

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
DECEMBER 18, 2019**

**CALL TO ORDER:** Chair Connolly called the Bonner County Commissioners' hearing to order at 2:33 p.m. in the 1<sup>st</sup> Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

**PRESENT:** Commissioners Chair Jeff Connolly; Vice Chair Dan McDonald; and Steve Bradshaw

**ABSENT:** None

**ALSO PRESENT:** Planning Director Milton Ollerton; Administrative Manager Jeannie Welter; and Administrative Assistant Emily Aerni

**PUBLIC HEARING:**

**AMENDMENT**

**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 AM0007-19 – Amendment to Text – Bonner County Revised Code - Title 12 – Bonner County** is initiating a text amendment to Bonner County Revised Code – Title 12 to include the following proposed changes: **BCRC 12-332 RESIDENTIAL USE TABLE:** Amend note 11 deleting the limit of 120 days occupancy for any RV of private property and allowing two (2) permanent Accessory RV Parking Spaces. **BCRC 12-801: DEFINITIONS – A:** Adding Definition Accessory RV Parking Space. **BCRC 12-496 RECREATIONAL VEHICLES:** Adding Section 12-496 Recreational Vehicles creating standards for Accessory RV Parking Spaces. **BCRC 12-333 COMMERCIAL USE TABLE:** Adding RV Parks with a Conditional Use Permit to the Agricultural/Forest Zone, Rural Zone and Suburban Zone. Adding Campgrounds with a Conditional Use Permit to the Agricultural/Forest, Rural, Suburban, Commercial, Rural Service Center, Recreation and Alpine Village zones. **BCRC 12-497 RV PARKS/CAMPGROUNDS:** Adding standards for development of RV Parks and Campgrounds in the listed zones. The Planning & Zoning Commission heard this file on November 21, 2019, at which time they submitted their recommendations to the Board of County Commissioners for consideration.

**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/APPLICANT 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. He stated that as a result of the Planning & Zoning's request for further consideration by them in the form of a workshop being denied by the Board of County Commissioners, the following proposed language was submitted to the Board:

**Planning Commission Public Comment:**

**BCRC 12-332 Note (11) Land use regulations do not apply to non-commercial temporary, intermittent or occasional use of recreational vehicle. When a recreational vehicle is used in the same manner as a single-family dwelling or an accessory dwelling unit, such use is limited to a maximum of two (2) recreational vehicle dwelling units per parcel, and the conditions of BCRC 12-496 apply.**

**12:801-D: Add: "Dwelling Unit, Recreational Vehicle: A recreational vehicle used in the same manner as a single family dwelling or an accessory dwelling unit."**

**BCRC 12-496**

**A. Dwelling Unit, Recreational Vehicle**

- a. Limited to one (1) per lot or parcel for lots or parcels less than one (1) acre in size, or limited to two (2) per lot or parcel for lots, or parcels greater than one (1) acre in size without respect to density.**
- b. Each recreational vehicle dwelling unit requires a building location permit.**
- c. Shall meet all residential building setbacks.**
- d. Each recreational vehicle dwelling unit may be inside a garage or under a snow roof.**
- e. It may be used as a vacation rental subject to the standards and conditions in BCRC 12-484.**

**PUBLIC/AGENCY TESTIMONY:** The following individuals spoke on the record: Katheryn Kolberg, Steve Bouchet, Sue Bouchet, Jana Ostler

**APPLICANT REBUTTAL:** Director Ollerton answered questions asked by the public as they were asked during public testimony.

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

Director Ollerton discussed with the Board and county legal counsel, the idea of adding the following additional language to BCRC 12-196 as follows:

**f. RV's used in conjunction with an active building location permit shall not require an additional permit.**

The Board agreed to the addition of the newly proposed language being heard at the January 22<sup>nd</sup> hearing.

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**Motion by the governing body:**

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**MOTION:** Commissioner McDonald moved to recommend the changes as discussed. Because the changes are material, regarding updating BCRC Sections 12-332 table and Note 11; adding 12-801 D. Dwelling Unit, Recreational Vehicle; and adding 12-496. Commissioner McDonald further moved to set an additional hearing date and time certain of January 22, 2020 at 1:30 p.m. in the 1st floor conference room of the Bonner County Administrative Building to discuss only the recommended changes. Commissioner McDonald further moved to APPROVE the remainder of this FILE AM0007-19, amending the sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, 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. Commissioner Bradshaw seconded the motion.

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

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**Text Amendment Ordinance Adoption:**

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**MOTION TO ADOPT ORDINANCE:** Commissioner McDonald moved to adopt an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of Title 12, Bonner County Revised Code, Sections 12-333, 12-333 note 21, and adding Section 12-497 RV Parks/Campgrounds, providing for publication and an effective date. Commissioner Bradshaw seconded the motion.

