

**Latah County Planning Commission**  
Minutes, 4 April 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. Also present were: Paul Kimmel, Jack Nelson, and Tom Stroschein, County Commissioners, as well as Jim Craig, Deputy Prosecuting Attorney for Latah County, and County Clerk, Susan Peterson

**Packet:** Agenda (a corrected version was sent by email, 3/7/06 minutes; Article 5 (Overlay Zones); written testimony re. lighting and junk

**Handouts:** additional letters of testimony re. lighting and junk

**Meeting:** Minutes of 3/7/06 accepted with one correction: SJ was present at the 3/7/06 meeting. Items for consideration: 1) Commercial/industrial/agriculture-related processing facilities and slaughterhouses: lengthy discussion re. rezone vs. a CUP for these types of business; the idea to encourage them, not restrict their financing, locate them in the appropriate place; spot zoning a problem now in relation to the Comprehensive Plan; the currently written draft requires, at greater than 25 employees, both a rezone and a CUP; discussion tabled.

2) Lighting: Questions abound about why this section of the ordinance is necessary; enforceable?; whether it would be an enticement for future county growth; or dampen property rights; doesn't reflect health and safety issues only, but aesthetic as well; this notion was not initiated by the PC, but came from the public; ten-year compliance vs. city's 20 year-compliance; new construction would be easy to enforce, but otherwise, this would not be easy to enforce; question of whether there are (and how costly are) modifications for older lighting systems; lighting restrictions do exist in the international standards for building codes and restrictions exist in at least a hundred other sets of ordinances around the country (especially in the West); Clearwater Power wants to meet with the CC, but has already attended PC meetings (LB: will collect minutes that reflect these discussions; added below, and sent to PC/CC); City has a PowerPoint on the effect of curbed lighting fixtures; discussion tabled.

3) Junk: MF explained that the draft language makes more types of situations "junk," but that screening is now an option, as opposed to the current ordinance, which requires removal; draft is complaint driven except when junk exists on a public right-of-way; naked-eye inspection would be how the PD would make a determination; antique and farm-related equipment would be exempt; enforcement is currently time-consuming (one case has taken at least a year to clean up); cost of clean-up a factor (cost of removing a combine is \$1200); littering just as big an issue, but, although a state code exists for littering, you have to see who threw the trash out to enforce the code; remove the aesthetic considerations and have this be just a health and safety issue; problem is that the state agencies don't address some of the egregious violations; this was another issue that was public-driven, not initiated by the PC; the "presentation" of the county is at issue for many, as well as property values, which could be affected by junk; enforceability seems to be important; PC commended for the work on the draft ordinance revision on the whole; junk and lighting seem to be the sticking points.

4) Ag/For cottage housing size: the PC created this part of the ordinance in response to a need from county agricultural operations, while trying to not open up an avenue for second dwellings; the idea is for a cottage to be completely secondary to the primary dwelling; the rural density issue at stake here; does problem of selling property occur if second dwelling (regardless of size) exists?; would restricting size

make a difference?; would forbidding a property split make a difference?; the purpose behind the PC thinking was to provide housing for guest workers, prospective purchasers of livestock, etc., but not to provide a cash flow (as in rent); could someone apply for a variance (MF: will study the suggestion); needs more thought.

LB had to leave meeting; minutes incomplete; JH will complete.

April 4, 2006 Meeting Minutes Continued from 7:30 PM

Meeting with Board of County Commissioners continued. The following were discussed.

What happens when a proposal or application is received for a land use that is not a permitted or conditional use in the zone requested? It would not be allowed if it was not explicitly clear in the particular zone. The decision by the Planning and Building Department could be appealed.

What is the basis for the qualification to testify for conditional use permits (3.02.02.D)? “Anyone, regardless of their property’s distance from the site of the permit or regardless of whether they own property, may testify at the required public hearing.” This language reflects new state law.

Are there allowances for windmills to be constructed closer than 150% of the windmill height to property boundaries if allowed and documented by adjacent landowners? The response was yes.

It was suggested that the other required state and federal permits be included in the section on Flood Hazard Areas (Section 5.01).

It was moved that the Planning Commission go into executive session pursuant to Idaho Code 67-2345 (1) (d). The motion was seconded and approved. The Planning Commission entered into executive session at 8:06 PM. They adjourned at 9:05 PM.

The PC went back into their regular meeting session and selected May 16, 2006 as the date for the Latah County Land Use Ordinance hearing.

**Next Meeting:** 18 April 2006, to go discuss the above issues, at 5:30pm in the Latah County Courthouse, Room 2B; Public Hearing scheduled for 5/16/06.

Submitted by Louise D. Barber, 11 April 2006

Submitted by: Janet Hohle April 18, 2006