

Minutes of the Regular Meeting of the Lava Planning and Zoning Commission held Thursday, June 24, 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

Guests: Lisa Toly, Steve Toly, Shawn Mulholland, Corey Leafy, Vicky Lyon, and Cheryl Hansen

### **Approve minutes – May 25, 2010**

A motion was made by Curtis Waisath and seconded by Nick Nelson to approve the minutes of the May 25, 2010, Regular meeting as written. All voted aye, unanimous.

### **Approve Statement of Facts, Findings and Recommendation on the Zoning Map Amendment Application - Applicant – River's Edge Resort LLC**

Dave Sanders read a memo from Trish regarding the attorney's review of the Statement of Facts, Findings, and Recommendation. The attorney did not recommend spot zoning of the area. The property has to be directly connected to a property with the same zoning. Also if the commission were to create a new C-3 zone it would require a zoning ordinance amendment that would take at least 90 days to process after the city council approves the Planning and Zoning recommendation. The city has the option of changing the zoning to C-1 or C-2 because it connects to the C-1/C-2 zone.

Dave Sanders asked Shawn Mulholland, River's Edge Resort partner, which zoning designation he would prefer. Mr. Mulholland stated that he would prefer the more liberal of the zoning. Trish explained that the current zoning lumps the C-1 & C-2 together, the entire existing commercial zone in the city is currently zoned as C-1/C-2. She explained that the C-2 zoning states that the allowed uses are: those uses allowed in the C-1 zone plus the additional uses listed. It is not necessary to zone as C-1/C-2 because a C-2 would cover all the uses. C-1 is more restrictive, a campground on the property would require a conditional use permit. C-2 a campground is a permitted use. There are city sewer line easements and flood zone restrictions that would natural limit what the applicant can build on the property. Mr. Mulholland stated that he would prefer a change to a C-2 zone.

Trish reviewed changes that were made to the Statement of Facts, Findings and Recommendations from the copies that the commission had received in their packets. These changes were needed because a title problem was discovered and resolved. Also while reviewing the title work; the office staff has been trying to clarify the access road easement. The attorney recommends that the city requires the applicants to obtain a deeded right-of-way into the property before a zone change be granted. Mr. Mulholland stated that there was an easement from 1985. Trish said that the easement which Mr. Mulholland brought in was an easement on the city sewer line right-of-way. The access right-of-way needs to be clarified. Mr. Mulholland stated that the other option is for the right-of-way to come down through the neighborhood, which is not nearly as preferable, but that property is owned by the applicant. The partners would prefer not to, but they could put the road in if they had to. Trish showed the commission a section of the zoning

map which she had marked a property which goes to the Portneuf River, this is the section of the right-of-way which is in question. She stated that this information was just found today, and she can provide Mr. Mulholland with the contact information of the property owner.

A motion was made by Dave Sanders to approve the requirements on the campground based on the resolution of the easement problem to a C-2 designation.

Discussion followed. Dave Sanders stated that the applicant will have to resolve the easement ownership situation. Mr. Mulholland questioned even if they have access through another source. Dave Sanders said that he would have to present that. Steve Toly said to the applicant that he could not have two-way traffic on the road off the hill. Mr. Mulholland stated that they could but it wouldn't be the preference. Mr. Toly asked the commission if the road was put in down the hill, if a dust suppressant could be put on the road. Trish said that he would need to go to the city council on that issue. The motion was seconded by Curtis Waisath.

Cory Unsworth arrived late during the discussion. He asked for a review of the difference between a C-1 and a C-2 zone designation. Trish reviewed again the differences. She stated that a C-2 zone would open the applicant up to do any type of commercial within the limitation of the flood zone, easements, and RV park ordinance. Also the recommendation statement states that the applicant will be required to provide engineered plans before any further development is allowed.

The commission voted as follows: Waisath – aye, Unsworth – aye, Sanders – aye, Nick Nelson stated he was staying neutral; at the public hearing there was no one for this zone change. Trish said that unless there is a conflict of interest, each of the commission is required to vote. Nelson voted nay. The motion carried.

A motion was made by Dave Sanders to approve the Statement of Facts, Findings and Recommendation for a C-2 Zone with the engineering plans, flood plain restrictions, and deeded right-of-way. The motion was seconded by Curtis Waisath. Waisath – aye, Unsworth – aye, Sanders – aye, Nelson – nay. The motion carried.

### **Public Hearing – Rear Yard Setback and Minimum Area Requirement Variance Application - Applicant – Vicky Lyon**

Dave Sanders opened the public hearing on the Rear yard setback and Minimum area requirement variance application, applicant Vicky Lyon and turned the time over to the applicant to present her request.

Vicky Lyon showed an artist rendering of the proposed addition and a plot plan. She stated that the roof over the Bishop's office is a flat roof which is crumbling and they will be putting a pitched roof over it. They also want to build an addition which will protect the stone wall of the cultural hall. The addition will come into the setbacks, however it will not come into the setbacks any further than the existing west wall does, and it will

square up the building. The addition will be 405 square feet. The exterior of the addition will be Tudor which will match the other Tudor on the building.

