

CITY OF ATHOL, IDAHO
EMERGENCY MORATORIUM
ORDINANCE NO. 435

AN ORDINANCE OF THE CITY OF ATHOL, IDAHO, FINDING THAT AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY AND WELFARE EXISTS REQUIRING THE DECLARATION AND ADOPTION OF AN EMERGENCY MORATORIUM PURSUANT TO IDAHO CODE SECTION 67-6523, ON THE ACCEPTANCE OF CERTAIN APPLICATIONS FOR DEVELOPMENT.

WHEREAS, the health, safety and welfare of the residents of and visitors to the City of Athol depend upon the availability of safe drinking water, and

WHEREAS, the Rathdrum Prairie Aquifer is part of the greater Spokane Valley-Rathdrum Prairie Aquifer which was designated as a sole source aquifer by the U.S. Environmental Protection Agency on February 9, 1978; and

WHEREAS, this designation recognized that the Spokane Valley-Rathdrum Prairie Aquifer is the sole source of drinking water for over 600,000 people in Kootenai County, Idaho and Spokane County, Washington; and

WHEREAS, the Idaho Department of Environmental Quality (DEQ) has also designated the Rathdrum Prairie Aquifer as a sensitive resource aquifer; and

WHEREAS, Panhandle Health District No. 1 (PHD) has adopted administrative rules in accordance with the Idaho Administrative Procedure Act (IDAPA), Title 67, Chapter 52, Idaho Code, for the protection of water quality in the Rathdrum Prairie Aquifer, including rules regulating subsurface sewage disposal; and

WHEREAS, the State of Idaho has taken action to deprive PHD of its rulemaking authority under IDAPA, rendering its aquifer protection rules null and void; and

WHEREAS, the City of Athol and PHD have a mutual interest in ensuring the continuing protections of the health and safety of its residents and desire to maintain the existing rules pertaining to subsurface sewage disposal and minimum parcel size for parcels located over the Rathdrum Prairie Aquifer; and

WHEREAS, in light of the State's action, the Athol City Council desires to declare and adopt an emergency moratorium on the acceptance of applications for development, including applications for subdivision and planned unit developments that do not comply with administrative rules adopted by PHD for the protection of water quality in the Rathdrum Prairie Aquifer, including rules regulating subsurface sewage disposal and minimum lot size, and on the acceptance of applications for development that do not comply with the City of Athol Sewage Management Plan adopted under Resolution No. 2015-04; and

WHEREAS, the Athol City Council hereby finds that these circumstances constitute an emergency necessitating immediate action my moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ATHOL, IDAHO:

SECTION 1. FINDING OF IMMINENT PERIL TO THE PUBLIC HEALTH SAFETY AND WELFARE: Based on the above recitals and the facts and circumstances set forth therein, the City Council hereby finds that an imminent peril to the public health, safety and welfare exists.

SECTION 2. DECLARATION OF MORATORIUM. The foregoing recitals, being a true and accurate description of an imminent peril to the public health, safety and welfare to the citizens of the City of Athol, a moratorium is hereby imposed upon the receipt, acceptance, processing, and approval of applications for development, including applications for building location permits, subdivisions and planned unit developments that do not comply with administrative rules adopted by PHD for the protection of water quality in the Rathdrum Prairie Aquifer, including rules regulating subsurface sewage disposal and minimum lot size, and on the acceptance of applications for development that do not comply with the City of Athol Sewage Management Plan adopted under Resolution No. 2015-04 . This moratorium shall not apply to any permit that has already been issued. This limitation shall not prohibit the City of Athol from exercising the control it is otherwise authorized to exercise over any such permit.


SECTION 3. DURATION: This moratorium shall be in full force and effect immediately upon the date of its passage. This moratorium will terminate at the behest of the City Council or one hundred and eighty-two (182) days from the adoption of this ordinance, whichever occurs first.

SECTION 4. SAVINGS AND SEVERABILITY CLAUSE: This moratorium is declared to be severable. If any portion of this ordinance is held to be invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and this

moratorium shall be read to carry out its purpose before the issuance of any declaration of partial invalidity.

SECTION 5. CONFLICTS: If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Athol, this moratorium shall control until its expiration or termination by the City Council.

PASSED AND APPROVED by the Mayor and City Council the City of Athol, Kootenai County, Idaho, this 19th day of April, 2022.



William "Bill" Hill, Mayor

Attest:



Lori Yarbrough, City Clerk

