

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
January 8, 2020
Pleasant View Neighborhood Association

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Mary Shaw, and Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chair Fillios called the hearing to order at 6:00 pm. The members were polled for conflicts of interest. The members were polled for conflicts of interest. No conflicts were expressed.

CONFLICT(S): None

CHANGES: None

The **Pleasant View Neighborhood Association (PVNA)** is requesting the Kootenai County Board of Commissioners “Board” consider imposing an emergency moratorium on approval of major and minor subdivision, and condominium plat applications that are otherwise provided for in Title 8, Chapter 6, Kootenai County Code, and planned unit developments otherwise provided for in Title 8, Chapter 3, Kootenai County Code, within the “Pleasant View” area of unincorporated Kootenai County as shown on the map below. The consideration to impose an emergency moratorium on subdivision and condominium applications is based on the concerns that there is not sufficient water to serve both existing and newly created parcels in that area, and that allowing further subdivision development in that area would constitute an imminent peril to the public health, safety, or welfare until a scientific study to determine the extent of available water has been completed. Such moratorium, if imposed, will be temporary and would continue for no more than one hundred eighty-two (182) days pursuant to section 67-6523, Idaho Code. The Board conducted a public hearing on October 9, 2019 to consider whether or not to impose a moratorium on all platting processes in Pleasant View for a period of 6 months. At the hearing, the Board heard testimony on the merits of the request from the public who wished to speak. The Board decided to continue the public hearing to allow the County to re-notice the public hearing to a broader geographical area as requested by the Pleasant View Neighborhood Association to encourage potentially affected property owners participation. *(David Callahan-Director)*

Staff Presentation: David Callahan, Director, addressed the Board stating this second public hearing was to allow the County time to re-notice the hearing to a broader geographical area for the request by PVNA. Mr. Callahan added if the Board approves a moratorium request a motion needs to clarify the current application. The State statute allows up to 182 days for a moratorium resolution.

PVNA Presentation: Tony Ambrazetti, PVNA Representative, testified that the Pleasant View Neighborhood Association (PVNA) is requesting the Board consider imposing an emergency moratorium on subdivision and condominium applications based on concerns that there is not sufficient water to serve both existing and newly created parcels in that area. Allowing further subdivision development in the referenced area would constitute an imminent peril to the public health, safety, or welfare to the community. He added this is a drastic situation and a moratorium is not trying to stop development, there is no intent for local residents to direct others on how to utilize their property and this is not a selfish movement by a small group. The request is temporary to allow for testing and analysis of ground water in the affected area. They are asking for approval to provide time for the group consisting of residents and agencies to arrive at some good strong solid recommendation regarding the water situation in the area.

Exhibit: B 2000 – Presentation submitted by Tony Ambrazetti.

Chair Fillios requested direction from Pat Braden, Attorney. Mr. Braden stated the Board needs to decide imminent peril to the public health, safety, or welfare to the community with the testimony and based on evidence.

Public Testimony: Comment Sheets submitted: 51. Applicant–1; In Favor-34, Neutral–1 with 2 unmarked, Opposed–13. The names and addresses of the individuals speaking or submitting comments are part of the record.

- Moratorium to not allow parcel division does not support imminent peril
- Currently there is no quantifiable evidence to presume subdivisions are causing the water depletion
- Subdivision approval process is inadequate
- No one wants to tell anyone what to do with their property
- How is this PVNA boundary determined
- Well logs are an estimate by the well drillers
- Goal is to find a process with tools to prove impact to neighbors in subdivision areas
- Need to have a study complete before requesting moratoriums
- Throughout the county planning has not been done appropriately and everyone needs to work together
- Map and well facts may not be all true evidence
- Land division opens the door to multiple wells
- This ban would devalue the area
- Only a small portion of current wells have been surveyed in this area
- No way to predict water availability current or future
- Consider the actual cost of a study which cannot be done in 6 months for the necessary data
- Studies require professionals and not just neighborhood data
- Well logs are limited in their accuracy
- Wells can be damaged in studies if not done correctly
- No harm to get a professional analysis
- Additional homes create environmental septic issues along with water issues
- The nature of the territory is a hit or miss for wells
- If permitted this should be on sound data instead of fear
- Responsibility for resources should be placed on the new developers and not the current residents
- Subdividing does not mean you will have water
- Lack of water and times of drought also cause trees to die and fire danger becomes high
- Why are communities doing research when the county should have future planning
- Property owners spend money and pay high taxes to now have their home valued next to nothing with no water

With no further public testimony, Pat Braden, Attorney, provided the Board definition of imminent peril being danger either now or to become a danger very soon to some aspect of public safety and welfare. He added it is an open question on what specifically constitutes imminent peril to guide the Board to take appropriate action.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing, take a break and enter into deliberations.

Commissioner Brooks Aye
Commissioner Duncan: Aye
Chair Fillios: Aye

Decision: Approved

Chair Fillios began deliberations stating if this moratorium is agreed upon by the Board it can only be limited to a maximum of 6 months. There would be no second attempt to continue or extend the duration. This would be considered temporary and not a property rights measure. He added there seems to be no consideration for the time following the lifting of the moratorium. He expressed that the evidence is anecdotal and time has not been given for a scientific conclusion. There is no evidence for impending peril but there is potential that could be dire. Chair Fillios stated sufficient time has passed that could have begun a study showing some evidence of a plan or results, he would recommend 4 months to begin in February and end in May.

Commissioner Brooks stated he would recommend 6 months beginning in May and ending in October to include the summer months which is the most stress on water systems. There needs to be solid good development and water next to air is the next important thing we need.

Commissioner Duncan began by referencing the wording for emergency moratorium and imminent peril. She understands the concern since she has friends and family with water issues in other parts of the county. It may have been more credible to ask for a moratorium on building permits. Commissioner Duncan added she does want to see science and results, however, choosing where we live there are certain things you have to consider and accommodate. She cannot find a legitimate reason to put a moratorium on subdividing.

The Board continued discussion with no call to action for a vote. Chair Fillios announced the Board seems to be at an impasse at this point in time and would recommend continuing deliberations.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to continue deliberations to a date to be determined.

Commissioner Brooks Aye
Commissioner Duncan: Aye
Chair Fillios: Aye

Decision: Approved

Deputy Clerk's Signature: _____
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