

Latah County Planning Commission
Minutes, 19 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, KW, JH, JS, LB present; SJ absent. Staff: MF.

Packet: Agenda; minutes from 7/5/05; materials from Wayne Fox (with supporting court cases); email from Jack and Cathy Porter; draft of Groundwater Overlay Zone [GOZ]

Meeting: Minutes of 7/5/05 accepted. Public Hearing opened by JDH; purpose and timeline of the draft ordinance process explained. JH introduced the members of the task force who were present, and explained the draft. Change accepted in the language of the draft by task force members present: [6.01.6b] “Stratigraphic logs A minimum of three (3) test holes or pits shall be dug on a 100-ft rectangular grid at all grid intersections” (replacing “At least one bore hole for every 500-square feet of areal extent of excavated site is required”). Public input invited.

Brent Thomas: asked how the boundaries were established and why the area was not for the entire area of recharge; since the state/DEQ regulates, have the conflicts with their regulations been examined; standards unequally applied; studies used?; is the outright ban on three uses not a “takings”; some water uses prohibited, others not; local government is representing the public irresponsibly

David Thompson (Protect Our Water [POW]): suggests that the task force continue and fine tune this document, but pass this ordinance now.

Bill Elliott: in favor of GOZ; concern is enforceability; specific concerns that (1) there may not be enough science to support the statement “Whereas, sub-basin stream channels and flood plains may provide a significant recharge mechanism to the coarse sediments of the Latah Formation”, and (2) the CAFO section has not been thought through well enough (i.e., if most recharge comes from streams, then regulations should be directed around streams); there should be further study on animals/waste/impacts; noted that IDEQ has pretty good tabs on this.

Ed Whitehead (POW): since we don’t have as much knowledge presently as we need, the ordinance should be put in place now; supports Thompson’s comments.

Murray Stanton (not within the GOZ): since it’s difficult to remove standing regulations, and since we don’t know enough, the ordinance is premature.

Milena Stoszek (POW; has provided MF with written testimony): supports the GOZ with the exception of regulation of small farms/animals (not CAFOs) within the AG zone; suggests that no one take water from an underground source, and that study continue.

Mark Solomon (task force): reminded PC that this came about because Moscow does draw its water from the deeper aquifers, and they are going down; the Wanapum is recharging via sand and gravels, but we need to know more; the ordinance “goes to the need and not beyond”; he hopes the city of Moscow will do its part in this cautious process; the livestock issues in the draft were to a degree arbitrary, and perhaps the CC should reconsider the CU/10-100 AUM limit; five-year review is very valuable, but perhaps it should be sooner that.

Jeff Harkins: opposes the draft because it does not either protect or enhance; no science underlying this draft; another bureaucratic layer; encouraging surface water/run-off for recharge might prove dangerous; recharge information needed; since this overlay zone is nearly all Ag/For, the draft will unfairly affect those with the least land in the zone; asks how it will address sustainable consumption and what are the recharge strategies; table this until studies are more complete.

Phil Nesbitt (has submitted EPA performance standards exhibits to MF): performance standards should address impacts or non-impacts; problem with the fact that the outright banned uses were simply stated to be more impactful, but not based on anything; personal use (of “mined” materials) on properties should be permitted; environmentally unsound to import/transport natural resource products from the Snake River when same exists right here on Palouse; use it from here if it’s not connected to an aquifer; his opinion that EPA groundwater protection has more of an impact than mining.

Diane French (Palouse Water Conservation Network): supports the draft; although the aquifer is recharging, it is proactive to regulate now, and review and fine-tune as we go.

David Hall: county cannot afford to wait; should regulate.

Murray Stanton: reiterates that his position is that ordinance may be necessary at some point, but that it is premature now.

Lorena Pope/Mark Solomon exchange: Monitoring/since when? MS: since mid-80s, and the pace of recharge has been increasing [for the Wanapum]; in 60s the aquifer did nearly run out; there is a window now before that might begin again; the Grand Ronde aquifer has no known source of recharge.

Jeff Harkins: points to purposes 1-3: no studies indicate that wells are dropping; what happens if recharge strategies pollute his well? 6.01.4 requires gray-water use, when in fact he was forbidden to install a gray-water system when he built several years ago.

MF read exhibits into the record: (1) Porter email; (2) Stoszek; (3-5) Nesbitt; (6) letter from Jeff Harkins. Hearing adjourned.

PC continued discussion; JH: that the science is inadequate at this point is not a reason not to move forward; moves that the draft GOZ of 7/14/05, consistent with zoning ordinance #29) be passed; seconded; JDH proposes amendment to 5.01.9 (proposes it read: “CAFOs, dairies, or other types of similar year round/continuous confined animal management operations containing from 60-100 Animal Units” [changed from . . . 10-100 Animal Units]; discussion: pet animals plus livestock could add up to more than ten animal units quite easily; this allows more leeway; MF said that commercial stables in the area would be OK if they already had a CU or if they were an existing non-conforming use; the GOZ regulations are aimed at new operations or operations illegally operating under other sections of the Latah County Land Use Ordinances; vote on amendment: 3 yes/1 abstention; vote on draft GOZ: 4 yes; passes.

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

BOCC PUBLIC HEARING ON GOZ DRAFT ORDINANCE at 6:00 pm, August 10, in Latah County Courthouse, Courtroom 3.

Submitted by Louise D. Barber, 30 July 2005

