

LATAH COUNTY
BOARD OF COMMISSIONERS
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 882-8580 ♦ Fax: (208) 883-2280
bocc@latah.id.us

COMMISSIONER KIMMELL MOVES THAT THE BOARD:

PURSUANT TO IR 67-6523, ADOPT LATAH COUNTY
ORDINANCE NO. 258, AN ORDINANCE TITLED "MOSCOW
SUB-BASIN GROUNDWATER MANAGEMENT OVERLAY ZONE".

John A. Nelson
John A. Nelson, Chairman
District III

YES NO ABSTAIN
X _____ _____

Tom S. Stroschein
Tom S. Stroschein, Commissioner
District II

X _____ _____

Paul J. Kimmell
Paul J. Kimmell, Commissioner
District I

✓ _____ _____

ATTEST:

DATE:

K. Rickett
Clerk/Deputy Clerk

3-2-05

LATAH COUNTY ORDINANCE NO. 258

Moscow Sub-basin Groundwater Management Overlay Zone

AN ORDINANCE OF LATAH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO; PROVIDING FOR AN EMERGENCY ORDINANCE FOR A GROUNDWATER MANAGEMENT OVERLAY ZONE WITHIN A PORTION OF LATAH COUNTY; SETTING FORTH CERTAIN LAND USE ACTIVITIES CONTRARY TO THE INTENT OF SAID ORDINANCE AND IMPACTING THE WATER RESOURCES WITHIN SAID ZONE, PROVIDING THAT THIS EMERGENCY ORDINANCE SHALL BE IN EFFECT FOR A PERIOD NOT TO EXCEED 182 DAYS; PROVIDING THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION.

WHEREAS, the Board of County Commissioners of Latah County pursuant to Idaho Code Title 31, Chapter 7 are charged with protecting and providing for the health, safety and welfare of the citizens of said county;

WHEREAS, the Local Land Use Planning Act, Title 67, Chapter 65, Idaho Code, mandates local government to protect the health, safety and general welfare of the people of the state of Idaho, including protecting environmental features and natural resources;

WHEREAS, the Board of County Commissioners of Latah County pursuant to Resolution No. 94-17 adopted a Revised Comprehensive Land Use Plan and Land Use Plan Map and Zoning Ordinance No. 29, as amended, and more specifically within said Latah County Comprehensive Plan, Section 8, Natural Resources Element, sets forth the goal to ensure sound stewardship of the County's natural resources and maintain sustainable groundwater resources and prevent degradation of groundwater quality, protect and balance land use decisions from adversely impacting existing uses and discouraging land uses which might be detrimental to the health and safety of those in the surrounding area;

WHEREAS, the Board of County Commissioners of Latah County by and through the Palouse Basin Advisory Committee (PBAC) (formerly the Pullman-Moscow Water Resources Committee) entered into a Groundwater Management Plan between said entities dated January 1992, delineating a boundary around the Palouse Basin aquifer system, setting forth certain goals and policies for groundwater management and protection within the Palouse Basin aquifers, and specifically adopting for each entity an action plan which sets goals and objectives including providing for beneficial uses, groundwater management and monitoring and further encouraging Latah County to regulate developments which could jeopardize water quality and water quantity within said Palouse Basin aquifers;

WHEREAS, the Board of County Commissioners of Latah County entered into the Palouse Basin Aquifer Interagency Agreement with the cities of Pullman, WA, Colfax, WA, and Moscow, ID, Whitman County, WA, the University of Idaho and Washington State University on November 24, 2003, wherein the parties deemed it to be in the public interest to work jointly and cooperatively on water resource problems and issues, while maintaining a consideration of the benefits of growth activity and economic development within the Palouse Basin aquifers;

WHEREAS, a Petition was filed on November 21, 2003, and a subsequent Reconsideration Petition filed on December 14, 2004, with the Director of the Idaho Department of Water Resources seeking the designation of a critical groundwater area and a groundwater management area within said Palouse Basin aquifers, said Petition further asking the Director to impose a moratorium on future appropriations of groundwater, impose a moratorium on further development under existing permits to appropriate groundwater, and to require implementation of several other actions;

WHEREAS, a subsequent Order issued by the Director of the Idaho Department of Water Resources, dated December 1, 2004, and Order Denying Petition For Reconsideration, dated January 4, 2005, denied said Petition and Reconsideration and further ordered the Director of the Idaho Department of Water Resources to annually review groundwater levels and conditions reserving the right to determine future groundwater management designations, designated an ex-officio member to the Palouse Basin Aquifer Committee to represent the Director of said Idaho Department of Water Resources, create a "PBAC Citizens Advisory Group" to enhance the overall management of the Palouse Basin aquifer system through dialogue among a broader range of interested parties, and further encouraged Latah County and other PBAC members to continue implementation of the goals and objectives set forth in the PBAC Groundwater Management Plan;

WHEREAS, Latah County relies heavily on groundwater resources for its supply of domestic, agricultural, industrial and municipal water, and a large portion of its population, commerce and industries resides within the Moscow Sub-basin of the Palouse Basin aquifer system and making it an unique geographic and geologic feature setting it apart from the rest of Latah County;

