

June 2022: The Kootenai County Planning and Zoning Public Hearing

On June 23, a number of Greenferry Stakeholders, including two Greenferry Water and Sewer Board members, attended a public hearing before the Kootenai County Planning and Zoning Commission which gathered to approve the proposed Subsurface Sewage Disposal Ordinance ORA22-002. This new ordinance was written as follow up to Emergency Ordinance 574, adopted by the Board of County Commissioners in March to protect all Spokane Valley-Rathdrum Prairie Aquifer water with a limit of one septic system per each 5 acres in areas where no public sewer system is available.

Greenferry Stakeholders submitted to commissioners both our 2020 petition with hundreds of signatures which asked for 5-acre Rule protection and we also submitted our current 2022 neighborhood petition asking County officials to find a way to include the Greenferry water aquifer as protected under the new ordinance, despite the fact that the new ordinance retains the obsolete 1978 EPA Aquifer boundary line that technically excludes Greenferry water wells.

The commissioners listened to our public testimony with obvious empathy. Nevertheless upon advice of the county attorney, they approved the new ordinance as written with its inaccurate SVRP Aquifer boundary designation in preparation for consideration of the Board of Kootenai County Commissioners. Each of these officials who voted aye did so with a recommendation for future county consideration of our urgent request for 5-acre Rule protection for Greenferry water.

The county attorney in attendance by Zoom stated that our request for 5-acre Rule protection could be addressed by the county as a separate issue.

Note: Later, at a June 30 Planning Commission workshop, the petition for equal protection was once again briefly discussed by these planning commissioners.

September 2022: The Board of County Commissioners Hearing

On September 8, 2022, a sizeable number of Greenferry Stakeholders, including two Greenferry Water and Sewer Board officials, attended a public hearing before the Kootenai Board of County Commissioners (Brooks and Duncan) regarding adoption of Kootenai County Subsurface Sewage Disposal Ordinance ORA22-002. This ordinance restricts septic system density over the Rathdrum Prairie Aquifer to one per five acres in areas where there is no approved public sewer system available.

Each member of the public who used his allotted 180 seconds to comment on the ordinance was in favor of the ordinance, but many told the commissioners that it does not protect Greenferry water wells due to the inaccurate SVRP Aquifer boundary of 1978 used to delineate SVRP territory affected by this law.

Several days before this hearing, Greenferry Stakeholders had delivered to each of the three county commissioners (Brooks, Duncan and Fillios) our latest neighborhood petition with 193 signatures asking these officials to find a way to protect the Greenferry water aquifer under the new ordinance. Included with the petition, along with a list of petitioners, was a binder which included important documentation showing why Greenferry wells are entitled to equal protection under Ordinance ORA22-002. This information included:

1. The official 1992 EPA-funded SVRP Aquifer informational flyer disseminated by DEQ and Panhandle Health showing that the SVRP Aquifer extends south of the Spokane River in many areas in both Washington and Idaho. This official flyer demonstrates that by 1992 EPA itself had repudiated its incorrect preliminary boundary of 1978.
2. The 2005 USGS map --and reference to the official federal document where that map is published-- showing that the USGS had repudiated its incorrect boundary of 1978.
3. The 2020 Idaho Department of Water Resources (IDWR) letter from hydrogeologist Daniel Sturgis stating that the latest IDWR research data

corroborates 2005 USGS boundary data showing that Greenferry wells are completed within the SVRP Aquifer boundary.

4. A DEQ–disseminated aerial photo confirming that the USGS map of 2005 includes both Greenferry wells and the vacant land southwest of Greenferry wells (proposed Bayshore Estates acreage) within its updated SVRP Aquifer boundary.

5. A copy of the portion of Idaho Code which grants to Kootenai County officials the authority to enact any ordinance or rule placing additional restrictions or limitations which contribute to enhancement of water, air, land or health quality and which also confirms that nothing in Idaho Code shall conflict with such enactment.

Upon advice of the county attorney, Commissioners Bill Brooks and Leslie Duncan adopted Ordinance ORA22-002 with its incorrect SVRP boundary designation, once again leaving Greenferry water without protection of the 5-Acre Rule to be enforced by this ordinance for all other SVRP Aquifer public water sources.