

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
NOVEMBER 21, 2019**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho.

PRESENT: Commissioners Chair Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; Sheryl Reeve; Suzanne Glasoe; and Matt Linscott

ABSENT: None

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Deputy Prosecuting Attorney Bill Wilson; and Administrative Manager Jeannie Welter

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: November 7, 2019. Hearing no changes or objections, the Chair declared the minutes approved as written.

CHANGES IN AGENDA:

File V0018-19 – Waterfront Setback Variance – Eric Cookman is requesting a 32-foot waterfront setback where 75-feet is required for an addition to the footprint of an existing structure which will include a wrap-around deck and second story. The property is 29 acres & zoned Rural-10. The project is located off Dufort Road in Section 28, Township 56 North, Range 3 West, Boise-Meridian

File V0022-19 – Front Yard Setback & Waterfront Setback Variance – Wayne Erik & Lisa Liband are requesting an 8-foot ingress/egress easement setback where 25-feet is required and a 22-foot waterfront setback where 40-feet is required as shown on the site plan, for the construction of a 480 square foot cabin replacing an existing cabin. The property is zoned Rural 10. The project is located off Driftwood Shore in Section 17, Township 56 North, Range 1 East, Boise-Meridian.

File V0023-19 – Side Yard Setback Variance – Paul Banducci is requesting a 5-foot side yard setback where 25-feet is required to bring the property into compliance after the construction of a single family dwelling. The property is zoned Rural-5. The project is located off East Mountain View Road in Section 23, Township 56 North, Range 02 East, Boise-Meridian.

Commissioner Kempton moved to continue files V0018-19 & V0022-19 to a date and

time certain of November 26, 2019 at 5:30 p.m. and file V0023-19 to a date and time certain of December 5, 2019 at 5:30 p.m. here at the County Administrative Building in this conference room. Commissioner Reeve seconded the motion.

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

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.

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 gave a brief history of the current Comprehensive Plan and Zoning Ordinances.

PUBLIC/AGENCY TESTIMONY: The following members of the public spoke on the record:

Ken Norris	Michael Gulley	Tracey Roberts
Sandi Nicholson	Kathryn Kolberg	Ken Meyers
Todd Koeppel	Grace Bower	Alex Koeppel
Carmen Croitom	Adrienne Norris	Lillian Hirel

Reconvened at 6:59 p.m.

APPLICANT REBUTTAL: Director Ollerton responded to the public comments referring to his original presentation. Jason Johnson additionally responded to the comments. Mr. Johnson spoke to the comment regarding a vacation rental. Director Ollerton spoke regarding the comment relating to impact analysis.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

Bill Wilson stated the Commission may request an extension of time to the Board of County Commissioners.

Commissioner Bradish moved to remove the 5 foot setback from forest service or state property lines is permitted. No second. The motion died.

MOTION TO RECOMMEND APPROVAL: Commissioner Kempton moved to RECOMMEND APPROVAL of this FILE AM0007-19, to the Board of County Commissioners, amending the sections of Title 12, Bonner County Revised Code, amending 12-497 section B. a. striking the sentence "A five (5) foot setback from forest service or state property lines is permitted", 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 Kempton further moved to request a time extension from the Board of County Commissioners to reconsider the Residential Use Table 12-332 footnote (11), 12-801 Definitions of Accessory RV Parking Space, and 12-496 Recreational Vehicles. Commissioner Glasoe seconded the motion.

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

Project Authority

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.

Red – Original
Orange – Staff report changes
Blue – After Staff Report changes

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. Each lot or parcel is limited to two (2) permanent Accessory RV Parking Spaces. Standards in BCRC 12-496 shall apply. Temporary, meaning less than a year, or intermittent use of an RV does not apply. See Accessory RV Parking Space definition.~~

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
 - a. Recreational Vehicle use is limited to two (2) permanent Accessory RV Parking Spaces per lot or parcel.
 - b. A Second Accessory RV Parking Space requires a minimum of one (1) acre.
 - c. Each permanent hookup Accessory RV Parking Space requires a Building Location Permit
 - d. Shall meet all residential building setbacks – Setbacks against a forest service or State property line shall be five (5) feet.
 - e. Each Accessory RV Parking Space may be inside a garage or under a snow roof.
 - f. 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/Campgrounds (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

- a. 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.
- b. Each camping area must be at least 350 square feet
- c. RV parking is limited to five (5) units per acre
- d. Campsites are limited to five (5) sites per acre.
- e. 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. A five (5) foot setback from forest service or state property lines is permitted.
- b. A RV may not be located closer than ten (10) feet from any other RV or permanent building within the RV Park.
- c. A RV accessory building shall not be closer than five (5) feet from a 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 a 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.

Authority

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.

Findings of Fact:

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.

Conclusions of Law:

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.

EXECUTIVE SESSION:

At 8:25 p.m., Commissioner Linscott moved to enter into Executive Session pursuant to Idaho Code §74-206(1)(a) hiring. Commissioner Kempton seconded the motion. Voted upon and the Chair declared the motion carried, unanimously.

The Chair declare the meeting back in open session at 8:57 p.m.

The commissions agreed they will interview the new applicant but will not interview the applicant who submitted a letter requesting a second interview.

At 9:00 p.m., the Chair declared the hearing adjourned until November 26, 2019.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 5th day of December 2019.

Bonner County Planning and Zoning Commission



Don Davis, Chair