

**MINUTES  
PUBLIC HEARING**

**KOOTENAI COUNTY  
PLANNING AND ZONING COMMISSION**

**MAY 25, 2023**

**Planning Commissioners Present:**

Madeline David  
David Dean  
Paul Glader  
David Levine  
Cheri Zao  
John Malloy  
Leander James

**Staff Members Present:**

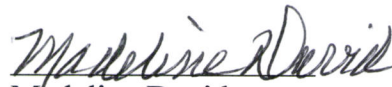
David Callahan  
Pat Braden  
Jennifer Conner

MINUTES  
PREPARED BY:



Jennifer Conner  
Deputy Clerk

MINUTES  
REVIEWED BY:



Madeline David  
Chair



The Planning and Zoning Commission is an advisory board to the Board of County Commissioners.

**Call to Order:**

Chair David called to order the Public Hearing for May 25, 2023 at 6 PM

**Roll Call of Planning and Zoning Commissioners:**

Commissioners David, Dean, Glader, James, Levine, Malloy, and Zao were present.

**Change to the Agenda:**

Chair David asked if anyone had changes to the agenda. No changes to the agenda were requested.

**Chairman's Remarks:**

Chair David stated that the Public Hearing tonight would address Case #ORA23-0001, Land Use Development Code Amendment to Title 8, Article 8.6 re: Code Enforcement.

Chair David recapped the normal Public Hearing process that would be used during the hearing.

- Director Callahan will provide an overview of the proposed changes and answer questions that the Planning Commissioners may have.
- Next, the hearing will be opened for public comments.
- Once all comments have been heard, the commissioners will move to deliberations.

**Poll for Conflict of Interest:**

Chair David polled the commissioners to see if anyone believed the agenda item would create a conflict of interest for them. No conflicts were identified.

**Staff Presentation:**

Director Callahan first identified a typographical error in the Code Enforcement Amendments draft Section 1, 8.8.601: Enforcement: the second to last line of A.2 has a duplication of the words "or of". Director Callahan then summarized the need for the amendments: 1. To reduce the mailing costs for Initial Notices of Violation which do not contain a stop work order by allowing such notices to be by first class mail, and 2. To try to reduce violations of the Land Use and Development Code by allowing the Director to impose meaningful civil penalties on violators.

Questions to Director Callahan and Civil Deputy Prosecuting Attorney Braden from Commissioners:

Clarification regarding "joint and several" liability, how multiple violations are calculated and due process in this amendment between a landowner and his contractor. Commissioners also discussed that the intent of this change is to incentivize contractors and property owners to do the right thing.

Chair David opened the public comment session and provided the following guidelines for those members of the public who wished to speak.

- Each member of the public may speak for up to 5 minutes.
- Members of the public should provide their name and address for the official record.
- The public comment period is not a debate or discussion of issues. Commissioners may ask questions of commenters for clarification purposes but will not engage in back-and-forth discussion.

**Public Comments:** (A complete list of members of the public who spoke can be found at the County Offices)

**Opposed:**

Three individuals signed in as Opposed but did not wish to speak.

The Twin Lakes Improvement Association submitted a written statement and spoke to concerns about double penalties and the ability to appeal Director instituted penalties.

**In Favor:**

Six residents of Bonanza Ranch spoke, in person and via Zoom, of the many violations that have occurred and are still occurring in that development. The residents believe that landowners should be held responsible for violations and are frustrated with a perceived lack of action by several County agencies. They believe the Community Development Director should be given the authority as asked in this amendment to impose penalties.

The President of the Hayden Lake Watershed Association submitted thorough notes from a Code Enforcement Workshop held in early May addressing violations affecting Hayden Lake. This group favors the proposed changes, and even stricter and swifter penalties if possible. They identified five major problem areas contributing to violations in their area.

At the conclusion of public comment, Commissioner Levine made a motion to close the public hearing for Case #ORA23-0001, LUDC Amendment to Title 8, Article 8.6 re: Code Enforcement. Commissioner James seconded the motion. All Commissioners voted aye by a roll call vote and the motion was approved.

**Deliberations:**

Chair David opened the deliberation period by reviewing the purpose of the code amendment which is to specify when and how Notices of Violation and Stop Work Orders will be mailed, and to detail the imposition of penalties for code violations.

Chair David asked for discussion from the Commissioners. Commissioners asked that the appeal process as described by Deputy Civil Prosecuting Attorney Braden be in its own section. Commissioners asked if there was a process for attaching land in the case of uncured violations or unpaid fines. Attorney Braden answered that the County can go to court and get a lien on the property. Commissioner Levine noted that while further strengthening of the penalties may be called for in the future, he would like to see the results of these changes before making more drastic changes.

At the end of discussion, Commissioner Levine made a motion to approve the changes to Land Use Development Code, Title 8, Article 8.6 re: Code Enforcement, with the single change to the draft to make the appeal process stand alone in its own section for clarity. Commissioner Dean seconded the motion. The motion was approved by a roll call vote with all Commissioners voting to recommend the Code Enforcement Amendments to the Board of County Commissioners.

**Adjournment:**

The Public Hearing was adjourned at 7:21 PM