CITY COUNCIL AGENDA REQUEST FORM

Today's date: 2 / 13 / 18

Date of meeting 2 / 21 / 18

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:
Planning Staff

Address: 1123 Lake Street

Phone number and email address: 208.255.1738 aqualls@sandpointidaho.gov

Authorized by: Aaron Qualls
name of City official *ty of*
(Department Heads, City Council members, a... ne Mayor are City officials.)

Subject: ACI Review

Summary of what is being requested: Review Bonner County Planning Department's proposed code amendments and make comments as deemed necessary

The following information MUST be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city? **Yes or No** ☐ ☑

   If yes, in what way?

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action: Have they been contacted? **Yes or No**

3. Is there a need for a general public information or public involvement plan? **Yes or No** ☐ ☑
   If yes, please specify and suggest a method to accomplish the plan:

4. Is an enforcement plan needed? **Yes or No** ☐ ☑ Additional funds needed? **Yes or No** ☐ ☑

5. Have all the affected departments been informed about this agenda item? **Yes or No** ☑ ☐

This form must be submitted no later than 5 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

SANDPOINT
PLANNING DEPARTMENT

Staff Report

To: City Council
From: Planning Staff
Report: February 14, 2018
Meeting: February 21, 2018
Item: ACI18-01 Bonner County Planning Department

General Information

Applicant:	Bonner County
Requested Action:	Review Bonner County Planning Department's proposed code amendments and make comments as necessary
Purpose:	Various amendments & code cleanups
Location:	Bonner County and Sandpoint's Area of City Impact (ACI)
Size:	N/A
Existing Zoning & Context Area:	Sandpoint's ACI Context Areas: CA-1, CA-1.5, CA-2, CA-VR
Surrounding Land Use and Zoning:	Bonner County's Zoning in Sandpoint's ACI: Primarily Suburban, Agricultural/Forest, and Rural
Included in Staff Report:	1. Staff Overview 2. Relevant Portions of the Comprehensive Plan 3. Planning Commission Recommendations 4. Motion for Recommendation
Attached:	1. Sandpoint ACI Map 2. Bonner County Zoning Map 3. Bonner County Amended Code: a. BCRC 12-2.3: Administrative Variances b. BCRC 12-264: Administrative Exceptions c. BCRC 12-334: Industrial Uses d. BCRC 12-336: Resource Based Code e. BCRC 12-337: Accessory Use Table f. BCRC 12-612: Additional Requirements g. BCRC 12-616: Certificate of Compliance 4. Planning Commission minutes of February 6, 2018 5. Letter from the City of Kootenai to the Bonner County Planning Department

1. Staff Overview

Sandpoint's ACI (Area of City Impact) ordinance with Bonner County was first adopted in 1977, and revised in 1994. Under the ordinance, property within the ACI boundaries are governed by the County's regulations but the County is required to solicit comments from the City. Sandpoint's comprehensive plan envisions land within the ACI as generally very low density and rural in nature with no commercial or service type uses. There are areas that promote certain types of higher density growth, such as immediately adjacent land to the West and North of the city limits.

The following proposed code changes were reviewed by the Planning Commission on February 6th, 2018 who's recommendations are reflected in the Motion for Recommendation. Since then, Staff has received the response from the City of Kootenai which is also attached to the staff report.

The Bonner County Planning department is initiating changes to a number of ordinances that may affect Sandpoint's ACI. Summaries of each code change are listed below along with the entire draft of each code attached to the staff report. The county zoning designations within Sandpoint's ACI are: Suburban, Agricultural/Forestry, and Rural (see attached Bonner County Zoning Map, the city's ACI is denoted by a dashed line).

Bonner County zoning designation key:

- F = Forest
- A/F = Agricultural/Forest
- R = Rural
- S = Suburban
- C = Commercial
- I = Industrial
- RSC = Rural Service Center
- REC = Recreation
- AV = Alpine Village

BCRC 12-238 Administrative Variances: This ordinance is proposing to add an additional path for those seeking a variance: an administrative variance. An administrative variance according to the proposed code grants the director to make an administrative decision to grant a variance of "up to thirty percent (30%) of the following requirements: lot size, lot width or depth, structure height, setback distances for the front, back, or side yards, or parking space." The director can also choose to require that the variance go to public hearing. Any variance beyond the 30% would be required to go through a public hearing. For example if a property owner had an 8 acre parcel in a 5 acre minimum zone, could prove a hardship, and desired to split it into two, staff could administratively grant approval without the variance going to a public hearing.

BCRC 12-264 Administrative Exceptions: A change from numbers to percentages for administrative exceptions for dimensional requirements for setbacks and subdivision depth and width standards or parcel/lot sizes. This change provides more flexibility for an applicant looking to deviate from requirements, especially larger minimum lot sizes since it is now percentage based.

BCRC 12-334 Industrial Uses: Expands the allowed industrial uses in the county. Uses like electronics manufacturing, machine shops, pharmaceutical manufacturing are now explicitly allowed. Meat processing

operations and food and dairy processing/manufacturing less than 2,000 square feet are now allowed by right in most zones while such facilities larger than 2,000 square feet would be allowed conditionally.

