

ORDINANCE NO. _____
CASE NO. ORA20-0001
RE-ENTRY FACILITIES

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING SECTIONS 8.2.606, 8.2.705, AND 8.2.807, KOOTENAI COUNTY CODE, TO ADD RE-ENTRY FACILITIES AS A USE REQUIRING A CONDITIONAL USE PERMIT IN THE COMMERCIAL, MINING AND LIGHT INDUSTRIAL ZONES, ADDING A NEW SECTION 8.5.136, KOOTENAI COUNTY CODE, PROVIDING PERFORMANCE STANDARDS FOR RE-ENTRY FACILITIES, AND ADDING A NEW DEFINITION OF “RE-ENTRY FACILITY” TO SECTION 8.9.402, KOOTENAI COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS REGARDING VIOLATIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KOOTENAI COUNTY, IDAHO:

SECTION 1. That Section 8.2.606, Kootenai County Code, shall be, and the same is hereby amended as follows:

8.2.606: USES REQUIRING A CONDITIONAL USE PERMIT:

Outdoor Theaters.

Re-Entry Facilities.

Special Event Locations.

Solid Waste Transfer Stations that are not Public Utility Complex Facilities.

Transitional Group Housing Facilities.

Wireless Communication Facilities; provided, however, that Public Safety Wireless Communication Facilities shall be permitted of right.

Zoos.

SECTION 2. That Section 8.2.705, Kootenai County Code, shall be, and the same is hereby amended as follows:

8.2.705: USES REQUIRING A CONDITIONAL USE PERMIT:

Re-Entry Facilities.

Solid Waste Transfer Stations that are not Public Utility Complex Facilities.

Special Event Locations.

Transitional Group Housing Facilities.

SECTION 3. That Section 8.2.807, Kootenai County Code, shall be, and the same is hereby amended as follows:

8.2.807: USES REQUIRING A CONDITIONAL USE PERMIT:

Above-ground storage of over five thousand (5,000) gallons (per site) of petroleum products.

Automobile wrecking yards or junkyards.

Gun clubs, rifle ranges, or archery ranges.

Re-Entry Facilities.

Slaughterhouses or rendering plant.

Solid Waste Transfer Stations that are not Public Utility Complex Facilities.

Special event locations.

Transitional Group Housing Facilities.

Wireless communication facilities; provided, however, that Public Safety Wireless Communication Facilities shall be permitted of right.

SECTION 4. That a new Section 8.5.136, Kootenai County Code, shall be, and the same is hereby added as follows:

8.5.136: RE-ENTRY FACILITIES:

A. Zones permitted: Commercial, Mining, Light Industrial

B. Minimum area: Three (3) acres

C. Adequate fencing and screening shall be provided around the entire facility.

D. Required off-street parking shall be as set forth in the conditions of approval of the permit. This requirement shall include provision of adequate off-street parking for offenders, staff, and visitors. In determining an adequate number of off-street parking spaces, the Board shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

E. Required off-street loading shall be as set forth in the conditions of approval of the permit.

F. The requirement to obtain a conditional use permit, and the standards set forth in this section, shall apply only to re-entry facilities designed to house nine (9) or more offenders. Re-entry facilities shall have a capacity of no more than one hundred (100) offenders, provided that actual capacity shall be based on the existence of reasonable prospects of employment for each offender housed. Re-entry facilities must be located at least one thousand feet (1,000') from residential zones, single family, duplex, and multifamily uses, public parks and recreational facilities, child-care facilities, and public or private schools.

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- G. A re-entry facility may not be located within ten (10) miles of another re-entry facility.
- H. This use shall comply with all applicable county, state, and federal codes and regulations.
- I. Signs identifying a use as a re-entry facility are prohibited except as authorized by the Idaho Department of Corrections (IDOC).
- J. Re-entry facility premises must be properly maintained in good condition at all times.
- K. A narrative shall be submitted which includes a conceptual security plan and also addresses transportation and monitoring of offenders, services to be provided on site, and all other requirements set forth in this section. The security plan must demonstrate compliance with the applicable security requirements of federal and/or state law. The director shall furnish a copy of the security plan to appropriate city, county, and state agencies for their review before the hearing examiner's consideration of an application. Provisions addressing security must be included in any order of decision granting a conditional use permit for a re-entry facility. A compliance report must be submitted to the director one (1) year after the date of signing of the order of decision granting the permit, and every two (2) years thereafter, and with each application for renewal of the permit.
- L. A site plan shall be submitted which includes the location of existing and proposed structures, fencing, parking areas, conceptual security measures, other associated activities, and other existing or proposed improvements.
- M. The applicant shall conduct an economic feasibility study regarding the application. This study shall include, without limitation, an analysis concerning available jobs, housing, and wages for offenders housed in the facility, the willingness of local employers to hire them, and actions which should be implemented during an economic downturn. Completion of this requirement shall be a prerequisite for scheduling of the application for hearing before the hearing examiner.
- N. The applicant shall conduct a neighborhood meeting regarding the application. Completion of this requirement shall be a prerequisite for scheduling of the application for hearing before the hearing examiner.
- O. A conditional use permit for a re-entry facility may be granted for a period not to exceed five (5) years, and may be renewed for successive periods of up to five (5) years each. Extension requests shall comply with the procedure for approval of conditional use permits. Additional periodic review periods may be established as a condition of approval of the permit.
- P. Re-entry facilities shall be owned and operated by the State of Idaho. Privately owned or operated re-entry facilities are prohibited, even if funded by or under contract with the State of Idaho.

SECTION 5. That the following new definition in Section 8.9.402, Kootenai County Code, shall be, and the same is hereby added as follows:

RE-ENTRY FACILITY: A residential facility that allows offenders to work while becoming reunited with families and the community, offers selected offenders who are nearing release a

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chance to prepare themselves for release, and provides protection to the community through high accountability and security of the offenders housed in the facility.

SECTION 6. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; and to this end the provisions, of this Ordinance are hereby declared to be severable.

SECTION 7. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

SECTION 8. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

DATED this _____ day of _____, 2020.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Chris Fillios, Chairman

Leslie Duncan, Commissioner

Bill Brooks, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Deputy Clerk

Date of Publication: _____, 2020

C: Community Development, Prosecuting Attorney (Civil Division), Ordinance File