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

**ROLL CALL VOTE**

Commissioner McDonald	AYE
Commissioner Connolly	AYE
Commissioner Bradshaw	AYE

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**Project Authority**

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Bonner County initiated an amendment to Title 12. The proposed amendment (File #AM0007-19), are to provide for clarifications regarding Recreational Vehicles (RV's) and RV parks and campgrounds.

The current comp plan basically lies down a land use designation attempting to address the entire County. For example, it assumes Agricultural/Forest land in the Selle Valley is the same as such land in Southwest Bonner County, while everything is different from soil types to tree types and sizes. The proposal here uses the conditional use permit to more accurately determine best locations and situations for RV Parks and Campgrounds. The below proposal establishes standards to guide the Planning Department in working with the public and also guide the Planning Commission in their

decision making. While the recommendation broadens where RV parks/Campgrounds may locate, the conditional use permit limits the use through application of standards.

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.

**RESIDENTIAL USE OF AN RV**

Based on the comment provided by the Planning Commission, the three sections of code to be changed for the residential RV use should be as follows:

**BCRC 12-332 Note (11) Land use regulations do not apply to non-commercial temporary, intermittent or occasional use of recreational vehicle. When a recreational vehicle is used in the same manner as a single family dwelling or an accessory dwelling unit, such use is limited to a maximum of two (2) recreational vehicle dwelling units per parcel, and the conditions of BCRC 12-496 apply.**

**12:801-D: Add: "Dwelling Unit, Recreational Vehicle: A recreational vehicle used in the same manner as a single family dwelling or an accessory dwelling unit."**

**BCRC 12-496****A. Dwelling Unit, Recreational Vehicle**

- a. Limited to one (1) per lot or parcel for lots or parcels less than one (1) acre in size, or limited to two (2) per lot or parcel for lots, or parcels greater than one (1) acre in size without respect to density.**
- b. Each recreational vehicle dwelling unit requires a building location permit.**
- c. Shall meet all residential building setbacks.**
- d. Each recreational vehicle dwelling unit may be inside a garage or under a snow roof.**
- e. It may be used as a vacation rental subject to the standards and conditions in BCRC 12-484.**

The Planning Commission's justification for updating this language is to more clearly define the permanent use of an RV and bring it more in line with the definition of a dwelling unit. This clarifies the use to be in the same manner as a single family dwelling or an accessory dwelling unit.

**STAFF:** The proposed change for the residential use of an RV has been discussed at length with staff and workshops held with the Planning Commission. Occupancy of an RV for 120 days on a property is in conflict with many of processes in the Planning Department. For example, if one wants to live in an RV while building a home and this takes longer than 120 days.

Further review of the code indicates a temporary dwelling unit is permitted. However, a temporary dwelling unit is intended only for caring for a family member. The ordinance does not allow this unit to be an RV. (BCRC 12-332 (9))



BCRC 12-420 G. allows for temporary buildings but does not indicate these can be livable structures – only for material supplies. In continued conflict, BCRC 12-820 defines a temporary dwelling unit as a building on a nonresidential construction site for the purposes of security.

There appears to be no permission in the ordinance to live in an RV in any capacity on a person's property without taking up one of the permitted uses of a single family dwelling or an accessory dwelling unit.

The other difficulty with the existing code is the allowance of an RV for 120 days in any consecutive 12 month period. This ordinance appears to require the County to prove the RV was in place and in use for 120 days. This would likely require a daily visit to the property to determine. Additionally, this limits the property owner to use the property the way he or she may intend.

Currently the ordinance allows one home and one ADU (Accessory Dwelling Unit) on each property. The proposed change will now allow two (2) permanent RV spaces on each property. Currently if a property wanted to live, permanently in an RV, a BLP was required and the RV has to be declared as the home or the ADU. This change will allow two (2) additional living spaces on a property. The review of the comprehensive plan, below, shows that density is not limited by number of residential units on a property but only by lot size minimums. The ordinance limits density on a parcel. This proposal increases the number of residential structures on a property.

The proposed language above includes a definition for a Dwelling Unit, Recreational Vehicle. This definition clarifies the permanent use of an RV on a property. This is much clearer than the language below defining an accessory RV parking space.

This code addition addresses the standards for RV's on private property. Each property is limited to two parking spaces with the second space requiring a minimum of one acre. This means that in order to have two spaces on the property, the property must be at least one acre. Each space will require a BLP to ensure setbacks. This will be a reduced fee to cover the costs of inspection and paperwork. The permit will ensure setbacks and other standards are followed. There will not be double permits – a permanent RV space inside a garage or under a snow roof will be identified as dwelling unit.