BCRC 12-336 Resource Based Code: Allowing two new uses in the Resource Based Use Table: batch asphalt/and or concrete plants and open pit mining. Open pit mining would only be allowed in Industrial zones while batch plants would be conditionally allowed in Forest, Agricultural/Forest, and Rural zoning and allowed by right in Industrial zones. Additionally, batch plant operations are explicitly disallowed from being located within city impact areas in the proposed code.

BCRC 12-337 Accessory Use Table: Creates a separate accessory use table that explicitly allows different types of accessory structures such as sheds, garages, and more specific uses like watchmen or caretaker's living quarters on same site as a permitted use.

BCRC 12-612 Additional Requirements: An allowance to give the director the ability to waive the subdivision requirements when dividing land into parcels over 20+ acres.

BCRC 12-616 Certificate of Compliance: Moves the date for which a parcel may legally exist to the adoption date of the last major rewrite of the ordinance (November 18, 2008). This makes it easier for staff to determine whether a parcel meets compliance as it now needs to meet the standards from the last major code rewrite only.

2. Relevant Portions of the Comprehensive Plan

"Sandpoint was founded upon and remains framed by its natural resources. Although the general population doesn't depend on as many natural resources for survival or economic gain as they once did, they value them no less. The desire to preserve open space in the ACI will be served by primarily focusing development in the existing City limits. Sandpoint is also a city in nature, surrounded on all sides by the best features of North Idaho's landscape. This comprehensive plan aims to highlight and protect this natural environment, including concentrating growth within the existing city limits. Although Sandpoint's ACI extends into the picturesque hills surrounding the city, the growth strategies articulated by this comprehensive plan work to minimize urban incursion into the ACI; this helps ensure scenic and natural attributes valued today will be preserved into the future" (p. 10.3).

ACI Land Uses:

- **CA-1:** CA-1 is the lowest intensity development pattern in the Sandpoint plan, characterized as predominantly rural with some farms, a few residences and no service or commercial activity. Because this rural pattern is inconsistent with the vision of a sustainable, compact city, the plan discourages CA-1 areas within city limits. CA-1 is indicated in areas adjacent to "very rural" areas in the ACI, and abutting industrial lands west of the Great Northern tracks near the airport.

- **CA-1.5:** CA-1.5 is a low intensity development pattern occurring primarily in Sandpoint's ACI. This development pattern encourages preservation of wildlife habitat and open space through the utilization of cluster development that prefers congregation of dwelling units at slightly higher density in exchange for protection of larger areas of open space.

- **CA-2:** CA-2 is the lowest density development pattern located in the City, characterized by Sandpoint's historic single-family neighborhoods set on a traditional street grid with small Accessory Dwelling Units, an urban forest, active alleys, on-street and alley parking, walkable streets and a variety of housing types intermixed on the same street. Individual structures should respect the scale and character of the built environment with the bulk, mass and architecture of new structures being harmonious with existing residences in their vicinity.

  Beyond the City, much of the ACI immediately adjacent to CA-2 designations within city limits has been designated CA-2, to facilitate a more seamless transition should those areas be annexed in the future.

- **CA-VR:** Sandpoint's rural, non-developed areas are well defined by its existing land use arrangement. The majority of such lands are on the west and northwestern fringes of the ACI. On the comprehensive plan map, Very Rural designations have been applied to areas beyond CA-1 designations within the City's ACI. Very Rural areas are appropriate for designation as sending areas if a formal "TDR" program is implemented by the City. Very Rural lands represent an important component of the ACI. The rural character of these lands provides many benefits to residents including undeveloped viewsheds, opportunity for direct recreational access and a clear boundary, limiting development which contributes to our geographic authenticity and sense of place.

Relevant Goals and Policies from the Comprehensive Plan:

Goal CD-1: Historic Town - Retain Sandpoint's position and image as an historic town.

- Policy A: Ensure that all commercial, single and multi-family development respect the town's unique historic character, in architecture, density and in site planning.

Goal LU-1: Efficient Land Use – Achieve an efficient use of land in and around Sandpoint, reducing pressure to expand into the Area of City Impact to accommodate population growth.

- Policy C: Preserve open space in ACI by clustering development.

Goal T-4: ACI Design – Facilitate the orderly development of the Area of City Impact.

- Policy A: Consider a grade-separated railroad crossings where appropriate, to ensure the adequate delivery of City services.
- Policy B: If developed, design the western bypass to encourage traditional grid network neighborhood development.
- Policy C: Facilitate design and development of an interconnected street grid network.
- Policy D: Coordinate with Bonner County to identify right of way acquisitions and street design prior to and during subdivision applications.
- Policy E: Provide for adequate pedestrian and bicycle safety at railroad crossings.

Goal R-3: Open Spaces – Incorporate environmentally sensitive areas and public spaces into the parks and recreation system.

- Policy C: Encourage the development of a greenbelt trail system extending throughout the ACI, linking natural open space and recreational areas with primary multimodal transportation routes.

