

**Latah County Planning Commission**  
Minutes, 21 June 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. Public present.

**Packet:** Agenda; 6/7/05 minutes; final draft of Groundwater Overlay Zone ordinance; entire draft ordinance with suggested changes in color

**Meeting:** Minutes of 6/7/05 accepted, with correction that tonight's meeting was not a public hearing, as indicated. The public hearing is on July 19.

Groundwater Overlay Zone [GOZ]: JH noted that the draft has been vetted by the Prosecuting Attorney, and adjustments suggested by the public have been made. PC made minor language corrections. SJ had concerns: 1) is there a problem with prohibiting all clay mining in the event an individual wants to build an alternative-style house using his/her own clay?; 2) should there not be more guidance in the document for the review process, since the CC will change and that could alter the way things play out? The question of using clay to line ponds was raised; MF: digging and using clay = mining. But what would be the problem if the clay from one's own property were being used on the property? This is a loophole that needs addressing. The "mining" of topsoil is in the same category (currently a thriving business in Latah County). The quantity is not the problem, and, JH noted, the state has a "little guy" clause; but depth is an important issue because of the conductivity of water. The depth of a basement for someone's home would probably not affect the shallow aquifer, but bigger buildings, as in downtown Moscow, do reach the upper (shallow) aquifer. Should the draft state that "mining" is okay for personal use, but not for sale or as a product? JH: personal use as an exception to mining should be addressed in the Mineral Resource Development section as well as in the GOZ (the driving issue for the task force was what affects groundwater). SJ: So, an earth shelter two stories down would be questionable? Yes. Excavation for homes may need revisiting; leveling of hills for development within the city a problem. The affect on the aquifer is at issue, not the use of any particular material; also noted: the edges of the bedrock is what defined where the overlay zone was drawn; the issues are groundwater quantity and quality; Moscow is discussing this and attempting to develop water policy. Jeff Harkins: *however*, damage to any aquifer is unknowable at this time. Because Naylor Farms has been reversed, inconsistencies in the draft (e.g., section 1, no. 4: "To encourage recharge and conservation of water resources" with no measures proposed) need addressing; mineral material storage occurs all over the county (e.g., rock, cement, hot asphalt, with road repair consequences); the problems with this draft are considerable. MF: all of those storage sites would be out of compliance under this draft GOZ. JH: the task force cannot address changes in Mineral Resource Development of general ordinance. Regrading is not a problem if an engineering study is done, but depth is a consideration, and test wells would be needed. How do we control excavation both above and below ground? Decision that the task force will reconvene and discuss: 1) regrading/excavation in the GOZ, and 2) pond development and the use of clay for personal use. SJ moved that the PC

will abide by whatever the task force deems necessary to change; seconded, passed unanimously. The public hearing will take place on July 19 as scheduled. (The task force will meet June 27 at 5:30, Room 2B of the County Courthouse.)

3.01.04 (signs): moved that language in draft be accepted; seconded, passed (see p. 28 of 6/15/05 draft).

Public presentation by Barry Chestnut re. 4.01 (non-conforming uses) and 9.01.01.3 (design standards): MF explained (re. 4.01) that the homes he used as examples have been non-conforming since 1980 and that the proposed ordinance would bring them into compliance. MF further noted that prior to any issuance of a building permit, the 100 ft. setback for any building is always checked each time a property division occurs. Nancy Wight suggested that the 9.01.01.3 language read “shall” instead of “may” (“when this setback would prohibit the construction of a building without a variance, the Planning Department shall permit the building to be constructed as far from the stream as possible while meeting all the other setback requirements of the zone.”). MF assured that the rebuilding of a non-conforming building would be allowed; SJ: moved to change 9.01.01.3 (as above); seconded, passed.

3.01.02.14 (Farmworker Housing): tabled until 7/5/05 for presentation preparation by N. Wight and M. Spain. Wight asked why and how we arrived at the proposed draft; explained that PC was attempting to distinguish between farm workers and potential misuse of/by more residences. Guest houses never discussed; questions about B&Bs, caretakers, apprentices, RV use as temporary dwellings, etc. MF: there needs to be a discussion of second residences, but perhaps not at this time.

**Next Meeting:** 5 July 2005 at 5:30pm in the Latah County Courthouse, Room 2B.

Submitted by Louise D. Barber, 30 June 2005