

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 adding appropriate sections and deleting such 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. These proposed changes further clarify appropriate uses and standards within zoning districts to help with the public with a 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.

NOTICE OF PUBLIC HEARING



NOTICE IS HEREBY GIVEN that the Bonner County Commissioners will hold a public hearing at **1:30 p.m.** on **Wednesday, May 23, 2018**, in the 3rd Floor BOCC Meeting Room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, to consider the following request:

File AM161-18 - Amendment – Bonner County Revised Code (BCRC) Title 12 Text Amendment – Bonner County is proposing to amend the following sections: **BCRC 12-334:** Industrial Zones: Amend the uses allowed in the Industrial Zone identifying agriculture processing uses as more appropriate. **BCRC 12-336:** Resource Based Code: Amend the uses allowed to expand uses allowed in a gravel pit located in the industrial zone. **BCRC 12-337:** Accessory Uses: Add this section listing appropriate accessory uses in the varying zones in the County. **BCRC 12-340:** Classification of New Uses: Amend the numbering for formatting purposes. **BCRC 12-612:** Additional Requirements: Clarifying that splits larger than 20 acres are permitted after simple review by staff. The Planning and Zoning Commission, at the April 5, 2018 public hearing, recommend approval of these amendments to the Board of County Commissioners.

Written statements longer than 1 standard letter-sized, single-spaced page must be submitted to the planning department no later than 5 days prior to the public hearing. Written statements longer than the 1 standard page will not be accepted at the public hearing. Comments can be sent to the Bonner County Planning Department at 1500 Highway 2, Suite 208, Sandpoint, Idaho 83864; faxed to (208) 265-1463 or e-mailed to planning@bonnercountyid.gov. Additional information is available at the planning department. Staff reports are available at the planning department or may be viewed at www.bonnercountyid.gov 7 days prior to the scheduled hearing.

During the hearing for this application, the public will be given an opportunity to provide testimony and/or evidence regarding how the proposal does or does not comply with the applicable approval criteria of the Bonner County Revised Code. At the close of the public hearing, the Board of County Commissioners will make a decision on the application that may include, but is not limited to, approval, denial, remand, or continuance of the public hearing.

Please be advised the referenced start time stated above reflects the beginning of the hearings. File start times and hearing durations will vary.

Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours prior to the scheduled hearing.

I hereby certify that a true and correct copy of the foregoing "Notice of Public Hearing" was mailed (postage prepaid) on this 23rd day of May, 2018.

A handwritten signature in blue ink that reads "Jeannie L. Welter".

Jeannie Welter, Supervisor II – Office Manager

This notice was mailed to political subdivisions providing services and the media on Friday, April 27, 2018.

12-334: INDUSTRIAL USE TABLE:

TABLE 3-4
INDUSTRIAL USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory building	P	P	P	P	P	P	P	P	P
<u>Electronics: electrical and related parts; electrical appliances, motors and devices, electrical and mechanical;</u>					<u>C</u> <u>(12)(13)</u>	<u>P</u> <u>(2)</u>			
<u>Food and dairy products processing and manufacturing including frozen foods greater than 2000 square feet</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C(2)</u>	<u>P</u> <u>(2)</u>	<u>C</u>		
<u>Food and dairy products processing and manufacturing including frozen foods less than 2000 square feet (15)</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Furniture manufacturing and upholstery</u>					<u>P</u> <u>(12)(13)</u>	<u>P</u> <u>(2)</u>			
Industrial and manufacturing, fabricating or processing of products (1)						<u>P</u> <u>(2)</u>			
Industrial, light					P (3)	P	P (3)		
<u>Instruments: scientific and precision; medical and dental; timing and measuring -</u>					<u>C</u> <u>(12)(13)</u>	<u>P</u> <u>(2)</u>			
Junkyards/wrecking yards (5), (6)						<u>C</u>			
<u>Laboratories: dental, medical, and optical</u>					<u>C</u> <u>(12)(13)</u>	<u>P</u> <u>(2)</u>			
<u>Machine shop</u>					<u>C</u>	<u>P</u> <u>(2)</u>	<u>C</u>		
Manufacturing of explosives (7)						<u>C</u>			
<u>Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)</u>					<u>C</u> <u>(12)(13)</u>	<u>P</u> <u>(2)</u>			
Sawmills, shingle or planing mills, woodworking plants (8), (9)	C	C (4)	C (4)			P			
Slaughterhouses, meat processing or rendering plants (8), (10), (11)		C (4)	C (4)			C			
<u>Meat processing greater than 2000 square feet</u>		<u>C</u>	<u>C</u>		<u>C(2)</u>	<u>P(2)</u>	<u>C</u>		
<u>Meat processing less than 2000 square feet (14)</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>		