3. Staff Recommendations as they pertain to the Area of City Impact (ACI)

In 12-334 Industrial Use Table, staff recommends that "Food and dairy products processing and manufacturing including frozen foods greater than 2000 square feet" and "Meat processing greater than 2000 square feet" only be allowed in commercial or industrial zones. Larger commercial operations are incompatible with Sandpoint's ACI.

4. Motion for Proposed Recommendation

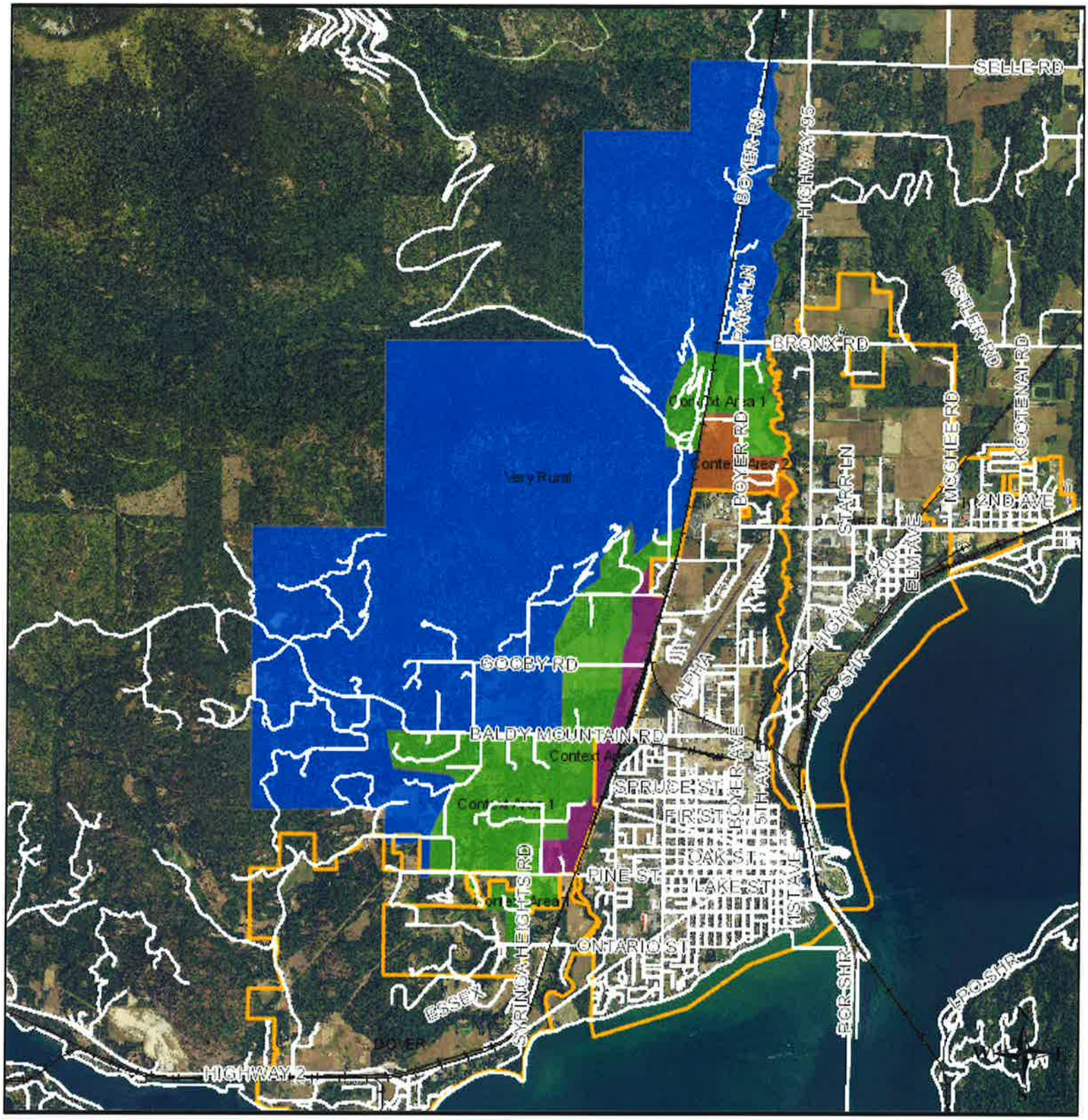
"I move that the Bonner County Planning Department be advised that the Sandpoint City Council has the following comments on the proposed code amendments:

1. **BCRC 12-334 Industrial Uses:** Larger commercial / industrial operations, and any housing associated with them *beyond current densities of the underlying zoning designations (staff added)*, are incompatible with Sandpoint's ACI and food / dairy products processing and Meat processing over 2000 square feet should only be allowed in commercial or industrial zones.
2. **BCRC 12-238 Administrative Variances:** That Administrative Variances shall be treated as regular variances within the ACI for purposes of comment and review periods.

