game – requested additional changes to sections 1.1 Surface Waters; 1.3 Wetlands; 1.5 Fisheries and their Uses; 1.6 Beaches, Harbors and their Uses; and 4.1 General Overview (Wildlife). See the full agency comment for details.

The following agencies replied with “no comments”:

Spirit Lake Fire Protection District
Kootenai-Ponderay Sewer District
Inland Power and Light Company

Public Comments: No public comments were received as of January 26, 2024*.

*Note: During several workshops, see dates below, while the component was in various draft stages several agency comments and public comments were received. These comments have been included as part of the record for this file.

Staff Review and Analysis:

Bonner County first adopted a Comprehensive Plan by resolution of the Board of County Commissioners on July 21, 1978, recorded at Instrument #202678, Bonner County records. The component “Natural Resources” was included in the Comprehensive Plan adopted at that time.

Subsequently, the Plan was amended by adoption of the Natural Resources Component through Resolution #03-19, recorded on May 8, 2003, Instrument No. 624303 in Bonner County records.

During this current attempt at updating the comprehensive plan, the Bonner County Planning Commission members met and gathered input from the public and public agencies through a series of public workshops and/or public hearings in order to make meaningful updates to this component.

Schedule of Workshops and Hearings:

- Planning Commission’s Discussion Workshop:
June 20, 2023; August 1, 2023; August 15, 2023; September 5, 2023; September 19, 2023; October 3, 2023; October 17, 2023; and December 12, 2023
- Planning Commission’s Workshop with Agencies:
May 2, 2023; May 16, 2023; June 6, 2023; and July 18, 2023
- Planning Commission’s Public Input Workshop:
November 7, 2023; November 14, 2023; and December 5, 2023
- Planning Commission Hearing:
February 6, 2024

Idaho Code §67-6508 charges the Planning Commission with the duty of *“conducting a comprehensive planning process designed to prepare, implement, and review and update*

a comprehensive plan". Idaho Code further states, "The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded."

In relation to the Natural Resources component, Idaho Code states,

(f) Natural Resources — An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

The proposed amendments to the Comprehensive Plan meets these standards as stated above.

Motion by the Governing Body:

PLANNING COMMISSION

MOTION TO RECOMMEND APPROVAL: I move to recommend to the Board of County Commissioners **approval** of this amendment to the Bonner County Comprehensive Plan, File AM0001-24 – update to the Natural Resources component, finding that it **is** in accord with the requirements of Idaho Code Section 67-6508 and the procedures set forth in Idaho Code Section 67-6509 as enumerated in the following findings of fact and conclusions of law, and 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 following findings of fact and conclusions of law as written (or as amended). This action does not result in a taking of private property.

MOTION TO RECOMMEND DENIAL: I move to recommend to the Board of County Commissioners **denial** of this amendment to the Bonner County Comprehensive Plan – File AM0001-24 – update to the Natural Resources component, finding that it **is not** in accord with the requirements of Idaho Code Section 67-6508 and the procedures set forth in Idaho Code Section 67-6509, based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. This action does not result in a taking of private property.

Findings of Fact:

1. Per Idaho Code Chapter 65, Title 67, it is the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan.
2. The Board of County Commissioners is authorized by Idaho Code, Chapter 7, Title 31, to adopt ordinances, rules and regulations "...not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein..."

Conclusions of Law:

1. The proposed amendment **is** in accord with Idaho Code Sections 67-6508 and 67-6509.

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available prior to the scheduled hearing at www.co.bonner.id.us. Bonner County Revised Code (BCRC) is available at the Planning Department or online.