

Latah County Planning Commission
Minutes, 5 July 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, JS, LB present. Staff: MF.

Packet: Agenda

Handout: *Governing* article, "Law of the Land," by Jonathan Walters (May 2005)

Meeting: Minutes of 6/21/05 accepted with corrections: deletion of ". . . because of the conductivity of water" (first paragraph); and, last sentence on page one to read "SJ moved that PC will agree to pass task force revisions on to public (hearing) without further review."

Groundwater Overlay Zone [GOZ] draft ordinance changes: 5.02.4: "mining, refining, and/or processing [storage was deleted] of mineral resources including, but not limited to: asphalt hot mix plants, ore mills, rock crushers and concrete batch plants, *except for personal domestic use*" [italics indicate added language]. 6.01.6 newly added by task force:

All development that requires excavation, other than required for usual and customary construction of permitted residential and commercial structures and driveways, shall submit an engineering study stamped by an engineer licensed in the State of Idaho that shows such excavation shall not expose or disturb the coarse sediments (sands and gravels) of the Latah Formation. At a minimum, the components of such study shall include:

- (a) Location and map of excavation site.
- (b) Stratigraphic logs (description of drilled material) and/or cross-sections of bore or auger holes to at least two feet below the depth of the intended excavation. At least one bore hole for every 500 square feet of areal extent of excavated site is required.
- (c) Location of any registered wells within ¼ mile of excavation site.

Such engineering study shall be submitted to the Latah County Planning Department and must be reviewed and approved prior to permit issuance or approval, or if no permit or approval is required, prior to the start of excavation.

Clay use in ponds is not permitted unless connected to a residence. Specific depths were not addressed by task force; that would be up to the applicant; removing the top of a hill to line a pond would equal mining; SJ suggested that the pond issue be vetted by the county attorney. Public hearing is July 19. Jeff Harkins raised several objections to the proposed GOZ.

Farmworker housing (3.01.02.15) [a problem area quite mixed up with second residences on property]: Nancy Wight has given one copy of her presentation to MF; Wight suggested that this section should address housing for ranchers and livestock owners, in addition to farmers; that PC delete A, C-H of draft ordinance; all that should be required are a job description and explanation of the need for extra housing; she further noted that federal law requires farm workers to be housed; and that second housing is a virtual necessity of her and similar businesses. Malena Stochek: currently dairy farms in King County can sign on for lower taxes in exchange for never dividing the property; a conservation easement of sorts. Problem, since housing is required by federal law, how would the county enforce in the case of the use of travel trailers? MF: these would be deemed RV parks, and might be okay with a CU. Wight: Second

residences without cooking facilities? Jeff Harkins: eventually the question will arise: lower wages plus provided housing is more or less equivalent to a “rental.” Guest houses, caretaker cottages common and attractive in Europe; complementary. Malena Stochek: land use and population will change dramatically, but once this land is divided up, it will never return to production. Name?: state law says all land uses should be protected, but the counties have not done so; farmers will be driven out. George Hatley: has second home for his full-time hired hand; legal? MF: grandfathered; legal non-conforming use as long as the use continues. Phil Nesbit: bunkhouses for temporary workers are common and exist in the county now for logging and mining; MF: it’s now legal to have a “roommate” live in one’s residence, or to attach a bunkhouse to your own residence; Wight: why shouldn’t children gain access to parents’ land/home? SJ: law states that there can be no distinction between family and outsiders; no constitutional means at present to deal with this.

Home occupations (4.02): MF: the proposed draft is more liberal than current ordinance; Jeff Harkins: doesn’t 4.02.02.2 conflict with 3.04 (signage)? Home occupations are not defined, and not listed in permitted uses; could not a farmer have multiple 64-sq.-ft. signs up all over his place, but if he had a home occupation, be limited to a 2-sq.-ft. sign for this business?: MF: the attempt has been made to retain the residential character of these businesses and not have them appear commercial.

Mineral Resource Development (4.03): Phil Nesbit has obtained a lawyer to prepare input on this section (scheduled for 8/2/05 meeting); questioned why ag uses are protected by Right to Farm law, but mineral resource development and associated activities are unprotected; county currently has a business that exports (world-wide) machinery/equipment related to sand and gravel mining/processing; MF: this business would be grandfathered.

Name?: Do we have a standard for water that applies to each of the activities (logging/mining/-agriculture/highway)? If no standard exists, then how does one apply regulations? GOZ applies unfairly to mining. SJ: county cannot regulate the city, the state, timber practices, agricultural practices, so having a standard would not apply; mining is the one area we can regulate. Nesbit: why is mining regulated when developers can “mine” (with a hydrologist’s signing off)? SJ: subdivisions in the proposed ordinance have a much higher bar to pass – for the county. Single houses are not the issue. MF: Why should mining be prohibited instead of based on a performance standard; JH: scale. The city simply annexes and does larger subdivision and gets around county’s “bar.” Nesbit: So, if more than one acre, a different bar exists? MF: in the proposed ordinance. Nesbit: But scale applies when a single home is built; more than a single acre is disturbed when a home is built.

Name?: technical information existed for three test wells; did the task force make use of these data? Were conclusions drawn from these test wells? MF explained that the task force’s problem was the protection of water and that they did discuss which way to proceed with the information that the test wells produced.

Next Meeting: 19 July 2005 at 5:30pm in the Latah County Courthouse, Room 2B -- **PUBLIC HEARING ON GOZ DRAFT ORDINANCE.**

Submitted by Louise D. Barber, 13 July 2005