The Planning Commission in their public comment, recommended not using this language:

#### 12-332: RESIDENTIAL USE TABLE:

Zone	F	A/F	R	S	C	I	RSC	REC	AV
Recreational vehicles (11)	P	P	P	P	P		P	P	P

(11) ~~Occupancy of a recreational vehicle on a lot or parcel shall not exceed 120 days in any consecutive 12 month period, not including recreational vehicle parks. Recreational vehicle use occupancy is limited to 21 permanent Accessory RV parking spaces such vehicle per lot or parcel. Standards in BCRC 12-496 shall apply.~~

#### 12:801 DEFINITIONS-A:

Accessory RV Parking Space: A permanent RV parking space, which may be complete with electrical, water and sewer hookups. May or may not be on an established pad or inside a structure.

#### 12-496: RECREATIONAL VEHICLES

##### A. Accessory Recreational Vehicle Parking Space

- Recreational Vehicle use is limited to two (2) permanent Accessory RV Parking Spaces per lot or parcel.
- A Second Accessory RV Parking Space requires a minimum of one (1) acre.
- Each permanent Accessory RV Parking Space hook up requires a Building Location Permit
- Shall meet all residential building setbacks – Setbacks against a forest service or State property line shall be five (5) feet.
- Each Accessory RV Parking Space may be inside a garage or under a snow roof.
- Shall not be used as a vacation rental. (See BCRC 12-484)

#### BCRC 12-333: COMMERCIAL USE TABLE

Amend the table to add the following:

Zone	F	A/F	R	S	C	I	RSC	REC	AV
Recreational Vehicle Parks/ <del>Campgrounds</del> (8) (21)		C	C	C	C		C	C	C

(8) Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle health district and/or the state of Idaho, must be demonstrated as appropriate.

(21) Refer to Section 12-497 of this Title for RV Parks/Campground standards Site requirements for RV parks include at least 25 percent tree canopy coverage and a maximum of 25 percent impervious surface.

#### 12-497: RV PARKS/CAMPGROUNDS:

##### A. Density

- Each RV space shall be an area to accommodate the size of the RV, not less than 1800 square feet and a width of not less than 24 feet.
- Each camping area must be at least 350 square feet
- RV parking is limited to five (5) units per acre
- Campsites are limited to five (5) sites per acre.
- Each RV Park may allow up to 100% of campground to RV spaces provided the requirements of this section are met.

- f. Clustering of the RV Park is allowed as long as the original acreage stays intact and the clustering is done in a way to decrease potential impacts to neighbors and the natural resources.
- g. RV Parks greater than 25 units shall follow the standards of the PUD ordinance, BCRC 12-2.5.

B. Yards and Spacing:

- a. All structures must be setback a minimum of twenty-five (25) feet from all exterior property lines.
- b. An RV may not be located closer than ten (10) feet from any other RV or permanent building within the RV Park.
- c. An RV accessory building shall not be closer than five (5) feet from an RV or building on an adjacent RV space.

C. Access

- a. RV parks/Campgrounds shall access on maintained County roads, State highways or forest access roads whenever possible.
- b. Access on private roads shall be built to County standards in Appendix A.

D. Parking

- a. Parking design shall follow the standards in Section 12-4.3 Parking Standards.
- b. Campground Parking: one space for each 350 square feet of allotted space plus one guest parking space for each ten campground spaces.

E. Park Site Design

- a. Provisions for vehicular, bicycle and pedestrian access shall be integrated into the site.
- b. May be associated with other recreational uses such as rafting, canoeing, swimming, cross country skiing, hiking, hunting and fishing, horseback riding and snowmobiling, together with accessory facilities.
- c. Each space within an RV park shall have direct access to a travelway.
- d. The park travelway shall consist of an unobstructed area twenty feet (20') wide and shall be well marked to provide for continuous traffic flow.
- e. Parking spaces may be up to a 45 degree angle from the travelway.
- f. The travelway system shall have direct connection to a public or private road meeting applicable standards set forth in title 2 of this code or appendix A of this title.
- g. Any RV space that is to be occupied throughout the winter months may have an open-shell snow-roof. Snow roofs shall have a minimum of ten foot spacing from one another, measured from greatest architectural projection. Complete enclosure of snow roofs is prohibited.
- h. The RV park/campground may be built in phases as approved through a conditional use permit.
- i. Uses that are clearly incidental to the operation of the park, such as management headquarters, recreational facilities, toilets, dumping stations, laundry facilities, a convenience store, and other facilities established within the park, are permitted as accessory uses.

- j. Internal roads and parking service areas shall provide safe and convenient access for service and emergency vehicles and to amenities within the park. Internal roads shall not be designed to encourage use by outside traffic to traverse the park to adjoining developed areas.
- k. Setbacks to wetlands, floodplain, vegetative buffers, and shorelines shall be maintained for all uses onsite.