February 2, 2018

Sandpoint ACI

0 2,500 5,000 10,000 Feet



Railroad

Roads12_12ROW

City limits

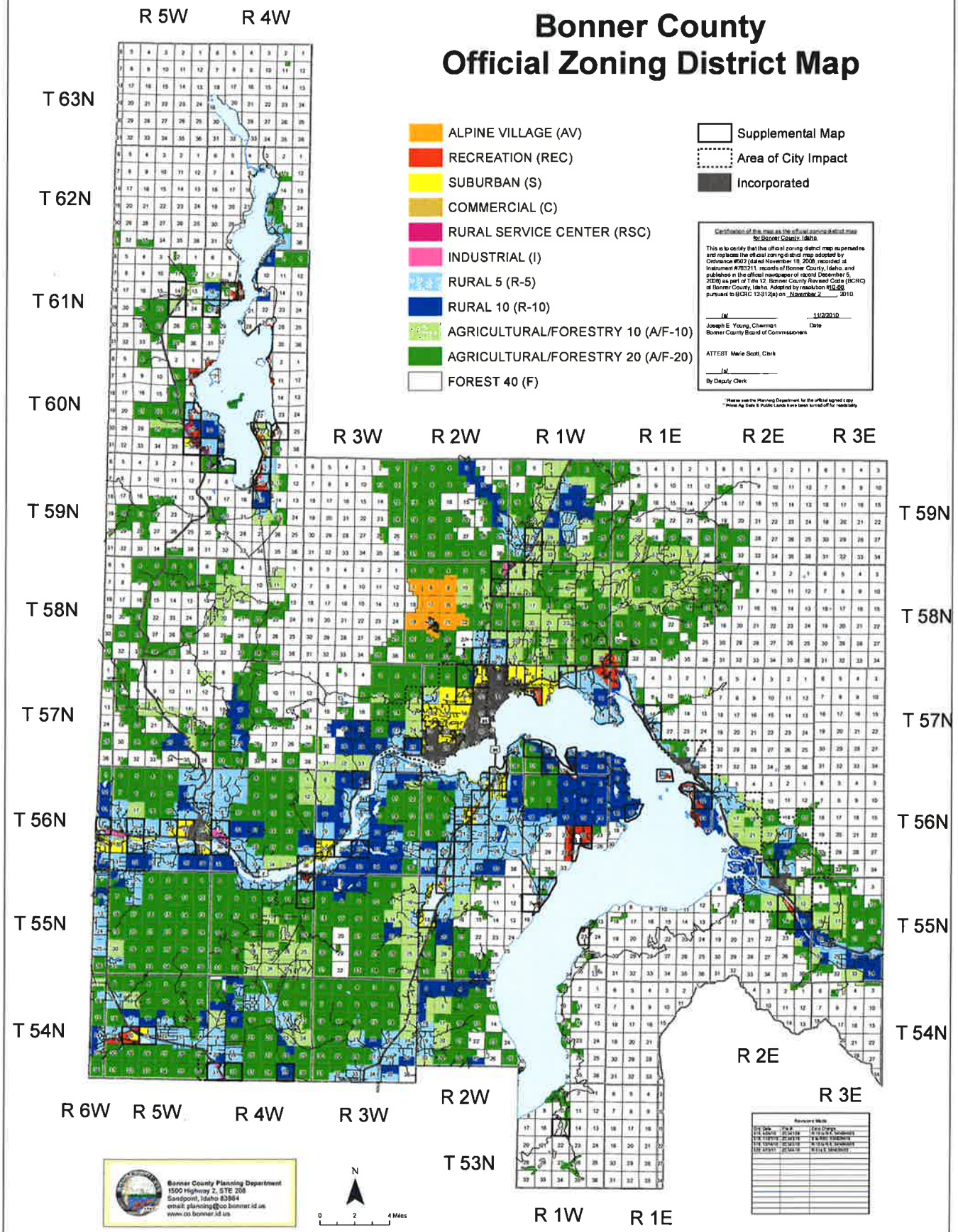
- DOVER
- KOOTENAI
- PONDERAY

SANDPOINT

ACI land use

- Context Area 1
- Context Area 1.5
- Context Area 2
- Very Rural

Bonner County
Official Zoning District Map



BCRC Title 12, Subchapter 2.3 - Variances

12-238 Administrative Variances

A. The director may grant a variance, as an administrative decision, of up to thirty percent (30%) of the following requirements: lot size, lot width or depth, structure height, setback distances for the front, back, or side yards, or parking space.
B. The applicant shall submit an application for administrative variance along with the appropriate fee.
C. The application shall be processed as follows:
    1. Application and Administrative Requirements: A site plan and letter of intent shall be submitted for review together with all appropriate fees as established by the adopted fee schedule. The burden of proof lies upon the applicant to show whether characteristics of the site create an undue hardship.
    2. Area of City Impact: If the property is located in an area of city impact, the County shall notify the affected city and allow the required amount of time for a response.
    3. Notifications: Upon acceptance of an application, and while in ACI review, if appropriate, the Director shall provide notification by mail of the variance request to the owners of parcels within three hundred feet (300') of the external boundaries of the parcel and shall provide such individuals a period of twenty-one (21) calendar days from the date of the mailing to submit comments concerning the proposed variance.
    4. Action on application: Based on the comments from staff, agency, and those from affected property owners, the Director shall review the proposed request and shall either approve, approve subject to conditions, or deny the application or forward it to the Planning Commission for a public hearing per section 2.3 within seven (7) working days from the end of the twenty-one (21) day comment period. In considering comments, the director shall evaluate whether granting the variance will be consistent with the standards listed in BCRC 12-234: Variances, Standards for Review of Applications.
    5. Notice of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.
D. The planning commission shall consider all other applications for variances in accordance with the notice and hearing procedure of this chapter.
E. Appeal: The decision of the Director may be appealed as follows:
    1. Filing Time Limit; Fee: Any affected person may file an appeal of the final decision of the Planning Director with the Planning Department within twenty eight (28) days after the final written decision of the Planning Director has been issued. The appellant shall pay the fee required by this title upon filing the appeal. An appeal shall not be considered to be filed until such fee has been paid. Failure to file the appeal within the time limits shall cause automatic dismissal of the appeal.
    2. Notice Of Appeal Contents: The notice of appeal shall be in writing and shall provide the grounds for the appeal and set forth the issues of appeal.
    3. Procedures For Consideration Of Appeal:
        i. Within sixty (60) days of the receipt of the appeal, the Board shall conduct a public hearing. The hearing shall be conducted in the same manner using the same standards, as if the Board had original jurisdiction to hear the application.
        ii. Upon consideration, the Board may affirm, reverse, or modify the decision of the commission/hearing examiner, after compliance with applicable procedural standards.
        iii. The decision of the Board shall be final, and any further recourse shall be as provided by law.

12-264: ADMINISTRATIVE EXCEPTIONS:

An administrative exception, not to exceed ~~one foot~~ ten percent (~~1~~10%) of any dimensional requirement applicable to waterfront, front, side, rear and flanking street setbacks, and a ~~two~~ five percent (~~2~~ 5%) exception to subdivision design depth to width standards, or parcel/lot size may be granted by administrative action of the planning director without public notice and without public hearing. (Ord. 501, 11/18/2008)

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~~
