



# BONNER COUNTY PLANNING DEPARTMENT

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## TITLE 12 TEXT AMENDMENT APPLICATION

### FOR OFFICE USE ONLY:

FILE #  AM0003-24	RECEIVED:  Received by Bonner County Planning Department on 04/18/2024
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### PROPOSED AMENDMENT:

The applicant is requesting an amendment to Bonner County Revised Code, Title 12
Updates to the following code sections: proposed changes to Chapter 4 subchapters 12-411 and 12-412, and to Chapter 8 subchapters 12-801 and 12-804, see attached Appendix A.

### APPLICANT INFORMATION:

Landowner's name: Bonner County		
Mailing address: 1500 Hwy 2 Suite 208		
City: Sandpoint	State: ID	Zip code: 83864
Telephone: 208-265-1458	Fax:	
E-mail: planning@bonnercountyid.gov		

### REPRESENTATIVE'S INFORMATION:

Representative's name: Jake Gabell, Planning Director		
Company name: Bonner County Planning		
Mailing address: Same as applicant		
City:	State:	Zip code:
Telephone:	Fax:	
E-mail:		

### ADDITIONAL APPLICANT REPRESENTATIVE INFORMATION:

Name/Relationship to the project:		
Company name:		
Mailing address:		
City:	State:	Zip code:
Telephone:	Fax:	
E-mail:		

**PROJECT DETAILS:**

Current code states:

Proposed changes to Chapter 4 subchapters 12-411 and 12-412, and to Chapter 8 subchapters 12-801 and 12-804, see attached Appendix A.

Effective date of the current code:

BCRC 12-411(Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010; Ord. 516, 6-9-2010; Ord. 520, 12-8-2010; Ord. 538, 6-26-2014; Ord. 606, 7-14-2020; Ord. 700, 10-11-2023)

BCRC 12-412 (Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010; Ord. 538, 6-26-2014; Ord. 606, 7-14-2020; Ord. 615, 11-18-2020; Ord. 700, 10-11-2023

BCRC 12-801 (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020; Ord. 661, 3-18-2022)

BCRC 12-804 (Ord. 558, 12-14-2016; amd. Ord. 598, 1-22-2020; Ord. 607, 7-22-2020; Ord. 696, 7-12-2023)

Proposed code:

See attached Appendix A for additional detail.

Explain in detail the reason for requested code amendment:

See Appendix A for a detailed explanation of each proposed change.

What circumstances warrant an amendment to title 12? Explain why an amendment to title 12 is appropriate, detailing changes that have occurred since the present code was adopted or circumstances that warrant a reconsideration of the code: (attach additional pages if necessary)

BCRC 12-411 Density And Dimensional Standards; Forestry, Agricultural/Forestry And Rural Zones: Removal of requirements and exceptions notes 13 and 14; modification of note 9. Removal of requirements and exceptions note 14, and establish a maximum lot coverage of 35% for all zones in Table 4-1. Removal of requirements and exceptions note 13, agriculture building setbacks, in its entirety; all other building setback requirements remain. Modifying requirements and exceptions note 9 to conform to the definitions of street and driveway as modified in 2023 via ordinance 696.

BCRC 12-412: Density And Dimensional Standards; Suburban, Commercial, Industrial, Rural Service Center, Recreation And Alpine Village Zones:  
Modification of requirements and exceptions notes 3, 7, and 18. Note 3 contains redundant requirements to those found throughout Title 12 Chapter 4. Modifying requirements and exceptions note 7 to conform to the definitions of street and driveway as modified in 2023 via ordinance 696. Modifying requirements and exceptions note 18 to reduce the minimum property line setbacks for agricultural buildings to 20 feet.

BCRC 12-801: Definitions – A

Establish a definition for “Agricultural Building” in conjunction with the proposed modification of 12-412 note 18.

BCRC 12-804: Definitions – D:

Modification to the definition of “street” to align with the planning commission’s intent when recommending ordinance 696.