Warehouse storage						P			
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Standards (~~Showing amendments to 2, 11 and addition of 12-15~~):

2. Uses must meet the following criteria:
 - a. Carried on in such a manner as to be protected from fire and explosions.
 - b. Emits no obnoxious odors.
 - c. Exhaust no waste or dust.
 - d. Discharge no treated or untreated ~~sewage or~~ industrial waste.
 - e. Carry on any operation that would produce heat, light or glare perceptible from any property line of the industrial site.

11. Slaughterhouses, ~~meat processing and rendering plants~~ shall have a minimum area of 5 acres and all facilities shall be at least 600 feet from any existing dwelling other than the owner's.

(Ord. 501, 11-18-2008)

(12) In conjunction with a retail storefront.

(13) Square footage limit for manufacturing in the Commercial Zone shall be limited to 1000 sq ft or ten percent (10%) of the commercial use, whichever is greater.

(14) Meat processing operations less than 2,000 square feet or as a home occupation is permitted if it meets the requirements of a home occupation. The meat processing facility shall be a minimum 200 feet from any existing dwelling other than the owner's.

(15) Food and dairy products processing and manufacturing including frozen foods less than 2,000 square feet or as a home occupation is permitted if it meets the requirements of a home occupation. The food and dairy processing facility shall be a minimum 200 feet from any existing dwelling other than the owner's.

STAFF:

The purpose of this change is to identify specific industrial uses that would be appropriate in Bonner County. This ordinance adds those uses while deleting uses that may not be appropriate such as rendering plants. This change specifies uses that would be appropriate in an industrial zone in the County such as machine shops, manufacturing that is relevant to the agricultural uses in the County including meat processing, food and dairy processing. This change allows agricultural processing to occur as a home based business if appropriate size limitations are met.

City of Sandpoint comments that industrial uses such as meat processing and food processing should occur only in a commercial or industrial zone. The cities of Kootenai and Dover both agree that meat and food processing plants larger than 2000 square feet should require a conditional use permit. The Rural and Ag/Forest zones comprise large acre lots or parcels. The allowance of meat and food processing encourages the small farmer/processor the opportunity to work closer to the source. A larger than 2,000 square foot operation shall require a conditional use permit process to allow for comment and involvement from the ACI, if appropriate, and the public.

12-336: RESOURCE BASED USE TABLE:

TABLE 3-6
RESOURCE BASED USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory building	P	P	P	P	P	P	P	P	P
Agricultural direct marketing activities (14)		P	P	P (17)			P		
Agriculture	P	P	P	P (11), (12), (13)	P (1)	P (1)	P (1)	P (1)	P (1)
<u>Batch Plant – asphalt and/or concrete (4) (21)</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>P</u> <u>(21)(22)</u>			
<u>Open Pit (22)</u>						<u>P</u>			
Confined animal feeding operation		C							
Expanded seasonal harvest festivities (16)		C	C				C		
Fur farms, commercial (2)		C	C						
Keeping of equine animals	P	P	P	P (13)				P (9)	
Mining, Stone quarries, gravel pits, and stone mills (3), (4)	C (5)	C (5)	C (5)			<u>C</u>		C (10)	C (10)
Rock crushing operations	C (5)	C (5)	C (5)			C			
Seasonal harvest festivities 15)		P	P				P		
Value added agricultural processing (18)		C	C	C (19)					
Water bottling works at the source; wineries, breweries and distilleries subordinate and accessory to farming (3), (4), (5), (7), (8), (20)	C	C	C						C