Electronics: electrical and related parts; electrical appliances, motors and devices, electrical and mechanical;					C (12)(13)	P (2)			
Food and dairy products processing and manufacturing including frozen foods greater than 2000 square feet		C	C	C	C(2)	P (2)	C		
Food and dairy products processing and manufacturing including frozen foods less than 2000 square feet (15)		P	P	P	P	P	P		
Furniture manufacturing and upholstering					P (12)(13)	P (2)			
Industrial and manufacturing, fabricating or processing of products (1)						P (2)			
Industrial, light					P (3)	P	P (3)		
Instruments: scientific and precision; medical and dental; timing and measuring -					C (12)(13)	P (2)			
Junkyards/wrecking yards (5), (6)						C			
Laboratories: dental, medical, and optical					C (12)(13)	P (2)			
Machine shop					C	P (2)	C		
Manufacturing of explosives (7)						C			
Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)					C (12)(13)	P (2)			
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			
Meat processing greater than 2000 square feet		C	C		C(2)	P(2)	C		

Meat processing less than 2000 square feet (14)		P	P		P	P	P		
Warehouse storage						P			

Standards:

(1) Fabrication or assembly of products, wholesale distribution facilities, such as warehouses, bulk plants, etc., not used for agricultural purposes.

(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.

(3) Use must be wholly contained within a single building having less than 10,000 square feet. Buildings larger than 10,000 square feet are subject to a conditional use permit in the commercial district.

(4) Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to the appropriate standard set forth in title 2 of this code or appendix A of this title.

(5) The site shall provide for adequate screening by using a sight obscuring fence and a strip of type A landscaping at least 20 feet wide around the perimeter of the site.

(6) No materials, parts, automobiles or junk will be visible from any public right of way. A performance bond or developer's agreement may be required for assurance of compliance with the provisions of this conditional use.

(7) Manufacturing of explosives shall have a minimum area of 10 acres and shall be at least 1,000 feet from any residential district or residential use. The use shall be subject to approval of the local fire officials and all other applicable agencies. Facilities will not be approved if not located in a fire district. The use shall meet all other local, state and federal requirements.

(8) All facilities shall be designed and located with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses.

(9) All sawmill, shingle or planing mill, or woodworking plant facilities must meet air quality standards applicable at the time of issuance of this permit. All facilities must make provision for fire protection; facilities must also meet the requirements and be approved by the appropriate fire district. Facilities will not be approved if fire protection is not provided.

(10) Off street parking for all patrons shall be provided.

(11) Slaughterhouse, ~~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.

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)
Batch Plant – asphalt and/or concrete (4) (21)	C	C	C			P (21) (22)			
Open Pit (22)						P			
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)			C		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:

(1) Includes growing and harvesting of crops only. All other agricultural uses are prohibited, except where otherwise noted in this title.

(2) Commercial fur farms shall have a minimum area of 10 acres. All animals and runs will be housed in permanent buildings not less than 100 feet from any dwelling other than the dwelling of the owner. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.

(3) Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.

(4) Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable state and federal standards.

(5) Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to the appropriate standard set forth in title 2 of this code or appendix A of this title.

(6) Temporary rock crushing operations located outside of city impact areas within an existing or approved gravel pit.

(7) 1 on premises sign, not in excess of 32 square feet, which may be lighted from the exterior, shall be permitted when included as part of the conditional use permit application.

