

Minutes of the Regular Meeting of the Lava Planning and Zoning Commission held Tuesday, February 23, 2010, 6:30 p.m. at Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho

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

Guests: Steve Jones, Pam Slaughter, Cathy Sher, and Sam Netuschil

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

Approve minutes – January 26, 2010

A motion was made by Fred Hinz and seconded by Curtis Waisath to accept the minutes of the January 26, 2010 regular Planning and Zoning Commission meeting. All voted aye, unanimous.

Public Hearing – Parking Variance – 155 East Main

Applicant: Sam Netuschil

Sam Netuschil was on his way. Skipped item until applicant arrived.

Zoning Ordinance Amendments

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

Trish reported that she had not been able to find any ordinance on solar power in the state of Idaho, only a few brief comments in ordinances pertaining to solar access blockage. She had given the commission copies of ordinances of cities from other states.

Curtis commented that he didn't realize that there were so many things to consider in drafting a solar power ordinance. Cory commented on the fact that there is no federal right to solar energy. Several of the ordinances included requirements on blockage of solar access.

It was suggested to give the information to the attorney and have him draw up the ordinance. Trish told the commission that the attorney would want to know how in depth they would like to be with the ordinance and what items the commission would like to include in an ordinance.

Fred asked how the new solar project at the fire station was going. Trish explained that the switch had just been flipped last week so we have no data yet. She also explained that the fire station is in an unzoned area. In the zoned areas, solar is not listed as a use and therefore not permitted. The zoning ordinance would need to be amended to allow solar power to be permitted in the zoned areas.

Wind power was again questioned. Trish explained that the city council wants wind power to be a non-allowed use in all areas of the City of Lava Hot Springs. The council feels that wind turbines would detract from the aesthetics of Lava Hot Springs which is much of what attracts tourists. The council would not be opposed to wind turbines in the impact area. Cathy Sher stated that another concern that the city council has is that there has been no wind study at the height of which a wind turbine would be placed. The wind study which was used was from Sedgwick Peak.

Cory stated that the sample ordinances referred to foliage and structural blockage of solar access and not infringing on your neighbors solar access.

A motion was made by Dave and seconded by Cory to table the solar power amendment until the commission has more time to study the information. All voted aye, unanimous.

b) RV on Developed Lots – ordinance amendment

Trish reported she has not received anything from the attorney on the RV on Developed Lots amendment. This item was tabled.

Public Hearing – Parking Variance – 155 East Main

Applicant: Sam Netuschil

Sam Netuschil addressed the variance request and gave a brief history of the building in question. They have done work on the building since the explosion in 2006. The apartments in the back of the building go right to the alley with no parking available. They feel that the back apartments would be better used as an addition to the retail business in the front of the building. He is requesting a variance on the off street parking requirements for the addition to the retail business. He is presently leasing the property to the west of the building. He has contacted the owner about purchasing the property, but the owner is not willing to sell at this time.

Fred Hinz asked about the setback requirements. Trish explained that in the commercial zoning there is no set back requirement; buildings can be built from property line to property line, which is how this building basically sets.

Mr. Netuschil stated that he will need to do some work on drainage from the alley.

Dave Sanders stated that he had not officially opened this as a public hearing and would do so at this time. He opened the floor for public comment.

Steve Jones stated that he was in support of the variance. He would like to encourage leniency in the parking requirements in the down town area. Leniency in the parking requirements would encourage growth and prosperity of the community.

Pam Slaughter stated that she seconded Mr. Jones comments.

Mr. Netuschil stated that Jackson Hole has provided a parking area that is within walking distance of the downtown area. This would consolidate the parking. Affording the parking area is the issue.

Cathy Sher questioned why the variance is needed. Trish explained that according to the zoning ordinance a residence would require one (1) off street parking space, a vacation rental requires one (1) off street parking space per two (2) bedrooms, and retail buildings have off street parking requirements based on square footage of the building. Because Mr. Netuschil is planning to convert the apartments into an addition to the existing retail business, this makes the square footage large enough to require off street parking. If Mr. Netuschil was going to just convert the apartments into a separate retail business, it would be small enough that no parking would be required. Because it is going to be an addition to the existing retail business, six (6) additional off-street parking would be required. This is why the variance is required.

A motion was made by Curtis Waisath and seconded by Nick Nelson to recommend to the city council that the off street parking variance be approved. All voted aye, unanimous.

Comprehensive Plan Report

Cathy Sher reported that the committee is moving ahead on the comprehensive plan. The committee has identified 8 topics or chapters for the plan. The committee is taking each topic and explaining the purpose of the topic, giving an overview, and then setting goals. The committee has worked on the community unity topic and the optimizing recourses topic and will work on the housing topic at the next meeting. The committee is pushing for a good rough draft by June.

Dave Sanders asked Steve Jones if he had any development plans to present to the commission. Mr. Jones explained that their plans are pending the completion of the comprehensive plan.

The public hearing was closed.

Upcoming Business

Trish reported that the two (2) variances listed below as a & b are set for public hearing at the next regular meeting on March 23, 2010. She gave a brief overview of the variance requests for the commission's information. She has requested input from the attorney on these variance applications.

- a) Variance – storage container on vacant lot
Applicants Henry & Kathy Etcheverry**

**b) Building Permit Variance –
Lots 1 & 2 - Corner of Merle and 1st West
Applicant – Michael Atkins**

c) Other Business
No other business.

Schedule Next Meeting

The next regular meeting of the Lava Hot Springs Planning and Zoning Commission will be held March 23, 2010.

Adjournment

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

The meeting adjourned at 7:08 p.m.

Trish Avery – secretary

Dave Sanders - chair

Approved March 23, 2010