Cory Unsworth asked if Mrs. Lyon if she had talked with her neighbors about this variance. Mrs. Lyon stated that she had and the neighbors were glad to see them taking care of the building.

One written comment was received. Dave Sanders read the written comment as follows:

June 17, 2010

To: City of Lava Hot Springs  
Planning and Zoning Commission  
Meeting June 24, 2010

I am in favor of the variance regarding rear yard setback and also a variance for minimum area requirement requested by Vicky Lyon and Greystone Manor be granted by the City of Lava ..... Planning and Zoning Commission.

Sincerely,  
Donna Godwin  
Los Novios Cottage Bed & Breakfast  
136 W. Booth St  
Lava Hot Springs, ID 83246

Mrs. Lyon stated that she had a few people call her just to verify what they are doing.

Cheryl Hansen, architect, explained that Lava Hot Springs has a historic district. The property owner is not required to do anything special with the building unless they are requesting grant funding. They are trying to stay with the look of the existing building. Also the use of the building is staying with the use that was already established.

No other guest asked to make comments.

The commission had no questions. Dave Sanders closed the hearing.

Dave Sanders asked Mrs. Lyon to restate the request she had made regarding the commission finalizing the Statement of Facts, Findings and Recommendations. Mrs. Lyon requested that the commission hold a special meeting on an earlier date so that she could proceed with the addition. Trish explained that the city council will have to make the final approval, and the city will need to have all legal paper work completed. She explained that the paperwork on the zoning map amendment was just finalized today which was right at thirty days. If the commission wants to set a special meeting, then she can work toward having everything done but if the paper work is not complete the meeting date would have to be changed.

Cory Unsworth asked if all State and City requirements have been met in the engineering of the addition. Mrs. Lyon showed her engineered plans. She stated that she cannot get the building permit until the variance is granted. She said that she is aware that there is a legal process that has to be gone through.

Trish explained the process of doing the Statement of Facts, Findings, and Recommendations. The minutes have to be typed, and then she puts together the statement and has the city attorney review the statement and minutes and gives his input and approval. Mrs. Lyon asked if she can concurrently apply for the building permit. Trish said that she would have to check with the attorney and the city council on this. Mrs. Lyon stated that she would be willing to have a conditional building permit.

A motion was made by Cory Unsworth and seconded by Curtis Waisath to recommend approval of the Rear Yard Setback and Minimum Area Requirement Variance Application for an addition on the Greystone Manor, applicant Vicky Lyon. All voted aye, unanimous.

Nick Nelson asked if the commission could set the meeting for July 8, 2010. Trish said that City Council meeting is on that night.

A motion was made by Nick Nelson to hold a special meeting on July 7, 2010 at 6:30 p.m. to review and approve the Statement of Facts, Findings, and Recommendation on the Rear Yard Setback and Minimum Area Requirement Variance Application, applicant Vicky Lyon.

## **Zoning Ordinance Amendments**

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

Cory Unsworth asked if there has been any data on the solar project at the fire station. Trish said she would ask for data. Cory Unsworth also asked if the comprehensive plan addresses becoming a “green” city. Trish said that at the time the current comprehensive plan was written, “going green” was not something that was thought of much. It is something that has been talked about somewhat in the comprehensive plan review process the city is doing now. Cory said that if it is something that the city is going to encourage, then it will need to be addressed.

Curtis Waisath said that he didn’t understand why the city council does not want wind turbines in the city limits. Trish said that the city council does not want to have the wind turbine towers all over town; they want to protect the esthetic of the community. Right now wind turbines and solar panels are not listed as a permitted use in any of the zoned areas in the city. The fire station is in an unzoned area.

Lisa Toly asked what the county regulations are on wind and solar power. Trish stated that she understood that wind turbines require a conditional use permit. Lisa Toly stated that people are going to want to know what they can or cannot do with solar panels. Some options of solar panel use were discussed. Lisa Toly stated that Park City has an ordinance in place which stipulates the size, color, etc

of solar panels so the panels blend in. She will try to get a copy of the Park City ordinance.

**b) Other ordinance amendment recommendations**

Trish said that this is the list of items in the zoning ordinance that need to be reviewed. The commission needs to review these as time allows make recommendations. The commission tabled this item.

**Comprehensive Plan Report**

Trish reported that the Comprehensive Plan Committee is continuing to work through the chapters and are making progress.

**Other Business**

Nick Nelson questioned who takes care of mosquitoes in Lava Hot Springs. The mosquitoes are bad this year because of the wet spring. There was some discussion on this. Trish will ask.

**Schedule next meeting**

The next regular meeting of the Planning & Zoning Commission will be held on July 27, 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 7:20 p.m.

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Trish Avery – Secretary

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Dave Sanders – Chair

Approved August 24, 2010