



KOOTENAI COUNTY

BOARD OF COMMISSIONERS

Meeting Minutes

Community Development

September 14, 2023

10:00 A.M.

451 N. Government Way, Administration Building, Meeting Room 1A/B

The Kootenai County Board of Commissioners: Chair Duncan, Commissioner Mattare, and Commissioner Brooks met to discuss the following agenda items.

Staff present were Community Development Director David Callahan, Civil Deputy Prosecuting Attorney Pat Braden, Planning Manager Ben Tarbutton and Deputy Clerk Jennifer Conner.

- A. **CALL TO ORDER** - Chair Duncan called the meeting to order at 10:00 a.m.
- B. **CHANGES TO THE AGENDA** - There were no changes to the agenda.
- C. **CHAIRMAN'S OPENING REMARKS** - There were no opening remarks.
- D. **POLL FOR CONFLICTS OF INTEREST** - There were no conflicts of interest.
- E. **DELIBERATIONS**
 - 1. Tax Deed Bid AIN #166152. Director Callahan states this remnant of land was carved off some 20 years ago and is too small to be a building lot, so does not qualify for building permits. Staff recommends this piece be joined back to the original parent parcel. Not sure if this has been to a tax sale yet. Pat Braden, Civil Prosecuting Attorney states according to the KC-Web map there appears to have been a Tax Deed in 2014. Chair Duncan states their staff will investigate.
 - 2. ORA23-0001 LUDC Title 8 Amendment re: Code Enforcement: Continuation of deliberations from the August 10th public hearing.

Commissioner Mattare states Code Enforcement establish rules to live by, and the recourse. Causing potential harm to your community, and not abiding by the rules is not acceptable. After exhausted attempts to remedy these situations through all means possible the only thing left is to have an ordinance like this, put it into place and use it extremely sparingly, but to have it as a tool set to ensure the community has a bare minimum of conduct between each other. In favor of adopting this ordinance.

Commissioner Brooks states he thinks it makes sense for a lot of reasons.

Chair Duncan states she is going to be the dissenter. She does not disagree with what Commissioner Mattare said, however if we are just talking specifically about Bonanza Ranch, this will not solve the problems. With the conditions out there, people are not going to be able to afford this type of penalty, which would result in homelessness and other issues if this particular ordinance is applied to that situation. Staff did mention the violations that are already noticed will not be affected by this ordinance. We do have things already in place to take care of these situations, it is a little more of a cumbersome process on the government side. As much as I trust and respect the Community Development Director, if he were to leave the County tomorrow, we do not know how the next person in that role would handle this ordinance. I am

not comfortable giving a position in the County this much control over Land Use penalties. Cannot blanket without more specifics.

Commissioner Mattare states if this ordinance was drafted specifically for Bonanza Ranch, I would agree, but it isn't. It is for the entire County. Since the Community Development Director reports to the Board, they can require the Director bring it before us and make the decision individually. This is not meant as a weapon, it is meant to be a tool for the most egregious and offensive acts. There is no remedy that is quick enough to remedy some of the situations. If there is harm to a neighbor, or the community, this ordinance should be used to remedy the situation as soon as possible.

Chair Duncan refers to the mini RV Park in Garwood asking what we did in that situation, since we did not have this in place at that time.

Pat Braden states he did take that to Court, but it did take quite a while. They also appealed to the Idaho Supreme Court, where the County did prevail. It did take several years from beginning to end. The owner was given a court order to cease.

Section 2b language change would be from Director to Board of Commissioners. Any decision made by the Director is appealable to the Board, and the Board can eliminate or reduce any fines accrued by the Director.

Commissioner Brooks states there is no law or ordinance that is perfect, and there is always a remedy. If we find this does not work, we can remedy it.

Chair Duncan asks Pat Braden, a penalty vs what it costs us to run Code Enforcement, is there any state laws that prevent us from issuing penalties? Mr. Braden states it is a penalty, not for services. There is nothing in state statute preventing us from doing that.

Commission Mattare moved to approve ORA23-0001 LUDC Title 8 Amendment, Commissioner Brooks seconded.


Commissioner Brooks	Aye
Commissioner Mattare	Aye
Chair Duncan	Nay

Approved

F. **BUSINESS** - There were no business items.

G. **ADJOURNMENT**- Chair Duncan adjourned the meeting at 10:23 a.m.

Jennifer Locke, Clerk

By: 
Jennifer Conner, Deputy Clerk



BOCC: Leslie Duncan, Commissioner - Signed 10/3/2023
Chairman, Leslie Duncan

