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|  
September 10, 2008 9:00 PM

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SAGLE - The Sagle Fire District is preparing a formal decision on a disputed housing development at Morton Slough and forming an appeal board to help address whatever fallout results from that decision.

Fire district commissioners voted unanimously to take the actions after discussions with Idaho State Fire Marshal Mark Larson and the district's legal counsel on Wednesday.

The decision concerns the Ledges Over Pend Oreille project and its compliance with the International Fire Code, legislation which is in force throughout Idaho but not tied to Bonner County code.

Sagle Fire Chief Rob Goodyear has repeatedly stated that he intends to enforce the fire code at the hillside development, particularly as it relates to a need for more than one route leading in and out of the project in case of fire.

But Goodyear, acting on the advice of fire district attorney Charles Dodson, declined during the meeting to say if the written decision to the Ledges' developers would be any different than his previously stated position.

"We will be challenged one way or the other," Commissioner Klaus Winkelmann said, referring to the simmering dispute between the Ledges developers and neighboring residents who have banded together to thwart the 33-lot housing plan.

While the decision notification is worked up, a board will be created to take up any appeals resulting from Goodyear's determination. Unsuccessful appellants would have redress through the state fire marshal's office and then through 1st District Court.

Larson said the appeals board cannot be populated by Sagle Fire officials or district personnel, though its members are required to have experience in the fire-fighting field.

The Ledges' developers and the district are currently caught in a broader dispute over the county's reluctance to adopt the fire code, which disappeared when the county building department was eliminated 10 years ago.

Ledges opponents have opened a legal front in that controversy. Ken Larson of Morton Slough Matters told fire commissioners they filed suit against the county for sidestepping the fire code question when it approved the Ledges last month.

Project opponents contend county commissioners are breaking the law by refusing to observe the fire code. Dodson said he had "grave concerns" about county commissioners who take an oath to recognize state law then fail to do so.

"Somewhere, somehow, somebody has to make the right decision," said Ron Ragone, a Ledges opponent who has been pressuring the county to adopt the code.

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Curtis told fire commissioners the project was carefully designed to meet or exceed Bonner County's development code and that judging it against anything else would be grossly unfair.

"It has to be fair for everybody and we abided by those rules," said Curtis, who is compiling a list of comparable projects which were approved by the district but not held to the same standards he is being subjected to.

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