

**BONNER COUNTY PLANNING COMMISSION
PUBLIC HEARING MINUTES
DECEMBER 5, 2023**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Songstad called the Bonner County Planning Commission hearing to order at 4:30 p.m. in the 1st Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Chair Allan Songstad; Vice Chair Don Davis; Commissioners Dave Frankenbach, Michael Leita, Matt Linscott, Debby Trinen and Randy Stolz.

ABSENT: None

ALSO PRESENT: Planning Director Jacob Gabell, Assistant Director Travis Haller, Senior Planner Swati Rastogi, and Hearing Coordinator Jenna Crone.

CHANGES IN AGENDA: None

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 14, 2023**. The minutes were approved.

File AM0016-23 – Text Amendment to Bonner County Revised Code Title 12 –
The Bonner County Planning Commission is recommending an amendment to the Bonner County Revised Code (BCRC), Title 12, to include the following proposed changes:

1. Removal of the Vacation Rentals use from BCRC 12-333 Commercial Use Table, and addition of the Vacation Rentals use to BCRC 12-332 Residential Use Table.
2. Complete rewrite of BCRC 12-484, Vacation Rental. The proposal modifies procedures; standards; and violations and penalties.
3. Modifications to BCRC 12-496 prohibiting Recreational Vehicle Dwelling Units from being used as a vacation rental.
4. Amendment to BCRC 12-802, adding a definition for "Bedroom".

STAFF PRESENTATION: Planning Director Jake Gabell presented a PowerPoint summary of the project and previously circulated staff report concluding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code.

PUBLIC/AGENCY TESTIMONY: Written comments were received and reviewed by the Commission prior to the hearing. The following members of the public spoke on the record: Arlene Howell, Alton Howell, Lynn Franck, Julie Delano, Larry Dalke, and Tina Sikora.

STAFF REBUTTAL: Planning Director Jake Gabell addressed questions and concerns brought up during public comment and answered questions from the Commissioners.

COMMISSION DELIBERATION: The Commission discussed Findings and the Conclusion.

MOTION TO RECOMMEND APPROVAL: Commissioner Linscott moved to recommend approval of this FILE AM0016-23 to amend subchapters 12-332, 12-333, 12-484, 12-496, and 12-802 of Title 12, Bonner County Revised Code, to the Board of County Commissioners, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law:

Conclusion 1: The proposed amendment **is** in accord with Idaho Code, Title 31, Chapter 7.

Conclusion 2: The proposed amendment **is** in accord with Idaho Code Title 67, Chapter 65.

Conclusion 3: The proposed amendment **is** in accord with the general and specific objectives of the Bonner County Comprehensive Plan.

This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Linscott further moved to adopt the findings of fact and conclusions of law as set forth in the Staff Report, striking C11 and requested Staff and Legal Counsel review the proposed changes to 12-484 (C) and 12-496, as amended during this hearing, and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property.

Commissioner Trinen seconded the motion.

Commissioner Linscott further moved to amend the changed to 12-802, striking “built to 2018 international fire code standards.”

Commissioner Trinen seconded the motion.

Roll Call Vote:

Commissioner Leita	Aye
Commissioner Linscott	Aye
Commissioner Davis	Aye
Commissioner Songstad	Aye
Commissioner Frankenbach	Aye
Commissioner Stolz	Aye
Commissioner Trinen	Aye

Voted upon and the Chair declared the Motion passed, unanimously.

Findings of Fact:

1. 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, Local Land Use Planning.
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..."

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.

3. The proposed changes provide clarification of the regulations, enabling the public and the staff to achieve the best results leading to greater understanding and use of the zoning ordinance.
4. The proposed changes are a result of the Planning commission's review of the Vacation Rental ordinance, in which they determined that it did not adequately protect neighborhoods from the impact of Vacation or short term rentals.

Best management practices were reviewed and incorporated into the proposed amendments. A one year renewal was proposed to enhance enforcement by requiring an annual review of permit for compliance with the updated ordinance.

5. It was further determined that recreational vehicles should not be allowed as vacation rentals do to the potential proliferation which could change the character of residential neighborhoods as well as safety concerns since RV's are not constructed to the same standards as standard construction.
6. An analysis was completed of the septic systems data obtained from Panhandle Health District and the Vacation Rental Permit data obtained from the Bonner County Planning Department, which found correlation between failed septic systems and properties with a vacation rental permit.
7. The proposed changes were reviewed and found to meet the intent of Idaho Code 67-6539. The changes are proposed in order to better "safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate."
8. The proposed changes were reviewed and found to be in compliance of Bonner County Revised Code 12-484 (A) Vacation Rental Intent.

comments):

- **Natural Resources**
 - Written Public/Agency Comments were reviewed during the meeting from the following: Idaho Dept. of Fish and Game, Idaho Dept. of Lands, Susan Drumheller, Molly McCahon, and Judy York,
 - **This file will go to a Public Hearing on January 16, 2024.**
- **Land Use**
 - This file was briefly discussed in a workshop.

The drafts of these suggested updates are available at the Planning Department's website on the Comprehensive Plan Update page.

DISCUSSION:

1. Commissioner & Staff Updates
2. December 12, 2023, Agenda Items
 - a. Natural Resources – Closed to Public Comment
 - b. File AM0017-23 Public Hearing
 - c. Land Use – Closed to Public Comment

At 8:36 p.m., the Chair declared the hearing adjourned until December 12, 2023.

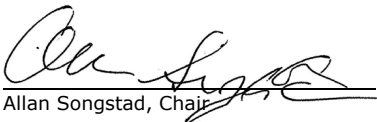
Respectfully submitted,



 Jacob Gabell, Planning Director

The above Minutes are hereby approved this 12th day of December 2023.

Bonner County Planning Commission



 Allan Songstad, Chair

COMPREHENSIVE PLAN DISCUSSION/WORKSHOP:

- Discussion of the following components of the Comprehensive Plan (**Open to public**)