

**Minutes of Meeting
Community Development
April 23, 2019
11:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios and Commissioner Leslie Duncan met to discuss the following agenda item. Also present were Community Development Director David Callahan, Community Development Planner III Mary Shaw, Civil Deputy Prosecuting Attorney Pat Braden and Deputy Clerk Tina Ginorio. Also present were Kootenai County Residents George Ricks and Tami Ricks. Commissioner Bill Brooks was excused.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 11:02 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Discussion regarding dividing private property AIN #105500 (Discussion)

Community Development Director David Callahan explained that George and Tami Ricks disagreed with Community Development on the laws regarding dividing private property. He said that the County's zoning regulations had prevented subdivisions in agricultural zones since 1973, with a very few exceptions. Mr. Callahan stated that the Ricks' property, AIN 105500, was located in such a zone. Mr. Callahan reported that Mr. Ricks had stated that he believed State law prohibited the County from doing this.

Tami Ricks said that the problem originated because the definition of a subdivision had changed around 1995. George Ricks agreed and quoted several State regulations that he felt were applicable to the situation. He noted that the definition of subdivision had changed in 1995 from five or more parcels to any division of property and increased plot size to twenty acres to qualify for an exception. He explained they want to subdivide and sell a ten-acre parcel.

Civil Deputy Prosecuting Attorney Pat Braden listed the relevant State statute as 15-1301, subsection 17, which stated, "Cities or Counties may adopt their own definition of subdivision in lieu of this definition." He noted that Kootenai County had adopted its own definition.

Mr. Ricks pointed out that the County's Comprehensive Plan stated, "Developer regulations that recognize part-time farming as an appropriate and acceptable use of smaller parcels of agricultural land. As land prices rise, specialty farming operations may become more appropriate and viable agricultural uses." He quoted an additional section, "develop regulations which provide opportunities for and encourage small scale or specialized agricultural operations in the unincorporated part of the County."

Mr. Ricks also objected to the exemption that would allow such divisions to take place as part of the settlement of an estate and remarked that if an action were permitted when someone was dead, it should be permitted when the person was alive. Mr. Braden noted

that this exemption had been included in the law and had been in effect for over twenty-four years.

Commissioner Leslie Duncan said she saw two possible courses of action: the County Commissioners could hold public hearings to change the regulations and allow smaller divisions within agricultural zoning, or the Ricks could obtain a lawyer and constitutionally challenge the laws that are on the books. Mr. Braden added that they could also seek a rezoning of their property. Commissioner Duncan said she did not see any actions that the Board could take at this time. She suggested that an additional meeting be scheduled at a time when all three Commissioners could be present to determine if the Board wanted to explore an amendment to the development code.

Mr. Callahan stated that he could provide a letter outlining his decision on the issue and the Ricks could then pay a fee of \$620 to appeal the decision to the hearing examiner. He said the issue would then come before the BOCC and the Commissioners could vote on it.

Chairman Fillios stated that the Board would research the reasoning behind the 1995 decision previously discussed. Mr. Braden suggested they discuss their options with an attorney experienced in land use issues.

D. Public Comment (Discussion): This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There was no public comment.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 11:30 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