(8) A traffic plan is required describing, at minimum, the method of ingress and egress to the site, traffic circulation within the site and on premises parking and loading areas.

(9) The keeping of equine animals for noncommercial uses and associated nonresidential accessory structures, on property having an area of 3 acres or more is permitted, provided that animal care and waste management meet all applicable state and health district regulations and provided that the number of animals not exceed 2 equine animals on 3 acres and 1 additional equine animal for each additional acre up to a maximum number of 10 equine animals. The keeping of equine animals for noncommercial purposes on property having an area of not less than 1 acre and not more than 3 acres and associated nonresidential accessory structures may be conditionally permitted, provided that animal care and waste management meet all applicable state and health district regulations and the number of equine animals does not exceed 2.

(10) Mining and rock crushing activities shall be temporary, and shall be limited in lifetime and scope by conditions established by the commission.

(11) Includes growing and harvesting of crops. Other agricultural uses are limited, as specifically provided by this title.

(12) The keeping of chickens and rabbits are permitted, subject to the following standards:

a. Roosters are prohibited.

b. Up to 10 chickens, rabbits or combination thereof may be kept on lots/parcels of less than 1 acre, provided all enclosures and coops are set back a minimum of 20 feet from all property lines and from any residences other than the owner/renter.

c. Up to 30 chickens, rabbits or combination thereof may be kept on lots/parcels between 1 and 3 acres, provided all enclosures and coops are set back a minimum of 20 feet from all property lines and from any residences other than the owner/renter.

d. Up to 50 chickens, rabbits or combination thereof may be kept on lots/parcels greater than 3 acres, provided all enclosures and coops are set back a minimum of 50 feet from all property lines and from any residences other than the owner/renter.

e. All chickens or rabbits shall be kept in a predator resistant enclosure during daytime hours and shall be enclosed in a predator resistant, covered coop or enclosure during nighttime hours.

f.Animal care and waste management practices shall meet all applicable state and health district standards.

g. Chickens or rabbits shall be kept on the same lot/parcel as the landowner/renter or on an adjacent lot or parcel to owner/renter.

(13) The keeping of bees, livestock, farm animals and domestic fowl (turkeys, ducks and geese), are permitted, subject to the following standards:

a. The lot or parcel shall contain a minimum of 3 acres.

b. Animals shall be limited to 2 animal units for the first 3 acres of fenced, pasture land, forestland or enclosure associated with the agricultural use and 1 additional animal unit per acre thereafter. Total animal units shall not exceed 20 animal units no matter the acreage. (See animal unit chart in chapter 8 of this title.)

c. Beekeeping operations shall be registered with the state department of agriculture.

d. Confined feeding areas, cages, pastureland or enclosures shall be constructed and maintained to keep the animals contained. Feeding areas, cages, pastureland or enclosures may be placed up to the property line but shall not be closer than 40 feet from any residence other than the owner or renter. Hives shall be a minimum of 25 feet from all property lines and any residences other than the owner or renter.

e. Animals shall be kept on the same lot/parcel as the landowner/renter or an adjacent lot/parcel to the owner/renter.

f. Animal care and waste management shall meet all applicable state and health district regulations. Waste shall not be stockpiled or composted within 50 feet of any property line or any residence other than the owner or renter.

g. Keeping of swine, unneutered male goats, guinea fowl, peafowl, ostrich, emu, buffalo, yak, and beefalo is prohibited. Exception: 1 potbellied pig is permitted.

(14) Subject to standards contained in section 12-493 of this title.

(15) Subject to standards contained in section 12-494 of this title.

(16) Subject to section 12-495 of this title.

(17) In the suburban zoning district, a minimum of 5 acres is required for agricultural direct marketing activities.

(18) Shall meet all applicable local, state, and federal regulations. At least 2 acres of primary ingredient used in processing shall be grown on site.

(19) A minimum of 5 acres is required in the suburban district. Use shall be contained within building not exceeding 10,000 square feet of floor area.

(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)

12-337: ACCESSORY USE TABLE:

TABLE 3-7
ACCESSORY USE TABLE

Use	Zoning District								
	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
Accessory Buildings located on the same site as a permitted or conditional use (1)	P	P	P	P	P	P	P	P	P
Employee Housing as an integral part of the commercial operation (2)(3)	P	P	P	P	P	P	P	P	P
Incidental services for employees on a site occupied by a permitted or conditional use						P			
Watchman's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use (4)	P	P	P	P	P	P	P	P	P
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.	P	P	P	P	P	P	P	P	P

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.

12-612: ADDITIONAL REQUIREMENTS:

A. Replatting Required:

1. Any division of land that has been platted shall not be divided again without replatting.

B. Recorded Survey Required:

1. Any division of land created pursuant to subsection C of this section must be surveyed and the survey recorded with the county recorder if any one parcel in the division is less than five (5) acres, or a $^{1}/_{128}$ aliquot division of a section.

