

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
SEPTEMBER 21, 2017**

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; Brian Bailey; Taylor Bradish; Trevor Kempton; Sheryl Reeve; and Suzanne Glasoe

ABSENT: Sabo

ALSO PRESENT: Planning Director Milton Ollerton; Floodplain Manager Jason Johnson; Planner I Marcus Pecnik; Planner I Caitlyn Reeves; Planner I Sam Ross; Planner I Marie Holladay; Administrative Assistant II Jeannie Welter, and Administrative Assistant Amanda Snider

CHANGES IN AGENDA: None.

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: August 17, 2017 and August 24, 2017. Hearing no changes or objections, the Chair declared the minutes approved as written.

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 AM154-17 – Code Amendment to Text, Title 12, Chapter 4, Section 12-484, Vacation Rentals – Bonner County is initiating an amendment to Title 12 (Land Use Regulations), Section 12-484 Vacation Rentals. This amendment establishes an annual permit process reviewing vacation rental homes for public health, safety, and general welfare per Idaho Code 67-6539. This code replaces the current BCRC 12-484 Vacation Rentals. The ordinance is available online: <http://bonnercounty.us/file-am154-17/> or by stopping by the planning department. The ordinance is also available by emailing Milton.ollerton@bonnercountyid.gov.

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 PRESENTATION: Planning Director Milton Ollerton presented the current Vacation Rental ordinance as well as a newly drafted version of the ordinance.

PUBLIC/AGENCY TESTIMONY:

The following individuals spoke on the record: Teresa Larson, Terry Nash, Dick Larson, Jeanine Smith, Will Valentine, Lori Harding, Dan Rose, and Moyna Billing.

Public comments included questions regarding how many complaints the Planning Department has received relating to vacation rentals, suggestions on some verbiage changes, concerns about being micro-managed, etc.

APPLICANT/STAFF REBUTTAL: Director Ollerton stated at current the county does not have a method of tracking complaints we receive regarding vacation rentals and we do not have a way to enforce them.

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

Motion by the governing body:

PLANNING AND ZONING COMMISSION

MOTION TO APPROVE ORDINANCE AMENDMENT: Commissioner Kempton move to RECOMMEND APPROVAL of this ordinance, FILE AM154-17, amending Section 484 of Title 12, Bonner County Revised Code, 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 deleting the old language and adding the Intent, Vacation Rental Permit Procedures, Vacation Rental Standards, Local Representative and Violations and Penalties as amended at this public hearing. This action does not result in a taking of private property. Commissioner Glasoe seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously with a vote of 5-0.

Findings of Fact:

1. The Board of County Commissioners, per Idaho Code Chapter 65, Title 67, "may enact reasonable regulations for a vacation rental.

2. The Board of 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..."
3. The proposed ordinance incorporating the Vacation Rental Ordinance balances 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. The requirements of submittal and approval address these issues and provide for short-term or vacation rental of one's property.

Conclusions of Law:

1. The proposed amendments to Title 12 Section 484 (Vacation Rentals) IS in accord with Idaho Code, Chapter 65, Title 67.
2. The proposed amendments to Title 12 Section 484 (Vacation Rentals) IS in accord with Idaho Code, Chapter 7, Title 31.

12-484: Vacation rentals

- A. 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.
- B. Vacation Rental Permit Procedures: Subject to an **annual** Vacation Rental Permit approved by the Planning Director per the procedures set forth in this section
 1. Vacation Rental Permit Procedures: No structure, guesthouse, dwelling or accessory 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. The application shall include the following:
 - a. The name of the landowner/applicant.
 - b. The address and latitude/longitude of the property.
 - c. The name and telephone number of the local representative
 - d. The maximum occupancy permitted.
 - e. An adequate potable water supply and a sewage disposal method approved by the Panhandle health district and/or Sewer/Water district and/or the state of Idaho shall be provided. **Proof of approved septic and well for the occupancy rate by Panhandle Health or the appropriate Sewer/Water district.**
 - f. The number of off-street parking spaces provided on the property and the maximum number of vehicles allowed to be parked on the property.
 - g. The solid waste disposal collection day.
 - h. The name of the fire district in which the vacation rental resides if applicable.
 - i. Site plan drawn to scale

j. Any additional material needed for a complete review of the application, as determined by the Planning Director.

k. Fees as determined by the Board of County Commissioners.

The planning director shall issue the Vacation Rental permit based on conformance with the standards below. The applicant may appeal the planning director decision to deny a Vacation Rental permit to the Board of County Commissioners, pursuant to the provisions of section 12-261 of this title.

