

Minutes of the Regular Meeting of the Lava planning and Zoning Commission held Tuesday, March 22, 2011, 6:30 p.m. at Lava City Hall, 115 west Elm Street, Lava Hot Springs, Idaho

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

The meeting was called to order at 6:30 p.m.

Approve minutes – February 22, 2011

Cory Unsworth mentioned a typographic error on page 2 item #23; “require” should be “required”. He would also like discussion on #25, requiring zoning permits.

A motion was made by Cory Unsworth and seconded by Curtis Waisath to accept the minutes with the correction. All voted aye, unanimous.

Zoning Map question – correspondence with Milan Zabka

Trish explained that in regards to Mr. Zabka’s request for clarification on the R3 zone boundary line location as stated in her letter dated February 25, 2011:

“Through my research I have discovered that there is an official City of Lava Hot Springs Zoning Map but no surveyed descriptions of the zones. Ordinance 1983-2, Zoning Ordinance Chapter 3 Section 2 and 4 refer to the official zoning map and how to determine the boundaries.”

“It has been the general understanding that the north to south R3 boundary line which runs between 3rd and 4th West from Booth Street south to the city limits as well as the line that runs between 4th and 5th West from Elm Street to the city limits divides the distance from 3rd and 4th West and for 4th and 5th West in half.”

“In the block in which your house at 311 W. Fife is located this would make the division running between lot 6 & 7. Therefore your parcel is divided as follows: lots 1, 2, 3, 4, 5, 6 would lie within the R2 zone and lot 7 would lie in the R3 zone. The zoning boundary lines take no reference to the ownership of the land; your parcel has two zones. Your house is located in the R2 zone and the zoning regulation for that zone applies to it.”

“Please note that Ordinance 1983-2, Zoning Ordinance Chapter 3 Section 4f states: “Where other uncertainties exist, the City Council shall interpret the map.”

In his letter of March 3, 2011, Mr. Zabka stated; “My suggestion is to move the boundary line to 3rd and 5th to make it clear. Even if you can find a statement supporting the line in the middle of the block, there are several houses where line is crossing the house. “

The commission discussed Milan Zabka’s question and letter regarding the location of the boundary line of the R3 zone and his request to have the city clean up the line by moving the boundary to 3rd and 5th West. The commission feels that if Mr. Zabka wants this change; he should go through the proper process and file a zoning map amendment application.

RV Ordinance – Councilperson Sher

This item was tabled because Councilperson Sher was not prepared to present the information to the commission. Trish gave the commission additional information from the city attorney on the RV ordinance to review.

Zoning Ordinance Amendments Recommendations

1. Vacation Rental

Trish reported on the court case with Mr. Zabka regarding Vacation Rental, which was settled out of court. The city attorney has suggested that the city may want to add to the vacation rental definition to make sure that there is no opportunity to claim that the ordinance is not clear.

The commission discussed the definition of “Vacation Rental” as well as several examples of definitions from other cities ordinances. The commission felt that the current ordinance would not be a problem should it go before a judge and jury. They felt that the intent of the ordinance is clear.

The commission suggested that the following statement be added to the Vacation Rental Ordinance: Rental of a residence in the R2 zone shall not exceed one individual tenancy within thirty (30) consecutive calendar days. No additional occupancy shall occur within the thirty (30) day period.

Trish was instructed to run this by the city council and the city attorney for approval before proceeding with an ordinance amendment.

2. Zoning Permit

The commission discussed the decision that was made at the February 22, 2011, meeting on item #25 requiring a zoning permit along with a building permit and also for items that do not require a building permit, such as fences, accessory structure, etc. Cory Unsworth stated that he was concerned that requiring additional permits would just cause more things to have to police. People should question the city on zoning requirements before building fences, sheds, etc. It was suggested that when a building permit is issued, the city should check the setback, etc.

A motion was made by Cory Unsworth to suspend the recommendation on item #25 that a zoning permit shall be required along with building permit and also for items that do not require a building permit, such as fences, accessory structure, etc. so that the set back requirements are checked, etc. The motion was seconded by Curtis Waisath. All voted aye, unanimous.

Comprehensive Plan Report

Trish reported that the Comprehensive Plan Committee had not met since the February P & Z meeting. She said the rough draft of the plan is getting close to being complete. The future land use map still needs to be completed and the rough draft will be sent to Planning and Zoning, City Council and agencies to review before adoption.

Other Business

None

Schedule Next Meeting

The next regular meeting of the Lava Hot Springs Planning and Zoning Commission will be held on Tuesday, April 26, 2011.

Adjournment

A motion was made by Dave Sanders and seconded by Fred Hinz to adjourn. All voted aye, unanimous.

The meeting adjourned at 7:21 p.m.

Trish Avery – Secretary

Fred Hinz – Vice Chair

Approved April 26, 2011