C. Family Division: The following division of land is exempt from platting: A division of unplatted land which is made for the purpose of a single gift or sale to the landowner's spouse, parent, child, sibling, grandparent or grandchild; provided, that the division complies with all of the following:

1. A division of unplatted land made for the purpose of a single gift or sale from the landowner's spouse, parent, child, sibling, grandparent or grandchild;

2. The landowner has not previously been exempt from platting requirements by a gift or sale of another single parcel to the same person;

3. An individual may only receive one parcel by gift or sale created pursuant to this exemption ever within Bonner County. Examples:

   a. If a husband owns two (2) different parcels in Bonner County and wishes to divide both parcels under the provisions described in this subsection C, he can give his wife only one of the divided parcels. However, he can give or sell the second parcel created by the other land division to his child, sibling, grandparent or grandchild.

   b. An individual may receive by gift or sale a single parcel from his father through the exemption process, but may not again receive from any other family member another parcel through the exemption process.

4. The parcel created and any remaining parcel meets the minimum zoning district requirements for the district in which the parcel is located;

5. The parcels created conform with the design criteria set forth in section 12-621, subsections 12-623A through C, sections 12-624, 12-625, and subsections 12-626A and C of this chapter;

6. A "notice of land division" is recorded in accordance with the provisions set forth at section 12-613 of this subchapter for all parcels and remainder parcel created; and

7. Parcels created pursuant to this subsection that are not retained by the grantee for a period of two (2) years from the date of recording are subject to the platting standards contained within this title. For any remaining parcel which has legal access and is not less than ten (10) acres, the two (2) year holding period shall not apply.

D. Financing Of A Lot Or Parcel: The following is exempt from platting: The financing of any portion of a single lot or parcel; provided, that:

1. The portion separated for financing purposes and any remaining portion meet the minimum zoning district lot size requirements for the district in which the single lot or parcel is located; and

2. The single lot or parcel remains in one ownership.

E. Reservation Of A Life Estate: The following is exempt from platting: The reservation of a life estate; provided, that the single lot or parcel remains in one ownership.

F. 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.

12-616: CERTIFICATE OF COMPLIANCE, CONDITIONAL CERTIFICATE OF COMPLIANCE:

A. Any person owning a lot or parcel may apply for a certificate of compliance, on an application form provided by the planning department, requesting the planning director to determine whether the lot or parcel resulting from a division of land complies with the applicable provisions of Bonner County code in effect at the time the division occurred. The fee for applying for a certificate of compliance shall be as set forth in section 12-265 of this title.

B. If the planning director, upon reviewing the application, determines that the lot or parcel resulting from a division of land complies with the applicable provisions of Bonner County code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the planning director shall record, on a form provided by the planning department, a certificate of compliance with the Bonner County recorder. The certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land complies with the applicable provisions of Bonner County code in effect at the time the division occurred.

C. If the planning director, upon reviewing the application, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of Bonner County code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the planning director shall record, on a form provided by the planning department, a conditional certificate of compliance with the Bonner County recorder. The conditional certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the property. The planning director shall record a certificate of compliance upon the applicant completing the listed conditions. A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein.

D. If the planning director, upon reviewing a permit for the development or use of any lot or parcel, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of this code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the planning director shall record, on a form provided by the planning department, a conditional certificate of compliance with the Bonner County recorder. The conditional certificate of compliance shall identify the lot or parcel and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the lot or parcel. The planning director shall record a certificate of compliance on the application completing the listed conditions. A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein. A conditional certificate of compliance recorded pursuant to this subsection shall include

as a condition the fee as set forth at section 12-265 of this title.

E. For the purposes of the administration of this section, the following shall be considered to be in compliance:

1. Any lot or parcel which is described on a recorded legal instrument of conveyance prior to ~~October 20, 1978~~ November 18, 2008;

2. Any lot or parcel for which a valid building permit or building location permit has been issued by Bonner County since November 18, 2008 ~~October 20, 1978~~, whereon development has occurred and a use has been established in reliance on that permit;

3. Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to November 18, 2008 ~~August 12, 1995, that met the minimum zoning district standards in effect at the time of conveyance~~;

4. Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to November 18, 2008 ~~August 12, 1995~~, that meets current minimum zoning district standards. (Ord. 501, 11-18-2008)

F. Any determination made by the planning director in the administration of this section shall be appealable to the board of county commissioners by notifying the planning director in writing of the intent to appeal within ten (10) calendar days from the date of the determination. Upon receipt of an appeal, the planning director shall schedule a meeting with the board within ten (10) working days to hear the appeal and shall provide written notice to the appellant of the time and place of the meeting. The planning director and appellant shall be provided an opportunity to present the relevant issues to the board at that meeting. The board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code. If no appeal is filed, the planning director's decision will be deemed effective and the certificate of compliance or conditional certificate of compliance shall be recorded. (Ord. 551, 3-9- 2016)

SANDPOINT PLANNING COMMISSION MEETING
5:00 P.M. CITY HALL COUNCIL CHAMBERS
MINUTES OF FEBRUARY 6, 2018

COMMISSION MEMBERS PRESENT: Tom Riggs, Slate Kamp, Mark Remmetter, Danny Strauss, Cate Huisman, Tom Russell

COMMISSION MEMBERS ABSENT:

STAFF MEMBERS PRESENT: Planning & Community Economic Director Aaron Qualls, Planner Ryan Shea (minutes)

Chairman Riggs called the meeting to order at 5:00 p.m.

