

RESOLUTION NO. 2024-83
Establishment of Agricultural Protection Area Commission

WHEREAS, in 2024, the Idaho Legislature adopted House Bill 608, as amended in the Senate, which added a new chapter to the Idaho Code, namely Title 67, Chapter 97, Idaho Code, entitled the “Agricultural Protection Area Act”; and

WHEREAS, in section 67-9702, Idaho Code, the Idaho Legislature declared that the intent of the Legislature in adopting the Agricultural Protection Area Act was as follows:

(a) Working farms, ranches, and forests provide important benefits to all Idahoans by sustaining: Idaho's economy, food and fiber production, the cultural heritage of local communities, habitat for wildlife, intact watersheds for clean water, and opportunities to hunt, fish, and enjoy the outdoors with landowner permission;

(b) Working farms, ranches, and forests and the benefits they provide to Idahoans are being lost to rapid population growth, conversion to development, and other uses in recent decades;

(c) Many of Idaho's rural working landowners are deeply committed to maintaining agricultural and forestry traditions and to serving as stewards of natural resources and wildlife; and

(d) Idaho deeply respects the property rights of individual landowners and seeks to minimize the government's control over a landowner's decisions regarding the use of his property; and

WHEREAS, in section 67-9702, Idaho Code, the Idaho Legislature further declared that the purpose of Title 67, Chapter 97 is to provide an opportunity to protect and enhance the economic and cultural benefits that working lands provide to Idahoans by promoting proactive planning tools for working landowners and governing bodies to maintain and enhance the economic value of working lands without impacting the property of those that elect not to participate in this opportunity; and

WHEREAS, the Agricultural Protection Area Act requires each board of county commissioners in Idaho to establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in section 67-6509, Idaho Code, no later than January 1, 2025; and

WHEREAS, the Agricultural Protection Area Act also requires each board of county commissioners in Idaho to establish, by either resolution or ordinance, an agricultural protection area commission pursuant to section 67-9705, Idaho Code, no later than January 1, 2025; and

WHEREAS, the Kootenai County Board of Commissioners desires to timely comply with the above-referenced requirements; and

WHEREAS, the Kootenai County Board of Commissioners also desires to promote the long-term use of lands for agricultural and timber production in conjunction with the legislative intent articulated in section 67-9702, Idaho Code;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Kootenai County, Idaho ("the Board"), that an Agricultural Protection Area Commission ("the APA Commission") is hereby established in and for the County pursuant to Title 67, Chapter 97, Idaho Code. The APA Commission shall consist of five (5) members appointed by majority vote of the Board.

BE IT FURTHER RESOLVED that members of the APA Commission shall meet the requirements of section 67-9705, Idaho Code, shall be selected without regard to political affiliation, and shall serve without compensation; provided, however, that actual and necessary expenses shall be allowed as approved by the Board.

BE IT FURTHER RESOLVED that the terms of office for APA Commission members shall conform to the requirements of section 67-9705, Idaho Code, and shall be for three (3) years. The Board shall fill expired or vacant positions within ninety (90) days of expiration or vacancy. Terms shall begin on January 1 of the first year of the term and conclude on December 31 of the third year of the term. The Board may set term limitations for members of the APA Commission by resolution.

BE IT FURTHER RESOLVED that the Board may adopt other provisions pertaining to the APA Commission or its members by ordinance or resolution.

Upon a motion made by Commissioner Mattare, seconded by Commissioner Brooks, that the foregoing be enacted as a Resolution of Kootenai County, the following roll call was recorded:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the 4th day of November, 2024.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST:
JENNIFER LOCKE, CLERK**



Leslie Duncan, Commissioner - Signed 11/4/2024



Teri Johnston, Deputy Clerk - Signed 11/5/2024



Bruce E. Mattare, Commissioner - Signed 11/4/2024

C: Prosecuting Attorney, Civil Division, Community Development, Resolution File