Standards (showing amendments to 20 and adding 21-23):

20. At least one-half (0.5) 2 acres of primary beverage ingredient used in distilling or brewing shall be grown on site. Winery, brewery or distillery shall be clearly subordinate to agricultural operation. All structures associated with the beverage operation shall be a minimum of 75 feet from property lines. Sales are limited to fermented or distilled beverages produced on site and limited food sales. Sales of bottle openers, glasses or other such promotional items identifying the site are permitted. Hours of operation and maximum occupancy may be limited by the conditional use permit.

21. Batch plant operations shall be located outside of city impact areas. The emissions control system(s) on such batch plants shall be of “Best Available Control technology” (BACT) as generally accepted under relevant industry standards, within five (5) years prior to application.

22. A Batch Plant is only permitted in the Industrial Zone with an active gravel pit.

23. An open pit, also known as a sandbox, is an area where material (usually soil, gravel or sand) has been dug for use at another location. Open pits shall be in conjunction with and close to major construction projects and shall be limited in lifetime and scope by conditions established by the commission. (Resource based table)

(Ord. 501, 11-18-2008; amd. Ord. 510, 11-4-2009; Ord. 538, 6-26-2014)

STAFF:

The purpose of this change is to identify batch plants as an allowed use in the industrial zone while requiring current “Best Available Control Technology (BACT)” as justification for that addition. The change also allows for an open pit to be allowed as part of a road development or subdivision project as a temporary use.

The cities, Sandpoint, Dover and Kootenai each commented on the allowing of batch plants in the industrial zone. Each noted the absence of batch plants in the area of city impact, while listing concerns of traffic, dust and noise. This was originally presented as only allowing batch plants in association with a gravel pit in an industrial zone. However comments received at the Planning Commission public hearing requested that batch plants not be associated with only a gravel pit but simply allowed only in the industrial zone. The Planning Commission accepted that request and recommends changing this in the proposal. The proposal shows this change. Batch plants located outside of an industrial zone will require a conditional use permit with standards addressing concerns.

12-337: ACCESSORY USE TABLE:

TABLE 3-7
ACCESSORY USE TABLE

U	Zoning									
	F	A/F	R	S	C	I	RSC	REC	AV	
Accessory solar, geothermal facilities and ground-source heat pump	P	P	P	P	P	P	P	P	P	

<u>Accessory Buildings located on the same site as a permitted or conditional use (1)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Employee Housing as an integral part of the commercial operation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Incidental services for employees on a site occupied by a permitted or conditional use</u>						<u>P</u>			
<u>Watchman's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Standards:

1. Accessory buildings shall be limited to three (3) per acre and lot coverage of ten percent (10%).
2. Employee housing as part of an integral part of the commercial operation shall be onsite housing and shall meet all the required standards of the requested type of housing, ie. Subdivision, RV park, tiny-home park/subdivision, or condominium.
3. Watchman or caretaker living quarters shall be limited to one (1) unit per lot/parcel.

STAFF:

This new table summarizes the accessory uses throughout the County. This list is not comprehensive but begins the discussion of the type of and limitations for accessory uses. Employee housing is included as a permitted use if it is an integral part of the commercial operation. This could include uses such as Schweitzer or other large commercial uses that would use employee housing as an incentive to employment. The permitting of the housing as a use is listed however this does not waive any requirements of density, land divisions or other permits such as building location permits, or subdivision. This is clarified by the following: "shall meet all the required standards and permits of the requested type of housing..."

Comments from the cities of Dover, Kootenai and Sandpoint discussed concern about this permitted use. Adding the language noted above should clarify and answer those concerns. Kootenai suggested removing the inclusion of tiny home park/subdivision as there have been no adoption of formal codes regarding that use. Those uses are currently defined as RV/Mobile home parks and cottage housing.