WHEREAS, numerous citizens within Latah County have recently identified specific concerns over water quality, quantity and availability within the Moscow Sub-basin of the Palouse Basin aquifer system, requesting that certain potential land uses within said sub-basin be prohibited due to the current conditions of certain private domestic wells, further exacerbated by an ongoing drought within the state of Idaho, including Latah County, which could negatively impact its existing communities, rural properties and businesses; and further asserting that the County's existing land use ordinances and Comprehensive Plan fail to adequately protect existing uses from potentially damaging potential uses including surface mining, confined animal feedlot operations and slaughterhouses;

WHEREAS, the Board of County Commissioners of Latah County has recognized the importance of protecting the health, welfare and prosperity of its citizens and further finds it in the public interest to protect property, preserve agricultural and forest land uses, foster economic development, sustain existing business and industry, accommodate expansion and provide for future residential growth which is compatible with the resources and the community traditions, values and vision for the future;

WHEREAS, Idaho Code 67-6523 authorizes the governing board to adopt emergency ordinances and moratoriums;

WHEREFORE, the Board of County Commissioners of Latah County finds that an imminent peril to the public health, safety or welfare exists due to the reasons stated herein and the threat of potential land uses which could materially impact the livelihood and properties of its citizens within the Moscow Sub-basin;

WHEREAS, a public hearing was held before the Board of Latah County Commissioners on March 2, 2005, and it was determined that an emergency ordinance, not to exceed 182 days, should be adopted to address the above issues related to land use in Latah County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LATAH COUNTY AS FOLLOWS:

Section 1: Creation of the Moscow Sub-basin Groundwater Management Overlay Zone

The Moscow Sub-basin Groundwater Management Overlay Zone (Zone) is hereby created within a portion of Latah County more particularly described as follows:

Township 38 North

- Range 06 West, Sections 1, 12
- Range 05 West, Sections 5, 6, 7

Township 39 North

- Range 06 West, Sections 1, 12, 13, 24, 25, 36
- Range 05 West, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32
- Range 04 West, Section 06, 07

Township 40 North

- Range 06 West, Sections 13, 24, 25, 36
- Range 05 West, Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
- Range 04 West, Sections 18, 19, 30, 31

All of the above described lands lie within Boise Meridian, Latah County, State of Idaho.

Section 2: Certain Land Uses Prohibited

Within the Zone, the following land use activities shall be prohibited:

- ◆ Natural resource mineral extraction and processing
- ◆ Confined animal feedlot operations exceeding 200 animal units as defined by Idaho Code Section 67-6529C
- ◆ Golf courses

Section 3: Existing Land Use Ordinance

In all other respects all existing and hereafter adopted land use ordinances and regulations shall remain in full force and effect.

Section 4: Enforcement

Violation of this ordinance shall be a misdemeanor, punishable by a fine of up to \$300.00, imprisonment of up to 30 days, or any combination of both fine and imprisonment. Further this ordinance may be enforced by any method authorized by Section 13.13 of the Latah County Zoning Ordinance, Ordinance #29 as amended. Each and every day constitutes a separate violation under this ordinance.

Section 5: Severability

Provisions of this ordinance shall be deemed severable and the invalidity of any provision of this ordinance shall not affect the validity of the remaining provisions.

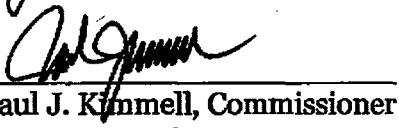
Section 6: Expiration Date

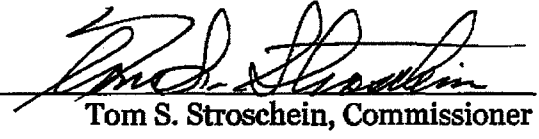
This ordinance shall expire upon the publication of an ordinance modifying the Latah County Zoning Ordinance relating to said Zone and the uses and activities within, or on August 30, 2005, whichever date comes first.

This ordinance shall be in full force and effect from the date of its passage and approval.

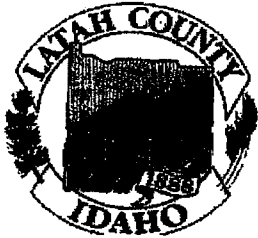
DATED this 2nd day of March 2005.


John A. "Jack" Nelson, Chair


Paul J. Kimmell, Commissioner


Tom S. Stroschein, Commissioner

ATTEST: K. Zickert DATE: 3-2-05
Clerk/Deputy Clerk



LATAH COUNTY
 SUSAN R. PETERSEN
 CLERK OF THE DISTRICT COURT
 EX-OFFICIO AUDITOR AND RECORDER
 P.O. BOX 8068
 MOSCOW, IDAHO 83843-0568

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FAX COVER SHEET

TO: Legals
 Moscow – Pullman Daily News

FAX NUMBER: 883-8205

FROM: SUSAN R. PETERSEN
 LATAH COUNTY CLERK

DATE: March 2, 2005

BY *[Signature]* DEPUTY
 RECORDED LATAH CO.
 2005 MAR -2 PM 2:53
[Signature]

NUMBER OF PAGES (INCLUDING COVER SHEET): 5
IF THERE ARE ANY MISSING OR ILLEGIBLE PAGES, PLEASE CALL AT (208) 882-8580.

OUR FAX NUMBER IS (208) 883-7203.

PLEASE PUBLISH AS SOON AS POSSIBLE!

Thank you for your attention to this matter.

Victoria Shortt, Deputy

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3/2/2005 2:44:21 PM

Publish Date: Saturday, March 5, 2005