

Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Thursday, August 27, 2018 at 6:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Neil Anderson, Commission Chair
Fred Hinz, Commission Member
Curtis Waisath, Commission Member
Vicky Lyon, Commission Member
Rickey Frandsen, City Council
Canda L. Dimick, City Clerk

Excused:

Guests: None

Meeting was called to order by Neil Anderson, Commission Chair at 6:35 pm.

Approval of Minutes:

Approval of minutes was tabled.

Building Code Ordinance:

Neil Anderson, Chairman, questioned if city attorney had provided any input regarding the commission's questions and concerns. City Clerk clarified that concerns and questions were addressed to the building inspector and that to date no response had been received. Commission agreed to start working where they left off at the last meeting on page eleven (11). City Clerk reported that she had made all the commission member changes to the draft from the last meeting and had emailed copies the following day. Commission members confirmed that they had received the email and reviewed proposed changes. Commission started working on draft ordinance on page eleven (11) at provision 109.4 Work Commencing Before Permit Issuance stating that any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. Such fee shall be an investigative fee equal to the City of Lava Hot Springs permit fee for the work accomplished illegally, and shall be paid to the City of Lava Hot Springs prior to the acceptance of a City of Lava Hot Springs building permit that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a City of Lava Hot Springs permit for continued development of the project. The City's fee resolution would need to be amended. Charging a fee for work commencing without a

permit may curb some of the problems that the city has been experiencing. The investigative fee would be the same fee amount as the original permit fee. The provision states that the building official establishes the fee. City Clerk suggested talking with the State Building Official to see what their fee schedule for working without a permit is. Vicky Lyon expressed that she feels that the fee needs to be a set fee, not a sliding scale. In the past, under the county's inspections, the building permit fee was doubled for working without a permit. Rickey Frandsen expressed that a fee scale based on the size of the job would be more practical. City Clerk reported that several instances the owner and or contractor claim that the work they are doing is a remodel and they did not realize that a permit was needed. Determining who is penalized and who isn't could be a problem. Methods of educating property owners on what requires a permit and what doesn't were discussed. The City has sent out public notices in the water bills but it hasn't seemed to help. There are signs posted as motorists drive into city limits that states building permits are required. The commission felt that if a property owner or contractor is notified that they need to stop work and they comply then get a permit that they should not be penalized unless it is a continuous problem. There were brief comments and update reports regarding the Hatch lot split on West Main Street and the new house development at the corner of South 5th West and West Booth Street. The property owner that encroached onto Hatch's property has not purchased the property yet. Rick Hatch announced at City Council meeting that they want to make some changes to the original plan recommended for approval by the Planning & Zoning Commission and they will be presenting another plan. Diane Beckstead is building the new home at the corner of Booth and 5th West. City Clerk will check with the State Building Official regarding the investigative fee and report back. Commission considered refunding a portion of the building permit fee if no work is done on the project. City Clerk reported that if the City favors a refund policy that it will need to be acceptable with the State because the State's portion of the building permit fee will have been paid. The City has never had a refund policy in the past. No one has ever requested a refund. There has only been one permit in the last several years that was paid and no work commenced. The building inspector would have already reviewed plans. Property owners would have a lot of investment and planning in place before they pursue getting a building permit. Rickey Frandsen expressed that the only purpose of a refund would be if someone had a big disaster and that would probably be a discretionary situation and it would happen within thirty days of getting the permit. In the International Code it grants the building official is authorized to establish a refund policy. Bannock County has established a policy to refund eighty (80) percent of the permit fee if no work has been done and a request is filed within thirty (30) days of permit issuance. Motion was made by Vicky Lyon and seconded by Fred Hinz to establish a no refund policy. Amending Provision 110.3.3 similar to Bannock County's ordinance was reviewed and discussed. According to the 2015 Residential Code the lowest floor shall be the floor of lowest enclosed area including basement but excluding any unfinished flood resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of the code. Required documentation was questioned. The Code requires as-built

elevation documentation prepared by a registered design professional. The International Building Code 110.3.3 Lowest Floor Elevation provides that in flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official. Provision of the 2015 International Building Code 1612.5 Flood Hazard Documentation was read. The Commission agreed to amend the provisions of 110.3.3 as follows: “Floodplain inspections for construction in area prone to flooding shall be done in compliance with the City of Lava Hot Springs flood hazard area map, adopted July 2, 2009, and the City of Lava Hot Springs, flood damage prevention Ordinance No. 2009 as amended by the City of Lava Hot Springs, Idaho. Living space has to be above floodplain. Amending 111.1 Use and occupancy was discussed. Certificate of Occupancy posting requirements were discussed. Commission has never seen a certificate of occupancy permanently posted on residential only commercial. The Certificate of Occupancy is a certificate that permits the structure to be used, lived in or open to the public, and that the work completed complies with code standards. Brief example comments regarding the status of the old Pancake House building permit and certificate of occupancy followed. The City mails the certificate of occupancy to the property owner. It would be the responsibility of the property owner to post. The Certificate of Occupancy says on it that it must be posted in a conspicuous place. Commission agreed that there was not need to amend 111.1 and to not require certificate of occupancies to be posted. Commission discussed adding a new subsection to 111.1 to allow for the issuance of certificate of completions. The commission agreed that subsection 111.1.1 will read as follows: “Certificate of Completion: A Certificate of Completion may be issued in lieu of a Certificate of Occupancy when the scope of work of a permit does not change the occupant load, occupancy group or occupancy use classification of a tenant space structure or portion of a structure. Amending Section 113 Board of Appeals of the 2015 International Building Code was considered. Provisions of 113.1, 113.2, 113.3 were read. The City Council serves as the board of appeals for zoning matters. Lava Hot Springs does not have an appointed city engineer. The Commission agreed to amend Section 113 Board of Appeals as follows: 113 Board of Appeals. Delete subsection 113.1, 113.2 and 113.3 and replace with new subsection 113.1 as follows: 113.1 Appeal of any order, decision or determination made by the building official shall be heard by the City Council pursuant to Section 16 of this Ordinance.

Other Business:

Schedule Next Meeting

Next regular meeting is scheduled for September 24, 2018 at 6:30 pm, Lava City Hall.

Adjournment:

Motion was made by Vicky Lyon, Commission Member, and seconded by Fred Hinz, Commission Member, to adjourn. All voted aye, unanimous. Meeting adjourned at 8:00 pm.

Transcribed by:

Signed:

Canda Dimick, City Clerk

Neil Anderson, Commission Chair