

Latah County Planning Commission
Minutes, 1 February 2005

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

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

Packet: Minutes from 1 and 18 January 2005; written exhibits from 1/18/05

Handouts: corrected agenda; page one of petition and draft of resolution by County Commissioners re. moratorium on mineral resource development applications due to Naylor Farms; newspaper article, exhibits from public hearing; written testimony since 1/18/05

Meeting. Minutes of 1/4/05 and 1/18/05 approved, the latter along with the adoption of the official roster from the 1/18/05 public hearing for purpose of correcting names of those testifying. JDH introduced scope of PC evening's work and the manner in which the meeting would be conducted. He explained the history of ordinances in general and land-use planning in particular in Latah County, including the fact that the last full revision of the land-use ordinances was undertaken in 1980; also explained that the evening was not a public hearing, that we had diligently tried to reach out to the public during this process, that the Planning Commission has no regulatory role, but is advisory, that the ordinance draft that we have arrived at to date is considerably shorter than the existing ordinances for the county, and that the process is not complete (there will be at least two more public hearings before final adoption). SJ told the audience that the purpose of land use planning is to prevent incompatible uses on neighboring properties and that we are in the business of conflict prevention. JDH also noted that written testimony would be accepted, and that a timeline was impossible to estimate at present. MF noted that she would like the audience to make their email addresses available to the Planning Department for future communication, and that copies of the existing ordinances would be sent to anyone requesting one. Since they are not electronic, they must be hard copies. The website has the existing proposed draft, summary of changes, and other information.

JDh invited the PC to comment on what they had "heard" during the public hearing. He began: 1) cattlemen and fencing from streams, and the need to define "contained" or "confined"; 2) horse owners' concerns, the management of people and vehicles – not horses – at events; 3) various other problems, such as lighting, guy wires, etc. A show of hands indicated that these were the major concerns of those present.

MF explained that the existing ordinances have no regulations on confinement except in the case of horses and dogs; the proposed ordinances (both in Ag/For and Industrial zones) would require a CUP for feedlots, dairies, and confined animal management operations with animals confined for six months out of twelve; the animals would need to be 35 feet from streams; have a maximum of 250 AUM (not to exceed 1000 animals); have various plans/permits from state agencies; JH explained that the USGS 7.5 minute maps were all that the county has to go by that apply uniformly to streams in the entire county, that confinement means repeatedly confined, not

grazing animals in pastures; and that our intent was to prevent the “Southern Idaho scene.” She suggests an equivalency chart be included in the ordinance. LB described the main points made at a CAFO presentation before the League of Women Voters the week before: CAFOs are AFOs that discharge into the water system; little chance of huge CAFOs in Latah County because we are not arid enough, but AFOs exist all over the county. SJ: understood from the public hearing that no regulations is the choice of “action” by many; suggests the possibility of a higher number of animals in confinement. MF: the proposed draft does not set a limit on the number of animals/acre; density was removed from draft.

JDH then asked the audience to tell the PC what new points they had not heard mentioned by the PC members in their recap of the public hearing. Responses included:

Use perennial streams only, not intermittent; possible to use different maps? Get GIS people to update maps and delineate the perennial streams.

Land-use regulations re. CAFOs necessary and CUP essential regardless of the stated position that they would never happen in Latah County.

Watering stock a problem with the 35-foot rule; where is the water to come from? Water is completely dependent on the year; has to be dry-lot feeding if a drought year.

[MF: work on language is necessary so there can be no misinterpretation; draft was changed from year-round to six months, but six months may not be acceptable.]

What is “livestock?” Why are horses not livestock? Why does animal husbandry in the draft refer to livestock? [JDH: we thought we were clearing up “stables.”]

State definitions exist; why do we not use those definitions? Definitions seem to be the place to start.

Could subcommittees be formed to assist in this process? [JDH: one member of the PC is missing who represents the agricultural sector; that position needs to be filled; SJ: anyone in the audience could work as a committee and submit their input to the PC at any time. JDH: Palouse Prairie group involved in this way all fall.]

Proceed with more logic; announce meetings and topics of discussion so public could do their homework and contribute more meaningfully [LB: website announces by specific article each meeting’s agenda and has for several years]; suggestion also made to clear up the website since several went on and couldn’t get to draft, etc., because of confusion between Planning and Building Department and Planning and Zoning.

MF on existing regulations for horses: a CUP is required for commercial stables (regardless of number of horses) and for arenas and events (although admittedly these are undefined); the proposed regulations attempted to be more specific (see p. 24 of draft); however, our definitions are not adequate in this section, and re. events, we were assuming larger numbers of people. A large gathering ordinance (300 people or more) does exist, regulated through the auditor’s and the sheriff’s departments; these require a county permit. SJ again reminded audience that our purpose is to prevent neighbors’ complaints, that the language needs improvement, and that we need to focus on the gathering and not the animals.

Is a CUP required for each event? [MF: no; currently a CUP lasts indefinitely; the cost is \$200 and that cost does not cover the county’s cost of advertising/notification, posting, reporting, etc.]

What is a violation of a CUP? [hours of operation, for instance; Zoning Commission sets conditions, but must meet certain criteria (see p. 64 of draft); decisions are made on a site by site basis and the conditions are set in relation to the site.

What is a specific violation related to horses? [MF: lady had a CUP but the conditions did not include an arena; it was necessary for her to come in for an amendment to the CUP to build an arena].

What seems to be the problem? Why is there any need to expand the regulations? “If it ain’t broken, why fix it?”

Better definition for “horses for hire.”

Would the sheriff’s horse posse need a CUP? It’s a volunteer county “service” function.

There is a problem with the admixture of horse activity, home occupation, and ancillary building(s). Separation needs to occur/clarity.

Entire ordinance feels as if the thrust is to push Ag out of the county, the original “indigenous” land use in the county; “city” types hurting Ag residents/businesses [MF noted that the open range law is currently being petitioned].

How can we (the public) participate? [JDH: PC needs to regroup now with all this input and get to work; then in ca. a month re-contact everyone and see where we are].

Could the changes be tracked on the draft?

Volunteers offer to be ready to discuss/work on dog definitions/regulation issues when the time comes.

Next topic: County Commissioners have requested that PC comment on *whether the existing mineral resource development section in the existing and proposed draft ordinances would adequately cover the concerns of the 450 petition-signers regarding Naylor Farms*. The CC are deliberating a moratorium on all applications. (Moratoriums may only be declared if there is an imminent health and/or safety threat.) Does the CUP process work?

JDH: Are there county and state regulations in place? [yes].

SJ: Could water use restriction be a part of a CUP [yes, because 11.04 of current ordinance says “other conditions” could be applied]. Although there are no irrigated agricultural limitations in our ordinances (only mineral extraction limitations), state regulations exist to cover this.

JH makes motion that *it is the PC’s interpretation that the existing and proposed ordinances on mineral resource development have the ability, structure, and processes necessary to address the concerns of the petitioners*; seconded by KW. Passed 3/1 abstention.

Next Meeting: 15 February 2005 at 5:30pm in the Latah County Courthouse, Room 2B.

Submitted by Louise D. Barber, 2 February 2005