

RESOLUTION NO. 2015-22
Special Use Permit and Facility Reservation Fee Schedule

WHEREAS, Kootenai County owns various facilities which provide access to waterways and recreational opportunities for the public; and

WHEREAS, it is the responsibility of the Kootenai County Board of Commissioners (“Board”) to manage the use of these facilities to benefit the health, safety, and welfare of the recreational users, the adjoining landowners, and the public in general; and

WHEREAS, on February 10, 2015, the Board adopted Ordinance No. 480, which amended Title 6, Chapter 2, Kootenai County Code to provide a definition of “special use” and to provide the Director of Parks and Waterways with the authority to require that such uses be conducted only upon issuance of a special use permit upon payment of such fees as may be adopted by resolution of the Board, and upon such terms and conditions as may be specified in Title 6, Chapter 2, Kootenai County Code, or as may be promulgated in writing by resolution of the board or by the Director; and

WHEREAS, Sections 6-2-9 and 6-2-10, Kootenai County Code, prohibit the use of county facilities requiring a special use permit except with the appropriate permit issued by the Director; and

WHEREAS, while the reservation of facilities has historically been processed by the Director, Ordinance No. 480 also amended Section 6-2-9, Kootenai County Code to provide specific authority for this practice, including collection of such fees as may be adopted by resolution of the Board; and

WHEREAS, Section 31-870, Idaho Code, authorizes the Board to impose and collect fees for those services provided by the county which would otherwise be funded by property tax revenues, provided that such fees must be reasonably related to, and shall not exceed, the actual cost of the service being rendered, and provided further, that the implementation of any new fees must comply with the requirements of section 63-1311A, Idaho Code; and

WHEREAS, the Board has found that it is necessary and in the public interest to reduce the burden on the taxpayers of Kootenai County to provide funding for the provision and maintenance of county waterways facilities, in part, through the implementation of permit fees for special uses of these facilities, and for reservations of these facilities for activities not constituting a special use; and

WHEREAS, the Kootenai County Waterways Advisory Board heard this proposal at a public meeting held on November 17, 2014, and recommended its approval; and

WHEREAS, the Board agrees that this proposal is necessary and in the public interest for the reasons stated above;

NOW THEREFORE, BE IT HEREBY RESOLVED that Resolution No. 2014-73, dated November 4, 2014, shall be amended to add the following fees:

Special Use Permit Fee: A base fee of \$250, plus \$1 per person based on expected attendance, as determined by the Director

Facility Reservation Fee: \$25 - \$100 depending on facility size, as determined by the Director

BE IT FURTHER RESOLVED that:

- For facility reservations, a deposit and/or proof of liability insurance may be required, as determined by the Director;
- For special use permits, proof of liability insurance with a policy limit of at least \$1 million naming Kootenai County as an additional insured shall be required prior to permit issuance unless waived by the Director;
- If overnight moorage is authorized at the facility, overnight moorage fees will be charged in addition to the applicable permit fee;
- Any fees required by the Kootenai County Sheriff's Office or other agencies with jurisdiction shall be paid prior to permit issuance;
- The Director may set forth such other conditions of approval as may be reasonably related to the expected impacts of the event; and
- Special use permits must be applied for at least ninety (90) days before the event. Requests for reservation of facilities for uses not requiring a special use permit shall be made at least seven (7) days in advance of the first day of the requested reservation.

BE IT FURTHER RESOLVED that this resolution shall be effective as of the date of signature below. The provisions of this resolution shall be in addition to the provisions of Resolution No. 2014-73, which shall continue in full force and effect.

Upon a motion made by Commissioner Green, seconded by Commissioner Eberlein, that the foregoing be enacted as a Resolution of Kootenai County, the following roll call was recorded:

Commissioner Eberlein: Aye
Commissioner Green: Aye
Chairman Stewart: Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the 10th day of February, 2015.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

David Stewart, Chairman

Daniel H. Green, Commissioner

Marc Eberlein, Commissioner

**ATTEST:
JIM BRANNON, CLERK**

By: _____
Deputy Clerk

C: Parks & Waterways, Waterways Advisory Board, KCSO, Prosecuting Attorney (Civil Division), Coeur d'Alene Tribe, Sterling Codifiers, Resolution File