

**BONNER COUNTY COMMISSIONERS/PLANNING DEPARTMENT  
PUBLIC MEETING MINUTES  
JANUARY 18, 2022**

**CALL TO ORDER:** Chair McDonald called the Bonner County Planning and Zoning Commission hearing to order at 2:00 p.m. in the 3<sup>RD</sup> Floor Meeting Room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

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

**ABSENT:** None

**STAFF PRESENT:** Planning Director Milton Ollerton, Assistant Planning Director Jake Gabell, and Administrative Assistant III Da Niel Scott

**PUBLIC MEETING:**

**VACATION RENTAL PERMIT APPEAL**

**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.

**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.

**Appeal VRP2021-0093 – Vacation Rental Permit - Elleflood** located at 226 UT2 03 Mogul Hill Rd, Sandpoint, ID 83864. The Planning Department on December 21, 2021 administratively approved this file. On January 6, 2022, a written appeal was received requesting this file be heard by the Board of County Commissioners.

**STAFF PRESENTATION:** Assistant Planning Director Jake Gabell presented a PowerPoint summary of the project and previously circulated staff memo, concluding this project is consistent with Bonner County Revised Code.

Planning Director Milton Ollerton commented on Vacation Rental Permit criteria/requirements, off street parking, sign posting inside the Vacation Rental, noticing of neighbors, applicant required to provide a phone number, two Vacation Rental Permits in building being discussed and one in the neighboring building.

**APPLICANT PRESENTATION:** Landowners Jason Elleflood submitted Exhibit B, (rental package) and provided comments on a faithful application.

**APPELANT PRESENTATION:** Wendy Earle provided Exhibit A (Exhibit book) and provided comments on incorrect information being provided in the application, problems with parking and no dedicated parking, parking in Independent Highway District (IHD) right-of-way, older condominiums, Ms. Bailey's (IHD) email, noise, safety issues, snow

falling from roof, and awning detached from roof, requested a for a site visit, appellant lives in the building and parks wherever she can find parking.

Bill Wilson, Counsel for the Board, commented on Mel Bailey's comment on noise and provided procedural advisement.

**PUBLIC COMMENT:** None

**APPLICANT REBUTAL:** Landowners Kathryn Elleflood responded to Appellant comments regarding HOA permitted parking spot, signed rules and regulations through the HOA, and parking permit provided to renters.

**DISCUSSION:** The Commission discussed the proposed appeal.

Upon discussion, Commissioner Connolly moved to uphold the administrative decision of the Bonner County Planning Department for approval of permit VRP2021-0093, a vacation rental in the Blue Beetle #3 condominium building, finding that it is in accord with the Bonner County Revised Code.

Commissioner Bradshaw seconded the motion.

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

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## **Background**

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### **A. Site data:**

- One bedroom condo unit #3.
- Blue Beetle Condo Building #3, (8) units total.
- Size: Approximately 365ft<sup>2</sup>
- Zone: AV
- Land Use: Alpine Community

### **B. Access:**

- The condo is accessed by Mogul Hill Road, which is an Independent Highway District maintained road.

**C. Environmental factors:** No environmental factors are applicable to this file. The condo is inside an existing structure.

- Entire parcel is SFHA Zone X per FIRM Panel #16017C0705E, Effective Date 11/18/2009. No further flood review needed.

### **D. Services:**

- Water: Blue Beetle 3 HOA
- Sewage: Blue Beetle 3 HOA
- Fire: Schweitzer Fire District
- Power: Northern Lights INC
- School District: Bonner County School District 84

### **E. Comprehensive Plan, Zoning and Current Land Use**

| Compass | Comp Plan        | Zoning         | Current Land Use & Density |
|---------|------------------|----------------|----------------------------|
| Site    | Alpine Community | Alpine Village | 8 Unit Condominium         |
| North   | Alpine Community | Alpine Village | 4 Unit Condominium         |
| East    | Alpine Community | Alpine Village | 4 Unit Condominium         |
| South   | Alpine Community | Alpine Village | 8 Unit Condominium         |
| West    | Alpine Community | Alpine Village | Vacant Land                |

**F. Standards review**

BCRC 12-484 Intent: To provide a process for the use of vacation rentals in Bonner County to safeguard the public health, safety and general welfare, to protect the character of residential areas ensuring compatibility with surrounding residential uses that will not materially alter the neighborhoods in which they are located.

