

Comprehensive Planning and Source Water Protection



JERRY MASON

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Exploring the Basics



- Legal foundations
- Constitutional basics
- Applicable state statutes
- Doctrine of separate sovereignty
- Implementation by local ordinance

The Starting Point



- Article 12, section 2 of the Idaho Constitution
- Grants home rule power concerning protection of public health, safety and sanitation
- Authorizes counties and cities
- But only “within their limits”
- Every city is within a county

Separate Sovereignty



- Delineating jurisdiction
- Supreme Court decision in ***Blaha v. Ada County*** (2000)
- Complete separation of legal authority - no overlap
- City has exclusive jurisdiction within corporate limits
- County commissioners exclusive elsewhere

Local Land Use Planning Act



- Enacted in 1975
- Establishes purposes and procedural standards
- Requires adoption of comprehensive plan addressing numerous topics
- Authorizes implementation by city or county ordinance

Role of the Comprehensive Plan



- Establishes policy foundation - much like a constitution
- Requires that certain subjects be addressed or expressly avoided with explanation why
- Most important aspect of comprehensive planning is to express priorities clearly and without ambiguity
- Protecting source water - multiple options

Economic Development



- Analysis to explore potential of jurisdiction
- Opportunity to explain value of untainted water supply for community's future
- Recognize contribution of water to all of society's economic activity
- Identify and call out vulnerabilities and specific protective acts that could be implemented by local ordinance

The Land-Use Connection



- Use of the land affects everything
- Describe policies that will be shaped in future land use map and zoning ordinance
- Pay particular attention to intergovernmental issues because of separate sovereignty
- Explain the purposes to be achieved by certain practices
- Recognize the value of permitting conditions

Protecting Public Services



- Utility systems are of critical community importance
- Uncompromised source water is the backbone of any municipal water system
- Same principles apply to water districts, irrigation districts, homeowners associations and individual sources
- Only cities and counties can ordain

Examples Lack Context



- Establish policies with reference to concrete local examples
- Identify known vulnerabilities
- Reference scientific information to support policy choices
- Identify inter-jurisdictional issues in order to lay the groundwork for cooperation

Implementation Approaches



- Combination of zoning ordinance and general standards (I.C. 67-6518) or public safety ordinance can be used together
- Prototype serves as a starting point for work with your city or county attorney
- Technical support is available from IDEQ
- Tailor the approach to your jurisdiction
- Work with neighboring agencies