



## **MEMORANDUM:**

**TO: Chamber Board of Directors**  
**FROM: Public Policy Committee**  
**Date: 1/12/2018**  
**RE: County Building Permit Discussion**

Late last year, the members of the County Commission voted (2 – 1) against adopting the 2015 International Residential Code (Building Code) and elected to leave the 2012 version of that code in place. The recent press release from the County details this action and the possible future actions that the Commission members can adopt regarding a building code that will govern the permitting of residential construction within those areas of the County which are not part of an existing City.

### **Kootenai County Building Code Clarification**

January 11, 2018 – In order to clarify any possible confusion regarding Kootenai County's position on building codes, the Board of County Commissioners (BOCC) wishes to say that at the current time, building codes have NOT been abolished. Last month, we voted to refuse to adopt the 2015 update of the IBC (International Building Code - commercial), and the 2015 update of the commercial provisions of the IECC (International Energy Conservation Code), as adopted by the State of Idaho. The State of Idaho did not adopt the 2015 International Residential Code (IRC), electing to leave the 2012 IRC and the 2012 residential provisions of the IECC in place. The County had previously adopted the 2012 IRC.

In order for the County to abolish the mandatory provision for residential building codes, we need to conduct a public hearing, followed by deliberations and a formal vote by the BOCC. At this time there is no way to predict the outcome, as there are two possible scenarios to be discussed:

1. An ordinance where a property owner can choose the option of bypassing the formal permitting process (e.g. Boise County) or;
2. An ordinance where an owner of property that is at least five acres in size can choose to bypass the formal permitting process.

In either case, a property owner could choose to adhere to (or exceed the requirements of) the latest code.

Should neither of these options be adopted, the BOCC may consider adopting the codes Adopted by the State of Idaho in 2017. As is our practice, we will provide the minimum 28-

Day notice of the public hearing. This will likely occur sometime next month (February 2018).

There has been extensive discussion in the Press and elsewhere regarding the pros and cons of eliminating both the permitting process and the requirement that residential structures adhere to a specific building code if they are built on parcels of five acres or larger within the rural areas of the County.

In our continuing partnership with the Coeur d'Alene Chamber, we have been asked to join them in discussion of this issue and to consider making a recommendation to the Chamber's Board for consideration.

Obviously, if the County Commission should take the position that neither a permitting process nor adherence to a building code for residential structures in rural areas will be required, it would require some restructuring by both real estate professionals and the financial community regarding the buying and selling of homes and their financing. Such action could also result in business opportunities for architects, engineers and home inspection and certification firms, as the buying public sought to have independent verification of the quality of an existing home that are considering purchasing. However, would that alternative process simply shift the current cost and certification burden now borne by the building community (**and ultimately by the initial homeowner**) through the permitting process, to the family purchasing an existing home? Additionally, would the post construction certification process be more or less costly than the existing governmental permitting and building code process, and would the alternative process adequately address the risks associated with purchasing a property that could have deficiencies in design or engineering?

Such an action by the County, might also result in calls for the Legislature and the Real Estate Commission, to tighten the Idaho real estate laws regarding both broker and seller disclosures.

An additional serious consideration is the fact that County fire fighters and other first responders would have no idea regarding the soundness of a rural building. If the structure had not been built to specifications set forth in an approved building code, would the first responders be secure that they could enter the structure and attempt to rescue those inside or adequately fight a fire without increased risk?

While these issues may impact the general public, would they impact our Business members and the economic development of our respective Communities? That is a question that the Board should consider when deciding to weigh in and take a public position on this issue.

Let me pose one potential impact that the County's decision to do away with residential permitting and/or residential building codes could possibly have on economic development. We are proactively seeking to expand and diversify our economic base and create new jobs within our Community.

Would the lack of a residential building code and a residential permitting process within the rural areas of our County be taken into consideration by a prospective employer weighing relocation of a substantial business or industry to North Idaho?

If that employer were bringing with them a substantial number of existing employees, which they sought to retain, would the lack of governmental oversight in the construction of rural single family homes that those employees might wish to purchase be considered to be a negative factor in deciding where to relocate?

Should the Chamber's Board of Directors decide to address this issue, the Public Policy Committee recommends the following statement for your consideration:

***The Board of the Post Falls Chamber of Commerce has reviewed the County Commission's current discussions regarding the approval of an updated building code which would apply to commercial and residential properties built within the rural areas of the County, and the County's permitting process for such properties.***

***The Chamber urges the County Commission to adopt the recent changes to the International Building Code and to retain the County's existing residential permitting process. Codes and a structured permitting process provide definable and acceptable guidelines to first responders, and to the building, financial and real estate professionals doing business in Kootenai County. They also provide specific assurances to the members of the public seeking to purchase a new or existing residential structure within our County.***

