

Latah County Planning Commission
Minutes, 20 September August 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; 8/16/05 minutes; 3.01.02.14 – 4.08 draft ordinance; JH had emailed her draft for farmworker housing (3.01.02.14) previously

Handout: Mineral Resource Development work-up by Phil Nesbitt

Meeting: 8/16/05 minutes accepted. JDH asked for an update of the meetings he had missed; MF discussed signage for home occupations and farmworker housing briefly. She further suggested that the requirement be added to JH's draft (of 3.01.02.14) that the accessory dwelling be permanently tied to the primary residence, and volunteered to work up the language for this change (JH's section "I"). SJ asked if section "D" (roof pitch) were an attempt to prevent trailers; MF: has more to do with snow load; a ramada (the covering over a trailer) is not the same as a roof. Trailers, in general, involve building code issues, and there are huge state code requirements as well; flat roofs were a feature of trailers before 1976; SJ noted that this would require newer manufactured housing. Question of whether a smaller dwelling (initially the primary dwelling) could eventually become the accessory building to a larger dwelling (built second)? MF: yes; additionally, if the state code becomes more restrictive than our roof-pitch requirement, we need language to indicate that the ordinance would conform to the state's. Murray Stanton suggested that the wording ". . . such accessory housing is not rented or occupied for gain" be vetted by the prosecuting attorney; renters control the location while they are under lease; perhaps this should be worded that "the accessory building not be rented as a leasehold." Questions raised about why such a small accessory building (JH: followed other codes she looked at) and if only one were allowed, which prompted the PC to amend the draft language to state ". . . an accessory housing unit." MF: a single house is constituted by common walls and a single entry; breezeways do not qualify housing as a single home. JS moved that the amended draft of 3.01.02.14 be adopted; seconded and passed unanimously.

4.04 (Temporary Dwelling for Dependent Persons): the first paragraph to read: ". . . Dwellings approved under the provisions of this Section shall be no further than 100 feet of the existing residence. If it is physically impractical to locate the home within 100 feet of the existing residence and the applicant can provide proof of this to the Planning Department, the distance to the new temporary home may exceed the 100 foot limit, but the new home must be located as close as is physically practical tot the existing residence." 4.06.10.2 (Abandonment and Removal [of wireless communications towers]) shall read: "The Planning Department, upon determining that a tower has been abandoned, shall serve notice by certified mail of its determination of abandonment upon the owner of the tower, to the address contained in the most recent statement required to be filed with the Planning Department, pursuant to Section 4.06.03, and to the land owner, to the address on file with the Latah County Assessor's Office. The notice shall contain the reasons why the tower has been deemed abandoned, the owner's obligation to remove the tower pursuant to this Section, and the owner's right to appeal the determination of abandonment." The new section, 4.07 (Permanent Living Quarters), shall read: "Nothing within this ordinance shall be construed to allow a camping trailer, tent, licensed vehicle or trailer, recreational vehicle, or any other vehicle, accessory structure, or item as a permanent dwelling. No parcel can be used for temporary living quarters for a period of more than six months in a 12 month period, unless permitted

for use as specified under a conditional use permit for a campground or recreational vehicle park.” JH moved that the PC accept the above underlined changes and additions; seconded and passed unanimously.

4.05 (Junk) was tabled for a discussion in the future. MF discussed changes to 4.08 (Manufactured Home Parks): the old ordinance for manufacture home parks was essentially gutted and changed in the direction of full or short platting so that future parks would have to comply with subdivision requirements (i.e., provision for adequate roads, sewer, water, etc.). 4.08 now reads: Manufactured home developments must be located in the suburban residential zone (see Section 3.03 permitted uses). Those that have four or fewer lots are subject to Section 8.02 of this ordinance and those that have five or more lots are subject to Section 8.03 of this ordinance. In lieu of a plat, manufactured home developments must submit a scaled drawing/map by an engineer or surveyor licensed in the State of Idaho of the manufactured home development showing all easements, numbered lots, lengths of boundaries of each lot, exterior property boundaries, internal streets, alleys, and drives with widths and courses clearly shown, and all of the other required attributes, such as the water system or the buffer yards, set forth in either Section 8.02 or Section 8.03 of this ordinance. Manufactured home developments subject to Section 8.03 of this ordinance that have all manufactured buildings smaller than 1,600 square feet will be allowed to develop sites that are sized at 7,260 square feet of land or more exclusive of easements. Existing manufactured home parks must be brought into compliance with Section 8.03 of this ordinance if they wish to alter or expand the park, including moving spaces or adding new spaces.” JH moved acceptance of this section; seconded and passed unanimously.

MF presented an overview of 4.03 (Mineral Resource Development): the current ordinance is not standards based; in the draft ordinance, the following are required: registration, a 1000-foot distance from existing home, a 100-foot buffer of perimeter of parcel, limits on hours of operation, blasting notification, reclamation plan, and a CUP if more than one acre will be disturbed. Purpose of registration is to allow county to know where these operations/pits are and set conditions in cases of pits/mines larger than one acre.

Phil Nesbitt provided commentary and a handout: he thinks signs should be required closer to pits, not just at perimeter of property (4.03.02.6; existing developments); hours of operation (4.03.02.1) should be tailored by the Zoning Commission at the time of the CUP, not set in ordinance. 4.03.03.2 (buffer and one access road; new development) needs reconsideration since it seemingly deals only with surface disturbance, but underground work would need different conditions; additionally, one access may not make sense; CUP process should allow whatever makes sense, not specifics in this draft; further, any buffer should address both appearance and sound; big operations have 20-year development plans and dealing with required buffering would be easy to accomplish; should be required, since the IDL requires reclamation plans, but they do not deal with buffers for visual and sound impacts, and thus, this is a legitimate county concern. 4.03.03.3 (intended protection of aquatic and terrestrial habitat) is extremely restrictive for, say, placer mining; he suggests that PC reconsider this; Clean Water Act/US Army Corps of Engineers regulate riparian zones and require mitigation (replacement); PC should require a 404D (?) permit when the CUP application, along with stream bank modification permits, and a requirement for a biological survey to determine if listed species are present. JH: agrees that this section should be reconsidered. Nesbitt further suggested consideration of: 1) dust abatement for both the development and gravel access roads; 2) filing a plan for coordination with county response units for hazardous materials' transport/use and emergency spill response; 3) fuel spill containment and storage plan; and 4) a fire suppression plan and tool storage in the event of a fire. Murray Stanton asked the PC to clarify “streams” (in general throughout the ordinance) and the definition of “mineral resource development.”

Schedule for future meetings decided:

10/18 Flood Plain
11/1 Short and Full Plats/CUPs
11/15 Junk
12/6 Construction Standards/Lighting

Next Meeting: 4 October 2005 at 5:30pm in the Latah County Courthouse, Room 2B

Submitted by Louise D. Barber, 27 September 2005