

Latah County Planning Commission
Minutes, April 16 2002

Planning Commission [PC] Members: Skyler Schlueter [SS], John Hunt [JDH], Suvia Judd [SJ], Kathleen Warnick [KW], James Smith [JS], Janet Hohle [Janet], Louise Barber [LB];
Planning Director, Michelle Fuson [MF]; Assistant Planning Director, Bill Belknap [BB]

Present/Absent: SS, KW, JS, Janet, JDH, LB present; SJ, absent. Staff: MF.

Packet materials: agenda; minutes for 4/2/02; Article 4 draft

Meeting:

Minutes from 4/2/02 accepted.

LB shared a conversation with Craig Fountain regarding cell tower lighting; he believes the lighting is essential, even under 200 feet; some private planes do fly lower than they are supposed to, and aerial applicators can be flying new territory. MF noted that aerial applicators do get notices of hearings for cell towers so that they are aware of potential new towers' locations. PC decided to leave the ordinance language at "steady red light" as defined by the FAA.

MF reported on her conversation with Gerard Billington regarding the proposed "Rural" zone; Gerard's thought was that no land division would be allowed in the proposed "new" Ag/For zone to protect land from development (complaints about farming always generate from subdivisions). None of the PC present remember "no development." KW remarked that the new language doesn't say anything about density; MF: one house/lot is the rule and should be reflected in the ordinance.

Question: does the PC really want the new zone (rural)? Would it be based on corridors or soils? MF: there is no constitutional right to divide property, only uses or activities of property. Janet: Then what are property rights? MF: For example, in a wetlands situation, if the ordinance says no activity within 100 feet, there is a "takings" situation because you cannot say the property owner can do nothing with his property. SS: things are protected enough for farmers the way they are right now; the planning exists. MF: not many farmers come in to the PD, their heirs are the ones on the doorstep. (Note: CPR land is normally on the lower end of productive soil types. 6.01 (administrative land division) allows nothing in Ag/For; however, "rural" allows a number of divisions. A parcel can be part of a bigger parcel and the division rights go with all breaks.) JDH: rural began as a more liberal land division, than began to swing toward more restrictive. SS: the boundary of rural zone not defined; we would use existing comprehensive plan designation. *PC decided to remove "rural zone" from the proposed ordinance revisions; Article 6 will be reworked to reflect no rural zone.*

SS: should we speak to the ZC and allow them to make rezones less restrictive? At the present time, they are extremely restrictive. MF: defer this discussion until we get to zoning revision discussion. When asked how many rezones have passed, MF said two (the proof needed to get a rezone now: show that you're not going to have a negative impact on neighbors, have all the permits, and do all of the homework).

Feedlots: Janet suggested that the buffer (which also needs to be better defined at a later date) from "perennial" streams is not adequate, that intermittent streams should be included (change suggested: to "any stream shown on a USGS map); the new state laws will apply. She will check the new state water regulations and report back. Grandfathering is a fact of life, and non-conforming uses are permitted unless discontinued for one year. MF: the state code says that commissioners can reject a feedlot. The language in 4.01.01B (animal containment) should be changed to "during winter the same number of animals may be contained in a smaller area." "Commercial" may need revisiting.

Topics for continuing discussion regarding conditional uses: MF: B&Bs are a problem; how many bedrooms? (SS: we need more specifics, and could we have more information). Second dwelling for dependent person (distances from primary dwelling, removal when the need is gone, caretaker allowed to live with the dependent person). Should we reinstate the possibility for a farmhand to live on property he manages? Windmills?

Next meeting: 7 May 2002 at 5:30pm, County Courthouse, 2-B.

Submitted by: _____ 30 April 2002
Louise D. Barber