C. Vacation Rental Standards

1. **Annual** Permit: The vacation rental permit shall be issued for **two one (21) years, and must be renewed annually.** The Planning Department shall issue the permit where it finds the application requirements and the requirements of this section have been met, and upon payment of the "Permit Fee" in an amount as determined by the Board of County Commissioners.
 - a. To renew a Vacation Rental Permit, the holder shall submit **an application** for renewal on a form provided by the County together with the renewal fee.
 - b. The **biennial** renewal **application** request shall be submitted within 30 days of the expiration of the Vacation Rental Permit. A permit for which a renewal application is not timely submitted shall automatically expire.
 - c. If a permit has expired, a new application shall be required.
2. Ownership: A vacation rental permit is issued to a specific owner of a property in the applicable zone. If the property holding a vacation rental permit is sold, the vacation rental permit shall immediately expire and the new owner shall make application for a new vacation rental permit.
3. Occupancy:
 - a. The maximum occupancy for a vacation rental shall be three (3) persons per bedroom plus an additional three (3) people up to a total of **20 persons**, regardless of age. This shall also be based on Panhandle Health or the sewer district recommendation and the space available for off-street parking. If there is to be more than 20 people allowed in the rental, a conditional use permit is required.
 - b. No recreational vehicle, travel trailer or other temporary shelter shall be used as a Vacation Rental or in conjunction therewith to provide additional sleeping areas or otherwise.
4. Access: Approval shall be obtained from the agency having jurisdiction over the access serving the site.
5. Parking: One (1) off-street parking space shall be provided for each **four three (4)** persons of occupancy in a Vacation Rental, regardless of age. (12-432) No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Vacation Rental Permit which identifies the location of the required off-street parking.
6. Solid Waste Disposal: The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Vacation Rental is available for rent.
7. Permit Posting: The Vacation Rental Permit shall be posted within 5 feet of the front door of each dwelling unit, **both** on the inside **and on the outside** of the dwelling unit, and contain the following information.

- a. The name and telephone number of the Local Representative.
 - b. The name and address of the Owner.
 - c. The contact information for the Planning Department and the Sheriff's office in Bonner County.
 - d. The maximum occupancy permitted.
 - e. The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
 - f. The solid waste disposal collection day.
 - g. Rules of the area, HOA, etc.
 - h. Boating & recreational rules.
8. Signs/advertising: One on premises sign, which may be lighted from the exterior, not in excess of six (6) square feet, shall be permitted. All advertising for the vacation rental shall include the County permit number and the maximum number of vehicles accommodated by off-street parking spaces.
 9. Adequate evidence shall be provided that there is sufficient land area to accommodate the proposed use, and that the use and any appurtenant structures are so arranged on the land as to minimize any adverse effects on surrounding properties, and will not create particular hazards to adjacent properties.
 10. Zoning: All Vacation Rentals shall conform to the zoning in which they are located including and up to floodplain permitting, shoreline regulations and other applicable building location permits.

D. Local Representative:

1. Local Representative. The Owner of the property shall designate a "Local Representative". The Local Representative must be either the Owner or other individual person who resides permanently within 90 minutes of the property; or, a legally operating resort, bed and breakfast establishment, or property Management Company ~~with a physically staffed permanent office within 90 minutes of the property.~~
2. Change Local Representative. The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a written notice ~~revised permit application~~ that includes the name, address and telephone number of the new Local Representative.
3. Failure to notify the County within thirty days (30) of a change in the Local Representative constitutes a Violation and is grounds for a penalty pursuant to this section.
4. Complaints. The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Vacation Rental. The Local Representative must respond to those complaints ~~within seven (7) business days in a timely manner~~ to ensure that the use of the property complies with the standards for Vacation Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.

5. ~~Availability. If the County Sheriff Department is not able to contact the Local Representative in a timely manner more than twice during the term of the annual permit, this shall be considered a Violation and is grounds for a penalty pursuant to this section.~~
6. Neighbor Notification. The County shall notify property owners and ~~or~~ residents within 300 feet of the property of the issuance of the permit and associated information, ~~including the address and telephone number of the Owner and the Local Representative.~~ The purpose of this notification is so that adjacent property owners and residents can contact the Local Representative and/or Owner to report and request the resolution of problems associated with the operation of the Vacation Rental.

E. Violations and Penalties

1. Violations. Failure to comply with the occupancy or other requirements of the Vacation Rental Permit and/or this section, shall constitute a Violation. Disturbances or nuisances caused by the occupants (and their invited guests) of a Vacation Rental that violate the County Codes or State law shall also constitute a Violation. Penalties for each Violation shall be imposed by the County.
2. Infraction: After receiving two violations in a 12 month period, the County may issue an infraction for any additional violation. An infraction shall be considered a civic public offense, not constituting a crime, and ~~which~~ is punishable only by a penalty.
3. Penalties. Any person who has violated the provisions of this section shall be subject to penalties not exceeding three hundred dollars (\$300) plus court costs for which no period of incarceration may be imposed. ~~and fines under Title 12 of the Bonner County Zoning Ordinance. (I.C. 18-111) Additionally, the Vacation Rental Permit shall be subject to revocation.~~
4. Revocation. The Planning Department is hereby authorized to revoke any Vacation Rental Permit issued under the terms of this section, if, after due investigation, it determines that the holder thereof has received five (5) or more violations in a 12 month period, or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance. The applicant may appeal the planning director decision to revoke a Vacation Rental permit to the Board of County Commissioners, pursuant to the provisions of section 12-261 of this title.

OPEN LINE DISCUSSION:

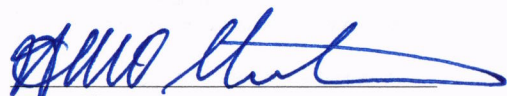
Director Ollerton advised the P&Z commissioners of an industrial rezoning project that will be coming to them that will focus on specific parcels relating to gravel pits and a few other parcels that would be appropriately rezone as industrial.

FEMA is having a meeting with the BOCC October 24, 2017 to discuss on going floodplain compliance issues.

He informed the commissioners that the commission appointments that were coming up to expire at the end of September have been reappointed for another term.

The Chair declared the hearing adjourned at 9:03 p.m.

Respectfully submitted,



Milton Ollerton
Planning Director

The above Minutes are hereby approved this 5th day of October, 2017.

Bonner County Planning and Zoning Commission



Don Davis, Chair