

Latah County Planning Commission
Minutes, 5 June 2006

Planning Commission [PC] Members: John Hunt [JDH], Suvia Judd [SJ], Kathleen Warnick [KW],
James Smith [JS], Janet Hohle [JH], Louise Barber [LB], Steve Heick [SH].
Planning Director, Michelle Fuson [MF]

Present/Absent: JDH, SJ, KW, JH, JS, SH, LB present. Staff: MF

Packet: Agenda, Summary of Testimony for Draft Land Use Ordinance; various exhibits from the 5/16 public hearing

Meeting: Minutes of 5/16/06 accepted with two changes: adding that records were read into the record at the end of the public hearing and deleting the sentence re. county commissioners being in attendance at the public hearing.

Public hearing discussion: JDH wished to state for the record how much PC appreciated the letter each of us received commending our service and work on the draft ordinance; noted the growing divisiveness in the county and surrounding issues in the city; he stated that he personally is not willing to go forward with ordinance issues that seem to have created this sense of acrimony and mistrust; he further feels that evidence of opposition is lacking to the preponderant sentiment that the PC *has* received, and therefore the PC should abide by what they are hearing, which is, for instance, ca. 2:1 against lighting; he wished to wait until 6/20/06 to make decisions on the public hearing input and the final version of the draft until the CC have made a decision re. appeal of the Sub-Basin Groundwater Overlay Zone (Section 5.02). JS: agrees with above; lighting has created enormous anger; moves that 9.03 (lighting) be deleted from the draft; SH seconds motion. JH: there has been massive misunderstanding about the draft and what it actually says; suggested amending it to apply to new construction, at least; and to exempt flagpoles, and lighting equipped with switches; to allow greenhouse businesses, for example, to continue to operate; *fix it, rather than delete it*. LB: agrees with JH, but could we propose lighting regulations after the comprehensive plan review, since this is such a controversial moment? SJ: process should decrease conflict, not increase it; we might have approached this in a different way, but lighting is too divisive to leave in the draft at this point. JDH: 2:1 in opposition at the hearing; letters are at ca. 50/50; petition from Moscow is signed by 113, but because only ca. 25% live in the county (and would actually be affected by the ordinance), it is not particularly strong support. [There is *purportedly* a petition circulated in the county that was not presented into evidence with 1300 signatures against the lighting ordinance, intended to be forthcoming at the CC public hearing.] KW: remove lighting and rework it in the future; SH: how many building permits issued? MF: 300, 76 for new residences since 10/05. Discussion was ended and the motion to delete 9.03 was passed (4 in favor; 2 against).

Junk: has been controversial from day one; junk, salvage, wreck yards would require CUPs or not permitted; definitions exist and the worst violators would be affected; PC will have to decide about residential areas. KW: what about antique machinery? MF: often mixed in with other materials. JDH: people didn't show up at public hearing about junk; scratch it; SJ: moves that 4.05 be deleted from draft ordinance; JS: seconds; SJ: the definition in the existing ordinance would prohibit composting; JH: is the existing ordinance re. junk useful to the PD? MF: there have been two prosecutions, both at mobile home parks, in six years; PD only acts on policy, doesn't set it; KW: something is needed to handle junk; vote: 5 in favor of deleting 4.05 from draft; 1 opposed.

JH: Cattlemen's Association letter: fencing still misunderstood; "animal containment" definition will eliminate the problem; suggests adding Sarah Skaar's language (underlined below) to the purpose section of 3.01 ("... This zone is established to achieve the purposed of this ordinance and the goals and

policies of the Latah County Comprehensive Plan by accommodating, providing opportunities for, and the continuation of agricultural and forest land uses. Uses allowed in this zone include those that are integral to agriculture and forestry, uses which will not conflict with accepted farm and forest practices, and uses which will not result in the excessive conversion of productive farm and forest land to uses which can be more appropriately located in other zoning designations, and which are consistent with Idaho's Agricultural Protection Act"); further, to substitute Skaar's language for the definition of animal containment ("Animal Containment – Animals kept in a confined space such as a building or area that does not sustain crops, vegetation, forage growth or post-harvest residues in the normal growing season"); and to replace "animal unit" (p. 15 in definitions, and referenced on p. 70 [4/14/06 draft ordinance]) with the 5/6/06 conversion table. MF: place conversion table in definitions section. Motion made re. the above; seconded; passed unanimously.

JDH: "affected person" definition: any change might invite litigation; leave as is. MF: other issues brought up at public hearing include guy wires; guy wires are not permitted on cell towers under current draft language (4.06.08.7); since cell towers are probably maximized in county now, not much of an issue (windmills' language in draft does allow guy wires (3.01.01); leave the ordinance language as is in both cell tower and windmill sections). MF: landing strip definition: suggests "aircraft" for existing "airplane"; all of the above moved, seconded, and passed unanimously. MF: the misunderstanding about dog boarding and the need for a CUP needs mention: privately owned puppies are not dogs being bred, even if someone owns twenty dogs. Church in a home is not an issue; churches are "buildings set apart," not homes.

JDH: suggests holding all changes to draft until 6/20/06 meeting and after the CC have made a decision on a possible appeal of the groundwater sub-basin overlay zone.

MF: announces that Amanda _____ has taken another job and that Chris Nicholson will be promoted; JDH would like the record to reflect best wishes and appreciation to Amanda.

Next Meeting: 20 June 2006 at 5:30pm in the Latah County Courthouse, Room 2B

Submitted by Louise D. Barber, 20 June 2006