12-394037 CLASSIFICATION OF NEW USES WITHIN ZONE DISTRICTS:

STAFF:

The purpose of this change is to format the numbering system to allow for the previous addition of the accessory table.

12-612: ADDITIONAL REQUIREMENTS:

- Waiver Of Land Division Requirements: The director may waive minor land division, short plat and regular subdivision requirements on parcels to be created lots that have legal access and the resulting parcel size is not less than of twenty (20) acres or larger when the land can be

described as a one thirty-second ($1/32$) aliquot description or larger. This waiver may be granted upon review of the proposed legal descriptions prior to recording.

STAFF:

This change clarifies that parcels larger than 20 acres can be created through deed only when reviewed and approved for legal access and zoning by the Planning Department.

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.

Staff analysis:

The Planning department continues to be aware of the interaction with the public both at the permitting desks and at public meetings. These proposed changes come as a result of this constant interaction with the ordinances and the public. The proposed changes intend to make working with the Planning Department more convenient.

The Planning Commission held a public hearing on April 5, 2018. There were many comments made suggesting changes both in favor of and against these ordinances. The Planning Commission, upon closing the public hearing, deliberated on these ordinances ultimately making the recommendation that is before the Board now. The vote to recommend approval of these ordinances as written and amended was unanimous.

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 adding appropriate sections and deleting such 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. These proposed changes further clarify appropriate uses and standards within zoning districts to help with the public with a 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.

Motion by the governing body:

PLANNING AND ZONING COMMISSION

MOTION TO APPROVE ORDINANCE AMENDMENT: I move to APPROVE this ordinance, FILE AM161-18, the portion amending the sections of Title 12, Bonner County Revised Code, as presented or amended in this hearing, to the Board of County Commissioners 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.

MOTION TO DENY ORDINANCE AMENDMENT: I move to deny this project FILE AM161-18, 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.

Attachments:

- Final Draft
- Legal notice
- Comments

The complete file is available for review in the Planning Department, 1500 Highway 2, Suite #208, Sandpoint, ID. Staff reports are available online one week before the hearing at www.co.bonner.id.us Bonner County Revised Code (BCRC) is available at the Planning Department or online.



Agenda

WEDNESDAY, MAY 23, 2018

Bonner County Commissioners

Location: Bonner County Administration Building, 1500 Hwy 2, Sandpoint, ID – 1st floor conference room

1:30 p.m. Bonner County Commissioners call
Public Hearing to order
Announcements

File S1943-18 Preliminary Plat – Quail Ridge 1st Addition, Replat - Spirit Lake North, LLC is requesting a subdivision of 80 acres of land creating 16 individual lots. The project is located 2.5 miles Northeast of the city of Spirit Lake. The project is located east of Cardinal lane off of Peregrine road Section 21, Township 54N, Range 4W. Proposed zoning at time of subdivision will be 5 acre minimums. The Planning and Zoning Commission, at the April 19, 2018 public hearing, recommend approval of this project to the Board of County Commissioners.

File AM161-18 - Amendment – Bonner County Revised Code (BCRC) Title 12 Text Amendment – Bonner County is proposing to amend the following sections: **BCRC 12-334:** Industrial Zones: Amend the uses allowed in the Industrial Zone identifying agriculture processing uses as more appropriate. **BCRC 12-336:** Resource Based Code: Amend the uses allowed to expand uses allowed in a gravel pit located in the industrial zone. **BCRC 12-337:** Accessory Uses: Add this section listing appropriate accessory uses in the varying zones in the County. **BCRC 12-340:** Classification of New Uses: Amend the numbering for formatting purposes. **BCRC 12-612:** Additional Requirements: Clarifying that splits larger than 20 acres are permitted after simple review by staff. The Planning and Zoning Commission, at the April 5, 2018 public hearing, recommend approval of these amendments to the Board of County Commissioners.

Please be advised the referenced start time stated above reflects the beginning of the hearings. File start times and hearing durations will vary.

Staff reports are available at the Planning Department or may be viewed at <http://bonnercountyid.gov/> seven days prior to the scheduled hearing.

