

Minutes of a Special Meeting of the Lava Planning and Zoning Commission held Tuesday, October 21, 2008, 6:30 p.m. at Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho

Present: Dave Sanders - Chair Trish Avery - Secretary
Rita Anderson
Nick Nelson

Guests: Steve Jones and Pam Slaughter

Dave Sanders called the meeting to order 6:30 p.m.

Minutes: A motion was made by Rita Anderson and seconded by Nick Nelson to approve the minutes of September 23, 2008. All voted aye, unanimous.

Facts & Recom.
Alley Vacate
G & K Stevens A motion was made by Rita Anderson and seconded by Nick Nelson to approve the Statement of Facts, Findings and Recommendation on the alley vacate request, applicants Greg and Kelly Stevens. All voted aye, unanimous.

Facts & Recom.
Alley Vacate
M. Zabka The commission reviewed a letter from Clyde Nelson, city attorney, regarding the alley vacate request by Milan Zabka in which he told the commission that they needed to list the facts and findings along with their decision. He had listed several reasons for denying the request which Rita Anderson had stated in the minutes of the public hearing on September 23, 2008. These reasons could be listed as part of the statement facts and findings should the commission decide to deny the request.

Dave Sanders mentioned that the applicant does not want to block access to the alley but wants to connect to the water line and build a garage.

Nick Nelson expressed concern that the applicant may block the alley with a fence or vehicles.

Rita Anderson expressed concern with the past history of the applicant to not follow the rules and ordinances of the city.

Dave Sanders said that the applicant has built quality buildings that enhance the community. He said that conditions can be put on the deed so that the applicant can not block the alley. These conditions would follow the property if the applicant were to sell the property. We need to look at more than one point of view.

Rita Anderson stated that as Karen Mendenhall had said during the public hearing, the applicant can build a garage to the side of his home. It is prudent for an individual to know the city ordinances before purchasing property and building on the property.

Nick Nelson said that this could become another enforcement issue for the city to have to deal with.

Dave Sanders stated that another thing to consider is that new subdivisions aren't designed with alleys. Most new subdivisions are designed with curved roads and no alleys. He questioned if the commission would turn down a developers proposal to design a subdivision on the hill going south out of town along 4th West if it were designed to go with the topography of the hill and not include alleys. In this location we may not want to have alleys.

Rita Anderson said that she prefers having alleys where it is possible so that the garage can face the alley rather than the street. She feels that it looks nicer this way.

A motion was made by Rita Anderson and seconded by Nick Nelson to rescind the motion from the meeting on September 23, 2008 denying the alley vacate request which was made by Curtis Waisath. All voted aye, unanimous.

A motion was made by Nick Nelson and seconded Rita Anderson to deny the vacation of the alley which was requested by Milan Zabka based on the following reasons:

1. The alley is a viable alley.
2. There is easy access from both sides of the alley.
3. Other property owners may wish to have use of the alleyway in the future who may construct on neighboring property.
4. The alley is located upon flat ground, and is usable, as compared to other alleyways on steep hillsides in the city which the city has vacated in the past. Therefore, it is useful.
5. There are utilities located in the alley and the possibility of other utilities in the future.
6. The alley is an access for fire, police, ambulance, or other emergency vehicles as well as to repair and maintain utility lines.
7. A partial abandonment which did not extend the entire distance of the block may create problems for emergency vehicles and utility maintenance as well as snow clearance.

Rita Anderson and Nick Nelson voted aye, Dave Sanders voted nay. The motion passed.

Facts & Recom.
Cond. Use Permit
Bed & Breakfast
M. Zabka's

The commission reviewed a letter from Clyde Nelson, city attorney, regarding the conditional use permit for a Bed and Breakfast requested by Milan Zabka in which he told the commission that they need to list the facts and findings along with their decision. Idaho Code requires the approval or denial of any application be based upon standards and criteria which are set forth in the zoning ordinance of the city.

The commission reviewed the motion which was made at the September 23, 2008 meeting by Curtis Waisath.

Nick Nelson expressed concerns because the residents were very vocal at the public hearing that they do not want more vacation rentals in the residential zones. He is also concerned because this B&B will be located across the street from the elementary school.

Rita Anderson said that the purpose of the public hearing is to hear from neighbors. The residents were very vocal about their desire to maintain their residential neighborhoods. Because of the vacation rentals, Lava is losing year round residents. She also mentioned that at the hearing Mr. Zabka's biggest concern was raising money. She is concerned that this Bed & Breakfast will not be ran as a traditional Bed & Breakfast where the owner lives in the residence year round and welcomes paying guests into his/her home.

The commission discussed possible conditions and the possibility of granting the conditional use permit with more restrictive conditions being

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placed on it because of the past history of the applicant not following the ordinances, such as requiring the B&B to be owner occupied.

Rita Anderson said that we maybe between a rock and a hard spot and will have to grant this permit because the ordinance allows for a Bed and Breakfast as a conditional use. It may also be more enforceable because Mr. Zabka will have to agree to the conditions of the permit.

Nick Nelson stated that the recommendation on this request has to be made according to the current city ordinances. Rita Anderson and Trish Avery told him that was correct.

A motion was made by Rita Anderson and seconded by Nick Nelson to rescind the motion to deny the conditional use permit made by Curtis Waisath at the September 23, 2008 meeting. All voted aye, unanimous.

A motion was made by Dave Sanders and seconded by Rita Anderson to approve the conditional use permit for a Bed and Breakfast at 311 West Fife, applicant Milan Zabka. The commission will set the conditions to be placed on this permit at the regular meeting to be held next week. All voted aye, unanimous.

Vacation Rental Ordinance:

Trish Avery told the commission that because there had been some talk at the September 23, 2008 meeting about amending the Vacation Rental Ordinance, she had placed this item on the agenda. The commission discussed possibly making some changes to the ordinance. It was decided to table this issue so the commission can review the ordinance. The Vacation Rental Ordinance will be placed on the next agenda for consideration.

Comp. Plan Report:

Rita Anderson reported that there will be a Community Meeting held tomorrow evening, Wednesday, October 22, 2008, 7 p.m. at the Community Building, to take public input for the comprehensive plan. The Comprehensive Plan Committee is also circulating survey questionnaires to get public input.

Other Business:

Steve Jones said that he and Pam Slaughter agreed with the decisions which the commission had made at this meeting. He also told the commission that they would like to build some higher density housing on property that they own within the city. They are interested in bringing a plan to the city. The units that they are planning to build would be affordable for families. There is very little affordable housing in Lava for families and the school population is dwindling. They would like a change to commercial zoning for their property so that they can build higher density residential units. They will need the higher density to make it feasible to run the utility and road way infrastructure. They met with the city council, at their last meeting, who recommended that they wait for the comprehensive plan review to be completed before bringing any zone change requests to the P&Z commission. They will be ready to bring a plan before the commission after the comprehensive plan review is completed.

Scheduled Next Mtg.:

A motion was made by Dave Sanders and seconded by Rita Anderson to hold the next meeting on October 28, 2008 at 6:30 p.m. All voted aye, unanimous.

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Adjournment: a motion was made by Dave Sanders and seconded by Nick Nelson to adjourn. All voted aye, unanimous.

The meeting adjourned at 7:35 p.m.

Trish Avery – Secretary

Dave Sanders - Chair