

**PLANNING DEPARTMENT  
PUBLIC HEARING DECISION MINUTES  
SEPTEMBER 1, 2021**

**CALL TO ORDER:** Chair McDonald called the Bonner County Commissioners' hearing to order at 1:30 p.m. in the 3rd floor meeting room, Suite 338 of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

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

**ABSENT:**

**ALSO PRESENT:** Planning Director Milton Ollerton; Assistant Planning Director Jacob Gabell; Administrative Manager Jeannie Welter; and Administrative Assistant III Janna Berard

**PUBLIC HEARING:**

**AMENDMENT TO TEXT**

**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 AM0018-21 – Amendment to Text – Bonner County Revised Code – Title 11 & 12 Official Fee Schedules – Bonner County** is initiating amendments to the Planning Department Official Fee Schedules for Titles 11 and Title 12 Bonner County Revised Code (BCRC), adding fees for recently adopted changes to Title 11 & Title 12, Boundary Line Adjustment fees, small structure fees, removing Condo Plat fees, and making adjustments to fees to continue to cover actual costs of reviewing projects and administering requirements of code. The fees are charged by Bonner County Planning to cover actual costs of reviewing projects and administering requirements of code.

**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:** Director Milton Ollerton presented the fee schedule and previously circulated staff report, concluding this project is consistent with Idaho Code and Bonner County Revised Code.

**APPLICANT PRESENTATION:** None

**PUBLIC/AGENCY TESTIMONY:** None

**APPLICANT REBUTTAL:** None

**BOARD DELIBERATION:** The Chair closed the hearing to public testimony. The Board discussed Findings and Conclusions.

**MOTION:** Commissioner Connolly moved to approve File AM0018-21 adopting the Official Fee Schedules for Titles 11 and 12 for the Bonner County Planning Department, finding the proposed fee schedules are in accord with the findings of fact and conclusions of law listed. Commissioner Connolly further moved to adopt Board of Commissioners' Resolution No. 75, enacting the Official Fee Schedules for the Planning Department. Commissioner Bradshaw seconded the motion.

**ROLL CALL VOTE**

Commissioner McDonald:	Aye
Commissioner Connolly:	Aye
Commissioner Bradshaw:	Aye

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

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**Project summary:**

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Whenever the Board of Commissioners desires to increase its fees greater than five percent or wishes to institute new fees, a public hearing is required, as provided by Idaho Code §63-1311A. The Board is proposing some fee changes for Title 11 (Building Regulations), Title 12 (Land Use Regulations) including some increases and new fees.

The proposed changes are summarized as follows:

Title 11 proposed changes include:

- 1) Adding fees for Small Structures and separating decks/lean-tos.
- 2) Other general increases through all file types or structure types.

Title 12 Proposed changes include:

- 1) Add Boundary Line Adjustment fees.
- 2) Increase permits overall justifying growing expenses of running a public hearing and noticing requirements.

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**Authority**

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The Bonner County Board of Commissioners has the authority to establish fees by resolution pursuant to:

- BCRC 12-265, Schedule of Fees;

- Idaho Code §31-870, Powers & Duties of Board of Commissioners, Fees for County Services: 1) *"Notwithstanding any other provision of law, a board of county commissioners may impose and collect fees for those services provided by the county which would otherwise be funded by ad valorem tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered..."*
- 50-1305, Plats and Vacations, Verification; *"The county shall choose and require an Idaho professional land surveyor to check the plat and computations thereon to determine that the requirements herein are met, and said professional land surveyor shall certify such compliance on the plat. Such certification shall not relieve the professional land surveyor who prepared the plat from responsibility for the plat. For performing such service the county shall collect from the subdivider a fee as provided by local ordinance reasonably related to the cost of providing such service."*
- Idaho Code §63-1311, Miscellaneous Provisions of Tax Law, Fees for services. *"(1) Notwithstanding any other provision of law, the governing board of any taxing district may impose and cause to be collected fees for those services provided by that district which would otherwise be funded by property tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered."*
- Idaho Code §67-6519, Local Land Use Planning Act, Application granting process. *"(1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged."*
- Idaho Code §63-1311A, Miscellaneous Provisions of Tax Law, Advertisement of and hearing on fee increases. *"No taxing district may make a decision approving a fee increase that is in excess of five percent (5%) of the amount of the fee last collected or a decision imposing a new fee, unless it first holds a hearing upon such proposed fee increase or fee imposition at a regular or special meeting of the district's governing body and after it gives public notice of such hearing in the manner provided in this section. Any taxing district that is required to hold a hearing and give public notice of the hearing as provided in this section, and which fails to do so, shall have the validity of all or a portion of the fee increase that it collects be voidable."*

The Chair declared the hearing adjourned at 9:17 a.m.

Respectfully submitted, this 1<sup>st</sup> day of September 2021,

Milton Ollerton, Planning Director

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**Public Comment:**

Planning staff has noticed the public as required and have received no comments.

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**Findings of Fact and Conclusions of Law:**

1. The Board of Commissioners desires to ensure costs for processing land use applicants are borne by the applicants rather than the general taxpaying public.
2. The Board is charged with the fiscal management of the planning department.
3. Fees and the process for charging those fees are authorized by Idaho Code at 31-870, 50-1305, 50-1306A and 67-6519; Idaho Code, and pursuant to the procedural requirements contained at Sections 63-1311A, Idaho Code.