F. Landscaping

- a. Landscaping and screening shall follow the standards in BCRC 12 4.6 Landscaping and Screening Standards

G. Water and Sewer

- a. Each site may provide utility connections, including water and sub-surface sewage disposal system.
- b. An appropriate number, per industry standard, of restroom/port-a-johns for tent camping spaces.

H. Refuse Collection

- a. The park shall provide for regular refuse service whether self-supported or contracted out with a refuse service. Accumulation of trash is prohibited

I. Signs

- a. Signs advertising the business are allowed per BCRC 12-4.4 Sign Standards

J. Permits required

- a. A conditional use permit is required for each RV park/campground for 25 spaces or less.
- b. A PUD Permit is required for all sites allowing more than 25 RV spaces.
- c. A building location permit is required for construction of the entire project or each phase of the approved project.

K. Site plan

A site plan shall be submitted upon application for a conditional use permit for the development of a recreational vehicle park/campground. The site plan must include a north arrow and must clearly depict the following:

- a. Existing structures which will remain on the parcel, and their uses, and any existing structures proposed to be modified or removed;
- b. All proposed structures and their uses;
- c. Existing and proposed roads, easements, and points of access;
- d. Recreational vehicle space dimensions;
- e. Campground space dimensions;
- f. Size of the site in acres;
- g. Dimensions of property lines and property line setbacks;
- h. Reserved or dedicated open space;
- i. Major landscape features, both natural and manmade;
- j. Locations of existing and proposed utility lines;



- k. Accessory off street parking and loading facilities, and parking space areas;
- l. Wastewater drainfield areas;
- m. Traffic circulation patterns;
- n. Refuse and service areas;
- o. Signs;
- p. Outdoor storage; and
- q. Proposed screening and buffering, including fences, yards, walls or vegetation.

**STAFF:** This proposed addition provides the standards and guidelines for an RV park and campground. While the proposal allows RV's in the rural zones, it includes standards that should address potential impacts. The ordinance currently allows vacation rentals and mobile homes with impacts addressed. The ordinance also allows for clustering of homes in a conservation subdivision and allows for double density on properties if the house size is limited to 1500 square feet (900 feet first floor with a 600 foot second floor.) The ordinance will now address standards for RV Parks and Campgrounds, location, and most concerns. The conditional use permit process will allow for the neighborhood to be involved and address localized concerns.

As recreation in the County continues to increase, there are more demands for RV Parks and campgrounds. This proposal establishes a conditional use permit process which analyzes the project to the proposed standards, CUP/PUD standards, requires a public hearing with the Planning Commission and allows for comment from surrounding neighbors and potentially impacted agencies.

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#### **Public Comment:**

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There have been two comments received to date on this file. One each from the City of Kootenai and Panhandle Health. The Independent Highway District and City of Clarkfork provided a "no comment" response.

The City of Kootenai brought up the concern that two (2) RV's per property is against the densities established in the comprehensive plan. In the land use section of the comp plan, there are lot size minimums discussed and it appears there is not any discussion of density. The other concerns were relating to the RV Park/campground ordinance. These are addressed in the staff report and analysis provided herein.

Panhandle Health recommends the County require review and approval of permanent RV parking spaces by PHD prior to the County issuing permits. PHD also requested the opportunity to review the conditional use permits prior to going to the planning commission. When a CUP is applied for, PHD will be notified through agency review to provide comments on the application. The Planning Commission, as part of its review will determine if water and sewer are adequate for RV parks and campgrounds.

While this file has been discussed on social media quite extensively, at the time of the staff report, there have been no public comments received on this file.

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#### **Authority**

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The ordinance amendment is proposed under the authority granted at Idaho Code, Chapter 7, Title 31; Chapter 8, Title 31; and Chapter 65, Title 67; and Article XII, Section 2, of the Idaho Constitution.

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#### **Findings of Fact:**

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1. The Planning and Zoning Commission, per Idaho Code Chapter 65, Title 67, may recommend a zoning ordinance.
  2. The Bonner County Planning Department has reviewed the proposed changes against Idaho Code and made amendments to better comply with the Idaho Code, specifically Title 67 Chapter 65.
  3. 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..."
- The proposed ordinance making the above changes adds to the clarity intended in the interpretation of the Bonner County Revised Code and Bonner County Comprehensive Plan. These actions will further balance the provision of safety, health and prosperity while maintaining the protection of property, peace, good order, comfort and convenience of the county and its inhabitants.
4. This proposed change provides further clarifying standards enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.

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#### **Conclusions of Law:**

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1. The proposed amendments to Title 12 **IS** in accord with Idaho Code, Chapter 7, Title 31.
2. The proposed amendments to Title 12 **IS** in accord with Idaho Code Chapter 67 Title 65.

The Chair declared the hearing adjourned at 3:31 p.m.

Respectfully submitted, this 19<sup>th</sup> day of December 2019.



Milton Ollerton, Planning Director