

**PLANNING DEPARTMENT
PUBLIC HEARING DECISION MINUTES
WEDNESDAY, AUGUST 8, 2018**

CALL TO ORDER: Vice 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.

PRESENT: Commissioners Vice Chair Dan McDonald and Jeff Connolly

ABSENT: Chair Glen Bailey

ALSO PRESENT: Planning Director Milton Ollerton and Office Manager Jeannie Welter

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 AM165-18 – Amendment to Titles 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 Administrative Variances and decreasing the fees for the Certificate of Compliance and the Building location Permit fees to account for the recently adopted procedural changes to Title 12. In addition, there are typographical, investigative, and application processing fee adjustment noted as well. The fees are charged by the Bonner County Planning Department 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/APPLICANT PRESENTATION: Planning Director Milton Ollerton presented the proposed changes to the Title 11 and Title 12 official schedules concluding this changes are consistent with the Bonner County Comprehensive Plan and the with Bonner County Revised Code.

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 AM165-18 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.18-96, enacting the Official Fee Schedules for the Planning Department. The Vice Chair stepped down from the Chair and seconded the motion.

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

Authority

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."

Public Comment:

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

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.

The Chair declared the hearing adjourned at 1:36 p.m.

Respectfully submitted, this 9th day of August, 2018,



Milton Ollerton, Planning Director