

Latah County Planning Commission
Minutes, 19 April 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, Amanda Hess. Public present.

Packet: Agenda; 4/5/05 minutes, articles from the Lewiston Morning Tribune and the Capital Press on the land use draft ordinances; letter from Stu Goldstein; definitions section.

Handouts: letters from Betty Nagle and Garry Jones; Idaho Statutes 67-6521 (affected persons), -6529 (siting of animal operations and facilities), and -6537 (ground water).

Meeting. [Minutes of 4/5/05 will be completed and presented at the next meeting.]

JDH opened the meeting with a suggestion to strike from the draft the following sections:

- 3.01.01.2A (contained grazing animals 35 feet from stream);
- 3.01.01.8B and D (height and guy wires for windmills);
- 3.01.02B (maximum number of animals is 250 AUM);
- 3.01.02.4, 4A and 4B (horse activities);
- 3.01.02.5A, B, D, E (dog activities);
- 3.01.02.14B (guy wires on windmills).

JDH also suggested the addition of “250 AUM” in 3.01.02.2 [Maria Stochik (sp?) later in the meeting suggested the addition of “six months or more out of any 12-month period”]; the addition of 3.01.02.16 for salvage, wrecking and junk yards to make the draft consistent with the current ordinance; lastly, JDH suggested that work needs to be done on definitions for 3.01.02.5[C] (dog activities).

Amendment of 3 May 2005 to these minutes: JH moved to amend these minutes to reflect that the suggestions by JDH (above) were approved of by consensus of the PC present on 19 April 2005; motion seconded by KW; 2 yes, 1 no, 1 abstention.

The meeting was opened to the public: Doug Kinzer yielded his time to Sarah Skaar, who noted the progress that the PC has made, wished to have PC consider the definitions that she had submitted previously, and specifically felt that “affected persons” should include (any)one who owned real property in Latah County; that enterprise(s) should be encouraged in the county; that 3.01.02.2D be struck or specified as to what is required; and, (re. CAFOs) our ordinance be flexible enough to examine future potential enterprises, and that we should dovetail with the state requirements (the state site advisory team). [Later in meeting: Roger Fallon, Genesee, suggested following the state regulations re. 3. 01.02.2; Larry Lacey suggested sticking with the state rules; and Richard Bowen suggested that the language should read “greater than 250 AUM . . .”.]

Doug Fouty: disagrees with 35 feet from intermittent streams (or run-off situation); MF responded that the draft language requires more than 250 AUM in confinement to be 35 feet from streams, and that if they are not confined, this does not apply. Fouty suggested using the state guidelines. Trevor Thompson (Potlatch) and Bob Parkins (Troy) also said streams need better “definition.” Brent Russell (Julietta) operates within the state regulations and would like the PC to come see his ranch (60 cattle/feedlot); his cattle are fenced off from the Little Potlatch River.

Jeff Harkins, in the interest of not repeating others, suggested that PC consider adding language re. groundwater in 3.01.01; MF noted that the legislature has just changed the code to read: “67-6537. APPLICATION TO GROUND WATER. When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the quality of ground water in the area.” This adds to the previous inclusion of surface storage water for irrigation.

3.01.01.4 (Accessory buildings required to conduct permitted uses, . . .): use FTEs rather than “more than five employees”;

3.01.01.6 (One single family dwelling . . .): rework the section;

3.01.01.8A (Windmills; two per parcel): questioned definition of parcel [this section is proposed to be struck; see above];

3.01.02D (minimum conditions for lighting, noise, etc.): state standards are quite specific, and thus no need to “double” the regulations.

Murray Stanton: definitions of commercial stables still an issue, even if PC re-replaces horses with livestock;

3.01.02.3: tighten definitions;

Use an attorney when clarifying definitions generally; MF suggested that PC could request legal presence when definitions are gone through again.

Amy Ford (League of Women Voters, Moscow) noted that the LWV has submitted information re. CAFOs; LWV-M approves the current draft language, and encourage the PC to retain that language (their material is available, with extensive bibliography); the issue is one of “concentrated” vs. “confined”; although most property owners seem to respect other property owners who operate in good faith, CAFOs are shown to not do so.

Jeff Harkins: 3.01.02.9 (airstrips, etc.): clarify reasons why one pilot (non-agricultural use) requires conditions and another (agricultural use) doesn't.

Terry Maply (Deary): the state definition of “affected person” is too broad; suggests changing it to within a mile or adjoining property so neighbors are not pitted against one another; has some issues with how things are enforced; wants clarification of confined vs. contained.

Mark Moorer (Potlatch): draft needs work on: definition of “affected/aggrieved” person; contradiction in who can testify at public hearings (3.01.02E), to which JDH noted that anyone may testify at a public hearing, and that limitations apply only in appeals; definitions of commercial, cemetery (inconsistent with state law); inconsistency between 3.01.02.12

(additional single family dwelling) and 4.04 (temporary dwelling); bed and breakfasts more restricted than boarding of dogs; 3.01.02.15 (Farm worker/Farm Apprentice Housing) needs more careful consideration, and rationale for all the proofs [MF noted that there was a need to differentiate between outright renting and actual farm use]; why would 3.01.02.15.G2 not violate “grandfathering”; why the expiration from lack of use?; in a disputed setback (3.01.03) why should the landowner have to prove his innocence? [MF: building codes may be at play here; she will examine this].

Larry Lacey suggested that the farm workers section (3.01.02.15) was “too deep.” Fiorina Polk (?) (Troy) questioned the PC definition of a dairy; MF noted that any operation with 250 AUM and the required shipper’s license.

Murray Stanton: suggests further work on “affected persons” (“physical proximity/actual demonstrable harm”); definition of “commercial”; signs should be “advertising” signs, to protect First Amendment rights, and include trespass signs. JH: how do you show harm before it has occurred? MF: through high and demonstrable probability of harm; county attorney indicated that limited distance was okay re. “affected person(s).”

PC urged to consider the economic impact of the ordinance requirements. Further, fences on property lines need consideration (a potential loss of production for farmers). Public portion of the meeting was adjourned.

PC discussed the past meeting; JH: “commercial” needs to be tailored to specific situations; PC needs to address things at the point where they belong in the document.

JH described the emergency groundwater overlay zone meetings: the task force is creating some very restrictive language which is to be reviewed every five years (e.g., mining, underground chemical storage, etc.); they will have a draft ready for the PC by mid-May; although the IDWR will control groundwater quantitatively, the county could get at things a different way. Full plats will be prohibited. Groundwater protection zones may pop up all over the state. Stored surface water already comes under state regulation.

Topic for discussion for **next meeting: Article 3, especially as regards horses.**

Next Meeting: 3 May April 2005 at 5:30pm in the Latah County Courthouse, Room 2B.

Submitted by Louise D. Barber, 28 April 2005