

Latah County Planning Commission
Minutes, 1 March 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, KW, JH, JS, LB present; SJ, absent. Staff: MF. Public present.

Packet: Agenda; 2/15/05 minutes; Whitely letter re. ordinances; tentative schedule for spring PC meetings

Meeting. Minutes of 2/15/05 accepted with a change from “four” to “five” [Comprehensive Plan] objectives. JDH had read over every letter, email, the old ordinances, the proposed draft, and opened the meeting with notice that the by-laws needed revision, that criticism from the public was serious, but that there were many questions we needed to address, and some very constructive and substantive suggestions had been made by the public. His personal strongest reaction was to the notion that the PC had been trying to operate with a hidden agenda and in secret, but that a most important change needed to be making sure the “word got out” about our meetings/decisions.

“Affected persons”: mentioned in the state code in two sections: land use appeals (any “affected person” can request, within 28 days, a public hearing once a permit has been issued, but that person has to have “standing”; and in the case of CAFOs, persons residing within a one-mile radius may testify, unless the regulating board decided to change that number. Latah County PC proposed Latah residents within five miles of a site, posing the problem of how to determine who that is; important because the criteria must be met.

Criteria discussion: a person with property adversely affected by development? Then the question of “real property.” PC’s rationale was to allow even those without [owning] real property to have the right to participate in this process. (MF noted that reversal of decisions was usually based on procedural matters, not on CC’s [mis]interpretation of the actual law.) Nothing would limit expressions of concerns or complaints in public testimony; only an appeal is limited. “Standing” means that someone has to be affected by the issuance of a permit; PC needs the opinion of the county prosecutor’s office on this. State code mentions “aggrieved person” and “one having an [business] interest in real property.” This should be construed to mean renters. The proposed PC definition (“a person who may be adversely affected by the issuance or denial of a permit authorized under this ordinance”) would eliminate certain people; administrative review would be affected. Should the PC simplify the problem and follow the state code? At the very least, PC must clarify and educate the public that anyone may testify at a CUP hearing. M. Stanton suggested that the language might be changed from “may be adversely affected” to “is adversely affected.” Question of whether proximity is the basis for “standing,” or “affected person.” JDH: Naylor Farm situation is a prime example of person(s) not necessarily physically nearby but potentially seriously affected. J. Cooley: should there be flexibility for the appeal board?; MF: hearing bodies can set all limits on length of testimony, etc. JDH: should we limit all this to county residency? Need is for legal opinion before PC proceeds; questions to be

answered: real property, the choice of “is” vs. “may/might”, affected by area vs. distance or specific mileage.

Article 3 changes: Veterinary clinics moved back to permitted uses in proposed draft. JH contacted the IDWR and discovered that the right to water cattle at streams running through a property exists; PC was concerned that there was/is no agency control, however, recently the Idaho Department of Agriculture has hired an individual whose job will be, using GPS, to document the water/pollution conditions at sites. PC needs to wait and see how this is implemented before writing anything into the ordinance. PC’s original concern was AFOs and dealing with winter (a variable in question, as well; see below) containment.

Public comment:

Regulation should be for those in towns; little regulation should exist out in the county.

Junk should be allowed in county (one member of audience) vs. “my country neighborhood” should not be littered with junk (a second audience member).

6-month winter containment should be changed.

Why are local, small farmers/ranchers being made to comply with regulations to prevent pollution when the large corporations are to blame?

New business: the mineral resource moratorium by the CC. JDH believes CC or PC should respond to anyone contacting us in writing about issues (i.e., the Wayne Fox/POW email/letter); MF will let CC know this. If CC decides to enact a moratorium, PC could be diverted again for ordinance revision during the 180-day period. MF suggested to the CC that either a task force or the hiring of an attorney be considered as a method of dealing with the required new/revised ordinance.

Area of City Impact: several of the towns in Latah do not meet the standards of the Blaha case; PC must revise the ACIs for Genesee, Troy, and Deary.

PC must revise by-laws. Additionally, JDH strongly suggested that any new member to the PC be given an orientation; all agreed.

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

Submitted by Louise D. Barber, 7 March 2005