

Latah County Planning Commission
Minutes, 6 May 2003

Planning Commission [PC] Members: John Hunt [JDH], Suvia Judd [SJ], Kathleen Warnick [KW],
Skyler Schlueter [SS], James Smith [JS], Janet Hohle [JH], Louise Barber [LB];
Planning Director, Michelle Fuson [MF]

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

Packet: Agenda, minutes for the special meeting of 4/9/03 with the Zoning Commission; minutes for the special meeting with the PC, ZC, and the City of Moscow Planning and Zoning Commission; summary of 2003 legislation regarding takings.

Handouts: Index for the ordinances; rough draft of revised ordinances.

Meeting. Minutes accepted with corrections: Special meeting with city: ACI (not CAI); paragraph 2 (. . . outside of area A, perhaps that the city would even annex . . .); second paragraph from bottom (. . . subdivisions within their ACIs.); last paragraph (. . . to proposed Area A, how would the county get the city's input on area within remaining Area B? Corrections to PC minutes with ZC: Janet Hohle was absent from the meeting.

The summary of 2003 legislation: regarding takings, MF will develop language for the ordinances that includes the points in the now-mandated regulatory takings analyses. This analysis becomes the right of any applicant for any quasi-judicial actions (CUPs, rezones, variances, PUDs, and subdivisions); the applicant has 28 days to request it, the local government has 42 days to provide the analysis (or the final decision and action is void); the purpose is to avoid unconstitutional takings of private property. SJ asked whether the county may charge a fee for any such analysis.

Other items in the summary: added to the Local Planning Act is language to clarify that all property owners within 300 feet of property subject to quasi-judicial actions are to be notified, regardless of jurisdictional boundaries; any property owner within 300 feet has the right to participate in public hearings. Emergency ordinances, interim ordinances, and moratoriums are now limited to completion/correction within 180 days, and may not be extended. A year must fall between emergency ordinances (regarding same problem/issue), and after 182 days, additional interim and moratoriums may be adopted but they must follow proper noticing and hearings as for any other ordinance adoption. Finally, term limits for members of the PC and ZC can only serve two terms unless the CC approves additional terms.

ACI meeting update: nothing back from the city to the CC.

Ordinance revisions continued: Animal Unit measurement language is still waiting word from Troy Ott. MF added 5.01.02.3; CUPs would have an expiration date of three years from the effective date of the permit, unless ZC stated otherwise; in order to change the conditions, the permit must expire and then be reapplied for.

Article 7 (Design Standards): PC still waiting for more information on driveways, but PC decided that driveways should be in place prior to issuance of the building permit (therefore, move language from 7.01.02 to 7.01.01); MF removed the fire district approval language since it would be

unenforceable (the only fire district that exists in the county is the Moscow Rural fire district, and it could not take on this inspection county-wide). PC settled on 10% maximum grade except for short distances (to be determined); cut and fill slopes must not exceed 66% or the angle of repose, and must be seeded before occupancy. PC settled on requiring only fire-retardant roof, not siding (7.01.02.4), and to remove 7.01.02.6 (shrubbery around houses) altogether; in its place, the PD will prepare a handout for applicants on fire protection in zones of wildfire/residential development overlays.

7.03 (full plat design standards): whereas all subdivisions are intended to be in towns (or near enough to receive city services), this section needs to exist to avoid a takings issue (an option for subdivisions should exist). PC wants infrastructure to be in place before lots are sold (section 7.03; reference *must* be made to Article 6 [Subdivisions]); this includes roads, surface drainage, parks, buffer zones, etc. JS asked if a group of people were to buy ca. 100 acres with the intent of building eight homes, is there a mechanism for doing so? MF: they could go through the full plat process to do so (but, since full plat development may not occur in the AG/FOR zone, a rezone would be required).

Next Meeting: 20 May 2003 at 5:30pm in the Latah County Courthouse, Room 2-B. Topics for discussion: **plats** (stages, sidewalks, lighting, snow and ice removal, impact fees); continued discussion on driveway design standards.

Submitted by: _____ 13 May 2003
Louise D. Barber