

Latah County Planning Commission
Minutes, 25 October 2000

Planning Commission [PC] Members: Skyler Schlueter [SS], John Hunt [JDH], Suvia Judd [SJ],
Kathleen Warnick [KW], James Hagedorn [JH], Janet Hohle [JanH], Louise Barber [LB];
Planning Director, Gerard Billington [GB]

Present/Absent: SJ, KW, JanH, JH, JDH, LB present; SS absent. Staff: GB.

Packet materials: agenda; minutes from 10-11-00.

Meeting:

Minutes of 11 October 2000 meeting passed.

GB discussed the moratorium on consideration of the proposed communication towers in the county; county must have an ordinance regarding towers. The commissioners have hired lawyer Sharea Moberly to discover: 1) industry needs; 2) what the FCC permits a local district to do regarding tower ordinances (for instance, the FCC currently prohibits local entities to use health and safety concerns as an issue); and 3) what other jurisdictions have done vis-à-vis towers. The PC cannot simply follow [the city of] Moscow's ordinance. SJ remarked that Kootenai County has researched this subject, that Vermont has gone through this process and knows more about FCC regulations, and that she is aware of an article on song birds dying due to contact with guide wires for towers. GB suggested she get this information to Ms. Moberly.

GB proposed that the commissioners have Ms. Moberly meet with the city for discovery, compile information from that [those] meetings, and meet with PC either 11/8/00 or 12/13/00. PC would then tweak that draft ordinance, following which it would go to the public. A 25 February 2001 deadline exists (end of moratorium/need for ordinance). SJ questioned who would be informing Ms. Moberly regarding policy; GB said he would be the conduit of the commissioners' policy. Finally, it was decided that the 12/13/00 meeting would be the appropriate one for the PC to work on this gathered information.

JDH moved that there be no development in the floodplain; unanimously passed; this will result in a significant reduction in section 3.01. GB reminded the PC that there could be a takings issue with total prohibition of building if an individual owned land totally in the flood plain, and suggested that PC develop some mechanism to either allow building by that person or for the county to buy that land. GB will talk with FEMA regarding roads in the floodplain. The result of a no-building ordinance should make existing homeowners happy because this would increase their safety, and FEMA rates would go down. There is a need to redesign the language in the land division ordinance so that a parcel cannot be created in the floodplain. Furthermore, substantial improvements to existing dwellings, additions, etc. will need to be carefully drafted.

Zoning districts was next in discussion. The adoption of a rural zone would force land in the AG/FOR zone to be rezoned for any land division, with the proposed rural zone absorbing the brunt of land division. The PC unanimously favors the two zones. There would remain some

parceling in the AG/FOR zone, but on less productive land. The whole notion is the protection of AG/FOR land. JH: PC needs to protect peoples' property rights for future development. GB: grandfathering of "ownership" as opposed to a right attached to property is a problem; perhaps a subcommittee could come up with something in between AG/FOR and the proposed Rural parceling. SJ asked that GB create language for more difficult land division for the AG/FOR zone.

Feedlot discussion [draft ordinance, p. 20, B]; PC needs to come up with new ideas and carefully consider permitted and conditional uses vis-à-vis feedlots.

Finally, discussion followed about the tone and intent of the public meetings. GB: town meetings should not be a sell job, but a sincere invitation for public input. JDH suggested "appreciative inquiry" approach.

Next meeting, 8 November 2000, at 5:30pm, County Courthouse, 2-B.

Submitted by: _____ 31 October 2000
Louise D. Barber