- a.) **BCRC 12-484 (1):** No structure, dwelling or dwelling unit or portion thereof shall be used as a vacation rental until an application for a vacation rental permit has been reviewed and approved by the Planning Director or designee.

**STAFF:** The applicant submitted the requisite materials required by BCRC 12-484 et seq. The designee determined the application and supporting materials sufficient to deem the application complete on December 20, 2021.

- b.) **BCRC12-484 (1) (c):** The name and telephone number of the local representative.

**STAFF:** The appeal states that the local representative is different from who is listed on the site posting. As required by BCRC 12-484 (D) (1): The local representative must reside permanently, no more than 90 minutes from the rental property. The property owner resides in Hayden Lake Idaho and is employed in Post Falls Idaho; not more than 90 minutes from the rental property. The cleaning staff does not have to be the local representative, they can be employed by the property owner so long as the local representative/landowner are available to service the rental unit on call.

- c.) **BCRC 12-484 (4): Access:** Approval shall be obtained from the agency having jurisdiction over the access serving the site.

**STAFF:** The appeal states that this authorization is not valid due to other nearby units utilizing the Independent Highway Districts right-of-way for their own needs. This is not Bonner County’s jurisdiction, any complaints about parking rights need to be presented to the Independent Highway District. Authorization for access to the vacation rental was obtained from the chairman of the Independent Highway District on December 14, 2021. The other vacation rental in the Blue Beetle #3 Condominium similarly received authorization for access from the chairman of the Independent Highway District.

- d.) **BCRC 12-484 (5):** Parking: One off street parking space shall be provided for each four (4) persons of occupancy in a vacation rental, regardless of age. No more vehicles shall be parked than there are designated off-street parking spaces.

**STAFF:** The subject rental unit is at the minimum occupancy determined by BCRC 12-484 (3)(a): One bedroom is allowed a total of six (6) persons and one parking

space allows for four (4) persons, the lesser of the two is selected as the maximum occupancy of the vacation rental, four (4) persons.

e.) **BCRC 12-484 (6):** Solid waste disposal: The property owner/owner's representative or waste collection provider shall provide weekly solid waste collection during all months that the vacation rental is available for rent.

**STAFF:** The applicant has stated that the solid waste will be removed "as needed". No solid waste disposal provider exists for the Blue Beetle #3 Condominium. The only means of solid waste disposal is removal by local representative/landowner as needed or per visit. Bonner County Code only specifies that the solid waste is removed weekly. The other issued vacation rental in the Blue Beetle #3 Condominium specifies the same method of solid waste collection.

f.) The site posting was given to a Bonner County Planning Compliance investigator on December 20, 2021.

g.) The vacation rental was inspected and found to be in compliance with BCRC 12-484 on December 21, 2021.

#### **H. Agency Review**

The application was routed to the Independent Highway District for approval on December 14, 2021 and was approved via email on December 14, 2021.

#### **The following agencies commented:**

Independent Highway District: 12/14/2021 "The unit is a small 8-unit building. Sound will be a problem. The units have limited parking. The parking is along the edge of Mogul Hill Road. Snow removal requires that cars move out of their parking place to allow the road and parking area snow to be moved. Renters should be aware of the need to move their cars when snow is plowed."

At 2:43 p.m., the Chair declared the workshop/meeting adjourned.

Respectfully submitted on this 18<sup>th</sup> day of January 2022.



Milton Ollerton, Planning Director