



# KOOTENAI COUNTY

## COMMUNITY DEVELOPMENT

BUILDING • CODE ENFORCEMENT • PLANNING

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### Public Hearing for Case Number ORA18-0002

DATE: March 14, 2018

HEARING DATE: March 19, 2018

TO: Chair Marc Eberlein and Commissioners Bob Bingham and Chris Fillios

FROM: John Mills, Chief Building Official

RE: Consideration of the Kootenai County Building Code Ordinance, Title 7, Chapter 1 of the Kootenai County Code.

INTRODUCTION: The purpose of this proceeding is to comply with Idaho Statutes Title 39, Chapter 41 which requires that local governments that issue building permits and perform building code enforcement activities, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt certain codes and State amendments. These same Statutes allow additional local amendments to reflect local concerns. This process occurs every three (3) years. Currently, the County is not in compliance with this Statute.

This normally routine process has been complicated by the rejection of the proposed Code Update adoption at a Public Hearing on November 30, 2017 and the introduction of additional options by Commissioners Bob Bingham and Marc Eberlein.

At this time, there are four options presented for Consideration, Public Comment, and Deliberation. These options are as follows:

**OPTION #1:** Adoption of Building Codes with opt-out provisions for residential and accessory structures on parcels of five (5) acres or larger. Sponsored by Commissioner Bob Bingham.

An Ordinance of Kootenai County, Idaho, a political subdivision of the State of Idaho, relating to adoption of Building Codes; adopting purposes, exemptions, and definitions; adopting construction, mechanical, energy, and other Codes and Requirements, including local amendments to adopted Codes; providing for administration and enforcement; providing that buildings constructed on parcels of five (5.00) acres or greater shall not be subject to mandatory permitting, plan review, inspection, or enforcement requirements; providing for appeals of actions of the Building Official or designee;

and adopting site permit requirements for agricultural buildings and buildings constructed on parcels of five (5.00) acres or greater whenever a building permit is not sought; repealing previously adopted Ordinances and Codes; providing for severability; providing for survival and non-waiver of enforcement actions under previously adopted Ordinances and Codes; and providing for an effective date.

**OPTION #2:** Repeal of Building Code Ordinance, Adoption of Building Location Permit Requirements and Procedures, and Adoption of Voluntary Building Permit Program. Sponsored by Commissioner Marc Eberlein.

An Ordinance of Kootenai County, Idaho, a political subdivision of the State of Idaho, relating to Building Codes; repealing Title 7, Chapter 1, Kootenai County Code; adding a new Title 7, Chapter 1, Kootenai County Code, providing standards and procedures for building location permits for any buildings to be constructed, located, set, or relocated on real property within the unincorporated area of Kootenai County; adding a new Title 7, Chapter 2, Kootenai County code, providing standards and procedures for a voluntary building permit program within the unincorporated area of Kootenai County; repealing section 8.8.205, Kootenai County Code; providing for severability; and providing for an effective date.

**OPTION #3:** Adoption of Updated Building Codes. Sponsored by Commissioner Chris Fillios.

An Ordinance of Kootenai County, Idaho, a political subdivision of the State of Idaho, relating to adoption of Building Codes; adopting purposes, exemptions, and definitions; adopting construction, mechanical, energy, and other Codes and requirements, including local amendments to adopted Codes; providing for administration and enforcement; providing for appeals of actions of the Building Official or designee; repealing previously adopted Ordinances and Codes; providing for severability; providing for survival and non-waiver of enforcement actions under previously adopted Ordinances and Codes; and providing for an effective date.

**OPTION #4:** Repeal of Building Code Ordinance.

An Ordinance of Kootenai County, Idaho, a political subdivision of the State of Idaho, relating to Building Codes; repealing existing provisions of Title 7, Chapter 1, of the Kootenai County Code pertaining to adoption and enforcement of Building Codes and issuance of building permits; and providing for an effective date.

As of Thursday 03/08/2018, there are 86 written comments on file. Of these, the vast majority (83) have stated a preference for Option #3.