

Latah County Planning Commission
Minutes, 18 October 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: SJ, KW, JH, JS, LB present; JDH, absent. Staff: MF.

Packet: Agenda and packet from 9/20/05 brought forward (no quorum at 10/4/05 meeting; packet included agenda, minutes from 8/16/05; sections 4.03, and articles 6 and 7 from draft ordinance).

Handouts: Laura Taylor letter of 10/15/05; JH memorandum with her suggestions for changes in 4.03; GIS memorandum of 10/6/05 from Chris Nicholson with Latah County Zoning Ordinance including 12.04 (sub-basin groundwater overlay zone).

Meeting: Minutes of 9/20/05 accepted. Discussion of placer mining (placer mining on certain size property can occur without permits); JH will research. [Mineral resource development and conditional use permit discussion overlapped.] 4.03.02.1 (JH suggests 9am-6pm daily); 24-hour blasting notification (4.03.02.4) does not give enough notice for employers of affected persons to be notified; should be extended; question about notification and when blasting would actually take place, since it is dependent upon weather, etc.; potential problems with wells (testing before and after blasting should be considered; problem with insurance – negligence or strict liability?); recommended that ordinance regulate against annoyance from noise, dust (especially streams at 100 feet). Don Lazarini: second notification for a violation is unnecessary; further discussion pointed out inconsistency between 1.02.07 (enforcement of land use regulations and penalties) and 7.01.08 (conditional use permits, failure to comply); warning vs. revocation of a permit; MF: notification is absolutely necessary so that an appeal can proceed with legal, defensible standing; the letter of warning is the easiest; the work of all this rests with the PD under all circumstances; would PC like these issues (“quicker response” and penalty phase) run by the prosecuting attorney? Further questions about whether the PD has a record of chronic offenders, which would most certainly involve the prosecuting attorney. MF: it is entirely possible that only one offense would trigger the prosecuting attorney’s involvement. Phil Nesbit: this applies to all CUPs and not just mineral resource development CUPs. Lazarini: there is no enforcement (unlocked gate for over a year, for instance).

John Currin (Potlatch Corporation): Potlatch has a problem with the annual registration; know where all their pits are, and when they are in residential areas, they would be glad to get CUPs, but why registration/CUP on property they own that is not in that category? There is a need for a new category of registered pits like Potlatch’s. Nesbit: could there be a personal-use exemption based on size? BLM and Forest Service use a 5-acre disturbance basis, but JH noted that this is too large for most of western Latah County. Currin noted that all this relates to more than just rock. SJ: could Potlatch help the PC come up with some wording/concepts. George Lisher noted that crushed granite is a very different animal than basalt, which requires blasting and crushing. JH: definition of personal use a problem; when something is so large that it disturbs neighbors? Lisher: “not in violation until the Federal and State laws apply?” MF: new operations are the problem, not existing; how do we define what is the correct amount of personal use? Is it to sell commercially? “Category” could include ownership (as in, Federal, State, or Potlatch’s case). Once land becomes private, a large operation would then need to be under regulations. PC does want signs posted around the operation, and not just the perimeter of the property.

Article 6 (Zoning Map Adjustments): JH moved that this article be accepted to go forward to public without modification; passed unanimously. JH moved that 8.04 and 8.05 (boundary line adjustment; not in current ordinance, but operating policy) be accepted to go forward to public without modification;

passed unanimously. JH moved that draft Article 7 be changed and three-year expiration be deleted and, instead, time be set at discretion of ZC; SJ: should the language actually require time and rationale for expiration? JH moved that language should read: "Zoning Commission shall have the authority to set an expiration date on a CUP so long as the reasons are stated in their findings of fact"; passed unanimously. MF: PD will come up with language on 7.01.08 (failure to comply with CUP). Murray Stanton objected to language in 7.01.06 (Expansion of a CUP); motion to reword passage: "any expansion or enlargement, or any substantial alteration of an approved conditional use shall be . . ."; passed unanimously. Discussions of 7.01.07 and 5.01.02.5 tabled.

Next Meeting: 1 November 2005 at 5:30pm in the Latah County Courthouse, Room 2B

Submitted by Louise D. Barber (absent 11/1/05), 12 November 2005