

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

Present: Nick Nelson, Chair
Curtis Waisath
Dave Sanders
Cory Unsworth

Trish Avery, Secretary
Canda Dimick, City Clerk

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

Oath of Office

The city clerk swore in Curtis Waisath for a new four (4) year term of office on the Planning and Zoning Commission which will expire November 30, 2014.

It was questioned how often the terms of office for the Planning and Zoning Commission members come up for renewal. Trish Avery reported that each commission member is on a four (4) year term. There are two (2) member which will expire in November of 2012 and three (3) that will expire in November of 2014. It was also explained that swearing in for the renewal terms were done at the January meeting and at this meeting for those that will expire in 2014 because the December meeting was cancelled and Mr. Waisath was absent at the January meeting.

Approve Minutes – November 23, 2010

A motion was made by Dave Sanders to approve the minutes of the January 25, 2011 regular meeting. The motion was seconded by Cory Unsworth. All voted aye, unanimous.

Zoning Map question – Milan Zabka

Milan Zabka presented the commission with photographic zoning map of the area surrounding his property at 311 West Fife. He owns lots 1 – 7. He is concerned because according to this photographic zoning map his parcel lays part in R2 and part in R3. He stated that according to this map, the zoning line is going through his house. He stated that when he asked other cities how they handle a situation like this he was told that he is in both zones. He stated that the when he talked to the man who designed that zoning map in 1983, the lines between the C1/C2 zone and the R2 zone followed the streets and alleys. However, because 4th West Street is a busy road going out to Dempsey area, they put in the R3 zone but the lines were not very clear. He stated that as he has thought about it, the line should apply to the land because the land cannot be moved; houses and building can be moved. He would like clarification of if his property will be treated as R2 or R3.

The commission reviewed the map which Mr. Zabka presented. It was stated that the house is sitting on lots 1 – 4; lots 5, 6, & 7 were purchased at a later date and these lots were combined with 1 – 4 into one tax parcel. Trish Avery showed the official zoning map. She reported that the photographic zoning map which they are reviewing was made up by engineers for the Comprehensive Plan Committee to use as a reference and is not official. She is not sure how accurate the zoning lines on the photographic map are. She stated that what she has been told is that the line is half way between 3rd West and 4th West which would make lots 1 – 6 in R2 and lots 7 – 12 in R3. The commission further discussed the zone division.

Nick Nelson stated that Mr. Zabka home sits in the R2 zone, the zoning applies to the land not to the parcel as a whole. It was questioned why the zoning line was not taken to the street. Trish Avery stated that when the River's Edge property was rezoned, the

owners had to provide a survey of the newly zoned property. She will research to see if there is a recorded surveyed description of where the zoning lines are between the R2 and R3 zone. Mr. Zabka would like options to be both the R2 & R3 zone. The commission informed Mr. Zabka that there is a definite deviation between R2 and R3; Mr. Zabka will not be granted a R2/R3 zone just because he has joined the lots into one tax parcel.

Zoning Ordinance Amendments Recommendations

The commission discussed some of the items on the list of zoning items which the commission is reviewing. The following recommendations were made:

- 21- Manufactured home not within an established manufactured home park shall follow Bannock County, Idaho, Code Title 17 Chapter 17.52, Article IV
- 22- Shipping container on a developed lot shall be required to be painted in a color compatible with the house and other buildings on the lot and the shipping container must be placed on footings.
- 23- Chapter 3 Section 8 #11m – Retail stores are not required to have any off-street parking if under 2,000 sq. ft. this requirement shall not change.
- 24- Off-street parking requirements shall be waived for existing buildings on Main Street that are changing the use (grocery store to gift shop) but not increasing the size of the foot print.
- 25- 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.
- 26- There shall be no driveway set back from corner required.
- 29- Residential dwelling shall be listed as a use in commercial zone.

Comprehensive Plan Report

Trish reported that the Comprehensive Plan Committee is working on the last chapter of the Comprehensive Plan. They also need to work on the future land use map. Once the rough draft of the plan is complete, the review process will begin. The Planning and Zoning Commission will be involved in the review process.

Other Business

Nick Nelson expressed concerns of the tuber traffic and access to the river. Trish reported that this problem has been discussed in the Comprehensive Plan meeting.

Schedule Next Meeting

The next meeting will be held on March 22, 2011 at 6:30 p.m.

Adjournment

A motion was made by Dave Sanders to adjourn. The motion was seconded by Cory Unsworth. All voted aye, unanimous.

The meeting adjourned at 8:15 p.m.

Trish Avery – Secretary

Nick Nelson – Chair

Approved March 22, 2011