

MINUTES
KOOTENAI COUNTY
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
June 23, 2022 – 6:00 p.m.
Virtual and Room 1
451 Government Way, Coeur d’Alene, ID
83814

Planning Commissioners Present:

Madeline David
David Dean
Paul Glader
David Levine
Cheri Zao
Deborah Rose


Staff Members Present:

David Callahan
Pat Braden (by Zoom)
Ben Tarbutton
Jennifer Conner
Reba Grytness


Commissioners Absent:

Barry Stearns

MINUTES
PREPARED BY:


Jennifer Conner
Deputy Clerk

MINUTES
REVIEWED BY:


David Levine
Chair



The Planning and Zoning Commission is an advisory board to the Board of County Commissioners.

Call to Order: Chair Levine called the public hearing to order for June 23, 2022 at 6:00 p.m.

Roll Call: Present: David, Dean, Glader, Zao, Rose, Levine. **Absent:** Stearns

Conflicts of Interest: Chair Levine polled the Commissioners for conflicts of interest. No conflicts were identified.

Chairman's Remarks: Chair Levine stated that tonight's Public Hearing will address two topics: ORA21-0005 and ORA22-0002. He added that to make the process more efficient and effective we will combine the staff report and public comments, but will deliberate each item separately.

Agenda Items

- A. ORA21-0005 Hauser ACI Amendment:** AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO THE AREA OF CITY IMPACT (ACI) FOR THE CITY OF HAUSER, IDAHO, WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO, PURSUANT TO SECTION 67-6526, IDAHO CODE; PROVIDING THAT NO PARCEL WITHIN THE HAUSER ACI SHALL BE DEEMED INELIGIBLE FOR PERMIT ISSUANCE SOLELY BY VIRTUE OF ADOPTION OF COUNTY LAND USE REGULATIONS AND ZONING DESIGNATIONS WITHIN THE ACI; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; REPEALING ALL ORDINANCES AND THOSE PORTIONS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE

- B. ORA22-0002 Subsurface Sewage Disposal:** AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO REGULATION OF SUBSURFACE SEWAGE DISPOSAL; PROVIDING A MINIMUM PARCEL SIZE OF FIVE (5.00) ACRES FOR PARCELS LOCATED OVER THE RATHDRUM PRAIRIE AQUIFER IN THE AGRICULTURAL SUBURBAN, RESTRICTED RESIDENTIAL, AND HIGH DENSITY RESIDENTIAL ZONES, PROVIDING FOR PROHIBITED SEWAGE AND WASTE DISPOSAL CONDITIONS, PROVIDING REGULATIONS FOR SUBSURFACE SEWAGE DISPOSAL SYSTEMS OVER THE RATHDRUM PRAIRIE AQUIFER, AND PROVIDING ASSOCIATED DEFINITIONS; PROVIDING THAT THIS ORDINANCE SHALL SUPERSEDE AND REPLACE EMERGENCY ORDINANCE NO. 2022-574, ADOPTED ON MARCH 22, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS REGARDING VIOLATIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE

Staff Presentation:

Director Callahan explained that the Hauser ACI Amendment is needed to correct an administrative oversight caused by the previous code amendment approved in 2020. He added that all ACIs (Areas of City Impact) are embedded in the Land Use Code. In 2020, when the county adopted the revised Hauser ACI, Hauser ACI code, it created a situation in which parcels within the Hauser ACI that would have been eligible for permits under the Hauser Development Code are no longer eligible under current zoning provisions. This was an administrative oversight and the proposed code amendment is intended to clarify that the 2020 rezone should not itself cause a parcel to be considered noncompliant and ineligible for permits.

Director Callahan stated the Subsurface Sewage Disposal Amendment will incorporate into the Land Use Code the regulations approved in Emergency Ordinance No. 574 that expires in September. The reason for this emergency/permanent ordinance is that at the end of last year the state legislature determined that the Panhandle Health District is not a state agency, but rather it is a district like a sewer district. This determination meant that PHD lost the authority to set regulations. This ordinance does not change the land use and current and past aquifer protection regulations but transfers authority to Kootenai County. The County has been asked to use the 1977 aquifer map, but whatever map is adopted should be based on good science.

Aaron Qualls with SCJ Alliance stated the Rathdrum Prairie Aquifer covers about 200 miles in Idaho and serves about half a million people. It warrants the highest level of protection, and the purpose of the regulation is to protect ground water quality. The regulations to be adopted affect Agricultural Suburban, Restricted Residential, and High Density Residential Zones. Development connected to a community's sewer system would not be limited to the 5 acre minimum.

Erik Ketner, Environmental & Health Administrator with Panhandle Health District, stated this 5 acre rule has been in effect since December 1977 and has been extremely effective in protecting the aquifer. He added that he appreciates the collaboration with the County to quickly create an Ordinance to continue the protection efforts.

Gary Stevens, Department of Environmental Quality, stated that there would be multiple agencies involved with remapping the aquifer boundary. This could be very difficult as the boundary could change year to year and could take many years to complete. Any changes to the 1977 map would have to go through the state legislature. Prosecuting Attorney Pat Braden recommended leaving the boundary as it is at this time.

Public Testimony:

Multiple members of the public that are customers of Greens Ferry Water District spoke. They all are on the south side of the Spokane River and their properties are not included in the 1977 aquifer boundary map. They addressed their concerns regarding the effect that development is having on their wells. They submitted a petition to have the map boundary redrawn to include their area based on studies that were performed in 2005. These showed the aquifer boundary includes areas on the south side of the Spokane River.

Their names and exhibits have been submitted for the record.

Motion to close the public hearings for ORA21-0005 and ORA22-0002 at 7:21 p.m. was made by Commissioner Dean, seconded by Commissioner Rose. All voted aye by a roll call vote.

Deliberations:

Chair Levine opened the deliberations by asking commissioners if they had any questions or if they wanted to comment on the ORA22-0002 proposed amendment.

The commissioners discussed the comments offered by the public. Director Callahan and Prosecuting Attorney Pat Braden provided additional information and answered questions from the commissioners. After completing their deliberations the following motion was made:

Motion by Commissioner David to approve Case No. ORA22-0002; seconded by Commissioner Dean. All voted aye by a roll call vote. The motion passed 6-0. The recommendation will be forwarded to the Board of County Commissioners for their consideration at an additional public hearing.

Chair Levine opened the deliberations by asking commissioners if they had any questions or if they wanted to comment on the ORA21-0005 proposed amendment. The commissioners did not have any questions and made the following motion:

Motion by Commissioner Dean to approve Case No. ORA21-0005, seconded by Commissioner Glader. All voted aye by a roll call vote. The motion passed 6-0. The recommendation will be forwarded to the Board of County Commissioners for their consideration at an additional public hearing.

Motion to adjourn at 7:50 p.m. was made by Commissioner Rose; seconded by Commissioner Dean. All voted aye by a voice vote.