What effect will the proposed code change have on public or private service?

No effect to public or private services is expected.

**How is the proposed title 12 amendment in accordance with the specific objectives of the comprehensive plan?**

**Property Rights:**

The proposed amendment is directly supported by the goal of this component.

**Population:**

The policies of this component do not conflict with the proposed amendment.

**School Facilities & Transportation:**

The policies of this component do not conflict with the proposed amendment.

**Economic Development:**

The proposed amendment is directly supported by policies 1 and 2 of this component.

**Land Use:**

The policies of this component do not conflict with the proposed amendment.

**Natural Resources:**

The proposed amendment is supported by policies 3 and 5 of this component.

**Hazardous Areas:**

The policies of this component do not conflict with the proposed amendment.

**Public Services, Facilities, and Utilities:**

The policies of this component do not conflict with the proposed amendment.

**Transportation:**

The policies of this component do not conflict with the proposed amendment.

**Recreation:**

The policies of this component do not conflict with the proposed amendment.

**Special Areas or Sites:**

The policies of this component do not conflict with the proposed amendment.

**Housing:**

The policies of this component do not conflict with the proposed amendment.

**Community Design:**

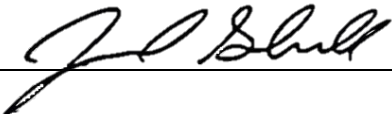
The proposed amendment is supported by policies 1 and 2 of this component.

**Agriculture:**

The proposed amendment is supported by policies 1, 2, and 4 of this component.

**Implementation:** (Not required to complete this element)

I hereby certify that all the information, statements, attachments and exhibits submitted herewith are true to the best of my knowledge.

Applicant's signature:  Date: 4/30/2024

## Appendix A

### **Summary of Proposed Title 12 Updates:**

#### **BCRC 12-411 DENSITY AND DIMENSIONAL STANDARDS; FORESTRY, AGRICULTURAL/FORESTRY AND RURAL ZONES:**

Removal of requirements and exceptions notes 13 and 14; modification of note 9. Removal of requirements and exceptions note 14, and establish a maximum lot coverage of 35% for all zones in Table 4-1. Removal of requirements and exceptions note 13, agriculture building setbacks, in its entirety; all other building setback requirements remain. Modifying requirements and exceptions note 9 to conform to the definitions of street and driveway as modified in 2023 via ordinance 696.

#### **BCRC 12-412: DENSITY AND DIMENSIONAL STANDARDS; SUBURBAN, COMMERCIAL, INDUSTRIAL, RURAL SERVICE CENTER, RECREATION AND ALPINE VILLAGE ZONES:**

Modification of requirements and exceptions notes 3, 7, and 18. Note 3 contains redundant requirements to those found throughout Title 12 Chapter 4. Modifying requirements and exceptions note 7 to conform to the definitions of street and driveway as modified in 2023 via ordinance 696. Modifying requirements and exceptions note 18 to reduce the minimum property line setbacks for agricultural buildings to 20 feet.

#### **BCRC 12-801: DEFINITIONS – A**

Establish a definition for “Agricultural Building” in conjunction with the proposed modification of 12-412 note 18.

#### **BCRC 12-804: DEFINITIONS – D:**

Modification to the definition of “street” to align with the planning commission’s intent when recommending ordinance 696.

Below are the proposed amendments to each specific section and the description of the changes. The language in red and underlined is recommended as additions to the existing code. Those words in ~~red and strike through~~ would be deleted from the ordinance.