Any person needing special accommodations to participate in the public hearing should contact the Bonner County Planning Department at (208) 265-1458 at least 48 hours before the hearing.



Bonner County Planning Department

*"Protecting property rights and
enhancing property value"*

Title 12 Amendments

May 23, 2018
Public Hearing

May 23, 2018 – Public Hearing

- Public hearing is like a court proceeding
- Staff present staff report
- Applicant provides overview of project, answers questions from governing body
- Public testimony
 - Testimony in support of project
 - Neutral testimony
 - Testimony in opposition to project
 - Public testimony may be limited to three (3) minutes
 - Exhibits must be numbered prior to testimony. Exhibits will be retained by County
 - Testimony must be specific to project and code compliance
 - Avoid repetition
- Applicant Rebuttal. No further public testimony allowed after rebuttal
- Public Hearing closed; deliberation begins

Title 12 Amendments – The process

- Workshops held on these amendments
 - December 7, 2017
- Public hearing scheduled January 4,
- Planning Commission Public Hearing April 5th
- Notice to the public and Areas of City Impact

The proposed changes

- **BCRC 12-334 Industrial Zones:** Amend the uses allowed in the Industrial Zone identifying agriculture processing uses as more appropriate
- **BCRC 12-336 Resource Based Code:** Amend the uses allowed to expand uses allowed in a gravel pit located in the industrial zone
- **BCRC 12-337 Accessory Uses:** Add this section listing appropriate accessory uses in the varying zones in the County
- **BCRC 12-339 Classification of New Uses:** Amend the numbering for formatting purposes
- **BCRC 12-612 Additional Requirements:** Clarifying that splits larger than 20 acres are permitted after simple review by staff.

BCRC 12-334 Industrial Use Table

- The changes in this ordinance are intended to add uses appropriate in an industrial zone or those associated with an agricultural property.
- The changes also remove uses that may be appropriate in an industrial zone but not in Bonner County such as a rendering plant.

BCRC 12-336 Resource Based Use Table

- The change to allow for batch plants to be permitted in an industrial zoned area:
 - Product closer to the source
 - Requires Best Available Control Technology (BACT)
 - Not allowed in an Area of City Impact
- Changing the requirement from two(2) acres to a half acre for growing primary beverage ingredient.

BCRC 12-337 Accessory Use Table

- This new table summarizes the accessory uses throughout the County. This list is not comprehensive but begins the discussion of the type of and limitations for accessory uses. Employee housing is included as a permitted use if it is an integral part of the commercial operation. This could include uses such as Schweitzer or other large commercial uses that would use employee housing as an incentive to employment. The permitting of the housing as a use does not waive any requirements of density, land divisions or other permits such as building location permits, or subdivision. This should be clarified by adding the following: “shall meet all the required standards and permits of the requested type of housing...”

BCRC 12-339

- The purpose of this change is to format the numbering system to allow for the previous addition of the accessory table.

BCRC 12-612 Additional Requirements

- This change clarifies that parcels larger than 20 acres can be created through deed only when reviewed and approved for legal access and zoning.

Public Comments

- Sandpoint Area of City Impact - Letter
- Dover Area of City Impact - Letter
- Kootenai Area of City Impact - Letter
- Forest Service – No comments
- PHD – No Comments
- All other cities and agencies – No response
- Jan 4th Hearing Comments
- Ruen Yeager/Cities of Dover and Kootenai

Staff recommends approval

- The Planning department continues to be aware of the interaction with the public both at the permitting desks and at public meetings. These proposed changes come as a result of this constant interaction with the ordinances and the public. The proposed changes intend to make working with the Planning Department more convenient and practical.

Planning Commission recommends Approval

- At their April 5th hearing, the Planning Commission made the following recommendations:
 - Accessory Table: Remove the Accessory Building use including number 1 of the standards. (Staff removed the deletion of the accessory building in Industrial and Resource Table.)
 - Resource Table: Remove the requirement that a batch plant be associated with a gravel pit.

These changes were made and the Planning Commission recommended **APPROVAL**.