Matters from the Public: None.

Approval of the Consent:
Strauss said that the sentence on page 6 of the January 16 minutes worded as "determined it was not in the public interest" should be amended to "determined it was not in conflict with the public interest."

Commissioner Russell moved to approve as amended and Commissioner Huisman seconded to approve the minutes of January. **Motion passes unanimously.**

Commissioner Huisman moved to approve the final decision of CUP17-01, seconded by Remmetter. **Motion passes unanimously.**

Agenda Item C: Bonner County Planning Department Code Amendments

Shea explained that the county is required to solicit comments from the city when development, code changes, etc. occurs in the Area of City Impact (ACI). Shea said that the following proposed code changes could present a number of potential issues for the ACI. Shea briefly went over the proposed code changes.

The commission recessed at 5:30 pm in order for Agenda item D workshop to begin.

The commission reconvened at 7:25 pm.

Staff continued to briefly go over each code change proposed by the county. The commission discussed concerns regarding large commercial operations being permitted in the ACI and large numbers of employee housing being allowed with those uses.

Russell commented that the proposed variance and exceptions appeared to give a lot of power to county staff and took the public out of the process. Russell and Strauss agreed

that administratively granting variances in the ACI could be problematic without proper city review.

Huisman moved that the Sandpoint Planning Commission recommend to the City Council that the Bonner County Planning Department be advised the City has the following comments on the proposed code amendments:

1. That larger commercial industrial operations, and any housing associated with them, are incompatible with Sandpoint's ACI, and that food/dairy products processing and meat processing over 2,000 square feet should only be allowed in commercial and industrial zones.

2. That administrative variances be treated as regular variances within the ACI for purposes of comment and review periods.

Seconded by Remmetter. **Motion passes unanimously.**

Matters from Staff: None.

ADJOURNMENT: The meeting adjourned at 8:00 p.m.

City of Kootenai
PO Box 566
204 Spokane St.
Kootenai, ID 83840
208-265-2431
208-265-0932 (fax)

February 7, 2018

Milton Ollerton, Planning Director
Bonner County Planning Department
1500 Hwy 2, Suite 208
Sandpoint, ID 83864

RE: City of Kootenai Area of City Impact comment, File #AM161-18

Dear Mr. Ollerton:

The City of Kootenai is in receipt of your request for comment for the proposed land use code amendments being considered under File #AM161-18.

Please be advised that the Kootenai City Council reviewed the application for the eight proposed code amendments at its February 6, 2018 regular meeting, pursuant to Kootenai City Code Section 8-3D-6. The City Council voted unanimously to provide the following comments to Bonner County:

- **Administrative exceptions, BCRC 12-264.** The Council recommends clear criteria be established for granting the exception, similar to variances. In addition, lot size minimum exceptions should apply to a single lot or parcel, not to a whole subdivision.

- **Administrative variances, BCRC 12-238.** The Council opposes this amendment because it lacks the public hearing process required by the Local Land Use Planning Act, denies due process, and lacks criteria for granting the variance.

- **Industrial zones, BCRC 12-334.** The Council agrees with the requirement that operations larger than 2,000 square feet be subject to conditional use permit approval. Any heavy industrial uses will affect the City, and Kootenai desires to have the opportunity to comment on these through the ACI process.

- **Resource-based Uses, BCRC 12-336.** The Council believes asphalt batch plants can have far-reaching effects. By opening non-industrial zones to these uses, the lands adjoining Kootenai and the City itself may be affected. The Council is concerned with the effect of industrial asphalt/concrete batch plants on its transportation system if these uses are allowed in outlying areas of the county.

- **Accessory uses, BCRC 12-337.** The Council requests clarification on the housing options listed as "permitted." This section should be clarified because if the housing is permitted outright, it may not allow ACI comment. The City Council does not agree with any permitted outright uses that do not allow for ACI review and comment, when these uses would otherwise allow ACI review. The Council objects to any uses that would exceed the densities established by zoning and comprehensive plan maps. Also, proposed changes to allow for tiny houses could affect ACIs and their abilities to serve. The Council advises that any inclusion of tiny homes in the county land use codes is premature because the county has not yet established tiny home definitions, criteria, density, and services. The City has not had an opportunity comment on the tiny home land use code proposals and objects to the inclusion of this use in the accessory table before cities have had an opportunity to review and comment on the tiny home concept.

- **Classification of new uses, BCRC 12-340.** The Council has no comments.

- **20-acre exemptions, BCRC 12-612.** The Council has no comments.

- **Certificate of Compliance (Amnesty), BCRC 12-616.** The Council objects to a blanket grant of "amnesty," and believes the grant of relief to zoning or subdivision law should be on a case-by-case basis, upon a showing that the current landowner is not the one who caused the violation. Any violation of zoning or subdivision law that is being "adjudicated" should not be considered.

If you need any additional information, please contact me or City Clerk Ronda Whittaker at Kootenai City Hall. Thank you for the opportunity to review and comment.

Sincerely,

_____

Nancy Lewis, Mayor of Kootenai