**BCRC 12-411 DENSITY AND DIMENSIONAL STANDARDS; FORESTRY, AGRICULTURAL/FORESTRY AND RURAL ZONES:**

TABLE 4-1

DENSITY AND DIMENSIONAL STANDARDS

Standard	Zoning District				
	F	A/F-20	A/F-10	R-10	R-5
Minimum property line setback (11), (12), <del>(13)</del>	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum lot coverage	<del>(14)</del> 35%	<del>(14)</del> 35%	<del>(14)</del> 35%	<del>(14)</del> 35%	<del>(14)</del> 35%

Requirements Or Exceptions:

(9) From Street as defined in BCRC 12-819 ~~including any portion of a private easement providing access to three (3) or more lots or parcels beyond the subject lot or parcel.~~

(11) For legal nonconforming lots or parcels the following setback exceptions may be applied, provided snow storage and stormwater are accommodated on the subject site:

- a. The minimum property line setback may be reduced to 5 feet for lots/parcels of less than one (1) acre.
- b. The minimum property line setback may be reduced to 10 feet for lots/parcels larger than 1 acre but less than 5 acres.

(12) Setback requirements per this subchapter do not exempt land owners from deeded restrictions or confirm landowners are not building in recorded or prescriptive ingress/egress boundaries. Nothing in this Title shall be construed to relieve an applicant from complying with deeded restrictions, prescriptive easements or legally binding easement boundaries.

~~(13) The minimum property line setbacks for agricultural buildings and other nonresidential structures shall be at least 40 feet, the minimum setback requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening, approved by the planning director, is provided. Such screening shall be masonry or solid fence between 4 feet and 8 feet in height, maintained in safe condition and free of all advertising or other signs on the residential side of lot or parcel. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting. The setback may be reduced to 25 feet from property line or a street. The minimum property line setbacks for agricultural buildings used solely~~

~~for growing and harvesting crops shall be 5 feet. The minimum street setback for row covers, hoop houses or other membrane covered, season extending structures may be reduced to 15 feet, provided they are not on permanent foundations.~~

~~(14) For legal nonconforming lots or parcels less than 1 acre in size, the maximum lot coverage shall be 35 percent.~~

**BCRC 12-412: DENSITY AND DIMENSIONAL STANDARDS; SUBURBAN, COMMERCIAL, INDUSTRIAL, RURAL SERVICE CENTER, RECREATION AND ALPINE VILLAGE ZONES:**

TABLE 4-2

DENSITY AND DIMENSIONAL STANDARDS

Standard	Zoning District					
	S	C	I	RSC	REC	AV
Minimum property line setback (12), (15), (18)	5 feet	5 feet	5 feet	5 feet	5 feet	15 feet (16)

Requirements Or Exceptions:

~~(3) Lots must be sized sufficient to accommodate permitted uses and associated parking, setbacks, landscaping, walkways and other applicable development standards.~~ Residential density for the C district shall be determined the same as for the minimum standards of the S district.

~~(7) From Street as defined in BCRC 12-819 including any portion of a private easement providing access to two or more lots or parcels beyond the subject lot or parcel.~~

~~(18) The minimum property line setbacks for agricultural buildings and other nonresidential structures shall be at least 40-20 feet. ,the minimum setback requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening, approved by the planning director, is provided. Such screening shall be masonry or solid fence between 4 feet and 8 feet in height, maintained in safe condition and free of all advertising or other signs on the residential side of lot. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting. The setback may be reduced to 25 feet from property line or a street. The minimum property line setbacks for agricultural buildings used solely for growing and harvesting crops shall be 5 feet. The minimum street setback for row covers,~~

~~hoop houses or other membrane covered, season extending structures may be reduced to 15 feet, provided they are not on permanent foundations.~~

**BCRC 12-801: DEFINITIONS - A:**

AGRICULTURAL BUILDING:

A structure that is designed and constructed for one or more of the following purposes: livestock shelters or buildings, including shade structures and milking barns; poultry buildings or shelter; storage of equipment and machinery used exclusively in agriculture; horticultural structures, including detached greenhouses and crop protection shelters; grain storage; or stables.

**BCRC 12-804: DEFINITIONS - D:**

DRIVEWAY:

A private easement or roadway that provides access to two (2) or fewer ~~single-family residential~~ lots or parcels.