

Minutes of the Regular Meeting of the Lava Planning and Zoning Commission held Tuesday, October 26, 2010, 6:30 p.m. at Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho

Present: Dave Sanders, Chair  
Curtis Waisath  
Nick Nelson  
Cory Unsworth  
Trish Avery – Secretary

The meeting was called to order at 6:32 p.m.

### **Approve minutes – August 24, 2010**

A motion was made by Cory Unsworth to approve the minutes of the August 24, 2010. The motion was seconded by Nick Nelson. All voted aye, unanimous.

### **Zoning Ordinance Amendments**

#### **a) Alternative Power (Wind/Solar Power) – ordinance amendment**

Trish explained that the city council would like the Planning and Zoning Commission to consider free standing solar panels. There was discussion of making the approval of solar panels on a case by case basis. Curtis Waisath stated that the new comprehensive plan is encouraging growth. He said that in order to be progressive and encourage growth, the city needs to be receptive to alternative power. Nick Nelson expressed concerns of solar access available to the city because of the mountain and neighborhood trees. There was discussion of requiring solar panels to maintain the required setbacks. Dave Sanders stated that it may not be wise to establish an ordinance until the comprehensive plan is completed. Cory Unsworth said that we may not be eligible for some grants if we are not a “green city”. The city needs to encourage “green” energy. There was discussion of types of solar panels. The option of requiring free standing solar panels to be in the back yard but allowing solar panels that blend into the home roof or facade in the front yard was discussed.

A motion was made by Dave Sanders to wait until the comprehensive plan is complete for use as a guideline for establishing a solar power ordinance. The motion was seconded by Nick Nelson. Unsworth, Sanders, and Nelson - aye, Waisath – nay. The motion passed.

#### **b) Zoning ordinance amendment recommendations**

The commission reviewed and discussed items 1 – 6 and 20 on the list zoning ordinance amendments. Trish explained that there have been some problems which have come up with the zoning and vacation rental ordinances which need clarification. It was stated that unless the ordinances are enforced there is no need for an ordinance. Trish explained that the city tries to work with the individuals that are breaking an ordinance before they are given a citation. Nick Nelson asked if there is any outline of procedure when someone is in violation of an ordinance such as: first a warning is issued with a compliance date after which the citation is issued if there is no compliance. Trish will ask the code enforcement officer how he is dealing with this.

The commission discussed the items and made the following recommendations:

- 1 Maximum occupancy for a vacation rental home shall be two (2) person per bedroom plus two (2) extra people per home/unit.
- 2 All vacation rentals shall be required to have local management.
- 3 Bed and Breakfast requirements:
  - a. Off-street parking requirements. One (1) off-street parking space for every two (2) bedrooms shall be provided to accommodate such increase in intensity of use. The owner shall maintain access to off-street parking all year round.
  - b. Quiet hours shall be observed between the hours of 11 p.m. and 7 a.m., except that July 4<sup>th</sup> the quiet hours shall be between the hours of 12 a.m. (midnight) and 7 a.m.
  - c. The owner/manager shall occupy the bed & breakfast at all times when there are guests present.
  - d. Owner/manager name and contact information must be on file at city hall.
  - e. Maximum number of guests shall be two (2) per bedroom plus two (2) additional people per home/unit.
  - f. No campers, motor homes, tents, or other forms of camping will be allowed on the premises.
- 4 Chapter 3 Section 6 #3 shall not be amended to allow see through fences higher than three (3) feet in the required setback.
- 5 Chapter 4 Section 1 #3 shall be amended to read: Height Regulations. Any building or structure or portion thereof hereafter erected shall not exceed two and one-half (2 1/2) stories or twenty-five (25) feet in height from average grade of the lot.
- 6 Chapter 3 Section 8 #10 shall be amended to read: Required parking spaces for dwellings shall be upon the same premises as the dwelling, ~~and no parking space shall be located in any required front or side yard space.~~
- 20 Off-street parking space shall be defined as an area in which a person is capable of parking the motor vehicle and the operator and his/her passengers can exit/enter safely. The space shall be a minimum of nine (9) feet wide with the perpendicular or angled parking length of twenty (20) feet long or the parallel parking length of twenty-four (24) feet.

A motion was made by Curtis Waisath to approve the zoning ordinance change recommendations as noted above. The motion was seconded by Nick Nelson. All voted aye, unanimous.

### **Comprehensive Plan Report**

Trish reported that the comprehensive plan committee is continuing to work on the chapters. The committee is currently working on the Business Development chapter.

**Other Business - None**

**Schedule Next Meeting**

The next meeting will be held on Tuesday, November 23, 2010 at 6:30 p.m.

**Adjournment**

A motion was made by Cory Unsworth and seconded by Nick Nelson to adjourn. All voted aye, unanimous.

The meeting adjourned at 8:05 p.m.

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Trish Avery – Secretary

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Dave Sanders – Chair

Approved November 23, 2010